

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi 110001

No. 576/3/2014/SDR-Vol.I

Dated: 18th September, 2014

To,

The Chief Secretaries to the Govt. of

- 1- Haryana,
- 2- Maharashtra.

Sub: General Elections to the State Legislative Assemblies of Haryana and Maharashtra-
Protection of voting rights of electors subjected to Preventive Detention - regarding.

Sir/Madam,

You are aware that the Commission has announced, on 12th September, 2014, the programme of General elections to the State Legislative Assemblies of Haryana and Maharashtra. The detailed programme is hosted on the Commission's website under the path http://eci.nic.in/eci_main1/current/PN43_12092014.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 concerned authorities to ensure that the provisions of Rule 21(1) of the Conduct of Elections Rules, 1961, mentioned above, are strictly 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. In case the concerned authority under whom any elector is under preventive detention is not aware of the address of the Returning Officer of the concerned parliamentary or assembly constituency, then he may send the details to the Chief Electoral Officer of the State concerned.

3. Kindly acknowledge receipt.

Yours faithfully,


(Ashish Chakraborty)
Secretary

Copy to: - The Chief Electoral Officers of Haryana and Maharashtra. 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.