

Option of not voting for any candidate – Rule 49-O of Conduct of Elections Rules, 1961.

Rule 49-O of the Conduct of Elections Rules, 1961, provides that if an elector goes to the polling station and after going through the legal formalities of his/her identification, application of indelible ink on the finger and affixing of signature in the register of voters (Form 17A), decides not to vote, the elector has to inform the Presiding Officer/polling officer about the decision not to vote, and the latter will then record a remark to that effect against the entry relating to that elector in the register of voters and take the signature/thumb impression of the elector concerned against that remark. The voter can then leave the polling station without voting for any candidate.

“Rule 49-O - Elector deciding not to vote – If an elector, after his electoral roll number has been duly entered in the register of voters in Form 17A and has put his signature or thumb impression thereon as required under sub-rule(1) of rule 49L, decides not to record his vote, a remark to this effect shall be made against the said entry in Form 17A by the presiding officer and the signature or thumb impression of the elector shall be obtained against such remark.”

In those cases where electors exercise the option of not voting under Rule 49-O, they would only be deemed to have not voted for any candidate and their votes would be invalid under the law. The candidate who secures the highest number of valid votes polled, irrespective of the percentage of votes polled by him/her, is declared elected. However, the number of electors who exercise the option under Rule 49-O is reflected in the account of votes recorded (Form 17C) which is prepared by the Presiding Officer for each polling station at the end of the poll.

The procedure prescribed under Rule 49-O is such that the decision and identity of the elector not voting for any candidate is known to those present in the polling station including the polling agents. In order to ensure that the identity of such elector is not revealed and is kept secret, the Commission has made a proposal to the government to amend the rules so as to provide for a 'none of the above' button on the balloting unit of the EVM after the name of the last candidate on the list. This will enable an elector to exercise the option of not voting for any of the candidates in secrecy, by pressing the 'none of the above' button. The Commission had sent the proposal on 10-12-2001.