

Rule 49MA of Conduct of Election Rules

May 5, 2020

Why is it in the news?

- The Union Law Ministry, which amended the Conduct of Election Rules, 1961, to allow use of electronic voting machines fitted with the Voter Verifiable Paper Audit Trail (VVPAT) system, has introduced a **new section to enable the voter to challenge VVPAT operation** in case of doubt.

What is rule 49MA?

- The new rule 49MA reads: Where a printer is used, if an elector after having recorded his/her vote alleges that the paper slip generated by the printer has shown the name or **symbol of a candidate other than the one he/she voted for**, the Presiding Officer shall obtain a written declaration from the elector on the veracity of the allegation, after warning him/her of the **consequence of making a false statement**.
- The Presiding Officer will then permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates/polling agents.
- If the voter's allegation is true, the Presiding Officer would immediately report to the Returning Officer and stop further recording of votes in the defective machine.
- Rule 49 MA of the Conduct of Election Rules, 1961 read with Section 177 of the Indian Penal Code criminalises the false reporting of malfunctioning of EVMs and VVPATs. If the allegation is false, a case under Section 177 of the IPC is made out. It prescribes simple imprisonment for a term extending to six months, or with

fine of ₹1,000, or both.