

Govt. amends rule to restrict access to polling footage

Rule changed to restrict access to polling footage

New changes

The Centre has amended Conduct of Election Rules to restrict public access to a section of poll documents

■ The Election Commission says the rule mentions election papers and does not specifically refer to electronic records. In order to remove this ambiguity, the rule has been amended to safeguard misuse of CCTV footage from inside the polling stations

■ The move comes after a recent direction to the EC by the Punjab and Haryana High Court to share all documents related to Haryana Assembly Elections, including CCTV footage



Sreeparna Chakrabarty
NEW DELHI

The Centre has amended the Conduct of Election Rules to restrict public access to a section of poll documents. This was brought into effect through a notification issued by the Ministry of Law and Justice on Friday following a recommendation by the Election Commission.

Rule 93(2)(a) of the 1961 Conduct of Election Rules had earlier stated that "all other papers relating to the election shall be open to public inspection". After the amendment, it reads, "all other papers as specified in these rules relating

to the election shall be open to public inspection."

While officials said the rule has been amended to prevent misuse of CCTV footage of polling stations, RTI activists have termed it a setback to transparency.

The move follows a recent direction to the EC by the Punjab and Haryana High Court to share all documents related to Haryana Assembly polls, including treating CCTV footage also as permissible under Rule 93(2), to a petitioner named Mahmoud Pracha.

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According to a senior EC official, "The rule mentioned election papers. The election papers and documents do not specifically refer to electronic records. In order to remove this ambiguity and considering the serious issue of violation of secrecy of vote and potential misuse of CCTV footage of inside of the polling station using artificial intelligence by a single person, the rule has been amended."

He said, "Sharing of CCTV footage may have serious repercussions, especially in sensitive regions like Jammu and Kashmir, naxal-affected regions, etc., where secrecy is important. Lives of voters may also be at risk. All election papers and documents are otherwise available for public inspection."

"Candidates in any case have access to all documents, papers and records. Even Mr. Pracha was entitled for all the documents and records from his Constituency when he contested as a candidate in Lok Sabha Elections 2024," the official said, adding that nothing has been amended in the rules in this regard.

'Setback for transparency'

However, RTI activists have said it was a setback to transparency. "Huge setback for transparency! Modi government amends Rule 93(2) of Conduct of Elections Rules to restrict people's right to access election related records after High Court orders disclosure! Applications we filed in May 2024 under Rule 93(2) for copies of Form 17C are still pending," transparency activist Anjali Bharadwaj said.

Dated: 22.12.2024

Change in election conduct rules erodes integrity, says Cong.

The Law Ministry had changed Rule 93(2)(a) of the 1961 Conduct of Election Rules; move of the EC will be challenged legally, says Congress

The Hindu Bureau
NEW DELHI

The Congress on Saturday said that a change in rules regarding the conduct of elections is “a vindication of our assertions regarding the rapidly eroding integrity of the electoral process managed by the Election Commission of India (EC)”.

Congress communication chief Jairam Ramesh, in a post on X, tagged a media report that claimed that the Union Law Ministry, in consultation with the EC, effected a change in the rules after the Punjab and Haryana High Court asked the EC to supply all information including video and CCTV footage pertaining to a particular booth in the recent Haryana Assembly polls to the petitioner.

On Friday, the Law Ministry, through a Gazette notification, had changed



Q The EC, instead of complying with the verdict, rushes to amend the law to curtail the list of what can be shared. Why is EC afraid of transparency?

JAIRAM RAMESH
Congress communication chief

Rule 93(2)(a) of the 1961 Conduct of Election Rules under the Representation of the People Act, 1951. Earlier, the said rule stated that “all other papers relating to the election shall be open to public inspection”. However, it has now been changed to read: “all other papers as specified in these rules relating to the election shall be open to public inspection”.

“If there was ever a vindication of our assertions regarding the rapidly eroding integrity of the electoral process managed by the Election Commission of In-

dia in recent times, this is it. Sunlight is the best disinfectant, and information will restore faith in the process – a reasoning the Punjab and Haryana High Court agreed with when it directed the EC to share information that it is legally required to do so with the public,” said Mr. Ramesh.

“Yet the EC, instead of complying with the judgment, rushes to amend the law to curtail the list of what can be shared. Why is the EC so afraid of transparency? This move of the EC will be challenged legally right away,” he added.

Dated: 22.12.2024

Govt tweaks poll rule, bars e-docs from public view

DC CORRESPONDENT
NEW DELHI, DEC. 21

The Central government has amended an election rule to prevent public inspection of certain electronic documents such as CCTV camera and webcasting footage as well as video recordings of candidates, to prevent their misuse.

Union law ministry has amended "Rule 93" of the "Conduct of Election Rules, 1961", to restrict the type of "papers" or documents open to public inspection. The Election Commission (EC) has done this on the basis of the recommendation. According to Rule 93, all "papers" related to elections shall be open to public inspection.

The amendment inserts "as specified in these rules" after "papers".

Law ministry and EC

officials separately explained that a case in court "triggered" the amendment.

While documents such as nomination forms, appointment of election agents, results and election account statements are mentioned in the "Conduct of Election Rules", electronic documents such as CCTV camera footage, web casting footage and video recording of candidates during the Model Code of Conduct period are not covered.

"There have been instances where such electronic records have been sought, citing the rules. The amendment ensures that only papers mentioned in the rules are available for public inspection, and any other document that has no reference in the rules is not allowed for public inspection," an EC functionary said.

Candidates will not get poll booth CCTV footage: EC

TIMES NEWS NETWORK

New Delhi: Election Commission has brought changes in an electoral rule to specify that CCTV footage of poll booths will not come under the category of 'documents' to be made available to contestants and the general public. Before the amendment, the provision under Section 93(2) of the Conduct of Election Rules said, "all other papers relating to the election shall be open to public inspection" with court permission.

The changes were triggered after Punjab and Haryana high court recently directed EC to provide copies of required documents related to the Haryana assembly elections to advocate Mehmood Pracha. He had filed a petition seeking the videography, CCTV camera footage and copies of Forms

17-C Parts I and II related to the conduct of elections.

The existing rules do not contain any specific mention or obligation on part of EC to provide any videographic record or CCTV footage to the public. The detailed rules have a list of records or documents

CURBING PUBLIC SCRUTINY OF E-RECORDS

which can be made available to the general public, after directions from a competent court.

Congress was quick to latch on to the changes and accused the Modi govt and EC of hurting transparency and eroding the integrity of the electoral process, but EC said it was done to protect the privacy of voters and for their safety.

► To avoid mischief, P 13

CCTV footage restricted to avoid mischief: EC

► From P 1

Friday's amendment has added a line where Section 93, in sub-section (2), in clause (a), after the word 'papers', the words 'as specified in these rules' shall be inserted. By adding this clarification, EC has made it clear that 'papers' would not include any documents or electronic records which have not

been specified in the rules.

Congress spokesperson Jairam Ramesh, while sharing the gazette notification on his social media account, said his party would challenge this amendment in courts 'right away'. He said, "If there was ever a vindication of our assertions regarding the rapidly eroding integrity of the electoral process managed by the EC

in recent times, this is it."

EC sources, however, justified the changes and said restriction of making available CCTV footage to anyone was to avoid mischief and for the safety concerns of voters. All election papers and documents are otherwise available for public inspection. Candidates in any case have access to all documents, papers and records.

D T. NEXT

Dated: 22.12.2024

Poll rule tweaked to restrict public view of e-records

NEW DELHI: The government has tweaked an election rule to prevent public inspection of certain electronic documents such as CCTV cameras and webcasting footage as well as video recordings of candidates to prevent their misuse.

Based on the recommendation of the Election Commission (EC), the Union law ministry on Friday amended Rule 93(2)(a) of the Conduct of Election Rules, 1961, to restrict the type of "papers" or documents open to public inspection.

According to Rule 93, all "papers" shall be open to inspection. The amendment inserts "as specified in these rules" after "papers".

Law ministry and EC officials separately explained that a court case was the "trigger" behind the amendment.

While documents such as nomination forms, the appointment of election agents, results and election account statements are mentioned in the Conduct of Election Rules, electronic documents such as CCTV footage, webcasting footage and video recording of candidates during the Model Code of Conduct peri-

od are not covered.

"CCTV coverage and webcasting of polling stations are not carried out under Conduct of Election Rules but are the result of steps taken by the EC to ensure a level playing field," a former EC official explained.

An EC functionary said, "There have been instances where such electronic records have been sought. The amendment ensures that only papers mentioned in the rules are available for public inspection."

EC functionaries said CCTV footage from polling booths could compromise voter secrecy.

Dr. Next

Date: 29-12-2024

Amendment to poll rules on inspection: Cong to move court

NEW DELHI: The Congress on Saturday hit out at the Election Commission for tweaking an election rule to prevent public inspection of certain electronic documents such as CCTV camera and webcasting footage, asking why the poll panel was afraid of transparency.

Congress general secretary in-charge communications Jairam Ramesh said the party would legally challenge amendment.

"If there was ever a vindication of our assertions regarding the rapidly eroding integrity of the electoral process managed by the Election Commission of India (ECI) in recent times, this is it," Ramesh said in a post on X.

The government has tweaked an election rule to prevent public inspection of certain electronic documents such as CCTV camera and webcasting footage as well as video recordings of candidates to prevent their misuse.

Based on the recommendation of the poll panel, the Union law ministry has amended Rule 93 of the Conduct of Election Rules, 1961, to restrict the type of "papers" or documents open to public inspection. According to Rule 93, all "papers" related to elections shall be open to public inspection.

The amendment inserts "as specified in these rules" after "papers". Ramesh said sunlight was the best disinfectant and information would restore faith in the process - a reasoning Punjab and Haryana High Court agreed with when it directed the ECI to share all information it was legally required to with the public.

"Yet, the ECI, instead of complying with the judgment, rushes to amend the law to curtail the list of what can be shared," he said.

"Why is the ECI so afraid of transparency?" the Congress general secretary asked. Transparency and openness are key in exposing and eliminating corruption and unethical practices and information restores confidence in the process, Ramesh noted.

தேர்தல் மின்னணு தகவல்களை இனி சுலபமாக பெற முடியாது

புதுடில்லி, டிச. 22-

தேர்தல் தொடர்பான ஆவணங்களை பொதுமக்கள் பார்ப்பது தொடர்பான சட்ட விதிகளில் திருத்தம் செய்யப்பட்டுள்ளது. இதன்படி, சிசிடிவி கேமரா பதிவுகள், வீடியோ பதிவு போன்ற மின்னணு தகவல்களை இனி பொதுமக்கள் கோர முடியாது.



தேர்தல் நடத்தும் விதிகளின்படி, தேர்தல் தொடர்பான ஆவணங்களை, பொதுமக்கள் பார்க்க அனுமதிக்கப்படுகிறது. வேட்பாளரின் வேட்புமனு, தேர்தல் முடிவுகள், தேர்தல் செலவு கணக்கு

உள்ளிட்டவை இதில் அடங்கும்.

சமீபத்தில், ஹரியானா சட்டசபைக்கு தேர்தல் நடந்தது. இது தொடர்பாக தொடரப்பட்ட வழக்கு ஒன்றை விசாரித்த, ஹரியானா மற்றும் பஞ்சாப் உயர் நீதிமன்றம், தேர்தல் தொடர்பான சிசிடிவி கேமரா பதிவுகள், வெப்காஸ்டிங், வேட்பாளர் தொடர்பான வீடியோ பதிவுகள் உள்ளிட்டவை வழங்க உத்தரவிட்டது.

இந்நிலையில், தேர்தல் கமிஷனின் பரிந்துரைகளின்படி, தேர்தல் நடத்தும் விதி எண், 93ல் திருத்தம் செய்து, மத்திய சட்ட அமைச்சகம் அறிவிப்பாணை வெளியிட்டு உள்ளது.

இதன்படி, சிசிடிவி உள்ளிட்ட மின்னணு ஆவணங்கள் பொதுமக்கள் பார்வைக்கு இனி வைக்கப்படாது. அதே நேரத்தில், வேட்பு மனு உள்ளிட்ட ஆவணங்களை வழக்கம்போல் பார்க்க முடியும். மின்னணு ஆவணங்கள் தேவைப்படுவோர், நீதிமன்றத்தின் வாயிலாகவே கோர முடியும்.

'சிசிடிவி கேமரா பதிவுகள் உள்ளிட்டவை, தேர்தல் தொடர்பான ஆவணங்கள் அல்ல. அவை, தேர்தலை சுமுகமாக நடத்துவதற்கான நடைமுறைகளே. இவற்றை பொதுமக்கள் பார்க்க அனுமதிக்கத் தேவையில்லை. தவறாகப் பயன்படுத்த வாய்ப்புள்ளதால், இவற்றின் ரகசியம் காக்கவே, இந்த சட்ட விதியில் திருத்தம் செய்யப்பட்டுள்ளது' என, தேர்தல் கமிஷன் அதிகாரிகள் தெரிவித்துள்ளனர்.