

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi 110001

No.576/3/ECI/LET/FUNC/JUD/SDR/Vol-I/2017

Dated: 13th January, 2017

To,

The Chief Secretaries to the Govt. of

1. Goa
2. Manipur
3. Punjab
4. Uttarakhand
5. Uttar Pradesh

Sub: General Elections to the Legislative Assemblies of Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh - Protection of voting rights of electors subjected to Preventive Detention - regarding.

Sir,

You are aware that the Commission has announced, on 4th January, 2017, the programme of General Elections to the Legislative Assemblies of Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh. The detailed programme is hosted on the Commission's website under the path http://eci.nic.in/eci_main1/current/PN1_04012017.pdf. In this connection, your attention is invited to the following provisions of law relating to voting rights of electors subjected to preventive detention.

- (i) Proviso to sub-Section (5) of Section 62 of the Representation of the People Act, 1951 confers voting rights on the electors subjected to preventive detention. As per Rule 18 of the Conduct of Elections Rules, 1961, the electors under preventive detention are entitled to cast their votes by post.
- (ii) Rule 21(1) of the Conduct of Elections Rules, 1961, provides that the appropriate Government shall intimate to the Returning Officers, the names of the electors, if any, subjected to preventive detention together with their address, electoral roll numbers and places of detention, within fifteen days of calling an election. This will enable the Returning Officers to send postal ballot papers to such electors to facilitate them to exercise their franchise at the election.

2. It is requested that instructions may kindly be issued to the authorities concerned to ensure that the provisions of Rule 21(1) of the Conduct of Elections Rules, 1961, mentioned above, are complied with at the current general elections and there is no ground for any grievance on account of non-compliance of the provisions of the said Rule.
3. Kindly acknowledge receipt.

Yours faithfully,



(K.F.WILFRED)
PRINCIPAL SECRETARY

Copy to: - The Chief Electoral Officers of Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh. if any list of electors on preventive detention is received in the office of Chief Electoral Officer, the same may be communicated to the Returning Officers concerned without delay.