

By Speed Post
ELECTION IMMEDIATE

ELECTION COMMISSION OF INDIA

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

No. 576/3/2013/SDR

Dated:- 15th October, 2013

To

The Chief Secretaries to the Govt. of

1. Chhattisgarh
2. Madhya Pradesh
3. Mizoram
4. Rajasthan
5. Delhi

Subject:- General Elections to the State Legislative Assemblies, 2013 – Protection of voting rights of electors subjected to preventive detention.

Sir,

You are aware that the Commission has announced, on 4th October, 2013, the programme of General Elections to the Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Delhi. The detailed programme is hosted on the Commission's website and the path is http://eci.nic.in/eci_main1/current/PN_04102013.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 Representation of the People Act, 1951 confers voting rights on the electors subjected to preventive detention. As per Rule 18 of Conduct of Elections Rules, 1961, the electors under preventive detention are entitled to cast their votes by post.
- (ii) Rule 21(1) of 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.

3. Kindly acknowledge receipt.

Yours faithfully,

(ASHISH CHAKRABORTY)
SECRETARY

Copy to Chief Electoral Officers of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan & Delhi.