

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 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