

A copy of rule 70 - Rules for conduct of Poll - 39A of the Conduct of Elections Rules, 1961.

39-A. Maintenance of secrecy of voting by electors within polling station and voting procedure :-

(1) Every elector, to whom a ballot paper has been issued under rule 38-A or under any other provision of these rules, shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) The 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 37-A with article supplied for the purpose;
- (c) fold the ballot paper so as to conceal his vote;
- (d) if required, show to the presiding officer, the distinguishing mark on the ballot paper;
- (e) insert the folded paper into the ballot box; and
- (f) quit the polling station.

(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.

(5) 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 sub-rule (2), the ballot paper 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.

(6) After the ballot paper has been taken back, the presiding officer shall record on its back the words "Cancelled; voting procedure violated" and put his signature below those words.

(7) All the ballot papers on which the words "Cancelled; voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Ballot papers; voting procedure violated".

(8) Without prejudice to any other penalty to which an elector, from whom a ballot paper has been taken back under sub-rule (5), may be liable, vote, if any, recorded on such ballot paper shall not be counted.

37-A. Method of voting -

(1) Every elector has only one vote at an election irrespective of the number of seats to be filled.

(1-A) The provisions of sub-rules (1), (2) and (4) of rule 37 shall apply in relation to electors in the graduates' constituencies and teachers' constituencies and they apply in relation to electors in the Parliamentary constituencies and Assembly constituencies.

(2) An elector in giving his vote -

(a) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate for whom he wishes to vote in the first instance; and

(b) may, in addition, place on his ballot paper the figure 2 or the figures 2 and 3, or the figures 2, 3 and 4 and so on, in the space opposite the names of the other candidates in the order of his preference.

Explanation - the figures referred to in clauses (a) and (b) of this sub-rule may be marked in the international form of Indian numerals or in the Roman form or in the form used in any Indian language but shall not be indicated in words.
