

BY FAX/SPEED POST

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

NO. 464/INST/2007/PLN-I

DATED: 12th October, 2007

To,

1. The Chief Secretaries of
All States/UTs.
2. The Chief Electoral Officers of
All States/UTs.

Subject: Scrutiny of Register of Voters (Form 17-A) – Regarding.

Sir,

I am directed to state that in order to ensure that electoral abuses are effectively checked and not allowed to vitiate the poll process, the Commission directs that all District Election Officers–cum-District Magistrates be directed to set up a proper system for receiving the Presiding Officer's Diary, Visit Sheets, the Diaries maintained by Patrolling/Sector/Zonal Magistrates, record of images of voters captured by digital cameras (in respect of polling stations where cameras were deployed) and Complaint Registers of the District Control Room at the time of collection of polled material on poll day.

2. Effective and thorough scrutiny of these will be necessary to identify cases of poll vitiation at any polling station. This exercise shall **be carried out under close supervision of Observers, Returning Officers and District Election Officers**. The intention is to identify the polling stations where electoral abuse could have taken place in subtle and concealed manner.

3. Forms 17A (Register of Electors) reveal a lot regarding the manner in which polling has taken place on the poll day. It is, therefore, utmost important to see that the Register is filled up properly. On many occasions during the previous elections, it was found that the Presiding Officers and Polling Officers did not insist on production of identification documents at the time of voting. Not only should they check the identification documents but at the same time note down the kind of identification document produced and the number, if any given thereon, in remarks column of Form 17A.

4. In many cases, it has also been observed that the Polling Officers take impression of various fingers of illiterate electors on the Register of Electors instead of thumb impression as required under the rules. The Presiding Officers and the Polling Officers

should be clearly instructed to ensure that the electors at the time of casting vote should put on the Register of Electors (Form 17A) either Left Thumb Impression or full signature. Under no circumstance, an elector having a left thumb be allowed to put any other finger mark on the Register of Electors (Form 17A).

5. In order to check bogus voting, the Commission has decided to keep a tab on the polling percentage. Reports on polling percentage of all polling stations will be collected by the Commission through the CEO/RO/Observer after the polling is over. Wherever it is found that the votes polled at a polling station is unusually high which can not be apparently explained, the Commission, if needed, may order the election authorities to scrutinize various documents like Presiding Officer's diaries, visit sheets, diaries maintained by Patrolling/Sector/Zonal Magistrates, Forms 17A and 17C etc. in respect of those polling stations where the polling has crossed a specific percentage.

6. In such cases, the Returning Officers and the concerned Observers **shall** scrutinize Forms 17A and such other documents, as mentioned in Para 1 above, in respect of all those polling stations, where polling has been more than the percentage as prescribed by the Commission after the end of poll of each phase. The Returning Officers and Observers shall check Forms 17A for similarities of signatures/thumb impressions, the manner in which votes have been cast (continuous serial nos.), cross check the entries in Form 17A vis-à-vis Form 17C, the marked copy of the electoral roll and the remarks column in Form 17A.

7. All Observers and Returning Officer, while sending their report for repolls, shall specifically state the number of polling stations at which polling had been more than the percentage prescribed by the Commission and the result of such Form 17A scrutiny. The procedure for such scrutiny shall be as given in Annexure to this letter.

8. It is made clear that the above stated exercise of verifying Form 17A and other documents can be resorted to only after getting specific instructions in this regard from the Commission

9. Kindly communicate these instructions to all District Election Officer, Returning Officers immediately for strict compliance, during election.

Yours faithfully,

(K.N. BHAR)
UNDER SECRETARY

PROCEDURE FOR RECEIPT, SCRUTINY, VERIFICATION AND STORAGE OF FORMS 17A AND 17C.

The Commission has directed for setting up of a proper mechanism for the scrutiny of Presiding Officer's diaries, visit sheets, diaries maintained by Patrolling/Sector/Zonal Magistrates, Complaints Registers of the District Control Room, Statement of Images, Forms 17A and 17C etc. of those polling stations where polling has been more than the percentage as prescribed by the Commission after the end of poll. It has been decided that the following procedure may be followed for receipt, scrutiny, verification and storage of Forms 17A and 17C.

Receipt and storage-

(i) The existing instructions stipulate that attested copies of Form 17C (Accounts of Votes Recorded) will be handed over by the Presiding Officer to each of the polling agents present at the time of close of poll, even without their asking for it, and two copies of Form 17C will be sent to the Returning Officer. Of the two copies of Form 17C received from each polling station, one copy is to be kept alongwith the EVM and other copy is to be kept separately alongwith other election papers.

THESE INSTRUCTIONS REGARDING SUPPLYING COPIES TO POLLING AGENTS, SENDING TWO COPIES OF FORM 17C TO THE RETURNING OFFICER, AND KEEPING ONE COPY OF FORM 17C WITH THE EVM SHALL BE STRICTLY FOLLOWED. THESE INSTRUCTIONS SHALL ONCE AGAIN BE REITERATED TO ALL PRESIDING OFFICERS IN WRITING.

(ii) At the collection center, a separate counter shall be opened to receive the materials of those polling stations with polling percentage more than the percentage prescribed by the Commission for a particular election, after the end of poll. The Presiding Officers of polling stations where polling percentage has been more than the said percentage shall be instructed to approach this counter for handing over the EVMs and other materials.

(iii) The EVMs of all polling stations, irrespective of polling percentage, along with one copy of Form 17C (Account of Votes), shall be kept in the strong room as is the existing practice.

(iv) As per the existing practice, the other election papers received from the polling stations are to be kept in a separate strong room (other than the strong room in which the EVMs are kept). For the sake of convenience in taking out the Forms 17A and the other documents for scrutiny in respect of polling stations where polling has been more than the prescribed percentage, it will be ideal if a separate room can be identified for storing the election papers of such polling stations. If a separate suitable room is not available, these documents may be kept in the same room in which election papers in respect of other polling stations are kept. In such cases election papers relating to polling stations where polling percentage has been more than the percentage prescribed by the Commission after the end of poll may be kept in a clearly demarcated place so that there is no confusion at the time of taking out the documents in respect of these polling stations for scrutiny.

Scrutiny

(v) Scrutiny of Forms 17A and other documents and material in respect of such polling stations, where polling has been more than the percentage as prescribed by the Commission after the end of poll, shall be taken up at 9 A.M. on the day following the day of poll. However, if by that time, a substantial number of polling parties, say 10% are yet to return, the scrutiny may be deferred till such time polling parties return. The scrutiny shall be done by the Returning Officer and the Observer at a place/room identified in advance, preferably near the strong room itself. Adequate security arrangement shall be made for such place. **All contesting candidates shall be given advance notice, in writing (under proper acknowledgement),** about the scrutiny of Forms 17A, 17C and other documents and material indicating the place, date and time of commencement of such scrutiny. In such notice, it shall be mentioned that either the candidate himself or his election agent or one representative duly authorized by the candidate may be present **to watch repeat only to watch the proceedings** of scrutiny of Forms 17A, 17C and other documents and materials by Returning Officer and Observer in respect of those polling stations where polling has been more than the percentage as prescribed by the Commission after the end of poll. The presence of candidates/agents/representatives is required for the purpose of satisfying them that these records are not tampered with by any one at the time of scrutiny. However, the discussion between the Observer and Returning Officer and their observation on the scrutiny of the record shall be kept confidential. The candidate, his election agent or authorized

representative of the candidate shall not be allowed to keep cellular phones during this activity.

(vi) During the process of scrutiny the candidates / their election agents or their authorized representatives may watch the proceedings from a **safe distance so that they can get a clear view of the proceedings** but, are not able to handle the election papers / material or interfere with the proceedings. There shall be proper barricading to ensure this, and the candidates or their representatives shall not be allowed to cross the barricade under any circumstance.

(vii) Proper log-books shall be maintained for recording the time and purpose of opening and closing the storage room where election records are kept. The room shall be opened in the presence of Observer(s) and the candidates /their election agents/representatives at the time fixed for the purpose. But, if any candidate/election agent/representative chooses not to attend these proceedings, despite written notice having been served, the proceedings shall be conducted at the appointed hour and not delayed/adjourned merely because of his absence. If they report late when proceedings are going on, they may be allowed in to watch the proceedings onward only.

(viii) After taking out copies of Forms 17C and the packets containing Forms 17A and marked copies of electoral roll in respect of such polling stations (where polling has been more than the percentage as prescribed by the Commission after the end of poll) for scrutiny, the strong room shall be duly closed and sealed after making entry in the log-book and obtaining the signatures of all candidates or their representatives as may be present.

Post - scrutiny procedure

(ix) After scrutiny, the Forms 17A, 17C and marked copies of electoral roll for each polling station, other documents and material shall be re-sealed with the seal of the Returning Officer. The candidates or their election agents/representatives present, may also be allowed to affix their seal or signature thereon, if they so desire. These sealed envelopes shall then be kept back in the strong room from which they were taken out. This shall also be done in the presence of the candidates or their election agents/representatives. The room shall then be sealed with the seal of the

Returning Officer. The candidates or their representatives may also affix their seals/signatures thereon if they so desire.

(x) After scrutiny of Forms 17A, 17C and other documents and material, the Returning Officer and Observer shall make necessary recommendations to the Commission for repoll, wherever considered necessary, giving reasons polling station wise. In case of any difference of opinion, the same shall be reflected indicating the reason for the same in their respective reports.

(xi) Normal requirement of scrutinizing the Presiding Officers' diaries, visit sheet, diaries maintained by Patrolling/Sector/Zonal Magistrates, complaint registers maintained at the District Control room, statements of images shall be followed strictly, for all polling stations irrespective of poll percentage, and the facts revealed on the scrutiny of these documents will be taken into account for forming opinion for recommending re-poll.

+++++