

OFFICE OF THE CHIEF ELECTORAL OFFICER, TELANGANA
GENERAL ADMINISTRATION (ELECTIONS) DEPARTMENT

5th Floor, North Block, Buddha Bhavan, Secunderabad, Hyderabad – 03

Memo No.2221/Elecs.D/A1/2021-34,

Dated:05.10.2021.

Sub:-Elections - Bye Elections to the TSLA from 31-Huzurabad AC — Appointment of Election Agent, Polling Agent or their substitution by relief agents and Counting Agents — Election Commission of India-instructions — Communicated - Reg.

- Ref:- 1. ECI, Lr.No.464/INST/2014/EPS, dated: 01.04.2014
2. ECI, Lr.No.76/2014/SDR, dt: 08.04.2014.
3. ECI, Lr.No.464/inst/2014-EPS, dated: 04.5.2014.
4. ECI, Lr.No.364/INST.2014/EPS, dated: 05.5.2014.
5. ECI, Lr.No.464/INST/2014/EPS, dated: 18.03.2021

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The attention of the Collector & District Election Officer, Karimnagar and the Returning Officer, 31-Huzurabad Assembly Constituency is invited to the references cited and inform that the ECI had issued detailed instructions regarding appointment of Election Agent, Polling Agent and Counting Agents.

Election Agent

Under Section 40 of the Representation of the People Act, 1951, every candidate at an election is entitled to appoint a person as his / her Election Agent. The appointment of Election Agent is to be made in Form 8 appended to the Conduct of Election Rules, 1961 in the manner mentioned in Rule 12 of the said Rules. The Election Agent so appointed can perform all functions mentioned in the R.P. Act, 1951 on behalf of candidate.

Any person who is disqualified under the constitution or under the Representation of People Act, 1951, for being a member of either House of Parliament or either house of the Legislature of a State or for voting at elections shall, so long as the disqualification subsists, be disqualified for being an election agent at any election (Vide para 5.26.3 of HBRO 2019).

The Commission has instructed that the Ministers of the Union or States and MP, MLA, MLCs and any other person provided with security cover by the State shall not be appointed as election agents (and also for polling and counting agents). No person with security cover can be allowed to surrender the security cover to enable him to become an election agent. (Vide para 5.26.4 of HB RO 2019).

Every candidate is also permitted to appoint an additional election agent for assisting the candidate in various expenditure related matters. This additional agent would be for the purpose of performing only the non-statutory duties relating to expenditure monitoring matters. The statutory duties, the election agent is authorized to perform on behalf of the candidate can be performed only by the election agent appointed under Section 40 of the Representation of the People Act, 1951 read with Rule 12 of the Conduct of Elections Rules, 1961. (Para5.26.5 of Hand Book for ROs.)

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A candidate may revoke the appointment of election agent at any time by a letter in **Form 9**, which is to be lodged with Returning Officer in order to take effect. If an election agent's appointment has been revoked or if he dies, the candidate may appoint another election agent in his place. (Para 5.27.1 of Hand Book for ROs.)

In order to prevent any malpractices at polling stations by unscrupulous persons pretending to be polling agents appointed by the candidates or their election agents, Returning Officer should obtain and circulate the specimen signatures of the candidates and their election agents to each Presiding Officer in the proforma as given in Annexure 21, so that the Presiding Officers are in a position to verify the signatures of candidates / their election agents on any form or document presented on their behalf. (Para 5.28.1 of Hand Book for ROs.)

Polling Agent

The appointment of a polling agent can be made either by the candidate himself or by election agent, and by no one else. The appointment has to be made by a letter of appointment in the **Form 10** and signed by the person making the appointment i.e., by the election agent or the candidate. The polling agent should sign his/her letter of appointment in the presence of the candidate or his election agent. Such letter of appointment shall be handed over to the polling agent for production in original at the polling station, so that the Presiding Officer may admit him into the polling station. The polling agent shall have to sign again in the presence of the Presiding Officer at the polling station (7.1 of HB for Polling Agent).

If any candidate and / or his election agent refuse(s) to affix specimen signature on the format (Appendix-1A), the Presiding Officer may not entertain any appointment letter in **Form 10** from the polling agents appointed by him where the Presiding Officer is in reasonable doubt as to the genuineness of the signature of the candidate or his election agent, whose specimen signature is not available in the prescribed format (Appendix-1A) (7.2 of HB for Polling Agent).

In the reference 3rd cited, the Election Commission of India has directed that with a view to ensure that the polling agents are properly facilitated to keep effective watch on poll process. Apart from compliance to the existing instructions such as taking signature of the polling agents in the mock-poll certificates, declarations at the start of poll and end of the poll etc., as mentioned in Chapter XVI of Presiding Officers Handbook, the following shall be ensured:

- (a) A "polling agents/relieving agents movement sheet" should be provided to each polling station, in which each and every polling agent shall be required to sign indicating the time at which he/she came to the polling station and also when left the polling station. This sheet shall be handed over after poll at the EVM reception center along with other documents. The observer, Sector Magistrate, Senior officers who visit the polling station during the course of poll shall also ensure that the aforesaid sheet is being properly maintained.

- (b) The Telephone Nos. of ROs/AROs/Key Police Officers/ Sector Officers / Control Rooms shall be displayed at the polling stations so that if polling agents have any complaint they can call them for immediate intervention.
- (c) Any complaint received from polling agents at any level shall be inquired immediately. The RO/Observer shall also scrutinize the documents related to such polling stations carefully and record their views specifically.
- (d) All the Micro-observers along with their reports shall be present at the time of Scrutiny of **Form 17A** and related documents. This is necessary so that the Observers can take their inputs, if required, in conduct of scrutiny.

Section 46 of the Representation of the People Act, 1951 read with Rule 13 of the Conduct of Election Rules, 1961 provides that at every election, each candidate or his election agent can appoint one polling agent and two relief polling agents at each polling station. The Commission in the past had issued guidelines on various respects of appointment of polling agent. All these instructions relating to Polling Agents have been incorporated in Hand Book for Polling Agents. The polling agents, who are appointed by the contesting candidates, shall be ordinary residents and electors of same polling station or in the alternate from the neighboring polling station falling in the same Constituency. Such polling agents must have Elector Photo Identity Card or any other recognized identification device issued by the Government, or any Government agency which bears his / her identity.

No person in the service of the Government can act as a polling agent of a candidate (Section 134-A of the R.P. Act, 1951). If he does so, he is punishable with imprisonment for a term, which may extend to 3 months or with fine or with both (Para 9.2 of HB for Polling Agent)

A minister of a government or any other person who has been given security cover at state expense is not allowed to function as a polling agent, as he can neither be allowed to enter the polling station' along with his security personnel nor can his security be compromised by allowing him to enter the polling station without security cover. The security personnel accompanying Ministers or political functionaries shall not be allowed entry inside the polling station. They can stand waiting at the door of the polling station but shall not identify the voters or check their EPICs or other alternative documents of identification during this period. (9.3 of HB for Polling Agent)

Counting Agent

Each candidate should be allowed to appoint as many counting agents as the number of counting tables and one more to watch the counting at the RO table. The RO should inform the candidates about the total number of counting agents they are entitled to appoint. The counting agents are required, under law, to be appointed in **Form-18**. Any request on a plain paper received from the candidate/election agent should not be accepted. Declaration of counting agents in Form-18 is to be signed

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by them in the presence of the RO. A candidate can also appoint one more counting agent to attend the counting of postal ballot papers at the place fixed for the purpose by the RO (para 15.12.1 of FIB RO 2019).

The RO should obtain a list of counting agents in **form-18** (in duplicate) with their photographs from all the contesting candidates by 17:00 hours on the day three days prior to the date fixed for counting of votes. RO shall prepare the photo identity cards of the counting agents then and there under his seal and signature and should be issued to the contesting candidates and obtain acknowledgement thereof along with second copy of **form-18**. Each counting agent may have a badge indicating whose agent he is and the serial number of the table at which he will observe the counting. Each counting agent should affix his signature in full on the badge immediately after issued to him. (para 15.12.2 of HB RO 2019).

The Security personnel are not allowed to enter the counting hall as per standing instructions of the Election Commission, the following persons cannot be appointed as Counting Agent of a Candidate during an election:

- (a) Any sitting Minister Union Government
- (b) Any sitting Minister of State Government
- (c) Sitting Member of Parliament
- (d) Sitting Member of Legislative Assembly/Legislative Council
- (e) Chief/Head/Chairperson of Urban Local Bodies, viz Mayor of a Corporation, Chairperson of Municipality/ Nagar Panchayat.
- (f) Chairperson of District level "Lila Parishad/ Block level Panchayat Samiti.
- (g) Elected Chairpersons of National / State/ District co-operative institutions
- (h) Political functionaries appointed as Chairpersons of Central PSUs / State PSUs, Chairperson of Government bodies, Government Pleader / Additional Government Pleader
- (i) Any Government Servant

The Returning Officer is further informed that in the reference 1st cited, the Election Commission of India while referring their letters **No.464/INST/2008/EPS, dated: 14.10.2008 & No.464/INST/2009/EPS, dated:25.04.2009** has instructed that any sitting Minister either of Union Government or of a State Government, sitting Member of Parliament, sitting Member of Legislative Assembly/ Legislative Council, Mayor of a Corporation or Chairperson of Municipality/ Zilla Parishad/ Panchayat Union etc. will not be allowed to act as Election Agent, Polling Agent or Counting Agent of any candidate during an election, irrespective of whether he/she is provided with security or not or anything else in order to ensure maintenance of a level playing field and prevent undue influence on the election process for effective implementation of the guidelines issued by the Commission to follow the model code of conduct.

A Government servant also cannot act as a counting agent of a candidate (Section 134-A of the R.P. Act. 1951). If he so acts, he is punishable with imprisonment for a term which may extend to 3 months or with fine or with both.

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Election Commission of India in its latest guidelines for conduct of Bye-Elections during COVID-19 has instructed that "If polling agent or counting agent is having temperature above the prescribed limit, then their reliever shall be allowed by Presiding Officer, who will keep a record accordingly."

Election Agents / Polling Agents and Counting Agents whoever is coming in contact with the public or election officials have to be double vaccinated before 30.10.2021.

The District Election Officer, Karimnagar is therefore, requested to bring the above instructions to the notice of the Returning Officer, 31-Huzurabad AC and Assistant Returning Officers / Sector Officers and Presiding Officers. The above instructions are not exhaustive, for detailed instructions, the Hand Book for Returning Officers, 2019 and Manual on Polling Stations (2016 and October, 2020), other Hand Books, Broad Guidelines for Conduct of Bye-Elections during COVID-19 and latest instructions of the Election Commission of India issued from time to time should be referred and followed, scrupulously.

**Dr. SHASHANK GOEL,
CHIEF ELECTORAL OFFICER &
E.O. SPL. CHIEF SECRETARY TO GOVT.**

To
The Collector & DEO, Karimnagar, (w.e)
The Returning Officer, 31-Huzurabad Assembly Constituency. (w.e)
Copy to :-
Mr. Sudhakar, SLA, (for placing on CEO website) (w.e)

// FORWARDED ::BY ORDER//


SECTION OFFICER

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 464/INST/2014/EPS

Dated:- 1st April, 2014

To

The Chief Electoral Officers,
of all States/UTs.

Sub: Prohibition of Appointment of sitting Minister/MP/MLA/MLC as Election Agent, Polling Agent or Counting Agent – Clarification regarding.

Sir/Madam,

I am directed to refer to the Commission's Instructions communicated vide letter No. 464/INST/2008/EPS, dated 14.10.2008, on the subject cited above, and to state that the Commission has prohibited any sitting Minister either of Union Government or of a State Government, sitting Member of Parliament, sitting Member of Legislative Assembly, Legislative Council or any other person having security cover provided by the State (both Union and State Govts.) to act as Election Agent, Polling Agent or Counting Agent of any candidate during an election in view of their security cover. Further, any person having security cover is not allowed to surrender his security cover to act as such agent of a candidate during an election keeping in view that any untoward incident involving them may have serious repercussions in the conduct of free, fair and peaceful election.

2. In the said instructions, it is also stated that if an MP, MLA/MLC or a sitting Minister acts as an agent of a candidate that would not be desirable from the point of view of maintaining the level playing field during an election apart from their security being compromised.

3. Further, the Commission, vide its instruction No. 464/INST/2009/EPS dated 25.04.2009, extended the said prohibition to Mayor of Corporation, Chairman of Municipality/Zila Parishad/Panchayat Union, etc. also, stating that "a large number of employees of local authorities are deployed on election duty. Therefore, a Mayor of Corporation or Chairman of Municipality/Zila Parishad/Panchayat Union, etc. acting as agent for a candidate will be improper and would be contrary to the spirit of level playing field."

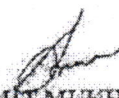
4. In this connection, a clarification has been sought by the CEO, Puducherry as to whether a sitting MLA/Rajya Sabha MP without security cover be allowed to be appointed as

Election/Polling/Counting Agent as it could be inferred that persons without security cover will not be covered under the above instructions.

5. The Commission, keeping in view all the relevant factors in this regard, has decided that any sitting Minister either of Union Government or of a State Government, sitting Member of Parliament, sitting Member of Legislative Assembly/Legislative Council, Mayor of a Corporation or Chairperson of Municipality/Zila Parishad/Panchayat Union, etc., will not be allowed to act as Election Agent, Polling Agent or Counting Agent of any candidate during an election, irrespective of whether he/she is provided with security or not or anything else, in order to ensure maintenance of a level playing field and prevent undue influence on the election process, for effective implementation of the guidelines issued by the Commission, to follow the Model Code of Conduct.

6. This may be brought to the notice of all concerned, especially for compliance by the candidates while they appoint such agents to watch their interests during an election.

Yours faithfully,


(SUMIT MUKHERJEE)
SECRETARY

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ELECTION COMMISSION OF INDIA

Niryachan Sadan, Ashok Road, New Delhi-110 001

No.76/2014/SDR

Dated: 8th April, 2014

To,

The Chief Electoral Officers of
all States and Union Territories.

Subject: - Appointment of Election Agent-regarding.

Sir/Madam,

Under Section 40 of the Representation of the People Act, 1951, every candidate at an election is entitled to appoint a person as his/her Election Agent. The appointment of Election Agent is to be made in Form 8 appended to the Conduct of Election Rules, 1961 in the manner mentioned in Rule 12 of the said Rules. The Election Agent so appointed can perform all functions mentioned in the 1951 Act on behalf of the candidate.


2. The Commission has allowed appointing an additional agent for assisting the candidate for closer and better monitoring of the election expenses (vide letter no. 76/2011/SDR dated 18th March, 2011).

3. It has now been brought to the notice of the Commission that Candidates of large Parliamentary Constituencies spread over the entire State or more than one district are finding it difficult to monitor the process of election in the entire parliamentary constituency with only one Election Agent permitted under the law. Taking into account the genuine difficulty expressed by the Candidates, the Commission has decided to permit appointment of "Authorised Nominees" in addition to the Election Agent. Such 'Authorised Nominees' will not have the legal status of Election Agent but may represent the candidates for meeting with officials and may perform non-statutory functions on behalf of the candidate. The number of such Authorised Nominees shall not be more than the number of Assembly segments in the Parliament Constituency, and in the case of smaller States with one or two Parliamentary Constituencies, the number of Authorised Nominees shall not be more than the number of districts falling in the Parliamentary Constituency. The Authorised Nominees may be issued vehicle permit for the particular area for which he is nominated by the candidate, upto the end of the campaign period. Needless to mention that the expenditure on the vehicles used by the 'Authorised Nominee' shall be booked to the account of election expenses of the candidate. A format for appointment of 'Authorised Nominee' is enclosed herewith.

4. All the conditions laid down under Section 41 of the Representation of the People Act, 1951 for appointment of Election Agent and the general prohibition against appointing Minister/MP/MLA/MLC/Mayor of Corporation /Chairman of Municipality/ Zilla Parishad, as any agent for a candidate, would also apply for such Authorised Nominee.

5. For facility of reference, the list of statutory functions that can be performed by the Election Agent is enclosed. The Authorised Nominees are not authorised to perform these statutory functions.

6. These instructions may be brought to the notice of all District Election Officers, Returning Officers and other election officials in the States. This should also be brought to the notice of all the political parties based in the State including the State Units of recognised National Parties and State Parties of other States.

Yours faithfully,

(K.F. Wilfred)
Principal Secretary

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To

The Chief Electoral Officers of

1. Andhra Pradesh, Hyderabad
2. Bihar, Patna
3. Himachal Pradesh, Shimla
4. Jammu and Kashmir, Sri nagar
5. Uttar Pradesh, Lucknow
6. Uttarakhand, Dehradun
7. West Bengal, Kolkata

Sub: General Elections to Lok Sabha, 2014 –Tracking of presence of Polling Agents - reg.

Ref: Commission's letters no. 464/INST/2007-PLN-I dated 12th October, 2007, 575/11/94/JS-II Vol- I dated 16th December, 1994, 464/INST/2006-PLN-I dated 7th April, 2006 and 464/INST/2008/EPS dated 18th December, 2008.

Sir / Madam,


I am directed to invite your attention to the above referred directions of the Commission and to state that with a view to ensure that the polling agents are properly facilitated to keep effective watch on poll process, the Commission issues the following directions:-

Apart from compliance to the existing instructions such as taking signature of the polling agents in the mock-poll certificates, declarations at the start of poll and end of poll etc. as mentioned in chapter XVI of Presiding Officers Handbook;

1. A "polling agents/relieving agents movement sheet" should be provided to each polling station, in which each and every polling agent shall be required to sign indicating the time at which he/she came to the polling station and also when left the polling station. This sheet shall be handed over after poll at the EVM reception center along with other documents. The observer, Sector Magistrate, Senior officers who visit the polling station during the course of poll shall also ensure that the aforesaid sheet is being properly maintained. A sample "polling agents/relieving agents movement sheet" is enclosed.

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2. The Telephone nos. of ROs/AROs/Key Police Officers/ Sector Officers/ Control Rooms shall be displayed at the polling stations so that if polling agents have any complaint they can call them for immediate intervention.
 3. Any complaint received from polling agents at any level shall be inquired immediately. The RO/Observer shall also scrutinize the documents related to such polling stations carefully and record their views specifically.
 4. All the Micro-observers alongwith their reports shall be present at the time of Scrutiny of Form 17A and related documents. This is necessary so that the Observers can take their inputs, if required, in conduct of scrutiny.
 5. Kindly inform all concerned including the candidates so that they can properly convey this to their polling agent.

Yours faithfully,


(Sumit Mukherjee)
Secretary

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"Polling agents/relieving agents movement sheet"

S. No.	No. and Name of Parliamentary Constituency	No. and Name of Assembly segment	Name of Candidate	Name of Political Party	Name of Polling Agents /Relieving agents	Time of Entry	Signature	Time of Exit	Signature
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Signature of the Presiding Officer

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 464/INST/2014/EPS

Dated:- 5th May, 2014

To

The Chief Electoral Officers,
of all States/UTs.

Sub: Presence of polling agents or their substitution by relief agents inside a polling station -regarding.

Sir/Madam,

I am directed to state that Section 46 of the Representation of the People Act, 1951, read with Rule 13 of the Conduct of Elections Rules, 1961 provides that at every election, each candidate or his election agent can appoint one polling agent and two relief polling agents at each polling station. The Commission in the past had issued guidelines on various aspects of appointment of polling agent.

2. All these instructions relating to polling agents have been incorporated in Handbook for Polling Agents. As regards the presence of polling agent or his relief agents inside a polling station at a time, it has been provided in Para 6 of the Handbook for Polling Agents that, *"Only one of them can, however, remain present inside the polling station at a time. They can relieve each other from time to time. Any relief agent can take the place of the polling agent whenever he goes out. Whichever of them is inside the polling station is treated as polling agent of the candidate for the time being and has the same rights and responsibilities as given to the polling agent by law."* It is further stated that *"... However no polling agent shall be allowed to leave the polling station or allowed substituting themselves by their relieving agents after 3.00 p.m."*

3. In the above purview, it has been brought to the notice of the Commission that the polling agents are not allowed to leave the polling stations after 3.00 p.m. even to attend the calls of nature. In this connection, it is clarified that the spirit of the instruction was to ensure that the polling agents should remain present in the polling station till the voting is over as they have to oversee the ceiling procedure of EVMs and sign the declaration, etc.


4. In view of the above, it is clarified that the polling agents may be allowed to go out of the polling stations even after 3.00 p.m. to attend the nature's calls, etc. and come back inside the polling station. However, it may be ensured that only the polling agent or his substitute can be present inside the polling station at a time.

5. It is reiterated that the Presiding Officer shall brief the polling agents to remain present in the polling station till the voting is over to oversee the calling procedure of EVMs and sign the declaration, etc.

6. Apart from this instruction, the Commission's recent instruction dated 4th May, 2014 regarding the tracking of presence of polling agents and maintenance of "polling agents/relieving agents movement sheet" should also be brought to the notice of Presiding Officers for submitting their reports in the proforma attached to the above instructions dated 4th May, 2014.

7. All these new instructions may be brought to the notice once again at the time of despatch of the polling parties and the Sector Officers shall also be briefed accordingly.

Yours faithfully,



(SUMIT MUKHERJEE)
SECRETARY

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Statutory functions that can be performed by the Election Agent appointed by the Candidate under Section of the Representation of the People Act, 1951

1. Can attend scrutiny proceedings (Section 36)
2. Can submit the Notice of withdrawal of candidature (signed by the candidate in Form 5) before the Returning Officer, alongwith an authority letter from the candidate (Section 37).
3. Appointment of Polling Agents (Section 46).
4. Appointment of Counting Agents (Section 47).
5. Revocation of appointment of Polling and Counting Agents (Section 48).
6. Attendance and performance of all functions of a candidate (Section 50)
7. Authorised to enter polling stations (Rule 49D of the Conduct of Elections Rules, 1961).
8. Authorised to be present in the counting hall (Rule 53 of the Conduct of Elections Rules, 1961).
9. Applying for re-count of votes, in the absence of the candidate the counting hall (Rule 63 of the Conduct of Elections Rules, 1961).
10. Authorised to maintain account of election expenses of the candidate under Section 77(1) of the Representation of the People Act, 1951.



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Statutory functions that can be performed by the Election Agent appointed by the Candidate under Section of the Representation of the People Act, 1951

1. Can attend scrutiny proceedings (Section 36)
2. Can submit the Notice of withdrawal of candidature (signed by the candidate in Form 5) before the Returning Officer, alongwith an authority letter from the candidate (Section 37).
3. Appointment of Polling Agents (Section 46).
4. Appointment of Counting Agents (Section 47).
5. Revocation of appointment of Polling and Counting Agents (Section 48).
6. Attendance and performance of all functions of a candidate (Section 50)
7. Authorised to enter polling stations (Rule 49D of the Conduct of Elections Rules, 1961),
8. Authorised to be present in the counting hall (Rule 53 of the Conduct of Elections Rules, 1961),
9. Applying for re-count of votes, in the absence of the candidate the counting hall (Rule 63 of the Conduct of Elections Rules, 1961),
10. Authorised to maintain account of election expenses of the candidate under Section 77(1) of the Representation of the People Act, 1951.



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भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

Tel: 011-23052246
Fax 011-23052001
Website: www.eci.gov.in

निर्वाचनसदन,
अशोकरोड, नई दिल्ली-110001.
NirvachanSadan,
Ashoka Road, New Delhi-110001.

No.464/INST/2021/EPS

Dated: 18th March 2021

To

The Chief Electoral Officers of,
All the States/UTs.

Subject: Appointment of Polling Agents-regarding.

Reference: 1. 464/INST/2006-PLN-I dated 07.04.2006 ✓
2. 464/INST/2007-PLN-I dated 12.10.2007 ✓
3. 464/INST/2008/EPS dated 14.10.2008 ✓
4. 464/INST/2009/EPS dated 25.04.2009 ✓
5. 464/INST/2014/EPS dated 01.04.2014 ✓

Sir/Madam,

The Section 46 of the Representation of the People Act, 1951, read with rule 13 of the Conduct of Elections Rules, 1961 provides that at every election each candidate or his election agent can appoint one polling agent and two relief polling agents at each polling station.

2. The para 1 of the Commissions instruction no. 464/INST/2009/EPS dated 10.03.2009 provided that the Polling agents who are appointed by the contesting candidates shall be elector in the same polling booth, or in the alternative from the neighboring polling stations falling in the same constituency, for which elections are being conducted.

3. However, based on the inputs and for the convenience of the candidates, the Commission has directed that if any contesting candidate is not able to find polling agent in the same polling station or neighboring polling stations, he/she may appoint any elector of the same assembly constituency as their polling agents for their polling station.

4. Other Provisions regarding appointment of polling agent will remain same as per the Commission's extant instruction.

All political parties and contesting candidate may be informed accordingly.

Yours faithfully,



(SANJEEV KUMAR PRASAD)
UNDER SECRETARY

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INSTRUCTION SI. No. 1

Election Commission's Letter No.464/INST/2007-PLN-I Dated: 12th October, 2007 addressed to 1. The Chief Secretaries of All States and Union Territories. 2. The Chief Electoral Officers of All States and Union Territories.

Sub: Measures to ensure free and fair elections – Prevention of intimidation to the voters of vulnerable sections of electorate – Mapping of Vulnerability regarding.

I am directed to state that the Commission has been issuing instructions regarding various measures to be taken to ensure free and fair elections. An atmosphere in which each and every elector is able to access the polling station without being obstructed or being unduly influenced by anybody is an important prerequisite to a free and fair election. Undue influence at elections is an electoral offence under section 171C of the IPC. Any voluntary interference or attempt at interfering with the free exercise of any electoral right constitutes the crime of undue influence at an election. Section 123 (2) of the R.P Act 1951 defines, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent with the free exercise of any electoral right, as a corrupt practice.

Taking due cognizance of the role being played by the muscle power in the Elections and taking into account of certain prevailing socio economic realities of the electoral politics, the Commission has decided to issue the following instructions to curb the menace of threat and intimidation at elections by identifying the locations within a polling station area vulnerable for such threat and intimidation.

1. An exercise to identify the villages/ hamlets/habitats and segments of electorate vulnerable to any threat, intimidation or interference with the free exercise of electoral right shall be taken up polling station wise. The sector officers for their respective polling stations shall do this exercise by visiting the catchments area of the polling stations. The local Thane officer (SHO) and local civil authorities such as BDO / Tehsildar shall also be consulted and their inputs taken into account before finalizing the list. They should identify the source of such threat/ intimidation and identify the names of persons who are likely to spearhead such offence of undue influence. While doing this exercise they shall take into account the past incidents, and current apprehensions.
2. They shall identify some point of contact within the habitat/ community vulnerable for such undue influence so that information related to such developments can be tracked constantly.

3. The Returning Officer of the Assembly Constituency should compile all such information and finalize the vulnerability mapping for the entire constituency, polling station wise in a format (enclosed).
4. The DEO and SP shall initiate all preventive measures to ensure that such intimidation/ obstruction do not really happen on the poll day. They shall initiate confidence-building measures to bolster the voters' confidence about the arrangements for free and fair poll. They shall undertake tours to such locations and meet the communities and explain the arrangements made for the free and fair poll.
5. The DEO/ RO shall interact with the candidates and representatives of political parties to gather regular feedback. The District Intelligence shall give regular feedback on the subject to the DEO through SP.
6. Upon the arrival of the Observers the DEO/ RO shall hand over the details of the polling station wise vulnerability mapping for the relevant Assembly Constituency. The Observer will also visit such locations and interact with the voters and constantly monitor the developments.
7. The DEO and Superintendent of Police of the District should hold a joint review on the subject and finalize a focused action plan to deal with the potential threats and intimidation points identified. The action plan may include, inter-alia, binding the identified trouble mongers under appropriate sections of the law, preventive detention if required, forcing their appearance in local police stations at reasonable intervals to ensure their good behavior, placement of police pickets, regular confidence building visits etc. It has to be ensured that all such measures are undertaken in absolutely non-partisan manner without fear or favor towards any particular party.
8. The Zonal/ and sector arrangements to monitor the events on the poll day shall take such pre-identified vulnerable locations into account for effective tracking. If the normal sector route map does not cover the vulnerable locations special arrangements shall be made for this purpose. The Sector officers shall make regular visits to those villages and hamlets in advance and collect information and keep the senior officers informed.
9. Where there is a cluster of such vulnerable pockets, the DEO shall arrange for dedicated police teams/squads and locate them at convenient locations in the vicinity, to be pressed into service for action on the day of poll without any loss of time. It should invariably form part of the district security plan.
10. On the day of poll, the sector officers shall give special attention to verify whether voters from the vulnerable habitats/ communities are

turning up for voting or not. In case, they find (it can be gauged from the marked copy of the electoral roll where voters who have voted are ticked) that some section of voters is conspicuously absent, then they should inform the Returning Officer about this immediately. The Returning Officer and DEO shall dispatch the dedicated squad specifically meant for this purpose, to ascertain, by a visit to the area/hamlet, that there is no hindrance – overt or covert – in movement of that section of voters. They should closely monitor the developments and initiate effective interventions. After the closing hours on the poll day, the sector officers shall submit a special report, polling station wise, in writing to the Returning Officers indicating as to whether voters from the vulnerable habitats were able to vote or not.

11. At the time of Dispatch of the polling parties at the Dispatch Centers the RO should brief the Presiding Officer concerned about the vulnerable locations within the Polling Station area. In the electoral roll the Section within the Part should also be marked for proper monitoring. The Presiding officers shall submit a report indicating abnormally low percentage of voter turnout if any within any section/sections, particularly, with reference to the vulnerable locations.
12. During the poll the Observers and other senior officers while visiting the polling station shall pay a special attention to this problem and find out whether any undue influence, intimidation/ obstruction is being caused.
13. The police patrolling parties should keep track of the vulnerable locations and keep the control room informed. Wherever necessary police pickets shall be established to ensure free access to all voters to cast their votes without fear.
14. The Commanders/Assistant Commanders of the CPF shall be given a list of such vulnerable locations. Wherever CPF arrives in advance for area domination, special attention shall be given for such locations. On the day of poll the Commanders/Assistant Commanders shall make it a point to visit such vulnerable pockets as a confidence building measure. In case they come across any obstruction they shall take note of that and immediately inform any of the electoral officials such as RO/DEO/SP/Observer/Sector Officer and keep a note of the time of their intimation.
15. If any complaint is received or information gathered from any sources about obstruction/threat to any voter/voters the same shall be enquired into by the local administration without any delay.
16. The Returning Officer shall take the inputs on mass scale intimidation/threat/obstruction if any into consideration while submitting their report after the poll.

17. The Observers shall give their full attention to this issue and verify at every stage (before poll/on poll day) and submit reports to the Commission from time to time. A special mention shall be made about this in their final report. Apart from this they should make an intelligent reading of the Form 17A and the marked copy of the electoral roll used in the polling stations at the time of Form 17A scrutiny, ordered if any, by the Commission after the poll.
18. The Commission directs that accountability of various police and civil officials for vulnerability mapping and follow up at every stage shall be clearly defined with reference to each polling station/constituency. Severe disciplinary action will be initiated in case of dereliction of duty on the part of any police/civil officials in this matter.

This shall be brought to the notice of all concerned.

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Format for Collection of Information on Vulnerable Hamlets

District: _____

Constituency: _____

Polling Station No. and Name	Names of hamlets covered by the P.S.	Name of Hamlets identified as vulnerable	Name of persons identified as probable source of trouble	Remarks (Type of Threat, e.g. caste domination, communal tension, criminal gangs etc)
1	2	3	4	5

INSTRUCTION SI. No. 2

Election Commission's Letter No.464/INST/2008-EPS Dated: 24th October, 2008 addressed to 1. The Chief Secretaries of All States and Union Territories.. 2. The Chief Electoral Officers of All States and Union Territories.

Subject:- Identification of critical polling stations and measures to be taken to ensure free and fair elections

In supersession of Commission's instructions contained in its letter No. 464/INST/2007-PLN-I dated the 12th October, 2007, I am directed to say that in order to ensure free and fair elections the Commission has decided to deploy CPF in all polling stations. However, in order to identify the critical polling stations, which may require some more additional measures, it is necessary to spell out certain objective criteria to be followed by the DEO/RO as under: -

1. An analysis of the polling station wise number of voters with EPIC and without EPIC (non EPIC voters) shall be made. The polling stations shall be sorted in descending order in terms of number of non-EPIC voters in order to prioritise.

2. The Commission had recently directed a survey of missing voters under two categories i.e. missing voters with family links and missing voters without family links. Out of these two categories the existence of missing voters without family links offers a scope for misuse and malpractice. The number of voters coming under the second category shall be analyzed polling station wise and the Polling Station with large number of such voters shall be marked. For this purpose the total number of such missing voters without family linkage shall be divided by the total number of polling stations to workout the assembly constituency average. Analyzing the deviation above the average shall identify the polling stations with large number of such voters.

3. During the election the DEOs/ROs may be asked to do a vulnerability mapping of hamlets/villages/electoral segments vulnerable for threat and intimidation. Polling stations identified as having vulnerable pockets shall be listed.

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INSTRUCTION SI. No. 57

Election Commission's Letter NO. 464/INST/2008/EPS Dated: 14th October, 2008
addressed to the Chief Electoral Officer of all States and Union Territories.

Subject:- Persons having security cover to be prohibited from being appointed as Election Agent, Polling Agent or Counting Agent – Regarding.

I am to invite your attention to Commission's letter No.464/INST/2007-PLN-I dated 24th February, 2007 which, inter-alia, provides that as per Section 134(B)(1) of the Representation of the People Act, 1951, no person, other than the Returning Officer, the Presiding Officer, any Police Officer and any other person appointed to maintain peace and order, at a polling station who is on duty at polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959(54 of 1959), of any kind within the neighbourhood of a polling station. Movement of persons carrying arms in the Constituency and particularly in the vicinity of the polling station on the date of poll will not only intimidate and overawe the electors, polling staff and the general public but can also lead to violence and law and order problems by misuse or accidental use of such fire arms disturbing seriously the conduct of free, fair and peaceful poll.

2. A tendency has been observed on the part of some candidates to appoint a sitting Minister/M.P/M.L.A/MLC as their Election/Polling/Counting Agents. These persons generally have security cover provided to them by the State/Security Agencies. On several occasions in the past, requests had been received by the Returning Officers from the above category of persons that they are willing to relinquish the security cover provided to them in order to enable them to act as Election/Polling/Counting agents. The aspect that a recipient of such security cannot be allowed to deliberately jeopardize his own security which has been provided to him by the State/Security agencies on the basis of threat perception to him should be kept in view by all the Returning Officers/Presiding Officers at the time of approving of the appointments of Election/Polling/Counting Agents.

3. During recent elections it has been observed that many such protectees are surrendering their security in order to act as such agent for a contesting candidate which is a matter of great concern as any untoward incident involving them may have serious repercussions in the conduct of free, fair and peaceful election.

4. It has also been observed that if an MP, MLA/MLC or a sitting Minister acts as an agent of a candidate that would not be desirable from the point of view maintaining the level playing field during an election apart from their security being compromised.

5. The Commission, keeping in view all the relevant factors in this regard, has decided that henceforth no sitting Minister either of Union Government or of a State Government, sitting Member of Parliament, sitting Member of Legislative Assembly/Legislative Council or any other person having security cover provided by the State (both Union and State Govts.) will be allowed to act as Election Agent, Polling Agent or Counting Agent of any candidate during an election. Also any person having security cover will not be allowed to surrender his security cover to act as such agent of a candidate during an election.

This may be brought to the notice of all concerned for compliance by the candidates while they appoint such agents to watch their interest during an election. Kindly acknowledge receipt.

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INSTRUCTION SI. No. 55

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2009/EPS

Dated : 25th April, 2009

To

The Chief Electoral Officer of
All States/Union Territories.

**Sub: Election/polling/counting agent- prohibition against appointment of
Minister/MP/MLA/MLC, etc.**

Sir/Madam,

Please refer to the Commission's letter Nio464/INST/2009/EPS, dated 14th October, 2008, regarding appointment of election agent, polling agent and counting agent. As per the decision of the Commission communicated through the said letter no sitting Minister, MP, MLA, MLC, or any other persons with security cover provided by the State would be allowed to act as election agent, polling agent or counting agent on behalf of any candidate. As explained in the said letter, Minister/MP/MLA/MLC, etc. acting as an agent of a candidate would not be desirable from the point of view of maintaining level playing field among the candidates and political parties. It is clarified that the prohibition of being election/polling/counting agent, would also apply to Mayor of Corporation, Chairman of Municipality/Zilla Parishad/Panchayats Union, etc. also. A large number of employees of local authorities are deployed on election duty. Therefore, a Mayor of Corporation or Chairman of Municipality/ Zilla Parishad/Pancharyat Union, etc acting as agent for a candidate will be improper and would be contrary to the spirit of level playing field.

The contents of this letter may be brought to the notice of all political parties and candidates in the State.

Yours faithfully,

**(SUMIT MUKHERJEE)
UNDER SECRETARY**