

Bharatiya Janata Party

(Central Office)

6A, Deendayal Upadhyay Marg, New Delhi

05 February 2021, Friday

Memorandum submitted to the Election Commission by the Bharatiya Janata Party delegation

A delegation of the Bharatiya Janata Party led by the National General Secretary of the BJP Shri Bhupender Yadav and the State BJP President of West Bengal Shri Dilip Ghosh met the Election Commission in New Delhi today on Friday on an issue related to West Bengal and submitted a memorandum.

The delegation included the following Party leaders:

- Shri Bhupender Yadav, National General Secretary (BJP) and MP, Rajya Sabha
- Shri Dilip Ghosh, State BJP President, West Bengal and MP (Lok Sabha, West Bengal)
- Smt. Locket Chatterjee, MP (Lok Sabha, West Bengal)
- Shri Swapan Das Gupta (MP, Rajya Sabha)
- Shri Arjun Singh, MP (Lok Sabha, West Bengal)
- Shri Om Pathak
- Dr. Sanjay Mayukh, National Media Co-incharge and National Spokesperson, BJP
- Shri Neeraj Kumar

Note: Memorandum submitted by the BJP delegation to the Election Commission is attached herewith.



Date: 5th February, 2021

The Chief Election Commissioner & Commissioners,
Election Commission of India,
Nirvachan Sadan, New Delhi.

**SUB.: REPRESENTATION FOR REVISIT/WITHDRAWAL OF
CIRCULAR NO. 52/2021/SDR/VOL. I, DATED 02.02.2021**

Sir/s,

The Commission *vide* the aforementioned circular was pleased to issue the revised guidelines for voting through postal ballot by absentee voters in the category of senior citizens (above 80 years of age), persons with disability flagged in the electoral roll and Covid-19 suspect or affected persons. It was further directed that the provision for postal ballot for the said categories be complied with in all future elections.

While we admire the intention of the Commission in reaching out to every section of the society for facilitating that each and every voter participates in the festival of democracy, the guidelines by means of the aforementioned Circular requires to be revisited/withdrawn. This is primarily based on the following reasons:

1. The Covid-19 active cases are receding in India at an accelerated rate with active cases reported at mere 1.52% of the total caseload and that too at a time when we have undertaken world's largest inoculation drive. It is because of this reason that the Ministry of Home Affairs in its Order No. 40-3/2020-DM-I(A), dated 27.01.2021, has permitted all activities including social/religious/sports/entertainment/educational/cultural/religious



- gatherings, cinema halls and theaters, swimming pools and exhibition halls with standard operating procedure guidelines.
2. Further, the Ministry of Information & Broadcasting vide No. M-35020/8/2020-US(FILMS), dated 31.01.2021 has even allowed the cinemas/theatres/multiplexes to operate at 100% seating capacity. Thus, it is safe to conclude that there has been a radical circumstantial change in the COVID-19 infection scenario in the country wherein the polling can conduct normally at the designated polling stations/booths with prescribed social distancing norms.
 3. Moreover, the speed and scale with which the vaccination drive is being conducted in India, postal ballots may not be required in the first place. This because by the time voting begins for the West Bengal Assembly Elections, we would be near completion of the Second Phase of the vaccination program, wherein people above 50 years of age, and those below 50 years of age with comorbidities or with high risk of infection, will be vaccinated.
 4. Moreover, the conventional system of voting through designated polling Stations/Booths would ensure the fundamental principles of fairness and equity and steer clear of any political partisanship. This would also give a level-playing field to smaller/registered political parties and impede any attempt by ruling party to exploit the facility of postal ballots in their favour, through threat/manipulation/coercion and illegal use of state machinery.
 5. It is further suggested that *in lieu* of postal ballot facility, separate and additional polling booths/stations be made for the persons in the aforementioned categories, so that they can cast their valuable votes with ease and convenience.



We also take this opportunity to make following suggestions for the smooth conduct of free and fair Assembly Elections in West Bengal:

6. There is a necessity to deploy members of only Central Armed Police Forces, duly trained to ensure the fairness, dignity and sanctity of the process. Furthermore, strict instruction should be given to the state and the political parties not to deploy and/or engage any Volunteer Police, ASHA workers, Home guards or any other such category of persons, otherwise amenable to pressure by the ruling party. Deploying the 'committed' state government employees on election duty will be detrimental to our averred objectives of free and fair elections.
7. The media reports about the conduct of police and administrative machineries of the State does not exhibit much confidence about their non-political or bi-partisan conduct. It is thus requested that the Commission should appoint special observers to oversee the police and administrative machineries of the State including their role in deployment of Central Forces.
8. The Police Officers who have been accused of political partisanship in the past, should be strictly kept out of any/all poll related duties.
9. In the recent past, there have been reported incidents of CCTV cameras been deliberately malfunctioned/destroyed or disruption of its webcast facility in order to effect electoral malpractices. Pursuantly, fresh CCTV guidelines be framed wherein re-polling should be mandated for any/all polling stations having CCTV malfunction/destruction or any disruption to its webcast proceedings.
10. Furthermore, the details of absentee voters belonging to PWD category be thoroughly verified to ensure that not a single PWD



voter is left out and not a single fake worker takes the benefit out of this voter-friendly system.

11. An All-Party Meeting be called for identification/marketing of sensitive booths with real-time webcast facilities.

Hence, in pursuance to the aforementioned submissions, it is requested that the aforementioned Circular No. 52/2021/SDR/VOL. I, dated 02.02.2021 be revisited/withdrawn with and immediate effect with provision for separate and additional polling booths/stations be made for the persons in the aforementioned categories of electors mentioned therein. This would ensure confidence and faith amongst the voters in the fairness of electoral processes in the forthcoming West Bengal Assembly Elections and allay any fear of electoral malpractices by the ruling party.

Regards,

(Bhupender Yadav)

(Dilip Ghosh)

(Locket Chatterjee)

(Swapan Dasgupta)

(Arjun Singh)

(Om Pathak)

(Neeraj)

(Sangay Mayukh)

Encl: Circular No. 52/2021/SDR/VOL. I, dated 02.02.2021

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 52/2021/SDR/VOL.I

Dated: 2nd February, 2021

To,

The Chief Electoral Officer of
all States & Union Territories

Subject: Guidelines for voting through postal ballot by Absentee Voters in the category of Senior citizens, PwDs and Covid-19 suspect or affected persons - regarding.

Ref.:- (i) Letter No. 52/2020/SDR/Vol.I dated 17.09.2020 and
(ii) Letter No. 52/2020/SDR/vol.I dated 03.10.2020


Sir/Madam,

I am directed to refer to the Commission's letters mentioned above and to forward herewith the revised guidelines for voting through postal ballot by absentee voters in the category of senior citizens (above 80 years of age), persons with disability flagged in the electoral roll and Covid-19 suspect or affected persons, for compliance in all future elections.

2. This may be brought to the notice of all District Election Officers, Returning Officers and other election authorities concerned and also to the State Units of recognized political parties and all registered unrecognized political parties based in your State/Union territory, for their information.

Kindly acknowledge.

Yours faithfully,


(N.T. Bhutia)
Secretary

Standard Distribution

Guidelines for Voting through postal ballot by Absentee Voters in the category of Senior Citizens, PwDs and Covid-19 suspect or affected persons

1. Following categories of Absentee voters, in pursuance of the Conduct of Elections (Amendment) Rules, 2019, and the Conduct of Elections (Amendment) Rules, 2020 read with the Election Commission's decision dated 16th July, 2020 have been given the facility of voting through postal ballot (PB) paper :

- (i) Senior citizens (above 80 years of age),
- (ii) Persons with disability flagged in the electoral roll and
- (iii) COVID 19 suspect or affected persons.

2. Process for applying PB by absentee voters.

(2.1) An Absentee Voter wishing to vote by postal ballot has to make application to the Returning Officer (RO) of the constituency concerned, in Form-12D, giving all requisite particulars. **Such application seeking postal ballot facility should reach to the RO during the period from date of announcement of election to five days following the date of notification of the election concerned.**

(2.2) As per the amended provisions under Rule 27E and 27-I of CER, 1961 the issue of Postal ballot paper to the absentee voter and return of the ballot paper after voting shall be in such manner as the Commission may direct. Accordingly, the Commission has laid down the following procedure/guidelines for facilitating voting through postal ballot by the absentee voters of senior citizen category (AVSC), absentee voters belonging to PWD category (AVPD) and absentee voters belonging to COVID 19 category (AVCO)

(2.3) If any elector at the time of election is hospitalized on account of COVID-19, in a hospital within the State or is in Home/ Institutional Quarantine on account of COVID-19 and hence not be in a position to cast vote personally at the polling station as per medical advice and if such elector makes request for issue of Postal Ballot, the RO concerned, on being satisfied about the genuineness of the application, shall provide the postal ballot to the elector. The RO shall make arrangement to deliver Postal Ballot and to get the same collected

back from the said elector before the date fixed for poll in the Constituency. This arrangement shall be made in coordination with the Nodal Officer for COVID-19, designated by the Chief Secretary, on the directions of the Commission. Application for postal ballot paper from such electors (Form 12D) should be accompanied by copy of certificate/ instructions from competent health authorities which show that the applicant is hospitalized in the State or is in quarantine within the State (Home or Institutional) on account of COVID 19.

(2.4) In case of absentee voters belonging to PWD category (AVPD), who opt for postal ballot, application (Form 12D) should be accompanied by a copy of benchmark disability certificate specified by the concerned appropriate Government, under the Rights of Persons with Disabilities Act, 2016.

3. Action by RO-

(3.1) Distribution of Form 12D by BLO:

- (a) BLO will visit to the houses of the absentee voters in category of AVSC, AVPD and AVCO, as per details provided by the RO, in the Polling Station area and deliver Form 12D to the concerned electors and obtain acknowledgements from them.
- (b) BLO shall deposit all the Acknowledgements obtained from the electors with the RO.
- (c) If an elector is not available, BLO will share his/her contact details and revisit to collect it within five days of the notification.
- (d) The elector may or may not opt for Postal Ballot. If he/she opts for Postal Ballot, then the BLO will collect the filled-in-Form 12D from the house of the elector within five days of the notification and deposit with the RO forthwith.
- (e) Sector Officer shall supervise the process of distribution and collection of Form 12D by BLOs under the overall supervision of RO.

(3.2) On receipt of application in Form-12D, the RO will draw a list (format as annexure-1) of all Absentee Voters in the 3 categories, i.e. (a) 'AVSC', (b) 'AVPD' and (c) AVCO, whose applications have been received in time and are in order.

(3.3) On the last date for making nominations for the election, the electoral roll is frozen for that election and no further addition or deletion can be carried out in the roll till the completion of the election. At this stage, RO shall verify and ensure that the applicants for postal ballots are registered as elector and their electoral particulars given in Form 12-D are correct with reference to the existing electoral roll. All the electors, whose particulars with reference to the electoral roll have been found to be correct, shall be issued postal ballot paper as Absentee Voters in the category of AVSC and AVPD. In case of Absentee Voters belonging to the category of COVID-19 (AVCO), before issuing FORM 12D, the RO shall check certificate of competent authority, duly appointed by the State Government/UT administration to the effect that the elector is under home quarantine or institutional quarantine due to COVID-19.

(3.4) The RO shall indicate entry 'PB' in the marked copy of the electoral roll against the names of such electors, to show that a postal ballot paper has been issued to them, without however recording therein the sl. no. of the ballot papers issued to them.

(3.5) The RO shall also ensure that elector who has been issued postal ballot is not allowed to vote at a polling station. 9.

(3.6) Further, the RO shall share list of all such PwD and 80+ electors, whose applications in Form 12D for availing Postal Ballot facility have been approved by him, with the Contesting Candidates of recognized political parties in printed hardcopy.

4. Form and design of Postal ballot paper

The postal ballot paper for Absentec Voters shall be of the same form and language as the postal ballot paper for the voters on election duty. In this

connection, reference is invited to the Commission's Directions No. 52/2015/SDR/Vol.1 dated 18th September, 2015 and 52/2016/SDR/Vol.1 dated 24th February, 2016, regarding the form of postal ballot paper for voters on election duty (copy enclosed).

5. Visits of Polling Officials, briefing of electors and collection of marked ballot papers:-

(5.1) Separate teams of poll officers, comprising two officials out of which at least one should be not below the rank/level of the official appointed as polling officer for Polling Station in the State, should be appointed for the purpose.

(5.2) Number of teams of Polling Officials to be appointed would depend on the number of Absentee Voters to whom postal ballot papers have been issued.

(5.3) The team of polling officials shall visit the electors at the address mentioned in their application in Form 12D for facilitating their voting by postal ballot paper.

(5.4) The electors will be intimated, in advance, about the date and approximate time of visit of poll officials. Such intimation may be given through SMS on the mobile phone number wherever the same has been mentioned in the application in Form-12D. In other cases, the intimation may be given by post and /or through the BLO.

(5.5) If the elector is not present at the given address at the first visit, the team shall pay a second visit after leaving intimation about the time of second visit. If the elector is not present even at the second visit, no further visit or action is required in his/her case.

(5.6) The candidates shall be informed about the schedule of visit for the delivery and collection of postal ballots for this category. They may, if desired,

depute their authorized representatives (including BLAs), with prior intimation to the Returning Officer, to watch the process.

(5.7) The list of AVSCs, AVPDs and AVCOs shall be divided for distribution among the different teams of Polling Officials in such manner that each team gets a list of persons in geographically compact area.

(5.8) The visiting polling official shall ascertain the identity of the elector before issuing postal ballot paper.

(5.9) Name of elector and the document produced for identification shall also be entered in a register (annexed as annexure-2) to be maintained for the purpose, and signature/thumb impression of the elector obtained therein. Further, a tick mark shall be placed against the name of the elector in the list of AVSC, AVPD and AVCO to indicate that the person has voted. The counterfoil with the serial number and part number of elector duly filled up shall be got detached and kept in safe custody by the team.

(5.10) It shall be the responsibility of each team of polling officials to (a) issue postal ballot to each of the Absentee Voters assigned to it, (b) brief the elector about the procedure to be followed for voting through postal ballot, (c) make sure that the elector votes without anyone influencing his/her choice, and ensuring the secrecy of voting, all activities at the address of the elector concerned. However, if any elector is not able to cast vote by himself due to blindness or physical infirmity, he/she shall be allowed to take the assistance of any adult person for casting vote.

(5.11) While briefing the electors about the procedure of voting and formalities to be observed on their part, the polling official shall clearly explain the following points to them:-

- (a) making the declaration in Form 13A and getting it attested by the poll officer himself,
- (b) entering the serial number of postal ballot paper, both on Form 13A and on the smaller envelope (Form 13B)
- (c) manner of marking vote, i.e by placing either cross mark or tick mark against the name of the candidate of choice,

- (d) folding and placing the marked ballot in the smaller envelope and closing the envelope,
- (e) Placing the declaration in Form 13A, duly filled up, signed and attested along with closed envelope (Form 13B) containing the marked ballot paper inside the larger envelope (Form 13C),
- (f) Closing the larger envelope and handing over the same to the poll officer.

(5.12) Poll officer is authorized to attest the declaration in Form 13A in the case of AVSC, AVPD and AVCO. While attesting the declaration, the poll officer shall write his full name and also the designation 'poll officer'. In the case of a COVID affected person on treatment in Hospital, the Medical Officer attending to the person also authorized to attest the declaration.

(5.13) After vote is cast on postal ballot and the envelope in Form 13C is ready, the Poll Officials will collect the same.

(5.14) Each team of polling officials should be provided with the list of AVSC, AVPD and AVCO electors, adequate number of postal ballot papers, envelopes, pen, ink-pad (for thumb impression wherever required), glue stick for closing the envelopes, a sufficiently big canvas bag for keeping the envelopes of polled ballots and the counterfoils safely and other essential stationeries that may be considered necessary.

(5.15) Police Security cover shall be provided to the poll officers for their visits. Arrangement for videography of the proceedings at the address of AVSC/ AVPD/AVCO should also be made. For this purpose, a videographer should accompany the poll officers. It shall be ensured that the secrecy of vote is not violated while carrying out the videography exercise.

(5.16) Visits by teams of poll officers to the address of AVSC, AVPD and AVCO electors should be planned in such a way that the same is completed one day prior to the date fixed for poll in the constituency. For instance, if poll is scheduled for 10th of Month, the postal voting for AVSC, AVPD and AVCO should be completed by 9th of that Month.

(5.17) For the poll officers deputed to AVCO electors appropriate protection equipment including PPE kit shall be provided. This should be done in consultation with the Nodal Health Officer for AVCOs.

6. Deposit of envelopes containing marked ballot papers and counterfoils

At the end of each day of visit by poll officers to the address of AVSC/AVPD/AVCO electors, the envelopes in Form-12C containing postal ballot paper etc. and the counterfoils of ballot papers containing the signature/thumb impression of electors and other particulars, shall be collected by the ARO designated of postal voting by the absentee voters. The ARO shall make arrangements to have the same delivered at the headquarters of the RO for keeping them in safe custody. The ARO shall maintain the record indicating the number of ballots sent on each day. This should also be shared with the RO on a daily basis.

7. Contesting candidates will be duly informed about the Election Commission's above guidelines.

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Annexure-1

List of AVSC, AVPD and AVCO electors entitled to vote through postal ballot

Name of Election: _____

Name of Constituency: _____

Sl.no.	Name of Elector	Part Number	Sl. Number in the Part	EPIC number

Signature of RO

Date:



Date: 5th February, 2021

The Chief Election Commissioner & Commissioners,
Election Commission of India,
Nirvachan Sadan, New Delhi.

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Regards,

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 52/2021/SDR/VOL.I

Dated: 2nd February, 2021

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Yours faithfully,


(N.T. Bhutia)
Secretary

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(5.1) Separate teams of poll officers, comprising two officials out of which at least one should be not below the rank/level of the official appointed as polling officer for Polling Station in the State, should be appointed for the purpose.

(5.2) Number of teams of Polling Officials to be appointed would depend on the number of Absentee Voters to whom postal ballot papers have been issued.

(5.3) The team of polling officials shall visit the electors at the address mentioned in their application in Form 12D for facilitating their voting by postal ballot paper.

(5.4) The electors will be intimated, in advance, about the date and approximate time of visit of poll officials. Such intimation may be given through SMS on the mobile phone number wherever the same has been mentioned in the application in Form-12D. In other cases, the intimation may be given by post and /or through the BLO.

(5.5) If the elector is not present at the given address at the first visit, the team shall pay a second visit after leaving intimation about the time of second visit. If the elector is not present even at the second visit, no further visit or action is required in his/her case.

(5.6) The candidates shall be informed about the schedule of visit for the delivery and collection of postal ballots for this category. They may, if desired,

depute their authorized representatives (including BLAs), with prior intimation to the Returning Officer, to watch the process.

(5.7) The list of AVSCs, AVPDs and AVCOs shall be divided for distribution among the different teams of Polling Officials in such manner that each team gets a list of persons in geographically compact area.

(5.8) The visiting polling official shall ascertain the identity of the elector before issuing postal ballot paper.

(5.9) Name of elector and the document produced for identification shall also be entered in a register (annexed as annexure-2) to be maintained for the purpose, and signature/thumb impression of the elector obtained therein. Further, a tick mark shall be placed against the name of the elector in the list of AVSC, AVPD and AVCO to indicate that the person has voted. The counterfoil with the serial number and part number of elector duly filled up shall be got detached and kept in safe custody by the team.

(5.10) It shall be the responsibility of each team of polling officials to (a) issue postal ballot to each of the Absentee Voters assigned to it, (b) brief the elector about the procedure to be followed for voting through postal ballot, (c) make sure that the elector votes without anyone influencing his/her choice, and ensuring the secrecy of voting, all activities at the address of the elector concerned. However, if any elector is not able to cast vote by himself due to blindness or physical infirmity, he/she shall be allowed to take the assistance of any adult person for casting vote.

(5.11) While briefing the electors about the procedure of voting and formalities to be observed on their part, the polling official shall clearly explain the following points to them:-

- (a) making the declaration in Form 13A and getting it attested by the poll officer himself,
- (b) entering the serial number of postal ballot paper, both on Form 13A and on the smaller envelope (Form 13B)
- (c) manner of marking vote, i.e by placing either cross mark or tick mark against the name of the candidate of choice,

- (d) folding and placing the marked ballot in the smaller envelope and closing the envelope,
- (e) Placing the declaration in Form 13A, duly filled up, signed and attested along with closed envelope (Form 13B) containing the marked ballot paper inside the larger envelope (Form 13C),
- (f) Closing the larger envelope and handing over the same to the poll officer.

(5.12) Poll officer is authorized to attest the declaration in Form 13A in the case of AVSC, AVPD and AVCO. While attesting the declaration, the poll officer shall write his full name and also the designation 'poll officer'. In the case of a COVID affected person on treatment in Hospital, the Medical Officer attending to the person also authorized to attest the declaration.

(5.13) After vote is cast on postal ballot and the envelope in Form 13C is ready, the Poll Officials will collect the same.

(5.14) Each team of polling officials should be provided with the list of AVSC, AVPD and AVCO electors, adequate number of postal ballot papers, envelopes, pen, ink-pad (for thumb impression wherever required), glue stick for closing the envelopes, a sufficiently big canvas bag for keeping the envelopes of polled ballots and the counterfoils safely and other essential stationeries that may be considered necessary.

(5.15) Police Security cover shall be provided to the poll officers for their visits. Arrangement for videography of the proceedings at the address of AVSC/ AVPD/AVCO should also be made. For this purpose, a videographer should accompany the poll officers. It shall be ensured that the secrecy of vote is not violated while carrying out the videography exercise.

(5.16) Visits by teams of poll officers to the address of AVSC, AVPD and AVCO electors should be planned in such a way that the same is completed one day prior to the date fixed for poll in the constituency. For instance, if poll is scheduled for 10th of Month, the postal voting for AVSC, AVPD and AVCO should be completed by 9th of that Month.

(5.17) For the poll officers deputed to AVCO electors appropriate protection equipment including PPE kit shall be provided. This should be done in consultation with the Nodal Health Officer for AVCOs.

6. Deposit of envelopes containing marked ballot papers and counterfoils

At the end of each day of visit by poll officers to the address of AVSC/AVPD/AVCO electors, the envelopes in Form-12C containing postal ballot paper etc. and the counterfoils of ballot papers containing the signature/thumb impression of electors and other particulars, shall be collected by the ARO designated of postal voting by the absentee voters. The ARO shall make arrangements to have the same delivered at the headquarters of the RO for keeping them in safe custody. The ARO shall maintain the record indicating the number of ballots sent on each day. This should also be shared with the RO on a daily basis.

7. Contesting candidates will be duly informed about the Election Commission's above guidelines.

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Annexure-1

List of AVSC, AVPD and AVCO electors entitled to vote through postal ballot

Name of Election: _____

Name of Constituency: _____

Sl.no.	Name of Elector	Part Number	Sl. Number in the Part	EPIC number

Signature of RO

Date: