

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

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

Memo No.1992/Elecs.D/2022-144

Dated:12.10.2022.

Sub:-Elections - Bye Elections to the TSLA,2022 from 93-Munugode AC —
Appointment of Election Agent, Polling Agent or their substitution by relief agents and Counting Agents - ECI - 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.464/INST.2014/EPS, dated: 05.5.2014.
5. ECI, Lr.No.464/INST/2021/EPS, dated: 18.03.2021

:-o0o:-

The attention of the Collector & District Election Officer, Nalgonda and the Returning Officer, 93-Munugode 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

2. 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.

3. 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).

4. 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).

5. 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.)

[P.T.O]

6. 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.)**

7. 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

8. 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)**.

9. 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)**.

10. 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.

11. 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.

12. 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**)

13. 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

14. 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 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).

15. 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).

16. 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

17. 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.

:: 05 ::

18. 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.

19. 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."***

20. The Collector & District Election Officer, Nalgonda is therefore, requested to bring the above instructions to the notice of the Returning Officer, 93-Munugode Assembly Constituency and the 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.

**VIKAS RAJ,
CHIEF ELECTORAL OFFICER &
E.O. PRINCIPAL SECRETARY TO GOVT.**

To

The Collector & DEO, Nalgonda, (w.e)

The Returning Officer, 93-Munugode Assembly Constituency. (w.e)

Copy to :-

Mr. Sudhakar, SLA, (for placing on CEO website) (w.e)

// FORWARDED ::BY ORDER//


SECTION OFFICER

1/10/2020
12/10/2020

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

57 25
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. Willfred)

Principal Secretary

FORMAT FOR APPOINTING AUTHORISED NOMINEE TO ASSIST
ELECTION AGENT

(For the general/bye election (mention the year)

1. Name of the State: -
2. Name of the Parliamentary Constituency: -
3. Name and Address of the Candidate: -
4. Party Affiliation, if any: -
5. Name of the Authorised Nominee: -
6. Name of Assembly Segment/District for which appointed: -
7. Full Postal Address of the Authorised Nominee: -
8. Contact Telephone Number: -

I (mention the name of the candidate) do hereby
appoint Shri/Smt./Ms , as my Authorised Nominee for the above
election for the Assembly Segments/District mentioned above. I hereby declare that he/she is
not disqualified under the law for being chosen as, and for being, a member of Parliament or
State Legislature and that the said person is not a Minister/MP/MLA/MLC/Corporation
Mayor/Chairman of Municipality/Zila Parishad and is not a person to whom security cover
has been provided by the State.

Signature of the Candidate

Place: _____

Date: _____



5

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.



③

-1-

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

No 464/INST/2014-EPS

Dated: 4th May, 2014

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.

- 2-
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

"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

Signature of the Presiding Officer:

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

(u) 737

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 stations 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 ceiling 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

FORMAT FOR APPOINTING AUTHORISED NOMINEE TO ASSIST
ELECTION AGENT

1 741

(For the general/bye election (mention the year)

1. Name of the State: -
2. Name of the Parliamentary Constituency: -
3. Name and Address of the Candidate: -
4. Party Affiliation, if any: -
5. Name of the Authorised Nominee: -
6. Name of Assembly Segment/District for which appointed: -
7. Full Postal Address of the Authorised Nominee: -
8. Contact Telephone Number: -

I (mention the name of the candidate) do hereby
appoint Shri/Smt./Ms as my Authorised Nominee for the above
election for the Assembly Segments/District mentioned above. I hereby declare that he/she is
not disqualified under the law for being chosen as, and for being, a member of Parliament or
State Legislature and that the said person is not a Minister/MP/MLA/MLC/Corporation
Mayor/Chairman of Municipality/Zila Parishad and is not a person to whom security cover
has been provided by the State.



Signature of the Candidate

Place _____

Date _____

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.

W. S.

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

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 464/INST/2014-EPS

Dated:- 10th May, 2014

To

The Chief Electoral Officer
of all States /UTs.

Sub:- General Election to Lok Sabha , 2014 Appointment of counting agent to watch the proceeding at RO/ARO table – reg.

Sir/Madam,

I am directed to refer to the subject cited and to invite your attention to Para 15.12 (Counting Agents of Candidates) of Chapter XV (Counting of Votes) of RO Handbook which specifies that each candidate should be allowed to appoint as many counting agents as there are counting tables and one more to watch the proceedings of counting at the Returning Officer's table / ARO's table.

This may be brought to the notice of all concerned.

GI
No. 9697
Date : 11-5-2014
Section

Yours faithfully,


(Sumit Mukherjee)
Secretary

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 464/INST/2014/EPS

Dated:- 9th May, 2014

To

The Chief Electoral Officers,
of all States/UTs.

Sub: Appointment of Counting Agent – Clarification regarding.

Ref: (i) Commission's letter No. 464/INST-2014/EPS dated 08.05.2014;
(ii) Commission's letter No. 464/INST/2014/EPS dated 01.04.2014;
(iii) Commission's letter No. 464/INST/2009/EPS dated 28.04.2009.

Sir/Madam,

I am directed to refer to the Commission's Instructions referred to above on the subject cited, and to state that certain clarifications have been sought as to who can be appointed as Counting Agent of a candidate during an election.

2. It is stated here that the law does not prescribe any specific qualifications for persons to be appointed as counting agents. However, the candidates are advised to appoint mature persons who are above 18 years as their counting agents so that their interests are properly watched.
3. Since security personnel are not allowed to enter the counting hall as per standing instructions of the Election Commission, 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 no person having security cover will be allowed to surrender his security cover to act as such agent of a candidate during an election. He cannot enter the counting hall along with his security personnel; his security cannot be put to jeopardy by allowing him to enter the hall without any security cover.
4. To eliminate any doubt, it is clarified that the following persons cannot be appointed as Counting Agent of a candidate during an election :

GI
No. 9695
Date: 11-5-2014
Section

- u
- (i) Any sitting Minister of Union Government,
 - (ii) Any sitting Minister of a State Government,
 - (iii) Sitting Member of Parliament,
 - (iv) Sitting Member of Legislative Assembly/Legislative Council,
 - (v) Chief/Head/Chairperson of Urban Local Bodies, viz., Mayor of a Corporation,
Chairperson of Municipality/Nagar Panchayat,
 - (vi) Chairperson of District Level Zila Parishad/Block Level Panchayat Samiti,
 - (vii) Elected Chairpersons of National/State/District co-operative institutions,
 - (viii) Political functionaries appointed as Chairpersons of Central PSUs/State PSUs,
Chairperson of Government bodies, Government Pleader/Additional Govt.
Pleader,
 - (ix) Any Government servant.

5. In addition to the above, the Commission has received a reference as to whether only local persons, who are residents of the constituency, shall only be permitted to become counting agents for the counting of votes. In this connection, it is clarified that as per law and the existing instructions of the Commission, there is no such restriction that only local persons shall be permitted to become counting agents for the counting of votes. The candidate is free to nominate any person above 18 years as their counting agents so that their interests are properly watched.

6. This may be brought to the notice of all concerned including the ROs/AROs/candidates and observers, etc.

Yours faithfully,


(SUMIT MUKHERJEE)
SECRETARY

194
(20)

G.E.-2009

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2009/EPS

Dated: 10th March, 2009

To,

The Chief Electoral Officers of,
All States/UTs (except Andhra Pradesh)

Subject: Appointment of Polling Agents – Comprehensive Instructions
/Directions – regarding.

Sir,

I am directed to invite a reference to the Commission's letter No. 464/INST/2007-PLN-I dated 12.10.2007 on the subject cited (copy enclosed) and to state that the Commission has reviewed its earlier instructions/directions contained in its letter dated 12.10.2007 mentioned above and decided to modify the instructions contained in Sub paras (i) to (iv) of para 3 thereof as under:

- (1) 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.
- (2) Such polling agents must possess electors photo identity card or any other recognized identification device issued by the Government or any Govt. agency which bears his/her photograph and establishes his/her identity. All polling agents shall display their EPIC or other identification document prominently on their persons on the day of poll for easy and quick identification.

This shall be brought to the notice of all DEOs, ROs, Observers, Presiding Officers, and Polling Officers etc for strict compliance.

Yours faithfully



(SUMIT MUKHERJEE)
UNDER SECRETARY

forthwith to the Election Commission. Returning Officer should ensure that complete address of each candidate is indicated properly in the list of nominated candidates.

5.26 APPOINTMENT OF ELECTION AGENTS

5.26.1 Note that under the law, it is not necessary or incumbent on a candidate to appoint an election agent at the time of filing of his nomination paper. Such appointment may, if the candidate so desires, be made at any time he likes or not at all. Every such appointment has to be made by a formal communication by the candidate in Form 8 in duplicate, which has to be forwarded to Returning Officer. Returning Officer shall return one copy thereof to the candidate/election agent after affixing thereon his seal and signature in token of approval of the appointment.

5.26.2 The Commission has decided that Photo Identity Cards shall also be issued to election agents. For this purpose, the letter of appointment of election agent in Form 8 itself, with photograph, should serve the purpose of such identity card. All candidates should be instructed to affix the photographs also of their election agents on the top right portion of both the copies of their appointment letters in Form 8. These photographs should be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of photographs of candidates.

5.26.3 Any person who is disqualified under the Constitution or under the Representation of the 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.

5.26.4 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 as polling and counting agents) as the security personnel accompanying them cannot be permitted to enter polling station and counting centre, nor can their security be jeopardized in the absence of their security personnel. No person with security cover can be allowed to surrender the security cover to enable him to become an election agent.

5.26.5 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.

5.27 REVOCATION OF APPOINTMENT OF ELECTION AGENT

5.27.1 A candidate may revoke the appointment of election agent at any time by a letter in Form

"No voter to be left behind"

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.

5.28 SPECIMEN SIGNATURES OF CANDIDATE AND HIS ELECTION AGENT

5.28.1 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.

5.29 MAINTENANCE OF ACCOUNTS OF ELECTION EXPENSES BY CANDIDATES FROM DATE OF THE NOMINATION

5.29.1 Under the law (Section 77 of the Representation of the People Act, 1951), every candidate or his election agent has to keep a separate and correct account of all expenditure in connection with the election to the House of the People or, as the case may be, Legislative Assembly of a State/Union Territory, incurred or authorized by him or by his election agent between the date on which he has been nominated as a candidate and the date of declaration of result of the election, both dates inclusive (In this regard, see also Chapter 18 and Compendium of Instructions on Election Expenditure Monitoring).

5.29.2 Further, under section 78 of the said Act, every contesting candidate has to lodge a true copy of the said account within 30 days from the date of declaration of result of the election, with the District Election Officer. In the computation of this 30 days' period, the date of declaration of result of election is excluded. If 30th day so computed, is a Sunday or other holiday and office of the DEO is closed on that day, the account of election expenses may be lodged on the next day if it is open, and in that event the account will be deemed to have been lodged in time.

5.29.3 In order to ensure that all candidates comply with the requirements of law relating to maintenance of accounts of election expenses from the dates of their nominations and filing of their returns of election expenses in the manner and within the time required by law, Returning Officer shall invite the attention of each candidate to the above provisions of law in writing. This should be done by addressing a letter to each candidate as in **Annexure 52** as soon as he files his nomination paper.

5.29.4 The format of the register is prescribed by the Commission for maintaining the account of election expenses by the candidates is given at **Annexure 52**. The candidates are required to maintain the day-to-day account of election expenses along with Cash Register and Bank Register and the details of the expenditure incurred by political parties, other associations, individual, etc.

5.29.5 The Commission has published a Compendium of Instructions on Election Expenditure

station at a time. They can relieve each other from time to time. Any relief agent can take the place of the polling agent when the latter goes out. Of the three, whoever is inside the polling station is treated as polling agent of the candidate for the time being; he has the same rights and responsibilities as given to the polling agent by law. Further, the polling agents may be allowed to go out of the polling stations even after 3.00 pm to attend the nature's call, 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. The Presiding officer shall brief the polling agents to remain present in the polling station till the voting is over to oversee the sealing procedure of EVMs and VVPATs and sign the declaration, etc. Polling agents/relieving agents movement sheet is provided to each polling station, in which each and every polling agent shall be required to sign, indicating the time of arrival at the polling station and time of departure.

7. APPOINTMENT OF POLLING AGENTS

- 7.1 The appointment of a polling agent can be made either by the candidate himself or by his election agent, and by no one else. The appointment has to be made by a letter of appointment in the form 10 (Appendix I) and signed by the person making the appointment, i.e., the candidate or his election agent. The polling agent formally accepts his appointment by signing the letter of appointment. If possible, the polling agent should sign his letter of appointment in the presence of the candidate or his election agent. Such letter of appointment will 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 will have to sign again in the presence of the Presiding Officer at the polling station.
- 7.2 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).
- 7.3 If a change in the appointment of an election agent is made at the last moment, when the Presiding Officers have already been supplied with the copy of the format containing the specimen signatures as originally furnished by the contesting candidate (Appendix-1A), then it shall be the responsibility of the candidate concerned to supply a copy of Form 9 revoking the appointment of the election agent and a copy of Form 8 appointing the new election agent to each Presiding Officer.
- 7.4 There is no time limit for the appointment of polling agents. However, it is desirable that they are appointed sufficiently in advance, say, about 10- days before the date of poll, so that they may be in a position to apply for postal ballot papers if they are entitled to vote by means of postal ballot at the election.

Mathematics

Chapter 1: Introduction to Algebra

1.1. The Real Number System

1.2. Properties of Real Numbers

1.3. Operations with Real Numbers

1.4. Order of Operations

1.5. Solving Linear Equations

Chapter 2: Linear Equations and Functions

2.1. Slope and Linear Equations

2.2. Graphing Linear Functions

2.3. Systems of Linear Equations

2.4. Linear Inequalities

2.5. Applications of Linear Equations

Chapter 3: Quadratic Equations and Functions

3.1. Quadratic Equations

3.2. Graphing Quadratic Functions

3.3. Applications of Quadratic Equations

3.4. Systems of Quadratic Equations

3.5. Rational Equations and Functions

Chapter 4: Rational Equations and Functions

4.1. Rational Equations

4.2. Rational Functions

4.3. Applications of Rational Equations

8. REVOCATION OF APPOINTMENT OF POLLING AGENTS

- 8.1 The candidate or his election agent can also revoke the appointment of a polling agent. The revocation of appointment of a polling agent is made by the candidate or his election agent in the form-11 (Appendix II).
- 8.2 If the appointment of any polling agent is revoked or if any polling agent dies before the close of the poll, the candidate or his election agent can appoint another polling agent at any time before the poll is over.

9. QUALIFICATIONS FOR POLLING AGENTS

- 9.1 The law does not prescribe any qualification for a person to be appointed as a polling agent. However, it will be in the interest of the candidate if he appoints a person who is quite grown up and mature enough to act as his polling agent so that his interests are properly looked after. A local person might be knowing many of the electors personally and might be of assistance in preventing impersonation at election. Therefore, the polling agents shall be ordinarily resident and electors of the concerned polling areas or of the neighbouring polling station. The polling agent should preferably have EPIC or any alternate identity prescribed by the Commission. Whenever, any Sector Magistrate asks a polling agent to disclose his Identity, the EPIC or any one of the alternate identity prescribed by the Commission should be produced.
- 9.2 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.
- 9.3 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.

10. POLLING REHEARSALS

- 10.1 Polling Agent should attend as many polling rehearsals held by the election officers in the locality as he/she can so that he/she can familiarise with the procedure to be followed at the polling station and learn the correct method of sealing and securing the EVM and VVPAT and other election records.

11. ARRIVAL AT THE POLLING STATION

- 11.1 Normally, Polling Agent normally arrive at the polling station at least one hour before the hour fixed for the commencement of poll. This is to enable him/her to be present when the Presiding Officer goes through the preliminaries including preparing EVM and VVPAT, placing Balloting unit(s) and VVPAT in voting compartment and mock poll before starting the actual polling

Handwritten notes at the top of the page, possibly including a date or page number.

Main body of handwritten text, appearing to be a list or series of notes, though the characters are extremely faint and difficult to decipher.

RO Hamd Bhole

"No voter to be left behind"

Commissioner system does not exist, the DEOs of the Neighbouring Districts may be instructed to mobilize the required number of staffs from their Districts. The additional staff will be given a brief orientation training before being deployed at the counting centre as above. The additional staff also will be provided an ID Card by the District Election Officer. The constituency-wise and subsequently Table-wise deployment of such additional staff shall also be done randomly by the Observer.

15.12 COUNTING AGENTS OF CANDIDATES

15.12.1 APPOINTMENT

1. 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 Returning Officer's table. Hence, Returning Officer 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. Hence any request on a plain paper received from a candidate/election agent should not be accepted by Returning Officer. Declaration of counting agents in Form-18 is to be signed by them in Returning Officer's presence.
2. A candidate may also appoint one more counting agent to attend to the counting of postal ballot papers at the place fixed for the purpose by the Returning Officer.

15.12.2 PHOTO IDENTITY CARDS AND BADGES

1. Irrespective of the number of contesting candidates, Returning Officer should obtain the list of counting agents in Form-18 (in duplicate) with their photographs from all the contesting candidates by 1700 hours on the day three days prior to the date fixed for counting of votes. No request on plain paper shall be accepted. On receiving the same, Returning Officer should prepare the photo identity cards of the counting agents then and there under his/her seal and signature and should be issued to the contesting candidates and obtain acknowledgement thereof along with 2nd copy of Form 18, as aforesaid and photo-identity card, they shall be denied entry in the counting hall. The appointment as counting agent, once made, can be revoked or changed, by making a request in Form 19.
2. 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 it has been issued to him.

15.13 PERSONS ALLOWED IN THE COUNTING HALL

15.13.1 Only the following persons can be allowed inside the counting hall:

- i) Counting supervisors and counting assistants, micro-observers;
- ii) Persons authorized by the ECI (possessing authority letter duly issued by ECI), and Observers;
- iii) Public servants on duty in connection with the election; and

Representation of the People Act, 1951
(PART II.—Acts of Parliament)

132. Penalty for misconduct at the polling station.—(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

¹[132A. **Penalty for failure to observe procedure for voting.**—If any elector to whom a ballot paper has been issued, refused to observe the procedure prescribed for voting the ballot paper issued to him shall be liable for cancellation.]

²[133. **Penalty for illegal hiring or procuring of conveyance at elections.**—If any person is guilty of any such corrupt practice as is specified in clause (5) of section 123 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine.]

134. Breaches of official duty in connection with election.—(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

³[(1A) An offence punishable under sub-section (1) shall be cognizable.]

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the ^{4***} ⁵[district election officers, returning officers], assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with ^{6* * *} the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act ^{4***}.

⁷[134A. **Penalty for Government servants for acting as election agent, polling agent or counting agent.**—If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.]

⁸[134B. **Prohibition of going armed to or near a polling station.**—(1) 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 the 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.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) Notwithstanding anything contained in the Arms Act, 1959 (54 of 1959), where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the licence granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.

1. Ins. by Act 4 of 1986, s. 2 and Sch. (w.e.f. 15-5-1986).

2. Subs. by Act 21 of 1996, s. 12, for s. 133 (w.e.f. 1-8-1996).

3. Ins. by Act 47 of 1966, s. 58 (w.e.f. 14-12-1966).

4. Certain words omitted by Act 58 of 1958, s. 37.

5. Subs. by Act 47 of 1966, s. 58, for "returning officers" (w.e.f. 14-12-1966).

6. The words "the preparation of an electoral roll" omitted by Act 58 of 1958, s. 37.

7. Ins. by Act 47 of 1966, s. 59 (w.e.f. 14-12-1966).

8. Ins. by Act 21 of 1996, s. 13 (w.e.f. 1-8-1996).

