

IMMEDIATELY
BY SPECIAL MESSENGER

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 481/2012/CC&BE

Dated : 24th July, 2012

To

The Returning Officer for
Vice-Presidential Election-cum-
Secretary General, Lok Sabha,
Parliament House,
New Delhi.

Subject: Vice-Presidential Election, 2012- Direction regarding Secrecy of voting.

Sir,

I am directed to enclose herewith a copy of the Commission's Direction, dated 24th July, 2012 issued under Article 324 and Article 66(1) 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 Vice-Presidential Election, 2012.

Yours faithfully,

(K. N. BHAR)
SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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DIRECTION

Article 66(1) of the Constitution of India provides that the election of the Vice-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 Elections 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 instructions for maintenance of secrecy of voting vide its letter No. 481/2012-CC&BE, dated 24th July, 2012, wherein it has been directed to put a distinguishing mark by 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 Rules, 1961 provides that “if an elector at an election in a Parliament and Assembly Constituency to whom 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 66(1) 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 Rules, 1961, the Election Commission of India hereby directs that during the poll of the Vice-Presidential Election, 2012, the following procedures shall be followed by every elector so as to maintain strict secrecy of voting: -

- A. As prescribed in rule 18 of the Presidential and Vice-Presidential Elections Rules, 1974-
- (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 a Polling Officer under the direction of the Presiding Officer (Returning 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.
- (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 shall be noted by the Presiding Officer, separately.
- (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