



The Voter's Right to Information: Democracy and Informed Citizenry



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While all efforts have been made to make this book as accurate and elaborate as possible, the information given in this book is merely for reference and must not be taken as binding in any way. Although all due care has been taken in the preparation of the book, it is only to be used as a guide and readers are advised to carefully read the Right to Information Act 2005 and to seek their own specific advice as required.

This book is intended to provide guidance to the readers, but cannot be a substitute for the Act and the Rules made thereunder. Under the RTI Act, decision makers are required to decide on a case-by-case basis depending on the facts and circumstances of the particular case. Decisions pronounced by Information Commissions are valued because of the guidance they provide on future similar cases. However, the Decisions have no formal status as precedents.

About Dr. MCR HRD Institute of Telangana

Dr. MCR HRD Institute of Telangana, premier Administrative Training Institute (ATI) of Government of Telangana, founded in 1976, has been supporting the Government's initiatives in capacity building for reforms, good governance, change management, and revamping delivery systems.

The Institute has a sprawling 33 acre campus in the heart of Hyderabad. It is a lush green area which is fully WiFi enabled and buildings with rooftop solar panels. It has well-furnished classrooms, auditoria, indoor and outdoor sports facilities including swimming pool, gymnasium and hostel blocks with capacity to accommodate 900 persons. In addition, the Institute established a network of Regional Centres for Training to provide training to field level functionaries.

The Institute's mandate is carried out through the following Centres:

- i. Centre for Information Technology (CIT)
- ii. Centre for Law & Public Administration (CLP)
- iii. Centre for Telangana Studies (CTS)
- iv. Centre for Management & Behavioural Studies (CMB)
- v. Centre for Disaster Management & Sustainable Development (CDS)
- vi. Centre for Finance and Economics (CFE)
- vii. Centre for International Relations & Security (CIS)

In addition to training programs for Government employees from Telangana State and from across the country, the Institute has been offering Foundation Courses for All India Services Officers & Central Civil Services Officers, Military Engineer Services Probationers, etc. The Institute conducted a training program for Civil Servants from ASEAN countries in 2019.

As a part of "Training for All" program, sponsored by DoPT, Govt. of India, the Institute has successfully trained 6,495 personnel of Tribal Welfare Department.

Under the second "Training for All" program, the Institute is in the process of conducting training for 6,864 employees of Women Development & Child Welfare Department. Under the project, entire workforce - from Anganwadi Teachers to District Welfare Officers, are being trained. The project is sponsored by DoPT. Under the Project, the Institute undertook saturation training of front-line staff manning public service delivery chain in identified sectors, in specific geographical area to cover the

entire public service delivery chain of the identified sector to bring about change in values and culture of an organization as a whole.

The Institute has also been conducting training programs on a massive level, for Trainers, PIOs, APIOs, First Appellate Authorities and other officers on the Right to Information (RTI) Act since 2005. The Institute conducts Workshops on different aspects of the RTI Act by involving Civil Society apart from officials across various departments, including Indian Air Force, Geological Survey of India and so forth. The Institute has conducted Orientation Programmes to the Information Commissioners of Telangana State Information Commission.

The Institute has published the following books on various concepts of the Right to Information law to facilitate understanding the intricacies of the legislation:

1. *Exemption from Disclosure of Information under the RTI Act: An Introduction.* Hyderabad: Dr. MCR HRD Institute, 2021.
2. *The Right to Information Act: A Handbook for Public Authorities.* Hyderabad: Dr. MCR HRD Institute, 2022.
3. *Proactive Disclosure of Information under the Right to Information Act: A Guide* Hyderabad: Dr. MCR HRD Institute, 2021.

The publications are available on our website at:

https://www.mcrhrdi.gov.in/rti_publications.html

The Institute won the prestigious SKOCH Governance Silver Award at the 68th SKOCH Summit held in 2020, for offering Virtual Training Programs, especially the Foundation Course for All India Services and Central Services Officers.

Dr. MCR HRD Institute of Telangana is accredited as Excellent (उत्कृष्ट) Institute under the Capacity Building Commission's National Standards assessed by National Accreditation Board of Education and Training (NABET).

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FOREWORD

Right to Information (RTI) is a fundamental human right, crucial to human development, and a prerequisite for the realization of other rights. There is a strong global trend towards greater recognition of RTI. In 2016, UNESCO adopted a resolution declaring '28 September of every year' as "International Day for Universal Access to Information".

In India, the Right to Information Act came fully into force on 12th October 2005 to promote transparency and accountability in the working of every public authority. The law empowers common people with the right to seek information held by public authorities on par with the members of the Parliament or State Legislature. It is an important milestone in the evolution of Indian democracy.

The law aims to set out the practical regime of right to information for citizens to secure access to information. The practical regime includes Public Information Officers, First Appellate Authorities and Information Commissions, which are quasi judicial authorities to decide appeals and complaints filed by citizens.

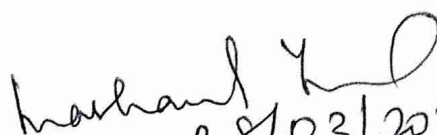
Capacity building of Public Information Officers, First Appellate Authorities plays a major role in discharging their duties and responsibilities under the RTI Act diligently.

The Dr MCR HRD Institute has been taking a lead role in capacity building on the RTI Act to the Public functionaries since enactment of the Act for effective implementation of the Act. Towards this end the Institute is conducting training programmes on RTI Act in the Institute as well as at district level through its Regional Centres for Training.

In addition to training programmes on the RTI Act, academic publications on various concepts of the law facilitate understanding the intricacies of the legislation.

India holds a significant position as the world's largest democracy and serves as a role model for democratic governance globally by conducting regular, free and fair elections at various levels of government, allowing citizens to participate in the democratic process and choose their representatives through universal adult suffrage.

The book, *The Voter's Right to Information: Democracy and Informed Citizenry* presents the right of voters to access information for effective functioning of democracy with the help of recent judicial decisions related to transparency. I hope the book serves its objective: empowering citizens to actively participate in democratic governance.


28/03/2024
Dr. Shashank Goel, IAS

Director General, Dr MCR HRD IT &
E.O. Spl. Chief Secretary to Government

Dr. MCR HRD Institute initiatives for effective implementation of the RTI Act

Dr. MCR HRD Institute of Telangana, the apex training institute of the Government of Telangana, has been at the forefront in imparting training to Government employees, both the Telangana State and across the country, including the Government of India. The Institute has been conducting training programs on a massive level, for Trainers, PIOs, APIOs, First Appellate Authorities and other officers on the Right to Information (RTI) Act, both at its main campus and at Regional Training Centres, since the inception of the RTI Act in 2005.

Under the Annual Programme on “Improving Transparency and Accountability in Government through Effective Implementation of RTI Act”, the Institute conducts five categories of training programmes and workshops every year as follows:

1. Training of Trainers Course on RTI for District Resource Persons (5 days)
2. Training on RTI Act to FAA/ PIOs/ APIOs / Staff of HoDs and Secretariat Departments (3 days)
3. Workshop on Effective implementation on RTI Act (2 days)
4. Workshop on Proactive Disclosure of Information under RTI Act (2 days)
5. Workshop on Best Practices & Success Stories on RTI Act (2 days)

The Institute conducted three-day Orientation Programme to newly appointed Information Commissioners of Telangana State Information Commission during 27-29 February 2020.

Right to Information at the grassroots level: From the year 2017-18, the Institute, through its Regional Centres for Training, conducting one day Awareness Generation Programmes on RTI Act to Women Self-Help Group members of all the districts of Telangana State / Anganwadi Teachers of Women Development & Child Welfare Department covering about 250 to 300 participants every year, with an objective of percolation of the knowledge on the RTI Act to SHG members / AWTs and through them to the general public at village level.

Publications on Right to Information: The Institute published the following books on RTI in English:

1. Exemption from Disclosure of Information under the RTI Act: An Introduction
2. Proactive Disclosure of Information under the Right to Information Act: A Guide
3. The Right to Information Act 2005: A Handbook for Public Authorities

In Telugu, the Institute published the following books and leaflets:

1. Samachara Hakku Chattam-Poura Samachara Adhikari Karadeepika (The RTI Act Handbook for PIOs (Telugu))
2. Samachara Hakku Chattam: Vijaya Gaathalu (The RTI Act: Success Stories (Telugu))
3. Samachara Hakku Chattam: Karapathram (The RTI Act: A Leaflet (Telugu))

The readers may access the publications at: https://www.mcrhrdi.gov.in/rti_publications.html

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The Voter's Right to Information

Democracy and Informed Citizenry

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1. Introduction

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a [SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] ...

- The Preamble of the Constitution of India

The Preamble of the Constitution of India begins with the words "We, the people of India," signifying that the Constitution derives its authority from the citizens of the country. It then continues with the declaration:

"...having solemnly resolved to constitute India into a Sovereign Socialist Secular *Democratic Republic*"

The Preamble outlines the key foundational principles on which the Indian state is built and declares India as a Democratic Republic: Power is derived from the people through elected representatives, and the government operates based on democratic principles.

Like blood carrying oxygen to the brain, elections carry the people's will to the Parliament. Elections need to be free and fair for the democratic process to be meaningful. Transparency is the foundation stone for free and fair elections.

According to the Supreme Court, "Voter's right to know including criminal past of his candidate ... is much more fundamental and basic for survival of democracy":¹

As rightly mentioned by the Supreme Court further desired that the best available [persons] should be chosen as the people's representatives for the proper governance of the country...should not have criminal antecedents and the voters have a right to know about their antecedents, assets and other aspects.²

The Voter's Right to Information is not confined to the antecedents of the candidates contesting elections. Expenditure of candidates needs to be monitored and there are limits on such expenditure. Electoral rolls, EVMs, Election papers, Video footages and so forth: continuous public scrutiny of the entire election process is vital for ensuring the integrity, fairness, and transparency of democratic elections.

¹ *Union of India v Association for Democratic Reforms and another*, Civil Appeal No.7178 of 2001, Date of judgment 02 May 2002.

² *People's Union for Civil Liberties v. Union of India* (2013) 10 SCC 1 dt SEPTEMBER 27, 2013

Political parties play a crucial role in democracy by serving as vehicles for political participation, representation and governance. There are challenges to transparency in political funding, tax returns, manifestoes, public accountability mechanism.

This book attempts to bring all such issues into focus, which are crucial for promoting transparency, accountability and fairness in democratic elections for raising awareness and fostering informed debate.

As Justice Sanjiv Khanna³ aptly observed, “Democratic legitimacy is drawn not only from representative democracy but also through the maintenance of an efficient participatory democracy. In the absence of fair and effective participation of all stakeholders, the notion of representation in a democracy would be rendered hollow.”

³ *Association for Democratic Reforms & Others vs. Union of India & Others*, Supreme Court Writ Petition (C) No. 880 of 2017 Decided on February 15, 2024. Justice Sanjiv Khanna in concurring judgment.

2. Right to Know the Antecedents of the Candidates Contesting Elections

The Supreme Court, in a landmark judgement pronounced in 2002, highlighted the Voter's right to know antecedents of the candidates contesting elections:⁴

“Under our Constitution, Art. 19(1)(a) provides for freedom of speech and expression. Voters' speech or expression in case of election would include casting of votes that is to say, voter speaks out or expresses by casting vote. For this purpose, information about the candidate to be selected is a must.

Voter's (little man citizen's) right to know antecedents including criminal past of his candidate contesting election for MP or MLA is much more fundamental and basic for survival of democracy. The little man may think over before making his choice of electing law breakers as law makers.”

As a response to the Supreme Court judgment,⁵ the Parliament amended the Representation of the People Act, 1951, by inserting Section 33A⁶, which asserts the voter's right to information in the following terms:

33A. Right to information.—(1) A candidate shall, apart from any information which he is required to furnish, under this Act or the rules made thereunder, in his nomination paper delivered under sub-section (1) or section 33, also furnish the information as to whether-

- (i) he is accused of any offence punishable with imprisonment for two years or more in a pending case in which a charge has been framed by the court of competent jurisdiction;
- (ii) he has been convicted of an offence [other than any offence referred to in sub-section (1) or sub-section (2), or covered in sub-section (3), of section 8] and sentenced to imprisonment for one year or more.

(2) The candidate of his proposer, as the case may be, shall, at the time of delivering to the returning officer the nomination paper under sub-section (1)

⁴ *Union of India v Association for Democratic Reforms and another*, Civil Appeal No.7178 of 2001, Date of judgment 02 May 2002.

⁵ *Union of India v Association for Democratic Reforms and another*, Civil Appeal No.7178 of 2001, Date of judgment 02 May 2002.

⁶ Inserted by Act 72 of 2002, s. 2 (entered into force on 24-8-2002)

of section 33, also deliver to him an affidavit sworn by the candidate in a prescribed form verifying the information specified in sub-section (1).

(3) The returning officer shall, as soon as may be after the furnishing of information to him under subsection (1), display the aforesaid information by affixing a copy of the affidavit, delivered under sub-section (2), at a conspicuous place at his office for the information of the electors relating to a constituency for which the nomination paper is delivered.

Section 125A provides for penalty for filing false affidavit:

125A. Penalty for filing false affidavit, etc.—A candidate who himself or through his proposer, with intent to be elected in an election,—

- (i) fails to furnish information relating to sub-section (1) of section 33A; or
- (ii) gives false information which he knows or has reason to believe to be false; or
- (iii) conceals any information,

in his nomination paper delivered under sub-section (1) of section 33 or in his affidavit which is required to be delivered under sub-section (2) of section 33A, as the case may be, shall, notwithstanding anything contained in any other law for the time being in force, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Later, the Election Commission of India (ECI) issued an order⁷ to implement the Supreme Court's Judgment to facilitate Voter's Right to Information with the following requirements:

(1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to the following matters in an affidavit, the format whereof is annexed hereto as Annexure-1 to this order:

1. Case(s) is/are pending against the candidate in which cognizance has been taken by the court.

⁷ Order No. 3/ER/2003/JS-II Dated : 27th March, 2003

2. Details of the assets (immovable, movable, bank balance, etc.) of candidate, spouse and dependents.
 3. Details of liabilities / over dues to public financial institutions and government dues.
 4. Educational qualifications (Name of School / University and the year in which the course was completed should also be given.)
- (2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.
- (3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the returning officer at the time of scrutiny of nominations for such non-furnishing of the affidavit.
- (4) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective returning officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.
- (5) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.

Candidates contesting local body elections are required to file similar affidavits.

In terms of Section 33A of the Representation of the People Act, 1951, read with Rule 4A of Conduct of Election Rules, 1961, each candidate has to file an additional affidavit in Form 26 appended to the Conduct of Election Rules, 1961, giving information on the following:

- (i) Cases, if any, in which the candidate has been accused of any offence punishable with imprisonment for two years or more in a pending case in which charges have been framed by the court.
- (ii) Cases of conviction for an offence other than any of the offences mentioned in Section 8 of the Representation of the People Act, 1951, and sentenced to imprisonment for one year or more.

The best available persons should be chosen

In *People's Union for Civil Liberties v. Union of India* (2013) 10 SCC 1 dt 27 Sep. 2013, the Supreme Court held that the universal adult suffrage conferred on the citizens of India by the Constitution has made it possible for these millions of individual voters to go to the polls and thereby participate in the governance of our country.

It has been further ruled that for democracy to survive, it is essential that the best available men should be chosen as the people's representatives for the proper governance of the country. The best available people, as is expected by the democratic system, should not have criminal antecedents and the voters have a right to know about their antecedents, assets and other aspects.

Constitution Bench of the Supreme Court in *Public Interest Foundation and Ors. v. Union of India and Anr.* (2019) 3 SCC 224. (Sep. 25, 2018) held as follows:

We are inclined to say so, for in a constitutional democracy, criminalization of politics is an extremely disastrous and lamentable situation. The citizens in a democracy cannot be compelled to stand as silent, deaf and mute spectators to corruption by projecting themselves as helpless. The voters cannot be allowed to resign to their fate. The information given by a candidate must express everything that is warranted by the Election Commission as per law. Disclosure of antecedents makes the election a fair one and the exercise of the right of voting by the electorate also gets sanctified. It has to be remembered that such a right is paramount for a democracy. A voter is entitled to have an informed choice. If his right to get proper information is scuttled, in the ultimate eventuate, it may lead to destruction of democracy because he will not be an informed voter having been kept in the dark about the candidates who are accused of heinous offences.

ECI Suggestions

ECI suggested that a further column may be added in the format about the annual declared income of the candidate for tax purpose and his profession:

The Commission, therefore, recommends that Form 26 may be amended so as to include in it all the items mentioned in the Format of affidavit prescribed by the Commission's order dated 27.3.2003. While doing this, it also

suggested that a further column may be added in the format about the annual declared income of the candidate for tax purpose and his profession.

It has been the experience in the past few elections that in some cases, the candidates left some of the columns blank, and there have been cases where the candidates were alleged to have given grossly undervalued information, mainly about their assets.

Section 125A provides for punishment of imprisonment for a term upto six months or with fine or with both, for furnishing wrong information or concealing any information in Form 26.

The Commission is of the view that to protect the right to information of the electors as per the spirit of the judgment dated 13.3.2003 of the Supreme Court referred above, the punishment here should be made more stringent by providing for imprisonment of a minimum term of two years and doing away with the alternative clause for fine. Conviction for offences under Section 125 A should further be made part of Section 8(1)(i) of the Representation of People Act, 1951, dealing with disqualification or conviction for certain offences. Such a provision will reduce instances of candidates willfully concealing information or furnishing wrong information.

Revised Affidavits with Additional Information

All the candidates are required to file an affidavit (in Form 26) along with their nomination papers. This affidavit will include information on the criminal antecedents of the candidate, if any, assets (including the movable, immovable properties and investments even in foreign countries, of the candidate, either in his/ her spouse and dependent names), liabilities of the candidate, his/ her spouse and dependents and his/ her educational qualifications. The filing of the affidavit with all columns duly filled in, is mandatory and its non-filing may result in rejection of the nomination paper by the Returning Officer, who has a duty to inform about such omissions to the candidate.

The format of Form 26 has been amended vide Ministry of Law & Justice Notification dated 26th February, 2019. The Commission has circulated the revised format of Form 26 to all the States/UTs and Political Parties. With the amendment, it has been expressly provided that declaration on assets shall include full information about

offshore assets. The candidates are also required to declare the total income shown in the Income Tax return filed for the last five years for the candidates, spouse, HUF (if candidate is Karta or Coparcener in HUF), and for dependents.

Accessing Affidavits

As part of the efforts of the Commission to widely disseminate the information contained in the affidavits filed by contesting candidates to the citizens at the earliest, instructions have been issued to the Returning Officers to display the copies of these affidavits on notice-boards outside their offices and to make available, on demand, the copies of the affidavit freely to other candidates, general public, media, etc. on the very day of filing of affidavit by a candidate.

Further, Commission has issued instructions for displaying copies of the abstract part of the affidavit of contesting candidates at various public offices within the Constituency such as Collectorate, Zila Parishad Office, Panchayat Samiti Office etc.

The scanned copies of these affidavits will also be uploaded on the website of CEOs for public viewing and any member of the public can download such copies of affidavits.

During the bye elections the scanned affidavits will flow directly from the field to the ECI server. However, in case of general elections, as the volume of affidavits is high, during the election period the affidavits will be hosted on the state server and after the elections are over, they will be offloaded from the state server and hosted on the ECI server.

Disclosure on the official social media platforms and newspapers

Supreme Court, taking serious note of the increasing criminalization of politics in India and the lack of information about such criminalization amongst the citizenry, held as follows:⁸

Each contesting candidate shall fill up the form as provided by the Election Commission and the form must contain ... information with regard to the criminal cases pending against the candidate.

⁸ CONTEMPT PET. (C) NO. 2192 OF 2018 IN W.P. (C) No. 536 OF 2011 (13 February 2020)

The political party concerned shall be obligated to put up on its website the aforesaid information pertaining to candidates having criminal antecedents.

The candidate as well as the political party concerned shall issue a declaration in the widely circulated newspapers in the locality about the antecedents of the candidate and also give wide publicity in the electronic media. When we say wide publicity, we mean that the same shall be done at least thrice after filing of the nomination papers.

The Court noted that the political parties offer no explanation as to why candidates with pending criminal cases are selected as candidates in the first place. The Court issued the following directions in exercise of constitutional powers under Articles 129 and 142 of the Constitution of India:

- 1) It shall be mandatory for political parties [at the Central and State election level] to upload on their website detailed information regarding individuals with pending criminal cases (including the nature of the offences, and relevant particulars such as whether charges have been framed, the concerned Court, the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.
- 2) The reasons as to selection shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere “winnability” at the polls.
- 3) This information shall also be published in:
 - (a) One local vernacular newspaper and one national newspaper;
 - (b) On the official social media platforms of the political party, including Facebook & Twitter.
- 4) These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.
- 5) The political party concerned shall then submit a report of compliance with these directions to the Election Commission within 72 hours of the selection of the said candidate.

6) If a political party fails to submit such compliance report with the Election Commission, the Election Commission shall bring such non-compliance by the political party concerned to the notice of the Supreme Court as being in contempt of this Court's orders/directions.

Extracts from the Consolidation of Instructions on proactive disclosure of information on nomination papers and affidavits

Section 33 of The Representation of the People Act, 1951 mandates that each candidate shall, either in person or by his proposer, shall deliver to the Returning Officer a nomination paper completed in the prescribed form and signed by the candidate and his proposer(s).

Rule 4 of the Conduct of Elections Rules, 1961 prescribes the form of the nomination paper.

The Supreme Court vide its judgment dated 13.09.2013, in WP (C) No. 121 of 2008 titled *Resurgence India vs. Election Commission of India and others* in the matter of filing of incomplete affidavits by candidates held that the voter has the elementary right to know full particulars of a candidate who is to represent him in the Parliament/ State Assemblies and such right to get information is universally recognized as a natural right flowing from the concept of democracy and is an integral part of Article 19(1)(a) of the Constitution of India.

Statutory requirement of display of Affidavit:

(a) In pursuance to the provisions contained in Section 33A read with Rule 4A, referred to above, the Commission has directed that copies of affidavits filed by the candidates should be displayed on the notice board of the Returning Officer/Assistant Returning Officer of the constituency concerned. Copies should also be supplied freely and liberally to all other candidates and representatives of media by the Returning Officer.

The District Election Officer shall compile all the affidavits pertaining to the constituencies within the district and supply them, on demand, on payment of standard copying charges. This fee may be obtained in cash, for convenience, against proper receipt etc. It may also be noted that copies of the affidavits, and counter affidavits, if any, should be supplied on demand to any individual, political party, organization, agency, etc. without any discrimination.

(b) If anyone furnishes information countering the statements made by any candidate in his affidavit by means of a duly sworn and notarized affidavit (counter affidavit), such counter affidavit shall also be disseminated along with the affidavit of the candidate concerned and supplied in the same manner, i.e. by displaying copy on the notice boards and furnishing the same on demand.

(c) In cases where the offices of the AROs are outside the headquarters of the RO but within the boundary of the constituency, copies of the affidavits should also be displayed in the offices of such AROs.

(d) In those cases where the offices of the ROs and AROs both are situated outside the boundary of the constituency, one set of copies of affidavits should be displayed on the notice board of the RO and another set should be displayed in some public premises accessible to the general public within the constituency. It is clarified that in such cases, the copies of affidavits should be displayed in the office of the BDO or in a Panchayat Office within the constituency that are widely known to the public.

(e) Part B of Form 26 (abstract of the details given in the affidavit) filed by the candidates shall be displayed at specified additional public offices such as (1) Collectorate, (2) Zila Parishad Office, (3) SDM Office, (4) Panchayat Samiti office (i.e. Block Office), (5) office of Municipal Body or bodies

in the constituency (6) Tahsil/Taluka office, and (7) Panchahyat Office.

This shall be done within 5 days of date of withdrawal of candidature. In the Collectorate and Zila Parishad Office, abstracts of affidavits of all candidates pertaining to all the constituencies in the District shall be displayed. The abstracts of all the candidates of one constituency should be displayed together for ease of access. Similarly, if there is more than one constituency in a Sub-Division, abstracts of all the candidates in such constituency shall be displayed in SDM's office.

Uploading of Affidavit on the Chief Electoral Officer's website:

(a) The Commission has directed that the affidavits in respect of all the candidates, whether set up by the recognized political parties or unrecognized political parties or independents shall be put up on the CEO's website soon after the candidates file the same and strictly within 24 hours of filing the affidavits. Even if any candidate withdraws his candidature, the affidavit already uploaded on the website shall not be removed.

(b) If anyone furnishes information countering the statements made by any candidate in his affidavit by means of a duly sworn and notarized affidavit, the same may also be uploaded, along with the affidavit of that candidate, within 24 hours of receiving it. All the affidavits and counter affidavits received on the last date of making nominations shall be uploaded on the same day.

(c) At every election, press releases should be issued at the State and District level stating that affidavits of the candidates and counter affidavits, if any, are available for the electors to see and clearly mentioning in the press release of the DEO, place(s) at which copies of the affidavits have been displayed. The press releases should also make it clear that the affidavits can also be viewed on the website, and the path to locate them on the website should also be mentioned.

Multiple affidavits:

(a) Section 33(6) of the Act states that any candidate may be nominated by more than one nomination paper. A candidate can file maximum four nomination papers for a constituency. Such facility is given under the law enabling him to have options to file his nomination as a candidate sponsored by political party(ies) or as an independent candidate with same or different proposers.

(b) The requirement of law, as provided in sub-section 3 of section 33A of the Representation of the People Act, 1951, is that the electors of the constituency get the information about the candidates contesting in that constituency.

(c) The Returning Officer shall display all the affidavits pertaining to that candidate at the notice boards across all places as specified in above mentioned paras and upload on the website with a note that the candidate has filed two or more, as the case may be, affidavits indicating therein the dates of filing affidavits.

The requirement of law as contained in Section 33 (A) is met when the affidavits are displayed at conspicuous places by the Returning Officer. As mentioned aforesaid wider dissemination of affidavits i.e. uploading on website additional to the requirements of law and consistent with the Commission's policy of making the process transparent and informative. Any one may obtain certified copies of the affidavits from the office of the Returning Officer or the District Election Officer by depositing the requisite fee in this regard.

No document other than affidavit, which has not been prescribed in the Commission's instructions, shall be uploaded on the Commission's portal or disseminated anywhere. Attention is invited to the provisions of Section 37 of The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016. It is also directed

that all such uploaded documents which may contain Aadhaar details shall be identified and the related details shall be either removed or masked in the Commission's portal so that such details are not seen by the public at large.

Period of retention of affidavit:

(a) The Commission has directed that all the affidavits pertaining to an election, whether general or bye-election, filed before the Returning Officer shall be retained, in physical form, for a period of six years after the completion of election or till the disposal of election petition, if any or any other suit/ petition in any court in which any of the declaration made, whichever is later.

(b) The facility of uploading of affidavits on the website is over and above the statutory requirement under section 33A of the Act, and therefore, it stands on a different footing. However, the affidavits uploaded on the website shall also be retained for a period of six years after the completion of election or till the disposal of election petition, if any or any other suit/ petition in any court in which any of the declaration made, whichever is later.

3. Videography of Critical Events

Videography/ Webcasting/CCTV Coverage:

ECI ensures that all the critical events during elections are video-graphed. District Election Officers will arrange sufficient number of video and digital cameras and camera teams for the purpose.

The events for videography will include filing of nomination papers and scrutiny

thereof, allotment of symbols, first level checking, preparations and storage of Electronic Voting Machines, important public meetings, processions etc. during election campaign, process of dispatching of postal ballot papers, polling process in identified vulnerable polling stations, storage of polled EVMs and VVPATs, counting of votes etc.

Additionally, CCTVs will be installed at important Border Check Posts and Static Check Points for effective monitoring and surveillance.

Further, the Commission has directed that Webcasting, CCTV coverage, Videography and Digital cameras will also be deployed inside critical polling booths and polling booths in vulnerable areas to closely monitor the proceedings on the poll day without violating secrecy of voting process.

(a) The video recordings of election campaign activities of candidates and political parties made by the election expenditure monitoring teams, FSTs, SSTs etc., shall be kept in safe custody of DEOs till the expiry of 8 months from the declaration of the result of the election.

(b) On receipt of an application for copies of the data/ record or to inspect such data/ record, within 45 days of the declaration of the election result ... following facilitation shall be permitted:

(i) Copies of still photo or video recording should be given on demand, free of cost to candidates and on due payment of a fee of Rs 300/- per CD/ storage device (exclusive of cost of CD/ storage devices) to any other person.

(ii) Inspection may be allowed as per follows:

The video CDs/ storage devices will be made available for inspection in the office of the District Election Officer or Chief Electoral Officer, as the case may be.

Strict supervision shall be ensured to avoid removal of any footage or damage or mutilation of the CD/ storage device. Simultaneous inspection by a large number of persons shall not be allowed.

Webcasting in Polling Station

Webcasting shall be arranged in all critical polling stations and all polling stations in vulnerable areas or at least in 50% of total polling stations including auxiliary polling stations, whichever is higher. However, the secrecy of vote shall be maintained. Detailed instructions on the subject may be referred on modalities of implementation.

4. Electoral Rolls

The Constitution of India provides as follows:

Article 325. No person to be ineligible for inclusion in, or to claim to be included in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.—There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.

Article 326. Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.—The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than [eighteen years] of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

Transparency in the process of registration of electors and electoral roll management

Rule 11 of Registration of Electors Rules, 1960 states that for publicity to the electoral roll and notice of draft publication of roll, the Electoral Registration Officer shall make a copy of the electoral roll available for inspection to the public at the designated locations and due for such further publicity as he may consider necessary.

The Electoral Registration Officer shall also supply free of cost one Soft Copy (in the form of Image PDF without the photograph of electors) and one Hard Copy of the roll to every recognized Political Party.

Further, as per Rule 22, at the time of final publication of the electoral roll, the Electoral Registration Officer again make the complete copy of the roll available for inspection at his office and supply free of cost one Soft Copy (in the form of Image PDF without the photograph of electors) and one Hard Copy of the said roll to each recognized Political Parties.

Reading out draft roll in Gram Sabha/Ward Committees

The Election Commission has further directed that Electoral Registration Officers shall cause Booth Level Officers to read out the draft roll of each part in the meetings of the Gram Sabha/ Ward Committees in their assigned polling station areas.

Sharing of electoral roll with contesting candidates of recognized political parties:

A copy of the electoral roll with the integrated Mother Roll and both supplements, so printed by software and appended/bunched together, shall be given free of cost to the contesting candidates of recognized political parties. This will also be made available for sale by the EROs to political parties and other persons. The same copy shall be used for preparation of Marked Copy of electoral rolls to be used in polls.

Hosting of electoral rolls on website:

It is further clarified that only image pdf (non-editable) of electoral rolls, with only details and without photograph of electors, shall be hosted on the CEOs' website and the access to view such image PDF of electoral rolls should be strictly provided through CAPTCHA containing alphabet, numeral and special character. Wherever soft copy of electoral roll is shared with political parties/ others, it should be in the image pdf Format with only the details and without the photograph of the electors.⁹

In order to bring more transparency, the Election Commission has directed to Chief Electoral Officers to take following additional measures:-

- Making draft and final electoral roll available in image PDF format on Chief Electoral Officer's website.

⁹ Compendium of Instructions Volume-I

- Providing search facility based on name and EPIC number on Chief Electoral Officer's website, Voter Helpline Mobile App as well as NVSP portal & <https://voterportal.eci.gov.in/>.

Inspection of Electoral Roll and Related Papers

Rule 33 of Registration of Elector Rules, 1960 provides that every person shall have the right to inspect the electoral roll and other papers relating to revision of the electoral roll, referred to in Rule 32, such as the enumeration pads, copies of the rolls used for house to house verification, manuscripts prepared on the basis thereof, claims and objections and applications for correction/shifting/marking of PwD/Replacement of EPIC (Forms 6, 6A, 7 and 8), and all papers connected with their disposal and to get attested copies thereof on payment of such fee, as may be fixed by the Chief Electoral Officer.

Supply of Certified Copy of Electoral Roll

If a person seeks a certified copy of relevant entries of an electoral roll, the certified copy shall be given in the prescribed format (Annexure 54). It should be noted that an applicant can apply only for a certified copy of an entry pertaining to oneself in a roll. Request for obtaining certified copy of entry relating to others in a roll should not be entertained. In any case, Photocopy of the electoral roll shouldn't be certified and given to the person.

Supply of Certified Copy of Extract of Electoral Roll to an Elector Intending to Contest Election

A certified copy of extract may be asked for by a registered elector primarily if he wants to contest an election. It may so happen that the elector may like to contest an election from any other constituency. A certified copy of the extract can be given once the manuscript is prepared. It may not be necessary to wait for printing of the supplement part after data entry. It may be pertinent to mention here that the electoral roll is required to be published only at the time of draft and again at the time of final publication. It is not necessary to publish the supplements of continuous updating to be brought out from time to time except when an election is announced. At the time of election all additions, corrections, and deletions made up to the last date for making nominations can be printed as a supplement of continuous updation

to be appended to the existing roll. In case the supplement of continuous updating has been printed and published, the extract of electoral roll shall be shared as per the provisions mentioned above.

Supply of Certified Copy of Electoral Roll under Right to Information Act, 2005

Manual on Electoral Rolls published by the Election Commission of India advises as follows:

Attested/certified copies of electoral roll in full, with or without photo, should be supplied if demanded under Right to Information Act 2005 (RTI) or Rule 33 of RER 1960. Individual entries or selective pages should not be given under RTI. Application received under RTI should be dealt in the context of Section 8(1)(j) Of RTI, 2005 which is quoted as under –

“8. Exemption from disclosure of information:-

Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen –information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of individual unless the Central Public Information Officer or the State Public Information officer or the Appellate Authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.”¹⁰

¹⁰ *Manual on Electoral Rolls* March 2023 Document 10 - Edition 2 ECI

5. Accounts of Election Expenses

The Election Commission of India has prescribed the expenditure limit as ₹75 lakh - ₹95 lakh for each Lok Sabha candidate and ₹28 lakh - ₹40 lakh for each Assembly candidate depending on the state where elections are held.

The Representation of the People Act, 1951 states as follows:

77. Account of election expenses and maximum thereof.—

(1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

Explanation 1.—For the removal of doubts, it is hereby declared that—

(a) the expenditure incurred by leaders of a political party on account of travel by air or by any other means of transport for propagating programme of the political party shall not be deemed to be the expenditure in connection with the election incurred or authorised by a candidate of that political party or his election agent for the purposes of this sub-section.

(b) any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purposes of this sub-section.

Explanation 2.—For the purposes of clause (a) of Explanation 1, the expression

"leaders of a political party", in respect of any election, means,—

(i) where such political party is a recognised political party, such persons not exceeding forty in number, and

(ii) where such political party is other than a recognised political party, such

persons not exceeding twenty in number, whose names have been communicated to the Election Commission and the Chief Electoral Officers of the States by the political party to be leaders for the purposes of such election, within a period of seven days from the date of the notification for such election published in the Gazette of India or Official Gazette of the State, as the case may be, under this Act:

Provided that a political party may, in the case where any of the persons referred to in clause (i) or, as the case may be, in clause (ii) dies or ceases to be a member of such political party, by further communication to the Election

Commission and the Chief Electoral Officers of the States, substitute new name, during the period ending immediately before forty-eight hours ending with the hour fixed for the conclusion of the last poll for such election, for the name of such person died or ceased to be a member, for the purposes of designating the new leader in his place.

(2) The account shall contain such particulars, as may be prescribed.

(3) The total of the said expenditure shall not exceed such amount as may be prescribed.

78. Lodging of account with the district election officer.—[(1)] Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates, lodge with the [district election officer] an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under section 77.

Rule 88 of the Conduct of Elections Rules, 1961 facilitates inspection of such accounts:

88. Inspection of account and the obtaining of copies thereof.—Any person shall on payment of a fee of one rupee be entitled to inspect any such account and on payment of such fee as may be fixed by the Election Commission in

this behalf be entitled to obtain attested copies of such account or of any part thereof.

*Hand book for candidates*¹¹ provides the following instructions in respect of disclosure of accounts:

ACCOUNT TO BE MADE AVAILABLE BY CANDIDATE FOR INSPECTION AND DISPLAY

4.1 The commission has directed that the day-to-day account as maintained by a candidate in the aforesaid register together with the supporting documents shall be made available by the candidate for inspection once in three days during the process of election to the District Election Officer, Returning Officer, election observer appointed by the Commission or any other such authority nominated by the commission in this behalf. The District Election Officer and the election observer shall prepare a schedule of inspection whereby a three-day cycle of furnishing accounts will be set for every candidate in such manner that on each day, accounts of one or more contesting candidates are made available for scrutiny to the concerned officers. In other words, the turn of every candidate to furnish his accounts for scrutiny will fall every third day throughout the period between the filing of his nomination and declaration of results.

4.2 Failure on the part of a candidate to produce the register and the supporting documents for inspection on demand shall be treated as major default on his part and he would be proceeded against under section 171 (1) of the Indian Penal Code.

4.3 While inspecting the accounts of the candidates as per the schedule of inspection fixed, the Returning Officer will ensure that two photocopies of the relevant pages of the register are retained by the inspecting officer. One copy of the relevant pages will be displayed on Returning Officer's notice board and the other copy will be retained in a separate file for each candidate constituency-wise as proof of record with him and furnished to the District Election Officer on conclusion of the poll process. In this exercise the Returning Officer shall ensure that the inspection does not become a source

¹¹ ECI, *Hand book for candidates*, 2007.

of harassment/oppression to the detriment of the electioneering of the candidate which is his legal right.

4.4 The Commission has also directed that a copy of the day-to-day accounts retained by the Returning Officer may be provided to any person desiring a copy on payment of usual copying charges. He will make this known to the candidates and the general public for their information as soon as the process of nomination begins.

..

10. INSPECTION AND COPIES

10.1 Any person can, on payment of a fee of rupee one, inspect the account lodged with the DEO by a candidate. According to rule 88, the Commission has fixed the fee of Rs.1 per folio or part of a folio chargeable for the supply of attested copies of the account of election expenses or of any part thereof.

10.2 If inspection of an account of election expenses has been applied for at any time during the period that the account is with the Election Commission, the application should be kept pending until the account is received back from the Commission after which the inspection will be allowed to the applicant.

Statement of Election Expenditure

The Political parties have to file their "Statement of Election Expenditure"¹² within 75 days/90 days of completion of the general election to the Legislative Assembly/Lok Sabha before the Election Commission of India (in the case of National and State Parties) or the Chief Electoral Officer of the State (in the case of unrecognized parties where party headquarter is situated).

Such accounts will be uploaded on the website of the Commission for public viewing.

The total of the expenditure of which account is to be kept under section 77 of the R.P. Act 1951 and which is incurred or authorised in connection with an election in a State or Union Territory has been prescribed under Rule 90 of the Conduct of Elections Rules, 1961. Generally, the political party contributes/donates, either in cash or in kind to the candidates set up by them during election for their election expenditure and the candidates have to show such expenditure in their statements.

¹² Election Commission's letter no. 76/EE/2012-PPEMS, dated 21st January, 2013, and letter no. 76/PPEMS/Transparency/2013, dated 29th August, 2014

Part statement

For the sake of transparency and reconciliation of accounts of political parties and candidates, and in exercise of powers vested under Article 324 of Constitution in the Commission, it has been decided that the political parties have to file:¹³

(i) a part statement, in addition to (ii) the final statement of election expenditure required to be filed by the parties as above (within 75 days/90 days of completion of the general election to the Legislative Assembly/Lok Sabha), in respect of the lump sum payments made by the party to the candidate, within 30 days after declaration of results of elections to Legislative Assembly/Lok Sabha in the format prescribed at Annexure-A, before the Election Commission of India (in case of National and State Parties) or the Chief Electoral Officer of the State (in case of unrecognized parties where party headquarter is situated).

Election expenditure attributed to the candidates by the Political Parties should be certified by the Chartered Accountants, as referred to in para 3(i) of the Commission's letter no. 76/PPEMS/ Transparency/2013, dated 29th August, 2014.

Disclosure of Election expenditure

Election expenditure of the unrecognized parties attributed to the candidates and filed within 30 days of declaration of results shall be put on the website of CEO within 3 days of receipt.

The Abstract Statement of election Expenditure as submitted by the candidate with relevant Schedules shall be scanned by the DEO and uploaded on the website of the CEO, within 3 days of their submission. Any person desiring a copy of these day to day accounts shall be provided by the DEO subject to the payment of usual copying charges.

¹³ Commission's letter no. 76/ Instructions /2015/EEPS/Vol.II, dated 8th September, 2015.

6. Election Papers

The Registration of Electors Rules, 1960 provide for inspection of election papers:

32. Custody and preservation of rolls and connected papers.—(1) After the roll for a constituency has been finally published, the following papers shall be kept in the office of the registration officer or at such other place as the chief electoral officer may by order specify until the expiration of one year after the completion of the next intensive revision of that roll:—

- (a) one complete copy of the roll;
- (b) statements submitted to the chief electoral officer under rule 7;
- (c) statements submitted to the registration officer under rule 8;
- (d) register of enumeration forms;
- (e) applications in regard to the preparation of the roll;
- (f) manuscript parts prepared by enumerating agencies and used for compiling the roll;
- (g) papers relating to claims and objections;
- (h) papers relating to appeals under rule 23; and
- (i) applications under sections 22 and 23.

(2) One complete copy of the roll for each constituency duly authenticated by the registration officer shall also be kept in such place as the chief electoral officer may specify [as permanent board].

33. *Inspection of electoral rolls and connected papers.*—Every person shall have the right to inspect the election papers referred to in rule 32 and to get attested copies thereof on payment of such fee as may be fixed by the chief electoral officer.

Secrecy of voting

Secrecy of voting is important. Every elector is expected to maintain the secrecy of voting and in case of failure to maintain secrecy the elector may not be permitted to vote. Any person who violates the secrecy, will be booked for an offence under Section 128 of Representation of People Act, 1951.

Voter should, therefore, not disclose to any person who they have voted for. Similarly, if any election official attempts to obtain information on who they have voted for, it will amount to an offence committed by that official. Photography of a voter casting vote is prohibited. It may also be noted that no polling official or agent can come inside the voting compartment under the pretext of helping to vote. Voter can, however, be permitted to take a companion of not less than 18 years with you for recording your vote, if for any physical infirmity you require such assistance.

Inspection of election papers

ECI in *Hand book for candidates, 2007*, facilitates inspection of election papers:

3. PRODUCTION AND INSPECTION OF ELECTION PAPERS

3.1 Rule 92 of the Conduct of Elections Rules, 1961 provides that it is the duty of the District Election Officer within whose jurisdiction the constituency falls (in the case of the Union Territory, the concerned Returning Officer) to keep in safe custody all papers relating to the election.

3.2 Under rule 93(1) of the said rules, the sealed voting machines, sealed packets of registers of voters, sealed packets of unused ballot papers with counterfoils attached thereto, used ballot papers (whether valid, tendered or rejected) the packets of counterfoils of used ballot papers, marked copies of the electoral roll, declarations made by the electors entitled to postal ballot and the attestations of their signature, shall not be opened and their contents shall not be inspected by or produced before any person or authority except under the order of a competent Court.

3.3 The Commission has directed that the sealed packets of voters slips which will be issued to voters inside the polling station under the Commission's instructions shall also likewise be not open to public inspection, except under the order or a competent Court.

3.4 All other election papers can be inspected, and certified copies obtained by any person applying for it and paying requisite fee.

4. PRODUCTION AND INSPECTION OF OTHER ELECTION PAPERS

4.1 Sub-rule (2) of rule 93 of the Conduct of Elections Rules, 1961 provides that *all papers relating to an election other than those referred to in sub-rule(1) thereof, shall be open to public inspection* subject to such conditions

and to the payment of such fee, if any, as the Election Commission may direct.

4.2 In pursuance of the said sub-rule read with section 76 of the Indian Evidence Act, 1872, the Commission has issued the following directions:

(1) INSPECTION

(a) Every application for inspection of the said documents (other than an account of election expenses) shall be made in writing and should contain the particulars concerning the record of which inspection is required.

(b) An inspection of the documents shall be allowed to any person applying for the same on payment of a fee of Rs 1/- per hour of inspection or part thereof, unless inspection is required to be made urgently in which case fee shall be Rs 2/- per hour or fraction thereof.

(c) Inspection on an ordinary application shall be allowed on the day following the date on which the application is made or on a subsequent day and inspection on an urgent application shall be allowed on the same day.

(2) Certified copy- A certified copy of any of the said documents (other than an account of election expenses) shall be given to any person applying for the same, on payment of fees at the same rate as is charged in the State for a copy of an order by a Revenue Office. The procedure to be followed in respect of an application shall be the same as for a similar application made in respect of a case dealt with by a Revenue Officer.

(3) The application should establish the right of the applicant for inspection or for supply of certified copies of documents and for that purpose should clearly disclose that the applicant has a direct and tangible interest in such document or documents and the nature of such interest.

(4) No fee shall be charged when inspection or certified copy of a documents is required for official purpose.

5. SUPPLY OF COPIES OF RESULT SHEETS AND ELECTION RETURNS

5.1 Any person may get copies of result sheet in Form 20, on payment of fee as charged for supply of certified copies of other election records.

5.2 They may also obtain copies of election return in Form 21-E from the Returning Officer, District Election Officer, Chief Electoral Officer or Election Commission on a payment of Rs.2/- (Rupees two only) for each copy.

7. Electronic Voting Machines

Application For VVPAT Paper Slips Counting

After announcement of result sheet entries, any candidate, their election agent or their counting agents may apply in writing to the RO to count the printed VVPAT paper slips in any or all polling stations. If such application is made, the RO shall pass a speaking order on whether the VVPAT paper slips should be counted. If the RO decides to allow

the counting of the VVPAT paper slips of any or all polling stations, such decision of the RO must be recorded in writing along with the reasons thereof.

The RO shall give due consideration to the following:

Whether the total number of votes polled in that polling station is greater or lesser than the margin of votes between winning candidate and candidate making the application

Whether EVM had a problem and was replaced at that polling station during poll

Whether there was any complaint about VVPAT not printing or 76 complaints by any voter under Rule 49MA in that polling station during the poll.

Mandatory Verification Of VVPAT Paper Slips:

Mandatory verification of VVPAT paper slips of randomly selected 05 (five) polling stations shall be conducted in all future General and Bye Elections to the House of the People and State Legislative Assemblies, in addition to the provisions of Rule 56D of the Conduct of Elections Rules, 1961, after the completion of the last round of counting of votes recorded in the EVMs, as under:

a) In case of General and Bye elections to State Legislative Assemblies, verification of VVPAT paper slips of randomly selected 05 (five) polling stations per Assembly Constituency.

b) In case of General and Bye elections to the House of the People, verification of VVPAT paper slips of randomly selected 05 (five) polling stations of each Assembly Segment of the Parliamentary Constituency concerned. For this mandatory verification of VVPAT paper slips, the following procedure shall be followed:

16.6.1. The verification of VVPAT paper slips of randomly selected 01 (one) polling station for each Assembly Constituency/Segment shall be taken up after the completion of the last round of counting of votes recorded in the EVMs.

16.6.2. The random selection of 05 (five) polling stations per Assembly Constituency/Segment shall be done by Draw of lots, by the Returning Officer concerned, in the presence of candidates/their agents and the General Observer appointed by the Commission for that Constituency.

16.6.3. The draw of lots must be conducted immediately after the completion of the last round of counting of votes recorded in the EVMs (Control Units) in the designated Counting Hall for the particular Assembly Constituency/Assembly Segment.

16.6.4. A written intimation regarding the conduct of draw of lots for the random selection of 05 (five) polling stations for verification of VVPAT Slips shall be given by the Returning Officer to the Candidates/ their election agents well in advance.

Information on Electronic Voting Machines under the RTI Act

The Election Commission of India had filed a Writ Petition before the Delhi High Court¹⁴ against the Order dated 06.06.2008 passed by the Central Information Commission directing disclosure of information in EVMs such as date and time, votes polled, vote tally and any other information which were noted down from the EVM machines, including any spare machines that were used, Form 17C etc. under the Right to Information Act, 2005.

Contentions of the Election Commission of India:

The Commission contended that the aforesaid information cannot be made available as it is not held by or under control of the Commission as per provisions of the Representation of Peoples. Act, 1951 and Conduct of Election Rules, 1961.

Rule 93 stipulates that ballot papers in physical form cannot be inspected or produced before any person or authority except under the order of a competent court. Rule 93(1A) which deals with data stored in the control unit in electronic form, states that the control unit cannot be opened, inspected or produced before any

¹⁴ *Election Commission of India v. Central Information Commission*, Delhi High Court 2009 SCC Online Del 3515, Date of Order: November 04, 2019

person or authority except upon an order of a competent court. Use of the word "shall" in said

Rule; "shall...not opened except under the orders of a Competent Court.", makes the provision imperative or obligatory.

Hon'ble Court's ruling:

The Hon'ble Court held that right to information is an important right. At the same time, maintaining secrecy and confidentiality of the ballot papers, etc. is also an equally valuable right.

It was observed that the enactment of RTI Act has not occasioned an absolute right to citizen of India to ask for full details of electronic data relating to ballot papers stored in the control unit of the EVMs.

It was held that an application under the RTI may lie only with respect to information which the public authority can access. No confirmation of information can be made unless the data stored in the control units is encoded and downloaded. This is prohibited in the Election Rules. The Election Commission would be acting contrary to the express provisions of the Election Rules. Insisting for the information on the basis that it is mere "confirmation" and not "information" would only amount to indirectly achieving something which is directly prohibited.

It was also held that taking recourse to the RTI Act, secrecy of the data stored in the control unit of the EVMs will be obliterated and will be open to verification and examination in spite of strict and stringent provisions to the contrary in the Representation of the People Act and the Rules.

It was held that once the EVMs are sealed it is no longer open to the Election Commission to de-seal them and re-examine the data stored in the control unit except when the pre-conditions mentioned in the relevant rules are satisfied. This requires an order of a competent court/tribunal which is passed only when the stringent conditions are satisfied.

The Hon'ble Court observed that the aggrieved party is not left remediless and that in case of an election petition, the competent court can always direct furnishing of information on being satisfied that the parameters specified by the Supreme Court for furnishing of information and re-examination of data stored in the EVMs are met.

8. Election Manifestos

The Supreme Court in its judgment dated 5th July 2013 in SLP(C) No. 21455 of 2008 (*S. Subramaniam Balaji Vs Govt. of Tamil Nadu and Others*) directed the Election Commission to frame guidelines with regard to the contents of election manifestos in consultation with all the recognized political parties. The guiding principles which will lead to framing of such guidelines are quoted below from the judgment :-

- (i) Although, the law is obvious that the promises in the election manifesto cannot be construed as 'corrupt practice' under Section 123 of RP Act, the reality cannot be ruled out that distribution of freebies of any kind, undoubtedly, influences all people. It shakes the root of free and fair elections to a large degree.
- (ii) The Election Commission, in order to ensure level playing field between the contesting parties and candidates in elections and also in order to see that the purity of the election process does not get vitiated, as in past has been issuing instructions under the Model Code of Conduct. The fountainhead of the powers under which the Commission issues these orders is Article 324 of the Constitution which mandates the Commission to hold free and fair elections.
- (iii) We are mindful of the fact that generally political parties release their election manifesto before the announcement of election date, in that scenario, strictly speaking, the Election Commission will not have the authority to regulate any act which is done before the announcement of the date . Nevertheless, an exception can be made in this regard as the purpose of election manifesto is directly associated with the election process.

Having due regard to the above directions of the Supreme Court and after consultation with the Political Parties, the Commission, in the interest of free and fair elections , directed that Political Parties and Candidates while releasing election manifestos for any election to the Parliament or State Legislatures, shall adhere to the following guidelines :-

(i) The election manifesto shall not contain anything repugnant to the ideals and

principles enshrined in the Constitution and further that it shall be consistent with the letter and spirit of other provisions of Model Code of Conduct.

(ii) The Directive Principles of State Policy enshrined in the Constitution enjoin upon the State to frame various welfare measures for the citizens and therefore there can be no objection to the promise of such welfare measures in election manifestos. However, political parties should avoid making those promises which are likely to vitiate the purity of the election process or exert undue influence on the voters in exercising their franchise.

(iii) In the interest of transparency, level playing field and credibility of promises,

it is expected that manifestos also reflect the rationale for the promises and broadly indicate the ways and means to meet the financial requirements for it. Trust of voters should be sought only on those promises which are possible to be fulfilled.

Prohibitory period of Release of Manifesto during elections(s)

i. In case of single phase election, manifesto shall not be released during the prohibitory period, as prescribed under Section 126 of the Representation of the People Act, 1951.

ii. In case of multi-phase elections, manifesto shall not be released during the prohibitory periods, as prescribed under Section 126 of the Representation of the People Act, 1951, of all the phases of those elections.

9. Political Funding

A USAID survey¹⁵ of 118 nations revealed that 37% of the countries surveyed had no disclosure laws. Another 13% have “hidden transparency” where finances are reported only to the government, and the public is not allowed to view the reports. Another 35% of the countries surveyed provided reports that were so brief that they were of little value, particularly for informing the public about the political finance of their leaders. Only the remaining 15% of the countries examined by USAID actually reporting openly and fully to their governments and people.

Transparency and Disclosure Laws' Test

Gene Ward¹⁶ argues that if political parties, candidates and donors could answer the following five questions with the records they keep and would be willing to be transparent (in a timely manner and accessible by the public) about their political financing arrangements, there would be no need for disclosure laws.

- Who gave? (The donor identity question.)
- How much? (The itemized amount attached to the donor's name)
- When? (The date of the donation.)
- To Whom? (The name of the party or candidate receiving the money or "anything of value".)
- For What? (The name of the vendor or person receiving the money identified by name and category of the expenditure.)

Section 29C of the Representation of the People Act, 1951 states as follows:

29C. Declaration of donation received by the political parties.—(1) The treasurer of a political party or any other person authorized by the political party in this behalf shall, in each financial year, prepare a report in respect of the following, namely:—

- (a) the contribution in excess of twenty thousand rupees received by such political party from any person in that financial year;

¹⁵ USAID draft publication, *Money & Politics Handbook: A Guide to Increasing Transparency in Emerging Democracies*, Oct. 2002.

¹⁶ Gene Ward, Ph.D., Democracy Fellow, USAID, *Overview of Disclosure and Transparency in Political Funding in Latin America*.

(b) the contribution in excess of twenty thousand rupees received by such political party from companies other than Government companies in that financial year.

(2) The report under sub-section (1) shall be in such form as may be prescribed.

(3) The report for a financial year under sub-section (1) shall be submitted by the treasurer of a political party or any other person authorised by the political party in this behalf before the due date for furnishing a return of its income of that financial year under section 139 of the Income-tax Act, 1961 (43 of 1961), to the Election Commission.

(4) Where the treasurer of any political party or any other person authorised by the political party in this behalf fails to submit a report under sub-section (3) then, notwithstanding anything contained in the Income-tax Act, 1961 (43 of 1961), such political party shall not be entitled to any tax relief under that Act.¹⁷

Electoral Bonds

The Government has notified the scheme of Electoral Bonds to cleanse the system of political funding in the country, according to the Ministry of Finance.

The broad features of the scheme are given below:¹⁸

1. Electoral Bond would be a bearer instrument in the nature of a Promissory Note and an interest free banking instrument. A citizen of India or a body incorporated in India will be eligible to purchase the bond.
2. Electoral bond would be issued/purchased for any value, in multiples of Rs.1,000, Rs.10,000, Rs.1,00,000, Rs.10,00,000 and Rs.1,00,00,000 from the specified branches of the State Bank of India (SBI).
3. The purchaser would be allowed to buy electoral bond(s) only on due fulfilment of all the extant KYC norms and by making payment from a bank account. It will not carry the name of payee. Electoral Bonds would have a life of only 15 days during which it can be used for making donation only to the political parties registered under

¹⁷ Former Election Commissioner Dr S.Y. Quraishi once commented: "It's true that most political parties don't submit their annual report on donations, but we can't take action against political parties not furnishing details of their funding as there is no penal provision in the law." Of the 50 recognised and 900 unrecognised but registered political parties in the country, only 15 political parties filed their annual report to the ECI in 2005-06 and - one less -14 in 2006-07. (Kanwar Sandhu and Manish Tiwari, 'No law, so parties don't reveal funding details', *Hindustan Times*, May 03, 2008.)

¹⁸ https://dea.gov.in/sites/default/files/Electoral%20Bonds_Press%20RELEASE_2-1-2018.pdf, accessed on 14.03.2024

section 29A of the Representation of the Peoples Act, 1951 (43 of 1951) and which secured not less than one per cent of the votes polled in the last general election to the House of the People or a Legislative Assembly.

4. The bonds under the Scheme shall be available for purchase for a period of 10 days each in the months of January, April, July and October, as may be specified by the Central Government. An additional period of 30 days shall be specified by the Central Government in the year of the General election to the House of People.

5. The bond shall be encashed by an eligible political party only through a designated bank account with the authorized bank.

Supreme Court confirms Voters right to know the sources of political party funding¹⁹

In a landmark judgment on February 15, 2024, the Supreme Court of India struck down the Electoral Bond Scheme implemented by the government since 2017. The court found the scheme to be unconstitutional on the grounds that it violated the right to information of voters enshrined in Article 19(1)(a) of the Constitution.²⁰

- The anonymity provided by electoral bonds prevented voters from knowing the sources of funding for political parties. This lack of transparency, the court argued, hindered informed decision-making during elections

The court directed the government to stop the sale of electoral bonds with immediate effect and directed the Election Commission of India to publish on its website the information shared by SBI by March 15. SBI needs to provide details of each electoral bonds purchased, name of purchaser, denomination of electoral bonds, and details of each electoral bond redeemed by political parties including the date of encashment.

¹⁹ *Association for Democratic Reforms & Others vs. Union of India & Others*, Supreme Court Writ Petition (C) No. 880 of 2017 Decided on February 15, 2024

²⁰ The judgment was delivered by five-judge Constitution Bench of the Supreme Court of India:

- Chief Justice of India: D.Y. Chandrachud (Authored the lead judgment)
- Justice: Sanjiv Khanna (Authored a concurring judgment)
- Justice: B.R. Gavai
- Justice: J.B. Pardiwala
- Justice: Manoj Misra

The Election Commission of India has uploaded the data on electoral bonds on its website as received from SBI on “as is where is basis”. The data and other information on political funding such as Contribution Reports, Electoral Trust reports, Expenditure reports, Annual Audit Reports can be accessed at this URL:

<https://www.eci.gov.in/candidate-politicalparty>

The essence of the Supreme Court's judgment on the Electoral Bond Scheme can be captured in two key points:

- **Violation of Right to Information:** The court primarily based its decision on the fact that anonymous electoral bonds violated the right to information guaranteed by Article 19(1)(a) of the Indian Constitution. This right allows citizens to access information held by public authorities, which includes political parties to a certain extent. The court argued that voters have a right to know the sources of funding for political parties to make informed choices during elections. Anonymous donations through electoral bonds hindered this transparency.
- **Unconstitutionality of the Scheme:** As a consequence of the above point, the court deemed the entire Electoral Bond Scheme unconstitutional. This meant that all the amendments made to various Acts (Representation of the People Act, Finance Act, Companies Act) to facilitate the scheme were also declared unconstitutional.

Some additional aspects that contribute to the essence of the judgment:

- **Emphasis on Transparency:** The court highlighted the importance of transparency in political funding to ensure accountability and prevent potential corruption. Anonymous donations could create a system where parties are beholden to unknown entities.
- **Participatory Democracy:** The judgment emphasized that right to information is crucial for a healthy participatory democracy. Voters need information about political parties' funding sources to make informed decisions and hold them accountable.

This judgment has significant implications for political funding in India. It remains to be seen how the government will respond, whether by appealing the verdict or introducing a new scheme that addresses the concerns raised by the court.

Justice Sanjiv Khanna in concurring judgment observed as follows:

Democratic legitimacy is drawn not only from representative democracy but also through the maintenance of an efficient participatory democracy. In the absence of fair and effective participation of all stakeholders, the notion of representation in a democracy would be rendered hollow.

The Court further held as follows:

Economic inequality leads to differing levels of political engagement because of the deep association between money and politics. At a primary level, political contributions give a “seat at the table” to the contributor. That is, it enhances access to legislators.

This access also translates into influence over policy-making. An economically affluent person has a higher ability to make financial contributions to political parties, and there is a legitimate possibility that financial contribution to a political party would lead to quid pro quo arrangements because of the close nexus between money and politics.

Quid pro quo arrangements could be in the form of introducing a policy change, or granting a license to the contributor. The money that is contributed could not only influence electoral outcomes but also policies particularly because contributions are not merely limited to the campaign or pre-campaign period. Financial contributions could be made even after a political party or coalition of parties form Government. The possibility of a quid pro quo arrangement in such situations is even higher. Information about political funding would enable a voter to assess if there is a correlation between policy making and financial contributions.

10. Income Tax Returns filed by Political Parties

Central Information Commission pronounced a landmark Decision ²¹ directing disclosure of Income Tax Returns filed by political parties. Association for Democratic Reforms filed an RTI application before Central Board of Direct Taxes, seeking information on the following points:

- (i) Whether the political parties mentioned in the RTI-application have submitted their Income Tax Returns for the years 2002-03, 2003-04, 2004-05, 2005-06, 2006-07.
- (ii) PAN Nos. allotted to these parties.
- (iii) Copies of the Income Tax Returns filed by the political parties for the afore-mentioned years along-with the corresponding assessment orders, if any.

The Election Commission in their response stated that under the law the political parties are not required to furnish to the Commission information about their Income Tax Returns. However, under Section 29C of the Representation of the People Act, 1951, the political parties are required to prepare a report in respect of the contributions received by them from any person or company in excess of Rs.20,000/- in a financial year and the report is to be submitted to the Commission under the Conduct of Elections Rules, 1961.

However, filing of this report is optional. The Election Commission also stated that they have submitted a proposal suggesting an amendment so as to make it mandatory for the political parties to publish their audited accounts annually for information and scrutiny of the general public.

The Communist Party of India, vide their letter dated 04.04.2007 addressed to the Commissioner of Income Tax, New Delhi, stated that they have had no objection if information concerning them was disclosed. The Communist Party of Marxists also submitted 'no objection' to the disclosure of information. Other parties objected to the disclosure. CIC held as follows:

²¹ *Anumeha, Association for Democratic Reforms v. Commissioner of Income Tax (ITA), CBDT & Others* [CIC/AT/A/2007/01029 ,CIC/AT/A/2007/01263-1270(Total : 9 Appeals)Date of Decision 29 April, 2008]

46. In this case, the information asked for is available with the Public Authority, i.e. Income Tax Department and is asked for by a citizen. The information relates to various political parties and has been provided by them to a Public Authority in obedience to the provisions of law. The Commission has been consistently holding that the Income Tax Returns and other details concerning an assessee are not to be disclosed unless warranted by requirements of public purpose. (Mrs. Shobha R. Arora Vs. Income Tax, Mumbai (Appeal No.CIC/MA/A/2006/00220; Decision No.119/IC(A)/2006; Date of Decision:14.7.2006) and Ms. Neeru Bajaj Vs. Income Tax (Appeal No.CIC/AT/A/2006/00644 & CIC/AT/A/2006/00646; Date of Decision 21.2.2007)

47. Thus, an information which is otherwise exempt, can still be disclosed if the public interest so warrants. That public interest is unmistakably present is evidenced not only in the context of the pronouncements of the Apex Court but also the recommendations of the National Commission for the Review of the Working of the Constitution and of the Law Commission.

48. Political financing and its potentiality for distorting the functioning of the government, has been the subject of wide public debate in contemporary democracies. It is recognized that political parties do need large financial resources to discharge their myriad functions. But this recognition is tinged with the apprehension that non-transparent political funding could, by exposing political parties, and through it, the organs of State which come under the control or its influence, to the corrupting influence of undisclosed money, can inflict irreversible harm on the institutions of government. There is public purpose in preventing such harm to the body-politic.

49. Democratic States, the world over, are engaged in finding solutions to the problem of transparency in political funding. Several methodologies are being tried such as State subsidy for parties, regulation of funding, voluntary disclosure by donors — at least large donors — and so on. The German Basic Law contains very elaborate provisions regarding political funding.

Section 21 of the Basic Law enjoins that political parties shall publicly account for the sources and the use of their funds and for their assets. The German Federal Constitutional Court has in its decisions strengthened the trend towards transparency in the functioning of political parties. It follows that transparency in funding of political parties in a democracy is the norm and, must be promoted in public interest. In the present case that promotion is being effected through the disclosure of the Income Tax Returns of the political parties.

50. The Commission directs that the public authorities holding such information shall, within a period of six weeks of this order, provide the following information to the appellant:-

Income Tax Returns of the political parties filed with the public authorities and the Assessment Orders for the period mentioned by the appellant in her RTI-application dated 28.02.2007.

The Commission also directs that the PAN of those political parties whose Income Tax Returns are divulged to the applicant shall not be disclosed. It has been decided not to disclose PAN in view of the fact that there is a possibility that this disclosure could be subjected to fraudulent use, reports of which have lately been appearing. It is, therefore, considered practical that while Income Tax Returns and the Assessment Orders pertaining to political parties be disclosed, there should be no disclosure of the PANs of such parties.

Disclosure of Information

Finally, Association for Democratic Reforms could obtain Income Tax documents submitted by the parties; source of income for political parties, excluding the Left parties, was from corporate houses, voluntary donations and membership fees.²²

India Today, in 2008, filed RTI requests to get details of funds collected by political parties. Records revealed that over the last three financial years, the seven recognized national parties together collected over Rs 814 crore from donations and

²² Chetan Chauhan, 'Power makes political parties grow richer, faster', *Hindustan Times*, 17 Sep. 2008.

voluntary contributions. Of this, the 1,134 donors that the parties have named in their returns account for only Rs 87 crore. *India Today* observed as follows:²³

The IT Department, in turn, shows no keenness to scrutinise the files and impose penalties as per the rules. A senior official at the IT Department says they keep the tax returns of political parties as they are filed; sometimes they scrutinise them and send notices out.

But because they can only address the income of parties, which is exempt from income tax, the scrutiny becomes meaningless. Most parties don't enclose details of fixed assets.

India Today had earlier speculated on sources of political funding:²⁴

The biggest chunk of funds comes from contractors of public works-essentially roads, highways, power plants, irrigation canals and even housing projects funded by state governments and the Centre. Since 1998, power projects with a generating capacity of 17000 MW, estimated to cost around Rs 70,000 crore, have been added. State governments together are estimated to have spent around Rs 1,50,000 crore in the past five years. Contractors in states going to polls have already heard the special ringtones on their mobiles go off not just from the ruling combine but also the Opposition. After all, contracts issued by one regime could well result in bills being blocked by another.

Another big contributor to political funding is the transfer collection. To give an instance: In the past five years the Maharashtra Government transferred 3,000 sub-inspectors, 1,700 deputy SPs and ACPs, 500 Superintendents and 200 DIGs. While most transfers are politically motivated, some of them could have fetched politicians as much as Rs 25 lakh per transfer. And it is not just in Maharashtra that politicians encash their transfer powers. The same holds true for Revenue Department postings at the Centre too. Ditto with transfers of state electricity board engineers and PWD superintendents.

²³ Shyamlal Yadav, 'Funds and games', *India Today*, 7 Nov. 2008

²⁴ Shankkar Aiyar, 'Rs 11,562 Crore Show', *India Today*, 05.04.2005.

11. Political Parties under the RTI Act

Full Bench of Central Information Commission (CIC) on 3rd June, 2013 (File No. CIC/SM/C/2011/001386 and CIC/SM/C/2011/000838) pronounced a landmark decision bringing six national political parties (AICC/INC, BJP, CPI(M), CPI, NCP and BSP) under the ambit of RTI Act by way of interpretation of the term 'public authority' mentioned under Section 2(h) of the RTI Act.

The CIC while arriving at its decision has primarily laid out following arguments:-

- i) Political parties can be said to have been constituted by their registration by Election Commission of India (ECI), a fact akin to establishment or constitution of a body or institution by an appropriate Government;
- ii) Substantial (indirect) financing of political parties by the Central Government in multiple ways which includes allotment of land in Delhi and State capitals, Government accommodation/bungalow on concessional rent in prime areas of Delhi, total exemption of their donation from income tax under Section 13 A of Income Tax Act, 1961, free air time on Doordarshan and All India Radio and free electoral rolls by Election Commission;
- iii) Performance of Public duties by the political parties. Being unique institution they wield controlling influence directly or indirectly on the exercise of Government power in spite of being non-governmental; and
- iv) Political parties enjoy constitutional and legal rights and liabilities.

5. The CIC has *inter-alia* directed six national political parties to designate Central Public Information Officers (CPIO) and the Appellate Authorities at the Head Quarters within six weeks period from the date of its order.

Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, Sixty-sixth Report on the Right to Information (Amendment) Bill, 2013

The Right to Information (Amendment) Bill, 2013 was proposed to amend the Right to Information Act, 2005 in order to nullify order of full Bench of Central Information Commission.

The Committee noted that following provisions in other existing laws ensure adequate transparency in respect of financial matters of political parties and their candidates which have been stressed as grounds for not bringing political parties under RTI Act:

- Declaration of contribution received in excess of Rs.20,000/- from any individual and non governmental companies to Election Commission which that Commission put on its website (Section 29C of the RP Act, 1951, read with Rule 85B of the Conduct of Election Rules, 1961).
- Declaration of assets and liabilities by elected candidates for a House of Parliament (Section 75A of the RP Act, 1951)
- Maintenance of correct account of election expenditure of the candidate (Section 77 of the RP Act, 1951)
- Lodging of account of election expenses by the candidate with District Election Officer (Section 78 of the RP Act, 1951)
- Disqualification of the candidate for failing to lodge election expenses by Election Commission (Section 10A of the RP Act, 1951)
- Penalty for filing false affidavit (Section 125A of the RP Act, 1951)
- Direction from Election Commission of India to political parties to submit their accounts within 90 days after general election in case of Lok Sabha and 75 days in case of Assembly elections (last issued on 21st January, 2013)
- Inspection of accounts of a candidate of political party and obtaining the same from ECI on payment of nominal charges (Section 88 of the RP Act, 1951)
- Declaration of assets and liabilities to the Ethics Committee of House by the Members of Parliament

However, Minutes of Dissent submitted by Ms. Anu Aga, Member, Rajya Sabha is worth noting:

I consider political parties to be public authorities because they get substantive financial funding from the Government of India. For example:

- Allotment of land in prime areas of the national and state capitals at subsidised rates.
- Allotment of bungalows at highly subsidized rates.

- Free airtime on Doordarshan and All India Radio during Lok Sabha and State Assembly elections.
- Tax exemption on donations.

2. Political parties compete in elections to receive a mandate from the public to form the Government and therefore they are very different from ordinary NGOs or media houses or indeed any other private associations.

It is in the public interest that Political Parties disclose information about themselves to citizens because parties are the most essential ingredient for the functioning of our democracy-they perform a public duty, they have a public function and they have a legal basis.

3. There is concern among the Political Parties that if they come under the RTI Act their rivals will use RTI applications to get critical information and their strategies. However, under the Section 8(1) (d), there is no obligation for any public authority to give to a citizen "information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party".

To further safeguard this concern, the Supreme Court or Central Information Commission itself could issue a clarification with special reference to exempting a political party from voluntary disclosure on matters that give its rivals/competitors information about its strategies.

4. There is currently very little transparency about the financial affairs of political parties. They are only required to submit expense reports to the Election Commission during elections, and income tax statements to the tax authorities. But more than 80% of their income is from "unknown" sources, as was revealed in a recent RTI application. Their tax exempt status is contingent on their filing tax returns. But non-filing attracts no penalty, nor recovery of taxes. The Election Commission can register, but not de-register or penalize parties in any way. So it is very important that their finances be disclosed via RTI framework.

Most importantly if political parties are to play a critical role in improving governance, they themselves must submit to higher standards of transparency and accountability. It is of utmost importance that financing and expenses of parties be completely transparent.

Under section 13A of the Income Tax Act, 1961, a political party can claim exemption from tax, provided that

(a) such political party keeps and maintains such books of account and other documents as would enable the Assessing Officer to properly deduce its income therefrom;

(b) in respect of each such voluntary contribution in excess of twenty thousand rupees, such political party keeps and maintains a record of such contribution and the name and address of the person who has made such contribution; and

(c) the accounts of such political party are audited by an accountant as defined in the *Explanation* below sub-section (2) of section 288 :

Provided further that if the treasurer of such political party or any other person authorised by that political party in this behalf fails to submit a report under sub-section (3) of section 29C of the Representation of the People Act, 1951 (43 of 1951) for a financial year, no exemption under this section shall be available for that political party for such financial year.

12. Assets of the Members of the Lok Sabha

Section 75A of the Representation of the People Act, 1951 requires disclosure of assets by elected candidates:

75A. Declaration of assets and liabilities.—(1) Every elected candidate for a House of Parliament shall, within ninety days from the date on which he makes and subscribes an oath or affirmation, according to the form set out for the purpose in the Third Schedule to the Constitution, for taking his seat in either House of Parliament, furnish the information, relating to—

- (i) the movable and immovable property of which he, his spouse and his dependent children are jointly or severally owners or beneficiaries;
- (ii) his liabilities to any public financial institution; and
- (iii) his liabilities to the Central Government or the State Government, to the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

(2) The information under sub-section (1) shall be furnished in such form and in such manner as may be prescribed in the rules made under sub-section (3).

(3) The Chairman of the Council of States or the Speaker of the House of the People, as the case may be, may make rules for the purposes of sub-section (2).

(4) The rules made by the Chairman of the Council of States or the Speaker of the House of the People, under sub-section (3) shall be laid, as soon as may be after they are made, before the Council of States or the House of the People, as the case may be, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the Council of States or the House of the People and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(5) The Chairman of the Council of States or the Speaker of the House of the People, as the case may be, may direct that any wilful contravention of the rules made under sub-section (3) by an elected candidate for a House of Parliament

referred to in sub-section (1) may be dealt with in the same manner as a breach of privilege of the Council of States or the House of the People, as the case may be.

Explanation.—For the purposes of this section,—

- (i) "immovable property" means the land and includes any building or other structure attached to the land or permanently fastened to anything which is attached to the land;
- (ii) "movable property" means any other property which is not the immovable property and includes corporeal and incorporeal property of every description;
- (iii) "public financial institution" means a public financial institution within the meaning of section 4A of the Companies Act, 1956 (1 of 1956), and includes bank;
- (iv) "bank" referred to in clause (iii) means—
 - (a) State Bank of India constituted under section 3 of the State Bank of India Act, 1955 (23 of 1955);
 - (b) subsidiary bank having the meaning assigned to it in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);
 - (c) Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976 (21 of 1976);
 - (d) corresponding new bank having the meaning assigned to it in clause (da) of section 5 of the Banking Regulation Act, 1949 (10 of 1949); and
 - (e) co-operative bank having the meaning assigned to it in clause (cci) of section 5 of the Banking Regulation Act, 1949 (10 of 1949) as modified by sub-clause (/) of clause (c) of section 56 of that Act; and
- (v) "dependent children" means sons and daughters who have no separate means of earning and are wholly dependent on the elected candidate referred to in sub-section (1) for their livelihood.

The Speaker, Lok Sabha has framed "The Members of Lok Sabha (Declaration of Assets and Liabilities) Rules, 2004" which came into force with effect from 4 August, 2004. Under the Rules, a duty has been cast upon the members to furnish information pertaining to their assets and liabilities and that of their spouses and

dependent children, which are kept under the custody of the Speaker, Lok Sabha. As and when such information has been sought under the Right to Information Act, the same has been invariably provided to the applicant with the permission of the Speaker, Lok Sabha.²⁵

In 2004, the then Speaker issued an order asking all MPs to follow this rule in letter and spirit. There has been cent per cent adherence to the order for sending the details of MPs' assets and liabilities in sealed covers to the secretariat. It is also mandatory for the MPs to update these details on an yearly basis as and when there is a change in its status.

When the RTI Act was subsequently enacted, many applications started reaching the Lok Sabha Secretariat, seeking the latest details of MPs' assets, creating an entirely new situation for the staff. The initial advise to the Speaker from the Lok Sabha Secretariat was against letting public know the details. The Speaker then over-ruled this view and issued an order, asking the designated staff to open the sealed covers. The only condition was that the applicants should reach the Lok Sabha Secretariat to personally see the declared assets.²⁶

Relevant Rules of the Members of Lok Sabha (Declaration of Assets and Liabilities) Rules, 2004 are as follows:

3. Furnishing of information regarding assets and liabilities by members.—

Every elected candidate for the House of the People shall, within ninety days from the date on which he makes and subscribes an oath or affirmation for taking his seat, furnish as in Form I the following information as required to be furnished by him to the Speaker in pursuance of sub-section (1) of section 75 A, namely:—

- (i) the movable and immovable property of which he, his spouse and his dependent children are jointly or severally owners or beneficiaries;

²⁵ Twelfth Report of Committee Of Privileges (Fourteenth Lok Sabha) on "Requests from Courts of Law and investigating agencies, for documents pertaining to proceedings of House, Parliamentary Committees or which are in the custody of Secretary General, Lok Sabha, for production in Courts of Law and for investigation purposes", 28 April, 2008.

²⁶ http://economictimes.indiatimes.com/News/PoliticsNation/To_check_MPs_assets_just_send_RTI_to_Speaker/articleshow/2980989.cms

- (ii) his liabilities to any public financial institution; and
- (iii) his liabilities to the Central Government or to the State Governments.

4. Register of Declaration of Assets and Liabilities.—

- (1) The Secretary-General shall maintain a register to be called the Register of Declaration of Assets and Liabilities of Elected Members as in Form II.
- (2) The Secretary-General shall cause entries to be made in the Register based on the information furnished by every member under rule 3.
- (3) The information in relation to each member, his spouse and dependent children shall be recorded on a separate page in the Register.
- (4) The information contained in the Register shall be treated as confidential and it shall not be made available to any person except with the written permission of the Speaker.

13. Register of Members' Interests

Rajya Sabha adopted on 21st March, 2006 Sixth Report of its Committee on Ethics on Procedure, under Sub-Rule (3) of Rule 293 for giving information contained in the "Register of Members' Interests" to the general public.

The Committee in its Fourth Report identified five pecuniary interests viz. Remunerative Directorship, Regular Remunerated Activity, Shareholding of Controlling Nature, Paid Consultancy and Professional Engagement, and recommended that Members may declare their interests in the prescribed form for registration in the 'Register of Members' Interests'.

The Committee after some discussion unanimously adopted the following procedure, under sub-rule (3) of Rule 293, for giving information contained in the 'Register of Members' Interests' to the general public:

The information contained in the 'Register of Members' Interests' may be made available to a person with written permission of the Chairman, Committee on Ethics. The application should state:

- (i) that person's name, occupation and address;
- (ii) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and
- (iii) that such person is aware of the prohibitions on the obtaining or use of the information as in the following para.

It will be illegal for any person to obtain or use the said information: (i) for any unlawful purpose; (ii) for any commercial purpose, other than by news and communications media for dissemination to the general public; (iii) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

The conditions of public access to the 'Register of Members' Interests' may be as follows:

- (i) Access is to be supervised.
- (ii) Inquirers may make notes. A photocopy of a Member's statement or declaration may be supplied if requested. In all cases, a photocopy will be

supplied only of a Member's complete statement or declaration, and not extracts. A copy of a statement or declaration may be collected in person or may be sent by post.

(iii) The following access records will be maintained: name and address of inquirer (and organization, if relevant), date and time of inspection, and total number of pages photocopied.

(iv) Details from the register (e.g. advice as to whether a particular Member has or has not declared a particular interest or notified a particular alteration) will not be provided over the telephone.

14. Code of Conduct for Ministers of Union and State Governments

Government of India has prescribed a Code of Conduct which is applicable to Ministers of both the Union and State Governments. The authority for ensuring the observance of the present Code of Conduct is the Prime Minister in the case of Union Ministers, the Prime Minister and the Union Home Minister in the case of Chief Ministers, and the Chief Minister concerned in the case of Ministers of the State Government.

The Code was not in the public domain for some time and members of the public were not aware of the existence of such Code. Administrative Reforms Commission not only recommended that the Code should be put in the public domain, but also disclosed it in one of its reports:²⁷

1. In addition to the observance of the provisions of the Constitution, the Representation of the People Act, 1951, and any other law for the time being in force, a person before taking office as a Minister, shall:
 - a. disclose to the Prime Minister, or the Chief Minister, as the case may be, details of the assets and liabilities, and of business interests, of himself and of members of his family. The details to be disclosed shall consist of particulars of all immovable property and the total approximate value of (i) shares and debentures, (ii) cash holdings and (iii) jewelry;
 - b. sever all connections, short of divesting himself of the ownership, with the conduct and management of any business in which he was interested before his appointment as Minister; and
 - c. with regard to a business concern which supplies goods or services to the Government concerned or to undertakings of that Government (excepting in the usual course of trade or business and at standard or market rates) or whose business primarily depends on licenses, permits, quotas, leases, etc., received or to be received from the Government concerned, divest himself of all his interests in the said business and also of the management thereof.

²⁷ *Ethics in Governance*, Second Administrative Reforms Commission, January 2007.

Provided, however, that he may transfer in the case of (b) his interest in the management, and in the case of (c) both ownership and management, to any adult member of his family or adult relative, other than his wife (or husband, as the case may be), who was prior to his appointment as Minister associated with the conduct or management or ownership of the said business. The question of divesting himself of his interests would not arise in case of holding of share in public limited companies except where the Prime Minister, or the Chief Minister, as the case may be, considers that the nature or extent of his holding is such that it is likely to embarrass him in the discharge of his official duties.

2. After taking office, and so long as he remains in office, the Minister shall:-

- (a) furnish annually by the 31st March to the Prime Minister, or the Chief Minister, as the case may be, a declaration regarding his assets and liabilities;
- (b) refrain from buying from or selling to, the Government any immovable property except where such property is compulsorily acquired by the Government in usual course;
- (c) refrain from starting, or joining, any business;
- (d) ensure that the members of his family do not start, or participate in, business concerns, engaged in supplying goods or services to that Government (excepting in the usual course of trade or business and at standard or market rates) or dependent primarily on grant of licenses, permits, quotas, leases, etc., from that Government; and
- (e) report the matter to the Prime Minister, or the Chief Minister as the case may be, if any member of his family sets up, or joins in the conduct and management of, any other business.
- (f) uphold the political impartiality of the civil services and not ask the civil servants to act in any way which would conflict with the duties and responsibilities of the civil servants.

3.1 No Minister should:-

- (a) personally, or through a member of his family, accept contribution for any purpose, whether political, charitable or otherwise. If any purse or cheque intended for a registered society, or a charitable body, or an institution

recognized by a public authority, or a political party is presented to him, he should pass it on as soon as possible to the organisation for which it is intended; and

(b) associate himself with the raising of funds except for the benefit of (i) a registered society, or a charitable body, or an institution recognised by a public authority and (ii) a political party. He should, however, ensure that such contributions are sent to a specified office bearer, etc. of the society or body or institution of party concerned and not to him. Nothing herein before shall prevent a Minister from being associated with the operation for disbursement of funds raised as above.

3.2 A Minister, including the Union Ministers, the Chief Ministers and other Ministers of State Governments/Union Territories, should not permit their spouse and dependents to accept employment under a Foreign Government, in India or abroad, or in a foreign organisation (including commercial concerns) without prior approval of the Prime Minister. Where the wife or a dependent of a Minister is already in such employment, the matter should be reported to the Prime Minister for decision whether the employment should or should not continue. As a general rule, there should be total prohibition on employment with a Foreign Mission.

4.1 A Minister should-

(a) not accept valuable gifts except from close relatives, and he or members of his family should not accept any gifts at all from any person with whom he may have official dealings; and

(b) not permit a member of his family, contract debts of a nature likely to embarrass or influence him in the discharge of his official duties.

4.2 A Minister may receive gifts when he goes abroad or from foreign dignitaries in India. Such gifts fall into two categories. The first category will include gifts, which are of symbolic nature, like a sword of honour, ceremonial robes etc. and which can be retained by the recipients. The second category of gifts would be those which are not of symbolic nature. If its value is less than Rs. 5,000/- it can be retained by the Minister. If, however, there is any doubt about the estimated value of the gifts, the matter should be referred to the Toshakhana for valuation. If the value of the gift, on assessment is found

to be within the prescribed limit of Rs.5,000/- the gift will be returned to the Minister. If it exceeds Rs.5,000/- the recipient will have the option to purchase it from the Toshakhana by paying the difference between the value as assessed by the Toshakhana and Rs.5,000/-. Only gifts of household goods which are retained by the Toshakhana, such as carpets, paintings, furniture etc. exceeding Rs.5,000/- in value, will be kept in Rashtrapati Bhavan, Prime Minister's House or Raj Bhavan as State property.

(Note: The value of the gift refers to its approximate market value in the country of origin).

4.3 In case of grant of an award by any organization to a Minister/a person holding the Minister's status/rank, the following procedure may be followed:-

- (a) the credentials of the organization giving award may be gone into;
- (b) if the credentials of the body giving the awards are unimpeachable, the award as such, may be accepted but the cash part should not be accepted;
- (c) if the awards relate to the work done by the individual prior to his holding the office of Minister, such awards may be accepted but in all such cases, specific approval of the Prime Minister or the Chief Minister as the case may be, should be obtained. The Chief Minister and other Ministers shall have to take permission of the Prime Minister and the Union Home Minister; and
- (d) those instances, where a Minister is to receive any award by any organization which has connections with any Foreign Agencies/Organizations, such a Minister/ a person holding the Minister's status/rank, will have to seek prior approval of the Prime Minister of India.

4.4 A Minister should follow the instructions given from time to time by the Prime Minister in matters relating to attending functions arranged by foreign missions in India or abroad, and also for accepting the membership of any foreign trust, institution or organization other than UN Organizations of which India is a Member.

5. A Minister should-

- (a) while on official tour, as far as practicable, stay in accommodation belonging to himself or maintained by Government, Government undertakings, public bodies or institutions (such as circuit houses, dak bungalows etc) or in recognized hotels; and

(b) avoid attending, as far as possible, ostentatious or lavish parties given in his honour.

6. The authority for ensuring the observance of the Code of Conduct will be the Prime Minister in the case of Union Ministers, the Prime Minister and the Union Home Minister in the case of Chief Ministers, and the Chief Minister concerned in the case of State Ministers except where it is otherwise specified. The said authority would follow such procedure as it might deem fit, according to the facts and circumstances of each case, for dealing with or determining any alleged or suspected breach of this Code.

Explanation: In this code, a Minister's family shall include his wife (or husband, as the case may be) not legally separated from him(or her), minor children, and any other persons related by blood or marriage to, and wholly dependent on the Minister.

The Ministry of Home Affairs revised the Code of Conduct. *India Today* reports that the only new thing in this revision, as MHA sources confirmed, is that the minister can update their annual details of assets and liabilities by August 31 of every year. Earlier this deadline was June 30 of every year. The rules for Members of Parliament however remain as usual and they have to file their updates every year by June 30 only.²⁸

A formal note was sent by the Union home ministry to all states and UTs of Delhi and Puducherry in December 2009, asking them to adhere to the revised code the way it is being observed by ministers at the Centre.²⁹

According to *India Today's* study in 2010, out of 28 states and two Union Territories with Assemblies, only two Governments could furnish details about the assets and liabilities of their ministers and MLAs, when *India Today* filed RTI requests to each chief minister and state Assembly. Only the chief ministers of Gujarat and Kerala were able to give complete information that had been sought.³⁰

²⁸ Shyamlal Yadav, 'MHA revises Code of Conduct for Ministers', *India Today*, 4 Feb. 2010.

²⁹ *Times of India*, 'Asset test is for all ministers: Centre', 4 Feb. 2010.

³⁰ Shyamlal Yadav, 'Denying transparency', *India Today*, 12 Feb. 2009.

Excerpts from *India Today's* news story:

Haryana, Himachal Pradesh and Uttarakhand pleaded their helplessness in getting such details from their ministers despite repeated reminders, which in some cases numbered 10.

While they had at least tried, the RTI applications to the remaining states drew a blank either because they had no mechanisms in place to collect the required data or the respondents were playing truant and had chosen not to reply.

Amid this startling lack of transparency, the reply from Gujarat Chief Minister Narendra Modi's office was a welcome change. The message, which explained how Modi had asked the ministers to file details of their assets and liabilities at a cabinet meeting on January 30, 2008, concluded that every minister had done the needful and that there were no defaulters.

The office of Kerala Chief Minister V.S. Achuthanandan also noted that the ministers had complied with the request and had submitted statements of their assets and liabilities under the provision of Section 22 of the Kerala Lok Ayukta Act 1999.

The total number of MLAs in 29 assemblies of the country (excluding the 87 in Jammu & Kashmir) is 4,033 but few know what the size of their assets or liabilities are.

Assembly Speakers have made little effort to call for such details from the MLAs. Only states like Karnataka, Kerala, Uttarakhand and Tripura have such rules.

According to Section 22 of Karnataka Lokayukta Act, 1984, which came into effect on January 15, 1986, an MLA is supposed to file such details before June 30 each year. Explaining the procedure, the response of the Karnataka Assembly Secretariat concluded that, "Most of the members are filing their details as per the provision. And there is no defaulter."

The Kerala Assembly on its part said, "As per the Kerala Lok Ayukta Act 1999 and the Kerala Lok Ayukta (Furnishing Property Statement) Rules 1999, it is mandatory for the members of the Kerala Legislative Assembly to file their details of assets and liabilities ... This act took effect on March 4, 1999." The Kerala Raj Bhavan said only three MLAs have not furnished their property details.

15. Grievance Redressal Mechanism for Citizens, Candidate and Political Parties

Cvigil: By using the Cvigil app, citizens can record on his Android mobile and promptly to election authorities report any violation of Model Code of Conduct, any incident of intimidation or inducement within minutes of having witnessed them and without having to go to the office of the returning officer. Cvigil is a simple, Android-based- Mobile App which is user friendly and easy to operate. All that one has to do is to simply click a picture or to take a video and briefly describe the activity before uploading it on the Cvigil mobile application. If the complainant desires to remain anonymous he has the option to do so. Cvigil provides time-stamped evidentiary proof of the Model Code of Conduct / Expenditure Violation, having live photo/ video with auto location data. The District Control Room allocates Cvigil cases to the Flying Squads etc. through GIS-based platform. Flying Squads investigate the matter and the Returning Officer takes the decision. The status of Cvigil is shared with the Cvigil complainant within 100 minutes.

PwD App: Eligible citizens/ citizens in the category of Persons with Disabilities (PwDs) can request for new registration, change in address, change in particulars and mark themselves as PwD through the use of the mobile application. By simply entering their contact details, the Booth Level Officer is assigned to provide doorstep facility. PwDs can also request for a wheelchair during polling. The app is available at google play store [here](#).

Voter Helpline Mobile app provides convenience to all Citizens of finding names in the electoral roll, submitting online forms, checking the status of the application, filing complaints and receiving the reply on their mobile app. All forms, results, candidate affidavit, press notes, Voter awareness and important instructions are available through the mobile app. This popular app is available at Google Play Store.

Suvidha Candidate App: Contesting candidates can log on to the website <https://suvidha.eci.gov.in> and request for permissions. Upon successful registration, an Android based Mobile app is available for tracking the status of nomination, status of their permission requests. The candidates will be able to download the application from Google Play store and with their registered mobile number will be able to log on and keep track of their applications.

Samadhan: Election Commission of India has designed a single integrated web portal for registering and resolving citizen Information, Suggestion, Feedback and Complaints (IFSC). The website can be accessed: <https://ecicizenservices.eci.nic.in/>.

The universal portal is available for Election as well as non-election period, and any citizen can also use the facility from the convenience of their mobile phone to lodge a grievance using 'Voter Helpline' Mobile App. All the EROs, DEO, CEO and ECI Officials are connected into the Samadhan Portal and the complaint lodged in the Samadhan directly connects to concerned official. There is an escalation matrix configured into the system and if within a time frame the matter is not addressed by ERO, it gets escalated to the next levels.

Voter Helpline Contact Centre: Now a citizen can call universal tollfree helpline number of Election Commission of India i.e. 1950 to connect directly to District Contact Centre. All Districts & CEO Office across all States / UTs have established Contact Centre to provide Information and register Feedback, Suggestions and Complaints. Any user can call 1950 and obtain information about his Voter details in the electoral roll, check for the status of his enrolment application and also lodge grievance.

1950

To make the enrolment process more transparent and citizen friendly, the Election Commission decided to make call centers with a toll free telephone number functional at all State headquarters. On the Election Commission's request, BSNL allotted the toll free telephone number '1950' in 2011. This number is accessible from all landline and mobile telephones of the States without adding STD code. It

can also be accessed from outside the State by adding STD code of the State capital.

The citizens can make a call to the State call center using '1950' to enquire about the registration process, revision program and status of their claims & objections filed with Electoral Registration Officers/Assistant Electoral Registration Officers.

Common Concerns

Voters often face issue on the following concerns that can impact their ability to exercise their rights effectively:

Tendered Votes:

A person claiming to be a particular elector comes forward to vote after some other person has already voted as such elector. In such case, if the Presiding Officer is satisfied about the identity of such person to be the real voter after necessary questioning, such elector shall be permitted to vote only by means of a "Tendered Ballot Paper" (Not by means of the voting machine). The words 'Tendered Ballot Paper' will be stamped or written on its backside. The Presiding Officer will make necessary entry in the list of tendered votes (Form 17B appended to the Conduct of Elections Rules, 1961) and obtain the signature or thumb impression of the voter therein. The elector will record his vote on the tendered ballot paper by placing an arrow cross mark.

Challenged Vote:

The polling agents can also challenge the identity of a person claiming to be a particular elector by depositing a sum of Rs.2 in cash with the Presiding Officer for each such challenge. The Presiding Officer shall hold a summary inquiry into the challenge. If after the inquiry the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote. If he considers that the challenge has been established, the Presiding Officer shall debar the person challenged from voting and shall handover such person to the police with a written complaint. All such complaints to the Police should be vigorously pursued and prosecutions launched against the offenders so that they are convicted and suitably punished.

Refusal to cast a vote by a voter:

Sometimes there is a possibility of some voter not casting vote after signing the Register of Voters (Form 17A) even after option of NOTA is provided in the EVM/Ballot Paper. In such cases, if an elector after signing in Form 17A wishes to leave without voting, a remark can be made in the Register of Voters (Form 17 A) according to the situation/circumstances under which the elector is not voting like "left without voting" or "refused to vote" etc. In Form 17-C (Part-I) the number of such cases may be shown against Item (3) after scoring out the words "under Rule 49-O"therein.

Complaint about particulars printed on VVPAT paper slips:

If any voter alleges about the wrong printing of particulars of a candidate and/or symbol of that candidate on VVPAT paper slip printed by the VVPAT on pressing of concerned blue (candidate) button the Ballot Unit, the Presiding Officer the polling station should provide him/her a 'Form of Declaration to lodge a complaint and follow the procedure prescribed under rule 49MA.

Form 26
(See rule 4A)

Please affix your
recent passport
size photograph
here

**AFFIDAVIT TO BE FILED BY THE CANDIDATE ALONG WITH
NOMINATION PAPER BEFORE THE RETURNING OFFICER FOR ELECTION
TO.....(NAME OF THE HOUSE)
FROM.....CONSTITUENCY (NAME OF THE
CONSTITUENCY)**

PART A

I.....**son/daughter/wife
of.....Aged.....
years, resident of.....(mention
full postal address), a candidate at the above election, do hereby solemnly affirm and
state on oath as under:-

(1) I am a candidate set up by-----

(**name of the political party) / **am contesting as an Independent candidate.

(**strike out whichever is not applicable)

(2) My name is enrolled in.....(Name of the
Constituency and the state), at Serial No.....in Part No.....

(3) My contact telephone number(s) is/are.....and my
e-mail id (if any) is..... and my social media account(s) (if
any) is/are

(i).....

(ii).....

(iii).....

(4) Details of Permanent Account Number (PAN) and status of filing of Income tax return:

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed	Total income shown in Income Tax Return(in Rupees) for the last five Financial Years completed (as on 31 st March)	
	Self			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
2.	Spouse			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
3.	HUF (If Candidate is Karta/Coparcener)			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
4.	Dependent 1			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	

5.	Dependent 2			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
6.	Dependent 3...			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	

Note: It is mandatory for PAN holder to mention PAN and in case of no PAN, it should be clearly stated "No PAN allotted".

(5) Pending criminal cases

(i) I declare that there is no pending criminal case against me. (Tick this alternative if there is no criminal case pending against the Candidate and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) The following criminal cases are pending against me:

(If there are pending criminal cases against the candidate, then tick this alternative and score off alternative (i) above, and give details of all pending cases in the Table below)

Table

(a)	FIR No. with name and address of Police Station concerned			
------------	--	--	--	--

(b)	Case No. with Name of the Court			
(c)	Section(s) of concerned Acts/Codes involved (give no. of the Section, e.g. Section.....of IPC, etc.).			
(d)	Brief description of offence			
(e)	Whether charges have been framed (mention YES or NO)			
(f)	If answer against (e) above is YES, then give the date on which charges were framed			
(g)	Whether any Appeal/Application for revision has been filed against the proceedings (Mention YES or NO)			

(6) Cases of conviction

(i) I declare that I have not been convicted for any criminal offence. (Tick this alternative, if the candidate has not been convicted and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) I have been convicted for the offences mentioned below:

(If the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table below)

Table

(a)	Case No.			
(b)	Name of the Court			
(c)	Sections of Acts/Codes involved (give no. of the Section, e.g. Section..... of IPC, etc.).			
(d)	Brief description of offence for which convicted			
(e)	Dates of orders of conviction			
(f)	Punishment imposed			
(g)	Whether any Appeal has been filed against conviction order (Mention YES			

	or No)			
(h)	If answer to (g) above is YES, give details and present status of appeal			

(6A) I have given full and up-to-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).

[candidates to whom this Item is not applicable should clearly write NOT APPLICABLE IN VIEW OF ENTRIES IN 5(i) and 6(i), above]

Note:

- 1. Details should be entered clearly and legibly in BOLD letters.**
- 2. Details to be given separately for each case under different columns against each item.**
- 3. Details should be given in reverse chronological order, i.e., the latest case to be mentioned first and backwards in the order of dates for the other cases.**
- 4. Additional sheet may be added if required.**
- 5. Candidate is responsible for supplying all information in compliance of Hon'ble Supreme Court's judgment in W. P (C) No. 536 of 2011.**

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

A. Details of movable assets :

Note: 1. Assets in joint name indicating the extent of joint ownership will also have to be given.

Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of Bank/Institution and Branch are to be given.

Note: 3. Value of Bonds/Share Debentures as per the current market value in Stock Exchange in respect of listed companies and as per books in case of non-listed companies should be given.

Note: 4. 'Dependent' means parents, son(s), daughter(s) of the candidate or spouse and any other person related to the candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood.

Note: 5. Details including amount is to be given separately in respect of each investment

Note: 6. Details should include the interest in or ownership of offshore assets.

Explanation,- For the purpose of this Form, the expression “offshore assets” includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries’;

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand						
(ii)	Details of deposit in Bank accounts (FDRs, Term Deposits and all other types of deposits including saving accounts), Deposits with Financial Institutions, Non-Banking Financial Companies and Cooperative societies and the amount in each such deposit						
(iii)	Details of investment in Bonds, Debentures/Shares and units in companies/Mutual Funds and others and the amount.						
(iv)	Details of investment in NSS, Postal Saving, Insurance Policies and investment in any Financial instruments in Post office or Insurance Company and the amount						

(v)	Personal loans/advance given to any person or entity including firm, company, Trust etc. and other receivables from debtors and the amount.						
(vi)	Motor Vehicles/Aircrafts/Yachts/Ships (Details of Make, registration number. etc. year of purchase and amount)						
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)						
(viii)	Any other assets such as value of claims/interest						
(ix)	Gross Total value						

B. Details of Immovable assets:

Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated

Note: 2. Each land or building or apartment should be mentioned separately in this format

Note: 3. Details should include the interest in or ownership of offshore assets.

S. No	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	<u>Agricultural Land</u>						
	Location(s) Survey number(s)						
	Area (total measurement in acres)						

	Whether inherited property (Yes or No)						
	Date of purchase in case of self - acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any Investment on the land by way of development, construction etc.						
	Approximate Current market value						
(ii)	<u>Non-Agricultural Land</u> Location(s) Survey number(s)						
	Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self - acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any Investment on the land by way of development, construction etc.						
	Approximate current market value						
(iii)	<u>Commercial Buildings</u> (including apartments) -Location(s) -Survey number(s)						

	Area (total measurement in sq. ft.)					
	Built-up Area (total measurement in sq.ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self - acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any Investment on the property by way of development, construction etc.					
	Approximate current market value					
(iv)	<u>Residential Buildings</u> (including apartments): -Location (s) -Survey number(s)					
	Area (Total measurement in sq. ft)					
	Built up Area (Total measurement in sq. ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self – acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate current market value					

(v)	Others (such as interest in property)						
(vi)	Total of current market value of (i) to (v) above						

(8) I give herein below the details of liabilities/dues to public financial institutions and government:-

(Note: Please give separate details of name of bank, institution, entity or individual and amount before each item)

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Loan or dues to Bank/Financial Institution(s) Name of Bank or Financial Institution, Amount outstanding, Nature of loan						
	Loan or dues to any other individuals/ entity other than mentioned above. Name(s), Amount outstanding, nature of loan						
	Any other liability						
	Grand total of liabilities						

(ii)	<p><u>Government Dues:</u></p> <p>Dues to departments dealing with Government accommodation</p>	<p>(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election ?</p> <p>(B) If answer to (A) above is YES, the following declaration may be furnished namely:-</p> <p>(i) The address of the Government accommodation:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>(ii) There is no dues payable in respect of above Government accommodation, towards-</p> <p>(a) rent;</p> <p>(b) electricity charges;</p> <p>(c) water charges; and</p> <p>(d) telephone charges as on(date)</p> <p>[the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter].</p> <p>Note- 'No Dues Certificate' from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above Government accommodation should be submitted.</p>					<p>YES/NO</p> <p>(Pl. tick the appropriate alternative)</p>
(iii)	<p>Dues to department dealing with Government transport (including aircrafts and helicopters)</p>						

		Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(iv)	Income Tax dues						
(v)	GST dues						
(vi)	Municipal/Property tax dues						
(vii)	Any other dues						
(viii)	Grand total of all Government dues						
(ix)	Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.						

(9) Details of profession or occupation:

(a) Self.....

(b) Spouse

(9A) Details of source(s) of income:

(a) Self

(b) Spouse

(c) Source of income, if any, of dependents,.....

(9B) Contracts with appropriate Government and any public company or companies

(a) details of contracts entered by the candidate.....

(b) details of contracts entered into by spouse

(c) details of contracts entered into by dependents

(d) details of contracts entered into by Hindu Undivided Family or trust in which the

candidate or spouse or dependents have interest

(e) details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners

(f) details of contracts, entered into by private companies in which candidate or spouse or dependents have share

(10) My educational qualification is as under:

.....

(Give details of highest School / University education mentioning the full form of the certificate/ diploma/ degree course, name of the School /College/ University and the year in which the course was completed.)

PART – B

(11). ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART - A:

1.	Name of the candidate		Sh./Smt./Kum.				
2.	Full postal address						
3.	Number and name of the constituency and State						
4.	Name of the political party which set up the candidate (otherwise write 'Independent')						
5.	Total number of pending criminal cases						
6.	Total Number of cases in which convicted						
7.		PAN of	Year for which last Income Tax Return filed	Total Income Shown			
	(a) Candidate						
	(b) Spouse						
	(c) HUF						
	(d) Dependent						
8.	Details of Assets and Liabilities (including offshore assets) in rupees						
	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
A.	Moveable Assets (Total value)						
B.	Immovable Assets						
	I	Purchase Price of self-acquired immovable property					
	II	Development/const ruction cost of immovable property after purchase (if applicable)					

	III	Approximate Current Market Price - (a) Self-acquired assets (Total Value) (b) Inherited assets (Total Value)						
9.		Liabilities						
	(i)	Government dues (Total)						
	(ii)	Loans from Bank, Financial Institutions and others (Total)						
10.		Liabilities that are under dispute						
	(i)	Government dues (Total)						
	(ii)	Loans from Bank, Financial Institutions and others (Total)						
11.	Highest educational qualification: (Give details of highest School /University education mentioning the full form of the certificate/ diploma/ degree course, name of the School /College/ University and the year in which the course was completed.)							

VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from. I further declare that:-

(a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;

(b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at.....this the.....day
of.....

DEPONENT

Note: 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.

Note: 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.

Note: 3. All columns should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either “Nil” or “Not applicable”, as the case may be, should be mentioned.

Note: 4. The affidavit should be either typed or written legibly and neatly.

Note: 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/02/2022

Dated: Jan 06, 2022

PRESS NOTE

Limits of candidate's expenses Enhanced


Last major revision in the election expenditure limit for candidates was carried out in 2014, which was further increased by 10% in 2020. Simultaneously, the Election Commission formed a committee comprised of Sri Harish Kumar, retd. IRS Officer, Sri Umesh Sinha, Secretary General and Sri Chandra Bhushan Kumar, Sr. Deputy Election Commissioner in Election Commission of India to study the cost factors and other related issues, and make suitable recommendations. The Committee invited suggestions from political parties, Chief Electoral Officers and Election Observers. Committee found that there has been increase in number of electors and Cost Inflation Index since 2014 substantially. It also factored into the changing modes of campaigning, which is gradually shifting to virtual campaign.

Having regard to demand from political parties to raise existing election expenditure limit for candidates and increase in electors from 2014 to 2021 from 834 million to 936 million (up by 12.23 %) and rise in Cost Inflation Index from 2014-15 to 2021-22 from 240 to 317 (up by 32.08%), the Committee furnished its recommendations to enhance the ceiling limit. The Commission has accepted the recommendations of the Committee and has decided to enhance the existing election expenditure limit for candidates. Accordingly, revised limits have now been notified by M/O Law, Justice and Legislative Department, which are as under:

For Parliamentary Constituencies (PCs)	
Earlier expenditure limit (2014)	Enhanced expenditure limit now
Rs. 70 Lakh	Rs. 95 Lakh
Rs. 54 Lakh	Rs. 75 Lakh

For Assembly Constituencies (ACs)	
Earlier expenditure limit (2014)	Enhanced expenditure limit now
Rs. 28 Lakh	Rs. 40 Lakh
Rs. 20 Lakh	Rs. 28 Lakh

These limits will be applicable in all upcoming elections.


Anuj Chandak
Joint Director (Media)



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-06012022-232461
CG-DL-E-06012022-232461

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 71] नई दिल्ली, बृहस्पतिवार, जनवरी 6, 2022/पौष 16, 1943
No. 71] NEW DELHI, THURSDAY, JANUARY 6, 2022/PAUSHA 16, 1943

विधि और न्याय मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 6 जनवरी, 2022

का.आ. 72(अ).—केंद्रीय सरकार, लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 169 के साथ पठित धारा 77 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग से परामर्श करने के पश्चात् निर्वाचनों का संचालन नियम, 1961 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम निर्वाचनों का संचालन (संशोधन) नियम, 2022 है।

(2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. निर्वाचनों का संचालन नियम, 1961 के नियम 90 में, विद्यमान सारणी और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित सारणी और प्रविष्टियां रखी जाएगी, अर्थात् :-

“सारणी

क्रम संख्या	राज्य या संघ राज्यक्षेत्र का नाम	निम्न में से किसी एक में निर्वाचन व्यय की अधिकतम सीमा	
		संसदीय निर्वाचन-क्षेत्र	सभा निर्वाचन-क्षेत्र
1	2	3	4
		रुपए	रुपए
I. राज्य			
1.	आंध्र प्रदेश	95,00,000	40,00,000
2.	अरुणाचल प्रदेश	75,00,000	28,00,000
3.	असम	95,00,000	40,00,000

4.	बिहार	95,00,000	40,00,000
5.	छत्तीसगढ़	95,00,000	40,00,000
6.	गोवा	75,00,000	28,00,000
7.	गुजरात	95,00,000	40,00,000
8.	हरियाणा	95,00,000	40,00,000
9.	हिमाचल प्रदेश	95,00,000	40,00,000
10.	झारखंड	95,00,000	40,00,000
11.	कर्नाटक	95,00,000	40,00,000
12.	केरल	95,00,000	40,00,000
13.	मध्य प्रदेश	95,00,000	40,00,000
14.	महाराष्ट्र	95,00,000	40,00,000
15.	मणिपुर	95,00,000	28,00,000
16.	मेघालय	95,00,000	28,00,000
17.	मिजोरम	95,00,000	28,00,000
18.	नागालैंड	95,00,000	28,00,000
19.	ओडिशा	95,00,000	40,00,000
20.	पंजाब	95,00,000	40,00,000
21.	राजस्थान	95,00,000	40,00,000
22.	सिक्किम	75,00,000	28,00,000
23.	तमिलनाडु	95,00,000	40,00,000
24.	तेलंगाना	95,00,000	40,00,000
25.	त्रिपुरा	95,00,000	28,00,000
26.	उत्तर प्रदेश	95,00,000	40,00,000
27.	उत्तराखंड	95,00,000	40,00,000
28.	पश्चिमी बंगाल	95,00,000	40,00,000
II. संघ राज्य क्षेत्र			
1.	अंदमान और निकोबार द्वीप समूह	75,00,000	-
2.	चंडीगढ़	75,00,000	-
3.	दादरा और नागर हवेली तथा दमण और दीव	75,00,000	-
4.	दिल्ली	95,00,000	40,00,000
5.	लक्षद्वीप	75,00,000	-
6.	पुडुचेरी	75,00,000	28,00,000
7.	जम्मू-कश्मीर	95,00,000	40,00,000
8.	लद्दाख	75,00,000	-

[फा. सं. एच-11019/7/2020-वि. II]

दिवाकर सिंह, संयुक्त सचिव और विधायी परामर्शी

टिप्पण : मूल नियम, भारत के राजपत्र, असाधारण में अधिसूचना संख्यांक का.आ. 859(अ), तारीख 15 अप्रैल, 1961 द्वारा प्रकाशित किए गए थे और अधिसूचना संख्यांक का.आ. 3667(अ), तारीख 19 अक्टूबर, 2020 द्वारा अंतिम संशोधन किया गया था।

MINISTRY OF LAW AND JUSTICE**(Legislative Department)****NOTIFICATION**New Delhi, the 6th January, 2022

S.O. 72(E).—In exercise of the powers conferred by sub-section (3) of section 77 read with section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government, after consulting the Election Commission of India, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:—

1. (1) These rules may be called the Conduct of Elections (Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Conduct of Elections Rules, 1961, in rule 90, for the existing Table and entries relating thereto, the following Table and the entries shall be substituted, namely:—

“TABLE

S. No.	Name of State or Union territory	Maximum limit of election expense in any one	
		Parliamentary constituency	Assembly constituency
1	2	3	4
		Rs.	Rs.
I. STATES			
1.	Andhra Pradesh	95,00,000	40,00,000
2.	Arunachal Pradesh	75,00,000	28,00,000
3.	Assam	95,00,000	40,00,000
4.	Bihar	95,00,000	40,00,000
5.	Chhattisgarh	95,00,000	40,00,000
6.	Goa	75,00,000	28,00,000
7.	Gujarat	95,00,000	40,00,000
8.	Haryana	95,00,000	40,00,000
9.	Himachal Pradesh	95,00,000	40,00,000
10.	Jharkhand	95,00,000	40,00,000
11.	Karnataka	95,00,000	40,00,000
12.	Kerala	95,00,000	40,00,000
13.	Madhya Pradesh	95,00,000	40,00,000
14.	Maharashtra	95,00,000	40,00,000
15.	Manipur	95,00,000	28,00,000
16.	Meghalaya	95,00,000	28,00,000
17.	Mizoram	95,00,000	28,00,000
18.	Nagaland	95,00,000	28,00,000
19.	Odisha	95,00,000	40,00,000
20.	Punjab	95,00,000	40,00,000
21.	Rajasthan	95,00,000	40,00,000
22.	Sikkim	75,00,000	28,00,000
23.	Tamil Nadu	95,00,000	40,00,000

24.	Telangana	95,00,000	40,00,000
25.	Tripura	95,00,000	28,00,000
26.	Uttar Pradesh	95,00,000	40,00,000
27.	Uttarakhand	95,00,000	40,00,000
28.	West Bengal	95,00,000	40,00,000
II. UNION TERRITORIES			
1.	Andaman and Nicobar Islands	75,00,000	-
2.	Chandigarh	75,00,000	-
3.	Dadra and Nagar Haveli and Daman and Diu	75,00,000	-
4.	Delhi	95,00,000	40,00,000
5.	Lakshadweep	75,00,000	-
6.	Puducherry	75,00,000	28,00,000
7.	Jammu and Kashmir	95,00,000	40,00,000
8.	Ladakh	75,00,000	- ”.

[F. No. H-11019/7/2020-Leg.II]

DIWAKAR SINGH, Jt. Secy. and Legislative Counsel

Note : The principal rules were published in the Gazette of India, Extraordinary *vide* notification number S.O. 859(E), dated the 15th April, 1961 and were last amended *vide* notification number S.O. 3667(E), dated the 19th October, 2020.



भारत निर्वाचन आयोग
Election Commission of India

Voter Guide

Be a Smart Voter



Process of Registration

ONLINE

voters.eci.gov.in

Voter Helpline App 

OFFLINE

Contact your BLO

Voter Facilitation Centre

To Enrol as a New Voter you should be -

An Indian
citizen

Ordinary resident
of polling area

18 years or
above

Correct your Details

Form 8

Change of address/ Correction of entries/
Replacement of EPIC/ Marking of PwDs

Form 7

Objections against proposed inclusion/
deletion of name in Voter List



[FB.com/ECI](https://www.facebook.com/ECI)



[@ecisveep](https://www.instagram.com/ecisveep)



[youtube.com/eci](https://www.youtube.com/eci)

Search Your Name in the Voter List



Use Voter Helpline App



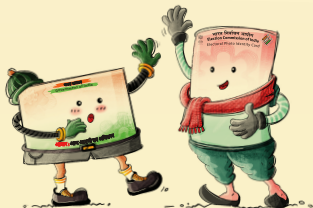
voters.eci.gov.in
ceo____.nic.in

SMS to 1950:
ECI<space> <EPIC No>



To cast your vote, you must
have your name in the *Voter List*

EPIC-AADHAAR Assimilation



Collection of AADHAAR
against EPIC

Form 6B



Home Voting Facility

Following can fill Form 12D & avail
Postal Ballot facility:

Senior Citizens
(Above 80 years
of age)

(PwD) Person with
Disabilities marked in the
Electoral Roll & have
benchmark certificate

Covid-19 or
affected people

Electors employed in
notified essential
services

For Postal Ballot Facility

Call 1950 or contact your BLO

KNOW YOUR BLO

SMS to 1950: ECICONTRACT<space> <EPIC No>

Voter information slip provided by BLO/ can be
generated using Voter Helpline App.

On Poll Day

**Holiday is declared
on the day of poll**

**NO GADGETS ALLOWED
IN POLLING BOOTH**



**Locate your
Polling Station at:**

voters.eci.gov.in

**SMS to 1950:
ECIPS <space> <EPIC No>**

Voter Helpline App

**Carry any one of the Approved Identity Document
and Voter Information Slip to the Polling Station**

- Voter ID Card (EPIC)
- Aadhaar Card
- PAN Card
- Unique Disability ID (UDID) Card
- Service Identity Card
- Passbook with photo by Bank/Post Office
- Health Insurance Smart Card (M/o Labour)
- Driving License
- Passport
- Smart card issued by RGI under NPR
- Pension Document
- Official identity card issued to MPs/MLAs/MLCs
- MNREGA Job Card



Report unlawful activity through cVIGIL App

Polling Process



Voter stands
in queue



1st P
Of
check
name
Vote
and y
Pr



Voter presses
button against
candidate of
choice/ NOTA
to vote on the
EVM; a red
light glows



rocess

Polling
Officer
marks your
name in
the List
of your ID
proof



2nd Polling
Officer marks
your finger nail
with indelible
ink, gives a slip
and takes your
signature



3rd Polling
Officer takes
the slip and
checks the
mark on your
finger nail

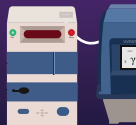


the last option on EVM machines



Casting y

If you do not see the ballot slip in the VVPAT or hear the loud beep, contact the Presiding Officer



Ready to Vote

The 3rd Polling Officer enables the Ballot Unit (BU) as you enter the voting compartment. The 'READY' light of BU will glow

1

Cast your Vote

Press the Blue Button on the Ballot Unit against the name/ symbol of candidate of your choice/ NOTA option

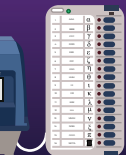
2

See the

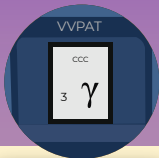
The re
again
name/
of cand
NO
option
will g

3

your Vote



The slip will be visible through the glass for 7 seconds. Printed slip will be secured in the VVPAT



Light

Light
st the
symbol
didate/
OTA
chosen
glow

Verify your Vote

The VVPAT will print & display the ballot slip containing Serial Number, Name and Symbol of the chosen candidate/ NOTA

Hear the 'BEEP'

The BEEP sound from the Control Unit marks that vote has been cast successfully

3

4

5

Facilitation Apps by ECI

Saksham-ECI



ACCESSIBILITY
FEATURES
BUILT IN



MARK
YOURSELF
AS PwD



APPLY FOR
A NEW PwD
VOTER



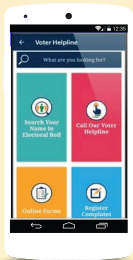
APPLY FOR
WHEEL CHAIR



cVIGIL App



- App becomes active on the day of announcement of elections
- Report unlawful activities/ violation of model code of conduct
- Connected through a mobile phone



Voter Helpline App

One stop solution
for registration
and election
related services

Check the details of
contesting candidates

Generate your Voter Information Slip

Know Your Candidates



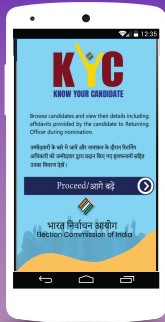
Know Your Candidate app

Use Voter
Helpline App

CEO/DEO
website

<https://affidavit.eci.gov.in>

Check the details of each candidate of your constituency as given in their affidavit- qualification, criminal antecedents, assets and liabilities (if any)



Facilities For PwDs & Senior Citizens



RAMP &
WHEELCHAIR

PRIORITY ACCESS
TO PwD & SENIOR
CITIZENS



EVM WITH
BRAILLE

SIGN LANGUAGE



SPECIAL
VOLUNTEER

TRANSPORT
FACILITY FOR
PwD



The Pledge

"We, the citizens of India, having abiding faith in democracy, hereby pledge to uphold the democratic traditions of our country and the dignity of free, fair and peaceful elections, and to vote in every election fearlessly and without being influenced by considerations of religion, race, caste, community, languages or any inducement."

Register online or verify your details at **voters.eci.gov.in**



eci.gov.in



fb.com/ECI



@ecisveep



youtube.com/eci



@ecisveep



Election Commission of India

Apps to install



eci.gov.in

1950



NO VOTER TO BE LEFT BEHIND



Dr. Marri Channa Reddy
Human Resource Development
Institute of Telangana
NABET Accredited Excellent (उत्कृष्ट) Institute