

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.495/KT-LA/2013

Dated: 7th May, 2013

To,

**1. Returning Officer for 184-Kanakpura A.C
And Executive Officer, ZP,Ramanagara.**

**2.District Election officer and Deputy Commissioner,
Ramanagara.**

**3.Chief Electoral Officer
Karnataka,
Bangalore.**

Sub: General election to Karntaka Legislative Assembly,2013-Violation of secrecy of voting by Mr. and Mrs. D.K.Sivakumar, INC candidate from 184-Kanakpura A.C

Sir,

I am directed to invite a reference to the subject and to state that a report was received in the Commission on the day of poll ie 5th may,2013 that Shri D.K.Sivakumar, INC candidate from the 184-Kanakpura A.C violated the secrecy of voting while he used his right to franchise at polling station No. 234. The matter was further enquired into and the video footage of the incident was also viewed by the Commission.


From the foresaid reports and available information, it was found that Mr Sivakumar and his wife voted at the polling station together and watched each other voting at the EVM. The Commission has observed that this is a clear violation of Rule 49-M of the Conduct of Elections Rules, 1961 which states that no elector is allowed to enter the voting compartment when another elector is inside the compartment.

Accordingly, the Commission has directed that under Section 132A of the Representation of the People Act, 1951 read with aforesaid Rule, the votes recorded by Mr. D.K.Sivakumar and his wife Mrs. Usha be treated as invalid since

Mr. D.K.Sivakumar and Mrs. Usha have voted in the same constituency in which Mr. D.K.Sivakumar is also a candidate and it is presumed that they have cast their votes in favour of Mr. D.K.Sivakumar. **The Commission has therefore directed that the Returning Officer will deduct two(2) votes from the total votes polled by Mr.D.K.Sivakumar.**

Kindly inform the Observer of the Commission and the candidate about the decision of the Commission.

Yours faithfully,



(Tapas Kumar)
Principal Secretary