

IMMEDIATE

By Special Messenger /Camp Bag

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 479/INST/2012-CC&BE

Dated: 10th July, 2012

To

1. The Returning Officer for Presidential Election and Secretary General to the Rajya Sabha, Room No.29, Parliament House, New Delhi.
2. The Assistant Returning Officers (Through Chief Electoral Officers)

Subject: - Presidential Election, 2012-Directions regarding secrecy of vote.

Sir,

I am directed to enclose herewith a copy of the Commission's Direction, dated 10th July, 2012 issued under Article 324 and Article 55(3) of the Constitution of India read with rule 18 of the Presidential and Vice-Presidential Elections Rules, 1974, for your information and necessary action in respect of secrecy of voting during poll of the Presidential Election, 2012 on 19th July, 2012.

2. Kindly acknowledge the receipt.

Yours faithfully,

(DILIP K. VARMA)
UNDER SECRETARY

SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 479/INST/2012-CC&BE

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DIRECTION

Article 55(3) of Constitution of India provides that the election of the President of India shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot. Rule 18 of the Presidential and Vice-presidential Election Rules, 1974 clearly insists upon maintenance of secrecy of voting by the electors within the place of polling and prescribes the voting procedure. The Commission has already issued instruction for maintenance of secrecy of voting vide its letter no. 479/INST/2012-CC & BE dated **July, 2012** wherein it has been directed to put a distinguishing mark by every Presiding Officer on the back of the ballot paper by way of his signature and seal. Sub-rule (5) of rule 39 of the Conduct of Elections Rule, 1961 provides that if an elector at an election in a Parliamentary and Assembly Constituency to whom a ballot paper has been issued, refuses, after warning given by the Presiding Officer to observe the procedure as laid down in sub-rule (2), the ballot issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or a Polling Officer under the direction of the Presiding Officer.

In pursuance of Article 324 and Article 55(3) of the Constitution of India read with rule 18 of the Presidential and Vice-Presidential Elections Rules, 1974, and in conformity with sub-rule (5) of rule 39 of the Conduct of Elections Rule, 1961, the Election Commission of India hereby directs that during the poll of the Presidential Election, **2012**, the following procedure shall be followed by every elector so as to maintain strict secrecy of voting.

A. As prescribed in the said rule 18-

(1) Every elector to whom a ballot paper has been delivered under rule 14 shall maintain secrecy of voting within the place of polling and for that purpose observe the voting procedure hereinafter laid down.

(2) An elector on receiving the ballot paper shall forthwith-

(a) proceed to one of the voting compartments;

(b) record his vote in accordance with sub-rule (2) of rule 17;

- (c) fold the ballot paper so as to conceal his vote;
 - (d) on demand by the Presiding Officer, the elector shall show the distinguishing mark on the back of the ballot paper to the Presiding Officer or the Polling Officer authorized by the Presiding Officer for this purpose;
 - (e) insert the folded ballot paper into the ballot box; and
 - (f) quit the place of polling.
- (3) Every elector shall vote without undue delay.
- (4) No elector shall be allowed to enter a voting compartment when another elector is inside it.

B. Every elector must also note that-

- (1) If an elector to whom a ballot paper has been issued, refuses, after warning given by the Presiding Officer to observe the procedure as laid down in paras A(2) to A(4) above, the ballot issued to him shall, irrespective of the fact whether he has recorded the vote thereon or not, be taken back from him by the Presiding Officer or by a Polling Officer under the direction of the Presiding Officer and no fresh ballot paper will be issued to the said elector. Such withdrawn ballot paper shall be duly cancelled by the Presiding Officer and shall be sealed in a separate cover and sent to the Returning Officer alongwith polled ballot box and other election materials.
- (2) In spite of the direction at para B(1) above, if any elector inserts his ballot paper in the ballot box, the serial number of the ballot paper shall be ascertained from the counterfoil and a report in regard to the violation of secrecy of vote shall be sent by the Presiding Officer to the Returning Officer.
- (3) At the time of counting of votes, the Returning Officer shall segregate the said ballot paper and reject it and shall not take into account the said ballot paper for the purpose of counting of votes.

By order,

(K. N. BHAR)
SECRETARY