



Rule 49MA of the Conduct of Election Rules

- The **Election Commission (EC) of India** may revisit a rule that provides for prosecution of an elector if a complaint regarding malfunctioning of the **EVM or VVPAT machine turns out to be false**.
- **Under Rule 49MA of the Conduct of Election Rules**, a voter who claims that the EVM or the paper trail machine did not record his or her vote correctly is allowed to cast a test vote.
 - If the voter fails to prove the mismatch, poll officials can initiate action against the **complainant under Section 177 of the Indian Penal Code**, which deals with giving false submission.
 - A person can be punished with a jail term up to six months, or **fine to the tune of Rs 1,000 or both**.

Background

- The EC has all along maintained that if there is no penal provision, there may be a flood of false claims.
 - However, this provision should be **used as an exception and very rarely**.
 - The intention of the provision was to **discourage those who want to disrupt the electoral process by making such complaints**.
- Earlier in April, 2019 a Supreme Court bench headed by Chief Justice Ranjan Gogoi had sought the poll panel's response on a plea seeking **setting aside of Rule 49MA**.
 - The plea alleged that the provision was **unconstitutional as it criminalized** reporting of malfunctioning of EVMs and VVPAT machines.
 - Putting the onus on the elector in case of arbitrary deviant behavior of machines infringed upon a **citizen's right to freedom of expression, i.e. Article 19(1)(a)**.