

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No576/3//SDR/2019-Vol.I

Dated: 11th March, 2019

To,

The Chief Secretary of
all States and Union Territories

Sub: Protection of voting rights of electors subjected to Preventive Detention - regarding. .

Sir,

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 within the current general elections to Lok Sabha and the Legislative Assemblies.

Yours faithfully,



(N.T. BHUTIA)

SECRETARY

Copy to: - The Chief Electoral Officers of all States and Union Territories. 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.

Endt. on EN-17245/18 dated 14.03.2019
Copy communicated to all PROs, District
Police Chief Rural & City and Model Officers,
Postal Ballot for information and necessary action

Calicut, Kerala.

Dy. Collector (Election).