

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

No. 4/2010/SDR

Dated: 10th March , 2011.

To

The Chief Electoral Officers of-

1. Assam
2. Kerala
3. Tamil Nadu
4. Puducherry
5. West Bengal

Subject:— General Elections to the Legislative Assemblies — Provision of Rule 49 O of the Conduct of Elections Rules, 1961, regarding electors deciding not to vote.

Sir,

Your attention is invited to the Commission's letter No. 4/2004/JS-II dated 29-9-2004, regarding the procedure to be followed in the case of electors deciding not to vote under Rule 49 O of the Conduct of Elections Rules, 1961. As explained therein, Rule 49 O of the Conduct of Elections Rules, 1961 provides that if an elector after his electoral roll number has been duly entered in the register of voters in Form 17A and has put his signature or thumb impression thereon, as required under sub-rule (1) of rule 49L, decides not to record his vote, a remark to this effect shall be made against the said entry in Form 17A by the Presiding Officer, and signature or thumb impression of the elector shall be obtained against such remark. The procedure to be followed in such cases is explained in Chapter XXIII of Handbook for Presiding Officers (2009). This point should be explained during the training of poll personnel.

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The above instructions shall be brought to the notice of all election related officials, especially the Presiding Officers and Polling Officers at the current general election for strict compliance of the prescribed procedure to deal with electors who decide not to cast vote after signing in Form 17A. There have been complaints from several quarters that the Polling Personnel are not aware of the procedure in this regard, resulting in confusion in the Polling Station and inconvenience to the electors.

Further, the Commission has directed that the number of electors who may decide not to vote invoking the provisions of the said Rule 49 O should be compiled for record purposes. The figures regarding the number of such electors will be indicated against Item-3 of Part-I of Form 17C (Account of votes recorded). Instructions may be immediately issued to all Returning Officers to collect the said figures from Form 17C at the time of counting of votes. The information so compiled may be sent to the Commission indicating the total number of such electors constituency-wise.

Kindly acknowledge receipt.

Yours faithfully,

(ASHISH CHAKRABORTY)
UNDER SECRETARY