

**GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
LEGISLATIVE DEPARTMENT**

**L O K   S A B H A  
UNSTARRED QUESTION NO. 5028**

**TO BE ANSWERED ON FRIDAY, 01<sup>st</sup> APRIL, 2022**

**ILLEGAL POSSESSION OF POSTAL BALLOTS**

5028. SHRI DEEPAK BAIJ:

*Will the Minister of LAW AND JUSTICE be pleased to state:*

- (a) whether movement of Electronic Voting Machines flouting the guidelines contained in Manual of Election Commission and unauthorized/illegal possession of postal ballots have been reported during assembly elections in the State of Uttar Pradesh;
- (b) if so, the details thereof, district-wise;
- (c) the details of action taken in this regard by Election Commission, case-wise; and
- (d) the details of persons/officials against whom FIRs have been filed?

**ANSWER**

**MINISTER OF LAW AND JUSTICE  
(SHRI KIREN RIJJU)**

(a): The Election Commission of India (ECI) has informed that no incidence of movement of polled EVMs as well as unauthorised illegal possession of polled postal ballots for the recently held assembly elections in UP, 2022, has taken place in the State. Only 02 cases related to unused/reserved EVMs movement and 01 case of unauthorised/illegal possession of postal ballots with slight deviation from the ECI's prescribed protocol, have been brought to the notice of the ECI during the recently concluded assembly elections in the State of Uttar Pradesh.

(b) to (d): District wise details of such reported cases, as furnished by the ECI are as follows:-

Sl. No.	District	Case Details	Action taken by the ECI
1.	8-Kairana, Shamli	<p>Date of incidence:-10.02.2022</p> <p>An unattended reserved EVM was found kept in the vehicle of Zonal Magistrate posted in Zone-4 of 8 - Kairana AC.</p>	<p>Zonal Magistrate, Constable, Driver and Home-Guard involved in the case were suspended with immediate effect and order for initiating disciplinary action against them was also issued.</p> <p>(case details at Annexure-A)</p>
2.	Varanasi	<p>Date of incidence:- 08.03.2022</p> <p>An incidence of movement of 20 EVMs kept in reserve and earmarked for the training purposes to the training centre, UP College, Varanasi without following the prescribed protocol.</p> <p>Prima-facie it appeared that there was lapse on part of EVM In-charge/ADM (Supply).</p>	<p>EVM in-charge/ADM (Supply) was suspended and order for initiating disciplinary proceeding against him was also issued.</p> <p>(case details at Annexure-A)</p>
3.	Azamgarh	<p>Date of Incidence :- 09.03.2022</p> <p>BDO, Azamatgarh/ Asst. Returning Officer for 345-Sagri AC was found travelling in a car with unused postal ballot papers and Counterfoils without following the prescribed protocol.</p>	<p>Instruction for lodging F.I.R. under section 134 of the Representation of the People Act, 1951 against the concerned BDO, Azamatgarh/ Asstt. Returning Officer for 345-Sagri AC was issued.</p> <p>The erring officer was suspended and order for initiating disciplinary action against him was also issued.</p> <p>(case details at Annexure-A)</p>

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**SUPPLEMENTARY INFORMATION**

<b>Sl. No.</b>	<b>CASE DETAILS</b>	<b>ACTION TAKEN</b>
1.	<p>On 10.02.2022, an unattended reserved EVM was found kept in the vehicle of Zonal Magistrate, Sh. Narendra Pratap Singh, Assistant Commissioner, Commercial Tax, Shamli posted in Zone-4 of 8-Kairana AC.</p> <p>As pr the statement of Sh. Singh, he was on his way to deposit the reserved EVM when his driver stopped to eat at a hotel. This had resulted in vehicle been found unguarded with EVM in it.</p> <p>SDM, Shamli reached the spot of incidence and thereafter, the EVM was taken to the control/strong room in Shamli, where the election agents &amp; their supporters were satisfied that the said EVM was reserve. VVPAT, BU and CU were also checked and no slips were found in them.</p> <p>DEO, Shamli had recommended to suspend Sh. Narendra Pratap Singh, Zonal Magistrate in view of leaving EVM unguarded.</p>	<p>As per direction of the Election Commission of India (ECI) and EVM protocol, Zonal/Sector Magistrates have been instructed to never leave EVMs unguarded, but in the instant case, Sh. Narendra Pratap Singh, Zonal Magistrate had left the EVM unguarded.</p> <p>Therefore, all the concerned officers/official namely,</p> <p>(a) Sh. Narendra Pratap Singh, Zonal Magistrate,</p> <p>(b) Sh. Subhash Chaudhary, Constable,</p> <p>(c) Sh. Dinesh Kumar, Driver, and</p> <p>(d) Sh. Ashok Kumar, Home-Guard</p> <p>were suspended with immediate effect and order for initiating disciplinary action against above officer/officials were also issued.</p>
2.	<p>Training related to counting of votes was to be imparted on 09.03.2022 at UP College, Varanasi. For that, Sh. Nalini Kant Singh, EVM Incharge/ADM (Supply) on 08.03.2022 had sent 20 EVMs kept in reserve and earmarked for training purpose from warehouse to the training</p>	<p>Prima-facie, it appeared that the ECI's extant instructions on protocol of EVM/VVPAT for Training Awareness and Storage was not followed. Therefore, based on the</p>

	<p>Centre UP College, which were stopped by some people and rumour was spread that these EVMs were used in elections.</p> <p>A report from CEO, UP was received in the ECI in this regard and CEO in his report furnished that Sh. Nalini Kant Singh, EVM Incharge/ADM (Supply) had shown gross negligence and carelessness by taking out EVMs for training purpose without informing and providing movement plan to the DEO and Political Party Candidates, which caused confusion among people.</p>	<p>report of CEO, UP, the delinquent Officer, Sh. Nalini Kant Singh, EVM Incharge/ADM (Supply) was suspended and order for initiating departmental proceedings against him was also issued.</p>
3.	<p>An incidence of lapse in election procedure came to light on 09.03.2022, 8:00 PM where Sh. Rajiv Sharma, Block Development Officer, Azamatgarh/ Assistant Returning Officer for 345-Sagri AC, District Azamgarh was found travelling in car with unused postal ballot papers and Counterfoils without following the proscribed protocol.</p> <p>District Magistrate/DEO, Azamgarh, Commissioner, Azamgarh Zone, Azamgarh and CEO, UP vide their reports had submitted that Sh. Rajiv Sharma had shown negligence on his part by not submitting the unused postal ballot papers and Counterfoils to the concerned Returning Officer.</p>	<p>As per guidelines laid down by the ECI, the packets of unused ballot papers with counterfoils attached thereto, shall be kept in the safe custody of the Returning Officer.</p> <p>Therefore, instruction for lodging F.I.R. under section 134 of of the Representation of the People Act, 1951 against Sh. Rajiv Sharma, BDO, Azamatgarh/ Assistant Returning Officer – 345 Sagri AC was issued.</p> <p>Further, the erring officer namely Sh. Rajiv Sharma was suspended and order for initiating disciplinary action against him was also issued.</p>

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