

OFFICE OF THE CHIEF ELECTORAL OFFICER, TELANGANA
5th Floor, North Block, Buddha Bhavan, Secunderabad – 03

Memo No.181/Elecs.D/2020- 82,

Dated:06.04.2021.

Sub:- Elections - Bye Elections to the TSLA from 87- Nagarjuna Sagar 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: 4.5.2014.
4. ECI, Lr.No.364/INST/2014/EPS, dated: 5.5.2014.
5. ECI, Lr. No.464/INST/2021/EPS, dated: 18.03.2021.

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The attention of the Dist. Election Officer, Nalgonda and the Returning Officer for 87- Nagarjuna Sagar Assembly Constituency is invited to the references cited, 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 he 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. (**Para 5.26.5 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.