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**COMPILATION OF SOME
IMPORTANT CIRCULARS OF ECI**

VOLUME - II

**(POSTAL BALLOT, POLL
& COUNTING OF VOTES)**

**Chief Electoral Officer
Uttar Pradesh**

VOLUME-II

4. THE POLL

4(a) Special Arrangement for Electors

4(b) Election Agent and Polling/ Counting Agents

4(c) Conduct of Poll

4(d) Postal Ballots

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Special Arrangements for Electors

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Election Commission's letter No. 576/3/2004/JS – II, dated 07.04.2004 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: General Elections to the House of People and State Legislative Assemblies, 2004 - Facilities to be provided to the electors having physical disabilities - regarding.

I am directed to draw your attention to the provisions of the "Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995' and to the Commission's instructions, contained in its letter No. 576/3/98/JUD-II, dated 19.01.1998 (reproduced as Item No. 75 at page 147 of the Compendium of Instructions on Conduct of Elections.. 2004 edition).

Provisions have been made in the said Act that the persons with disabilities have to be provided barrier-free facilities in public places. It has been brought to the notice of the Commission through various representations that physically handicapped electors face difficulties while going to polling stations for casting their votes.

The Commission has directed that the instructions contained in us letter No 576 3 98 JUD – II, dated 19.01.1998, referred to above, should be scrupulously followed by all concerned and it should be ensured that all physically handicapped voters are able to exercise their franchise with least inconvenience. Facility should be provided to the physically handicapped persons to take their wheel-chairs inside the polling booth and wherever possible wooden ramps may be provided for this purpose As directed in the letter, dated 19.01.1998 physically handicapped persons should be allowed priority in entry in the polling stations ahead of others and arrangements should be made for such persons to form a separate queue . They should also be allowed the facility of companion to assist them, having regard to the provisions of rule 40 of the Conduct of Elections Rule-. 1961

The Commission has also directed that the District Election Officers must sensitize all personnel on polling duty about the special needs of the disabled. The personnel on polling duty should be courteous to the persons with disability and provide all necessary support to enable them to exercise their franchise with least inconvenience. The Commission desires that the persons with speech and hearing impairment should also be given special care as persons with other disabilities.

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Election Commission's letter No.509/110/2004/JS-I, dated 20.10.2005 addressed to the Chief Secretaries of all States/Union Territories and copy to Chief Electoral Officers of all States/Union Territories for information and necessary action of co-coordinating with the State Govt.

Subject: Providing facilities to the disabled voters.

I am directed to invite your attention to the interim order dated 19.4.2004 of the Hon'ble Supreme Court in W.P.(C) No. 187 of 2004 (Disability Rights Group Vs. Chief Election Commissioner and another) communicated to you vide the Commission's letter of even number dated 21.4.2004. In the said order, the Hon'ble Apex Court had given directions for providing ramps in all polling stations in urban areas at the then general election to the House of the People, 2004. In pursuance of the said interim order, temporary ramps were provided by the State Govts. in the polling stations in urban areas in the constituencies that went to poll in the 3rd and 4th phase of the said election. In all subsequent elections also the State Governments have been advised to comply with the directions on providing ramps.

The Commission has considered this issue further. Under the provisions of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the Central/State Govts. and local authorities concerned, are responsible for providing ramps in public buildings so as to make them accessible to disabled people.

Polling stations for elections to the House of People and State Legislatures are located in public buildings, in most of the cases. The Commission is of the view that the issue of ramps at polling stations could be resolved, if the Govt./local authorities concerned provide permanent ramps at the public buildings where polling stations are located. As the public buildings are used by the general public every day for one purpose or the other, permanent ramps in such buildings would serve the purpose of the 1995 Act, and also make the polling stations disabled friendly on a permanent basis. Such permanent ramps would

also be economically more viable as compared to setting up temporary ramps at each election.

In view of the above, the Commission desires that good quality permanent ramps may be constructed in all public buildings in which Polling Stations for elections to the Lok Sabha and State Legislative Assemblies are located. The list of locations of polling stations in the State is available with the Chief Electoral Officer, who will furnish the same to you. The Commission desires that the work may be taken up on priority basis.

Kindly acknowledge the receipt.

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क्रमांक 4455
25.10.08. **ELECTION COMMISSION OF INDIA**
Nirvachan Sadan, Ashoka Road, New Delhi- 110 001.

No.: 509/110/2004-JS.I (Vol.II)/RCC

1730

dated : 17.10.2008

To


The Chief Electoral Officers
Chhattisgarh,
Madya Pradesh,
Mizoram,
Rajasthan and
NCT of Delhi.

Subject: Facilities to be provided to electors with disability - Order of the Hon'ble Supreme Court in WP(Civil) No. 187 of 2004 - Disabled Rights Group Vs. The Chief Election Commissioner & Anr.

Sir,

I am directed to invite your attention to the Commission's letter of even number dated 26.10.2007 regarding facilities to be provided to electors with disabilities. Your attention is also invited to the directions of the Hon'ble Supreme Court in its order dated 5.10.2007 whereby the Hon'ble Supreme Court has disposed of the above writ petition with some directions to the Election Commission. A copy of the order dated 5.10.2007 is again enclosed for your information and strict compliance in ensuing general elections to the State Legislative Assembly.

Yours faithfully,


(NARENDRA N. BUTOLIA)
UNDER SECRETARY

Copy to:- Concerned Zonal Sections.

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(75)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.509/110/2004-JS-I

Dated: 26 October, 2007.

To

The Chief Electoral Officers
of all the States and UTs

Sub: Facilities to be provided to electors with disability - Order of the Hon'ble Supreme Court in WP (Civil) No. 187 of 2004 - Disabled Rights Group Vs. The Chief Election Commissioner & Anr.

Sir,

I am directed to invite your attention to the Commission's letters of even number dated 21.04.2004 and 20.10.2005 regarding setting up of ramps in the public buildings in which polling stations are located. Your attention is also invited to the directions of the Hon'ble Supreme Court in its interim order, dated 19.04.2004 in the above mentioned writ petition. The Hon'ble Supreme Court has disposed of the above-mentioned writ petition vide its order-dated 05.10.2007, with certain directions. A copy of the order is enclosed.

2. The Hon'ble Supreme Court has taken note of the instructions issued by the Commission from time to time regarding the facilities to be provided to the electors with disability, and has directed that it should be ensured that these instructions are followed effectively. The Hon'ble Supreme Court has also directed that advance and sufficient publicity should be given in print and electronic media about the availability of the facilities for the electors with disability to exercise their franchise. In this context, attention is particularly invited to the Commission's letter of even no., dated 20th October, 2005 and letter no. 576/3/2004/JS-II, dated 7th April, 2004 (copies enclosed for easy reference). In the letter dated 20th October 2005, the Commission had urged that the Government/Local Authorities may provide permanent ramps in the public buildings in which polling stations for elections are located. The Commission has addressed a separate letter to the State/UT Governments requesting for early action in this regard as directed by the Hon'ble Supreme Court. The Chief Electoral Officers should review the position with the department concerned of the State Government to ensure that effective action is taken in compliance with the provisions of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and the directions of the Hon'ble Supreme Court. The Commission should be informed about the position after such a review by the end of November, 2007.

3. Regarding the other facilities to be provided at the polling station for the benefit of the electors with disability, attention is invited to the Commission's letter 576/3/2004/JS-II, dated 7th April, 2004 referred to above. It may be ensured that the instructions in this regard are brought to the notice of all election authorities in the State, for strict compliance at all future elections. Specific instructions should be issued on the following aspects:

- (76)
- The personnel at the polling station to ensure that physically challenged electors are given priority for entering the polling station, without having to wait in the queue for other electors and all necessary assistance as may be required should be provided to them at the polling station.
 - Full facility should be provided for such electors to take their wheel- chair inside the polling station. In the polling stations where permanent ramps have not been provided, temporary ramps should be provided as per the order dated 19th April, 2004, of the Hon'ble Supreme Court in the above-mentioned petition (copy enclosed).
 - The polling personnel should be specifically briefed about the provisions of Rule 49N of the Conduct of Elections Rules, 1961, which provides for permitting a companion to accompany a blind/infirm elector to assist him/her to cast the vote.
 - At the training classes for the polling personnel, they should be sensitized about the special needs of the disabled, for courteous behavior towards them and for providing necessary support to them at the polling station.
 - Electors with speech and hearing impairment should also be given special care as in the case of other disabled persons.

4. At the time of every election, the Chief Electoral Officer shall issue instructions to the District Election Officers to give wide publicity to the availability of above-mentioned facilities for persons with disability to exercise their franchise, as directed by the Hon'ble Supreme Court. Apart from the facilities for the physically challenged electors as enumerated above, the publicity should also cover the facility of Braille signage being available on the EVMs. The publicity should be given through print media as well as through radio/television. The political parties/candidates may also be briefed about such facilities at the meetings held with them by the DEO/RO in connection with elections.

5. Please acknowledge receipt of this letter alongwith its enclosures immediately and also confirm action taken as required above at the earliest.

Yours faithfully,
Sd/-
(K. F. WILFRED)
SECRETARY

निर्वाचन
नई दिल्ली
ELECCOM
NEW DELHI

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA

टेलिग्राम : - - -
Telex : N D 31 - 61312
फैक्स : 3713412/3739944
Fax : 3713412/3739944

Sio No. 62(1)

निर्वाचन सदन
अशोक रोड, नई दिल्ली - 110 001
NIRVACHAN SADAN
ASHOKA ROAD, NEW DELHI - 110 001

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No.: 509/110/2004/JS-1 | 2802 to 2870

dated the 20th October, 2005

To
The Chief Secretaries of
all States/Union Territories.

Subject: Providing facilities to the disabled voters.

Sir,

I am directed to invite your attention to the interim order dated 19.4.2004 of the Hon'ble Supreme Court in W.P.(C) No. 187 of 2004 (Disability Rights Group Vs. Chief Election Commissioner and another) communicated to you vide the Commission's letter of even number dated 21.4.2004. In the said order, the Hon'ble Apex Court had given directions for providing ramps in all polling stations in urban areas at the then general election to the House of the People, 2004. In pursuance of the said interim order, temporary ramps were provided by the State Govts. in the polling stations in urban areas in the constituencies that went to poll in the 3rd and 4th phase of the said election. In all subsequent elections also the state Governments have been advised to comply with the directions on providing ramps.

The Commission has considered this issue further. Under the provisions of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the Central/State Govts. and local authorities concerned, are responsible for providing ramps in public buildings so as to make them accessible to disabled people.

Polling stations for elections to the House of People and State Legislatures are located in public buildings, in most of the cases. The Commission is of the view that the issue of ramps at polling stations could be resolved, if the Govt./local authorities concerned provide permanent ramps at the public buildings where polling stations are located. As the public buildings are used by the general public every day for one purpose or the other, permanent ramps in such buildings would serve the purpose of the 1995 Act, and also make the polling stations disabled friendly on a permanent basis. Such permanent ramps would also be economically more viable as compared to setting up temporary ramps at each election.

(78)

In view of the above, the Commission desires that good quality permanent ramps may be constructed in all public buildings in which Polling Stations for elections to the Lok Sabha and State Legislative Assemblies are located. The list of locations of polling stations in the State is available with the Chief Electoral Officer, who will furnish the same to you. The Commission desires that the work may be taken up on priority basis.

Kindly acknowledge the receipt.

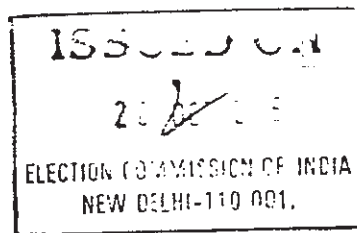
Yours faithfully,


(K.F. WILFRED)
SECRETARY

Copy to:

- (i) The Chief Electoral Officers of all States/Union Territories for information and necessary action of co-ordinating with the State Govt. —
- (ii) Judicial Section-II
- (iii) Computer Section for website.


(K.F. WILFRED)
SECRETARY



IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.187 OF 2004

Disabled Rights Group

... Petitioner

Vs.

Chief Election Commissioner & Anr.

... Respondents

With

TP (C) No. 718-719 of 2005

ORDER

W.P. (C) No.187/2004 :

A letter written by a Disabled Rights Group, an NGO, to this Court was registered as a writ petition in public interest. The grievance expressed in the letter related to the absence of facilities to persons with disabilities to exercise their franchise in the elections. The petitioner referred to the need for : (a) wooden ramps at polling stations to enable disabled persons to have an easy access; (b) the numbers in the electronic voting machines (EVMs) being written in Braille to enable visually impaired voters to feel the numbers and press an appropriate button to cast the vote; (c) separate queues and special arrangements for persons with disability at polling stations; and (d) the polling station personnel to be

(5)

courteous and render necessary assistance to enable persons with disability to exercise their franchise with least inconvenience.

These suggestions were reiterated by the amicus curiae. The Election Commission of India have responded to these suggestions. Apart from drawing attention to Rule 49-N of the Conduct of Election Rules, 1961 and Para 39 of the 'Handbook for Returning Officers' issued by Returning Officers (relating to recording of votes of blind/infirm electors), the Commission stated that it has issued instructions to Chief Electoral Officers of all States and Union Territories, to provide ramps to enable physically handicapped persons to use their wheel chairs to go into the polling stations, to have separate queues for physically handicapped, and to sensitize poll personnel about the special needs of the disabled and be courteous to them. In regard to the suggestion relating to printing of serial numbers in Braille, the Election Commission stated that it will evolve an appropriate and satisfactory solution in consultation with the Ministry of Social Welfare and Empowerment, representatives of NGOs. engaged at the national level in the welfare of visually challenged, as also Technical Experts from the ECIL and BEL, (the two firms manufacturing EVMs). It is stated that even the existing EVMs. have been designed keeping in view the needs of the visually handicapped and hearing-impaired electors.

C

On 19.4.2004, this Court directed the Chief Secretaries of respective States, in coordination with the Chief Electoral Officers of those States, to make available wooden ramp facilities at polling stations situated in cities and in urban areas. By communication dated 20.10.2005, the Election Commission instructed all State Governments/Union Territories to make provisions for good quality permanent ramps in all public buildings where polling stations are located. By affidavit dated 23.4.2007, Election Commission has confirmed that in the election held after 19.4.2004, specific instructions have been issued to provide ramps at polling stations.

It is also stated that new EVMs, containing Braille numerals by the side of the ballot buttons have been introduced to assist the visually challenged. Thus Election Commission has broadly dealt with the grievances aired by the petitioner.

The learned counsel for the petitioner stated that though instructions had been issued by the Election Commission, they are not being followed in their letter and spirit by the respective Governments and several polling stations are not provided the facilities. It is true that the Election Commission should also ensure that the instructions are followed effectively.

The remedy is for the Election Commission to give appropriate directions to the officials manning the polling stations, regarding the special facilities for the physically disabled electorate at all polling stations. This should be done well-in-advance and sufficient publicity should also be given in the print and electronic

media about the availability of such facilities so that the persons with disabilities are aware of the facilities beforehand and are, thus, encouraged to go and exercise their franchise. Further, its observers should also satisfy that such facilities are given. The absence of such facilities should be notified to the respective Government for remedial/future action. On behalf of the Election Commission of India it is stated that the appropriate directions will be given in this behalf. We are of the view that the above directions/observations will meet the needs of the disabled voters. We accordingly dispose of the writ petition.

T.P. (C) Nos. 718-19 of 2005 :

In view of the disposal of this writ petition, there is no need to transfer the two petitions pending before the Bombay High Court (W.P. (PIL) No.3063/2004) and the Jharkhand High Court (W.P.(PIL) No.753/2005) on the same subject-matter. The respective High Courts may deal with the said petitions and may dispose them appropriately. The Transfer Petitions are accordingly disposed of.

.....CJI.
(K G Balakrishnan)

New Delhi;
October 5, 2007.

.....J.
(R V Raveendran)

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INSTRUCTION SI. No.

Election Commission's letter No. No. 52/2008/J.S.II Date: 21st October, 2008 to all Chief Electoral officers Of all States/U.T.s.

Subject: Guidelines for smooth management of Postal Ballot Papers-regarding.

The statutory provisions regarding postal ballot papers, electors entitled for postal ballot, issue of postal ballot papers, recording of votes on postal ballots and return of ballot papers are given in Part III of the Conduct of Elections Rules, 1961. The Commission's instructions in carrying out these provisions have been given in Chapter X of the Hand Book for Returning Officers.

2. In spite of detailed instructions, the general experience and feedback is that due to delay in dispatching and further postal delays in delivering the postal ballot to the eligible voters and in receiving the ballots back from them the postal ballot system is not functioning as effectively as it should be. In order to ensure that all the voters who are entitled to postal ballot are in a position to exercise their voting right and in order to ensure that the system of postal ballot is implemented without any scope for any grievance from any quarters, the Commission has decided to issue the following instructions to be followed by the Chief Electoral Officers, all D.E.Os/ R.Os and all concerned.

3. Before the postal ballot papers is issued, the facsimile signature of the R.O. will be stamped on the reverse side of the postal ballot paper two times, one which will appear in full and the other in such a manner that part of the signature appears on the reverse side of postal ballot paper and the remaining part appears on the reverse of counterfoil of the ballot paper. A sample is enclosed for guidance.

Issue of Postal Ballot Papers to Service Electors

4. Service voters (other than those who have opted for proxy voting) are eligible to receive postal ballot. There is grievance among the service voters that their postal ballots do not reach them in time and in many occasions the postal ballots after casting of the vote by the service electors reach the Returning Officer after the counting is over. The Commission has directed that the following methodology shall be followed in order to avoid delay.

5. As soon as the list of contesting candidates is drawn up after the period for withdrawal of candidatures is over, postal ballot papers for all Assembly Constituencies in the District will be printed at the level of D.E.Os under proper security cover and under direct supervision of a responsible officer. As soon as

the postal ballot papers are ready, the postal ballot papers for the service electors will be centrally dispatched from the District Head Quarters itself. For this purpose, each Returning Officer shall depute a team of officers including an ARO with details of Service Electors to whom postal ballot papers are to be dispatched along with envelopes and other forms and papers already prepared for this purpose on the basis of the last part of the electoral roll and the stamp containing facsimile signature of the R.O. They will perform the work of dispatch of postal ballots to the service voters and their wives enrolled in the last part from the central location and all statutory formalities for dispatch of postal ballot papers will necessarily have to be followed while sending the postal ballots.

6. The District Electoral Officer will appoint a suitable officer as the nodal officer to supervise the entire process of dispatching postal ballots to service electors. The DEO will co-ordinate with the senior officials of the Postal Department and shall ensure that a team of postal department officials receives covers containing the postal ballot papers and they in turn will ensure that the ballots are sent to the right address without any delay. The details of postal ballots sent AC wise shall be maintained in the form of a register giving the details and the signature of the postal authorities shall be obtained in the register.

7. One of the Observers available in the district headquarters shall personally monitor the entire process of dispatch and send a detailed report to the Commission as soon as the dispatch of postal ballots meant for service voters is completed. The process indicated above shall be video graphed.

8. When the Returning Officers start receiving the polled postal ballot papers from the service voters he shall give a daily report to the observer concerned indicating the number of such polled ballots received every day and also indicating the cumulative figure. When the observers leave the constituency after the poll is over they shall indicate the number of postal ballots received till the date of departure in their report to the Commission.

Issue of Postal Ballots to Polling Officials-

9. The ROs shall follow the following procedures for receiving of applications, issue of postal ballot papers and receiving back the polled postal ballot papers from government officials (other than police and security personnel) appointed on polling duty.

10. Polling officials –

The data base on the government staff to be used as polling personnel shall contain the AC No and Name, Part No and Serial No details of each official where he or she is registered as an elector. This information can be collected through the sponsoring authorities of such staff or through any other method

convenient to the DEO. Enough scope shall be provided to the government staff/ sponsoring authorities to locate such electoral registration details through various measures such as helpline, availability of electoral roll data in pdf format in various government offices etc., The order of appointment sent to the polling personnel asking them to attend the training shall contain AC/Part/Serial No detail of each staff.

11. All the polling officials shall, without exception, be provided Form 12 for applying for postal ballot paper along with their appointment letter. They should be asked to submit duly filled Form 12 on the first day of training. Adequate number of Form 12 shall also be kept at the training venue so that any polling personnel who are in need of Form 12 can access it. It should be clarified to the appointed polling officials that in view of the fact that the postal ballot paper will be issued to them personally at the training venue itself they need not mention any address in Form 12 for sending the ballot papers for that would be infructuous. At the training center, there will be a separate arrangement to receive the Form 12 from the persons drafted for polling duty. At the time of submitting Form 12, the person concerned along with his appointment letter shall also produce the EPIC issued to him or a copy of any ID including service ID if any issued to him. The applications (Form 12) received from the polling officials shall be processed immediately by the concerned Returning Officer/Assistant Returning Officer before the second round of training.

Hence, it is imperative that the second round of training is held after the postal ballot papers are printed and ready for issue.

12. On the day of second round of training, there shall be separate and proper arrangements for issuing the postal ballot to the persons concerned. As the trainees on election duty may belong to different ACs it becomes imperative that all R.Os/A.R.Os along with their staff will remain present at the training venue for the above purpose. The cover containing the postal ballot paper should be handed over to the respective polling officials only after verifying their identification through EPIC or any other photo ID as well as appointment order. Simultaneously, entry (PB) shall be made using red ink in the marked copy of the electoral roll which shall be used in the polling station by the presiding officer on the poll day. The record of issuance of PBs should be separately maintained in Format given in the Hand Book for Returning Officer with one more column indicating place of posting (in which Assembly Constituency the person is serving). Concerned RO/ARO should sign the above Register. Once a PB is issued to a polling personnel called for training he shall after that cast his vote only through postal ballot even if he is exempted from election duty subsequently or kept on reserve.

13. Considering the postal delays and inconvenience caused to the electors in dispatching the PB the Commission has decided to encourage the system in which the voters on receiving the PB from R.O/A.R.O record their vote on the PB

paper then and there. Necessary arrangements for attestation of Form 13 A and collection of polled postal ballots shall be made in the form of a 'postal ballot facilitation center.' The polling officials should be advised to cast their vote on postal ballot paper and to drop the polled ballot paper personally in a sealed box to be kept there for the purpose under direct supervision of the concerned Returning Officer / Assistant Returning Officer. ECI observers will be present and supervise the entire process. The whole process shall be recorded in videos.

14. The D.E.O / SP / SDM shall personally inspect the training venue cum postal ballot facilitation center in advance in order to ensure adequate security measures are in place. As the electors will be casting their vote at the training venue, proper arrangements shall be ensured to restrict entry to the venue only to the appointed polling staff and other authorized government servants and no other person (subject to para 15 below). When the voters mark the ballot to indicate their vote the secrecy of ballot shall be enforced with out compromise.

15. The contesting candidates should be informed in advance, about the postal ballot voting in the facilitation centre. If any authorized representatives of a contesting candidate remain present at the facilitation center, proper seating arrangement shall be made for them. The presence of such representatives shall be registered by obtaining their signature in a register.

16. The above system of issuing PB and enabling the polling personnel to mark their vote at the facilitation center shall be equally applicable to other civil staff to be engaged in election duty on the poll day such as micro observers, sector or zonal officers, liaison officers of observers and so on.

17. If any election duty staff is not able to vote at the facilitation centre, he may send the postal ballot later through registered post or may drop it in the drop box kept for the purpose in the Ros office.

18. It should be noted that all instructions in Form 13D shall be followed by the election duty staff voting through postal ballot, whether at the facilitation centre or otherwise. Therefore, the requirements of the law, such as duly filling , signing and getting attestation in the declaration in Form-13A, putting the marked ballot papers in the envelope in Form 13B, and sending the declaration and the envelope containing the marked postal ballot in the envelope in Form 13C should be explained to them. It should be made clear that the declaration in Form 13A should not be put inside the envelope in Form 13B, which is meant only for the marked ballot paper.

19. Police and Security personnel –

It is relevant to note that *among* the police personnel, only those who will be engaged in election related duties on the day of poll shall only be eligible for obtaining PB. Hence, it becomes imperative to obtain the list of such police personnel well in advance. District wise nodal officers shall be identified by the SPs for preparing data of such police personnel. The data shall indicate the names of each such police personnel, service ID no, details of AC No, Part No, serial no etc. Similar nodal officers shall be identified for State Armed Police Forces, Battalion HQ wise. While preparing such list, care shall be taken to ensure that names of police personnel who are not connected with the election related duties and names of such persons who will be in a position to exercise their voting right by going to their respective polling stations as a general voter are not included in the list. SPs shall take proper care about this aspect and the list of such persons shall be ultimately submitted by the SP to the DEO concerned and, on being accepted by the DEO, that list will become an approved list of police personnel on election duty. Such lists will have to be submitted about seven days before the date of poll to enable the ROs to complete all formalities including making the necessary entries in the marked copy of the electoral roll.

20. As the police personnel are posted in various locations and bringing all of them to one or two locations in the district on the same day will not be feasible, it has been decided to enable the police personnel to exercise their voting right by issuing their PB using postal services and receiving back the same by Post or through drop box kept in the office of R.O For this purpose, an efficient coordination shall be ensured between the election authorities and postal authorities. Unlike in the past, it has been decided to send the PB by Registered Post and the police personnel will also send their marked PB through registered post and the postal charges will be paid by the addressee i.e the Returning Officer, and necessary arrangement in this regard shall be worked out for the whole state by the CEO in coordination with the senior postal authorities. In order to cut down the delay in this process, identification of police personnel who would be on election related duty and who will not be able to get to their polling station and their AC No/ Part No/ Serial No details, making Form 12 available to them easily, receipt of duly filled in Form 12 from them etc shall be efficiently ensured in advance through a network of nodal officer arrangements.

21. The initial task of the nodal officer is to arrange to disburse blank applications in Form 12 for issue of postal ballot papers to the *police* personnel to be deployed on election duty. Along with Form 12, a guideline for filling up the said Form shall also be given to the relevant electors. The electors shall be informed that while filling up the Form 12, in the space provided for indicating the address for the dispatch of postal ballot, they should invariably mention only the full postal address of their present place of posting. In addition to this, they

should also mention the address where they are registered as an elector in the vacant space available in the Form. The elector shall mention the serial no and part no as well as the name of the constituency where he is registered as an elector. In case he is not in a position to mention the serial no., Part no., etc he shall mention the complete address where he is registered as elector stated above, so that attempt will be made to locate his name and fill up the details. The said Nodal Officers shall also arrange to collect duly filled Form 12 from the security personnel without any delay.

22. All the applications received in Form 12 shall be sorted out district wise, as there is possibility of a *police* personnel registered in one district having been posted in another district. Hence, these Form 12 applications shall be sorted AC wise/ district wise. The 12 applications pertaining to the ACs within the same district shall be dealt with at the district HQrs itself without physically sending the same to the R.O's HQrs located outside the district HQrs. For this purpose an authorized A.R.O of each AC shall come to the district HQrs and dispatch the PB to the respective voter (police personnel) on election duty by Registered Post with A.D, while simultaneously marking 'PB' in red ink in the marked copy of the relevant Part and maintaining a register indicating such names with serial number, Part wise. Postal authorities may be clearly instructed that the PB sent by Registered Post shall be handed over only to the person concerned and not to any other person under any circumstance.

23. While dealing with the Form 12 applications pertaining to the home district in the above manner, the nodal officer shall also without any delay make a district wise parcel for other districts containing AC wise envelopes having Form 12 applications and send the respective parcels to the other districts, through special messengers. The special messenger shall meet the said nodal officer of the relevant district and obtain acknowledgement in token of such receipt. On receiving such 7 envelopes from various districts the nodal officer shall take the follow up action in the same manner in which he dealt with the Form 12 applications received from his home district as mentioned earlier.

24. The elector on receiving the postal ballot paper will mark his vote and send the same to the Returning Officer by Registered Post or he may put the marked postal ballot in the 'drop-box' kept in the office of the Returning Officer. The voter while recording his vote and returning the postal ballot has to follow the instructions contained in Form 13D, including signing the declaration in Form 13A, placing the marked ballot paper in Form 13B envelope, and returning both Forms 13A and 13B in the envelope in Form 13C.

25. Drivers, Cleaners and Helpers:

The system of receiving applications for the issue of postal ballot papers to the voters on election duty (other than the polling personnel or security personnel) like drivers, cleaners and helpers, who will be performing duties in

connection with the election, needs to be streamlined and closely tracked. There has to be a time limit up to which the dully-filled in Form 12 can be received from such voters. For this purpose, the D.E.O shall make an advance plan to assess the requirements for vehicles to be requisitioned. At the time of requisitioning the vehicles, all relevant details about the drivers and cleaners shall be collected in a proforma to be approved for this purpose by the C.E.O and to be followed uniformly through out the state.

The Returning officer shall prepare a document indicating the details of such persons and give a copy to the observer. The C.E.O shall fix up a time table for appointment of such drivers and cleaners and fix up a clear deadline up to which the applications for postal ballot papers can be received from them. It shall be made clear to such electors that the address to be mentioned in Form 12 for dispatch of postal ballot shall be the address at which he is registered as an elector and not any other address. The postal ballot papers will be issued to them by the R.O only by registered post with A/D. In case, any such voter instead of opting to receive his PB by post chooses to collect the PB personally, he may do so within the deadline to be specified by R.O (CEO shall ensure uniformity in this matter throughout the state). After that the elector may follow the procedure contained in Form 13D and exercise his voting right within stipulated time.

26. For the benefit of those voters who may belong to any of the category of voters to whom PB has been issued, each R.O shall have a special box placed in his office with secured lock duly sealed, so that any such voters can come and drop their marked PB in the sealed cover in Form 13C (provided to each voter along with PB). Necessary arrangements for attestation of Form 13A of such persons who wish to record their votes after collecting their postal ballot personally shall be made.

27. Apart from marking 'PB' against the name of each and every elector in whose favor postal ballot had been issued in the relevant part of the electoral roll, an **additional information sheet** (AIS) polling station wise shall be prepared indicating the serial number, name, relation name, age and sex of such electors. This part wise additional information sheet shall be signed by R.O or by an authorized ARO and a copy of such information sheet shall be handed over to the presiding officer of the relevant polling station at the time of dispatch of the polling party. Apart from one ink-signed copy, adequate number of photo-copies of the AIS shall also be handed over to the presiding officer. On the poll day, before starting the mock poll in the presence of the polling agents, the presiding officers shall verify the marked copy of the electoral roll in comparison with the additional information sheet on 'PB' voters and confirm whether the entry 'PB' has been made against each and every name that is mentioned in the additional information sheet. No elector whose name has been marked as 'PB' can be permitted to vote in person at the polling station under any circumstances.

28. These instructions shall be brought to the notice of all concerned including observers immediately. This guideline is issued as an additional instruction and

as a part of working methodology to streamline the system of postal ballot. Other existing instructions as contained in Chapter X of the Hand Book for Returning Officers are also to be studied for a synchronized understanding and implementation of the system of postal ballot in a holistic manner.

29. The recent feedbacks received about the working of postal ballot system indicate lack of awareness among the government employees about various crucial aspects of postal ballot system. It may be desirable to quickly launch some initiatives to spread awareness in this behalf in the poll going States. This may include preparation of some IEC material for circulation. Easy access to Form 12, proper arrangement for attestation procedure, an easy to understand checklist for the benefit of PB voters so that they don't miss out on some crucial aspects/ omissions that may render the postal ballot invalid would be some of the measures that may improve the working of postal ballot system.

30. The receipt of this instruction and action taken may be confirmed. Further instructions, if any, to the field officials in the light of these instructions may be issued at the level of Chief Electoral Officer for the smooth implementation of these guidelines under information to the Commission.

31. For the other category of electors entitled to postal ballot papers (i.e. special voters and electors subjected to preventive detention) the dispatch may continue to be done as per the existing procedure from the headquarters of the ROs.

32. Kindly acknowledge receipt.

SAMPLE

(Reverse side of counterfoil)

(Reverse side of postal ballot) **SIGNATURE** *(Perforation)* *(Reverse side)*

(Reverse side of counterfoil)
(Perforation)

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INSTRUCTION SI. No.

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

K.N.Bhar
Under Secretary

No.51/8/2009-EMS
2009

Dated: 12th February,

To

The Chief Electoral Officers of
All States and Union Territories.

**Subject: Introduction of Braille Signage Features in Electronic Voting
Machines.**

Sir,

The Commission has been receiving representation from the various Associations of Visually impaired person for introduction of Braille signage features in the EVMs to facilitate the visually impaired voters to cast their votes without the help of attendant. The Commission considered the proposal in detail and tried the Braille signage feature in the EVMs during the bye-election to the Legislative Assembly of Andhra Pradesh from 123-Asfnagar Assembly Constituency held during September-October, 2004. In 2005, it was tried in one of the constituency during the Assembly elections of Bihar, Jharkhand and Haryana. In 2006, it was tried in one of the constituency of the States of Assam, West Bengal, Tamil Nadu, Pondicherry and Kerala during Assembly elections. In 2008, it was tried in all the assembly constituencies of NCT of Delhi during Assembly election.

The Commission has decided to introduce similar Braille signage features on the Electronic Voting Machines to be used during the ensuing General Election to Lok Sabha 2009 and simultaneous Assembly elections in some States. The Commission has directed that the following additional arrangements will be made to facilitates visually imparted electors to exercise their franchise:-

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- (i) The numeric stickers in Braille denoting the serial numbers of the candidates will be prepared by the Chief Electoral Officers with the assistance of the manufacturers of EVM i.e. Bharat Electronics Limited, Bangalore and Electronics Corporation of India Limited, Hyderabad, as the case may be or Devnar School for Blind/National Association for Blind or from any other source available for this purpose. The States and Union Territories having new version EVMs (2006 + models) are not required to prepare such numeric stickers, as new version EVMs have embedded such serial numbers of the candidates at the right of the blue button (voting button) on the Balloting Units.
- (ii) These stickers will be pasted to the right of the blue button (voting button) on the Balloting Unit by the Returning Officer/Assistant Returning Officer, in the presence of the candidates or their authorized agents.
- (iii) The Returning Officer will send the list of contesting candidates to the Devnar Foundation for Blind/National Blind Association or to any other source available for this purpose immediately after the last date of withdrawal of candidatures for preparation of Dummy Ballot Sheets which will contain the serial numbers of the contesting candidates, names of the candidates arranged in the same serial order in which their names will appear on the ballot paper on the Balloting Unit. The party affiliation of each of the candidates will be indicated by printing the name of the political party concerned against the name of the candidate. In the case of independent candidates, the word "Independent" will be printed. These Dummy Ballot Sheets will be prepared in English only and one copy of the sheets will be supplied to each of the polling stations.
- (iv) The Dummy Ballot Sheets mentioned in (iii) above will be printed in Braille signage by Devnar School for Blind/National Association or by any other source available for this purpose for Blind under the supervision of one responsible officer of the office of Chief Electoral Officer of the concerned State/Union Territory for which the Chief Electoral Officer of the State/Union Territory will liase with the Devnar School for Blind/National

Association or any other source available for this purpose and the manufacturers of EVM i.e. Bharat Electronics Limited, Bangalore, as the case may be. The Dummy Sheets will have the name of the constituency written in normal script also at the top. The language "English" will also be written in normal script to distinguish the language version of the Dummy Ballot Sheet.

- (v) Each such sheet prepared for every polling station will be certified by the Commissioner of Disabilities of concerned State or his authorized representative who will be an official knowing Braille.
- (vi) The concerned District Election Officer and the Returning Officer will hold detailed training and briefing sessions for the Presiding Officers and the Polling Officers to explain to them these measures as they are being introduced for the first time in all the polling stations in your State/Union Territory for the visually impaired electors.
- (vii) The Chief Electoral Officer will also arrange for wide publicity of these measures through advertisements in newspapers and TV etc. to inform the visually impaired voters of the arrangements being made for them.
- (viii) At the polling station, the visually impaired persons will also be allowed the facility of a companion as provided for in Rule 49N of Conduct of Elections Rules, 1961, regardless of the new facility being introduced.
- (ix) Inside the polling station the visually impaired voter will be given the Dummy Ballot Sheet in Braille by the Presiding Officer on his/her request if he/she prefers to cast his/her vote with the help of same. After he/she has studied the contents of Dummy Sheet he/she will be allowed to proceed to the voting compartment to cast his/her vote. Such electors after reading the Dummy Ballot Sheet will be able to cast their vote by reading the serial number of the candidate of their choice on the numeric sticker fixed on the EVM. If the elector so desires, the companion will be allowed to accompany the voter to the voting compartment as provided in Rule 49N of the Conduct of Elections Rules, 1961.

- (x) After the voter has cast his/her vote, the Presiding Office will ensure that the Dummy Sheet delivered to the voter is returned to the Presiding Officer.
 - (xi) After the close of Poll, the Dummy Ballot Sheet shall be sealed in separate cover superscribed "Dummy Ballot Sheets" for the visually impaired and sent to the Returning Officer along with other Non-Statutory forms.
 - (xii) The Presiding Officer shall keep a record of all such voters (who avail of the facility of Braille Sheet) in the enclosed proforma and will submit the same to the Returning Officer along with the EVM. These details will be kept separately in the office of Returning Officer. The Returning Officer will consolidate all the information supplied by the Presiding Officers in this regard and submit the same to the Commission through the Chief Electoral Officer after declaration of result.
2. You are requested to kindly take all appropriate steps for the implementation of above directions of the Commission. The concerned District Election Officers and Returning Officers should be informed of the above directions of the Commission immediately. All political parties and contesting candidates may also be called by the District Election Officers and briefed about the measures to be taken in this regard.
3. Kindly acknowledge the receipt.

Yours faithfully,

(K.N.Bhar)

Copy for information and necessary action to: -

1. The National Association for the Blind, Sector-5, R.K.Puram, New Delhi.
2. Devnar Foundation for the Blind, Plot No.185, Road No.1, West Marredpally, Secunnderabad-500026, Andhra Pradesh.
3. Bharat Electronics Limited, Nagavara, Outer Ring Road, Bangalore-560045, Karnataka.
4. Electronics Corporation of India Limited, MCU Complex, Phase-II, IDA Cherapalli, PO. HCL, Hyderabad-500051, Andhra Pradesh.

PROFORMA FOR

REPORT ON THE VOTING BY THE VISUALLY IMPAIRED VOTERS

No. and the Name of the Assembly/Parliamentary
Constituency.....
No. and Name of the Polling
Station.....
Name of the Presiding
Officer.....

S.No.	Number of visually impaired voters turned up for voting	Number of such voters who used dummy ballot sheet in Braille	Number of such voters who did not use dummy ballot sheet and preferred to vote using the provision of Rule 49N	Number of voters who used both the facilities.

(Signature of the Presiding Officer)

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No 576/3/2009/SDR

Dated: 24th March, 2009

To

Chief Electoral Officer
of all States/Union Territories

Subject: - Facilities to be provided to electors with disability – Order of Hon'ble Supreme Court in WP (civil) No. 187 of 2004 – Publicity of Commission's instructions – Reg.

Sir/Madam

I am directed to invite your attention to Commission's letter No. 509/110/2004-JS-I/RCC dated 12.03.2009 requesting you to bring the Commission's instructions contained in letter of even number dated 26.10.2007 to the notice of all District Election Officers and Returning Officers for compliance. It may be noted that one of the directions in the order of Hon'ble Supreme Court in the above mentioned petition was that the facilities being made available for the disabled electors may be given wide publicity over the electronic media and the Press to make them aware of these facilities so as to encourage such electors to exercise their franchise.

2. The District Election Officers/ Returning Officers may be asked to comply with the above directions.

Yours faithfully,

(NARENDRA.N.BUTOLIA)
UNDER SECRETARY

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G.E-2009

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Asoka Road, New Delhi-110001

No.464/2009-EPS

Dated: 30th April, 2009

To,

The Chief Electoral Officers of
All States/UTs.

Subject: Facilitation for Senior Citizen and Physically Challenged Voters-regarding.

Sir/Madam,

With reference to the on going General Election 2009 and on the basis of feed back received and with a view to ensuring that Senior Citizens and Physically Challenged persons are able to vote without much difficulty, the Commission has directed that there should be a separate queue primarily for the physically challenged persons and Senior Citizens. However, there may be difficulty in enforcing this norm strictly but the guiding principle for every one should be the physical condition of the voter and the infirmity if anything the voter suffers from. Regarding identification of senior citizen, the Commission has decided that he/she has attained the age of 60 years or more he/she shall be allowed to use separate queue meant for senior citizens and physically challenged persons. As this being a voter friendly initiative, the CEO should give adequate publicity about it and issue an appeal to voters to co-operate in this initiative with a request that those who are able bodied and healthy should not try to avail this opportunity to jump the queue. Rather this should be need based. The voters in the queue should have open mind to help the fellow voters who are suffering from disability and other age related and health related problems. The Presiding Officers and other field officers may be instructed accordingly.

Yours faithfully,

**SUMIT MUKHERJEE
(UNDER SECRETARY)**

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Election Agent and Polling/ Counting Agents

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Election Commission letter No.576/12/99-JS-II, dated 18.08.1999 addressed to The Chief Electoral Officers of all States and Union Territories

Subject: Polling Agents not to be allowed to take away the copy of electoral roll outside the polling booth during the poll hours.

I am directed to state that in the Conference of the Chief Electoral Officers held at Nirvachan Sadan, New Delhi, on 22nd July, 1999, a proposal was mooted by CEO, Uttar Pradesh that Polling Agents should not be allowed to take away their copies of electoral roll outside the polling booth during polling hours.

2. It was pointed out that during the previous elections, there were instances when the polling agents took away their copies of electoral rolls, duly marked, outside the polling booths and sometimes the same was used to depute persons to impersonate electors who did not cast their votes.
3. The Commission has considered the above proposal and has directed that polling agents shall not be permitted to take their marked copy of electoral rolls outside the polling booth during polling hours, for any reason whatsoever, he should be permitted to leave the booth only after he hands over the list of the electoral roll to the Presiding Officer.
4. The above directions of the Commission should be brought to the notice of the R.Os./D.E.Os., Presiding Officers, Polling Officers, Polling Agents and other election related authorities for their information and strict compliance.
5. Receipt of this letter may kindly be acknowledged.

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Election Commission's letter No. 576/12/2004/JS-II, dated 01.12.2004 addressed to the Chief Electoral Officers of All States and Union Territories.

Subject: Persons with Security cover- appointment as Election Agent etc. -clarification.

I am directed to invite a reference to the Commission's letter No. 464/TNST/97/(MIN)/Pln. I, dated 3.3.97 (reproduced at P.88 of Compendium Vol. I) and No. 576/3/98/J.S.II dated 3.2.1998 read with letter No. 476/3/98-JS-II dated 14.2.98 (reproduced at pages 45 and 49 of Compendium Vol. II).

The Commission has directed therein that M.Ps./M.L.As. with security cover provided by the State should not be appointed by candidates as their election agents/polling agents/counting agents. The logic behind such an embargo is that the security personnel attached to the protectee cannot be permitted inside polling stations, counting centers etc., as explained in the above referred letters. It is clarified that the same logic and yardstick will also be applicable in the case of all persons other than Ministers, M.Ps. and M.L.As., who have been provided with security cover by the State, and no such person should be allowed to be appointed as election agent, polling agent or counting agent on behalf of any candidate.

This may be brought to the notice of all political parties in the State/Union Territory.

The receipt of this letter may be acknowledged.

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Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi 110001

No. 464/INST/2007-PLN-I

Dated: 24th February, 2007

To

The Chief Electoral Officers
of all States and Union Territories

Subject: Restrictions on persons having security cover to become
Election/Polling/Counting Agent-regarding.

Sir,

The Commission has, in the past, issued various instructions from time to time on the appointment of MPs, MLAs and other persons having security cover as election/polling/counting agents, during General Elections/Bye-elections. For convenience of all concerned, these instructions have now been consolidated which are as under:

1. Section 134(B) of the Representation of the People Act, 1951, provides as under:-

"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 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 neighborhood of a polling station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with an 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 license granted in relation to such arms shall be deemed to have been revoked under section 17 of the Act.

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(4) An offence punishable under sub-section (2) shall be cognizable."

Neighborhood of a polling station should be construed to mean an area within a radius of 100 meters from the polling booth on the analogy of Section 130 of the Representation of the People Act, 1951.

2. A tendency has been observed on the part of some candidates to appoint a sitting Minister/M.P/M.L.A as their Election/Polling/Counting Agents. These persons generally have security cover provided to them by the State/Security Agencies. In view of the embargo placed by Sections 130 and 134(B) of the Representation of the People Act, 1951, no security personnel deployed as security cover to the said persons can move around the polling stations which, in turn, restricts the movement of the Minister/MP/MLA or any other person being covered by them, defeating the very purpose for which an election /polling or counting agent is appointed.

3 On several occasions in the past, requests had been received by the Returning Officers from the above category of persons to allow them to relinquish the security cover provided to them in order to enable them to act as Election/Polling/Counting agents. The Commission cannot allow an MP/MLA/any other person to surrender his security, which was provided to him by the State/Security Agency after duly assessing the needs of such security cover.

4. The aspect that a recipient of such security cannot be allowed to deliberately jeopardize his own security 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.

5. This may be brought to the notice of all Returning Officers, Assistant Returning Officers, Presiding Officers, Political Parties and the candidates.

6. The receipt of this letter may kindly be acknowledged.

Yours faithfully

(K. N. BHAR)
UNDER SECRETARY

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By Fax/Camp Bag

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No. 464/INST/2007-PLN-I

Date: 12th October, 2007

To

1. The Chief Secretaries of
All States/UTs.
2. The Chief Electoral Officers of
All States/UTs.

Sub.- **Appointment of Polling Agents – Comprehensive instructions/directions –**
Regarding.

Sir,

I am directed to invite your attention to Commission's letter No. 464/Inst/2006/PLN-I, dated 7th April 2006, (copy enclosed for ready reference) which *inter-alia* provides that candidates should appoint only such persons as their polling agents who are registered electors and who have an EPIC or any other document issued by the Govt or any Government 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.

2. Further, the Commission's standing directions as contained in Chapter-IV of Handbook for Presiding Officers *inter-alia* provides that the set up of polling stations should be so arranged that polling agents are seated in such a way that they can see the face of an elector as and when he enters the polling station so that they can challenge the identity of the elector, if needed. They should also be able to watch entire operation inside the polling station including his/her movement to the voting compartment and his/her exit from the polling station after recording his/her vote. But they should not, in any event, be seated in a place where they have the chance of seeing voter actually recording his/her vote by pressing particular button;

3. The Commission has further reviewed its earlier instructions/directions in the aforesaid matter and decided to modify these directions/instructions to the extent as given below to be followed scrupulously:-

- (i) the polling agents who are appointed by contesting candidates **shall be ordinarily resident and electors of the concerned polling areas only,**
- (ii) such polling agents must have electors' photo identity cards.
- (iii) if any person who is a registered elector in the polling area and proposed to be appointed as polling agent by the contesting candidate but does not have Elector's Photo Identity Card, in that case, the Returning Officer shall make necessary

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arrangement for issue of Elector's Photo Identity Card to such elector on written request from the concerned contesting candidate or his election agent.

- (iv) all polling agents shall display their Elector's Photo Identity Card prominently on their persons on the day of poll for easy and quick identification.
- (v) the set up of polling stations should be made in such a way that the **polling agents are seated inside the polling stations** so that they may see the face of an elector as and when he enters the polling station so that they can challenge the identity of the elector, if needed. **They should also be able to watch entire operation inside the polling station including his/her movement to the voting compartment and his/her exit from the polling station after recording his/her vote.** But they should not, in any event, be seated in a place where they have the chance of seeing voter actually recording his/her vote which would compromise secrecy of voting.
- (vi) in case polling station has very small & insufficient space or where the respective constituency is having abnormally large number of contesting candidates warranting the presence of a large number of polling agents, in such cases where polling agents can not be accommodated, Observer(s) shall be consulted for appropriate advice and consent of the Observer(s) shall be obtained.
- (vii) for identifying such polling stations having very small & insufficient space or where the respective constituency is having abnormally large number of contesting candidates warranting the presence of a large number of polling agents, the District Election Officer shall make survey well in advance, so that appropriate decisions may be arrived at well in time. A list of such polling stations shall be prepared and provided to concerned Observer(s).

4. All other instructions/directions as contained in its letter dated 7th April 2006 referred to above shall also be followed scrupulously.

5. These instructions/directions may be brought to the notice of all the District Election Officers/Returning Officers for bringing the contents of this instruction to the notice of Presiding Officers/Polling Officers during their training and other election related officers immediately for strict compliance.

6. Copy of these instructions shall also be forwarded to all the political parties in the State and brought to the notice of the electors as well through a suitable press release.

Yours faithfully,

(K.N. BHAR)
UNDER SECRETARY

INSTRUCTION SI. No.

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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FAX/SPEED POST

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 464/RJ-LA/2008/WS.I/4494

Dated: 23rd October, 2008

To

The Chief Electoral Officer
Rajasthan,
Jaipur.

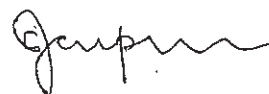
Subject: - General election to the Rajasthan Legislative Assembly, 2008-
Appointment of Polling Agents- regarding.

Sir,

I am directed to refer to your letter No. F.3 (1)(3) I/Nirva/2008/3662, dated the 1st October, 2008 and in continuation of Commission's letters No. 464/INST/2007-PLN-I and No. 464/INST/2008/EPS, dated the 12th and 14th October, 2008, on the subject cited (copies enclosed for ready reference) and to state that you have to stick to the extant instructions of the Commission, in this regard.

3. The receipt of this letter together with its enclosures may kindly be acknowledged.

Yours faithfully,



**(ANUJ JAIPURIAR)
UNDER SECRETARY**

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By Fax/Camp Bag (10)

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 464/INST/2007-PLN-I

Date: 12th October, 2007

To

1. The Chief Secretaries of
All States/UTs.
2. The Chief Electoral Officers of
All States/UTs.

Sub.- Appointment of Polling Agents – Comprehensive instructions/directions –
Regarding.

Sir,

I am directed to invite your attention to Commission's letter No. 464/Inst/2006/PLN-I, dated 7th April 2006, (copy enclosed for ready reference) which *inter-alia* provides that candidates should appoint only such persons as their polling agents who are registered electors and who have an EPIC or any other document issued by the Govt or any Government 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.

2. Further, the Commission's standing directions as contained in Chapter-IV of Handbook for Presiding Officers *inter-alia* provides that the set up of polling stations should be so arranged that polling agents are seated in such a way that they can see the face of an elector as and when he enters the polling station so that they can challenge the identity of the elector, if needed. They should also be able to watch entire operation inside the polling station including his/her movement to the voting compartment and his/her exit from the polling station after recording his/her vote. But they should not, in any event, be seated in a place where they have the chance of seeing voter actually recording his/her vote by pressing particular button;

3. The Commission has further reviewed its earlier instructions/directions in the aforesaid matter and decided to modify these directions/instructions to the extent as given below to be followed scrupulously:-

- (i) the polling agents who are appointed by contesting candidates shall be ordinarily resident and electors of the concerned polling areas only,
- (ii) such polling agents must have electors' photo identity cards.
- (iii) if any person who is a registered elector in the polling area and proposed to be appointed as polling agent by the contesting candidate but does not have Elector's Photo Identity Card in that case, the Returning Officer shall make necessary

arrangement for issue of Elector's Photo Identity Card to such elector on which request from the concerned contesting candidate or his election agent.

- (iv) all polling agents shall display their Elector's Photo Identity Card prominently on their persons on the day of poll for easy and quick identification.
- (v) the set up of polling stations should be made in such a way that the polling agents are seated inside the polling stations so that they may see the face of an elector as and when he enters the polling station so that they can challenge the identity of the elector, if needed. They should also be able to watch entire operation inside the polling station including his/her movement to the voting compartment and his/her exit from the polling station after recording his/her vote. But they should not, in any event, be seated in a place where they have the chance of seeing voter actually recording his/her vote which would compromise secrecy of voting.
- (vi) in case polling station has very small & insufficient space or where the respective constituency is having abnormally large number of contesting candidates warranting the presence of a large number of polling agents, in such cases where polling agents can not be accommodated, Observer(s) shall be consulted for appropriate advice and consent of the Observer(s) shall be obtained.
- (vii) for identifying such polling stations having very small & insufficient space or where the respective constituency is having abnormally large number of contesting candidates warranting the presence of a large number of polling agents, the District Election Officer shall make survey well in advance, so that appropriate decisions may be arrived at well in time. A list of such polling stations shall be prepared and provided to concerned Observer(s).

4. All other instructions/directions as contained in its letter dated 7th April 2006 referred to above shall also be followed scrupulously.

5. These instructions/directions may be brought to the notice of all the District Election Officers/Returning Officers for bringing the contents of this instruction to the notice of Presiding Officers/Polling Officers during their training and other election related officers immediately for strict compliance.

6. Copy of these instructions shall also be forwarded to all the political parties in the State and brought to the notice of the electors as well through a suitable press release.

Yours faithfully,



(K.N. BHAR)
UNDER SECRETARY

Please see
27/4/06

By Fax /Camp Bag

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/Inst/2006/PLN-I)) 218 to 221

Dated 7th April, 2006

To

The Chief Electoral Officers of,
1.Kerala, Thiruvananthapuram,
2.Pondicherry, Pondicherry,
3.Tamilnadu, Chennai,
4. West Bengal, Kolkata.

Sub: Appointment of polling agents- comprehensive directions

Sir,

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 agents. However, the Commission has received inputs that show that there exists still a lack of clarity and scope for improvement so that the purpose of appointing the polling agents as an instrument for ensuring transparency in the conduct of free and fair poll is fully served.

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In the matter of appointment and functioning of polling agents the following are the areas of concern.

- The presence of more than one polling agent of the same candidate at a time in a polling station.
- The identity of polling agents in a polling station not being verified and established properly
- Threat and intimidation to the polling agents resulting in their inability to function as polling agent and protect the interest of the candidate whom they represent which has a serious bearing on the free and fair election.

The Commission having considered the above issues has directed the following instructions to be followed scrupulously:

1. In order to ensure that not more than one polling agent or relief agent remain present inside the polling station at any given point of time a system of "Entry Pass" needs to be introduced. As the number of contesting candidates is already known the presiding officer should be issued with that many number of entry passes. When the polling agents make over their appointment letters in Form 10 at the polling station (Refer Rule 13 (2) of Conduct of Election Rules), the presiding officer shall issue the Entry Pass in favour of the polling agent of each of the candidates remain present after filling the details on the body of the entry pass. If any of the relief agents remain present then he should be sent out immediately. The presiding officer shall maintain a record of entry passes issued and submit the report in the prescribed format as enclosed in annexure 1 and shall deposit it in an envelope to be handed over at the time of depositing poll materials at the reception centre. It is made clear that the agent or relief agent can enter and remain present inside the polling station only after showing his entry pass and displayed on his person. For this purpose, the additional polling officer who would verify as to whether electors standing in queue to cast their vote are carrying proper identification documents or not, (refer: Letter No. 464/WB – LA/2006/374 Dated: 18.03.06 addressed to CEO, WB) should be suitably briefed to ensure that no agent or relief agent enters the polling station without entry pass. The

(113)

CPMF jawan present at the entry point of the polling station with an instruction to keep watch over the proceedings inside the polling station shall keep a watch on this aspect also. The observers and sector magistrate shall verify the compliance of the above arrangement. Further, in order to ensure the system works as stipulated, the sector officers shall verify well in advance as to whether the presiding officers have received the required number of entry passes as per this guideline. This item of work should form part of their checklist. For the smooth implementation of this arrangement adequate number of entry passes shall be printed as per the format given in Annexure II in advance and kept in readiness. Adequate care should be taken at the time of issue of poll materials at the dispatch centers to ensure proper compliance to this order.

2. In order to ensure that only the authorized persons represent the candidate as polling agent/ relief agent the instructions given in Letter no576/11/94/JS-II dated 16.12.1994 (copy enclosed for ready reference) should be followed strictly without deviation. It is relevant to note that the ECI guideline cited above provides for obtaining the specimen signature of candidate / election agent and for supplying the specimen signatures to presiding officers and others. For this purpose a format had also been prescribed in the above instruction; which shall be followed. In this regard, the Commission has further decided that candidates should appoint only such persons as their polling agents who are registered electors and who have an EPIC or any other document issued by the Government or any Government 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.

3. The presence of the polling agents of the contesting candidates during the poll is a sure indicator of transparency in the process. It also reduces the scope for malpractices and thereby scope for complaints. Hence, it becomes imperative on the part of electoral machinery and observers to keep a vigil and observe whether the

8(114)

polling agents of the contesting candidates remain present during the poll or not. As per the instructions enumerated above there is no question of more than one agent of any candidate remaining present inside polling station at any given point of time. However, it would be the duty of the sector magistrates and the observers to keenly observe this aspect. Wherever they come across any thing anomalous with regard to presence or absence of the polling agents, they should further verify the situation from the point of view of possible threat or intimidation to the polling agents of any of the contesting candidates.

Copies of these instructions shall be forwarded to all the political parties in the State as well as the candidates and brought to the notice of the voters as well through a suitable press release.

This may also be brought to the notice of All Observers/DEOs/ROs without fail.

Receipt of this letter with its enclosures shall be acknowledged immediately.

Yours faithfully,


(A.K. MAJUMDAR)
SECRETARY

Annexure-I

Account of entry passes issued to polling agents

1. Number and Name of Assembly Constituency
2. Number and Name of Polling Station
3. Total number of contesting candidates.
4. Number of entry passes received with poll material
5. Details of entry passes issued to polling agents.

<u>Name of candidate</u>	<u>Whether entry passes issued</u>	<u>Signature of the polling agent/relief agent</u>

6.Unused entry passes

Signature and seal of
Presiding Officer

Annexure-II

Specimen of entry pass

To be issued by Presiding officer on poll day

Sl. No. _____
ENTRY PASS
AC No. & Name: _____
Polling Station No. & Name: _____
Name of Candidate: _____
Name of Polling Agent: _____
Name of Relief Agents, if any: _____
Signature of Presiding Officer

ELECTION COMMISSION OF INDIA ¹¹⁷

Nirvachan Sadan, Ashoka Road, New Delhi-110001

NO. 464/INST/2008/EPS

DATED: 14th October, 2008

To,

The Chief Electoral Officers 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.

Sir,

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.

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.

Yours faithfully

(SANGHARĀ RAM)
PRINCIPAL SECRETARY

STANDARD DISTRIBUTION (Hindi version follows)

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G.E-2009
By Fax/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

SUMIT MUKHERJEE

Tel No. 23717590

UNDER SECRETARY

Fax No. 23717590

No. 464/INST/2008/EPS

Dated: 21st January, 2009

To

The Chief Electoral Officers of
All States/UTs.

Subject: General Election to the Lok Sabha, 2009 – Carrying of copy of electoral rolls inside the polling station by polling agents – Regarding.

Sir/Madam,

It has been brought to the notice of the Commission that in some polling station the Presiding Officer did not allow the polling agents to carry the copy of electoral roll supplied to them through the candidate/political parties and make tick marks whenever voters cast their votes. A clarification has been sought by some of the Observers as to whether polling agents can be allowed to make tick marks in the copies available with them or not. In this regard, the Commission clarifies that the polling agents may be allowed to carry their copy of electoral rolls inside the polling station and make tick marks whenever voters cast their vote.

However, it is clarified that under no circumstances, the polling agents can be allowed to carry the electoral roll copy available with him outside the polling station during the course of the polling and till the polling is closed either by himself or through the relieving agent. It is also clarified that, under no circumstances, the agents can be allowed to send slips outside indicating the Serial Numbers of the voters who have voted or not voted.

This may be brought to the notice of all concerned.

Yours faithfully

(SUMIT MUKHERJEE)

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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)

सर्व राज्य/उ.प्र. के प्रमुख निर्वाचन अधिकारी
ए. ई. आर. रोड, नई दिल्ली-110001
दिनांक 11-03-2009

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

177

INSTRUCTION SI. No.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.51/8/2009-EMS

Dated: 18th March, 2009

To

The Chief Electoral Officers of
All States and Union Territories.

**Subject: Introduction of Braille Signage Features in Electronic Voting
Machines.**

Sir/Madam,

I am directed to refer to the Commission's instructions dated 12th February, 2009 and to state that some Chief Electoral Officers have expressed their inability to implement the Braille Signage feature in all the polling stations on the ground that not much Braille literate electors are available in all the polling stations of the States. The Commission has considered this and has decided that the Chief Electoral Officers may quickly conduct a survey for their State/UT and find out whether the opinion mentioned above is correct in respect of their States/UTs also. In such a case, the Chief Electoral Officers may consider to adopt a model followed by National Institute for the Visually Handicapped, Dehradun since 2004 where they set up an auxiliary polling station for the Braille literate electors in their institute to facilitate the casting of votes by the visually impaired electors without companion. One ballot paper was printed in Braille Signage and was kept with Presiding Officer for the use of visually impaired electors and another in normal font was kept on the ballot unit of the EVM. Chief Electoral Officers having difficulty to implement the scheme of Braille Signage Feature in all the polling stations of their States/UTs may like to consider to adopt this alternative model in the polling station area where there is presence of Braille literate electors. To assist them in logistics for implementation of this scheme, they may identify the agency at their level according to their convenience.

Yours faithfully,

(K.N.Bhar)

(178)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2009/EPS

Dated: - 28th April, 2009

To,

The Chief Electoral Officers of
All States/UTs.

**Subject: Election/Polling/Counting Agent- prohibition against
appointment of Minister/MP/MLA/MLC, etc. – regarding.**

Sir/Madam,

I am directed to refer the Commission's letter No. 464/INST/2009/EPS dated 25th April, 2009 regarding appointment of Election/Polling/Counting agent and to say that a question has been raised as to whether Gram Panchayat Pradhan/Gram Panchayat Sarpanch/Panchayat Members can become Election/Polling/Counting Agent of candidates.

It is clarified that there is no prohibition against appointment of Gram Panchayat Pradhan/Gram Panchayat Sarpanch/Panchayat members as Election agents/Polling agents /Counting agents of candidates.

This may be brought to the notice of all political parties and candidates in the State.

Yours faithfully,

(SUMIT MUKHERJEE)
UNDER SECRETARY

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ELECTION COMMISSION OF INDIA

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

NO. 464/INST/2009/EPS

Dated: 09th May, 2009

To

The Chief Electoral Officers of
All States/ UTs

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

Sir/Madam,

In continuation of the Commission's earlier letter Nos. 464/INST/2008/EPS dated 14.10.2008 and 464/INST/2009/EPS dated 25.04.2009 and 28.04.2009 on the above subject, I am directed to state that as per the provisions of Section 50 of the Representation of the People Act, 1951, a contesting candidate (whether he is a sitting MP/MLA/MLC) has a right to be present in the Counting Hall in addition to Counting Agents. They shall be permitted with a stipulation that security persons with arms should not get into counting hall. Such candidates should be asked to give an undertaking that they are surrendering their security on their own voluntarily to sit in the counting hall. The only exception shall be in the case of SPG protectees or other similarly placed persons who can be permitted to be accompanied only with one SPG personnel in plain clothes.

This may be brought to the notice of all concerned.

Yours faithfully,

**SUMIT MUKHERJEE
(UNDER SECRETARY)**

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2009/EPS

Dated: - 12th May, 2009

To,

The Chief Electoral Officers of
All States/UTs.

Subject: Election/Polling/Counting Agent- prohibition against appointment of
Minister/MP/MLA/MLC, etc. – regarding.

Sir/Madam,

I am directed to refer to the Commission's letter No. 464/INST/2009/EPS dated 25th April, 2009 and subsequent letter dated 28th April, 2009 regarding appointment of Election/Polling/Counting agent and to say that a question has been raised as to whether the Councilor or Member of Municipal Corporation or Municipality can be appointed as Counting Agent.

In this connection, it is stated that the matter has been considered by the Commission and it has been clarified that the Councilor or Member of Municipal Corporation or Municipality can also become Counting Agent.

This may be brought to the notice of all political parties and candidates in the State.

Yours faithfully,

(SUMIT MUKHERJEE)
UNDER SECRETARY

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2009/EPS

Dated : 13th May, 2009

To

The Chief Electoral Officer of
All States/Union Territories.

Subject: Appointment of counting agents.

Sir/Madam,

The Commission desires that for counting of votes, the staff used by the DEOs shall be government servants other than those who are working under local bodies. In so far as Counting Agents are concerned, any person who has been provided security by the state government, MLA, MLC, Minister or Mayor shall not be allowed to perform duty as Counting Agents of Candidates. Eligible persons falling outside the above-mentioned category can be appointed as Counting Agents by the Candidates.

Yours faithfully,

(SUMIT MUKHERJEE)
UNDER SECRETARY

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Conduct of Poll

INSTRUCTION SL. NO.

Election Commission's letter No. 576/3/98-JS-II dated 03.02.1998 addressed to Chief Secretaries of all States and UTs.

Subject: Possession of arms near the polling station – restriction.

The Commission wishes to bring to the notice of all concerned the provisions of Section 134 B of the Representation of People Act, 1951, as inserted by the R.P. (Amendment) Act, 1996, whose underlying intention is to ensure that, except those expressly permitted by that section, no one else carries any arms or indulges in show of arms in polling stations or in their vicinity (an areas within a radius of 100 meters from the polling booth), so that the conduct of elections can take place in a free and fair manner without any intimidation of voters, or threat perception to them or they being overawed by large posse of security personnel carrying arms.

2 To facilitate the understanding of the issue, Section 134B is reproduced below :
"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, 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, 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.
- (4) An offence punishable under sub-section (2) shall be cognizable".

3. It is seen from time to time that during the poll process, candidates and/or supporters of candidates, who are recipients of security extended to them by the State authorities, enter polling Stations or go within the neighbourhood thereof accompanied by their security personnel. This is in clear contravention of the Provisions laid down in 134B of the R.P. Act, 1951.

The Election Commission, therefore, directs that no person, be he a recipient of any form of security from any quarter, should enter into any polling station or go within its neighbourhood, accompanied by such security personnel. Neighbourhood of a polling station should be construed to mean an area within a radius of 100 meters from the polling booth, on the analogy of Section 130 of the R.P. Act, 1951.

The security agencies in charge of extending security must therefore, recast security plans accordingly. It would be the duty of those in charge of the election to ensure that the provisions of the above quoted Section 134B of the R.P. Act, 1951 are strictly enforced and no security personnel attached to any person (i.e., any candidate, any of his agents, workers, supporters, or even any elector) enter into any polling station or are found in the neighbourhood of the polling station. The same restrictions should also apply in relation to entry into counting centers and in the neighbourhood of the counting centers. Candidates usually carry out most of their campaigning activities through their election agents, particularly, where the candidates are important leaders of their party and have to campaign for their party elsewhere than in the State and constituencies, from where they themselves are contesting. Therefore, the candidates, in their own interest, would be well advised not to appoint any person as their election agent who is recipient of any form of security cover by the State which requires him to be accompanied by security personnel carrying arms. This would ensure all election agents to move about freely to look after interests of their candidates during the campaign period, the day of polling and the day of counting.



Election Commission's letter No. 576/11/2004/J.S.II, dated 10.04.2004 addressed to the Chief Electoral Officer, Maharashtra, Mumbai and copies to the Chief Electoral Officers of all other States/Union Territories

Subject: Application of indelible ink on the elector's left forefinger -regarding.

I am directed to refer to your letter No. STY-1302 380 33, dated 29th March 2004, on the above subject and to state that the Commission has decided not to insist on the application of indelible ink twice on the left forefinger of the electors. This position is reflected in the relevant instructions in this regard contained in the Handbook for Returning Officers and Presiding Officers (2004 Edn.). In this connection, your attention is also invited to the Commission's letter No. 576 11 2004/JS-II, dated 17th March, 2004.

Election Commission's letter No. 576/3/2004/JS - II Vol. II, dated 16.04.2004 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: Printing of unofficial identity slips by political parties.

I am directed to invite a reference to the Commission's letter No. 576/3/2001/JS II dated 30.04.2001 on the subject mentioned above.

The Commission has decided that printing of unofficial identity slips in Black Ink on white paper may also be permitted. This may be brought to the notice of all political parties, District Election Officers, Returning Officers and other election authorities in the State.

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Election Commission's letter No. 576/3/2004/JS-II, dated 11.05.2004 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: General Election to the House of the People, 2004 — violation of the provisions for maintenance of secrecy of voting - Instructions - Regarding.

I am directed to forward herewith a copy of the Commission's Order dated 11th May, 2004 on the subject cited. The Commission's directions therein may be brought to the notice of all Returning Officers and other election related authorities for necessary action.

Kindly acknowledge receipt.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. 576/3/2004/J.S.II

Dated 11th May, 2004.

ORDER

Sub-rule (1) of Rule 49M of the Conduct of Elections Rules, 1961, provides that every elector who has been permitted to vote under rule 49L of the said Rules, shall maintain secrecy of vote within the polling station. As per sub-rule (6) of the said rule 49M, if an elector who has been permitted to vote, refuses after warning given by the Presiding Officer, to observe the procedure laid down in sub-rule (3) of the said rule, such elector shall not be allowed to vote.

Certain instances of violation of the provisions of the aforesaid rule 49M, and recording of votes by the voters in Electronic Voting Machines in violation of the said provisions, have been brought to the notice of the Commission in the States of Bihar, Uttar Pradesh and Jammu & Kashmir at the poll taken for the current general election to the House of the People.

The Commission has considered the matter. The Commission has noted that while the above-referred sub-rule (6) of rule 49M provides for disallowing an elector to cast vote if he violates the provisions for maintenance of secrecy of voting as laid down in the said rule, the rules are silent on the action to be taken in the case of vote recorded in the EVM in violation of the provisions of rule 49M. The Commission is of the view that this is a vacuous area in the Rules which needs to be covered by supplementary instructions of the Commission. Accordingly, the Commission has directed that if votes are recorded by electors in violation of the provisions for maintenance of secrecy of voting as laid down in rule 49M of the Conduct of Elections Rules, 1961, such votes should be invalidated, by reducing the vote, at the time of counting of the votes, from the tally of the candidate in whose favour such vote has been cast. Such a provision would be consistent and with the provisions of sub-rule (6) of rule 49M which deals with the procedure to be followed in case of violation of the prescribed provisions prior to casting of vote.

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Election Commission's letter No. 4/2004/JS-II/Vol-II, dated 29.09.2004 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: - Provision of Rule 49(O) of the Conduct of Elections Rules 1961, regarding electors deciding not to vote.

I am directed to state that the Commission received a number of complaints from the members of public during the last elections held in April – May, 2004, that the polling officers could not provide assistance/guidance to those electors who expressed their intention at the polling stations not to record their votes in favour of any candidate. In this context, your attention is invited to Rule 49(O) of the Conduct of Elections Rules 1961 which provides that if an elector, after his electoral roll number has been duly entered in the register of voters in Form - 17A and has put his signature or thumb impression thereon as required under sub-rule (1) of rule 49L decides not to record his vote, a remark to this effect shall be made against the said entry in Form 17A by the presiding officer and the signature or thumb impression of the elector shall be obtained against such remark. The procedure to be followed in such cases is explained in Chapter XX of Handbook for Presiding Officers (2004).

The abovementioned provision of law may be brought to the notice of all District Election Officers, Returning Officers and the Presiding and Polling Officers so that there is no confusion at the time of poll. At the training classes, the Presiding Officers and Polling Officers may be briefed about this provision of Rules and the instructions in the Handbook for Presiding Officers referred to above.

It may be noted that the preliminary formalities of identification, marking of indelible ink etc. are also required to be followed before an elector chooses to exercise the option of not voting under rule 49(O).

Kindly acknowledge receipt.

506

Election Commission's letter No.464/INST/2005/PLN-I, dated 28.01.2005 addressed to the Chief Electoral Officers of Bihar, Haryana and Jharkhand.

Subject: State Assembly Elections, 2005 - Issue of Photograph/Identity Card to the Polling Agents.

I am directed to invite your attention to the instructions contained in Para (b) of the Commission's letter No.464/INST/2005/PLN-I, dated 25.01.2004, which said:-

"The candidate shall appoint only those persons as their polling/counting agents who are registered electors and who have an Electoral Photo Identity Card (EPIC) or any other document issued by the government or any government agency which bears his/her photograph and establishes his/her identity. All polling/counting agents shall display the EPIC or said identification document prominently on person on the day of poll or counting for easy and quick identification."

Various representations have been received in the Commission from political parties/candidates saying that sometimes they find it difficult to get adequate number of suitable persons for appointment as polling agents. At times, the selected persons do not have Electoral Photo Identity Cards (EPICs) or any other document issued by the government agency which bears their photograph and establishes their identity. The political parties have, therefore, requested the Commission to make some other alternative arrangements for issuing some kind of photographed identity card to such persons and allow them to act as polling agents.

The Commission has considered the request and decided that in the circumstances described above, the candidates or their elections agents will make a formal request, in writing, to the Returning Officer/Assistant Returning Officer furnishing therewith two copies of passport sized photograph of the prospective polling agent at least two days before the date of the poll. The Returning Officer/Assistant Returning Officer will then issue a photographed identity card to the person to enable him to act as a polling agent. The polling agent will be required to produce this identity card along with his appointment letter in Form-10 before the Presiding Officer to enter the specific polling station and act as polling agent.

ITEM NO. 188

Election Commission's letter No.PS/AK/2005, dated 10.09.2005 addressed to the Chief Electoral Officers of Bihar, West Bengal, Uttaranchal and Haryana [Further modification in these instructions have been issued vide Commission's letter No. PS/AK/2005, dated 13.10.2005 (Item No.182)].

Subject : Movement of Patrolling Magistrates/Sector Magistrates between various polling stations on the day of poll and making an entry in the 'Visit Sheet'

The Commission has desired that various Patrolling Magistrates Sector Magistrates will keep oscillating between various polling stations allotted to them on the day of poll to supervise the conduct of poll and make an entry in the 'Visit Sheet' (as enclosed with this letter) to be kept with the Presiding Officer on the day of poll.

Similarly, Zonal Magistrates, DEOs, ROs, AROs and Observers whenever they visit any polling station, shall also make entry in the aforesaid Visit Sheet. This Visit Sheet shall be sealed by the Presiding Officer in a separate cover and deposited as non-statutory cover after the end of the poll. The cover should superscribe 'Visit Sheet' on the day of poll dated _____. All DEOs shall make necessary arrangements to supply the Visit Sheets & covers to polling parties along with other material. All DEOs, ROs shall also cover these instructions at the time of training of Presiding Officers.

This may kindly be communicated to all DEOs, ROs, Presiding Officers and Observers immediately.

VISIT SHEET

Day of Poll: _____
 Name and Number of Assembly : _____
 Name and Number of Polling Station : _____
 Number of Electors : _____

Sl. No.	Name & Designation of the officer visiting (Observer/DEO/RO/ERO/ Sector Magistrate/ Zonal Magistrate/ Patrolling Magistrate)	Time of Visit	Brief description of polling process (Peaceful/Incidents, if any)	Number of votes polled till the time of visit	% polled till the time of visit	Remarks, if any	Signature of Officer

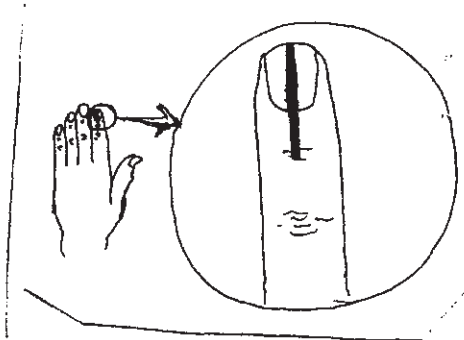
Signatures of Presiding Officers
(with date)

ITEM NO. 189

Election Commission's letter No. 54/2/2005/PLN-IV, dated 09.01.2006 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: Application of indelible ink on electors finger - regarding.

I am directed to state that the Election Commission has decided that in all elections to be conducted after 1.2.2006, the indelible ink will be applied on voter's finger as a line from the top end of the nail to the bottom of the first joint of the left fore finger as shown in the diagram below.



2. M/s Mysore Paints and Varnish Limited, the manufacturer of indelible ink, has intimated that approximate quantity of indelible ink for each booth covering 1400 voters would be 10ml x 2 bottles. A copy of the letter from M/s Mysore Paints and Varnish Limited in this regard is also enclosed herewith.
3. Therefore, requirement of indelible ink may be assessed and procured accordingly for future elections.
4. A copy of these instructions may be sent to all District Election Officers, Returning Officers and Assistant Returning Officers. These instructions may be brought to the notice of all Presiding Officers and Polling Officers at the time of elections.

P 21

COPY

MYSORE PAINTS & VARNISH LIMITED
(A GOVERNMENT OF KARNATAKA UNDERTAKING)
New Bannimantap Extension P.O. MYSORE - 570 015

Ref: MPVL/MKTG/2005-06/3213

Dated 29.12.2005

Shri. K.N. BHAR,
Under Secretary,
Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
NEW DELHI-110001.

Subject: Application of Indelible Ink mark on Voter's finger - Reg.

Ref: Your letter No.54/2/2005/PLN-IV dated 27* Dec'2005.

We thankfully acknowledge your letter as cited under reference.

After detailed study at our Quality Laboratory, we would like to suggest the following on the marking of voter's finger i.e., marking a line from the top end of the nail to the bottom of the first Joint of left fore finger (as shown in your diagram), The approximate quantity of Indelible Ink for each booth covering 1400 voters are as follows:

(a) **10 ml x 2 bottles - each 10 ml Ink packed in 15 ml capacity HDPE bottle with twin attractive packing along with application rod to cover 1400 voters in a booth.**

OR

(b) **If ECI decides to economize the consumption of the Ink, we suggest one more application method i.e., 7.5 ml x 2 bottles each packed in 10 ml capacity HDPE bottle with dual attractive packing which covers 1400 voters in a booth if properly used.**

Both the above two suggestions are made keeping the factors like evaporation of the Ink, spillage etc., in mind.

We solicit your feedback/decision on our suggestion given above.

Thanking you.

Yours faithfully,
For MYSORE PAINTS & VARNISH LTD.,
Sd/-
(M.V. HEMANTH KUMAR)
MANAGING DIRECTOR

511

ITEM NO. 190

Election Commission's D.O. letter No. 464/INST/2006/PLN-I, dated 17.03.2006 addressed to the Chief Electoral Officers of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry.

Subject: Material and dimensions for making of Voting Compartment and placement thereof for secrecy of voting

During last few elections, it has come to the notice of the Commission that in many polling stations the voting compartments were not erected in desirable manner. While in some, the voting compartments made with the help of cardboards were not of sufficient height, in others the cloth used was of poor quality and transparent. In such cases the secrecy of voting could have been compromised.

In certain other cases, it was noticed that voting compartments were placed next to windows / doors. In such cases, it was quite possible that others could see electors casting their votes.

In order to maintain secrecy of vote at the time of poll, the Commission desires that during the forthcoming General Elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry, the voting compartment shall be made only of cardboard and shall be of dimension 21"X21"X21" and that in no case voting compartment should be placed near the window / door.

ITEM NO. 191

Election Commission's D.O. letter No.464/INST/2006/PLN-I, dated 17.03.2006 addressed to the Chief Electoral Officers of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry

Subject; General Elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry – Various Patrolling Magistrates/Sector Magistrates to keep oscillating between various polling stations allotted to them on the day of poll and make an entry in the 'Visit Sheet'

The Commission has desired that various Patrolling Magistrates Sector Magistrates will keep oscillating between various polling stations allotted to them on the day of poll to supervise the conduct of poll and make an entry in the 'Visit Sheet' (as enclosed with this letter) to be kept with the Presiding Officer on the day of poll.

Similarly, Zonal Magistrates, DEOs, ROs, AROs and Observers whenever they visit any polling station, shall also make entry in the aforesaid Visit Sheet. This 'Visit Sheet' shall be given to Presiding Officers stapled alongwith the Presiding Officers' diary and he shall deposit the same after the end of the poll alongwith the Presiding Officers diary.

All DEOs shall make necessary arrangements for supply of Visit Sheets to polling parties along with Presiding Officers diaries. All DEOs, ROs shall also cover these instructions at the time of training of Presiding Officers.

This may kindly be communicated to all DEOs, ROs, Presiding Officers and Observers immediately.

With regards,

VISIT SHEET

Date of Poll: _____
 Name and Number of Assembly : _____
 Name and Number of Polling Station : _____
 Number of Electors : _____

Sl. No.	Name & Designation of the officer visiting (Observer/DEO/RO/ARO/ Sector Magistrate/ Zonal Magistrate/ Patrolling Magistrate)	Time of Visit	Brief description of polling process (Peaceful/Incidents, if any)	Number of votes polled till the time of visit <small>As per Form 17 As per the EVM</small>	Remarks, if any	Signature of Officer

Signatures of Presiding Officers
(with date)

ITEM NO. 192

Election Commission's D.O. letter No.464/INST/2006/PLN-I, dated 17.03.2006 addressed to the Chief Electoral Officers of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry

Subject: **General Elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry – All Presiding Officers to attach the 'Visit Sheet' to the Presiding Officer's diary at the time of submission**

Kindly refer to this office earlier instructions regarding 'Visit Sheet' given as per enclosed letter.

These instructions now stand modified to the following extent. All Presiding Officers will attach the 'Visit Sheet' to the Presiding Officer's diary at the time of submission. The responsibility for non-submission of Visit Sheet shall lie with the President Officer. 'Visit Sheet' for a particular polling station shall be examined alongwith Presiding Officers diary for that polling station on return of polling party.

Kindly bring these instructions to the notice of all DEOs, ROs, Presiding Officers, Patrolling Magistrates, Sector Magistrates, Zonal Magistrates and Observers.

With kind regards,

ITEM NO. 193

Election Commission's D.O. letter No. 464/INST/2006/PLN-I, dated 17.03.2006 addressed to the Chief Electoral Officers of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry

Subject: General Elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry – Commission's decision for ordering adjourned poll at all those polling stations, where polling fails to start for two hours.

The Commission has been issuing instructions from time to time to in the interest of free and fair elections.

It has come to the notice of the Commission that sometimes polling at some of the polling stations gets delayed for unduly long hours due to various reasons and due to this delay, some of the bonafide voters leave the place and fail to exercise their franchise.

The Commission after considering this issue feels that an adjourned poll may be ordered at all those polling stations where polling fails to start for two hours.

This instruction may be brought to the notice of all District Election Officers, Returning Officers and Observers for strict compliance.

With regards

ITEM NO. 194

Election Commission's D.O. letter No.464/INST/2006/PLN-I, dated 17.03.2006 addressed to the Chief Electoral Officers of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry

Subject : **General Elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry – Identification of electors – All Presiding Officers to note down the kind of identification document produced by the elector at the time of casting his/her vote.**

The Commission has made identification of electors mandatory on the day of poll at the time of casting votes.

During previous elections, it has come to the notice of the Commission that Presiding/Polling Officers do not insist on production of prescribed identification documents on the poll day at the time of voting for elector identification which sometimes lead to bogus voting. To ensure that Presiding/ Polling Officers insist on production of identification documents, the Commission instructs that all Presiding / Polling Officers must note down the kind of identification document produced by the elector at the time of casting his/ her vote along with the number of document produced, if given in the document in remarks column of Form 17A.

Kindly ensure that these instructions are brought to the notice of all DEOs, ROs, AROs, Presiding Officers & Observers for strict compliance and to the knowledge of all candidates for information.

With kind regards,

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ITEM NO. 195

Election Commission's letter No. 464/INST/2006/PLN-I, dated 20.03.2006 addressed to the Chief Electoral Officers of Assam, Kerala, Tamil Nadu, West Bengal, Pondicherry

Sub: General election to the Legislative Assemblies 2006 – Setting up of party booth by the political parties near polling station on the day of poll – regarding

The political parties/candidates are allowed to set up one party booth at a distance of beyond 200 meters from the polling station for distributing unofficial identity slips etc.

2. It has been brought to the notice of the Commission that sometimes more than one polling station is located in the same building. In such cases, difficulties are faced by the political parties/candidates to cater to the needs of the large number of voters registered in those polling stations.

3. The Commission has reconsidered the matter and decided to allow setting up of one party booth beyond a distance of 200 meters from the polling station where there are two polling stations set up in the same location/premised. However, maximum two election booths can be set up by the political parties/candidates were there is more than two polling stations setup in the same polling station location/premises.

COPY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2005-PLN-I

Dated 26th September, 2005

To

The Chief Electoral Officers of:-

1. West Bengal, Kolkata,
2. Haryana, Chandigarh.

Subject: Bye-election to Lok Sabha and Legislative Assemblies, 2005 – Setting up of Polling Booth by the Political parties near Polling Station on the day of poll - Regarding.

I am directed to say that the Commission has received representations from various political parties to allow them to set up more than one polling station located in prohibited area of polling stations where there is more than one polling station

located in the same building on the day of poll. Para 1 of the Commission's Order No.464/INST/98/PLN-I, dated 12th February, 1998, interalia, provides as under:-

"No booth shall be set up within a distance of 200 meters from the polling station. Even where more than one polling station has been set up in the same polling station location or premises, there shall be only one booth of a candidate for such group of polling stations beyond a distance of 200 meters from such premises."

The Commission, on reconsideration, has decided that for the purpose of present bye-elections following guidelines may be followed:-

"Only one booth shall be set up by the candidates beyond a distance of 200 meters from the polling stations where there is two polling stations set up on the same polling stations locations or premises. However, maximum two election booths shall be set up by the candidates where there is more than two polling stations set up on the same polling stations locations or premises."

INSTRUCTION SL. NO.

Election Commission's letter No.464/INST/2006-PLN-I Dated: 7th April, 2006 addressed to the Chief Electoral Officers of Kerala, Pondicherry, Tamil Nadu and West Bengal.

Subject : Appointment of Polling Agents – Comprehensive directions.

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 agents. However, the Commission has received inputs that show that there exists still a lack of clarity and scope for improvement so that the purpose of appointing the polling agents as an instrument for ensuring transparency in the conduct of free and fair poll is fully served.

In the matter of appointment and functioning of polling agents the following are the areas of concern.

- The presence of more than one polling agent of the same candidate at a time in a polling station.
- The identity of polling agents in a polling station not being verified and established properly.
- Threat and intimidation to the polling agent resulting in their inability to function as polling agent and protect the interest of the candidate whom they represent which has a serious bearing on the free and fair election.

The Commission having considered the above issues has directed the following instructions to be followed scrupulously;

1. In order to ensure that not more than one polling agent or relief agent remain present inside the polling station at any given point of time a system of "Entry Pass" needs to be introduced. As the number of contesting candidates is already known, the presiding officer should be issued with that many number of entry passes. When the polling agents make over their appointment letters in Form 10 at the polling station (Refer Rule 13(2) of Conduct of Election Rules), the presiding officer shall issue the Entry Pass in favour of the polling agent of each of the candidates remain present after filling the details on the body of the entry pass. If any of the relief agents remain present then he should be sent out immediately. The presiding officer shall maintain a record of entry passes issued and submit the report in the prescribed format as enclosed in **Annexure 1** and shall deposit it in an envelope to be handed over at the time of depositing poll materials at the reception centre. It is made clear that the agent or relief agent can enter and remain present inside the polling station only after showing his entry pass and displayed on his person. For this purpose, the additional polling officer who would verify as to whether electors standing in queue to cast their

vote are carrying proper identification documents or not, (refer; Letter No. 464/WB – LA/2006/374 Dated 18.03.2006 addressed to CEO, WB should be suitably briefed to ensure that no agent or relief agent enters the polling station with entry pass. The CPF jawan present at the entry point of the polling station with an instruction to keep watch over the proceedings inside the polling station shall keep a watch on this aspect also. The observers and sector magistrates shall verify the compliance of the above arrangement. Further, in order to ensure that system works as stipulated, the sector officers shall verify well in advance as to whether the presiding officers have received the required number of entry passes as per this guideline. This item of work should form part of their checklist. For the smooth implementation of this arrangement, adequate number of entry passes shall be printed as per the format given in **Annexure II** in advance and kept in readiness. Adequate care should be taken at the time of issue of poll materials at the dispatch centres to ensure proper compliance to this order.

2. In order to ensure that only the authorized persons represent the candidate as polling agent/relief agent, the instructions given in Letter No. 576/11/94/JS-II dated 16.12.1994 (copy enclosed for ready reference) should be followed strictly without deviation. It is relevant to note that the ECI guidelines cited above provides for obtaining the specimen signature of candidate/election agent and for supplying the specimen signatures to presiding officers and others. For this purpose a format had also been prescribed in the above instruction, which shall be followed, in this regard, the Commission has further decided that candidates should appoint only such persons as their polling agents who are registered electors and who have an EPIC or any other document issued by the Government or any other document issued by the Government or any Government. Polling agents shall display their EPIC or other identification document prominently on their persons on the day of poll for easy and quick identification.
3. The presence of the polling agents of the contesting candidates during the poll is a sure indicator of transparency in the process. It also reduces the scope for malpractices and thereby scope for complaints. Hence, it becomes imperative on the part of electoral machinery and observers to keep a vigil and observe whether the polling agents of the contesting candidates remain present during the poll or not. As per the instructions enumerated above, there is no question of more than one agent of any candidate remaining present inside polling station at an given point of time. However, it would be the duty of the sector magistrates and the observers to keenly observe this aspect. Wherever they come across any thing anomalous with regard to presence or absence of the polling agents, they should further verify the situation from the point of view of possible threat of intimidation to the polling agents of any of the contesting candidates.

Copies of these instructions shall be forwarded to all the political parties in the State as well as the candidates and brought to the notice of the voters as well through a suitable press release.

This may also be brought to the notice of all Observers/DEOs/Ros without fail.

Receipt of this letter with its enclosures shall be acknowledged immediately.

Account of entry passes issued to polling agents

1. Number and Name of Assembly Constituency
2. Number and Name of Polling Station
3. Total Number of contesting candidates
4. Number of entry passes received with poll material
5. Details of entry passes issued to polling agents

Name of candidate	Whether entry passes issued	Signature of the polling agent/relief agent

6. Unused entry passes

Signature and seal of
Presiding Officer



Specimen of entry pass

To be issued by Presiding Officer on poll day

Sl. No. _____
ENTRY PASS
AC No. & Name: _____
Polling Station No. & Name: _____
Name of Candidate: _____
Name of Polling Agent: _____
Name of Relief Agents, if any: _____
Signature of Presiding Officer



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Election Commission's letter No.464/INST/2007/PLN-I Dated: 12th January, 2007 addressed to the Chief Secretaries and Chief Electoral Officers of all States and Union Territories.

Sub: Preventive measures near polling booth on poll day-Setting up of Election Booths by Candidates/Political Parties.

The Commission has issued various instructions on Preventive measures near polling booths and setting up of election booths by the candidates/political parties from time to time. Important aspects of these instructions are reiterated below:

1. No booth shall be set up within a distance of 200 metres from the Polling Station. Even where more than one polling station has been set up in the same Polling Station Location or premises, there shall be only one booth of a candidate for such group of Polling Stations beyond a distance of 200 meters from such premises.
2. Only one table and two chairs shall be provided at each such booth with an umbrella or a piece of tarpaulin or cloth to protect the two occupants of those chairs at the booth from weather conditions. Such booth shall not be enclosed by Kanats or tentage, etc.
3. Each candidate wishing to set up such booths shall intimate, in writing, in advance, to the Returning Officer, the names and Sl. Nos. of the Polling Stations where such booths are proposed to be set up by him. He shall also obtain the written permission of the concerned Government authorities or local authorities like Corporations, Municipalities, Zilla Parishads, Town Area Committees, Panchayat Samitis etc., under the relevant local laws before setting up of such booths. Such a written permission must be available with the persons manning the booth for production before the police/election authorities concerned on demand.
4. Such booths shall be used only for the sole purpose of issuing unofficial identity slips to electors. These unofficial identity slips shall be printed strictly in accordance with the instructions of the Commission on the subject without the name or symbol of the candidate or the name of the political party.
5. Only one banner to display the name of the candidate, his party and the election symbol allotted to him shall be allowed at each such booth, provided that such banner shall not be more than 3 feet by 4 1/2 feet in length and breadth. Any banner set up in violation of this restriction will be removed by authorities maintaining the law and order.
6. No crowds shall be allowed to collect at such booths in any circumstances, nor shall any person who has already cast his vote at the polling station be allowed to come to the booth. This would be evident from the indelible ink mark on his left forefinger or any other finger as specifically prescribed for that election for the constituency in which the

polling station is located.

7. The persons manning the booths shall not cause any obstructions whatsoever in the way of electors proceeding to the polling stations or prevent them from going to the booths of other candidates or create any other sort of hurdles whatsoever in the right of voters to exercise their franchise according to their own free will. More specifically, no elector shall be influenced in any way whatsoever to either come and collect the unofficial identity slip from the particular booth or if he comes to such booth of his own accord to vote in favour of or against any party / candidate contesting the election.

8. The Commission hereby warns all concerned that any violation of the above directions will be viewed by the Commission with the utmost gravity and most stringent action possible under the law, including but not restricted to the removal of such booths forthwith will be taken against the candidates and / or their agents / workers responsible for any such violations.

9. If any officer is found to have failed to take prompt and expeditious action to ensure the strict compliance of the abovementioned directions, he will render himself liable to strict disciplinary action apart from any penal action as may be called for against him for failure to discharge the official duty. (Please refer to Commission's instruction No.464/INST/98/PLN-I dated 12.02.1998)

10. In order to prevent electioneering at the Polling Stations on the date of poll and to maintain law and order in the counting centers at the time of counting of votes, the Commission hereby directs that no person other than authorized election and police officials shall be allowed to either carry or use cellular phones, cordless phones, wireless sets, etc., in the 100 meter perimeter of the Polling Stations described as the "Polling Station Neighborhood" and within the polling booth.

11. These instructions shall be brought to the notice of the candidates, their election agents and all political parties for their information and strict compliance. A press note in this regard may also be issued for the information of the general public.

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BY FAX/BY CAMP BAG

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

A.K. MAJUMDAR
PRINCIPAL SECRETARY

No. 464/INST/2007-PLN-I

Dated: 25th October, 2007

To

The Chief Electoral Officers
Of all States and Union Territories

Sub.: Recording of particulars of identity proof produced by the voters in the Remarks column of Register of Voters (Form 17A) by the Polling Officer – Regarding.

Sir,

In continuation of Commission's letter of even No. dated 12 October 2007, on the subject cited, I am directed to state that during the poll day in some cases it has been observed that the movement of voter's queue is slow in case of some polling stations perhaps due to the time taken by the second polling officer in filling up the Register of Voters (Form-17A) as well as preparing the "voters slip". In order to mitigate any such situation in subsequent phases, you are directed to ensure following:-

- (i) Printed blank voters slips must be there with all the polling parties,
- (ii) Only the last four digits of the EPIC/Identity documents should be entered in the Register of Voters (Form 17-A),
- (iii) Wherever needed (if the voters are more than 1200) additional polling officers should be deputed with the polling party. While deploying additional polling officers, care should be taken to select them on random basis, and
- (iv) A reserve of polling officers should be kept ready to rush out to any polling station which requires such assistance during poll hours. The Sector Officer should be able to identify such requirement quickly on their visit to polling stations and seek the assistance of returning officer in getting the additional hand when needed, from the pool of such reserve polling officers.

2 The aforesaid directions/instructions shall be brought to the notice of the District Election Officers, Returning Officers, Assistant Returning Officers, Polling Personnel, Observers and all other election related officers **immediately** for their information and strict compliance.

Yours faithfully,

(AK MAJUMDAR)

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By Special messenger/Speed post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/2007(INST)-PLN-III

Dated : 12th November, 2007

To

1. The Chief Secretaries of all States and Union Territories
2. The Chief Electoral Officers of all States and Union Territories

Subject: Instruction on the operation of temporary campaign office by the candidates during election period of General / Bye-Elections to the Lok Sabha and State Legislative Assemblies - regarding.

Sir,

I am directed to state that during the period of General / Bye-Elections to the Lok Sabha and State Legislative Assemblies, the candidates of various parties including independent candidates set up and operate temporary offices for the purpose of local campaign. A question has been raised regarding the conditionalities under which such temporary party offices can be allowed to set up and operate.

The Commission, after taking into consideration all relevant factors, has prescribed the following guidelines to be followed in this regard :-

- “ (1) No such office will be opened by way of any encroachment either of public or private property.
- (2) No such offices will be opened in any religious places or campus of such religious places.
- (3) No such offices will be opened contiguous to any educational institution / hospital.
- (4) No Such offices will be opened within 200 meters of an existing polling station.
- (5) Such offices can display only one party flag and banner with party symbols/photographs.

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- (6) The size of the banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc.; then the lower size prescribed by local law shall prevail.

This may kindly be brought to the notice of all concerned for strict compliance.

Kindly acknowledge receipt.

Yours faithfully,

(K. N. BHAR)
UNDER SECRETARY

Copy to:

The Principal Secretaries/Secretaries/ Secretaries for follow up action.

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BY SPEED POST

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

K.N.BHAR
UNDER SECRETARY

No. 51/8/7/2008-EMS

Date: 15/07/08

To,

The Chief Electoral Officers of
All the States and Union Territories

Sub: Tracking the presence of polling agents at the polling stations on the poll day and mandatory conduct of Mock Poll and certification therein.

Sir,

The Commission attaches highest importance to the integrity of process and transparency in the election process. Instructions in the past have been issued about the conduct of mock poll. The Commission also considers that the presence of the agents appointed by the contesting candidates during their poll augurs well for transparency. On the other hand, presence of the agents of only one of the candidates in the absence of other agents may lead to complaints.

In this regard, the Commission has issued the following instructions:-

1. The recent instruction of the Commission that the polling agents appointed by the candidates shall be a voter in the same polling station shall be implemented strictly. Candidates may be advised by the Returning Officer to ensure that the agents reach the polling stations well in advance before the commencement of poll so that the pre-poll formalities such as issue of entry pass to the agents, conduct of mock poll etc., are done in time.
2. The Presiding Officers shall conduct mock poll, following the existing instructions, in the presence of the polling agents and prepare and sign the mock poll certificate in the prescribed format as in Annexure 1.

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3. The Presiding Officers shall mention the names of the agents and the candidates they represent and obtain their signatures for the purpose of record.
 4. Mock poll shall be conducted normally at least 30 minutes before the commencement of actual poll. In case where even two agents of different candidates are not present, the P.O may choose to wait 10 more minutes and if the agents are not turning up even after that the Presiding Officer may conduct the mock poll for verifying the working condition of the EVM and mention about that in his certificate suitably.
 5. The Returning Officer through the Sector Officers and using the communication link with the polling station/ mobile teams shall track the conduct or otherwise of mock poll and ascertain the mock poll status within 30 minutes. Non-confirmation of mock poll could be indicative of some problem on the part of presiding officer or the EVM and hence the Returning Officer shall make immediate intervention to sort out the problem.
 6. The polling stations not having the presence of rival candidates of recognized parties and where the mock poll had to be conducted in the absence of agents shall merit focused attention of the election machinery. Interventions such as deployment of reserve micro-observers, deployment of video cameras, frequent visits by sector officers and other senior officers could be made.
 7. After the completion of poll on the basis of mock poll certifications received from the Presiding Officers, the Returning Officer shall prepare a list of such polling stations where the mock poll had to be conducted in the absence of agents or where at the time of mock poll the agents of more than one rival candidates of recognized parties were not present and special attention shall be paid to the documents received from such polling stations for proper scrutiny. The observers shall also pay their attention to this aspect.

This may be brought to the notice of all concerned.

Yours faithfully,

(K.N.BHAR)

Mock Poll Certificate

This is certified that I Presiding Officer at the Polling Station No -
-----of ----- Assembly Constituency (or the -----Assembly
segment under -----Parliamentary Constituency) conducted the mock poll at ---
- AM today, the poll day i.e. ----- following the instructions issued by the Election
Commission of India.

A total of ----- votes were polled in the mock poll and after the mock poll I have
carefully cleared the memory and the total votes polled showed '0' after clearing the
memory.

- A. At the time of mock poll the following of polling agents representing the
candidates whose names mentioned against the names of such agents were present
and I have obtained their signatures.
- B. At the time of mock poll the agent of only than one contesting candidate was
present. After waiting for ten more minutes I conducted the mock poll along with
other polling staff at ----- I have mentioned the name of the agent present at the
time of mock poll including the name of the candidate whom he represented.

(In case, no agent was present it shall be mentioned “ No Polling agent was present at
the time of mock poll)

Name of the agent	Name of the Candidate	Signature of the agent
-------------------	-----------------------	------------------------

Date:
Time:

Name & Signature
of the Presiding Officer

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Speed Post

**ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.**

No. 464/INST/2008/EPS

Date: 23.7.2008

To

1. The Chief Secretaries of all States and UTs.
2. The Chief Electoral Officers of all States and UTs.

Subject : Instructions for polling personnel while on duty in polling station during the poll hours.

Sir/Madam,

The Commission has issued instructions from time to time on the issue of managing events at the polling station on the poll day. The Handbook for Presiding Officers and the instructions issued from time to time by the Election Commission contain various aspects of regulation of entry and arrangement in the polling station.

It has been brought to the notice of the Commission that there have been some isolated events in which the Presiding Officer and other polling officers have not handled the events at the polling station in a proper manner when some VIPs and other glamorous personalities came to exercise their franchise.

It is relevant to note that VIPs and glamorous personalities such as cine-actor and actress, Cricketers and other sports personalities come to the polling station as a voter to exercise their franchise. It is expected that the presence of such personalities should not unduly create any hindrance in the exercise of voting rights by other voters. At the relevant point of time there may be infirm, old and sick electors waiting for their turn to exercise franchise. In such occasions, the Presiding Officer and other polling staff should perform their duties professionally and regulate the events at the polling station in a proper manner. They should not show any excitement and get overwhelmed by the personality and stature of the voter which may invite criticism from other voters. They should continue to perform their duties in an objective manner so as to ensure smooth conduct and order at the polling station without causing any inconvenience to the other voters standing in the queue.

This may be brought to the notice of all concerned.

Yours faithfully,

**(SHANGARA RAM)
Principal Secretary**

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ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No. 464/INST/2008-EPS

Dated: 24th October, 2008

To

The Chief Electoral Officers of
All States and Union Territories

Sub: Restrictions on Presiding (and other) officer to go near the voting compartment.

Sir,

It has come to the notice of the Commission that some polling officers and polling staff frequently go to the ballot compartment at the time of polling to explain to the illiterate voters about how to use EVM. This gives scope for the polling agents of the candidates and political parties to make allegations about the neutrality of the polling staff. In order to ensure that the conduct of the presiding officer and other polling staff in no way gives scope for any complaint the Commission has issued the following instruction for the strict adherence:-

1. The D.E.O shall supply a printed sample of EVM ballot unit pasted on a cardboard (real size) to all the presiding officers along with other polling materials at the time of dispatch. While printing such model ballot care shall be taken to ensure that only dummy name and dummy symbols that are not in use, are used and not any real names or symbols. It shall be printed in color so that 'blue button' 'green light' and 'red light' etc are clearly represented.
2. Whenever any voter asks for help or expresses inability to vote using EVM, the presiding officer can explain to the voter the voting process using the cardboard model of the EVM ballot in such a manner that the voter is able to understand. This shall be done outside the voting compartment only in the presence of polling agents and never inside the voting compartment.
3. The Presiding Officer or other polling staff shall not visit frequently the voting compartment as that may give scope for complaints.
4. In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/ names / ballot button, the presiding officer may from time to time make an inspection of ballot unit (BU)- but he should make it a point to do so in the immediate presence of polling agents.

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5. Any complaint about the conduct of the polling staff at the polling station shall be taken seriously and properly enquired. The observers are being instructed to take serious note of such complaints and conduct or cause enquiry into such allegations and submit reports to the Commission.

These instructions shall be brought to the notice of all presiding officers during their training. Besides, a copy of these instructions shall also be put in the kit handed over to the presiding officers along with other documents handed over at the time of dispatch. All political parties and candidates may also be informed about this new instruction.

Yours sincerely,

(SHANGARA RAM)
PRINCIPAL SECRETARY

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G.E-2009

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

SUMIT MUKHERJEE
UNDER SECRETARY

Tel No. 23717590
Fax No. 23717590

No. 464/INST/2008/EPS

Date: 16th December, 2008

To

The Chief Electoral Officers of
All States/UTs.

Subject: - Arrangements at the Reception Centre on the poll day – provision for special counter for tracking information from specific polling stations – regarding.

Sir/Madam,

I am directed to convey the Commission direction regarding arrangements to be made at the reception centre to handle the receipt of polled EVMs and other documents in an organized manner;-

1. The DEO and RO shall review the arrangements made at reception centre personally and ensure that a system is in place for ensuring a hassle free handling of EVMs and other documents.
2. Counters for receiving EVMs shall be set-up in such a manner that there is no crowding at the reception centre when the presiding officers and polling personnels hand over the EVMs and other documents. This can be ensured by setting up separate counters for handling specific numbers of polling stations.
3. A check list should be prepared and kept in the counters so that the receipt of documents and other polling materials is ensured as per the check list and in the relevant order. The officer who receives the EVM, documents should mark the polling station in the check list and sign it.
4. A separate special counter should be set up for receiving EVMs and other documents from the specific polling stations about which complaints had been received from political parties/candidates during the course of polling; polling stations in which significant events such as violent incidents, heated arguments with the polling

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personnel, clash between polling agents, break-down of EVMs reported and where the EVM replacement had taken place etc. During the course of polling, the RO will maintain a separate register to identify such polling stations and even before the arrival of the polling party at the reception centre a hoarding or a notice board indicating number and details of the polling stations that would be handled at the special counter should be put up.

5. At the special counter, the RO himself or the ARO will supervise the receipt of EVMs and other documents. If the observer is available he will also make himself available at this counter. The EVMs and other documents shall be properly examined and the RO/Observer should discuss with the presiding officers about the events that took place at the polling station so that detailed inputs are received and this would facilitate the RO/Observer to get a clear picture about the events that took place at the polling station. This would be helpful in deciding about repoll, if any necessary. The presiding officer of these polling stations can be relieved only after obtaining the EVMs and other documents after proper verification and discussion with RO/Observer.
6. Proper lighting arrangements shall be made at the reception centre so that no inconvenience is caused as the polling party may return late in the night. Provision for drinking water, first aid and other medical facilities shall also be ensured at the reception centre for the benefit of the polling staff.
7. Proper transport arrangements should be in place so that the polling staff are not held up at the reception centre after being relieved from their duty.

Yours faithfully

(SUMIT MUKERJEE)

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G.E-2009

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

SUMIT MUKHERJEE
UNDER SECRETARY

No. 464/INST/2008/EPS

Dated: 18th December, 2008

To

The Chief Electoral Officers of
All States/UTs.

Sub: - General Election to the House of People 2009 – Providing of additional
Polling Personnel for polling stations having more than 1200 electors –
Regarding..

Sir,

I am directed to state on the subject cited that for the polling stations where the number of electors is more than 1200, and extra polling officer would be provided who shall share the duty of Second Polling Officer and these two Polling Officers will be called Second Polling Officer (A) and Second Polling Officer (B). At such polling stations, Second Polling Officer (A) will be in charge of indelible ink and will inspect the elector's left forefinger to see that it does not bear any sign or trace of indelible ink and then put a mark with the indelible ink in the manner prescribed i.e. from the upper tip of the nail to bottom of the first joint of the forefinger of left hand in form of a line.

2. Second Polling Officer (B) will be in-charge of the Register of Voters in Form-17A and will be responsible for maintaining that Register and making all relevant entries therein. He will also issue a voter's slip to each elector after he has entered elector's particulars in the Register of Voters in accordance with the prescribed procedure. However, before issuing the Voter's Slip to the elector he will ensure that a clear line of indelible ink is marked on the forefinger..

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3. An additional person may also be provided in the polling parties who will verify whether the electors standing in the queue to cast vote are carrying proper identification documents. Only those electors should be allowed to stand in queue who are either carrying Electoral photo Identity Card (EPIC) or any one of the alternative documents, if permitted by the Commission.

Yours faithfully,

(SUMIT MUKERJEE)

Election Commission's letter No. 464/INST/2008/EPS Date: 18th December, 2008 addressed to the Chief Electoral Officers of all States and Union Territories

Sub: Tracking the presence of polling agents at the polling stations on the poll day and mandatory conduct of Mock Poll and certification therein.

The Commission attaches highest importance to the integrity of process and transparency in the election process. Instructions in the past have been issued about the conduct of mock poll. The Commission also considers that the presence of the agents appointed by the contesting candidates during their poll augurs well for transparency. On the other hand, presence of the agents of only one of the candidates in the absence of other agents may lead to complaints.

In this regard, the Commission has issued the following instructions:-

10. The recent instruction of the Commission that the polling agents appointed by the candidates shall be a voter in the same polling station shall be implemented strictly. Candidates may be advised by the R.O to ensure that the agents reach the polling stations well in advance before the commencement of poll so that the pre-poll formalities such as issue of entry pass to the agents, conduct of mock poll etc., are done in time.
11. The Presiding Officers shall conduct mock poll, following the existing instructions, in the presence of the polling agents and prepare and sign the mock poll certificate in the prescribed format as in Annexure 1.
12. The Presiding officer shall mention the names of the agents and the candidates they represent and obtain their signatures for the purpose of record.
13. Mock poll shall be conducted normally at least 30 minutes before the commencement of actual poll. In case where even two agents of different candidates are not present, the P.O may choose to wait 10 more minutes and if the agents are not turning up even after that the Presiding Officer may conduct the mock poll for verifying the working condition of the EVM and mention about that in his certificate suitably.
14. The R.O through the sector officers and using the communication link with the polling station/ mobile teams shall track the conduct or otherwise of mock poll and ascertain the mock poll status within 30 minutes. Non-confirmation of mock poll could be indicative of some problem on the part of presiding officer or the EVM and hence the

R.O shall make immediate intervention to sort out the problem.

15. The polling stations not having the presence of rival candidates of recognized parties and where the mock poll had to be conducted in the absence of agents shall merit focused attention of the election machinery. Interventions such as deployment of reserve micro-observers, deployment of video cameras, frequent visits by sector officers and other senior officers could be made.
16. After the completion of poll on the basis of mock poll certifications received from the presiding officers the R.O shall prepare a list of such polling stations where the mock poll had to be conducted in the absence of agents or where at the time of mock poll the agents of more than one rival candidates of recognized parties were not present and special attention shall be paid to the documents received from such polling stations for proper scrutiny. The observers shall also pay their attention to this aspect.

This may be brought to the notice of all concerned.

Annexure 1

Mock Poll Certificate

This is certified that I Presiding Officer at the Polling Station No of --- Assembly Constituency (or the ---Assembly segment under ----- Parliamentary Constituency) conducted the mock poll at ---- AM today, the poll day i.e ----- following the instructions issued by the Election Commission of India.

A total of ----- votes were polled in the mock poll and after the mock poll I have carefully cleared the memory and the total votes polled showed '0' after clearing the memory.

- C. At the time of mock poll the following of polling agents representing the candidates whose names mentioned against the names of such agents were present and I have obtained their signatures.
- D. At the time of mock poll the agent of only one contesting candidate was present. After waiting for ten more minutes I conducted the mock poll along with other polling staff at ----- I have mentioned the name of the agent present at the time of mock poll including the name of the candidate whom he represented.

(In case, no agent was present it shall be mentioned " No Polling agent was present at the time of mock poll)

Name of the agent the agent	Name of the Candidate	Signature of
--------------------------------	-----------------------	--------------

Date:
Time:

Name & Signature
of the P.O

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Election Commission's Letter No.576/3/2009/SDR Dated : 6th January, 2009 addressed to the Chief Electoral Officer of all States and Union Territories.

Sub: Replacement of EVM during poll- requirements to be followed-regarding.

There are occasions when EVMs are required to be replaced in the polling station after commencement of poll. Such situation arises when the EVMs develop problems in the midst of poll. When replacement EVMs are used, the Presiding and Polling Officers should ensure that the requirement of conducting mock poll should be fulfilled in the case of new EVMs also, and **the new EVMs should be put to use only after conducting the mock poll, clearing of the data of mock poll and recording the certificate of mock poll, as in the case of the originally allotted EVMs .**

Necessary instructions may be issued to all DEOs, ROs and all other election authorities in the State/UT, with clear directions that this aspect should be covered in the training classes for the polling personnel.

Please acknowledge receipt of this letter.

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INSTRUCTION SI. No.

Election Commission's letter No. 464/INST/2009/EPS Dated: 21st January, 2009 addressed to the Chief Electoral Officers of all States and Union Territories

Subject : Instructions to be followed by Presiding Officers at the polling station at the end of poll

I am directed to state that the Commission has received complaints in the past that some of the Presiding Officers do not close the EVM by pressing the 'CLOSE BUTTON' after the end of poll for subsequent manipulation.

The Commission has been issuing various instructions in the interest of free and fair poll from time to time.

The Commission desires that following instructions may be brought to the notice of all District Election Officers, Returning Officers, Presiding Officers, Observers and political parties immediately: -

- (i) All Presiding Officers shall close the EVM by pressing 'CLOSE BUTTON' at the end of poll in presence of polling agents, as may be present.
- (ii) All Presiding Officers shall draw a line at the end of poll after the last entry in Form 17A and shall record the signed statement thereafter "The serial number of last entry in Form 17A is _____" and obtain the signatures of all polling agents, as may be present, below this statement.
- (iii) All Presiding Officers shall give one attested copy of Form 17C (Account of Votes Recorded) at the end of poll to all polling agents, as may be present, irrespective of their asking.

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Election Commission's letter No. 464/INST/2009/EPS Dated: 21st January, 2009 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject : Ordering of adjourned poll due to delay in polling.

The Commission has been issuing instructions from time to time in the interest of free and fair elections.

It has come to the notice of the Commission that sometimes polling at some of the polling stations gets delayed for unduly long hours due to various reasons and due to this delay, some of the bona fide voters leave the place and fail to exercise their franchise.

The Commission after considering this issue feels that an adjourned poll should be held at all those polling stations where polling fails to start for two hours.

These instructions may be brought to the notice of all District Election Officers, Returning Officers and Observers for strict compliance while making recommendations for repoll/adjourned poll.

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G.E.-2009

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2008/EPS

Dated:- 9th February, 2009

To,

कार्यालय मध्य निर्वाचन अधिकारी

एवं पदेन मध्य शाखा सचिव,

निर्वाचन विभाग, अजमेर

संख्या क्रमांक 816

दिनांक 17/2

The Chief Electoral Officers of,
All States/UTs.

Subject:

General Election to the Lok Sabha, 2009 – Preventive measures near
polling booth on poll day – Instructions regarding use of Cellular Phones.

Sir,

The Commission has been issuing instructions from time to time to ensure free and fair elections. It was observed in the recently held elections that the Commission's standing instructions on use of cellular phone were not being observed scrupulously by authorities. Therefore, the Commission has decided to reiterate the contents of its letter no. 464/INST/2007-PLN-I dated 12.01.2007 regarding preventive measures near polling booths and bring to the notice of all concerned. It is once again emphasized that the instructions contained in the above referred order may be scrupulously followed and no cellular phones, cordless phone, wireless sets etc. in any case, be allowed inside the polling stations and counting centres and also in the 100 meters perimeter of the polling stations described as the "Polling Station Neighbourhood" during the General elections to the Lok Sabha, 2009.

These restrictions, however, will not apply to the officers in charge of law and order and security personnel put on duty as well as Observer/Micro observer appointed by the Commission and the Presiding officer/Counting Supervisor in charge of polling

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station and counting centre. Further, these officers are advised to keep their mobile/ cellular phones in silent mode and shall not use it from inside of a polling station.

A wide publicity may be given to this instruction through a Press Note for the information of general public.

These instructions shall be brought to the notice of the candidates, their election agents and all political parties for their information and strict compliance. The Returning Officers shall ensure the implementation of the above instructions and it shall be their personal responsibilities that there is no deviation from the Commission's said instructions.

Yours faithfully



(SUMIT MUKHERJEE)
UNDER SECRETARY

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By Speed Post/e-mail

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi- 110001

K.N. Bhar
Under Secretary

No.51/8/7/2009-EMS

Dated: 18th February, 2009

To

The Chief Electoral Officers of
All States and Union Territories.

Subject: Issuance of EVM Identification Slips to Candidates/Polling Agents present
in a polling Station on poll day - regarding.

Sir,

I am directed to invite your attention to the Performa for submission of information to candidates or their agents after Second Level of Randomization of the EVM (i.e. list of polling Station wise deployed EVMs) attached with the Commission's letter of even number dated 3rd February, 2009 and to state that the Returning Officer/Assistant Returning Officer will also prepare a polling station wise slip on Control Unit No. and Ballot Unit No. that are allotted for a particular polling station. The number of such slips for a particular station should be equal to the number of contesting candidates.

2. Such slips may be kept in the Kit to be issued to the Presiding Officer concerned. The Presiding Officer will issue such slips to the polling agent of the candidates before mock poll to ascertain that polling station.
3. The receipt of the letter may kindly be acknowledged.

Yours faithfully,

(K.N. BHAR)

Electronic Voting Machine Identification Slip

Name of Parliamentary Constituency.....

Name of Assembly Segment.....

No. & Name of Polling Station.....

Serial No. of Control Unit.....

Serial No. of Ballot Unit.....

(Signature and Stamp)
(Returning Officer/Assistant Returning Officer)

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G.E. 2009
By Camp Bag/By Fax

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No. 464/INST/2009-EPS

Dated: 23rd March, 2009

To,

The Chief Electoral Officers of
All States and Union Territories

Sub: General Election to Lok Sabha – 2009 – Filling up of Register of voters (Form – 17A) – regarding.

Sir/Madam,

I am directed to refer to the Commission's earlier letter No. 464/INST/2007/PLN-1 dated 12.10.2007 wherein the Commission has directed that all District Election Officers-cum-District Magistrates shall set up a proper system at the collection centre for receiving the Presiding Officer's Diary, Visit Sheets, the Diaries maintained by Patrolling/Sector/Zonal Magistrates, record of images of voters captured by digital cameras (in respect of polling stations where cameras were deployed) and Complaint Registers of the District Control Room at the time of collection of polled material on poll day.

Register of Voters (Form – 17A) reveals a lot regarding the manner in which polling has taken place on the poll day. It is, therefore, utmost important to see that the Register is filled up properly. On many occasions during the previous elections, it was found that the Presiding Officers and Polling Officers did not insist on production of identification documents at the time of voting. Not only they should check the identification documents but at the same time note down the kind of identification document produced and the number, if any given thereon, in remarks column of (Form – 17A).

In many cases, it has also been observed that the Polling Officers take impression of various fingers of illiterate electors on the Register of Voters instead of thumb impression as required under the rules. The Presiding Officers and the Polling Officers should be clearly instructed to ensure that the electors at the time of casting vote should put on the Register of Voters (Form 17A) either Left Thumb Impression or full signature. Under no circumstance, an elector having a left thumb be allowed to put any other finger mark on the Register of Voters (Form – 17A).

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In this connection, it is stated that Rule 49L of Conduct of Election Rules, 1961, inter – alia provides that

"49L – Procedure for voting by voting machines –

1. Before permitting an elector to vote, the polling officer shall –
 - (a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in Form 17A.
 - (b) obtain the signature or the thumb impression of the elector on the said register of votes; and
 - (c) mark the name of the elector in the marked copy of the electoral roll to indicate that he has been allowed to vote:

Provided that no elector shall be allowed to vote unless he has his signature or thumb impression on the register of voters.

2. Notwithstanding anything contained in sub-rule 2 of rule 2, it shall be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the elector on the register of votes".

In order to ensure proper scrutiny of Register of Voters (Form – 17A) and other documents, the Commission directs that Presiding Officers will ensure that the second Polling Officers fill up the Register of voters (Form – 17A) properly. For this purpose, the Presiding/Polling Officers should also fill up the checklist proforma (copy enclosed) and hand it over to the Reception Centre after the poll for its consolidation.

This may be brought to the notice of all the concerned Returning Officers/Presiding Officers/Polling Officers for strict compliance.

Kindly acknowledge receipt of the letter along with its enclosure.

Yours faithfully



(SUMIT MUKHERJEE)
UNDER SECRETARY

**Proforma of check list for Presiding/Polling Officers regarding
Register of voters (Form – 17A)**

Parliamentary/Assembly constituency No.

Name of Parliamentary/Assembly constituency

Polling station No.

(a) Whether any Identification documents of voters checked along with their numbers, if any: -	Yes/No
(b) Whether last four digits of EPIC has been entered: -	Yes/No
(c) Whether left thumb Impression/Signature of all electors has been taken on the Register of Voters (Form – 17A): -	Yes/No
(d) Whether Register of Voters (Form – 17A) has been filled up properly: -	Yes/No

Signature of the Presiding Officer –
Name of the Presiding Officer –

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/INST/2009/EPS

Dated: 19th April, 2009

To

The Chief Electoral Officers
of all States/UTs.

Subject: Scrutiny of Form 17A (Register of Voters) and other documents-regarding

Sir/Madam,

A question has been raised as to whether the candidates can authorise their representatives to watch the proceedings of scrutiny of form 17A (Register of Votes) and other documents and materials in all the places fixed by the Returning Officer for this purpose.

It is clarified that candidates can authorise as many representatives as places fixed for scrutiny by the Returning Officer and Observer to watch the proceedings of scrutiny of Form 17 A and other documents. For this purpose, the Returning Officer should give advance notice in writing (under proper acknowledgement), to all the candidates about the scrutiny of Form 17A and other documents indicating the place, date and time of commencement of such scrutiny. In such notice, it shall be mentioned that either the candidate himself or his election agent or one representative duly authorized by the candidate in writing may be present to watch repeat only to watch the proceedings of scrutiny of Form 17A and other documents.

The candidates shall also be asked to intimate the name of their authorized representatives who will be attending the scrutiny of Form 17A and other documents well in advance.

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In this context, details of instructions regarding scrutiny of Form 17A and other documents may kindly be seen in the Commission's earlier letter Nos. 464/INST/2007/PLN-I dated 12th Oct, 2007 contained compendium of instructions Volume IV, Serial No. 3 and 464/INST/2009/EPS dated 02.03.2009, 15.04.2009 and 16.04.2009.

Yours Faithfully,

**SUMIT MUKHERJEE
(UNDER SECRETARY)**

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/ID/SDR/2009

Dated : 22nd April, 2009

To

The Chief Electoral Officers of
All States/Union Territories.

Sub: Identification of electors at the polling station.

Sir/Madam,

The Commission, vide its order dated 8.4.2009, has directed that for identification of the electors at the polling stations, the electors should produce EPIC or any of the alternative documents mentioned in paragraph 9 of the said order.

There have been reports of natural calamities and incidents of fire accidents in some parts of the country resulting in the electors losing their EPIC and other documents in those areas. In such cases, where the incidents occurred after the notification of the election, and where the time for issuing fresh/duplicate EPICs is too short, the Commission has directed that the following course of action will be followed:

1. The RO should get a list prepared of all such polling stations in which the affected persons are registered as voters and send the list to the Presiding Officers.
2. A list should be got prepared of all voters affected by the calamity and who have lost the documents, segregated polling station wise and circulated to the Presiding Officers. This list should be authenticated at the ARO/SDM level and a record kept with the RO.
3. The Lekhpals (or equivalent Revenue Official) may be authorised to issue identity slips to such persons and the Presiding Officers instructed to accept such slips as proof of identity.
4. While voting, entry should be made in the remarks column of the register in Form 17A, to indicate that the elector produced the identity slip.
5. Photography of such voters should be done through digital cameras at the polling station.
6. The identity slips produced by the electors should be retained by the Presiding Officer and at the close of poll, these should be sealed in a separate envelope and returned alongwith other election papers.

These instructions may be brought to the notice of all concerned including all contesting candidates.

Yours faithfully,

(K.F. WILFRED)
SECRETARY

ELECTION COMMISSION OF INDIA**NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.**

No. 51/8/7/2009-EMS

Date: 30/10/2009

To,

The Chief Electoral Officers of
All States / Union Territories.

Sub: Mandatory conduct of **Mock Poll** and certification therein.

Sir,

Attention is invited to the instructions in the Commission's letter No. 51/8/7/2008-EMS, dated 15/07/08 regarding the mock-poll prior to commencement of poll. It is observed that in many cases, the mock poll is conducted in a perfunctory manner. In order to ensure that the mock poll serves the intended purpose, the Commission directs that

1. Mock poll shall be conducted normally one hour before the scheduled hour of commencement of poll. All contesting candidates should be informed in writing well in advance that mock poll would start one hour before the commencement of poll and they should be advised to instruct their polling agents to be present in time for the mock poll. Polling agents of atleast two candidates should be present at the time of Mock Poll. However, if polling agents of atleast two candidates are not present, the Presiding Officer may wait for 15 more minutes before conducting the mock poll and if the agents still do not come, then the Presiding Officer may go ahead and start the mock poll. It is further clarified that after waiting for 15 minutes, there is a possibility that only one Polling agent may be present, in that situation also, the Presiding Officer should go ahead and start mock poll. In such case, there should be specific mention in the mock poll certificate on this aspect.

2. During the Mock poll, the Ballot Unit (s) should be placed in the Voting Compartment and Control Unit on the table of the Presiding/Polling Officer who will operate the Control Unit. At least two polling officers with the polling agents should be

present in the Voting Compartment to watch the polling agents operating on the Ballot Unit, and to keep a record of the votes cast and tally the polled votes.

3. The mock poll should be conducted with the polling agents voting at random for each of the contesting candidates. **A total of at least 100 votes should be polled in the mock poll.** In the case of absence of polling agents of any of the candidates, one of the polling officers or other polling agents may record the votes for such candidates. The polling officers present in the Voting Compartment should ensure that votes are recorded for each of the contesting candidates. After recording of the minimum of 100 votes, the Presiding Officer will ascertain the result in the Control Unit in the presence of the Polling agents and confirm that the result is tallying with the votes polled in respect of each candidate. Thereafter, Presiding Officer will prepare and sign the mock poll certificate in the prescribed format as in Annexure -1.

4. The Presiding Officers shall ensure that the data of the mock poll is deleted, without fail, before the official poll starts. This is very critical step and this should be emphasized during training.

5. The Presiding Officers shall mention the names of the Polling agents and the candidates (and their party affiliations) whom they represent and also obtain their signatures on the completion of mock poll on the certificate.

6. Where a micro-observer has been appointed at any polling stations, he should also participate in all the proceeding of the mock poll and **his signature should also be obtained on the mock poll certificate.** Further, these proceedings should be videographed wherever videography arrangement has been made at a polling station.

7. The Returning Officer through the Sector Officers and using the communication link with the polling station/ mobile teams, shall track the conduct or otherwise of mock poll, and ascertain the mock poll status. Non-confirmation of mock poll could be indicative of non-commencement of poll and in that case the Returning Officer shall make immediate intervention to sort out the problem.

8. The polling stations not having the presence of agents of the candidates of recognized parties and where the mock poll had to be conducted in the absence of agents or with only the polling agent of only one candidate shall merit focused attention

of the election machinery. Interventions such as deployment of micro-observers, deployment of video cameras (if not already done), frequent visits by sector officers and other senior officers should be ensured in such cases.

9. If any Control Unit is replaced for any reason after commencement of the poll, a mock poll should be conducted on the new Control Unit before it is put to use. However, in this case, it would be sufficient to cast atleast one vote each for each of the candidates. A new mock poll certificate should be recorded in such a case. A note should also be added in such cases, in the original mock poll certificate that the original Control Unit was replaced, and that mock poll was conducted on the new Control Unit before putting it to use. The exact time of replacement should also be mentioned in the note.

This may be brought to the notice of all concerned.

Yours faithfully,

(K.N.BHAR)
UNDER SECRETARY

Annexure - I

Mock Poll Certificate

This is certified that I Presiding Officer at the Polling Station No -----of -----
----- Assembly Constituency (or the -----Assembly segment under -----
Parliamentary Constituency) conducted the mock poll at ---- AM today, the poll day i.e. -----,
following scrupulously all the instructions issued by the Election Commission of India.

A total of ----- votes were polled in the mock poll and after the mock poll I have carefully
cleared the memory of the mock poll and the total votes polled showed '0' after clearing the memory.

A. At the time of mock poll the following of polling agents representing the candidates whose
names mentioned against the names of such agents were present and I have obtained their
signatures.

<u>Sl.No.</u>	<u>Name of Polling Agent</u>	<u>Name of Party</u>	<u>Name of candidates</u>	<u>Signature of Polling Agent</u>
1.				
2.				
3.				
4.				
5.				

B. At the time of mock poll the agent of only one contesting candidate was present. After waiting
for fifteen more minutes, I conducted the mock poll along with other polling staff at ----- I
have mentioned before the name of the agent present at the time of mock poll including the
name of the candidate whom he represented.

(In case, no agent was present it shall be mentioned " No Polling agent was present at the time of
mock poll")

Name of the agent	Name of the Candidate (with Party affiliation)	Signature of the agent
-------------------	---	------------------------

Signature of micro-observer (if posted at the polling station)

Date:
Time:

Name & Signature
of the Presiding Officer
Polling Station No.....

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By Speed Post/Camp Bag/Fax

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.51/8/7/2010-EMS

Dated: 25th October, 2010

To

1. The Chief Electoral Officer, Bihar, Patna.
2. The Chief Electoral Officers of All States & Union Territories (except Bihar)

Reference: Commission's letter No. 51/8/7/2009, dated 30.10.2009

Subject: Mandatory conduct of mock poll and certification thereof.

Sir,

I am directed to state that during Bye-election to the 83-Pennagram Assembly Constituency of Tamil Nadu in March, 2010, the Commission directed that on the day of poll, if any defect arises in the Ballot Unit (BU) or Control Unit (CU) of the EVM during poll process, the entire set of EVM (both BU & CU) should be replaced by new set of EVM (BU & CU) and mock poll in accordance with latest ECI instructions should be conducted on the new EVM before it had to be put to use and a new mock poll certificate should be recorded in each such case.

Based on the same line the Commission has decided that during all general/bye elections henceforth, if any defect arises in the Ballot Unit (BU) or Control Unit (CU) of the EVM during poll process, the entire set of EVM (both BU & CU) should be replaced by new set of EVM (BU & CU) and mock poll in accordance with latest ECI instructions should be conducted on the new EVM before it is put to use and a new mock poll certificate should be recorded in each such case.

All other instructions related to conduct of Mock Poll shall be followed.

Yours faithfully,

(K.N. Bhar)
Secretary

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/INST/2011/EPS

Dated:- 18th February, 2011

To

The Chief Electoral Officers of: -

1. Assam, Dispur.
2. Kerala, Thiruvananthapuram,
3. Puducherry, Puducherry,
4. Tamil Nadu, Chennai,
5. West Bengal, Kolkatta.

Subject: Distributing voters slip to the voters by District Administration –
reg.

Sir,

I am directed to state that for the forth coming assembly elections to five States, the Commission has directed that Voter Slip including photograph (sample enclosed) of the voters, where available in the photoroll, be distributed to all enrolled voters by District Administration, to facilitate the voter to know where he is enrolled as a voter at given location of polling station and what is voters' serial number in the said Roll.

The Commission has further directed that this voter slip should only be in the languages in which voter roll is published for that assembly constituency.

In view of the above, a sample copy of the voter slip is forwarded herewith with the request to take immediate necessary action in this regard.

Yours faithfully,
(SUMIT MUKHERJEE)
UNDER SECRETARY

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Election to the Legislative Assembly of

Voter Slip

No. and Name of Constituency

Part No.

Name

Sex Photo

EPIC No.

Father's/Mother's/Husband's Name

Voter Serial Number

Polling Station No. & Name

Poll date, day and Time

Note 1: This Voter slip is not an identification document.

Note 2: Bringing this voter slip to the Polling Station is not compulsory. It is issued only as a convenience to electors.

Note 3: If this voter slip does not have a photograph or it has wrong particulars or photograph, the voter can still be allowed to vote based on alternate identity documents permitted by Election Commission of India.

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.464/INST/2011/EPS

Dated: 19th March 2011

To

The Chief Electoral Officers of

1. Assam, Dispur
2. West Bengal, Kolkata
3. Kerala, Thiruvananthapuram
4. Tamil Nadu, Chennai
5. Puducherry, Puducherry

Subject: Utilization of Voter's Slips as an alternate Voter ID – Modification of instructions on Voter Slips – regarding.

Sir/Madam,

I am directed to invite your kind attention to the Commission's instructions No. 464/INST/2011/EPS dated 18th February, 2011 regarding Distribution of official Voters' Slips to the voters by District Administration, wherein the Commission directed that Voters' Slips including photograph of voters, where available in the photo roll, be distributed to all enrolled voters by District Administration.

The Commission has, after careful consideration, decided that the Voters' Slips should be authenticated by the Electoral Officer/BLO concerned before distribution, so that they can be used as an alternative identification document by a voter for the purpose of casting one's vote in the forthcoming polls.

The sample Voter's Slip enclosed in the above said instructions of the Commission dated 18.02.2011 will stand modified to that extent and note (i) therein will also stand modified. A revised sample is sent herewith where these

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slips have already been printed the above corrections may be carried out by means of a rubber stamp.

All concerned should be appropriately briefed and the training of Polling Staff/RO/ARO/Sector Officers should be updated accordingly.

Yours faithfully,

(SUMIT MUKHERJEE)
UNDER SECRETARY

Election to the Legislative Assembly of

Voter Slip

No. and Name of AC.....

Part No.

Name

Sex.....

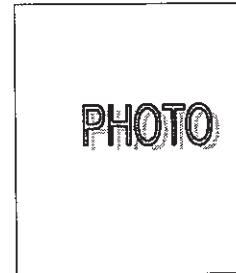
EPIC No.

Father's/ Mother's/husband's name

Voter Serial Number.....

Polling Station No. & Name

Poll Date, Day and Time



Note 1: This Voter Slip can also be produced as an identification document.

Note 2: Bringing this voter slip to the Polling Station is, however, not compulsory. It is issued only as convenience to electors.

Note 3: If this voter slip does not have a photograph or it has wrong particulars or Photograph, the voter can still be allowed to vote based on alternate identity documents permitted by Election Commission of India.

Date:

Signature and Stamp of
Returning Officer/BLO

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BY FAX/CAMP BAG/SPEED POST

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

DILIP K VARMA
UNDER SECRETARY

No. 51/8/16/8/2009-EMS

Dated: 29th April 2011

To

The Chief Electoral Officers of
All States and Union Territories.

Subject: Procedure to be adopted in the polling stations in case there is a complaint from a voter regarding candidate lamp of the Ballot Unit at voting time.

Sir/Madam,

I am directed to state that the Commission has directed that in case there is a complaint with respect to candidate lamp of the Ballot Unit at the time of voting, the EVM should be replaced immediately and the matter reported to the Commission. This may be brought to the notice of all concerned immediately.

Yours faithfully,

(Dilip K Varma)

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/INST/2012-EPS

Dated: 8th February, 2012

To,

The Chief Electoral Officers of
All States and Union Territories

Sub: Scrutiny of Form-17A and other documents-reg.

Ref: Commission's letters No.464/INST/2007/PLN-I dated 12th October, 2007, 464/INST/2009-EPS dated 2nd March, 2009 and 464/INST/2012-EPS dated 27th January, 2012.

Sir/Madam,

In supersession of all the letters referred to above, following instructions are hereby issued for scrutiny of Form 17A and other documents after the polls:-

In order to facilitate identification of polling stations for which scrutiny of Form 17A and Presiding Officers diary is required to be done. Returning Officer shall collect the following information for each polling station at the time of receipt of polled EVMs and other documents after completion of polls:-

S.No	Item	
1.	Total Electors in the P.S.	Male Female Other Total
2.	Number of persons who voted in the P.S.	Male Female Other Total
3.	Number of Tendered votes.	
4.	Number of challenged votes.	
5.	Number of Proxy votes by CSVS.	
6.	Number of electors who exercised their right of vote on the basis of EPIC.	

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7. Number of electors who exercised their right of vote on the basis Photo voter slip provided by the Commission.
8. Number of electors who exercised their right of vote on the basis alternative document.
9. Number of electors who exercised their right under rule 49 'O.'
10. Number of polling agents in the polling station.
11. Number of polling stations where no polling agent or only one polling agent was present.
12. Number of overseas electors who voted in the poll.
13. Number of EVMs used.
14. Whether the EVM was changed or replaced.
15. If so the time when changed and what was the reason for it.
16. Total ASD voters in the list
17. Total persons who cast their votes from the ASD voters list.
18. Any incident of violence or poll interruption due to any reason
19. Complaints received with respect to that polling station

2. Based on the information collected as above, scrutiny of Presiding officers diaries, verification of register of voters in Form 17A and other related documents which include but not restricted to Micro Observers reports, videography recordings, visitor sheets, reports of zonal magistrates or sector officers reports of Presiding Officer, still photography etc., shall be done by Observers and Returning officers in the presence of contesting candidates or their election agents for any of the following categories of the polling stations:-

- (i) In all polling stations where any complaint of poll rigging. Malpractices etc., was received by Observer, DEO or RO during the poll process.
- (ii) In all polling stations, where any significant event (EVM related or otherwise) was reported to the Observer, DEO or RO during poll process.
- (iii) In polling stations, where poll took place in the absence of any polling agent or in the presence of the agent of only one candidate.
- (iv) In polling stations, where the number of electors who cast their votes using documents other than EPIC and photo voter slip issued by the Commission (i.e., alternative documents) exceeded 25% of the total votes cast in that polling station.
- (v) In polling stations, where more than 10% of such electors who had been identified as ASD turned up to and voted.
- (vi) In polling stations, where polling percentage is plus 15% or minus 15% than the average polling percentage of that AC. Say, for eg., in a

particular AC 60% votes have been cast, then in all polling stations with polling percentage 75% or more and 45% or less shall be taken up for scrutiny.

- (vii) In polling stations, where there are at least 5 (five) tendered votes/challenged, reported.
3. The RO and Observer shall do the scrutiny with utmost care and shall submit a report to the Commission as soon as scrutiny is over.
 4. As far as possible, the aforesaid scrutiny will take place at 11.00 am on the day after poll. A written notice should be served on all the candidates to be present during the scrutiny. The entire process of such scrutiny should be videographed.
 5. In order to facilitate the scrutiny, care should be taken to ensure that polling stationwise Documents are stored separately in another strong room instead of EVMs strong room where EVMs and Form 17C are kept under double lock and seal.
 6. A copy of this letter shall be provided to all Observers and contesting candidates.

Yours faithfully,

(Sumit Mukherjee)
Secretary

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BY SPEED POST

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

Dilip K Varma
Under Secretary

No.51/8/7/2011-EMOPS

Dated: 10th February, 2012

To

The Chief Electoral Officers
Of all States and Union Territories.

Subject: Providing a piece of cotton cloth/duster to polling parties for removing ink from the thumb of illiterate voters after getting their thumb impression in Form-17-A – Regarding.

Sir/Madam,

As you are aware that illiterate voters are required to put their left hand thumb impression on Form-17A (Register for Voters) to record their presence. There may be possibility that some of them may touch the Balloting Unit with the left hand thumb while they cast their votes, which may leave thumb impression of ink on the Candidate Button or Cabinet of the Ballot Unit. There may also be possibility of violation of secrecy of vote, if any illiterate voter cast his/her vote using left hand thumb.

The Commission has directed that a piece of cotton cloth/duster shall be provided to the polling team. The official maintaining Form-17A at the polling station shall be instructed to advise the voters, who put thumb impression in Form-17A, to remove/clean ink from the thumb by using cloth/duster.

Yours faithfully,

(Dilip K Varma)

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ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi 110 001.

No. 4/2013/SDR

Dated: 22nd March, 2013

To

The Chief Electoral Officer,
Karnataka,
Bangalore.

Subject:- General Elections to the Legislative Assembly of Karnataka-
Provision of Rule 49 O of the Conduct of Elections Rules, 1961,
regarding electors deciding not to vote.

Sir,

Rule 49 O of the Conduct of Elections Rules, 1961 provides that if an elector after his electoral roll number has been duly entered in the Register of Voters in Form 17A and has put his signature or thumb impression thereon, as required under sub-rule (1) of rule 49L, decides not to record his vote, a remark to that effect ("decided not to vote") shall be made against the said entry in the Register of Voters in Form 17 A by the Presiding Officer, and signature or thumb impression of the elector shall be obtained against such remark. The procedure to be followed in such cases is explained in Chapter XXIII of Handbook for Presiding Officers (2009).

2. The above instructions shall be brought to the notice of all election related officials, especially the Presiding Officers and Polling Officers, during their training sessions for strict compliance of the prescribed procedure to deal with electors who decide not to cast vote after signing in the Register of Voters in Form 17A. There should not be complaints from any quarters that the Polling Personnel are not aware of the procedure in this regard, resulting in confusion in the Polling Station and inconvenience to the electors.

3. Further, the Commission has directed that the total number of electors who may decide not to vote invoking the provision of the said Rule 49 O should be compiled for record purposes. The figures regarding the number of such

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electors are required to be indicated against Item-3 of Part-1 of Form 17C (Account of votes recorded). Instructions may be issued to all Returning Officers to collect the said figures from Form 17C at the time of counting of votes. The information so compiled may be sent to the Commission indicating the total number of such electors constituency-wise.

4. Kindly acknowledge receipt.

Yours faithfully,



(N.T. Bhutia)
Under Secretary

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/INST/2013-EPS

Dated:- 14th June, 2013

To

The Chief Electoral Officer of
All the States and Union Territories.

Subject: Utilization of Voter's slip as an alternate document for Voter's identification -Regarding.

Sir/Madam,

I am directed to invite your kind attention to the Commission's instructions No. 464/INST/2011/EPs dated 18th February, 2011 and 19th March, 2011 regarding distribution of official Voters' Slips to the voters by District Administration, wherein the Commission has directed that Voters' Slips including photograph of voters, where available in the photo roll, be distributed to all enrolled voters by District Administration.

2. The Commission has now directed that the format of Voter Slip will remain the same except for the following:

- (i) EPIC number shall be printed where EPIC has been made;
- (ii) Voter serial number shall be printed in all cases; and
- (iii) The note in Voter Slip shall be modified to the following effect:

Note 1: This Voter Slip is an approved document for identification.

Note 2: This authenticated Voter Slip is allowed as one of the identity documents."

3. A sample format of Voter Slip is enclosed herewith for ready reference. The above instructions may be brought to the notice of the concerned authorities and should be given wide publicity.

Yours faithfully,



(Jaydeb Lahiri)
Under Secretary
Tel. No. 011-23052020

Election to the House of People / Legislative Assembly of

Voter Slip

No. and Name of PC / AC

Part No.

Name

Sex

Father's / Mother's / Husband's Name

.....

EPIC No.

Voter Serial Number

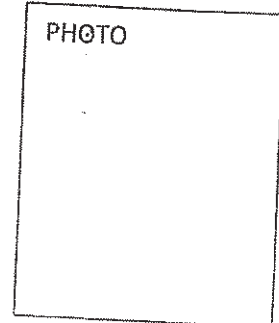
Polling Station No. & Name

Poll Date, Day and Time

Note 1: This Voter Slip is an approved document for identification.

Note 2: This authenticated Voter Slip is allowed as one of the identity documents.

Note 3: If this Voter Slip does not have a photograph or it has wrong particulars or photograph, the voter can still be allowed to vote based on alternate identity documents permitted by Election Commission of India.



Date:

Signature and Stamp of
Returning Officer / BLO

Postal Ballots

ITEM NO. 22 3

Election Commission's letter No. 52/1/84, dated 06.11.1984 to all Chief Electoral officers and Ministry of External Affairs, New Delhi.

Subject: General Elections/Bye-elections - Dispatch of postal ballot papers to persons residing in Indian Missions abroad.

I am directed to say that in order to avoid delay and ensure prompt delivery of postal ballot papers for general/bye-elections to persons serving in Indian Missions abroad and their wives whose names registered in the last part of the electoral rolls, the Ministry of External Affairs has already agreed in 1979 to send the postal ballot papers through Diplomatic Bags to all Indian Missions abroad. I am accordingly to request that all the Returning Officers of Parliamentary/Assembly constituencies may be advised to dispatch the postal ballot papers for voters serving in Indian Missions abroad and their wives through the Ministry of External Affairs. Every cover containing the postal ballot papers should bear clear and full particulars of the name of the voter, the Mission where it is to be sent, and it should be addressed to C/o the Ministry of External Affairs, New Delhi, as indicated below:-

"Shri/Smt(name of officer/his wife Embassy of India)(Name of Capital).....(Name of Country) C/o The Ministry of External Affairs, New Delhi-110 011".

The Returning Officers may accordingly be instructed immediately to dispatch well in time all postal ballot papers intended for persons working in Indian Missions abroad and their wives, to the Ministry of External Affairs, New Delhi, as indicated above. This may be treated as standing instructions.

This supersedes the earlier directions issued vide Commission's letter No. 24/79, dated the 1st December, 1979.

The receipt of this letter may kindly be acknowledged.

1. Copy forwarded for information and necessary action to the Secretary to the Government of India, Ministry of External Affairs, New Delhi. It is requested that a daily record may please be maintained as to the number of postal ballot papers received in the Ministry and the number dispatched by diplomatic bags. This will help in studying the usefulness of this procedure.
2. Copy to the Secretary to the Government of India, Ministry of Law, Justice and Company Affairs (Legislative Department), New Delhi.

ITEM NO. 22.4

Election Commission's letter number 3/1/2003/JS-II, dated 20.10.2003 addressed to the CEO, Rajasthan and copy to CEOs of all other States and Union Territories, along with a copy of the format prescribed under sub-rule(3) of Rule 27P.

Subject: Facilities of voting through proxy to classified service voters - Amendments in the Conduct of Elections Rules, 1961.

I am directed to refer to your letter No. F.3(1)(14)1/Election/2003, dated 3rd October, 2003 on the subject cited. Point-wise clarification is furnished below:

- (1) The Forms (No. 13F) will be serially numbered by the Returning Officer on the basis of the order of their receipt, i.e., the first request received in Form No. 13F will be given SI. No. 1, the second request will be given SI. No. 2 and so on, and the same number will be shown in the list under Rule 27P(2) of Conduct of Elections Rules.
- (2) & (3) The CSV, who is in the field, has the option to put his signature on Form 13F before the Commanding Officer of the Unit and then send the Form to his proxy for affixing his signature before Notary/First Class Magistrate. Thereafter, the proxy can submit the Form to the Returning Officer concerned. When the CSV is in his native place, he, along with his proxy, can sign the Form before Notary/First Class Magistrate.
- (4) The Commission has prescribed a separate format for maintaining polling station wise sub-lists, under sub Rule (3) of rule 27P. A copy of the same is enclosed herewith.
- (5) It has been made clear in Footnote (1) to Form 13F that the proxy shall be ordinarily resident in the constituency concerned and shall NOT be disqualified for registration as an elector in an electoral roll U/ S 16 of the Representation of the People Act, 1950. It is not necessary for such proxy to be enlisted as an elector in the electoral roll. If a proxy is registered as an elector, he will furnish his particulars as given in the electoral roll, in Form 13F; in other cases, the relevant column will remain blank.
- (6) Attention is invited to sub-rule (2) of Rule 27 Q wherein it has been laid down that the person voting as proxy shall record the vote on behalf of the classified service voter at the polling station concerned, in the same manner as any other elector assigned to that polling station. All procedural requirements for recording of votes by ordinary electors will

be applicable to proxy voters also including the procedure for identification.

**POLLING STATION-WISE SUB LIST OF CLASSIFIED SERVICE
VOTERS AND PROXIES
(Under Rule 27P(3) of Conduct of Elections Rules 1961)**

(1) No. & Name of Constituency:

(2) Part No. of Electoral Roll:

SI. No.	Name of the Classified Service Voter (CSV)	Name of the Force which he belongs & Service ID No.	Age	Father's/Husband's/Mother's Name	Address	SI. No. of his Name in the last part of the Electoral Roll	Name of the Proxy	Age of the Proxy	Father's/Husband's/Mother's Name	Full Address of the Proxy
1	2	3	4	5	6	7	8	9	10	11

Signature of Returning Officer

ITEM NO. 225

Election Commission's letter No. 576/3/2004/J.S.II, dated 17.03.2004 addressed to the Chief Secretary to the Govt. of all States and Union Territories.

Subject: - General elections to the House of the People and Legislative Assemblies -Protection of voting rights of electors subjected to preventive detention.

I am directed to say that the Commission has announced, on 29th February, General Election to the House of the People and some Legislative Assemblies. In this connection, your attention is invited to the following provisions of law relating to voting rights of electors subjected to preventive detention.

- (i) Proviso to Sub-Section (5) of Section 62 of Representation of the People Act. 1951 Confers voting rights on the electors subjected to preventive detention. As per Rule 18 of Conduct of Elections Rules 1961 the electors on preventive detention are entitled to cast their votes by post.
- (ii) Rule 21(1) of Conduct of Elections Rules 1961 provides that the appropriate Government shall intimate to the Returning Officers, the names of the electors, if any, subjected to preventive detention together with their address, electoral roll numbers and places of detention, within fifteen days of calling an election. This will enable the Returning Officers to send postal ballot papers to such electors to facilitate them to exercise their franchise at the election.

The above provisions of law have already been brought to your notice vide the Commission's letter No. 576/3/98/JS.II, dated 12th October, 1998 (copy enclosed). The Commission desires that instructions be issued to the concerned authorities to ensure that the provisions of Rule 21(1) of Conduct of Elections Rules. 1961 mentioned above are strictly complied with at the current elections and there is no ground for any grievance on account of non-compliance of the provisions of the said Rule.

Kindly acknowledge receipt.

**SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA**

NIRVACHAN SADAN,
ASHOKA ROAD,
NEW DELHI - 110 001,
Dated 12-10-1998

No. 576/3/98/JS-II,

To

1. The Secretary to the Govt. of India,
Ministry of Home Affairs,
North Blocks,
New Delhi.
2. The Chief Secretaries
of all States/Union Territories.

Subs: - Protection of voting rights of electors subjected to preventive detention.

I am directed to draw your attention to the subject of voting rights of electors -
subjected to preventive detention.

2. Proviso of Sub-section (5) of Section 62 of Representation of the People Act, 1951 confers voting right on the electors subjected to preventive detention. As per Rule 18 of C.E. Rules, 1961, the electors on preventive detention are entitled to cast their votes by post.
3. In this connection, your attention is invited to Rule 21(l) of C.E. Rules, 1961 which provides that the appropriate Govt. shall intimate to the Returning Officers, the name of the electors, if any, subjected to preventive detention together with their addresses, electoral roll numbers and the places of detention, within fifteen days of calling an election. This will enable the Returning Officers to send postal ballot papers to such electors to facilitate the exercising of their franchise at title election.
4. The Commission desires that instructions be issued to the concerned authorities to ensure that the provisions of Rule 21 (1) of Conduct of Elections Rules, 1961 mentioned above are strictly complied with at future elections and there is no ground for any grievance on account of non-compliance of the provisions of the said Rule.
5. Kindly acknowledge receipt.

Yours faithfully,

Sd./-
(K.J. RAO)
SECRETARY

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

K.F.WILFRED
SECRETARY

No. 52/2008/J.S.II

Date: 21st October, 2008

To

The Chief Electoral Officers
Of all States/U.T.s.

Subject: Guidelines for smooth management of Postal Ballot Papers-regarding.

Sir,

The statutory provisions regarding postal ballot papers, electors entitled for postal ballot, issue of postal ballot papers, recording of votes on postal ballots and return of ballot papers are given in Part III of the Conduct of Elections Rules, 1961. The Commission's instructions in carrying out these provisions have been given in Chapter X of the Hand Book for Returning Officers.

2. In spite of detailed instructions, the general experience and feedback is that due to delay in dispatching and further postal delays in delivering the postal ballot to the eligible voters and in receiving the ballots back from them the postal ballot system is not functioning as effectively as it should be. In order to ensure that all the voters who are entitled to postal ballot are in a position to exercise their voting right and in order to ensure that the system of postal ballot is implemented without any scope for any grievance from any quarters, the Commission has decided to issue the following instructions to be followed by the Chief Electoral Officers, all D.E.Os/ R.Os and all concerned.

3. Before the postal ballot papers is issued, the facsimile signature of the R.O. will be stamped on the reverse side of the postal ballot paper two times, one which will appear in full and the other in such a manner that part of the signature appears on the reverse side of postal ballot paper and the remaining part appears on the reverse of counterfoil of the ballot paper. A sample is enclosed for guidance.

Issue of Postal Ballot Papers to Service Electors

4. Service voters (other than those who have opted for proxy voting) are eligible to receive postal ballot. There is grievance among the service voters that their postal ballots do not reach them in time and in many occasions the postal ballots after casting of the vote by the service electors reach the Returning Officer after the counting is over. The Commission has directed that the following methodology shall be followed in order to avoid delay.

5. As soon as the list of contesting candidates is drawn up after the period for withdrawal of candidatures is over, postal ballot papers for all Assembly Constituencies in the District will be printed at the level of D.E.Os under proper security cover and under direct supervision of a responsible officer. As soon as the postal ballot papers are ready, the postal ballot papers for the service electors will be centrally dispatched from the District Head Quarters itself. For this purpose, each Returning Officer shall depute a team of officers including an ARO with details of Service Electors to whom postal ballot papers are to be dispatched along with envelopes and other forms and papers already prepared for this purpose on the basis of the last part of the electoral roll and the stamp containing facsimile signature of the R.O. They will perform the work of dispatch of postal ballots to the service voters and their wives enrolled in the last part from the central location and all statutory formalities for dispatch of postal ballot papers will necessarily have to be followed while sending the postal ballots.

6. The District Electoral Officer will appoint a suitable officer as the nodal officer to supervise the entire process of dispatching postal ballots to service electors. The DEO will co-ordinate with the senior officials of the Postal Department and shall ensure that a team of postal department officials receives covers containing the postal ballot papers and they in turn will ensure that the ballots are sent to the right address without any delay. The details of postal ballots sent AC wise shall be maintained in the form of a register giving the details and the signature of the postal authorities shall be obtained in the register.

7. One of the Observers available in the district headquarters shall personally monitor the entire process of dispatch and send a detailed report to the Commission as soon as the dispatch of postal ballots meant for service voters is completed. The process indicated above shall be video graphed.

8. When the Returning Officers start receiving the polled postal ballot papers from the service voters he shall give a daily report to the observer concerned indicating the number of such polled ballots received every day and also indicating the cumulative figure. When the observers leave the

constituency after the poll is over they shall indicate the number of postal ballots received till the date of departure in their report to the Commission.

Issue of Postal Ballots to Polling Officials-

9. The ROs shall follow the following procedures for receiving of applications, issue of postal ballot papers and receiving back the polled postal ballot papers from government officials (other than police and security personnel) appointed on polling duty.

10. Polling officials –

The data base on the government staff to be used as polling personnel shall contain the AC No and Name, Part No and Serial No details of each official where he or she is registered as an elector. This information can be collected through the sponsoring authorities of such staff or through any other method convenient to the DEO. Enough scope shall be provided to the government staff/ sponsoring authorities to locate such electoral registration details through various measures such as helpline, availability of electoral roll data in pdf format in various government offices etc., The order of appointment sent to the polling personnel asking them to attend the training shall contain AC/Part/Serial No detail of each staff.

11. All the polling officials shall, without exception, be provided Form 12 for applying for postal ballot paper along with their appointment letter. They should be asked to submit duly filled Form 12 on the first day of training. Adequate number of Form 12 shall also be kept at the training venue so that any polling personnel who are in need of Form 12 can access it. It should be clarified to the appointed polling officials that in view of the fact that the postal ballot paper will be issued to them personally at the training venue itself they need not mention any address in Form 12 for sending the ballot papers for that would be infructuous. At the training center, there will be a separate arrangement to receive the Form 12 from the persons drafted for polling duty. At the time of submitting Form 12, the person concerned along with his appointment letter shall also produce the EPIC issued to him or a copy of any ID including service ID if any issued to him. The applications (Form 12) received from the polling officials shall be processed immediately by the concerned Returning Officer/Assistant Returning Officer before the second round of training. Hence, it is imperative that the second round of training is held after the postal ballot papers are printed and ready for issue.

12. On the day of second round of training, there shall be separate and proper arrangements for issuing the postal ballot to the persons concerned. As the trainees on election duty may belong to different ACs it becomes imperative that all R.Os/A.R.Os along with their staff will remain present

at the training venue for the above purpose. The cover containing the postal ballot paper should be handed over to the respective polling officials only after verifying their identification through EPIC or any other photo ID as well as appointment order. Simultaneously, entry (PB) shall be made using red ink in the marked copy of the electoral roll which shall be used in the polling station by the presiding officer on the poll day. The record of issuance of PBs should be separately maintained in Format given in the Hand Book for Returning Officer with one more column indicating place of posting (in which Assembly Constituency the person is serving). Concerned RO/ARO should sign the above Register. Once a PB is issued to a polling personnel called for training he shall after that cast his vote only through postal ballot even if he is exempted from election duty subsequently or kept on reserve.

13. Considering the postal delays and inconvenience caused to the electors in dispatching the PB the Commission has decided to encourage the system in which the voters on receiving the PB from R.O/A.R.O record their vote on the PB paper then and there. Necessary arrangements for attestation of Form 13 A and collection of polled postal ballots shall be made in the form of a 'postal ballot facilitation center.' The polling officials should be advised to cast their vote on postal ballot paper and to drop the polled ballot paper personally in a sealed box to be kept there for the purpose under direct supervision of the concerned Returning Officer / Assistant Returning Officer. ECI observers will be present and supervise the entire process. The whole process shall be recorded in videos.

14. The D.E.O / SP / SDM shall personally inspect the training venue cum postal ballot facilitation center in advance in order to ensure adequate security measures are in place. As the electors will be casting their vote at the training venue, proper arrangements shall be ensured to restrict entry to the venue only to the appointed polling staff and other authorized government servants and no other person (subject to para 15 below). When the voters mark the ballot to indicate their vote the secrecy of ballot shall be enforced without compromise.

15. The contesting candidates should be informed in advance, about the postal ballot voting in the facilitation centre. If any authorized representatives of a contesting candidate remain present at the facilitation center, proper seating arrangement shall be made for them. The presence of such representatives shall be registered by obtaining their signature in a register.

16. The above system of issuing PB and enabling the polling personnel to mark their vote at the facilitation center shall be equally applicable to other civil staff to be engaged in election duty on the poll day such as micro observers, sector or zonal officers, liaison officers of observers and so on.

17. If any election duty staff is not able to vote at the facilitation centre, he may send the postal ballot later through registered post or may drop it in the drop box kept for the purpose in the ROs office.

18. It should be noted that all instructions in Form 13D shall be followed by the election duty staff voting through postal ballot, whether at the facilitation centre or otherwise. Therefore, the requirements of the law, such as duly filling , signing and getting attestation in the declaration in Form-13A, putting the marked ballot papers in the envelope in Form 13B, and sending the declaration and the envelope containing the marked postal ballot in the envelope in Form 13C should be explained to them. It should be made clear that the declaration in Form 13A should not be put inside the envelope in Form 13B, which is meant only for the marked ballot paper.

19. Police and Security personnel –

It is relevant to note that *among* the police personnel, only those who will be engaged in election related duties on the day of poll shall only be eligible for obtaining PB. Hence, it becomes imperative to obtain the list of such police personnel well in advance. District wise nodal officers shall be identified by the SPs for preparing data of such police personnel. The data shall indicate the names of each such police personnel, service ID no, details of AC No, Part No, serial no etc. Similar nodal officers shall be identified for State Armed Police Forces, Battalion HQ wise.

While preparing such list, care shall be taken to ensure that names of police personnel who are not connected with the election related duties and names of such persons who will be in a position to exercise their voting right by going to their respective polling stations as a general voter are not included in the list. SPs shall take proper care about this aspect and the list of such persons shall be ultimately submitted by the SP to the DEO concerned and, on being accepted by the DEO, that list will become an approved list of police personnel on election duty. Such lists will have to be submitted about seven days before the date of poll to enable the ROs to complete all formalities including making the necessary entries in the marked copy of the electoral roll.

20. As the police personnel are posted in various locations and bringing all of them to one or two locations in the district on the same day will not be feasible, it has been decided to enable the police personnel to exercise their voting right by issuing their PB using postal services and receiving back the same by Post or through drop box kept in the office of R.O For this purpose, an efficient coordination shall be ensured between the election authorities and postal authorities. Unlike in the past, it has been decided to send the PB by Registered Post and the police personnel will also send their marked PB through registered post and the postal charges will be paid by the addressee i.e the Returning Officer, and necessary arrangement in this regard shall be worked out for the whole state

by the CEO in coordination with the senior postal authorities. In order to cut down the delay in this process, identification of police personnel who would be on election related duty and who will not be able to get to their polling station and their AC No/ Part No/ Serial No details, making Form 12 available to them easily, receipt of duly filled in Form 12 from them etc shall be efficiently ensured in advance through a network of nodal officer arrangements.

21. The initial task of the nodal officer is to arrange to disburse blank applications in Form 12 for issue of postal ballot papers to the *police* personnel to be deployed on election duty. Along with Form 12, a guideline for filling up the said Form shall also be given to the relevant electors. The electors shall be informed that while filling up the Form 12, in the space provided for indicating the address for the dispatch of postal ballot, they should invariably mention only the full postal address of their present place of posting. In addition to this, they should also mention the address where they are registered as an elector in the vacant space available in the Form. The elector shall mention the serial no and part no as well as the name of the constituency where he is registered as an elector. In case he is not in a position to mention the serial no., Part no., etc he shall mention the complete address where he is registered as elector stated above, so that attempt will be made to locate his name and fill up the details. The said Nodal Officers shall also arrange to collect duly filled Form 12 from the security personnel without any delay

22. All the applications received in Form 12 shall be sorted out district wise, as there is possibility of a *police* personnel registered in one district having been posted in another district. Hence, these Form 12 applications shall be sorted AC wise/ district wise. The 12 applications pertaining to the ACs within the same district shall be dealt with at the district HQrs itself without physically sending the same to the R.O's HQrs located outside the district HQrs. For this purpose an authorized A.R.O of each AC shall come to the district HQrs and dispatch the PB to the respective voter (*police* personnel) on election duty by Registered Post with A.D, while simultaneously marking 'PB' in red ink in the marked copy of the relevant Part and maintaining a register indicating such names with serial number, Part wise. Postal authorities may be clearly instructed that the PB sent by Registered Post shall be handed over only to the person concerned and not to any other person under any circumstance.

23. While dealing with the Form 12 applications pertaining to the home district in the above manner, the nodal officer shall also without any delay make a district wise parcel for other districts containing AC wise envelopes having Form 12 applications and send the respective parcels to the other districts, through special messengers. The special messenger shall meet the said nodal officer of the relevant district and obtain acknowledgement in token of such receipt. On receiving such

envelops from various districts the nodal officer shall take the follow up action in the same manner in which he dealt with the Form 12 applications received from his home district as mentioned earlier.

24. The elector on receiving the postal ballot paper will mark his vote and send the same to the Returning Officer by Registered Post or he may put the marked postal ballot in the 'drop-box' kept in the office of the Returning Officer. The voter while recording his vote and returning the postal ballot has to follow the instructions contained in Form 13D, including signing the declaration in Form 13A, placing the marked ballot paper in Form 13B envelope, and returning both Forms 13A and 13B in the envelope in Form 13C.

25. Drivers, Cleaners and Helpers:

The system of receiving applications for the issue of postal ballot papers to the voters on election duty (other than the polling personnel or security personnel) like drivers, cleaners and helpers, who will be performing duties in connection with the election, needs to be streamlined and closely tracked. There has to be a time limit up to which the dully-filled in Form 12 can be received from such voters. For this purpose, the D.E.O shall make an advance plan to assess the requirements for vehicles to be requisitioned. At the time of requisitioning the vehicles, all relevant details about the drivers and cleaners shall be collected in a proforma to be approved for this purpose by the C.E.O and to be followed uniformly through out the state. The Returning officer shall prepare a document indicating the details of such persons and give a copy to the observer. The C.E.O shall fix up a time table for appointment of such drivers and cleaners and fix up a clear deadline up to which the applications for postal ballot papers can be received from them. It shall be made clear to such electors that the address to be mentioned in Form 12 for dispatch of postal ballot shall be the address at which he is registered as an elector and not any other address. The postal ballot papers will be issued to them by the R.O only by registered post with A/D. In case, any such voter instead of opting to receive his PB by post chooses to collect the PB personally, he may do so within the deadline to be specified by R.O (CEO shall ensure uniformity in this matter throughout the state). After that the elector may follow the procedure contained in Form 13D and exercise his voting right within stipulated time.

26. For the benefit of those voters who may belong to any of the category of voters to whom PB has been issued, each R.O shall have a special box placed in his office with secured lock duly sealed, so that any such voters can come and drop their marked PB in the sealed cover in Form 13C (provided to each voter along with PB). Necessary arrangements for attestation of Form 13A of

such persons who wish to record their votes after collecting their postal ballot personally shall be made.

27. Apart from marking 'PB' against the name of each and every elector in whose favor postal ballot had been issued in the relevant part of the electoral roll, an **additional information sheet (AIS)** polling station wise shall be prepared indicating the serial number, name, relation name, age and sex of such electors. This part wise additional information sheet shall be signed by R.O or by an authorized ARO and a copy of such information sheet shall be handed over to the presiding officer of the relevant polling station at the time of dispatch of the polling party. Apart from one ink-signed copy, adequate number of photo-copies of the AIS shall also be handed over to the presiding officer. On the poll day, before starting the mock poll in the presence of the polling agents, the presiding officers shall verify the marked copy of the electoral roll in comparison with the additional information sheet on 'PB' voters and confirm whether the entry 'PB' has been made against each and every name that is mentioned in the additional information sheet. No elector whose name has been marked as 'PB' can be permitted to vote in person at the polling station under any circumstances.

28. These instructions shall be brought to the notice of all concerned including observers immediately. This guideline is issued as an additional instruction and as a part of working methodology to streamline the system of postal ballot. Other existing instructions as contained in Chapter X of the Hand Book for Returning Officers are also to be studied for a synchronized understanding and implementation of the system of postal ballot in a holistic manner.

29. The recent feedbacks received about the working of postal ballot system indicate lack of awareness among the government employees about various crucial aspects of postal ballot system. It may be desirable to quickly launch some initiatives to spread awareness in this behalf in the poll going States. This may include preparation of some IEC material for circulation. Easy access to Form 12, proper arrangement for attestation procedure, an easy to understand checklist for the benefit of PB voters so that they don't miss out on some crucial aspects/ omissions that may render the postal ballot invalid would be some of the measures that may improve the working of postal ballot system.

30. The receipt of this instruction and action taken may be confirmed. Further instructions, if any, to the field officials in the light of these instructions may be issued at the level of Chief Electoral Officer for the smooth implementation of these guidelines under information to the Commission.

31. For the other category of electors entitled to postal ballot papers (i.e. special voters and electors subjected to preventive detention) the dispatch may continue to be done as per the existing procedure from the headquarters of the ROs.

32. Kindly acknowledge receipt.

Yours faithfully,

(K.F.WILFRED)
SECRETARY

SAMPLE

(Reverse side of counterfoil)

(Perforation)

(Reverse side of postal ballot)

SIGNATURE

SIGNATURE

INSTRUCTION SL. NO.

Election Commission's letter No. 464/INST/2008/EPS, Date: 26th December, 2008 addressed to The Chief Electoral Officers of All States and Union Territories.

Subject: - General Election to the Lok Sabha, 2009 – Training of Presiding Officers – Filling up of Presiding Officer's Diaries – Regarding.

It has come to the notice of the Commission that in the past General Election to the Legislative Assemblies, some Presiding Officers did not write the Presiding Officer's Diaries properly which led to a doubt on the purity of the electoral process. Besides few cases of mismatch of Form 17A and Form 17C, instances have been noticed when the Polling Agents were not provided with attested copies of the account of votes recorded in Form 17C in spite of clear instructions in this regard in the Handbook for Presiding Officers.

At the time of training of the Presiding Officers, this should be kept in mind and the Presiding Officers should be asked to be very careful while filling up the Presiding Officer's Diary. If, for any reason, there is any difference in the number of electors casting their votes as reflected in Form 17A, Form 17C and the votes recorded in EVM, the discrepancy must be explained clearly in the Presiding Officer's Dairy.

The Sector Officers shall personally ascertain from the Presiding Officer of the polling station coming under his jurisdiction and confirm that the Presiding Officers have properly written their diaries. Over and above this at the reception centre at the time of receiving EVM and other statutory, non-statutory documents from the Presiding Officer, a question shall be asked whether he has written the Presiding Officer's diary or not. Only after confirming this, the Presiding Officer shall be relieved from the reception centre.

4. The above instructions may be reiterated and brought to the notice of all concerned appropriately.

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ELECTION COMMISSION OF INDIA

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

No. 52/2009/SDR(JS-II)

Dated: 25th March, 2009

To

The Chief Electoral Officers of
all States and Union Territories.

Subject:- Guidelines for smooth management of Postal Ballot Papers – regarding.

Sir/Madam

I am directed to invite your attention to paragraph 5 of the circular letter No. 52/2008/JS-II dated 21st October, 2008 on the subject cited. In the case of election to the Lok Sabha, it is clarified that for all Parliamentary Constituencies, the printing and dispatch of postal ballot papers shall be done at the level of the Returning officers of the Parliamentary Constituency concerned. In the case of States where simultaneous general/bye-elections to the State Legislative Assembly are being held alongwith the Lok Sabha elections, the printing and dispatch of postal ballot papers for the Assembly election will also be done at the level of the Returning Officer for the Parliamentary constituency, with the assistance of the Assistant Returning Officers in all the Assembly segments falling under the Parliamentary Constituency. All the other instructions contained in the commission's letter referred to above, will continue to be followed.

You are requested to bring this clarification to the notice of all District Election Officers and Returning Officers of Parliamentary Constituencies in your State for strict compliance.

Kindly confirm receipt of this letter and the action taken by you.

Yours faithfully,

(K.F. WILFRED)
SECRETARY

CAMP BAG

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INSTRUCTION SI. No.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No. 51/8/7/2009-EMS

Date: 25/10/2009

To,

The Chief Electoral Officers of
All States / Union Territories.

Sub: Mandatory conduct of **Mock Poll** and certification therein.

Sir,

Attention is invited to the instructions in the Commission's letter No. 51/8/7/2008-EMS, dated 15/07/08 regarding the mock-poll prior to commencement of poll. It is observed that in many cases, the mock poll is conducted in a perfunctory manner. In order to ensure that the mock poll serves the intended purpose, the Commission directs that

1. Mock poll shall be conducted normally one hour before the scheduled hour of commencement of poll. All contesting candidates should be informed in writing well in advance that mock poll would start one hour before the commencement of poll and they should be advised to instruct their polling agents to be present in time for the mock poll. Polling agents of atleast two candidates should be present at the time of Mock Poll. However, if polling agents of atleast two candidates are not present, the Presiding Officer may wait for 15 more minutes before conducting the mock poll and if the agents still do not come, then the Presiding Officer may go ahead and start the mock poll. It is further clarified that after waiting for 15 minutes, there is a possibility that only one Polling agent may be present, in that situation also, the Presiding Officer should go-ahead and start mock

poll. In such case, there should be specific mention in the mock poll certificate on this aspect.

2. During the Mock poll, the Ballot Unit (s) should be placed in the Voting Compartment and Control Unit on the table of the Presiding/Polling Officer who will operate the Control Unit. At least two polling officers with the polling agents should be present in the Voting Compartment to watch the polling agents operating on the Ballot Unit, and to keep a record of the votes cast and tally the polled votes.

3. The mock poll should be conducted with the polling agents voting at random for each of the contesting candidates. **A total of at least 100 votes should be polled in the mock poll.** In the case of absence of polling agents of any of the candidates, one of the polling officers or other polling agents may record the votes for such candidates. The polling officers present in the Voting Compartment should ensure that votes are recorded for each of the contesting candidates. After recording of the minimum of 100 votes, the Presiding Officer will ascertain the result in the Control Unit in the presence of the Polling agents and confirm that the result is tallying with the votes polled in respect of each candidate. Thereafter, Presiding Officer will prepare and sign the mock poll certificate in the prescribed format as in Annexure -1.

4. The Presiding Officers shall ensure that the data of the mock poll is deleted, without fail, before the official poll starts. This is very critical step and this should be emphasized during training.

5. The Presiding Officers shall mention the names of the Polling agents and the candidates (and their party affiliations) whom they

represent and also obtain their signatures on the completion of mock poll on the certificate.

6. Where a micro-observer has been appointed at any polling stations, he should also participate in all the proceeding of the mock poll and **his signature should also be obtained on the mock poll certificate**. Further, these proceedings should be videographed wherever videography arrangement has been made at a polling station.

7. The Returning Officer through the Sector Officers and using the communication link with the polling station/ mobile teams, shall track the conduct or otherwise of mock poll, and ascertain the mock poll status. Non-confirmation of mock poll could be indicative of non-commencement of poll and in that case the Returning Officer shall make immediate intervention to sort out the problem.

8. The polling stations not having the presence of agents of the candidates of recognized parties and where the mock poll had to be conducted in the absence of agents or with only the polling agent of only one candidate shall merit focused attention of the election machinery. Interventions such as deployment of micro-observers, deployment of video cameras (if not already done), frequent visits by sector officers and other senior officers should be ensured in such cases.

9. If any Control Unit is replaced for any reason after commencement of the poll, a mock poll should be conducted on the new Control Unit before it is put to use. However, in this case, it would be sufficient to cast atleast one vote each for each of the candidates. A new mock poll certificate should be recorded in such a

case. A note should also be added in such cases, in the original mock poll certificate that the original Control Unit was replaced, and that mock poll was conducted on the new Control Unit before putting it to use. The exact time of replacement should also be mentioned in the note.

This may be brought to the notice of all concerned.

Yours faithfully,

(K.N.BHAR)
UNDER SECRETARY

Annexure - I

Mock Poll Certificate

This is certified that I Presiding Officer at the Polling Station No - -----of ----- Assembly Constituency (or the -----Assembly segment under -----Parliamentary Constituency) conducted the mock poll at --- - AM today, the poll day i.e. -----, following scrupulously all the instructions issued by the Election Commission of India.

A total of ----- votes were polled in the mock poll and after the mock poll I have carefully cleared the memory of the mock poll and the total votes polled showed '0' after clearing the memory.

A. At the time of mock poll the following of polling agents representing the candidates whose names mentioned against the names of such agents were present and I have obtained their signatures.

Sl.No. Name of Polling Agent Name of Party Name of candidates Signature of Polling Agent

- 1.
- 2.
- 3.
- 4.
- 5.

B. At the time of mock poll the agent of only one contesting candidate was present. After waiting for fifteen more minutes, I conducted the mock poll along with other polling staff at ----- I have mentioned before the name of the agent present at the time of mock poll including the name of the candidate whom he represented.

(In case, no agent was present it shall be mentioned " No Polling agent was present at the time of mock poll")

Name of the agent

Name of the Candidate
(with Party affiliation)

Signature of the agent

Signature of micro-observer (if posted at the polling station)

Date:

Time:

Name & Signature
of the Presiding Officer
Polling Station

No.....

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No. 52/2012/SDR

Date: 13th August, 2012

To

The Chief Electoral Officers
of all States/U.T.s.

Subject: Guidelines for smooth management of Postal Ballot Papers for Police Officers on poll duty -regarding.

Ref: - ECI letters No. 52/2008 JS-II dated 21.10.2008, No. 52/2009/JS-II/SDR dated 04.02.2009 and No.59/2009/SDR(JS-II) dated 25.03.2009.

Sir,

The Commission has issued detailed guidelines for smooth management of Postal ballot Papers to service voters, polling officials drafted for poll duty, police and security personnel and drivers/ cleaners/ helpers who are attached to the vehicles requisitioned for election duty, vide its above cited letters.

2. There has been considerable improvement in the system of issue of Postal ballot papers and their return to the Returning Officer after voting. However there is still scope for further improvement in the system. The following supplementary guidelines are issued to further improve the system of postal ballots for police officers on poll duty: -

- a) Information about name and number of Assembly constituency, name and number of polling station where the police officer is enrolled, should also be collected from the concerned Superintendent of Police along with his/her Serial Number in the part of electoral roll where he/she is enrolled. In addition, information about EPIC Number of the police officer and his/her complete residential address including the Postal PIN code should also be collected from the sponsoring authority. This information should be entered in the police officer on duty database right from the time of creation of the police officer on duty database. Superintendent of Police should be informed that this information can be easily found out by doing

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- a name search on the internet at the website of the CEO and also by sending an SMS query.
- b) If, in spite of above instructions, information of AC, PS and SI. No. in Part of Electoral Roll are not received from the Superintendent of Police with respect to certain police officer on poll duty, the RO should himself collect this information using web search and SMS query facility and enter the information in the Police Officer on duty database.
 - c) In case any Police Officer on poll duty is not registered in the electoral roll and is eligible for enrollment, he/she should be advised by the Superintendent of Police to fill up the application in FORM- 6 for inclusion of his/ her name. The Superintendent of Police should collect the Form 6 from the police officer concerned and send it along with other information to the DEO, who should then forward it to the concerned ERO. On receiving an application in Form 6 the ERO should enroll the police officer after following due procedure and also issue an EPIC to him/her. The ERO should then communicate the information about AC, Part and serial number in the Part, to the DEO and RO, so that this information can be entered in the database.
 - d) If the police officer concerned is already enrolled but does not have an EPIC, the Superintendent of Police may be asked to give this information to the RO who will get the EPIC made for the police officer by the ERO concerned and get it delivered to him/her through the Superintendent of Police.
 - e) Software for printing applications in Form 12 for requesting the issue of postal ballots should be developed by the CEO. Superintendent of Police should be provided access to this software, who should print application forms in Form 12 for all the police officers who are issued duty orders and send pre-printed Forms 12 to the police officers along with the duty orders requesting them to sign and return applications in Form 12 immediately. At this stage, the police officers should be given an opportunity to correct any incorrect entries in the pre-filled application

Form. Application forms in Form-12 signed by concerned police officers should then be sent by the Superintendent of Police to the RO.

- f) Returning officer should prepare postal ballot papers for all police officers whose application forms in Form-12 are received from the Superintendent of Police. Superintendent of Police should then organize a special facilitation camp for police officers on poll duty for facilitation of casting of postal ballots by them. This can be combined with training of police officers on poll duty. One Gazetted officer should be deputed by the RO to issue postal ballot papers to those police officers on poll duty who apply for postal ballots in Form 12 and for attesting their declarations in Form-13A. Pre-prepared postal ballot papers should be given to this officer in advance for every police officer on poll duty. This officer shall maintain a register to keep an account of postal ballot papers received by him and issued to the police officers on poll duty. Signatures of police officers on poll duty to whom postal ballot papers are issued shall be obtained in the register as a token of having received the postal ballot. Pre-prepared postal ballot papers which are not issued for any reason such as the police officer being absent, shall be returned to the RO. The RO will keep these postal ballot papers in his safe custody and attempt to issue them to the police officers in any subsequent training by following the same procedure which is described above.
- g) The RO shall keep all unissued pre-prepared postal ballot papers after all trainings are over, in a separate sealed cover with proper record of police officers who could not be issued postal ballot papers. They will be entitled to vote in person in the normal course at the polling station in which they are registered as electors.
- h) Facilitation for casting of postal ballots will be done during the special facilitation camp organized by the Superintendent of Police and all trainings. In the past, there have been complaints that senior police officers have tried to influence the postal ballots of junior police officers. In order to prevent such a thing from happening, it shall be ensured that during the time when postal ballots are being cast nobody except the

officer authorized by the Returning Officer and the persons who have to cast their postal ballot shall remain present in the room where postal ballots are being cast. A separate enclosure shall be made in the room so that the voter can mark his postal ballot in complete secrecy and privacy without interference from anybody. The RO shall ensure that one Gazatted officer is present during for verification of declaration in Form 13A. A ballot box shall be kept at the facilitation center, and police officers who have been issued postal ballot papers should be told that they can deposit their postal ballots in this ballot box after marking them. Separate time should be allocated in the training for explaining the procedure of marking and depositing of postal ballot papers. Time should also be given during training for employees to fill up declaration in Form 13A, verification by Gazatted officer, marking of postal ballot, and depositing of postal ballot in the ballot box. The procedure to be followed before the postal ballot is dropped in the ballot box should be clearly explained to the employees.

3. You are requested to bring these instructions to the notice of all concerned and obtain acknowledgement from them.
4. These instructions should also be brought to the notice of all recognized political parties and candidates.

Yours faithfully,

(Ashish Chakraborty)
SECRETARY

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No. 52/2012/SDR

Date: 13th August, 2012

To

The Chief Electoral Officers
of all States/U.T.s.

Subject: Guidelines for smooth management of Postal Ballot Papers for Drivers/conductors and cleaners of vehicles requisitioned on poll duty -regarding.

Ref: - ECI letters No. 52/2008 JS-II dated 21.10.2008, No. 52/2009/JS-II/SDR dated 04.02.2009 and No.59/2009/SDR(JS-II) dated 25.03.2009.

Sir,

The Commission has issued detailed guidelines for smooth management of Postal ballot Papers to service voters, polling officials drafted for poll duty, police and security personnel and drivers/ cleaners/ helpers who are attached to the vehicles requisitioned for election duty, vide its above cited letters.

2. There has been considerable improvement in the system of issue of Postal ballot papers and their return to the Returning Officer after voting. However there is still scope for further improvement in the system. The following supplementary guidelines are issued to further improve the system of postal ballots for Drivers/conductors and cleaners of vehicles requisitioned on poll duty: -

- a) The District Election Officer should nominate a nodal officer for requisition of vehicles for poll duty. It shall be the duty of the nodal officer to collect information needed to issue postal ballots to drivers/conductors/cleaners of requisitioned vehicles. The nodal officer shall first make an effort to collect this information from vehicle owners. For this purpose, the nodal officers should enclose a format for collection of information about EPIC number, complete postal address, serial number in part of electoral roll,

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name and number of Assembly constituency, name and number of polling station where the driver/conductor/cleaner is enrolled along with the requisition order sent to the owner of the vehicle to be requisitioned with a request to send this information to the nodal officer as early as possible. Vehicle owners should also be informed that this information can be easily found out by doing a name search on the internet at the website of the CEO and also by sending an SMS query. Vehicle owners should also be directed that the drivers/conductors/cleaners of requisitioned vehicles should bring their EPIC when they report for duty. If they are not enrolled in the electoral roll they should be immediately asked to fill up a Form 6 for enrollment. For this purpose blank Form 6 should be sent to the vehicle owners along with requisition order. This information should be entered in the database of requisitioned vehicles as soon as it is received.

- b) A computer with internet connection should be provided at the place where requisitioned vehicles report for duty. One officer fully trained in the process of elector search both on the website and by SMS should be available at this place. A register with format for collection of information required for issuing postal ballots should be available with this officer. As soon as a requisitioned vehicle reports on duty, this officer should fill information about EPIC number, complete postal address, serial number in part of electoral roll, name and number of Assembly constituency, name and number of polling station where the driver/conductor/cleaner is enrolled in the register. The officer concerned may get this information from the EPIC of the driver/conductor/cleaner. The officer may use elector search facility on CEO website and SMS query facility to search for the elector information in case the driver/conductor/ cleaner do not remember their elector information and have not brought EPIC with them. The information should be entered in the database of requisitioned vehicles on a daily basis.

- c) In case any Driver/conductor or cleaner on poll duty is not registered in the electoral roll and is eligible for enrollment, he/she should be advised by the officer to fill up the application in FORM- 6 for inclusion of his/ her name. If he/she fills up the application in Form 6, it should be immediately sent to the concerned ERO, who should enroll the concerned person after following due procedure and also issue an EPIC to him/her. The ERO should then communicate the information about AC, Part and serial number in the Part, to the DEO and RO, so that this information can be entered in the database.
- d) If the driver/conductor/cleaner concerned is already enrolled but does not have an EPIC, the nodal officer should get a Form 8 filled by the concerned person and send it to the ERO concerned for making EPIC. EPIC will then be made by the ERO, who will get it delivered to the concerned driver/conductor/cleaner through the nodal officer.
- e) Software for printing applications in Form 12 for requesting the issue of postal ballots should be developed by the CEO. RO should print application forms in Form 12 for all the drivers/conductors/cleaners of requisitioned vehicles and send them to nodal officer in charge of vehicle requisition. The nodal officer of vehicle requisition shall get Form-12 signed by the drivers/conductors/cleaners of requisitioned vehicles and send them back to the RO at least 7 days before the poll date so that the RO can issue postal ballots to them and make entries of "PB" in the marked copy of the roll. Postal ballots should then be sent to the nodal officer.
- f) Returning officer should prepare postal ballot papers for all drivers/conductors/cleaners whose application forms in Form-12 are received from the nodal officer of vehicle requisition. The nodal officer should then organize a special facilitation camp for drivers/conductors/cleaners on poll duty for facilitation of casting of postal ballots by them. This can be done one day before the date of dispatch of

polling parties, on the day of dispatch of polling parties or on the day of return of polling parties. Pre-prepared postal ballot papers should be given to the nodal officer in advance for every driver/conductor/cleaner on poll duty from whom Form 12 is received. This officer shall maintain a register to keep an account of postal ballot papers received by him and issued to the drivers/conductors/cleaners on poll duty. Signatures of drivers/conductors/cleaners on poll duty, who are issued postal ballot papers, shall be obtained in the register as a token of having received the postal ballot. Pre-prepared postal ballot papers which are not issued for any reason such as the driver/conductor/cleaner being absent, shall be returned to the RO. The RO will keep these postal ballot papers in his safe custody and attempt to issue them to drivers/conductors/cleaners in any subsequent facilitation camps by following the same procedure which is described above.

- g) The RO shall keep all unissued pre-prepared postal ballot papers in a separate sealed cover with proper record of drivers/conductors/cleaners who could not be issued postal ballot papers.
- h) In the past there have been complaints that taxi and vehicle unions and some other persons have tried to influence the postal ballots of drivers/conductors/cleaners. In order to prevent such a thing from happening it shall be ensured that during the time when postal ballots are being cast nobody except a person authorized by the Returning Officer and the persons who have to cast their postal ballot shall remain present in the room where postal ballots are being cast. A separate enclosure shall be made in the room so that the voter can mark his postal ballot in complete secrecy and privacy without interference from anybody. The RO shall ensure that one Gazatted officer is present for verification of declaration in Form 13A. A ballot box shall be kept at the facilitation center, and voters who have been issued postal ballot papers should be told that they can post their postal ballots in this ballot box after marking

them. The procedure of marking and posting of postal ballot papers should be explained in a clear and succinct manner. Time should also be given for filling up declaration in Form 13A, verification by Gazetted officer, marking of postal ballot, and posting of postal ballot in the ballot box. The procedure to be followed before the postal ballot is dropped in the ballot box should be clearly explained.

3. You are requested to bring these instructions to the notice of all concerned and obtain acknowledgement from them.
4. These instructions should also be brought to the notice of all recognized political parties and candidates.

Yours faithfully,

(Ashish Chakraborty)
SECRETARY

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No. 52/2012/SDR

Date:13th August, 2012

To

The Chief Electoral Officers
of all States/U.T.s.

Subject: Guidelines for smooth management of Postal Ballot Papers for employees on poll duty -regarding.

Ref: - ECI letters No. 52/2008 JS-II dated 21.10.2008, No. 52/2009/JS-II/SDR dated 04.02.2009 and No.59/2009/SDR(JS-II) dated 25.03.2009.

Sir,

The Commission has issued detailed guidelines for smooth management of Postal ballot Papers to service voters, polling officials drafted for poll duty, police and security personnel and drivers/ cleaners/ helpers who are attached to the vehicles requisitioned for election duty, vide its above cited letters.

2. There has been considerable improvement in the system of issue of Postal ballot papers and their return to the Returning Officer after voting. However there is still scope for further improvement in the system. The following supplementary guidelines are issued to further improve the system of postal ballots for employees on poll duty: -

- a) Information about name and number of Assembly constituency, name and number of polling station where the employee is enrolled, should also be collected from the sponsoring authority along with his/her Serial Number in the part of electoral roll where he/she is enrolled. In addition, information about EPIC Number of the employee and his/her complete residential address including the Postal PIN code should also be collected from the sponsoring authority. This information should be entered in the employee database right from the time of creation of the employee database. Sponsoring authorities should be informed that this information can be easily found out by doing a name search on the internet at the website of the CEO and also by sending an SMS query.

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5.25

- b) If, in spite of above instructions, information of AC, PS and sr. no. in Part of Electoral Roll are not received from the sponsoring authority with respect to certain employees, the RO should himself collect this information using web search and SMS query facility and enter the information in the employee database.
- c) In case any employee is not registered in the electoral roll and is eligible for enrollment, that employee should be advised by the sponsoring authority to fill up the application in FORM- 6 for inclusion of his/ her name. The sponsoring authority should collect the Form 6 from the employee and send it along with other information to the DEO, who should then forward it to the concerned ERO. On receiving an application in Form 6 the ERO should enroll the employee after following due procedure and also issue an EPIC to him/her. The ERO should then communicate the information about AC, Part and serial number in the Part, to the DEO and RO, so that this information can be entered in the database.
- d) If the employee concerned is already enrolled but does not have an EPIC, the sponsoring authority may be asked to give this information to the RO who will get the EPIC made for the employee by the ERO concerned and get it delivered to the employee concerned through the sponsoring authority.
- e) A computer preferably with touch screen and with an internet connection along with a computer operator should be provided at all training locations so that those employees whose AC, PS and Sl.No.in Part of Electoral Roll etc., is not known, they can search their names in the electoral rolls using this computer.
- f) Software for printing applications in Form 12 for requesting the issue of postal ballots should be developed by the CEO. The RO should print application forms in Form 12 for all the employees who are issued call letters for training and send pre-printed Forms 12 to the employees along with the call letter requesting them to bring signed applications in Form 12 on the date of the first training. At this stage, the employees should be given an opportunity to correct any incorrect entries in the pre-filled application Form.

- g) Returning officer should prepare postal ballot papers for all employees who are called for training in anticipation of receiving filled-in requests duly signed, for issue of postal ballots in Form 12. One officer should be deputed by the RO to issue postal ballot papers to those employees who apply for postal ballots in Form 12. Pre-prepared postal ballot papers should be given to this officer in advance for every employee who is called for training, so that postal ballot papers can be given to them as soon as application in Form 12 is received from them. This officer shall maintain a register to keep an account of postal ballot papers received by him and issued to the employees. Signatures of employees to whom postal ballot papers are issued shall be obtained in the register as a token of having received the postal ballot. Pre-prepared postal ballot papers which are not issued to employees for any reason such as the employee being absent, or the employee not applying in Form 12, shall be returned to the RO. The RO will keep these postal ballot papers in his safe custody and attempt to issue them to the employees in subsequent trainings by following the same procedure which is described above.
- h) The RO shall keep all unissued pre-prepared postal ballot papers after all trainings are over, in a separate sealed cover with proper record of employees who could not be issued postal ballot papers. They will be entitled to vote in person in the normal course at the polling station in which he is registered as an elector.
- i) Facilitation for casting of postal ballots will be done during all training sessions. For this purpose one Gazatted officer shall remain present during training sessions for verification of declaration in Form 13A. A ballot box shall be kept at the training location, and employees who have been issued postal ballot papers should be told that they can deposit their postal ballots in this ballot box after marking them. Separate time should be allocated in the training for explaining the procedure of marking and depositing of postal ballot papers. Time should also be given during training for employees to fill up declaration in Form 13A, verification by Gazatted officer, marking of postal ballot, and depositing of postal ballot in the ballot box. The procedure to be

followed before the postal ballot is dropped in the ballot box should be clearly explained to the employees.

- j) Instruction for facilitation of postal ballots for police officers on poll duty and for drivers and conductors of vehicles requisitioned for poll duty are being issued separately.

3. The total number of employees/police officers/drivers and conductors who cast their vote by postal ballot shall be monitored by the CEO/ DEO/RO. Information shall be maintained by the Returning officer and complied by the CEO in the following format:-

Name of State -							
Name & no. of AC	Type of Employee	Total no. employees on poll duty	No. of applications in Form-12 received for issue of postal ballots	No. of Postal ballots issued	No. of postal ballots dropped in the facilitation boxes	No. of postal ballots received subsequently before the commencement of counting (other than the ballot papers mentioned under S.No. 6)	Total no. of postal ballots received from employees on poll duty in time for counting
1	2	3	4	5	6	7	8
AC-1	Civil Employees						
	Police Officers						
	Drivers and Conductors						
AC-2	Civil Employees						
	Police Officers						
	Drivers and Conductors						
Total of State	Civil Employees						
	Police Officers						
	Drivers and Conductors						

4. You are requested to bring these instructions to the notice of all concerned and obtain acknowledgement from them.

5. These instructions should also be brought to the notice of all recognized political parties and candidates.

Yours faithfully,

(Ashish Chakraborty)
Secretary

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 52/2012/SDR

Date: 16th October, 2012

To,

The Chief Electoral Officers
of all States/UTs.

Sub: Guidelines for smooth management of Postal Ballot Papers for Police Officers on poll duty - regarding.

Ref: - ECI letters No. 52/2008 JS-II dated 21st October 2008, No. 52/2009/JS-II/SDR dated 4th February 2009, No. 59/2009/SDR (JS-II) dated 25th March 2009 and 52/2012/SDR dated 13th August 2012.

Sir/Madam,

I am directed to inform you that in W.P. No. 4783 of 2006 filed before the Hon'ble High Court of Judicature at Madras by K. Shivakumar Vs. CEC & others, a prayer was made to issue direction to notify and declare all policemen in the State as persons entitled to Postal Ballots Papers and to ensure that all arrangements are made to enable all policemen to vote during elections.

2. The Hon'ble Madras High Court, during the course of hearing, observed that in view of the fact that as a matter of practice all police force from constable to DGP of the State are brought within the ambit of Section 28A of the R.P. Act, 1951 and subjected to the control, superintendence and discipline of the Election Commission during the election period whether it would be possible to devise a method by which the problem of many police personnel not being able to cast vote on the poll day at the polling station could be solved by extending the facility of postal ballot paper to all the policemen of the State Police Department instead of restricting it only to those police personnel who are engaged in election related duties on the day of poll.

3. The Commission considered the matter and decided that the facility of postal ballot could be extended to all the police officials, except those who are on leave during the election period, considering the facts that all the police personnel are notified under section 28A of the Representation of the People Act, 1951 as on deputation to the Commission in connection with elections and that though there could be certain police personnel who may not actually be appointed for any direct poll related work, but are indirectly in one way or the other performing duties related to elections on the day of poll. It was also considered that for availing of the facility of postal ballot, the police personnel will have to fulfill all the legal and procedural formalities for voting through postal ballots, including submitting the application in the requisite format (Form 12 appended to the Conduct of Election Rules, 1961) to the Returning Officer seeking issue of postal ballot paper, etc. as in the case of the other staff on election duty.

4. The above decisions of the Commission were placed before the Hon'ble High Court which took cognizance of the above decisions and disposed of the Writ Petition without any further direction vide order dated 22.08.2012.

5. Accordingly, the Commission has directed that all police personnel in the State who are covered under the notification issued by the State Govt. in terms of Section 28A of the RP Act 1951, at every election, would be treated as personnel on election duty and hence would be entitled to vote through postal ballot.

6. As follow up of the above judgment of the Hon'ble Madras High Court, and the Commission's above decision, the instructions contained in sub-para (b) of para 2 of Commission's letter of even no. dated 13.08.2012 about smooth management of postal ballots papers for police officers on poll duty may be considered as omitted and the subsequent sub-paragraphs of para 2 may be re-numbered accordingly. All the procedural requirements in para 2 [except sub-para (b)] will be duly observed and followed.

7. The Returning officers will ensure issue of postal ballot paper to all those police personnel who submit their application for issue of postal ballots papers under rule 20 of CE Rules 1961 at the training / facilitation centres or otherwise so as to reach him at least 7 days or such shorter period as the Returning Officer may allow before the date of poll.

8. Kindly acknowledge the receipt. These instructions may be brought to the notice of the Home Department of the State with the request to communicate this to the SPs at District Level so that they may brief the police personnel to apply for postal ballot if they desire to vote by post. The SPs may co-ordinate with the DEO/ROs for this purpose at the time of elections.

Yours faithfully,

(Ashish Chakraborty)
Secretary

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

D.O.No.52/2012/SDR

Date: 16th October, 2012

To,

- The Chief Electoral Officers of-
1. Gujarat
 2. Himachal Pradesh

Sub: Guidelines for smooth management of postal ballot papers for employees on poll duty-regarding.

Sir,

I am directed to invite your attention to the direction given by the Chief Election Commissioner during the Video Conference held on 26.09.2012 that a constituency-wise separate return should be prescribed for monitoring and casting of postal ballots by employees drafted on poll duty, separately for civilian employees, police officers, drivers and conductors. For this purpose, it has been decided that in the format of Register already prescribed (Annexure-XXVII of Handbook for Returning officers, 2012 edition- uploaded on Commission's website) for keeping account of issue of postal ballots to persons drafted for election duty, one more column to indicate whether the officials who are issued postal ballot papers in fact voted at the facilitation centre itself may be added. A copy of the amended format, attached herewith as **Annexure-I** (copy enclosed), may be kept at every facilitation centre for issue of postal ballots to civilian employees, police officers, drivers and conductors to keep a separate record of each category of above persons who have cast postal ballots at the facilitation centre, similar to the account of votes cast in a polling station maintained in Register in Form 17A kept in the polling station.

It is possible that electors of one constituency may be drafted for duty in different constituency and hence the training sessions and the facilitation centres

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(for voting through Postal Ballot) may be different, and may be on different dates. In such cases, the information in the format may be maintained for each of the Centres and Dates and a consolidated figure may be given as per Items (A), (B) & (C) of **Annexure-II**.

This Register for issue of PBs can thereafter be used as the basis to prepare marked copy of the electoral roll, polling station wise and for furnishing information to the Commission about the total number of PBs issued to civilian employees, police officers, drivers and conductors at each facilitation centre and the number of personnel who voted at such facilitation centres in the format attached herewith as **Annexure-II** (copy enclosed).

Separately, the Returning Officer may be instructed to maintain statistical data about issue of postal ballot papers to (a) service voters, (b) special voters and (c) electors under preventive detention, and the number of marked postal ballots received back as per Items (D), (E) & (F) of Annexure-II

Yours faithfully,


(Ashish Chakraborty)
Secretary

Standard Distribution

Annexure

ACCOUNT REGISTER OF POSTAL BALLOT PAPERS ISSUED TO PERSONS DRAFTED FOR ELECTION DUTY

Number and name of the Assembly Constituency: _____

Date of Training Session at which facilitation centre was provided _____
(if there are more than one date, information may be maintained separately for each date).

Place of facilitation centre _____

Sl. No	Name of the Person drafted for election duty and who has submitted Form-12 for Postal Ballot Paper	Name and Number of the Assembly Constituency in which the person is deployed on election duty	Whether the person is registered as an elector in the constituency (Yes/No)	If yes, Part No. & Serial Number in Electoral Roll	Date on which Postal Ballot Paper issued	Whether the person collected the Postal Ballot Paper in Person (Yes/No)	If yes, the Signature of the person with date as taken receipt of P.B.	If no, whether the RO has taken action to deliver the P.B. at the person's address (Date Delivery)	Whether the person voted at the facilitation centre (Yes / No)
1	2	3	4	5	6	7	8	9	10

Annexure-II

Constituency- wise information about the total number of PBs issued at each facilitation centre and the number of personnel who voted at such facilitation centres

(A) Civilian employees

Total no. of employees on poll duty	No. of employees who applied for postal ballot in Form-12	No. of employees who were issued postal ballots	No. of employees who cast postal ballots at facilitation centers

(B) Police officers,

Total no. of police officers on poll duty	No. of employees who applied for postal ballot in Form-12	No. of employees who were issued postal ballots	No. of employees who cast postal ballots at facilitation centers

(C) Drivers and conductors

Total no. of drivers & conductors on poll duty	No. of employees who applied for postal ballot in Form-12	No. of employees who were issued postal ballots	No. of employees who cast postal ballots at facilitation centers

(P.T.O.)

(D) Service Voters

Total no: of service voters as per the last part of electoral roll	Date of dispatch of postal ballots	No. of marked PBs received back before commencement of counting	No. of marked PBs received back late (after commencement of counting)	No. of PBs returned undelivered

(E) Special Voters

Total no. of Postal Ballots issued to Special Voters	No. of Postal Ballot received back in time for counting

(F) Persons under preventive detention

Total no. of Postal Ballots issued to electors under Preventive Detention	No. of Postal Ballot received back in time for counting

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Immediate

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 52/2012/SDR/

Dated: 1st November, 2012

To

The Chief Electoral Officers of all
States and Union Territories.

Sub: "Voters on election duty" for the purpose of postal ballot facility.

Sir/Madam,

Please refer to the Commission's instructions regarding issue of postal ballots to voters on election duty. Under Rule 18 (a) (iii) read with Rule 17 (c) of the Conduct of Elections Rules, 1961, any public servant who is an elector of the constituency and is by reason of being on election duty unable to vote at the polling station where he/she is entitled to vote would be 'voter on election duty' for the purpose of postal ballot facility. The Commission's instructions specifically mention that Observers and the staff members accompanying them would be voters on election duty for the purpose of postal ballot facility. There are also instructions that drivers, conductors, cleaners of vehicles requisitioned for the purpose of election on the day of poll would also be treated as public servants on election duty and would be entitled for postal ballot.

A question has been raised whether various other categories of persons and staff engaged in work related to elections, such as videographers, staff of expenditure monitoring teams, staff working in control room, helpline staff, those appointed for dispatch and receiving of poll material, EVM maintenance, etc., would be entitled for postal ballot facility.

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It is clarified that all persons and staff who are specifically assigned any official work in connection with election on the day of poll and the nature of work assigned to them is such that they will not be able to vote at the normal polling station, shall be treated as 'voters on election duty' for the purpose of postal ballot facility. However, those of the staff who may be assigned specific task related to election during the pre-poll period, but would not be on such election duty on the day of poll, cannot be treated as voters on election duty for the purpose of postal ballot facility.

This clarification may be brought to the notice of all election authorities in the State/UT.

Yours faithfully,

(K.F.WILFRED)
PRINCIPAL SECRETARY

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110001.

No. 52/2013/SDR

Dated: 5th July, 2013

To

Chief Electoral Officers
Of all States and Union Territories

JCEO
10/3/13
Dy Sec
11/7

Sub: Preparatory activities for Exercise of Franchise by persons on election duty.
Ref: Letter of the Commission on the above-cited subject No.52/2013/SDR dated 18th June, 2013.

Sir,

I have been directed to refer to the above cited letter and to state that a reporting format to monitor the activities relating to postal balloting by employees on poll duty is enclosed with this letter. Information in this format may please be sent to the Commission on a fortnightly basis, so as to reach the Commission on the 5th and 20th of each month.

Yours faithfully,



(N.T. Bhutia)

Under Secretary

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Format to monitor Postal Ballots by employees on
Poll Duty

Date: _____

Name of State _____

Name of the District	Item	State Government					Central Government			Non Government		
		Govt.	PSU	Police	Home Guard	SAP	Govt.	PSU	Driver	Conductors	Cleaners	
District 1	Total no. of employees in District											
	No. of employees in Database											
	No. of employees in electoral roll and ER details including EPIC known											
	No. of employees whose name is not in ER											
	No. of employees who filled Form-12											
	No. of employees who were issued postal ballot											
	No. of employees who cast postal ballot at facilitation centre											
District 2	Total no. of employees in District											
	No. of employees in Database											

Format to monitor Postal Ballots by employees on Poll Duty

Date

Name of the District	Item	State Government						Central Government			Non Government				
		Govt.	PSU	Police	Home Guard	SAP	Govt.	PSU	Driver	Conductors	Cleaners				
	No. of employees in electoral roll and ER details including EPIC known														
	No. of employees whose name is not in ER														
	No. of employees who filled Form-12														
	No. of employees who were issued postal ballot														
	No. of employees who cast postal ballot at facilitation centre														
	Total no. of employees in District														
	No. of employees in Database														
	No. of employees in electoral roll and ER details including EPIC known														
Total of State	Total no. of employees in District														
	No. of employees in Database														

Format to monitor Postal Ballots by employees on Poll Duty

Date

Name of the District	Item	State Government						Central Government			Non Government			
		Govt.	PSU	Police	Home Guard	SAP	Govt.	PSU	Driver	Conductors	Cleaners			
	No. of employees in electoral roll and ER details including EPIC known													
	No. of employees whose name is not in ER													
	No. of employees who filled Form-12													
	No. of employees who were issued postal ballot													
	No. of employees who cast postal ballot at facilitation centre													
	Total no. of employees in District													
	No. of employees in Database													
	No. of employees in electoral roll and ER details including EPIC known													

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Observers

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Fax/Speed post/Special Messenger

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/OBS/2007/PLN-I

Dated: 09th Jan, 2007

To

The Chief Secretaries of all states & Union Territories
The Chief Electoral Officers of all States & Union Territories.

Subject: - Provision of facilities for Observers.

Sir,

As you are well aware the Election Commission of India, under article 324 of the Constitution read with section 20(b) of the Representation of the People Act, 1951, depute Observers for various elections that are conducted by the Commission. The Observers are the eyes and ears of the Commission and their functions go along way in assisting the Commission to conduct free and fair elections. It therefore, naturally follows that they have to be treated by the administration and all concerned in election related activities with due regard and with proper courtesies. The Commission has, in the past, issued various instructions from time to time in connection with the appointment of General and Expenditure Observers to watch the process of making of nominations and other election related work for conducting of peaceful, free and fair poll. For convenience of all concerned, these instructions have now been consolidated which are as under: -

(A) NOMINATIONS:

2. In order to ensure free and fair polls as well as to manage the conduct of elections in a smooth, efficient and effective manner, the Commission appoints and deploys sizeable number of observers to assist the commission in discharging of its constitutional responsibilities for the superintendence, direction and control of the process of elections. Since the entire activities have to be completed in a very tight schedule within the time frame indicated by the president of India/The Governor of States/Lt. Governor of UTs, as the case may be, the observers are required to immediately move to their constituencies after the briefing sessions. The Commission after taking the experience in the past and all other relevant factors have decided that **no observer will be allowed to go on foreign or other official tours (except observer-duty related tours) beginning from the date of the briefing sessions allotted to them till they complete their duties as observers of the commission.** Accordingly, all concerned may be directed not to sponsor any such case. The commission will not entertain any such requests in this regard. In the rarest of rare contingency where this is absolutely unavoidable, the Cabinet secretary may personally review the case and with full justification forward the same to the commission for its consideration and appropriate orders. The commission secretariat being fully

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occupied with actual conduct of elections and observers having statutory responsibilities in discharging their functions, it is strongly advised that this direction should be taken with due seriousness and all concerned informed accordingly. It may be noted that once a constituency has been allotted to an observer any change in the middle of the election process would be totally undesirable and would create serious problems for suitable supervision of the poll process through observers. The review of the Cabinet Secretary will apply in case of all observers whether they are being sponsored by the establishment officers or by the Department of Revenue or the State Governments. The E.O. in D.O.P.T. may co-ordinate this with the commission secretariat on behalf of the cabinet secretary.

(B) ACCOMODATION AND TRANSPORT ARRANGEMENTS

3. The observers are to be called for briefing and debriefing meetings and for other consultations very frequently and at short notices by the commission. Some of the IAS and IRS officers appointed as observers come to Delhi from different states and union territories and some times find it difficult to find accommodation and/or transport. In order that those officers are not put to any inconvenience during their stay in Delhi, the Chief Secretaries /Chief Administrators of the states and union territories may issue immediate suitable directions to the officers/departments allotting accommodation & transport as well as the resident commissioners, liaisons officers and managers in charge of the various state guest houses and bhawans in Delhi to provide the officers doing election duty with suitable accommodation during their stay in Delhi and transport be placed at their disposal right from their arrival at air port / railway station in Delhi till their departure.

4. State quota for air travel / rail travel required may also be released in favour of such officer without fail. The Chief Electoral Officers are requested to pursue the matter for immediate action. Resident Commissioners & liaison officers in Delhi may kindly see that no officer appointed as observer of the commission is put to any inconvenience on this account.

(C) FACILITIES AND CONTINGENCY EXPENDITURE – ARRANGEMENTS BY THE RETURNING OFFICERS

5. It has been noticed that different practices are adopted in different States and different ROs in the matter of facilities extended to the Observers and there is lack of uniformity in this regard. The Commission has considered the issues relating to facilities and formulated detailed uniform guidelines in this regard to ensure efficient functioning of the Observers in the constituencies allocated to them.

6. Accordingly the Commission issues the following instructions in the matter:

6.1 Arrangements for boarding, lodging, transport and security of the Observers shall be arranged by the District Election Officers / Returning Officers concerned. These arrangements will also cover the escort officers PSO driver, security personnel etc. Arrangements for the full team will be made by the DEO/RO so that no time is lost on this account by the Observers in making best and optimum use of the time available during the election process. These expenses will be met out of contingencies for election by the RO.

6.2 The Commission has made every effort to provide everything needed by the Observers in terms of stationeries and other requirements for discharging their duties. The R.O. will supplement with any additional support required in this regard. However, there may be rare cases of the Observers being required to meet some emergent contingent expenditure including making telephone calls, sending fax messages or using postage or for any other similar items. In such cases, the Observer would immediately give a voucher to the R.O. who will reimburse the amount then and there on the basis of the certificate given by the Observer. This has to be charged to the contingency expenditure account of the concerned ROs' account.

6.3 The DEO / RO shall make arrangements for accommodation, security, transport, wireless communication and telecommunication facilities, guide / escort and secretarial assistance to the Observers for effective functioning.

6.4 The DEO/RO shall provide the Observers telephone and fax facilities at the circuit House or Guest House where they will be housed. As far as practicable, all Observers allotted to a constituency will be accommodated at the same place so that they can share telephone and fax facilities. The Zonal Secretaries in the Commission shall be intimated these numbers.

6.5 Specific facilities will also be provided for the observers in the Counting centers. RO should provide a separate table for the Observer(s) at each counting center with a STD Telephone and one fax to be jointly used with RO. If possible the fax should have a separate line with STD facilities. The telephone numbers are to be obtained in advance for the Observers' use and these are to be communicated to the Zonal Secretaries in the Commission.

6.6 Observers shall be provided with an Escort Officers who must have a clear knowledge of the area of constituency. ROs shall ensure that the Escort Officer should also be able to act as an interpreter for interaction of the Observers with the local people and officials.

6.7 The ROs shall provide each Observer with a folder containing the following:

- (a) A Map of the Parliamentary Constituency (showing also the boundaries of the Assembly Segments;

- (b) List of Polling Stations as made available to the Political Parties and contesting candidates in terms of the provisions of Hand Book for the ROs;
- (c) Table of contents of Electoral Roll of each Assembly segment;
- (d) Telephone Numbers at a glance for the District(s), constituency;
- (e) A Booklet containing the plan for managing the elections in the district(s) and such other documents as are essential;
- (f) Detailed plan for counting of votes of the constituency.

(D) OTHER FACILITIES

7. The question regarding the facilities that an Observer is entitled, when he visits a constituency, has not so far been spelled out in all its details. Nor does the Commission intend to do so, in view of the large areas over which such deployment takes place and the considerable variations in local conditions and local style and nature of administration that is prevalent in the country. However, in view of certain issues in this area that has crept up from time to time, the Commission desires that certain minimum facilities that are to be extended to the Observers are listed below:-

7.1 The Observers should be given reliable and dependable transport from the nearest Railway Station/Airport. When the constituency to which an Observer has been deputed, is proximate to his residence, then a car may be provided to enable him to reach the constituency.

7.2 The Observers should be provided with sturdy (non-AC) cars, as this would allow them to go into interior areas easily.

7.3 The Observers are not to be provided with a Guard of Honour.

7.4 The Observers should be provided with a minimum security of a PSO/gunman. However, if in the assessment of the CEO in consultation with the appropriate authorities of the State Government there is need for a higher level of security, suitably, enhanced security may be provided.

7.5 Security in excess of the minimum specified is to be provided by the district administration as directed by the CEO.

7.6 No escort car/pilot or advance pilot is to be given to the Observer except in terms of special requirement assessed in terms of 7.5 above.

7.7 Food arrangements should be made by the district administration for Observer, PSO/ gunman, driver and the local official in a manner that would allow the Observer full freedom of movement, as he so desires.

7.8 If the Observer desires mineral or bottled water that should be provided.

7.9 By and large the Observers should be housed in Government or Semi-government Guest Houses located in the constituency for which they are functioning as Observers. If suitable Government Guest Houses are not available, alternative accommodation may be provided of an appropriate quality in consultation with the CEO as per assessment of the district administration ratified by the CEO.

7.10 No fax machine need be provided exclusively to the Observer. He must be allowed to use the fax machine available in any office under the control of district administration on a priority basis. His requirement for confidentiality while transmitting faxes should be respected by the concerned office from where he sends fax messages.

7.11 Where more than one Observer is being housed in the same premises, only one telephone line need be available with STD facility.

7.12 There should be one fax machine in working condition at all counting centers, which would be used both by the RO and the Observer.

(E) REIMBURSEMENT OF TA/DA

8. In the appointment order of the observers, it is clearly stated that "TA/DA will be drawn from their Ministry/Department/Office. The expenditure will be debitable to the Budget grant of their Ministry or Department/Office." It is once again reiterated that the TA/DA bills in respect of observers are to be settled by their respective Ministry/Department/Office/Organisation where they are working at the time of their appointment as observers.

Yours faithfully,

Sd/-
(A.K. MAJUMDAR)
SECRETARY

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2007/PLN-I

Dated : 12th October, 2007

To

1. The Chief Secretaries of
All States/UTs.
2. The Chief Electoral Officers of
All States/UTs.

Subject: Engagement of Videographers for the Observers.

Sir,

I am directed to say that the Commission has already issued instructions for videography of all important events relating to the elections. However, it has been observed that in many cases proper videography of many events are not done and the Commission finds it difficult to take any decision on complaints relating to violation of Model Code of Conduct, etc. in the absence of proper documentation of the events.

It has, therefore, been decided that every observer shall be provided with a video camera and videographer from the day he reaches the constituency so as to enable him to get captured all the events found important by him.

Necessary instructions to this effect may please be issued to all the District Election Officers immediately.

Yours faithfully,

(K.N. BHAR)
UNDER SECRETARY

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कमलधर मुख्या निर्वाचन अधिकारी
एवं पदेन प्रमुख शासन सचिव,
निर्वाचन विभाग, संजयस्थान
आपरी क्रमांक 4452
दिनांक

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Speed Po:

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi- 110 001.

No. 464/OBS/2008/EMS | 4066

Dated : 17th October, 2008.

To
The Chief Electoral Officers,
1.Chhattisgarh,
2.Madhya Pradesh,
3.Rajasthan,
4.Mizoram and
5.NCT of Delhi.

*JCEO - shall
JCEO
the work done
supported
by observer cell*

Subject: General Elections to the Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Rajasthan, Mizoram and NCT of Delhi. - Appointment of Nodal Officers - Regarding.

Sir,

The General Elections to the Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Rajasthan, Mizoram and NCT of Delhi have been announced and will be held in October-December, 2008. Around 680 officers from Indian Administrative Service, Indian Revenue Service and Indian Custom and Central Excise service would be deployed as observers to watch the said election.

2. In the past, the Commission has observed that in spite of the schedule of visits to constituencies worked out well in advance many of the observers do not arrive in their assigned constituencies on the stipulated date and time. In most of the cases, the excuse shown by them is lack of proper co-ordination with the concerned district authority and the state authority. In case of exigencies when there is an urgent need to send any instruction to the Observers concerned they could not be contacted due to non availability of details such as address, telephone number and fax number of their camp station etc, while they remain in the constituency and such lapses stand in the way of smooth conduct of election.

3. The Commission desires that an officer of the rank of Joint Chief Electoral Officer in your department may be appointed as a nodal officer with immediate effect to ensure smooth flow of communications between the Commission and the observers deployed in

the state so as to ensure the presence of the Observers in their assigned constituencies as per the schedule laid down by the Commission and smooth flow of information amongst Observers district level authorities, State level authorities and the Commission.

- 4. It is requested that details of the nodal officer, so appointed may be furnished to the Commission at the earliest.
- 5. The list of deployed Observers along with their details would be sent to the concerned Nodal Officer as soon as it is finalised.
- 6. Any communication pertaining to the Observers may be made to the Commission through the e-mail ID: knbhar@eci.gov.in

Yours faithfully,

(K.N.BHAR)
UNDER SECRETARY

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INSTRUCTION SI. No.

Election Commission's letter No. 464/INST/2008-EPSS Date: 24th October, 2008 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: Appointment of Micro Observers – Guidelines & Check List - Regarding.

I am directed to state that the Commission has decided to deploy the Micro Observers in some constituencies in the State. For this purpose, it has framed Guidelines and Check-List for the Micro Observers. A copy of each of the guidelines and checklist is forwarded herewith as in Annexure-I & Annexure- II.

2. It will be ensured that copies of the same are provided to officials who are appointed as Micro Observers and also to all Observers of the Commission through the District Election Officers.

3. The receipt of this letter may please be acknowledged with the confirmation that the relevant instructions have been issued to all the concerned officers. A copy of instructions/directions so issued in this behalf may also be endorsed to the Commission for its information and record.

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Guidelines for Micro-Observers

1. Observers have a very crucial role to play in the conduct of an independent, free and fair election. To strengthen the system of observation, the Commission has consciously decided to deploy micro-observers where necessary. These micro-observers would directly work under control and supervision of the general observer.
2. For deployment as micro-observer, the DEO will obtain the list of Gazetted Officers/officials of Government of India from different offices in the district. Such Gazetted officers/officials will be eligible to be deployed as micro observer. In case Gazetted officers are not sufficient in number, Group 'C' employees and above can also be utilized for this purpose.
3. The DEO will prepare a list of polling stations under the supervision of General observer where these micro-observers would be deployed. Such polling stations would be short listed on the basis of various factors which contribute to the vulnerability of the voters. Such factors, for example, domination of one social group over other, inaccessibility of the area, EPIC non availability, previous history of violence, etc. would have been taken into consideration while doing the vulnerability mapping in the district as per the extant instructions of the Commission on this issue. The list of such polling stations where micro-observers are to be deployed will be finally approved by the General observer and kept confidential in a sealed envelop till the last moment of deployment.
4. In multi-polling station buildings each location will have one microobserver instead of one micro-observer per polling station. The micro-observer can oscillate between and visit the polling stations within the same campus at frequent intervals.

5. There shall be a nodal officer identified by the DEO for micro-observers to handle logistics and deployment related tasks of micro-observers in each district. General Observers will be in close touch with them for their requirements of micro-observers relating to their constituencies.

6. Each micro-observer shall be given a photo-pass and identity card by the DEO to ensure his access to the polling stations.

7. Observers will arrange and train their micro-observers. The officer selected for the job of micro-observer may not be aware of different aspects of election process. Therefore, a basic training of election processes on the day of the poll shall have to be given to them. This should enable them to understand and observe the activities relating to election on the day of the poll. An illustrative training material for the micro-observer in Micro Soft Power Point is attached with this letter. Since the micro-observer shall be reporting to the observer alone, it will be the responsibility of the observers to ensure that they are trained properly on the relevant and crucial issues. The DEOs will organize the training of these micro-observers.

8. The required number of officers for deployment as micro-observer would be picked up randomly from the list of all eligible officers. Further the assigning of polling stations also will be done in random manner a day prior to the day of departure in presence of the general observer and duly approved by him. However, the exact polling station would be given to them on the day of departure.

9. The DEO should ensure that the micro-observers are separately dropped to their destinations. Micro-observer should be provided with an identity card, entry pass to his/her polling stations, and such other requirements as may be necessary for discharge of duties as per the

direction of the Commission.

10. On the day of poll the micro-observer should reach the polling station at least one hour before the commencement of the poll, i.e., at 7 O'clock in the morning. If for certain reason it is not possible to reach in the morning, he should reach in the evening of the previous day.

11. Having reached the polling station he should assess the preparedness for the poll. During the poll day he should regularly note down the important points on the pre printed Performa (a Performa for this is appended). It is made absolutely clear that in no case the micro observer will act as presiding officer or the polling officer. His task is to observe that election process is being carried out in a free and fair manner and there is no vitiation of any kind.

12. In the process of observation on the day of the poll, the micro-observer should specially observe: -

- a. Mock Poll Procedures,
- b. Presence of Polling Agents and observance of ECI instructions with regard to them,
- c. The observance of entry pass system and access to Polling Station,
- d. Proper identification of electors in accordance with ECI guidelines,
- e. Identification and recording procedures for the **Absentee**, **Shifted** and **Duplicate** voter's list (ASD list),
- f. Application of indelible ink,
- g. Noting down particulars of electors in register 17-A,
- h. Secrecy of voting,
- i. Conduct of polling agents, their complaints, if any, etc.

13. During the poll, if the micro-observer feels that the poll is being

vitiated for any reason, he will immediately bring it to the notice of General observer through whatever means of communication is available, for example, phone or wireless or any other means.

14. After the poll process is over, the micro-observer will report to the Observer in the format as enclosed as Annexure II at the collection center and hand over his envelop containing the report for the day personally to the Observer and brief him/her on any thing of importance that had happened during the day.

15. Observers will go through the report and if any further clarification is required then he should arrange for the micro-observer to be called for ascertaining those further details. These reports along with the scrutiny of the Register 17-A will be taken into consideration for taking a decision on repoll or disciplinary action against any delinquent polling staff.

ANNEXURE - II

Checklist for Micro-Observers

1. Whether mock poll has been conducted in presence of micro Observer? - Y/N.
2. Whether data of mock poll from the ballot unit was cleared and the EVM count was set to zero after the mock poll and before the beginning of real poll? - Y/N.
3. How many polling agents and of which political party, were present during the mock poll?
4. Whether more than one polling agent from the same political party were present inside the polling station at any time?
5. Whether polling agents were allowed to note the serial numbers of balloting unit and control unit and green paper seal?
6. Whether the entry pass system was enforced properly? Whether any unauthorized person was inside the polling station at any point of time?
7. Whether marking of indelible ink on left forefinger was done properly?
8. Whether the identification document particulars were being filled up meticulously in Register of Voters (Form 17-A)?
9. Whether the list of votes issued with Postal Ballot was available with the Presiding Officer & Polling Agents? Did any person already issued Postal Ballot appear to vote again in person?
10. Whether events are recorded from time to time as and when they occur in the Presiding Officer Diary?
11. Whether the Presiding Officer or Polling Officer was going towards voting compartment or giving any undue instructions to the voters?
12. Whether the scrutiny of voters in the Absentee, Shifted and Duplicate list was done meticulously by the Presiding Officers in accordance with ECI Guidelines?
13. Whether copies of accounts of votes recorded in Form-17C have been given to the polling agents?
14. Whether voting compartment was properly placed to ensure secrecy of voting?
15. Whether sealing of voting machine was done according to

instructions?

16. Whether any complaint by polling agent, election agent or any political party was received? If yes it's substance.
17. Any other incident or issue that you would like to highlight.

Signature of Micro Observer :

Name (in full) :

Designation :

Phone No. :

Date & Time :

11/17/2008 DEC (JP) 1

Introduction

- Poll is conducted in designated **polling stations** specifically prepared for this purpose;
- Poll is conducted by a team of officials identified randomly and trained. It comprises a **Presiding Officer** and 3 **polling officers**;
- Representatives of the candidates (called **Polling Agents**) also sit inside the polling station and watch the poll proceedings;
- Electronic Voting Machine (**EVM**) used for recording of votes has two units – **control unit** which is with 3rd Polling Officer and through which he allows a voter to vote and second, **ballot unit** which is in secluded corner with a voting compartment and in which a voter votes;
- A Voter enters the polling station, **identifies** himself to the 1st Polling Officer and gets the **indelible ink** on his left fore finger, then goes to **2nd Polling Officer** and signs the **Register of Voters (Form 17-A)** and finally goes to the **3rd Polling Officer** who keeps his **Voter Slip**, **marks the electoral roll** and enables the control unit. Thereafter the Voter goes to '**voting compartment**' where the ballot unit is kept and presses his chosen button to record his vote.

Arrangements Outside The Polling Stations

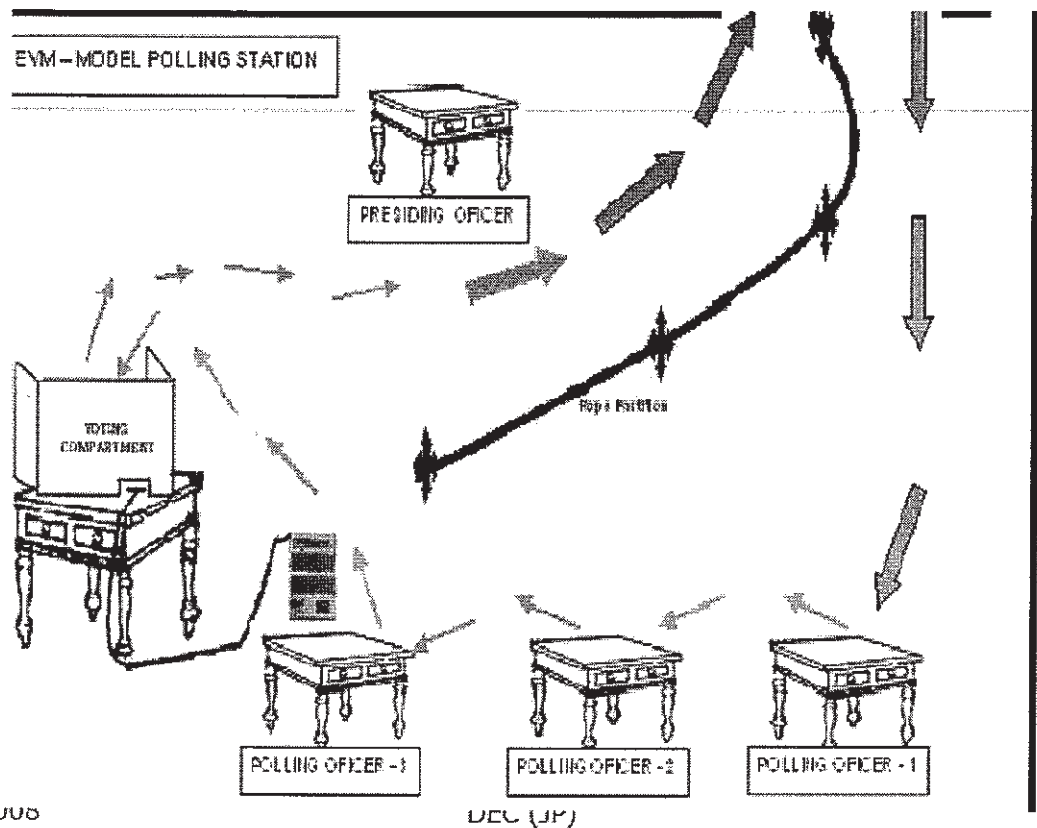
- Outside each polling station there shall be displayed prominently—Notice specifying the polling area, the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors so entitled; and Copy of the list of the contesting candidates. A card Board display of Ballot unit explaining a voter how to vote on an EVM
- Enough space for the voters to wait outside the polling station;
- Separate waiting space for men and women as far as practicable;

Law & Order Around Polling Station

- No vehicles to be allowed inside the 100 meter perimeter of a PS
- No canvassing of any kind allowed in this perimeter. Offence under S 130 of R. P Act 1951.
Candidate's booths to have 1 table and 2 chairs beyond the PS perimeter
- Voter slips to be plain white slips without any party markings
- No posters or banners

MODEL POLLING STATION FOR ELECTRONIC VOTING MACH

LAYOUT OF POLLING STATION FOR SINGLE ELECTION



Arrangements Inside a PS

- Separate entrance and exit for voters;
- Easy flow of voters from the time they enter the polling station to the time they leave it;
- The polling agents to be seated in such a way that they can see the face of an elector as and when he enters the polling station and able to see the entire operation; BUT
- Polling agent not to be in position to see voters actually casting their votes;
- Video covered PS shall have Videography arrangements

Arrangement Inside a PS

-Placement of Voting Compartment

- The Voting Compartment has to be so placed that neither the Presiding Officer nor the agents or the polling officers should be able to see the actual voting;
- For this reason, the voting compartment cannot be near to the Presiding Officer or even near any window where one can see from outside;
- For this reason only, care has to be taken that the compartment/partition of the balloting unit is not transparent or semi-transparent;

Who all can come (or be) inside Polling Station?

- Voters in manageable numbers
- Candidate in that AC
- Candidate's Election Agent in that AC
- Polling Agents of Candidates in that PS – maximum of one for each candidate
- Authorized Media Personnel
- Election Officials
- Micro-Observer's seating arrangements inside the PS when deployed
- A child in arms accompanying an elector
- A person accompanying a blind or an infirm voter who cannot move without help
- In case of a elector/candidate having been provided Z+ security, one security personnel in civil clothes with concealed small arm can accompany the secured person inside the polling station
- Every one must have a valid pass properly displayed

Seating of Polling Agents

- Polling agents shall sit in following order

- Agents of candidates of recognized parties
- Of recognized state parties
- Recognized parties of other states
- Registered unrecognized parties
- Independents
- If less space then take turns or sit out

Polling Agents

- Polling agents are appointed by the candidates.
- They must be voters in that very polling station
- Must have a valid photo-identity card.
- Person provided with security can't be an Agent
- The presiding officer shall, after due verification, give them entry passes for the Polling Station.
- For every polling agent, there may be a maximum of two relief agents. But only one person can be inside the polling station at one point of time. Entry pass system ensures this.
- Polling agents can not be relieved after 3 P.M.
- Polling Agents can challenge bogus voters

Media Persons

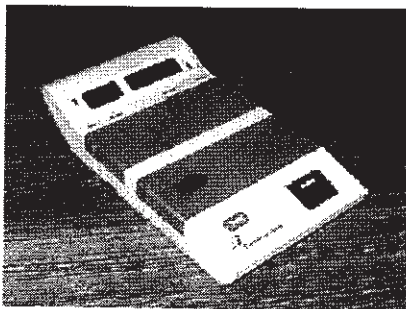
- Media persons are issued Passes by the ECI on the recommendation of DEO
- Such media persons can enter the Polling Stations of the AC/District indicated in their Passes
- They cannot take the photo or video of the balloting process in any manner that will reveal the secrecy of ballot;
- Other media persons (not having valid ECI passes can not enter the polling stations.
- However they can cover the outside of the polling station, voter's queue etc.
- They cannot take the interview of audio-video bites of voters or any other personalities for direct relay – that amounts to canvassing on the poll day

Security of Polling Station

- ❑ No armed personnel can enter a polling station. Only exception is a Z+ security covered person who is either a voter or candidate in that polling station. In that case, a security personnel in civil clothes and concealed small weapon can accompany such person inside the polling station; (Any security covered person cannot be election or polling agent)
- ❑ Where CPF is deployed, a Jawan will stand outside at the door and can watch proceedings from there itself. He can not enter the polling station
- ❑ Where non-CPF is deployed, the uniformed personnel will position himself away from the line of sight of the insides of the polling station and shall not stand at the door of the polling station;

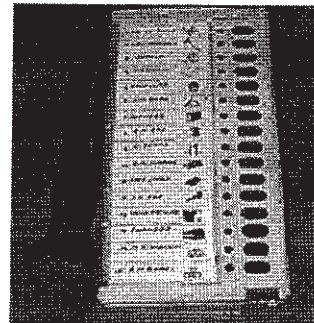
Electronic Voting Machine

- ❑ Voting machine consists of two units – (1) control Unit and (2) Balloting Unit interconnected by cable.
- ❑ One balloting unit caters up to sixteen candidates and displays names of contesting candidates and the symbols .
- ❑ There is a blue button on balloting unit by pressing which the voter can record his vote.



Control Unit

DEC (JP)



Balloting Unit

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Activities inside Polling Station

- ❑ Presiding Officer shall arrange for setting up of polling station, seating arrangements and EVM

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- He shall give entry pass to the polling agents after due verification
- He shall demonstrate the voting machine before the commencement of poll, to the polling agents.
- He shall also demonstrate the marked copy of the electoral roll and the Register of Voters (17-A) to candidates or their polling agents present and take their signature.
- He will **conduct mock poll** by recording a few votes at random for each of the contesting candidates and tallying the result.
- After the mock poll, the votes recorded at such mock poll shall be cleared from the control unit of the voting machine. A certificate shall be given to the Sector Officer (SO) in prescribed format.
- The control unit of the voting machine has then to be sealed by fixing the green paper seal (s) and special tag.
- Thereafter, electors shall be allowed to vote strictly in the order in which they have been entered in the register of voters.

Verification of Voters

- Electors required to identify themselves – through EPIC or alternate document approved by ECI
- Minor discrepancies in voter's EPIC can be overlooked
- Voters without establishing their identity should not be allowed to vote

Duties of Polling Officers

- The **identity of elector** should be verified by the 1st Polling Officer in following manner:
 - The Voter will give a slip (or announce) with his serial no. in **marked copy of roll**. The 1st Polling Officer will locate that serial no. in the roll and ask the voter to announce his name. The name announced should be same as the one in the roll. This is first check on a bogus voter. Thereafter, the officer should ask for his identity document.
- After an elector has been identified, the entry relating to the elector in the marked copy of the electoral roll should be underlined. A tick

mark will also be put on the left side of entry in the case of a female elector

- The voter should move to 2nd Polling Officer who will note the voter particulars in the **Register of Voters** (Form 17-A). The serial number (not the name) of the elector as given in the marked copy of the electoral roll should be noted.
- The type of Identity document and the Sl. No. of the ID-Document should be noted in the “**REMARKS**” column of the 17-A.
- Then the 2nd Polling Officer should apply **the indelible ink** on the left forefinger. If elector does not have left fore finger, ink should be applied to any other finger of left hand.

Duties of Polling Officers

- If an elector refuses to put his signature or thumb impression on the Register of Voters, he shall not be permitted to vote and an entry 'Refused to vote' will be made in the 'Remarks' column of the Register of Voters.
- If elector refuses to vote, the Presiding Officer shall record this in **Presiding Officer's Diary**.
- Presiding Officer shall tally the vote counts every hour and keep an **account of hourly poll**

Duties of Polling Officers

First Polling Officer : will be in charge of the marked copy of Electoral Roll and also responsible for identification of electors.

- **Second Polling Officer:** will be in charge of indelible ink and register of voters in form-17A.
 - Put a mark with the indelible ink above the root of the nail.
 - Take signature or thumb impression of each elector on register of 17A.
 - Issue a voter slip to each elector after he has entered his particulars in the register.
- **Third Polling Officer:** will be in charge of the Control Unit of the voting machine. To keep watch on control unit and voting process.

He will be seated on the same table where the Presiding Officer sits.

Challenged Vote

- Polling Agents can challenge voter's identity by depositing Rs. 2/-
- Presiding Officer holds summary inquiry
- If challenge not established, voter proceeds to vote
- If challenge established, person is not allowed to vote and handed over to police

Tendered Vote

- Situation when a voter finds that his/her vote is already cast by someone else
- Such voter can tender his vote if he/she can establish the credentials, by tender ballot paper – but not through EVM
- Tendered ballot shall be kept in separate cover

Voting by blind & infirm

- Permitted a companion of 18+
- Same person cannot be companion to more than one person
- Companion will be required to declare that he will keep secret the vote recorded by him/her
- None of the polling staff or agent shall act as companion

Presiding Officer's power to adjourn poll

- S 57(1) of RoP Act 1951, PrO can adjourn poll due to:
 - Natural calamity like flood, storm, snowfall
 - Damage to poll materials including EVM
 - Disturbance of peace making it impossible to continue with poll
 - Non arrival of polling team due to serious difficulty
 - Stoppage of EVM etc
 - Any other unforeseen and sufficient cause

Supervisory Visits

- Observers will visit

- Sector Officers will visit frequently
- Candidates may visit
- Candidate's Election Agents may visit
- All of them must record their visit and observations in the visit sheet

Closure time

- Presiding Officer to check if electors are in queue
- If they are, give numbered slips. Give slip no. 1 to the last person in queue. This will ensure that no further person joins the queue thereafter
- When all electors have voted, press the close button on ballot unit
- Ballot unit will show the total votes polled – it should be noted in part - 1 of 17 C
- Then switch off the power/battery button
- Tally 17-A, 17C and EVM count
- Seal the machine thoroughly
- Presiding Officer must complete his diary
- Presiding Officer must complete the additional report format
- Micro-Observer to complete his report in the prescribed format

Annexure

PROCEDURE FOR RECEIPT, SCRUTINY, VERIFICATION AND STORAGE OF FORMS 17A AND 17C.

The Commission has directed for setting up of a proper mechanism for the scrutiny of Presiding Officer's diaries, visit sheets, diaries maintained by Patrolling/Sector/Zonal Magistrates, Complaints Registers of the District Control Room, Statement of Images, Forms 17A and 17C etc. of those polling stations where polling has been more than the percentage as prescribed by the Commission after the end of poll. It has been decided that the following procedure may be followed for receipt, scrutiny, verification and storage of Forms 17A and 17C.

Receipt and storage-

(i) The existing instructions stipulate that attested copies of Form 17C (Accounts of Votes Recorded) will be handed over by the Presiding Officer to each of the polling agents present at the time of close of poll, even without their asking for it, and two copies of Form 17C will be sent to the Returning Officer. Of the two copies of Form 17C received from each polling station, one copy is to be kept alongwith the EVM and other copy is to be kept separately alongwith other election papers.

THESE INSTRUCTIONS REGARDING SUPPLYING COPIES TO POLLING AGENTS, SENDING TWO COPIES OF FORM 17C TO THE RETURNING OFFICER, AND KEEPING ONE COPY OF FORM 17C WITH THE EVM SHALL BE STRICTLY FOLLOWED. THESE INSTRUCTIONS SHALL ONCE AGAIN BE REITERATED TO ALL PRESIDING OFFICERS IN WRITING.

(ii) At the collection center, a separate counter shall be opened to receive the materials of those polling stations with polling percentage more than the percentage prescribed by the Commission for a particular election, after the end of poll. The Presiding Officers of polling stations where polling percentage has been more than the said percentage shall be instructed to approach this counter for handing over the EVMs and other materials.

(iii) The EVMs of all polling stations, irrespective of polling percentage, along with one copy of Form 17C (Account of Votes), shall be kept in the strong room as is the existing practice.

(iv) As per the existing practice, the other election papers received from the polling stations are to be kept in a separate strong room (other than the strong room in which the EVMs are kept). For the sake of convenience in taking out the Forms 17A and the other documents for scrutiny in respect of polling stations where polling has been more than the prescribed percentage, it will be ideal if a separate room can be identified for storing the election papers of such polling stations. If a separate

suitable room is not available, these documents may be kept in the same room in which election papers in respect of other polling stations are kept. In such cases election papers relating to polling stations where polling percentage has been more than the percentage prescribed by the Commission after the end of poll may be kept in a clearly demarcated place so that there is no confusion at the time of taking out the documents in respect of these polling stations for scrutiny.

Scrutiny

(v) **Scrutiny of Forms 17A and other documents and material in respect of such polling stations, where polling has been more than the percentage as prescribed by the Commission after the end of poll, shall be taken up at 9 A.M. on the day following the day of poll.**

However, if by that time, a substantial number of polling parties, say 10% are yet to return, the scrutiny may be deferred till such time polling parties return. The scrutiny shall be done by the Returning Officer and the Observer at a place/room identified in advance, preferably near the strong room itself. Adequate security arrangement shall be made for such place. **All contesting candidates shall be given advance notice, in writing (under proper acknowledgement),** about the scrutiny of Forms 17A, 17C and other documents and material indicating the place, date and time of commencement of such scrutiny. In such notice, it shall be mentioned that either the candidate himself or his election agent or one representative duly authorized by the candidate may be present to **watch repeat only to watch the proceedings** of scrutiny of Forms 17A, 17C and other documents and materials by Returning Officer and Observer in respect of those polling stations where polling has been more than the percentage as prescribed by the Commission after the end of poll. The presence of candidates/agents/representatives is required for the purpose of satisfying them that these records are not tampered with by any one at the time of scrutiny. However, the discussion between the Observer and Returning Officer and their observation on the scrutiny of the record shall be kept confidential. The candidate, his election agent or authorized representative of the candidate shall not be allowed to keep cellular phones during this activity.

(vi) **During the process of scrutiny the candidates / their election agents or their authorized representatives may watch the proceedings from a safe distance so that they can get a clear view of the proceedings but, are not able to handle the election papers / material or interfere with the proceedings. There shall be proper barricading to ensure this, and the candidates or their representatives shall not be allowed to cross the barricade under any circumstance.**

(vii) Proper log-books shall be maintained for recording the time and purpose of opening and closing the storage room where election records are kept. The room shall be opened in the presence of Observer(s) and

the candidates /their election agents/representatives at the time fixed for the purpose. But, if any candidate/election agent/representative chooses not to attend these proceedings, despite written notice having been served, the proceedings shall be conducted at the appointed hour and not delayed/adjourned merely because of his absence. If they report late when proceedings are going on, they may be allowed in to watch the proceedings onward only.

(viii) After taking out copies of Forms 17C and the packets containing Forms 17A and marked copies of electoral roll in respect of such polling stations (where polling has been more than the percentage as prescribed by the Commission after the end of poll) for scrutiny, the strong room shall be duly closed and sealed after making entry in the log-book and obtaining the signatures of all candidates or their representatives as may be present.

Post - scrutiny procedure

(ix) After scrutiny, the Forms 17A, 17C and marked copies of electoral roll for each polling station, other documents and material shall be re-sealed with the seal of the Returning Officer. The candidates or their election agents/representatives present, may also be allowed to affix their seal or signature thereon, if they so desire. These sealed envelopes shall then be kept back in the strong room from which they were taken out. This shall also be done in the presence of the candidates or their election agents/representatives. The room shall then be sealed with the seal of the Returning Officer. The candidates or their representatives may also affix their seals/signatures thereon if they so desire.

(x) After scrutiny of Forms 17A, 17C and other documents and material, the Returning Officer and Observer shall make necessary recommendations to the Commission for repoll, wherever considered necessary, giving reasons polling station wise. In case of any difference of opinion, the same shall be reflected indicating the reason for the same in their respective reports.

(xi) Normal requirement of scrutinizing the Presiding Officers' diaries, visit sheet, diaries maintained by Patrolling/Sector/Zonal Magistrates, complaint registers maintained at the District Control room, statements of images shall be followed strictly, **for all polling stations** irrespective of poll percentage, and the facts revealed on the scrutiny of these documents will be taken into account for forming opinion for recommending re-poll.

INSTRUCTION SL. NO.

Election Commission's letter No.464/INST/2008/EPS, Dated: 10th December 2008 addressed to The Chief Electoral Officers of All States and Union Territories.

Subject: Appointment of Micro Observer – regarding.

I am directed to state that in view of the limitations in deploying Central Police Force on every booth for smooth conduct of poll, alternative arrangements have become imperative. The Commission has already experimented with use of Central Govt. officials as Micro-Observers in the recently held general election to the Legislative Assemblies of Gujarat & Karnataka. In this regard in the light of the experience gained, the Commission has issued guidelines and check list vide its letter of even number dated the 24th October, 2008. The Commission has further decided that following category personnel can be considered for use in election management as Micro-Observers or election volunteers at the polling booths to ensure the purity of the election process –

- (i) Serving Govt. of India officials may be used as Micro-Observers in the polling stations within the resident district. They should not be used in their home ACs.
- (ii) Retired Govt. of India and State Govt. officials can also be used as Micro-Observers within their resident districts. However, they should not be used in their home ACs. The list of such persons should be prepared in advance by the DEO and their availability, suitability and willingness shall be ascertained.
- (iii) The members of National Service Scheme (NSS) and Bharat Scouts (Rangers & Reserved) can be used as Micro-Observers. The Chief Electoral Officers may get in touch with NSS coordinator, work out and propose the detailed modalities of their deployment.
- (iv) Serving State Govt. officials brought in from other States may also be used as Micro-Observers. As this will require logistical arrangements and mobilization, it should be resorted to only in rare cases.

Senior division members of the NCC may be used in their uniform for maintenance of discipline and order in the conduct of poll at the polling stations.
- (v) The Election Commission of India may also select individual volunteers (not necessarily belonging to any NGO) out of reputed persons with experience and integrity.

(OPS)

2. To facilitate the whole exercise, the DEO should identify nodal officers. The name and designation, office and residential address, telephone numbers including mobile number and e-mail ID, if any, of the nodal officer shall be mentioned in the district/constituency election management plan. The contact numbers should also be brought to the notice of all micro observers drafted. The DEOs should also hold a separate review on the subject and identify the areas of concern and take necessary advance measures to address the facilitation issues.

Proper arrangement shall be made at the training venue, care should be taken while choosing the venue for training purpose to ensure amenities such as drinking water and toilet facilities.

Advance measures should be in place to ensure that transport facility including bus service etc. is provided for them for pick up and dropping them at home.

On poll day they will be provided food facility at par with the polling teams.

Besides the above, for poll duty, an appropriate honorarium, to be decided by the state government concerned, shall be paid to each Micro-Observer. The state of Gujarat has paid Rs.700/- lump sum while Karnataka has paid Rs.500/- lump sum to the Micro Observers appointed on duty on poll day.

This payment of honorarium should be made by the Returning Officer, to the extent possible, on completion of duty at the EVM receipt center itself, on receipt of Micro-Observer's report by the Observer.

3. You are, therefore, requested to workout the availability of above mentioned category of personnel and get ready a computerized database, category wise, with full particulars viz. name, designation, address, contact no., their elector details etc. and also draw a detailed programme of training and orientation of the approved category of persons who are proposed to be utilized in the forthcoming elections. Training materials and handout should be prepared, logistical requirement should be worked out and adequate financial provision should be made in the budget provisions.

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. : 470/2009/EPS

Dated : 22nd January, 2009

To

The Chief Electoral Officers of all
States and Union Territories.

Sub.: General Election to Lok Sabha-2009-Counting of Votes – **Role of
Commission's Observers** – Regarding.

Sir,

I am directed to invite your attention to section 64 of the Representation of the People Act, 1951 which provides that at every election where a poll is taken, votes shall be counted by, or under the supervision and direction of, the returning officer. Each contesting candidate, his election agent and his counting agent shall have a right to be present at the time of counting. Similarly, section 20-B of the RP Act, 1951 (*ibid*) provides the following:-

(1) The Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a constituency or a group of constituencies and to perform such other functions as may be entrusted to him by the Election Commission.

(2) The Observer nominated under sub-section (1) shall have the power to direct the returning officer for the constituency or for any of the constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the returning officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained.

(3) Where an Observer has directed the returning officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Election Commission and thereupon the Election Commission shall, after taking all material circumstances into account, issue appropriate directions under section 58A or section 64A or section 66.

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2. The Observers nominated by the Election Commission and deployed in the concerned constituencies during the election process, have been provided special responsibility to oversee and supervise the counting process under the statutory provisions as referred to above. They have also been empowered to stop the counting process at any time before the declaration of result or may direct the Returning Officer/Assistant Returning Officer not to declare the result under difference circumstances as envisaged in the law.

3. I am, therefore, directed to state that in cases where the Observer orders to stop the process of counting, a detailed report in the matter shall be furnished forthwith to the Commission by the Observer and Returning Officer concerned either jointly or seperately for seeking appropriate orders of the Commission.

4. This may be brought to the notice of all the Returning Officers and all other election related officers for their information and compliance.

Yours faithfully,

(SUMIT MUKHERJEE)
UNDER SECRETARY

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By Speed Post

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ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.464/OBS/2009/EMS

Dated: 4th March, 2009

To

1. The Chief Secretaries of All States and Union Territories.
2. The Chief Electoral Officers of all States and Union Territories.
3. The Director, Department of Personnel & Training, North Block, New Delhi.
4. The Director, Central Board of Direct Taxes, North Block, New Delhi.
5. The Director, Central Board of Excise & Custom, North Block, New Delhi.

Subject: Provision of facilities for Observers-Regarding.

Sir,

I am directed to say that the Election Commission of India, under Article 324 of the Constitution of India read with Section 20B of the representation of the People Act, 1951, depute Observers for various elections that are conducted by the Commission. The Observers are eyes and ears of the Commission and their functions go along way in assisting the Commission to conduct free and fair elections. It therefore, naturally follows that they have to be treated by the administration and all concerned in election related activities with due regard and with proper courtesies. The Commission has, in the past, issued various instructions from time to time in connection with the appointment of General and Expenditure Observers to watch the process of making of nominations and other election related work for conducting of peaceful, free and fair poll. The role of Observer in supervision of election has undergone a major shift due to recent changes in the approaches and methodologies in election management. The Commission has recently decided to merge the role of General and Expenditure Observers. The Observer will look after the work related to General and Expenditure Observers of the assigned Constituency (ies) i.e. no separate Observer for expenditure related work will be appointed.

(A) NOMINATIONS: -

2. In order to ensure free and fair poll as well as to manage the conduct of elections in a smooth, efficient and effective manner, the Commission appoints and deploys adequate number of Observers to assist the Commission in discharging of its constitutional responsibilities for the superintendence, direction and control of the process of elections. Since the entire activities have to be completed in a very tight schedule within the time frame indicated by the President of India/The Governor of States/Lt. Governor of UTs, as the case may be, the Observers are required to move to their constituencies on the last date of making nominations or as per the schedule laid down by the

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Commission. After taking into account the experience in the past and all other relevant factors, it has been decided that **no Observer will be allowed to go on foreign or other official tour (except Observer-duty related tour) beginning from the date of the briefing sessions allotted to them till they complete their duties as Observers of the Commission.** Accordingly, all concerned may be directed not to sponsor any such case. The Commission will not entertain any such requests in this regard. In the rarest of rare contingency where this is absolutely unavoidable, the Cabinet Secretary may personally review the case and with full justification forward the same to the Commission for its consideration and appropriate orders. The Commission being fully occupied with actual conduct of elections and Observers having statutory responsibilities in discharging their functions, it is strongly advised that this direction should be taken with due seriousness and all concerned informed accordingly. It may be noted that once a constituency has been allotted to an Observer any change in the middle of the election process would be totally undesirable and would create serious problems for suitable supervision of the poll process through Observers. The review of the Cabinet Secretary will apply in case of all Observers whether they are being sponsored by the Establishment Officer or by the Department or Revenue or the State/UT Governments. The Establishment Officer in Department of Personnel and Training may co-ordinate this with the Commission Secretariat on behalf of the Cabinet Secretary. In addition to this, an **Observers Portal** for accessibility of the Observers is developed wherein all the relevant information shall be provided. While general information shall be made viewable to all, Observer specific information and sponsoring Authority specific information shall be accessible to the concerned Observer only on login.

(B) ACCOMODATION AND TRANSPORT ARRANGEMENTS:-

3. The Observers are to be called for briefing meetings and for other consultations at short notices by the Commission. Some of the IAS, IRS and IC&CES officers etc. appointed as Observers come to Delhi from different States and Union Territories and some times find it difficult to find accommodation and transport during their stay in Delhi, the Chief Secretaries/Chief Administrators of the States and Union Territories may issue immediate suitable directions to the officers/departments allowing accommodation and transport as well as the Resident Commissioner, Liaison Officer and Managers in charge of the various State Guest Houses and Bhawans in Delhi to provide the officers doing election duty with suitable accommodation during their stay in Delhi and transport be placed at their disposal right from their arrival at air port/railway station in Delhi till their departure.
4. State quota for air travel/rail travel required may also be released in favour of such officer without fail. The Chief Electoral Officers are requested to pursue the matter for immediate action, in case, there is a requirement.

(C) FACILITIES AND CONTINGENCY EXPENDITURE-ARRANGEMENTS BY THE RETURNING OFFICERS :-

5. It has been noticed that different practices are adopted in different States and different ROs in the matter of facilities extended to the Observers and there is lack of uniformity in this regard. The Commission has considered the issues relating to facilities and formulated detailed uniform guidelines in this regard to ensure efficient functioning of the Observers in the constituencies allocated to them.

6. Accordingly, the Commission issues the following instructions for the sake of uniformity in this regard:

6.1 The DEO/RO shall make arrangement for accommodation, security, transport, wireless communication and telecommunication facilities, guide/escort and secretarial assistance to the Observers for effective functioning. The arrangement for the full team will be made by the DEO/RO so that no time is lost on this account by the Observers in making best and optimum use of the time available during the election process. The location of stay of the Observer should be such that it facilitates proper functioning of the Observers and the interaction with DEO/RO and other Observers deputed to the District. The Observers need not be accommodated in the Assembly Constituency headquarter as a hard and fast rule.

6.2 Each Observer shall be provided with a Liaison Officer who shall be of appropriate seniority and conversant with English as well as local language. They should be conversant with the area covered within the Constituency. They shall be chosen by the DEO personally and it should be ensured that they do not have any affiliation to political organization or similar organization like trade unions/association.

6.3 The DEO/RO shall provide the Observers telephone and fax facilities at the Circuit House or Guest House where they will be housed. A mobile SIM Card with local Number should also be provided to the Observers. The Commission has not made it compulsory that the Observer be provided a handset but if the local administration is able to arrange for a handset, it may be done for the sake of added convenience. The Zonal Secretaries in the Commission shall be intimated of these numbers. In case, no fax machine is provided exclusively to the Observer due to some compulsion. He must be allowed to use the fax machine available in any office under the control of district administration on a priority basis. His requirement for confidentiality while transmitting faxes should be respected by the concerned office from where he sends fax messages.

6.4 The Returning Officer concerned will meet some emergent contingent expenditure incurred by the Observers on making telephone calls, sending fax messages or using postage or

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for any similar items like stationery etc. In such cases, where the Observer has to meet the initial expenditure due to exigency of the situation, the Observer would immediately give voucher to the RO, who will reimburse the amount.

6.5 Specific facilities will also be provided for the Observers in the Counting Centers. RO should provide a separate table for the Observer(s) at each counting center with a STD Telephone and one fax to be jointly used with RO. These telephone numbers are to be obtained in advance for the Observers' use and these are to be communicated to the Zonal Secretaries in the Commission.

6.6 The RO shall provide each Observer with a folder containing the following: -

- (a) A map of the Parliamentary and Assembly Constituency (showing also the boundaries of the Assembly Segments, as the case may be;
- (b) List of Polling stations as made available to the Political Parties and contesting candidates in terms of the provisions of Hand Book for the ROs;
- (c) Table of contents of Electoral Rolls of each Assembly segments.
- (d) Telephone Numbers at a glance for the District(s), constituency;
- (e) A booklet containing the plan for managing the elections in the district(s) and such other documents as are essential;
- (f) Detailed plan for counting of votes of the constituency.

(D) OTHER FACILITIES:

7. Facilities that would be provided to Observers, in general would depend on the local condition and may differ from region to region, in view of the large area over which such deployment takes places and the considerable variations in local condition and local style and nature of administration that is prevalent in the country. However, Commission desires that certain minimum facilities that are to be extended to Observer are listed below: -

7.1 The Observers should be given a proper vehicle, congenial for the local condition, for the road journey to the Constituency during joining or relief from the Constituency and for travel in discharge of their functions as Observer.

7.2. The Observers are not to be provided with a Guard of Honour.

7.3 The Observers should be provided with a minimum security of a PSO/gunman. However, if in the assessment of the Chief Electoral Officer in consultation with the appropriate authorities of the State Government there is need for a higher level of security, enhanced security may be provided.

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- 7.4 Security in excess of the minimum specified is to be provided by the district administration as directed by the Chief Electoral Officer.
- 7.5 No escort car/pilot or advance pilot is to be given to the Observer except in terms of special requirement assessed in 7.4 above.
- 7.6 Food arrangements should be made by the district administration for Observer, PSO/gunman, driver and the Liaison Officer.
- 7.7 By and large the Observers should be accommodated in Government or Semi-Government Guest Houses located in such a way that would ease the functioning of the Observer and his interaction with the RO, DEO and other Observers deputed in the district.

INTERNET FACILITY:-

8. The Observers have been instructed to access the Commission's website for being aware of the Commission's latest instruction, access the Observers' portal and also to communicate with the Commission through e-mail, they may be provided with 'Internet' facility where they stay. Wherever the Observers are accommodated in the same Guest House/Circuit House, a common Internet facility can be provided.
9. These instructions may be brought to the notice of all the District Election Officers/Returning Officers immediately for compliance.
10. Kindly acknowledge the receipt of this letter.

Yours faithfully,



(K.N. BHAR)

UNDER SECRETARY

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By Speed Post/e-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi - 110 001

K.N. BHAR
UNDER SECRETARY

Dated: 13th March, 2009

No. 464/OBS/2009-O.P.S

To

The Chief Electoral Officers of
all States and Union Territories

Sub: Role of Liaison Officers attached to the Observers - instructions reg.

Sir/Madam,

The Commission appoints Observers to watch the election/bye-election process and for this purpose, the Observers reach the constituency on the last day of filing of nominations and stay in the constituency till the day of counting or if the elections are in phases, the Observers remain in the constituency till the day of re-poll, if any, in penultimate phases of such election and visit the constituency again to watch the process of counting of votes except the Observers of last phase who return after the counting of votes is over. Normally, one Liaison Officer is identified and engaged to assist the Observer till the time he remains in the constituency for the duty. In the past, it has been noticed that the Liaison Officers have failed to coordinate properly with the District Administration and the Observer leading to the creation of some confusion and lack of communication resulting in a lot of difficulty for both the District Administration as well as the Observer. The Commission has decided that the District Election Officer may be directed that while identifying Liaison Officers for the Observers, they should be careful and select such officers who are able to understand English and there is no confusion with regard to the communication between the Observer and the concerned Liaison Officer. The Observers are drawn from various cadres of All India Services and are appointed to any constituency across the country. Hence, there is every possibility that the Observer landing in a constituency may not know the local language and at times while interacting with the political parties and common voters, the Liaison Officer is required to act as an active and expert interpreter. Also, the Liaison Officer is

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required to coordinate between the Media Cell and the Observer and has to ensure that all the details of press clippings files are properly delivered to the Observer in time. The Liaison Officer will also look after the day to day need of the Observer with regard to the requirements of security, vehicle, net facilities, personal assistant, other office stationery apart from his boarding and lodging and food requirements. The Liaison Officer may be trained in such a way that the Liaison Officer is able to act as an able coordinator between the Observer and District Administration and no misunderstanding etc. should arise due to the lapse on the part of the Liaison Officer. The Liaison Officer when proceeds to receive the Observer, he must carry the folder containing the checklist recently issued by the Commission for various stages of the Officers engaged for the conduct of the elections.

Yours faithfully,



(K.N. BHAR)
UNDER SECRETARY
Ph. No. - 011-23052014 (O)

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By Camp Bag/e-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

K.N. BHAR
UNDER SECRETARY

No. 464/OBS/2009-O.P.S.

Dated: 1st April, 2009

To

The Chief Electoral Officers of
All States and Union Territories

Sir/Madam,

I am directed to state that the Commission has decided that in a particular Parliamentary Constituency, if an Observer slotted for the Headquarter of the Returning Officer does not reach by any chance at the time of scrutiny, then the concerned Returning Officer (RO) shall get in touch with the Nodal Officer of the CEO appointed for Observer management, who shall, in consultation with the Zonal Secretary of the ECI for the state, ensure that at least one of the other Observers available in the Parliamentary Constituency necessarily attend the scrutiny of nomination papers. This may be taken as a standing instruction of the Commission and be informed to all concerned including the Observers on their arrival.

A daily reporting system for the Nodal Officer for Observer management in the CEO office shall be brought into effect immediately and the Nodal Officer shall update the Zonal Secretary necessarily on daily basis in this regard.

In case of simultaneous bye-election, the Observer posted to the concerned Parliamentary or Assembly Constituency shall take care of the same.

Since more than one Observer is deployed in every Parliamentary Constituency in the country for the General Election to the Parliament 2009, the Commission hereby clarifies that the seniormost Observer of the Indian Administrative Service available in the Parliamentary Constituency shall act as the Coordinator Observer for the Parliamentary Constituency in this context. The Commission also clarifies that an Observer appointed against a Parliamentary Constituency slot will look after the corresponding Assembly Constituency slots as well as in case of simultaneous elections to the Parliamentary Constituency and Assembly Constituency.

Yours faithfully,

(K.N. BHAR)

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ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

F.No.464/OBS/2009/OPS

Dated 21st April, 2009.

To

The All Chief Electoral Officers,
All States/Union Territories.

Subject : General Election to the House of the People 2009 and the simultaneous
Assembly Election 2009.

Sir,

During the process of General Election to the House of the People, 2009 the Commission has received request from some observers for providing identification Badges and vehicle sticker. In cases, where observers have not received Identification Badges from Election Commission of India the same may be printed and provided by the District Election Officers on behalf of Election Commission of India. A sample of observer's badge along with a sample of vehicle sticker is enclosed herewith.

Please circulate this letter to all District Election Officers with the direction that they must immediately check whether all Observers in their district have their identification Badges and vehicle sticker or not. If they don't have these Badges, these must be provided by the District Election Officer immediately to all observers by printing the same design and providing it to the Observer on behalf of the Election Commission of India.

Yours faithfully,

(ASHISH SRIVASTAVA)
DIRECTOR

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भारत निर्वाचन आयोग
Election Commission of India

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भारत निर्वाचन आयोग
Election Commission of India

OBSERVER

Code Number

Name

OBSERVER

Code Number

Name



भारत निर्वाचन आयोग
Election Commission of India



भारत निर्वाचन आयोग
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भारत निर्वाचन आयोग
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भारत निर्वाचन आयोग
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भारत निर्वाचन आयोग
Election Commission of India

OBSERVER

Code Number

Name

OBSERVER

Code Number

Name

ELECTION COMMISSION OF INDIA

OBSERVER

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INSTRUCTION SI. No.

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No. 464/INST/2009/EPS

Dated: 16th November, 2009

To,

The Chief Electoral Officers of
All States/Union Territories

**Subject: General Election/Bye – Elections to the House of People/
Legislative Assembly – Reports by Observers – regarding.**

Sir,

In supercession of all earlier Instructions relating to reports to be submitted by the Observers during the election period, I am directed to say that the Commission desires that the Observers should send the following seven reports in the Proforma enclosed herewith to the Commission:-

- 1 The First Report (immediately after the Scrutiny of Nomination papers)
- 2 The Second Report (after meeting with the candidates and their representatives on or before the day of the Withdrawal of candidatures)
- 3 The Third Report (immediately after the end of campaign period)
- 4 The Fourth Report (immediately after the end of poll)
- 5 The Fifth Report (immediately after the scrutiny of 17 A (Register of Voters) & other documents on the day after the poll.
- 6 The Sixth Report (immediately after the Counting of Votes and declaration of results).
- 7 Seventh Report (immediately after the poll)

The Observers of the Election Commission of India deputed for General Elections/bye-elections should send these seven reports on Observer's Portal, by e-mail or by fax to the officers concerned in the Commission, followed by sending the post copy.

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Fax should be sent only once. Care should be taken not to send the same report repetitively by fax more than once. The email addresses of officers of the Commission are already given in the telephone directory of the Commission. If there are any issues other than those mentioned in the format, to report, this may be added.

All reports of the Observers shall be sent to the Principal Secretary/ Secretary-in-charge of the specific State in the Commission. Observers shall not, under any circumstances, share the contents of their reports or any information therein with anyone, **repeat anyone**, except the Election Commission. Utmost care should be taken while faxing or mailing the reports to ensure that no unauthorized person can have access to such reports.

This should be brought to the notice of all Observers of your State for strict compliance.

Yours faithfully

(SUMIT MUKHERJEE)
UNDER SECRETARY

The First Report (immediately after the end of Scrutiny of Nomination papers).

OBSERVER REPORT – 1

Observer's Name with Code:	
Constituency:	
District:	
State:	

SI No	Subject	Observer's Report
1.	Whether Scrutiny has been done by the R.O. himself, if no whether ARO has been authorised by the R.O. in writing.	
2	Whether the Commission's instruction regarding number of persons allowed to be present during nomination process was observed/complied (this may be confirmed by viewing the video coverage of nomination process).	
3	Whether Scrutiny of nomination papers have been done properly in accordance with Sections 33, 34 and 36 of the R.P. Act 1951 read with rule 4 of the C.E. Rules 1961.	
4	Names of Candidate whose nomination has been rejected with brief but clear reasons. (Attach copy of summary orders passed by the R.O. in each case)	

5	Local address with telephone/mobile no. of the Observer, after arrival in the constituency.	
6.	Whether Observer's name, contact No. and the meeting hours with venue has been advertised ? (Attach a copy of Advertisement)	

Signature of the Observer

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The Second Report (immediately after meeting with the candidates and their representatives on or before the day of the Withdrawal of candidatures)

OBSERVER REPORT – 2

Observer's Name with Code:	
Constituency:	
District:	
State:	

SI No	Subject	Observer's Report
1	What was the time, date & venue of the meeting with the political parties and contesting candidates? The names of the candidates or their representatives alongwith their party affiliation who attended.	
2	Whether prior intimation regarding date and time of 2 nd randomization of EVM followed by EVM preparation and second level check of EVM has been given to candidates with proper acknowledgement receipt.	

3	<p>Whether all the candidates were furnished with the prescribed and authenticated register for maintaining day-to-day account of election expenditure by contesting candidates. Whether written communication by the Returning Officer detailing the provisions of maintenance of accounts of election expenses and submission of the formats in which Statement of Election Expenses as well as an Affidavit is to be submitted by candidate within the stipulated time (30 days after result) has been issued to all candidates?</p>	
4	<p>Whether standard rate list of the items were given to the candidates. Whether the prevailing rates in the district for printing of posters, hiring of vehicles, loud speakers, cost of erecting pandals and hiring of furniture and fixtures have been provided by the DEO to the candidates.</p>	
5	<p>Whether the Designated Officers for checking the accounts of election expenses have been briefed by the Observer regarding the various aspects of election expenditure.</p>	
6	<p>Whether the names of leaders under Explanation 2 of Section 77(1) of the R.P. Act, 1951, (maximum of 20 in the case of unrecognized political party and 40 for recognized political party) has been received by the DEO/RO?</p>	

7	In case where political parties have not submitted the list, whether the contesting candidates of the parties have been intimated that all expenses incurred in connection with visit of all leaders of the party including their traveling expenses will necessarily have to be shown in the account of election expenses of the candidate(s) concerned in connection with whose election the visit is made (if the visit is a common one in connection with the election of a group of candidates, the expenses will be equally apportioned amongst all such candidates)	
8.	Whether the schedule for production of registers of election expenses has been finalized with the candidates? (What is the schedule so fixed? Please intimate the Commission)	
9	Whether important aspects of Model Code of Conduct was briefed to the political parties/ Candidates. (Describe the main issues).	
10	Whether the concepts of worry list was explained to the Candidates, and they advised to submit their worry list.	
11	Whether political parties were advised to properly train their polling and counting agents (Describe the main aspects).	

Signature of the Observer

The Third Report (immediately after the end of campaign period)

OBSERVER REPORT – 3

Observer's Name with Code:	
Constituency:	
District:	
State:	

SI No	Subject	Observer's Report
1	Whether a copy of the electoral roll handed over to Candidates of recognized Political parties. Whether a copy of written receipts obtained from each of them. Report the exceptions.	
2	Whether list of EVM used in the assembly constituency including the training EVM and reserved EVMs for replacement has been given to political parties/candidates.	
3	Whether Random verification of 10% or more of CU/BU was done by the R.O. in presence of political parties/candidates. Whether candidate verified the EVMs (2 nd level check) to their satisfaction. Please describe.	

4	Whether candidates were allowed to take help from the engineers/master trainers in order to eliminate doubt about the malfunctioning of EVM.	
5	Whether all stages of Randomization of EVM mentioned in the Commission letter 51/8/7/2008-EMS (Inst-1) dated 11-08-2008 have been fully covered with videography and record kept properly.	
6	How and when 2 nd randomization of polling personnel accomplished? Describe. Any drawbacks?	
7	How is the preparedness of polling personnel? Describe the training schedule and contents. Any drawbacks?	
8.	Similarly for micro observers what are the training and deployment arrangements?	
9	Whether vulnerability mapping have been done and critical polling stations and clusters have been identified.	
10.	Whether adequate preventive steps have been taken for maintenance of Law and Order	

11.	<p>What is the security arrangement for polling stations and poll personnel (briefly the force deployment parameter). How many polling stations with static outside force, how many with video coverage and how many through micro observers? What is the arrangement to escort the polled EVM back? What is transportation and receipt arrangement for polled EVM? What is strong room guarding plan? Is the general atmosphere conducive for holding of free and fair poll? If no, state detailed reasons.</p>	
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The Fourth Report (immediately after the end of poll).

OBSERVER REPORT – 4

Observer's Name with Code:	
Constituency:	
District:	
State:	

SI No	Subject	Observer's Report
1	Total number of Polling Station.	
2	Whether mock poll done and certificate issued in all Polling Stations. If no, indicate the specific number of Polling Station.	
3	Number of Polling Stations where there was only one election agent / polling agent was present (indicate the specific Polling Stations).	
4.	No. of polling stations with video cameras	
5.	No of polling stations with micro observers	
6	Number of EVMs replaced after the start of poll (indicate the specific polling Stations.) and describe the defect in the EVM – EVM No. and make to be clearly mentioned.	

7.	No. and name of polling stations where complaints of violation of polls were received during the course of poll. Describe the nature of complaints and action taken.	
8	Number of Polling Stations where poll was interrupted for more than two hours or start of poll delayed by two hours or more in starting (indicate the specific Polling stations)	
9	Number of Polling Stations, where the interrupted poll could not continue (indicate the specific polling stations)	
10	No. of polling station where there is, in the opinion of observer, a need for re-poll (based on point no. 7, 8 & 9 above).	

Signature of the Observer

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The Fifth Report (immediately after the Scrutiny of 17 A (Register of Voters) and other documents on the day after the poll)

OBSERVER REPORT – 5

Observer's Name with Code:	
Constituency:	
District:	
State:	

SI No	Subject	Observer's Report
1	Whether proper intimation was given in advance, in writing (under proper acknowledgment).	
2	Whether Scrutiny of Form 17 A (Register of Voters) and other documents such as Form 17 C, Presiding Officer's diary, Micro observer's reports, Sector Officer's visit Sheets (in the presence of candidates/election agents or their authorized representatives) done. Who were present? For how many polling stations? .	
3.	Whether proper log-books has been maintained for recording the time and purpose of opening and closing storage room where election records are kept.	

4.	Whether the room was opened in the presence of observer and candidates/their election agents/representatives	
5.	Whether after the scrutiny of Form 17A, 17C, marked copies of electoral rolls etc., have been resealed by the Returning Officer.	
6.	Whether the election agents/representatives present have put their seal or signature thereon – who/which of the candidates?	
7.	Whether after scrutiny of Form 17 A, 17C and other documents and materials the R.O. and Observer makes any recommendations to the Commission for repoll. If yes describe the reasons for each recommended polling station separately.	

Signature of the Observer

The Sixth Report (immediately after the Counting of Votes).

OBSERVER REPORT – 6

Observer's Name with Code:	
Constituency:	
District:	
State:	

SI No	Subject	Observer's Report
1	Whether arrangements for counting has been done as per the instruction of the Commission's letters No. 470/2007/PLN-I dated. 11.1.2007, 29.08.2007 and 470/INST/2009/EPS dated 08.09.2009? If No, what are the discrepancies?	
2	Whether randomization of counting staff was done as per the instruction of the Commission in the morning?	
3	Whether pairing of counting supervisor and counting assistant was done as per the instruction of the Commission?	
4	How many tables were arranged?	
5	How many rounds were planned?	
6	How many Micro-Observer were deployed for each table?	
7	How many postal ballot papers were counted?	

8	Whether after each round or counting, random checking of 2(two) EVMs was done by the observer?	
9	Whether the counting agents of the candidates were present at the time of counting?	
10	Whether the signature of the counting agents taken in Part -II of Form 17 C?	
11	Whether the total votes shown in Part-II of Form 17 C tally with the votes counted in EVM?	
12	Whether the seating arrangements of the counting agents were done as per the Commission's instruction?	
13	Whether continuous Videography of counting was done?	
14	Whether the EVM no. was tallied with the EVM list supplied to the polling stations	
15	Whether Green paper seal no for each counted EVM checked and verified?	
16	Whether the round wise result was immediately put on the blackboard in counting hall at the close of each round and before the beginning of next round?	
17	Whether there was any demand for re-totalling with what result? Describe.	

18	Whether any significant incident occurred during counting of votes? If yes, give details	
19	Whether candidates/ counting agents were present at the time of declaration of result?	
20	Time when counting started and ended. When was the result announced? If there was any time lag please describe the reasons.	
21	Is the observer satisfied about the counting & declarations of results? (Observer should enclose round wise tabulation sheets with post copy)	

Signature of the Observer

The Seventh Report (immediately after the poll)

680

Observer's Report – 7

Observer's Name with Code:	
Constituency:	
District:	
State:	

Sl. No.	Subject	Observer's Report
1.	Whether the DEO and the Election Observer had prepared a schedule for inspection of Register (prescribed by the Commission) regarding maintenance of day-to-day accounts of election expenses of each of the candidates?	
2.	Whether the Designated Officer(s) for inspecting the accounts of election expenses were instructed to be available for inspection, as per schedule?	
3.	Whether a copy of the schedule was given to the candidates/their representative with instructions to bring the Register (prescribed by the Commission) for maintenance of accounts alongwith all evidence/documents, such as vouchers, receipts bills, acknowledgements etc. in support of the expenditure incurred	
4	Whether the accounts of the Candidate were scrutinized by the DEO/RO/Election Observer/Designated Officer(s)?	

5	Whether on the dates fixed for Scrutiny of accounts, the candidates made available, on demand, the Register alongwith documents pertaining to their account of expenditure incurred for inspection, to the DEO/RO/Election Observer/Designated Officer(s) at least three times during the process of election?	
6.	Whether any candidate failed to produce the Register, maintaining his/her daily account of election expenses before the Designated Officer/Observer despite notice by the RO/DEO/Election Observer/Designated Officer(s)?	
7.	Whether all documents such as vouchers, receipts, bills acknowledgements etc. In support of expenditure incurred or authorized, were maintained in correct chronological order along with the aforesaid register as prescribed under Rule 86 of the Conduct of Election Rules 1961?	
8.	Whether the documents mentioned at Sl.No. 7 above were duly signed by the candidates/their representatives?	
9.	Whether one copy of the relevant papers of the registers of the candidates was displayed on the Notice Board of the RO and the other copy retained in a separate file for each Constituency as a proof of record with the RO and furnished to the DEO on conclusion of the poll process?	
10.	Whether copies of these day-to-day accounts were provided to the desirous person(s) by the RO, on payment of usual copying charges?	

11	Whether any discrepancies were noticed by the DEO/RO/Election Observer/Designated Officer(s) in the accounts submitted every third day by the candidates with the actual expenditure noted/assessed by the DEO/RO/Election Observer/Designated Officer(s), specifically mentioning items of expenditure?	
12.	Whether the Observers had verified with Sector Officer/Special Model Code of Conduct Squad/Model Code of Conduct teams during their field visits regarding expenses reported by candidates	
13.	Whether the Observers had noted on daily basis, the video footage covered under election expenses and verified the same during their field visits with the Sector Officer/Special Model Code of Conduct Squad/Model Code of Conduct teams ?	
14.	Whether in the cases reported for violation of Model Code of Conduct, expenses incurred were duly estimated and reported separately?	

Signature of the Observer

COUNTING OF VOTES

ITEM NO. 247

Election Commission's letter No. 576/3/2004/JS-II, dated 20.08.2004 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject:- General Elections to Lok Sabha and certain Legislative Assemblies, 2004- supply of results sheet to public.

I am directed to state that sub-rule(2) of Rule 93 of the Conduct of Elections Rules, 1961, provides that the copies of papers relating to an election other than those mentioned in sub-rule (1) of that rule may be supplied on payment of fee for the purpose. It has been brought to the notice of the Commission that some of the Returning Officers/District Election Officers have refused to supply copies of result sheets in connection with the recent general elections.

In this connection, your attention is invited to para 9 of Chapter-XVIII of the Handbook for Returning Officers, 2004. The Commission has instructed therein that the result sheets in Form 20 may be supplied, if asked for by interested persons, on payment of fee as charged for supply of certified copies of other election records.

This may be brought to the notice of all the Returning Officers, District Election Officers etc. for their information and compliance.

Kindly acknowledge receipt.

Election Commission's letter NO. 470/2007/PLN-I DATED:11th January, 2007 addressed to the Chief Electoral Officers of all States and Union Territories.

Sub: Counting Centers - Arrangements there at – including security arrangements.

INSTRUCTIONS FOR FACILITIES AT COUNTING CENTRES AND
MANAGEMENT OF THE COUNTING PROCESS

1. The Commission has decided to use Electronic Voting Machine in all polling stations for recording of votes. The counting of votes will be done polling station wise.
2. A counting Centre means a place where counting of votes will be done and may have one or more Counting Halls.
3. A counting Hall means a separate room walled on all sides and preferably with separate exit and entry facilities.
4. Where pre-constructed separate rooms are not available but large rooms are proposed to be divided for creating Halls, each part constitution a Hall will be separated by temporary partitions. These partitions will be of strong material, but preferably CGI sheets only. Where the owners of the Building have objections to dig holes on the floor, a suitable rigid frame, with CGI sheets fixed on two sides, may be used. The point to be ensured is that after the necessary portioning, each Hall is an independent room walled on all four sides. It should not only be not possible for persons to move out from a Hall without coming out of it, but it should be impossible to slip any materials from one Hall to other through the partitions. On both sides of the partitions, guards should be posted to ensure that these are not disturbed.
5. Each counting center will have a distinct number and within each Counting Centre each Hall will have a distinct number.
6. Each Hall, as defined earlier, will be used for counting for only one Assembly Segment at a given point of time. The counting of one assembly segment can be taken up in maximum of two Halls

provided that in one hall the physical distribution of space does not allow placing of more than 8 tables (including the table of the RO/ARO). IN cases where the size of the electorate in an Assembly segment is unusually large a maximum of 15 tables each can be put in two Halls for that Assembly segment. All such cases will be personally scrutinized by the DEO and the observers after taking into account all relevant factors such as number of candidates, number of counting agents etc.

7. In cases where two Halls are being used to count an Assembly segment the Polling Station numbers will and pre-allotted to the two Halls (each room being one separate Hall) in advance.
8. Assembly Segments must be pre-allotted to Halls and this allotment made known to all concerned in advance.
9. If the total number of Halls is less than the total number of Assembly Segments for a Parliamentary Constituency, the sequence of counting will be as per the ascending AC numbers. Thus, if there are seven such AC segments in a PC and only three Halls, then segments with the three lowest serial numbers will be taken up for counting in the three Halls available. As soon as counting is completed in respect of one Assembly Segment in a particular Hall and after necessary clearance of the Hall, counting for the next AC pre-allotted to the Hall will be taken up therein.
10. Under no circumstances, more than one AC segment will be taken up for counting simultaneously, inside one Hall, and, under no circumstances, Electronic Voting Machines (or Ballot Papers) of more than one AC segment will be physically available for counting purposes inside one Hall at any time.
11. The Commission has already prescribed limits for the number of counting tables, which can be placed inside a Hall. Important considerations for deciding on the number of counting tables would be the number of Polling Stations, size of the room, the number of counting agents, as per the number of candidates, and the total

number of counting personnel proposed to be deployed and the security aspects.

12. The upper limit of 15 tables (including the Table of Returning Officer) in a counting HALL will not be increased under any circumstances. A lower actual limit may be fixed taking into account all relevant factors.
13. The Commission has prescribed a format for essential information on counting centers and personal inspection by the Returning Officers. Observers of the Commission will undertake detailed inspection of counting centers during their visit and ensure that the counting Halls have been planned as per the above instructions and Assembly segments have been accordingly pre-allotted to each Hall. They will send a specific report on this to the Commission. They should also obtain relevant drawings of each counting centres and keep it as a part of the record for their final report.
14. The Counting Halls, including partitions as planned, should be got ready at least three clear days, ahead of the date of counting and a report sent by each RO to the CEO, and by the Observers to the Commission. CEOs shall send a consolidated report to the Commission. These rooms should be located in a manner that the smooth flow of polled EVMs and other papers to and from the strong room are not interrupted by the presence of non-officials and media persons.
15. Three tier cordoning system should be set up in all counting centers to prevent the entry of unauthorized persons inside the counting centers. No counting agent without proper identity card having the photograph, duly displayed on its person, shall be allowed to cross the first cordon of the counting centre. Similarly, the identity of all candidates, their election agents and of all the counting staff shall also be thoroughly verified with reference to their identity cards at the first cordon itself. A senior Magistrate shall be posted at the

entrance to control crowd and regulate entry.

16. Before allowing the entry of the candidates, their agents and other officials whose identities have been established by means of identity card to the second cordon, proper frisking should be made by the security personnel. The frisking shall be done by State police force personnel only. Women shall be frisked only by women police personnel/women Home Guards. There should be no further frisking
17. CEOs, during their tours, will specifically review arrangements proposed and inspect as many counting centers as possible.
18. At each counting center the Observer or group of Observers will be provided a separate room or cubicle with table/chairs, a telephone with STD and a fax attached to it. This will be reserved for the exclusive use of the Observers for their communication with the Commission, in strict confidentiality.
19. The number of this telephone will be obtained from the Telephone authorities at least 15 days ahead of the counting and made known to the Commission.
20. The RO shall provide a hotline, wherever possible, with CEO and one or more separate telephone line(s) with STD facilities to keep in touch with the CEO and the Commission. A fax machine should invariably be available for use of the RO/ARO at each counting centers.
21. Media centers have to be set up at each Counting Centre. As far as possible, a separate room of adequate size should be set apart for these centers and reasonable facilities like telephone, fax, data communication network etc have to be provided. Each returning Officer is required to exclusively deploy one senior officer to be in charge of the Media Centre. Such an officer should be an Assistant Returning Officer or an officer drawn from the Public Relations Department or any other officer capable of managing this function on behalf of the Returning Officer. Limited coverage of short

duration by manageable audio/visual groups can be allowed and the groups, may be conducted by the official designated for this purpose by the officers in charge of counting. It is important that adequate number of officers/officials are available to assist the officer in charge of the Media Centre at each counting centre so that they can escort the media groups in small manageable numbers to visit counting halls from time to time. Such visits are to be of short duration only. All such visits will be escorted visits conducted by officers identified and earmarked for this purpose in advance. For further detail on media management, Commission's letter No. 491/CNTG/MCS/99, dated 20th September, 1999 may please be referred.

22. The media room should be set up at some distance away from the main Counting Hall. In case of any Parliamentary or Assembly constituencies being counted in one Counting Centre with multiple Counting Halls, the media passes will be issued "Counting Centre-Wise" and not "Counting Hall-wise".
23. The holders of the authority letters, while covering the counting process, can and should be allowed to come out of the counting hall(s) if they so desire, during the counting. They should also be allowed to re-enter on the basis of the very same authority letters. All entry at all times however, is subject to the over-all requirement of maintenance of law and order, proper decorum and the conduct of peaceful counting. Limited coverage of short duration by manageable audio/visual groups can be allowed and the groups, may be conducted by the official designated for this purpose by the officers in charge of counting.
24. The arrangements for dissemination of counting trends and results to public and for media is to be made in advance so that there is absolute clarity in the matter. These are expected to provide the counting trends and results information in an organized and systematic manner in good time. These should be made known to

all concerned in advance.

25. It may also be noted that no static (fixed) camera – still or video of the media is allowed inside any counting hall. No camera stand should thereof be allowed to be taken inside counting halls. Further, while taking audio visual coverage of the counting process with camera carried in hand or on shoulders, under no circumstances, the actual votes recorded on an individual ballot papers is to be photographed or covered by audio visual coverage. The exact location up to which the, still and video camera can move, should be indicated by the Returning Officer in advance marked by a line or a string for guidance of all concerned.
26. DEOs, and ROS will accordingly make detailed plans and ensure that the arrangements are in position well in time and at least 72 hours before start of counting. This will facilitate dry run of transmission of counting information and system checks by all concerned.
27. For ensuring accuracy of the result of counting, a round-wise statement shall be prepared by the Returning Officer in the proforma annexed hereto (**Annexure for tabulating round-wise figures**). Both the Returning Officer and Observer shall personally verify that the number of votes posted against the name of each candidate in respect of every counting table tally with the figures as shown in Part II of Form 17 'C' (result of counting) pertaining to that table. They shall append their initial below the total of each counting table. A copy of the detailed table-wise polling station-wise round –wise break up of the votes as shown in the said Annexure will be kept by the Observer in his folder.

In addition, a computer will be installed in the Counting Hall where parallel tabulation work will be done in an Excel Sheet to counter check any human error. This data entry will also be done Table wise, Polling station wise and Round wise. Even though computer tabulation will not substitute the manual tabulation being

done for obtaining final result of the counting of votes, the Computer based parallel tabulation/totaling will be helpful as a double check on the accuracy of manual tabulation.

28. Next Round of counting should only start after repeat after all tables of previous round have finished counting and their result sheets are accepted by AROs.
29. The Observer/Returning Officer will ensure that the results of **table-wise – round-wise** counting of votes are immediately displayed prominently on a notice board inside the counting center and announced through public address system. After the counting is completed and the Returning Officer has compiled the final result sheet, the Observer will tally the figures of votes obtained by the candidates with the details of round-wise breakup kept by him in his folder and allow the result to be declared only when the figures tally with each other.
30. The Commission has issued detailed instructions on the flow of data through GENESYS. These instructions are to be followed scrupulously by all Returning Officers.
31. The RO will fax round-wise data to the CEO. Wherever hot lines are available with the CEO, these will be utilized to orally confirm the contents of the fax message. CEOs would set up adequate number of fax lines with hunting line facility to receive the faxes. For this purpose, they can hire faxes or temporarily borrow fax machines from various government departments and corporations. The total number of such fax machines required, including a few in reserve, should be decided in advance and these should be positioned and tested at least 72 hours before the start of counting. The CEOs should have blank forms to note down the round wise data, if received orally on phone or hotline.
32. As soon as the result is declared, the data as contained in Form 21, which is handed over to the winning candidate, will be handed over to the Observer as prescribed by the Commission for immediate

communication to the Commission.

33. As per the above arrangements, the progress of every round, Assembly segment-wise, will be announced as soon as each round is complete. Similarly, the consolidated position of the PC by combining the position of the rounds of different ACs available from time to time should also be announced over the public address system,, preferably from a centralized location where the public announcement booth is located. The public announcements could be repeated at suitable intervals for the knowledge of the public that gather in good number outside the Counting Centres.
34. It is important that soon after the counting is finished, the fully reconciled counting data is tabulated and checked thoroughly before the result is formally declared.
35. The Observers will ensure that the Final Result Sheet in form 20A is filled by the RO before he declares the result in Form 21 C and sends it to appropriate quarters. One copy each of the Forms 20 A, 21C and 21E duly filled in will be collected by the Observers and attached with their reports on counting.
36. Commission has decided that all Observers will keep a close watch on the process of counting of votes and compilation of results. Before the Returning Officer declares result of an election, he/she shall obtain an authorization for declaration of result from the Observer concerned. Every Observer shall completely satisfy himself/herself about the fairness of counting of votes and complete accuracy of compilation of result. After having done so, he/she shall issue an authorization to the concerned Returning Officer in the following format for declaration of result :-

“ _____ Observer
Code _____), For _____ Assembly
Constituency after having satisfied myself about the fairness of
counting of votes and complete accuracy of compilation of result in
Form-20 hereby authorize the Returning Officer for
_____ Assembly Constituency to declare the
result.”

Signature of the Observer_____

Name _____ of _____ the
Observer _____ Code of
the Observer _____
Assembly _____ Constituency _____ No. _____ &
Name _____"

37. No Returning Officer shall declare the result without receiving the authorization in the format as detailed in Para 36 above from the Observer. It shall be the personal responsibility of the Observer and Returning Officer to ensure fairness of counting of votes and accurate compilation of results.
38. The Observers can make out a joint report at the end of counting. On the day immediately following the counting, they will put together their reports, along with copies of Forms 20A, 21C and 21E and send them to the Commission. This should be done before the Observers leave the Constituency on completion of their duty. They will also ensure that the original Forms in two sets are dispatched by the RO through special messenger to the CEO, in turn, will send one set for all constituencies in his state, through a special messenger by flight, to the Commission.
39. The CEOs will keep in touch with the Zonal Secretaries on the progress of counting and the collection and dispatch of data in statutory forms as mentioned earlier.
40. It shall be the personal responsibility of the concerned District Election Officer to ensure that all the abovementioned instructions are strictly complied with and brought to the notice of all the Returning Officers, Observers, Candidates, Counting Agents etc sufficiently before the commencement of the Counting.

Annexure for tabulating Trends/Results

Number & Name of Constituency _____ Round Number ____ Date _____

Table No.	1.	2.	3.	4.	5.	6.	Total	Brought from Previous Round	Cumulative Total
Polling Booth No.									
Sl. No.	Name of Candidate								
Rejected Vote									
Total Vote									
	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO		
	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer		

- Important:
1. All Over writings/cutting should be certified by observer.
 2. Polling station Number whose votes are counted should be indicated below the table Number.
 3. A copy of this is to be kept by observer in a separate folder for cross checking later.

INSTRUCTION SI. No.

Election Commission's letter No. 464/UP-LA/2007 Dated : 8.05.2007
addressed to the Chief Electoral Officer, Uttar Pradesh, Lucknow.

**Sub: General Election to the Uttar Pradesh Legislative Assembly,
2007- Video coverage during counting process – Regarding.**

I am directed to reiterate Commission's existing instructions regarding the procedures to be followed on the counting day and to further say that video coverage shall be ensured at every stage of the counting on 11.05.07. The Video coverage shall include the randomization process, the process of opening of strong room, transfer of EVMs from strong room to counting hall, counting has arrangements, process of counting in general in the counting hall and process of tabulation in general at the Returning Officer's table, the process of counter checking of two EVMs as per the recent instructions of the Commission and security arrangements in and outside the counting hall/center, presence of candidates and their agents in the counting centers and the process of declaration of result, handing over of certificate of return and any other significant events that take place at any point of time during the counting process. The videography should indicate the date and time and the video cassette should be sealed after the counting process is over for future reference. Accordingly, adequate number of video teams may be deployed on the counting day.

2. This shall be brought to the notice of all concerned for compliance without any deviation.

INSTRUCTION SI. No.

Election Commission's letter NO. 470/2007/PLN-I DATED: 29th August, 2007 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: Counting of votes for General/Bye-elections to the House of People/State Legislative Assembly-ensuring transparency – regarding

The Commission has issued detailed instructions regarding the arrangements for counting centers and management of counting process including the security arrangements vide its order number 470/2007/PLN-I dated 11th January 2007.

In order to ensure a higher level of transparency in the counting process, the following arrangements would also be put in place by all District Election Officers and Returning Officers. A copy of these instructions should be given to all the Observers immediately on their arrival so that they have time to familiarize themselves with this and to take action accordingly.

Randomization of counting officials

1. The posting of Counting Supervisors and Counting Assistants must be done randomly in such a way that the counting official come to know of the Assembly Constituency and the table assigned to them only at the time of their arrival at the Counting Center on the day of the counting.
2. The District Election Officers shall issue photo-identity cards to all counting staff . After the Randomization, explained in the following paragraphs is over, the reserve staff would be seated separately in an enclosure within the counting centre campus.
3. The District Election Officer must keep a pool of well trained officials (including the reserved pool) available for counting purposes. The counting officials be directed to reach the counting center at 6 am on the date of counting. As already mentioned in Para 1 above, these officials would not be allotted the Assembly Constituency or the Table number in advance.
4. The Observers and the District Election Officer would assemble at one place for carrying out the randomization at 5 am on the day of the counting. This place may be the NIC center, Counting Center or any other office where the process can be conveniently carried out. The list of trained officials would be provided by the District Election officer to the Observers. There would be two lists, one of Counting Supervisors and another of Counting Assistants and each counting official would be assigned a unique serial or code number which would be so labeled as to indicate clearly the category to which he

belongs i.e. whether he is a Counting Supervisor or a Counting Assistant.

5. The randomization would be carried out either manually or by using a computer. For manual randomization, the senior most Observer present would randomly assign the Constituency and the table number to the counting officials by the draw of lots. This has to be done with the two lists mentioned above separately and independently so that for each of the tables the name of one Counting Supervisor and one Counting Assistant is generated. The District Election Officer would make all prior arrangements to ensure quick and smooth conduct of this randomization process. This would include preparing chits of the unique serial numbers assigned to counting officials and the constituency/table numbers.
6. Alternatively, the District Election Officer may make arrangements for carrying out the abovementioned randomization with the aid of a computer in consultation with the Observers. However, before using a computer aided method the Observers must fully satisfy themselves that the process is free from all errors and that it truly generates the results in a random manner.
7. The District Election Officers would ensure that Videography of the process of randomization is carried out for record.
8. To illustrate it by a practical example, let us assume a district has 10 Ac's, with 14 counting tables each. For this district 154(including 10% reserve) Counting Supervisors and 154 Counting Assistants would be required. These many officials would have been already trained and given codes while issuing the duty orders. On the date of counting at 5 am, these 154 codes each of Counting Supervisors and Counting Assistants, written on individual slips, would be kept in two separate boxes. The senior most Observer, in the presence of District Election Officer and all other Observers would start the randomization process for a particular assembly constituency by randomly picking up one slip each from the two boxes. The Counting Supervisor and the Counting Assistant so picked up on the first set of draws would be assigned table no 1 in that Constituency. This would continue in a similar way till each of the 14 tables are assigned one Counting Supervisor and one Counting Assistant. The same process would then be repeated for other Assembly Constituencies in a similar manner. The officials who are left at the end of this exercise would be treated as part of the reserved pool.
9. Once the randomization process is over, the Constituency wise posting lists, duly signed by the District Election Officer and the Observers would be brought to the Counting Center by the Observers and District Election Officer, in time, to be handed over to the respective Returning Officers and the control room staff by 6

a.m.

10. The counting officials on reaching the control room at the counting center would be provided the posting details and directed to reach the counting hall of the assigned Constituency at the respective table.
11. It must be ensured that the whole process of randomization is over by 6:00 am so that the counting officials are able to reach their assigned position conveniently before the scheduled start of the counting process.

Reserved Pool

12. The officials who have not been assigned any Constituency/table would form a reserved pool.
13. There would be no deployment of officials in shifts as the counting process would normally not take more than 6 to 8 hours. However, the District Election Officers would have the liberty of replacing officials in case such an exigency arises, but this replacement would also be done randomly from the pool of officials in reserve after consulting the Observer of the constituency concerned

Cross checking by the Observers at random

14. As per the instructions issued earlier, after each round of counting, the Returning Officer would do the tabulation of the round based on the table wise result provided by the Counting Supervisors. The table wise result of the round is to be countersigned by the Observer before the Returning Officer announces the result of the round.
15. A system is now being introduced through the present instructions by which there would be a random checking by the Observers, in the manner indicated below, of the table wise results provided by the counting officials.
16. During the course of counting (for a round) the observer shall keep oscillating between counting tables and closely observe the counting process.
17. At the closure of each round, the Observer would randomly select any two EVM control units from amongst the Control units of the concerned round which has been counted. He would then direct the counting staff specifically deployed for this purpose by the Returning Officer/Assistant Returning Officer through **random selection** to independently note down from the Control units selected, the details of the votes polled as indicated by the machine. These details he would then compare with the details

provided by the officials in the table wise result to check for any discrepancy between the two. Care must be taken that the staff assigned for random checking is not aware of the details provided in the table wise result.

18. The District Election Officer/Returning Officers would ensure that there is a separate and sufficient space earmarked in the same counting hall for this random cross-checking so that the normal counting of vote for subsequent round continues without any hindrance.
19. The staff to assist the Observer for this cross checking would be randomly selected from the reserved pool. If required, after a few rounds, fresh staff from the reserved pool should replace this staff.
20. Only after being satisfied that the result displayed by the Control Unit and that shown in the round wise result sheet and Form 17C match would the Observer countersign the result sheet of the round. The Observers would ensure that this exercise is carried out in each round and the selection of the two control units is absolutely random.
21. If any discrepancy is found between the result obtained from the table and that ascertained through the random checking by the observer as mentioned above, then:
 - (i) The result of that round for each table shall be reverified from the EVMs.
 - (ii) Such staff as is found to be wrongly noted the counting result would be taken off and replaced by another set of staff. Severe disciplinary action should then follow on the erring staff for their omissions and commissions.
 - (iii) The result provided by such staff (and table) in the preceding rounds would be checked again in presence of observer and corrected sheets prepared wherever necessary.
22. The counting officials as well as candidates and their counting agents would be informed about this provision of random cross checking to be carried out by the Observers. It would also be informed that any discrepancy found during this randomized cross checking would be viewed seriously by the Commission and could result in serious disciplinary action and prosecution of the responsible officials.
23. The Observers would continuously maintain their presence in the counting hall and periodically inspect the counting tables to ensure that counting is going on according to the instructions of the Commission in a transparent and systematic way.
24. The Observers, in their final report after the counting would

specifically mention that the randomization of personnel and the random checking of Control Unit details was carried out as per the instructions of the Commission

25. All District Election Officers and Returning Officers would ensure that these instructions are strictly followed and would make all necessary arrangements for the same.
26. Apart from one Counting Supervisor and one Counting Assistant for each counting Table, one additional staff would be seated in each of the 14 counting tables. The additional staff will invariably be a Central Govt./ Central Govt. PSU employee. This additional staff will note down the details of votes exhibited by the EVMs being counted in each round in that Table. These additional counting staff would be provided with a pre-printed statement on which there will be space for noting down the CU No., Round No., Table No., Polling Station Number and thereafter the names of all the contesting candidates as they appear in the ballot paper. They will put their signature at the end of the statement and shall hand over the statement to the Observer after each round.
27. The Observer/Returning Officer will cross check the figures noted in Part-II of Form 17C as submitted by the Counting staff with the additional statement submitted by the additional staff.
28. Wherever adequate number of Central Govt. staff are not available, the shortfall will be made good by the Divisional Commissioner by mobilizing the required number of staff from the neighbouring districts within the Division. The additional staff will be given a brief orientation training before being deployed at the counting center as above. The additional staff also will be provided a 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.
29. All District Election Officers would ensure that these instructions are given wide publicity amongst the general public, the political parties, candidates, counting officials and other election related officials. It is repeated that a copy of these instructions would be provided to each election Observers immediately upon their arrival in the district.

All concerned will also strictly follow the other existing instructions of the ECI regarding the counting process. A confirmation report shall be submitted by all District Election Officers through Chief Electoral Officers by 5 p.m. of the date, one day prior to the date of counting that all necessary steps have been taken for strict implementation of the above instructions.

**PROFORMA FOR RECORDING OF VOTES BY ADDITIONAL
COUNTING STAFF**

No. and Name of A.C. –

Round No.-

Table No.-

C U Number:

Polling Station Number:

Sl. No.	Name of Candidate (Pre-Printed)	No. of votes recorded

Date:
name)

Signature of Addl. Counting staff (With full
name)

* To be handed over to the Observer only.

INSTRUCTION SI. No.

Election Commission's letter No. 470/2008/EPS Dated: 19th January, 2009 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: Counting of vote for General/Bye-election to the House of People/State Legislative Assembly-ensuring transparency – regarding.

I am directed to refer to the Commission's instruction issued vide letters no. 470/2007/PLN-I dated: 11.01.2007 and 29.08.2007 on the above subject. In para 18 of the Commission's said letter dated: 11.01.2007, it is mentioned that at each counting center the Observer or group of Observers will be provided a separate room or cubicle with table/chairs, a telephone with STD and a fax attached to it. This will be reserved for the exclusive use of the Observers for their communication with the Commission, in strict confidentiality. With the introduction of new Counting System the Commission has decided that all the observers will keep a close watch on the process of counting of votes and compilation of result. The Returning officer before declaring the result of an election shall obtain an authorization for the declaration of result of an election from the observer concerned.

The observers is also required to satisfy himself about the fairness of counting of votes and the total accuracy of compilation of result. For this purpose he has to supervise the round wise counting of votes. The observer also has to choose 2 EVMs at random at the end of each round of counting for parallel verification as stipulated by the Commission. Besides, the Observer's presence is also required during counting of postal ballot. Therefore, it is evident that the role of observer in the present context of counting is very crucial and requires constant vigilance and full time involvement during counting process.

In the light of above, and in order to ensure proper watch over

the counting process, the Commission has decided that in future, the Observers shall be provided a table and a chair next to the table of the Returning Officer instead of providing a separate room for them. The seating arrangements of counting supervisors, counting assistants and micro-observers should be made in a sequence. They should not be allowed unnecessarily to roam here and there in the counting hall. Arrangements should be made for getting the information from them and providing material to them.

INSTRUCTION SI. No.

Election Commission's letter No. 470/2008/EPS Dated: 19th January, 2009 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: Counting of vote for General/Bye-election to the House of People/State Legislative Assembly-ensuring transparency – regarding.

I am directed to refer to the Commission's earlier instruction issued vide letters no. 470/2007/PLN-I dated: 11.01.2007 and 29.08.2007 on the above subject.

In para 17 of the Commission's aforesaid letter dated 29.08.2007, it is mentioned that –

“At the closure of each round, the Observer would randomly select any two EVM control units from amongst the Control Units of the concerned round which has been counted. He would then direct the counting staff specifically deployed for this purpose by the Returning Officer/Assistant Returning Officer through random selection to independently note down from the Control units selected, the details of the votes polled as indicated by the machine. These details he would then compare with the details provided by the officials in the table wise result to check for any discrepancy between the two. Care must be taken that the staff assigned for random checking is not aware of the details provided in the table wise result”.

Further, in para 26 of the Commission's aforesaid letter dated 29.08.2007, it is mentioned that the additional staff will note down the details of votes exhibited by the EVMs being counted in each round in that Table in a pre-printed statement on which there will be space for noting down the details. They will put their signature at the end of the statement and shall hand over the statement to the Observer after each round.

The Commission desires that random checking of 2 EVM (control units) after each round of counting should be done seriously by the Observer as per the instructions issued by the Commission. The outcome of said random checking should be confirmed by the observer in the enclosed proforma.(ANNEXURE-I). The Commission further desires that after completion of counting, the observer should send a final report in the prescribed checklist. A copy is enclosed herewith.(ANNEXURE-II).

Kindly acknowledge receipt of the letter.

1. No. and Name of Assembly Constituency-
2. Polling Station No. -

Sl. No	Round No.	Control Unit No.		Table No. Selected for Random Checking	Whether candidate wise votes counted by the counting supervisors/ Assistants and additional staff tally with the votes counted at random checking by the staff drawn from reserved pool by the observer Yes/No	Remarks
		I	II			
		I	II			

Check list of final Report of the observer to be sent to the Commission after counting.

1. Whether arrangements for counting has been done as per the instruction of the Commission's letters No. 470/2007/PLN-I dated. 11.1.2007 and 29.08.2007? (yes/No)
2. If No, what are the discrepancies ?
3. Whether randomization of counting staff was done as per the instruction of the Commission in the morning? (yes/No)
4. Whether pairing of counting supervisor and counting assistant was done as per the instruction of the Commission? (yes/No)
5. Whether Micro-Observer was present? (yes/No)
6. Whether postal ballot papers were counted before the counting of votes in EVM*? (Yes/No)
7. Whether after each round or counting, random checking of 2(two) EVMs was done by the observer? (Yes/No)
8. Whether the figures at random checking done by staff drawn from reserve pool tally with the figures of round wise counting provided by the counting supervisor/counting assistant? (Yes/No)
9. Whether the signature of the counting agents taken in part –II of form 17 C? (yes/No)
10. Whether the total votes shown in part-II of form 17 C tally with the votes counted in EVM? (Yes/No)
11. Whether the counting agents of the candidates were present at the time of counting? (Yes/No)
12. Whether the seating arrangements of the counting agents were done as per the Commission's instruction? (Yes/No)
13. Whether Videography of counting was done ? (yes/No)
14. Whether there was any demand for recounting or re-totalling? (Yes/No)
15. Whether any significant incident occurred during counting of votes?
If yes, give details

16. Whether candidates/ counting agents were present at the time of declaration of result? (yes/No)
17. Whether the counting was started in time? If not, give remarks.
18. Total No. of rounds counted in each assembly constituency.

*

No. of postal ballot	No. of postal ballot found invalid for counting

INSTRUCTION SI. No.

Election Commission letter No. 470/2009/EPS Dated: 21st January, 2009
addressed to the Chief Electoral Officers of all States and Union Territories

Sub: Counting of Votes – regarding.

In supersession of the Commission's letter No. 470/2003/JS-II dated 25.11.2003, I am directed to state that recent election demonstrated that the victory margin could be as thin as one vote. Therefore, the postal ballot could be the deciding factor at times. When the victory is determined on the basis of the margin earned in postal ballot, there is a scope for controversy as the losing candidate is expected to ask for re-verification of postal ballot.

In view of this, the Commission has directed to adopt the following instructions:-

1. On the counting day, the postal ballot counting will be taken up first and after a gap of 30 minutes, the EVM counting can also start.
2. There should be a separate table and separate arrangement for the counting of postal ballots. The candidate/their election agent shall be advised to nominate a separate counting agent and he may remain present near the table where the postal ballot counting taking place.
3. One Assistant Returning Officer shall be dedicated to handle the postal ballot counting. The Observer and Returning Officer should closely monitor the progress made in postal ballot counting as well as EVM counting simultaneously.
4. Before finalizing the tally of postal ballot counting, the Returning Officer should personally verify whether the postal ballots considered invalid and rejected have been verified properly before being rejected and should satisfy himself about such rejection. He should also personally verify the candidate-wise tally. Objection, if any, raised by an agent of any candidate should be properly looked into then and there so that there is no further scope for any complaint.
5. Under no circumstances, the results of all the rounds of the EVM counting should be announced before finalizing the postal ballot counting.
6. In case, the victory is being decided only on account of postal ballot counting there should be a mandatory re-verification. In the presence of Observer and Returning Officer, all the postal ballot papers rejected as invalid as well as the votes counted in favour of each and every candidate shall be once again be verified and

tallied. The observer and Returning Officer shall record the findings of the re-verification and satisfy themselves before finalizing and the result.

7. Whenever such re-verification/recounting is done the entire proceeding should be video-graphed without compromising the secrecy of ballot and the video-cassette/CD should be sealed in a separate envelope for future reference.

The above instructions shall be observed scrupulously.
Kindly acknowledge the receipt of this letter.

खायर: 411
दिनांक: 9/1

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INSTRUCTION SI. No.

Election Commission letter No. : 470/2009/EPS Dated : 22nd January, 2009
addressed to the Chief Electoral Officers of all States and Union Territories

**Sub.: General Election to Lok Sabha-2009 – Setting up of counting centres
– Seeking written approval of the Commission -Regarding.**

I am directed to invite your attention to Commission's letter No. 470/2007/PLN-I, dated 11th January, 2007, on the subject cited and to state that in view of the forthcoming general election to the Lok Sabha, an exercise of inspection/verification for setting up of counting centres may be carried out immediately. The Returning Officer should personally inspect the site(s) alongwith the senior police officers of the district. While selecting the sites for setting up of counting centre(s), the Returning Officer may assess the suitability with regard to infrastructure available in the town area, maintenance of law & order aspects etc.

2. After inspection and selection of the site(s), the proposals of setting up of counting centres should be sent to the Commission for its approval immediately after withdrawal of the candidatures.

3. The proposal for setting up of counting centres should be furnished alongwith the following information/particulars –

- i) List of counting centres in the enclosed Annexure-I,
- ii) Information Sheet on Counting Centres in the enclosed Annexure - II,
- iii) Map of each Counting Centre, and
- iv) Map (indicating the location of counting centres) of Parliamentary Constituency(s) with assembly segments falling within it and the district or districts in which it is spread over.

2. This may be brought to the notice of all the District Election Officers/Returning Officers and other election related officers for necessary action and strict compliance.

ELECTION COMMISSION OF INDIA
INFORMATION SHEET ON COUNTING CENTRES

State/UT Name :						
A.	Basic Information			(b) Category : Urban/Rural		
	(a) Counting Centre No.					
	(c) No. of Parliamentary Constituencies proposed to be covered in this Centre:					
		Sl.No.	P.C. No.	P.C. Name	PC Type (Gen./SC/ST)	Whether PC covered in whole or part
		1.				
		2.				
		3.				
	(d) Building :					
	(e) Area (Particulars of the Street/Locality/ area in which the building is situated):					
	(f) Village/Town/Metro Name					
	(g) Police Station Name					
	(h) District Name:					
(i) Confirm if the Strong Room for storing polled EVMs ballot boxes after the poll is located in the counting centre itself: Yes/No						
(j) If the answer in (i) above is 'No', name of place where the Strong room is located, its distance from the counting centre and the reasons for choosing this location:						
(k) Whether sufficient space/shelter is available near the Strong Room for the Security Guards & agents of the candidate to keep watch: Yes/No						
(l) Distance from Police station of which the counting centre forms a part (in KMs):						
B	Facilities/Infrastructure Available (Please Tick)					
	(a) Type of structure	Pucca/Kuchcha		(b) Adequate Storage Space	Yes/No	
	(c) Water	Yes/No		(d) Toilet:	Yes/No	
	(e) First-aid-facilities:	Yes/No		(f) Regular electricity availability:		
	(g) Arrangements proposed for emergency lighting					
	(h) Fire-fighting arrangements proposed:					
C	Information on Counting Halls					
	No. of Halls available for Counting					
	Hall No.	Dimension of the Hall (in Mtrs)		No. of Doors	No & Name of Assembly Segments proposed to be covered (Not applicable of UTs without L.A.)	No. of Tables proposed to be placed in the Hall
		Length	Width			
Note: Continuation sheets may be used, if required						

D	Verification Report of R.O.	(a) Date of Verification:
	(b) Remarks/Recommendations (covering the aspect of law and order, security, public address system, media and place for crowds etc.):	
	Place :	Signature:
	Date :	Name of Returning Officer : (with stamp)
E.	For use by CEO	
	Remarks	
	Place :	Signature :
	Date :	Name of Chief Electoral Officer : State/ UT :

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ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No. 464/INST/2009-EPS

Dated:18th March, 2009

To,
The Chief Electoral Officers of
All States and Union Territories

**Sub: General Election to Lok Sabha – 2009 – Rationalization of
Counting Centres – regarding.**

Sir,

I am directed to invite your attention to the Commission's earlier letters No. 470/2007-PLN-I dated 11.01.2007 & 29.08.2007 & letter No. 470/2008/EPS dated 19.01.2009 (copy enclosed). The conduct of election in a vast country like ours is a mammoth exercise. An efficient human resource management forms an essential part of the election management planning and execution. In view of the introductions of new counting system, the Commission vide its letter No. 47/2008/EPS dated 19.01.2009, has decided that all the Observers will keep a close watch on the process of counting of votes and compilation of result. The Observers are also required to satisfy themselves about the fairness of counting of votes and accuracy of compilation of result, and put their authorization before the declaration of the result to the concerned Returning Officer. For this purpose, they have to supervise the round wise counting of votes. The Observers also have to choose 2 EVMs (control units) at random at the end of each round of counting for parallel verification as stipulated by the Commission. Besides, the Observer's presence is also required during counting of postal ballot. In order to monitor the process with such accuracy, it is, therefore, essential to rationalize the Counting Centres so that the Observer need not oscillate between two or three Counting

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Centres, and there is no trade off between the time taken to declare the result and the number of Observers.

There are States where counting is being done at each assembly/assembly segment level while there are States where it is done at the District Headquarter or PC/ROs Headquarter. There is a possibility of counting for a few assembly segments coming under parliamentary constituency being counted in one location, and the rest in other locations. In view of the limited availability of Observers, the practice of taking up assembly segment wise counting at different locations should be resorted to only in rare case where that is absolutely needed in view of certain limitations, faced due to difficult terrain, long distances and difficult transport system. It is desirable to have one large Counting Centre, with ample storage space for EVMs and having as many Counting Hall as the number of Assembly Constituencies within the Parliamentary Constituency concerned. To the extent possible, Counting Centers should be established at district Head Quarters only in order to economise counting time, if the space is available, a counting all can be allowed to set up tables upto 25 in number. However, specific proposal should be made to the Commission for the purpose. As per the Commission's aforesaid letter dated 11.01.2007, if the total number of Halls is less than the total number of Assembly segments of a Parliamentary Constituency, the sequence of counting will be as per the ascending AC numbers. This, if there are seven such AC segments in a PC and only three Halls, then segments with the three lowest serial numbers will be taken up for counting in the three Halls available. As soon as counting is completed in respect of one Assembly Segment in a particular Hall and after necessary clearance of the Hall,

counting for the next AC pre-allotted to the hall will be taken up therein. Under no circumstances, more than one AC segment will be taken up for counting simultaneously, inside one Hall, and, under no circumstances, Electronic Voting Machines (or Ballot papers) of more than one AC segment will be physically available for counting purposes inside one Hall at any time. The places where one such large Counting Centre is not available to accommodate all EVMs of the Parliamentary Constituency, the counting may be carried out in two or more Counting Centers restricted to the number of Observers available.

This disposes off the clarification sought by CEO, Kerala.

Yours faithfully

(SUMIT MUKHERJEE)
UNDER SECRETARY

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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 No.464/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

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By e-mail/camp bag

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.464/INST/2009-EPS

Dated: 7th May, 2009.

To

The Chief Electoral Officers of
All States and Union Territories.

Subject:- General Election to Lok Sabha 2009 – Rationalisation of
Counting Centres – regarding.

Sir,

Kindly refer to the instructions issued vide Commission's letter of even number dated 18th March, 2009, inter alia, that the Observers will satisfy themselves about the fairness of counting of votes and accuracy of compilation of result and will also have to choose 2 EVMs (Control Unites) at random at the end of each round of counting for parallel verification.

2. The Commission has also directed that there shall be one Govt. of India official on every counting table as counting micro observer for counting purpose. The micro-observer checks and ensures that the purity of counting process is maintained and the results at each table are correctly tabulated.

3. The Commission has permitted that the observer may deploy an additional micro-observer for each of the Counting Halls under the Observer to undertake the random parallel checking of any 2 EVMs/tables in every round of the counting and to report to the observer.

Yours faithfully,

(SUMIT MUKHERJEE)
UNDER SECRETARY

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ELECTION COMMISSION OF INDIA

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

NO. 464/INST/2009/EPS

Dated: 12th May, 2009

To

The Chief Electoral Officers of
All States/ UTs

Subject: Interpretation of Rules regarding assignment of Counting Agents
for the Lok Sabha counting of 16th May 2009-regarding.

Sir,

I am directed to invite attention to Para 9.1 of Chapter XIV of the Returning Officer Handbook wherein, it has been inter-alia stated that each candidate should be allowed to appoint as many counting agents as there are counting tables and one more to watch the counting at the Returning Officer's table.

A clarification has been sought as to whether one additional Counting Agent of the candidate be allowed to sit with the Assistant Returning Officer of the Assembly segment. In this context, it may be clarified that each candidate be allowed to appoint one more counting agent to watch the counting at the RO/ARO table in addition to the counting agents appointed to watch the counting in each of the table in a Hall for the counting purpose.

Yours faithfully,

SUMIT MUKHERJEE
(UNDER SECRETARY)

(Copy to Dr. Kirit Somiaya, Chartered Accountant, Ph.D., BJP, with reference to your letter No. Nil dated 09.05.2009)

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

464/INST/2009-EPS

Dated: 14th May, 2009

To

The Chief Electoral Officers of
all States and Union Territories

Subject: Counting Centres Observers – regarding.

Sir,

I am directed to refer to the Commission's earlier letter No. 464/2007-PLN-1 dated 11.01.2007 on the above subject wherein it is stated in para 29 of the said letter that the Observer/Returning Officer will ensure that the results of table – wise – round-wise counting of votes are immediately displayed prominently on a notice board inside the counting center and announced through public address system. After the counting is completed and the Returning Officer has compiled the final result sheet, the Observer will tally the figures of votes obtained by the candidates with the details of round-wise break-up kept by him in his folder and allow the result to be declared only when the figures tally with each other.

In para 33 of the said letter it is stated that, as per the above arrangements, the progress of every round, Assembly segment-wise, will be announced as soon as each round is complete. Similarly, the consolidated position of the Parliamentary Constituency by combining the position of the rounds of different ACs available from time to time should also be announced over the public address system,, preferably from a centralized location where the public announcement booth is located. The public announcements could

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be repeated at suitable intervals for the knowledge of the public that gather in good number outside the Counting Centres.

Now the Commission has decided that the observer present at the headquarters of the Returning officer of the Parliamentary Constituency will play a coordinating role in the process of monitoring collection and collation of round-wise results from the ARO of the Assembly Segments, by the Returning Officer of the Parliamentary Constituency and in the process of ensuring accurate collating of data, tabulation and the declaration of result by the RO of the Parliamentary Constituency. The observer located in the RO's headquarter will also get a copy of the results received from the AROs of the assembly segments. The observer will monitor and ensure that the above process of obtaining, collating and declaration of result by the RO of the PC is carried out strictly in accordance with the instructions of the Election Commission of India.

After the declaration of the result by the RO following all procedures, the headquarters observer will also submit a special report to the Commission about the collating of data and declaration of results.

This may be brought to the notice of all the DEOs, ROs and observers for their immediate information and compliance.

A copy of this instruction shall be handed over to all observers immediately. The DEOs/ROs shall ensure this.

Yours faithfully,

(SUMIT MUKHERJEE)
UNDER SECRETARY

ELECTION COMMISSION OF INDIA**Nirvachan Sadan, Ashoka Road, New Delhi-110001****464/INST/2009-EPS****Dated: 15th May, 2009**

To

The Chief Electoral Officers of
All States and Union Territories**Subject: Restriction on the number of persons who may accompany
the candidate for receiving the certificate of Election.**

Sir/Madam,

I am directed to say that the Commission has issued instructions restricting the number of persons who may accompany the candidate to the chamber of the returning officer at the time of filing of nomination paper. It has been suggested that similar restriction in connection with receiving of the certificate of election would be helpful in controlling crowd.

The Commission has considered the matter and has directed that when the candidates come for the receiving certificate of election also, only a maximum of four persons may accompany the candidate to the office of the Returning Officer.

A Nodal Police Officer shall also be identified immediately to ensure proper compliance of the aforesaid instruction at each of the relevant location.

This shall be brought to the notice of all the concerned including candidates for strict compliance.

Yours faithfully

**(SUMIT MUKHERJEE)
UNDER SECRETARY**

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G.E-2009
By Fax/Speed Post

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

SUMIT MUKHERJEE
UNDER SECRETARY

Tel No. 23717590
Fax No. 23717590

No. 470/2009/EPS

Dated: 15th May , 2009

To

The Chief Electoral Officers of
All States/UTs.

Sub: Counting of Votes – regarding.

Sir,

In continuation to the Commission's earlier letter No. 470/2009/EPS dated 21.01.2009 regarding counting of votes, I am directed to say that in case of large number of postal ballots required to be counted in any Parliamentary Constituency, which may result in delay of declaration of results, the Commission has directed that the Returning Officer in consultation with the observer can set up additional tables for counting of postal ballots as per necessity.

As instructed earlier one Assistant Returning Officer shall be dedicated to handle the postal ballot counting. The Observer located in the RO's Headquarter and Returning Officer shall closely monitor the progress made in postal ballot counting as well as EVM counting simultaneously.

After the counting process is over and results are declared, the observer along with his final report shall make a special mention of the process of postal ballot counting.

Yours faithfully

(SUMIT MUKHERJEE)
UNDER SECRETARY

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INSTRUCTION SI. No.

Election Commission's letter No. 470/INST/2009/EPS Dated: 8th September 2009 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: Counting Centers Arrangement thereat – including security arrangements - regarding

I am directed to invite your attention to para 27 of the Commission's letter No. 470/2007/PLN-I dated 11.01.2007 on the subject cited above and to say that the Commission has slightly modified the proforma for tabulating round-wise counting (round wise tabulation sheet) as annexed hereto. Since the list of Control Units allotted to each polling station is shared with all candidates and is already available with the RO, the Control Unit No. and number of electors assigned to the polling station shall be filled up in advance in the round wise tabulation sheet.

2. On the counting table, the counting supervisor will verify and record on Form 17C-Part II itself that the serial no. of the control unit taken up for counting is the same as what is noted on the Part-I of Form 17C. In the case of EVMs procured in 2006 and thereafter, the C.U. will itself display its serial no. as soon as its power is switched on. The Micro-Observers will also note down the Serial No. of the Control Unit on the sheet maintained by him/her. If any discrepancy is noted, this should be brought to the notice of the RO and the Observer before counting the votes recorded in that Control Unit.

3. When Individual counting sheets (Form 17C-Part II) from counting tables will come to RO's table for filling up the round-wise tabulation sheet, the RO & the Observer will ensure (by tick marking) that the pre-filled serial number of CU noted down in the round-wise counting sheet is the same as mentioned in Part I of Form 17C as well as the control unit number actually verified/displayed during counting at the table.

4. Extreme care will have to be taken by the RO to ensure that there are no errors in the list of polling station wise CUs shared with the candidates. Any anomaly will create doubt and confusion in the counting hall. In case any EVM had to be replaced during the poll, proper record of the same along with the serial number of the new control unit used shall be maintained and the fact mentioned clearly with full details in the round-wise counting sheet.

5. This shall be brought to the notice of all concerned for strict compliance. Further, all concerned will also strictly follow the other existing instructions of the Commission regarding counting process.

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By Speed Post/Camp Bag/e-mail

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.51/8/7/2010-EMS

Dated: 20th November, 2010

To

**The Chief Electoral Officers
Of All States & Union Territories.**

Subject: Action to be taken in case of malfunctioning of Electronic Voting Machines (EVM) during counting of votes.

Sir,

I am directed to state that the Commission has advised that the following action to be taken in case of malfunctioning of EVM during counting of votes during General Election/Bye-elections: -

- a. In case any Control Unit does not display result, it should be kept back inside its carrying case and then be kept in the Returning Officer's custody in the counting hall. Counting of votes in other machines should continue as usual.
- b. When counting of votes in other machines is complete, the Returning Officer and Observer should see whether the margin of votes between the first candidate and the runner up is more or less than the votes polled in the malfunctioned machine (s).
- c. In both the cases where the margin of votes is more or less than the total votes polled in the malfunctioned machine (s), the Returning Officer should try to retrieve the result from this machine, with the help of engineers of BEL/ECIL, using Auxiliary Display Unit (ADU) in the presence of candidates or their election agents. If the result can be retrieved by using an ADU, the result of the election can be declared accordingly. In such a case, the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at Annexure-A.
- d. In case it is not possible to retrieve the result from the malfunctioned machine even by using ADU, then the returning officer should try to retrieve the result from the machine by taking a print out of the result with the help of engineers of BEL/ECIL. If the result can be retrieved by using a printer, the result of the election can be declared accordingly. In such a case, also the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at Annexure-A.

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- e. If the result from the malfunctioned machine can not be retrieved even by using printer, the matter should be referred by the Returning Officer to the Commission for its decision and action may be taken as per the direction of the Commission. In such a case, the Returning Officer and Observer should also send a detailed report to the Commission in the format mentioned at Annexure-B, where the margin of vote between the candidates having highest vote and the runner up is more than the votes polled in the malfunctioned EVM, and in Annexure – C where such margin is less. In no case the machine should be opened, or its outer or inner seals disturbed in any manner. There should be no attempt to repair the machine. Replacement of any parts of the EVM in the field level is strictly forbidden.
- f. After completion of counting, all the Control Units whether result has been retrieved from it or not should be kept back inside their respective carrying cases. The carrying cases should then be sealed once again. The Returning Officer and Observer should put their signatures on the seal. All candidates and their election agents should also be allowed to put their signature on the seal. The Control Unit should be then kept in the strong room (s).

Yours faithfully,

(K.N. Bhar)
Secretary

Copy to

1. The Chairman-cum-Managing Director,
Bharat Electronics Limited,
Nagavara, Outer Ring Road,
Bangalore-560045, Karnataka.
2. The Chairman-cum-Managing Director,
Electronics Corporation of India Limited,
Hyderabad, Andhra Pradesh

Annexure-A

(Report on retrieving result from Control Unit by using Auxiliary Display Unit/Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result has been retrieved from the following malfunctioned Control Unit (s) by using Auxiliary Display Unit/Printer in the presence of the contesting candidates/their counting agents. The result of the election has been declared taking into consideration the result from this machine as well.

Sl.No.	Unique ID No. of Control Unit	Detailed report	No of votes polled in the malfunctioned Control Unit as per Form 17 C

Final statement showing votes polled by the winning and runner up candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled
1.			
2.			

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-B

(Report on non-retrieving of result from Control Unit by using Auxiliary Display Unit/Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result could not be retrieved from the following malfunctioned Control Unit (s) even by using Auxiliary Display Unit and Printer.

Sl.No.	Unique ID No. of Control Unit	Detailed report	No of votes polled in the malfunctioned Control Unit as per Form 17 C

Statement showing votes polled by the winning and runner up candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled
1.			
2.			

As the margin of votes between the candidate having highest votes and the runner up is more than the votes polled in the malfunctioned Control Unit (s) mentioned above, the matter is being referred to the Commission for permission to set aside the votes polled in the said Control Unit (s) and to declare the result.

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-C

(Report on non-retrieving result data from Control Unit by using Auxiliary Display Unit and Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result could not be retrieved from the following Control Unit (s) even by using Auxiliary Display Unit and Printer.

Sl.No.	Unique ID No. of Control Unit	Detailed report	No of votes polled in the malfunctioned Control Unit as per Form 17 C

As the margin of votes between the candidates having highest votes and the runner up is less than the votes polled in the malfunctioned Control Unit (s) mentioned above, the matter is being referred to the Commission for appropriate orders.

Statement showing votes polled by the candidates having highest vote and runner up

S.No.	Name of candidate	Party affiliation, if any	Votes polled
1.			
2.			

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

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INSTRUCTION SI. No.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 470/BR-LA/2010

Dated 22nd November 2010

To

The Chief Electoral Officer,
Bihar, Patna

Subject:- General election to Bihar Leg. Assembly 2010- counting of votes
regarding-

Sir,

I am directed to refer to Commissions letter No.470/2008/EPS dated 19th January 2009 regarding counting of votes for General/Bye election to the House of the People/Legislative Assembly. In addition to the measures prescribed therein for ensuring transparency of counting of votes, the Commission has directed that the following additional measures/steps shall be strictly followed for the counting of votes :-

- (1) The Computer and the table used for entering the data of counting of votes shall be kept in the same Hall where the counting is being held. In case the computer cannot be placed in the counting hall, the Observer's certification shall be taken and in that case the Observer will decide the alternative location.
- (2) At the computer table one counting agent candidates will be allowed to be seated.
- (3) In addition one micro-observer shall also be present at the computer table
- (4) The manual tabulation data of each round of counting at each table shall be signed by the Observer.
- (5) Thereafter the said data shall be entered in the Excel Sheet in the Computer and a print-out of the same shall be taken out and compared by the Obsever and will also be signed by the Observer.
- (6) A copy of the same shall be given to the Counting Agents of the candidates.

of each of the contesting

(7) The above process shall be repeated for each round of counting

(8) Before the final result sheet is signed by the Returning Officer, the Observer shall check the entries relating to each round of counting entered in the Computer excel sheet with the signed print-out sheets and verify the same.

(9) Thereafter, the Returning Officer shall sign the final result sheet and declare the result after following the procedure.

This may be brought to the notice of all the Returning Officers, Assistant Returning Officers, Counting Supervisors and the Observers immediately for compliance. This may be also brought to the notice of all the candidates by the Returning Officers concerned.

Yours faithfully,

(HARBANS SINGH)
UNDER SECRETARY

265

INSTRUCTION SI. No. 113

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 470/BR-LA/2010

Dated 22nd November, 2010

To

The Chief Electoral Officer,
Bihar, Patna

Subject:- General election to Bihar Leg. Assembly 2010- counting of votes - reg

Sir,

I am directed to refer to Commission's letter of even number dated 22nd November, 2010 on the subject cited and to state that it has been stipulated therein that one micro observer shall be present at the computer table. It is further directed that this micro observer shall be drawn from the Public Sector Banks. The Commission has also directed that there shall be one micro observer at the Returning Officer's table in the counting halls of all the Assembly Constituencies who shall also be drawn from the Public Sector Banks . This may be brought to the notice of all District Election Officers Returning Officers and Observers for compliance.

Yours faithfully,

(HARBANS SINGH)
UNDER SECRETARY

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(266)

INSTRUCTION SI. No.
ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 470/BR-LA/2010

Dated 23rd November, 2010

To

The Chief Electoral Officer,
Bihar, Patna

Subject:- General election to Bihar Leg. Assembly 2010- counting of votes - reg

Sir,

I am directed to invite your attention to the instructions contained in Commission's letter No. 470/2007-PLN-I dated 11th January, 2007 on the subject cited. It has been stipulated at para 36 thereof that before the Returning Officer declares the result of the election, he/she shall obtain an authorization for declaration of the result from the Observer concerned. A format of such authorization has also been prescribed therein. The Commission has reiterated the said instructions and has directed that it must be ensured that the Returning Officers should obtain such written authorizations from the Observers for the declaration of the result, before declaration the result. This should be brought to the notice of all District Election Officers Returning Officers and Observers for compliance.

Yours faithfully,

(HARBANS SINGH)
UNDER SECRETARY

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No.470/INST/2011/EPS

Dated 4th March 2011

To,

The Chief Electoral Officers of
All States and Union Territories.

Subject: Counting Of Votes- Videography of proceedings at each counting table and display thereof on the display panel – Regarding.

Sir/Madam,

I am directed to invite your attention to Commission's instruction No.470/2011/EPS dated 11.01.2007 regarding arrangements to be made at the counting centers and management of the counting process. To ensure greater transparency, the Commission has further directed that one separate video camera, for each table at the counting center should be provided which shall record all displays on the display panel of EVM from the beginning till the end of counting continuously in such a manner that the matters displayed on the display panel are easily readable from the recording. The CDs of this video recording should be kept in the safe custody of District Election Officer (DEOs). For each counting table, there should be electronic display screen (Television Monitor) to facilitate enough space and clear visibility to the counting agents. While the video camera is recording the matter displayed on the EVM, the matter should be simultaneously displayed on the television screen for the counting agents to watch and note.

This may be brought to the notice of all concerned.

Yours faithfully,

SUMIT MUKHERJEE
(UNDER SECRETARY)

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi

No.470/2011/EPS

Dated:- 5th March, 2011

To,

The Chief Electoral Officer of

1. Assam, Dispur,
2. Kerala, Thiruvananthapuram.
3. Tamil Nadu, Chennai.
4. West Bengal, Kolkata,
5. Puducherry, Puducherry.

Subj: General Election to Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Puducherry- Counting of Votes-regarding.

Sir,

I am directed to refer to Commission 's letter Nos. 470/2007/PLN-I, dated 29.08.2007, 470/2008/EPS, dated 19th January, 2009, 470/2009/EPS, dated 21.01.2009 and 470/2009/EPS, dated 22.01.2009 regarding counting of votes for General/Bye-elections to the House of the People/Legislative Assemblies in addition to the measures prescribed therein for ensuring transparency of counting of votes, the Commission has directed that the following additional measures/steps shall be strictly followed for the counting of votes:-

- (i) The Computer and the table used for entering the date of counting of votes shall be kept in the same Hall where the counting is being held. In case the computer cannot be placed in the counting hall, the Observer's certification shall be taken and in the case the Observer will be decide the alternative location.
- (ii) At the computer table one counting agent of each of the contesting candidates will be allowed to be seated.
- (iii) In addition one micro-observer shall be present at the computer table. The micro-observer should be drawn from a Public Sector Banks.
- (iv) There shall be one micro-observer at the Returning Officer's Table in the counting halls of all the Assembly Constituencies who shall also be drawn from the Public Sector Banks.

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- (v) The manual tabulation data of each round of counting at each table shall be signed by the Observer.
- (vi) Thereafter, the said data shall be entered in the Excel Sheet in the Computer and a print-out of the same shall be taken out and compared by the Observer and will also be signed by the Observer
- (vii) A copy of the same shall be given to the Counting Agents of the candidates.
- (viii) The above process shall be repeated for each round of counting.
- (ix) Before the final result sheet is signed by the Returning Officer, the Observer shall check the entries relating to each round of counting entered in the Computer Excel Sheet with the signed print-out sheets and verify the same.
- (x) Before the declaration of the result the Returning Officers should obtain written authorizations from the Observers regarding the declaration of results.
- (xi) Thereafter, the Returning Officer shall sign the final result sheet and declare the result after following the procedure.

This may be brought to the notice of all the Returning Officers, Assistant Returning Officers, Counting Supervisors and the Observers immediately for the compliance. The may be also brought to the notice of all the candidates by the Returning Officers concerned.

Yours faithfully,

(SUMIT MUKHERJEE)
UNDER SECRETARY

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No.464/INST/2011/EPS

Dated: 19th March 2011

To,

The Chief Electoral Officers of

1. Assam, Dispur
2. West Bengal, Kolkata
3. Kerala, Thiruvananthapuram
4. Tamil Nadu, Chennai
5. Puducherry, Puducherry

Subject: - General Election to the State Legislative Assembly to West Bengal, Tamil Nadu, Assam, Kerala and Puducherry – regarding.

Sir/Madam,

The Commission vide its letters No. 464/INST/2009/EPS dated 12th May, 2009 issued detailed guidelines regarding security and safety measure for EVM in Strong Room (copy enclosed).

Now the Commission has reviewed the matter and has decided as under: -

1. In addition to deployment of CPF, State police force shall also be deployed in adequate number for each hall of the strong room to guard the Strong Room containing polled EVM and election related documents.
2. As per Standing Instructions it is reiterated that Video Cameras or CCTV Cameras should be installed outside the strong rooms and such video recordings should be kept in safe custody.

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This should be brought to the notice of all concerned.

Yours faithfully,

(SUMIT MUKHERJEE)
UNDER SECRETARY

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By Camp Bag/
Speed Post/Fax

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.51/8/7/2010-EMS

Dated: 28th April, 2011

To

1. The Chairman-cum-Managing Director,
Electronics Corporation of India Limited,
MCU Complex, Phase-II, IDA Cherlapalli,
PO: HCL, Hyderabad-500051,
Andhra Pradesh.
2. The Chairman-cum-Managing Director,
Bharat Electronics Limited,
Nagavara, Outer Ring Road,
Bangalore-560045, Karnataka.

Subject: Action to be taken in case of malfunctioning of Electronic Voting Machines (EVM) during counting.

Sir,

I am directed to refer to the Commission's letter of even number dated 27th December, 2010, on the subject cited, whereby the Commission has directed that engineers of the manufacturers (BEL & ECIL) shall carry Auxiliary Display Units (ADUs) for the EVMs having 17 Segment Display (new version EVMs), like printers to use during counting process in the elections, when they go to a State/Constituency for back up support during counting of votes. Once the process of counting is over, they will bring back the same to their headquarters.

The Commission has directed that the above instructions should be followed in letter and spirit.

Yours faithfully,

(Dilip K. Varma)
Under Secretary

Copy to the Chief Electoral Officers of all States/UTs.

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BY EMAIL / BY FAX / SPEED POST

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 470/TN-LA/2011/SS-II

Dated 5th May, 2011.

To

The Chief Electoral Officers,
1. Tamil Nadu, Chennai.
2. West Bengal, Kolkata
3. Kerala, Thiruvanthpuram
4. Assam, Dispur
5. Puducherry, Puducherry

Sub: Arrangements for counting - regarding.

Sir,

The Commission's instructions for counting of votes are detailed below:

PREPARATION OF COUNTING SPACE

1. The counting of votes will be done at Counting Centres comprising one or more Counting Halls. Each Counting Hall shall be a separate room walled on all sides preferably with separate exit and entry facilities.
2. Each Counting Center will have a distinct number and within that, each Hall will have a distinct number.
3. Where pre-constructed separate rooms are not available but large rooms are proposed to be divided for creating Halls, each part constituting a Hall will be separated by temporary partitions. These partitions will be of strong material, preferably CGI sheets. Where the owners of the Building have objections to dig holes on the floor, a suitable rigid frame, with CGI sheets fixed on two sides, may be used. The point to be ensured is that after the necessary partitioning, each Hall is an independent room walled on all four sides. It should not be possible for anybody to move from one Hall to another without coming out of the Hall. Further the partition should be so erected that it should be impossible to slip any material from one Hall to the other through the partitions. On both sides of the partitions, guards should be posted to ensure that the partitions are not disturbed.
4. Each Hall, will be used for counting for only one Assembly Constituency/Segment at a given point of time. However, if sufficiently big halls are not available, then the counting of one assembly constituency / segment may be taken up in two Halls. Counting in two halls should be considered only if the size of the Hall does not allow placing of more than 8 tables (including the table of the RO/ARO). In exceptional cases where the size of the electorate in an Assembly segment is unusually large, counting



may be taken up in two Halls with a maximum of 15 tables each in each Hall for that Assembly constituency / segment. All such cases will be personally scrutinized by the DEO and the Observers after taking into account all relevant factors such as number of candidates, number of counting agents etc.

5. In cases where two Halls are being used to count an Assembly segment the Polling Station numbers will be pre-allotted to the two Halls (each room being one separate Hall) in advance.

6. Assembly Segments must be pre-allotted to Halls and this allotment made known to all concerned in advance.

7. In the counting area, a maximum of 14 counting tables (excluding the Table of Returning Officer) should be placed inside a Hall. Important considerations for deciding on the number of counting tables would be the number of Polling Stations, size of the room, the number of counting agents and candidates, and the total number of counting personnel proposed to be deployed and the security aspects. The counting tables should be placed against the barricade of woodblock and wire-mesh behind which the counting agents of candidates shall sit/ stand. The agents shall not have physical access to the EVM but must be able to clearly see and note the contents on the monitor/EVM display panel.

8. The upper limit of 14 counting tables (excluding the Table of Returning Officer) in a counting HALL can be increased only with prior written approval of the Commission. A lower limit may be fixed taking into account all relevant factors.

9. The RO's table shall be in the counting hall itself. It should be a separate table with a demarcated area. Candidates and their Election Agents will also be seated on this table and watch the counting proceedings. However from the RO's table, they shall not be allowed to access the counting tables on the inner side of the wire-mesh.

10. Similarly the table and the computer on which the computation and compilation of data from each table at the conclusion of a round shall be done shall be in the counting hall alongside the RO's table where the candidate/agent will also be seated. Under no circumstance it will be in any other room. In case the table is a separate one from RO's table then one additional counting agent besides a micro-observer shall be allowed to sit on that table.

11. Each counting table shall have one separate video camera/webcam which shall record all contents displayed on the display panel of the EVM from the beginning to the end of counting continuously in a CD. For each counting table this video/webcam should be connected to an electronic display screen (Monitor) to facilitate clear visibility of the contents on display panel of EVM to the counting agents. In other words, while the video camera is recording the matter displayed on the EVM, the display matter should simultaneously be projected on Monitor for counting agents to watch and note.

11A-The web-cam/video cameras should be fixed on a stand and the place where Control Unit(CU) has to be kept should be marked with a marker pen so that after each round of counting when the fresh set of CUs are brought, the readjustment of webcam/video camera is not required. The webcam/video camera should be positioned in such a way that these do not hinder the view of display panel of CUs for the

candidates and their agents. The power cable for webcam/video camera etc. should run along the barricades/wire-mesh in such a way that no official or any other person is required to overstep the cable.

11B- Small placards should be prepared in advance indicating AC no. & name, PS no. and date of counting of votes, These placards should be placed before the each CU correctly so that CU is identified at a glance to which PS and which AC belongs to.

12. In addition, in each counting hall there shall be a sufficiently large blackboard/whiteboard on which the candidate's name and round number will be pre-written (since the numbers of rounds are already planned). After every round, once the Observers have certified, the results of that round should be written on that board. ONLY after that the EVMs for next round shall be brought from the strong room to the counting hall.

13. The Counting Halls, including partitions as planned, should be got ready at least three clear days ahead of the date of counting and a report sent by each RO to the CEO. CEOs shall send a consolidated report to the Commission.

14. CEOs, during their tours, will specifically review arrangements proposed and inspect as many counting centers as possible.

15. The Observers of the Commission will undertake detailed inspection of counting centers during their visit and ensure that the counting Halls have been planned as per the above instructions and Assembly segments have been accordingly pre-allotted to each Hall. They will send a specific report on this to the Commission. They should also obtain relevant drawings of each counting centres and keep it as a part of the record for their final report.

16. A system of receiving counting related information and complaints in the CEO's place should be set up. For this purpose the CEO's control room helpline nos. 1965 should be properly briefed and activated 72 hours in advance. This arrangements should be advertised through newspapers radio and other media means.

SECURITY ARRANGEMENT

17. There should be smooth flow of EVMs between the respective strong rooms and the counting halls. A proper barricading of the path used for transporting EVMs between the strong room of an AC and the counting hall for that AC should be done so that the transportation is not interrupted by the presence of non-officials and media persons. No unauthorized persons should be able to breach that barricade and access the area/path nor should the path of two different ACs crisscross.

18. 100 meter periphery around a counting premise/campus should be demarcated as 'pedestrian zone'. No vehicles shall be allowed within this perimeter. Proper barricading of this demarcated zone should be done and the alighting point (same as the pedestrian entry point) clearly made out by providing an entry gate into the premise. If a public road cuts across such sanitized zone, then proper traffic diversion plan should be prepared in advance for the counting day.

19. Three tier cordoning system should be set up in all counting premises to prevent the entry of unauthorized persons inside the counting premises. The first and the outer cordon shall be at the start of the 'pedestrian zone'. At this level adequate police force should be stationed to check the identity of the persons wanting to go in. No person without authorized photo identity card duly issued by the Election Commission/ District Election Officer displayed on his person, shall be allowed to cross the first cordon of the counting premise. A senior Magistrate shall be posted at the entrance to control crowd and regulate entry.

20. The second and the middle cordon will be at the gate of the counting campus/premise. This will be manned by the State Armed Police. Before allowing the entry of persons whose identities have been established by means of identity card to the second cordon, proper frisking should be made by the security personnel to ensure that no prohibited items like matchbox, arms etc. are carried inside. The frisking shall be done by state police force personnel only. Women shall be frisked only by women police personnel/women Home Guards. The forces responsible for enforcing second cordon shall also ensure that no one is loitering outside the counting halls and using mobile phones or other communication equipment (mobile etc can only be used from designated rooms arranged for the purpose by the DEOs at the counting centres)

21. The third and the inner cordon shall be at the door of the counting hall. This will be manned largely by Central Armed Police Forces (CAPF). There will be frisking arrangements at this stage too to ensure that no mobile phones and other prohibited items are carried inside the counting hall.

22. No camera – still or video of the media (except the official video at each table and for officially recording the entire counting process) is allowed to be fixed inside any counting hall. No camera stand should therefore be allowed to be taken inside counting halls by media and journalists. Hand held cameras can be allowed to the authorized ECI pass holders. Further, while taking audio visual coverage of the counting process with camera carried in hand or on shoulders by the media/press, under no circumstances, the actual votes recorded on an individual EVM or ballot papers is to be photographed or covered by audio visual coverage. The exact location up to which the, still and video camera of the media and press can move, should be indicated by the Returning Officer in advance marked by a line or a string for guidance of all concerned.

23. All entry at all times however, is subject to the over-all requirement of maintenance of law and order, proper decorum and the conduct of peaceful counting.

COMMUNICATION FACILITY

24. At each counting center there shall be a communication room for the officials with table/chairs, a telephone with STD, a fax, computer with printer and internet facility attached to it. A hotline, wherever possible, should be provided with CEO. A senior officer should be deployed in this communication room. A separate space/cubicle reserved for the exclusive use of the Observers should also be provided for their communication with the Commission, in confidentiality.

25. Media centers have to be set up at each Counting Centre. As far as possible, a separate room of adequate size should be set apart for these centers and reasonable facilities like telephone, fax, data communication network etc have to be provided. Each returning Officer is required to exclusively deploy one senior officer to be in charge of the

Media Centre, preferably from the Public Relations Department. It is important that adequate number of officers/officials are available to assist the officer in charge of the Media Centre at each counting center so that they can escort the media groups in small manageable numbers to visit counting halls from time to time. Such visits are to be of short duration only. All such visits will be escorted visits conducted by officers identified and earmarked for this purpose in advance. In the media room, adequate arrangements shall be made to keep the mobile phones safely because the mobile phones shall not be allowed to be taken inside the counting halls. Use of mobile phones and other communication equipment shall be allowed from the media center. Mobile phones shall not be used from anywhere else within the campus.

26. Since nobody (not even the candidate or RO/ARO etc) except the Observer shall be allowed to carry a mobile phone inside the counting hall, the DEOs and ROs will also arrange another room for the candidates, their agents etc to make use of their mobile phones in case of any need. Public Communication Room should also provide for a senior officer and arrangements for safe-keeping of the mobiles etc of the candidates and their agents/representatives.

COUNTING PROCEDURE

Counting of Postal Ballot Papers

27. As per the requirement of rule 54A of C.E. Rules, 1961, the postal ballots shall be taken up for counting first at the Returning Officer's table. One Assistant Returning Officer shall be dedicated to handle the postal ballot counting. The Observer and Returning Officer should closely monitor the progress made in postal ballot counting as well as EVM counting. No cover 'B' in Form 13-C containing a postal ballot paper, received late after the time fixed for the commencement of counting will be opened and counted and a suitable endorsement to that effect on the cover in Form 13-C will be made on each such cover received after the commencement of counting. Thereafter these Covers in Form 13C will be put into a larger cover and sealed. The Observer and RO should closely monitor the postal ballot counting. Before finalizing the tally of postal ballot counting the RO should personally verify whether postal ballots considered invalid and rejected have been verified properly before being rejected. Candidate wise tally should also be verified by RO and any complaint raised by any agent should be properly inquired. Observer must oversee the entire procedure.

28. All postal ballots received till the time fixed for commencement of counting of votes shall be opened for counting. For counting of the postal ballots following points must be scrupulously followed –

- 28.1 All cover 'B' in Form 13-C containing postal ballot papers, which were received in time by the Returning Officer, are opened one after another.
- 28.2 On opening the cover 'B' in Form 13C, two documents are required to be found inside. The first is the declaration by the voter in Form 13-A and the second the inner cover 'A' (Form 13-B) containing the postal ballot paper. Before opening the cover 'A' containing the postal ballot paper, the Returning Officer must check the declaration (Form 13-A). He will reject a postal ballot paper without opening its inner cover (Form 13-B) in any of the following cases:

(a) if the declaration in Form 13-A is not found inside the cover 'B' in Form 13-C;

(b) if the declaration has not been duly signed by the elector or has not been duly attested by an officer competent to do so or is otherwise substantially defective;

(c) if the serial number of the ballot paper appearing on the declaration in Form 13A is different from the serial number as endorsed on the inner cover 'A' in Form 13-B.

28.3 All such rejected covers 'A' in Form 13-B containing the Postal Ballot Paper should be suitably endorsed by the Returning Officer or the dedicated ARO, and will be replaced back with the respective declaration in the larger covers 'B' in Form 13-C. All such larger covers 'B' will be kept in a separate packet, which will be sealed by the Returning Officer/ARO concerned, and full particulars, such as the name of the Constituency, the date of counting and a brief description of the content will be noted thereon for identifying the packet.

28.4 Thereafter, the Returning Officer/ARO will proceed to deal with the remaining covers 'A' in Form 13-B, i.e., other than those rejected as aforesaid. In order to protect the secrecy of the postal votes, all the declaration in Form 13-A which are found on scrutiny to be in order should first be placed in a separate packet and sealed. It is necessary to put these declarations away in a sealed packet before any ballot papers are brought out of their covers 'A' in Form 13-B, to ensure secrecy of vote as the declarations contain the names of the voters along with the respective serial numbers of their postal ballot papers.

28.5 After the above procedure is completed, the Returning Officer/ARO will proceed to open the covers 'A' in Form 13-B one after another to take out the postal ballot papers contained in them.. The Returning Officer /ARO will scrutinize every such ballot paper and decide its validity.

28.6 **A postal ballot paper will be rejected on the following grounds:-**

(a) if no vote is recorded thereon; or

(b) if votes are given on it in favour of more than one candidate; or

(c) if it is a spurious ballot paper; or

(d) if it has been so damaged or mutilated that its identity as genuine ballot paper cannot be established; or

(e) if it is not returned in the cover 'B' sent along with it to the elector by the Returning Officer; or

(f) if the mark indicating the vote is made in such a way that it is doubtful to make out the candidate to whom the vote has been given; or

(g) if it bears any mark or writing by which the voter can be identified.

28.7 There is no particular mark required by law to be made by a voter to indicate his vote on a postal ballot paper. Any mark can be accepted as valid so long as it has been so made and so placed on the ballot paper that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus a mark made anywhere in the space allotted to a candidate will be taken as a valid vote in favour of the candidate concerned.

28.8 The valid votes will then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate so counted, will be entered in the result sheet in Form 20 and announced for the information of the candidates/election agents/counting agents.

28.9 Thereafter all the valid postal ballot papers and all rejected postal ballot papers will be separately bundled and kept together in a packet and sealed with the seal of the Returning Officer and the seals of such of the candidates, their election agents or counting agents (not exceeding two in respect of any one candidate) as may desire to affix their seals thereon.

29. In case the victory margin is less than total number of postal ballots received then there should be a mandatory re-verification of all postal ballots. In the presence of Observer and the RO all the postal ballots rejected as invalid as well as the postal votes counted in favour of each and every candidate shall once again be verified and tallied. The Observer and the RO shall record the findings of re-verification and satisfy themselves before finalizing the result. The entire proceeding should be video-graphed without compromising the secrecy of ballot and the video-cassette/CD should be sealed in a separate envelope for future reference.

Counting of Votes recorded in EVMs

30. After 30 minutes of the commencement of postal ballot counting, the EVM counting can start. The EVMs can be brought under escort (agents can accompany) from the strong room to the counting hall if the postal ballot counting is still going on. However, the penultimate round of EVM counting shall not commence unless the postal ballot counting is over.

31. Each counting table shall have one GOI official as counting micro-observer. The Observer should properly train the micro-observers. The micro-observer shall be responsible for the purity of counting process on his respective table.

31.A Since the list of Control Units allotted to each polling station is already shared with all candidates and is available with the RO, the Control Unit No. and number of electors assigned to the polling station shall be filled up in advance in the round wise

tabulation sheet. On the counting table, the counting supervisor shall verify and record on Form 17C-Part II itself that the serial no. of the control unit taken up for counting is the same as what is noted on the Part-I of Form 17C. In the case of EVMs procured in 2006 and thereafter, the C.U. will itself display its serial no. as soon as its power is switched on. The Micro-Observers will also note down the Serial No. of the Control Unit on the sheet maintained by him/her. If any discrepancy is noted, this should be brought to the notice of the RO and the Observer before counting the votes recorded in that Control Unit. When Individual counting sheets (Form 17C-Part II) from counting tables will come to RO's table for filling up the round-wise tabulation sheet, the RO & the Observer will ensure (by tick marking) that the pre-filled serial number of CU noted down in the round-wise counting sheet is the same as mentioned in Part I of Form 17C as well as the control unit number actually verified/displayed during counting at the table.. Extreme care will have to be taken by the RO to ensure that there are no errors in the list of polling station wise CUs shared with the candidates. Any anomaly will create doubt and confusion in the counting hall. In case any EVM had to be replaced during the poll, proper record of the same along with the serial number of the new control unit used shall be maintained and the fact mentioned clearly with full details in the round-wise counting sheet.

32. After the EVM counting at each table, a round-wise statement shall be prepared by the Returning Officer in the proforma annexed hereto (**Annexure for tabulating round-wise figures**). Both the Returning Officer and Observer shall personally verify that the number of votes posted against the name of each candidate in respect of every counting table tally with the figures as shown in Part II of Form 17 'C' (result of counting) pertaining to that table. They shall append their initial below the total of each counting table. A copy of the detailed polling station-wise round-wise breakup of the votes as shown in the said Annexure will be kept by the Observer in his folder. In addition, on the computer installed in the Counting Hall where parallel tabulation work will be done in an Excel Sheet to counter check any human error. This data entry will also be done Polling station wise and Round wise. Even though computer tabulation will not substitute the manual tabulation being done for obtaining final result of the counting of votes, the Computer based parallel tabulation/totaling will be helpful as a double check on the accuracy of manual tabulation. The said date shall be entered in the excel sheet in the computer and a print out of the same shall be taken out and compared by the observer and also be signed by the officer. (As per Commission's instruction no. 470/2011/EPS dated 5th March, 2011).

If the computer table is located at a distant place from the Returning Officers table (but has to be within the counting hall). At the Computer Table one counting agent of each of the contesting candidate will be allowed to be seated in addition one micro observer. There shall be one micro observer at the Returning Officers table in counting halls of all Assembly Constituencies

33. For ensuring accuracy of the result of counting, at the closure of each round of counting the Observer will randomly select 2 EVMs of the concluded round and direct the additional micro-observer appointed for this purpose to check and tally the results on the 2 EVMs with Part II of 17C submitted by the counting staff. After completion of counting, the observer should send a final report in the prescribed checklist as per ECI instruction no. 470/2008/EPS dated 19th January, 2009.(copy enclosed for ready reference)

34. The Observer and Returning Officer will sign the candidate wise results for that round after checking everything and ensure that the results of that round counting of votes are immediately displayed prominently on the blackboard/whiteboard. It should also be announced through public address system. A copy of the round's results should be shared with all candidates/agents after completion of that round. A copy of the print out should be given to media room for information of press and another copy to communication room for uploading on GENESIS.
35. Next Round of counting should only start i.e. the next set of EVMs for the next round should be brought only after all tables of previous round have finished counting and the result of that round has been posted on the blackboard/whiteboard.
36. The Commission has issued detailed instructions on the flow of data through GENESYS. These instructions are to be followed scrupulously by all Returning Officers.
37. The RO will fax round-wise data to the CEO. Wherever hot lines are available with the CEO, these will be utilized to orally confirm the contents of the fax message. CEOs would set up adequate number of fax lines with hunting facility to receive the faxes. For this purpose, they can hire faxes or temporarily borrow fax machines from various government departments and corporations. The total number of such fax machines required, including a few in reserve, should be decided in advance and these should be positioned and tested at least 72 hours before the start of counting. The CEOs should have blank forms to note down the round wise data, if received orally on phone or hotline.
38. As per the above arrangements, the progress of every round, Assembly segment-wise, will be announced as soon as each round is complete. Similarly, the consolidated position of the PC by combining the position of the rounds of different ACs available from time to time should also be announced over the public address system,, preferably from a centralized location where the public announcement booth is located. The public announcements could be repeated at suitable intervals for the knowledge of the public that gather in good number outside the Counting Centres.
39. Entire counting process must be videographed. CD of the video (and also of each table's recordings) should be kept in safe custody of the DEO.
40. As soon as the final result is declared, the data as contained in Form 21E, which is handed over to the winning candidate, will be handed over to the Observer also for immediate communication to the Commission.
41. It is important that soon after the counting is finished, the fully reconciled counting data is tabulated and checked thoroughly before the result is formally declared.
42. The Observers will ensure that the Final Result Sheet in Form 20 is filled by the RO before he declares the result in Form 21 C and sends it to appropriate quarters. One copy each of the Forms 20 , 21C and 21E duly filled in will be collected by the Observers and attached with their reports on counting.
43. Commission has decided that all Observers will keep a close watch on the process of counting of votes and compilation of results. Towards this end, neither the Observer nor the ARO/RO or any other election official should leave the counting hall till the counting is completed and result declared. Strict discipline should be maintained

inside the counting premises and prompt action should be taken against anyone not observing the rules.

44. Before the Returning Officer declares result of an election, he shall obtain an authorization for declaration of result from the Observer concerned. Every Observer shall completely satisfy himself about the fairness of counting of votes and complete accuracy of compilation of result. After having done so, he shall issue an authorization to the Returning Officer concerned in the following format for declaration of result:-

" _____ Observer (Code _____), For
_____ Assembly Constituency after having satisfied myself
about the fairness of counting of votes and complete accuracy of compilation of
result in Form-20 hereby authorize the Returning Officer for
_____ Assembly Constituency to declare the result."

Signature of the Observer _____
Name of the Observer _____
Code of the Observer _____
AC No. & Name _____

45. No Returning Officer shall declare the result without receiving the authorization in the format as detailed in Para 44 above from the Observer. It shall be the personal responsibility of the Observer and Returning Officer to ensure fairness of counting of votes and accurate compilation of result.

46. The CEO will keep in touch with the Secretary concerned in the ECI on the progress of counting and the collection and dispatch of data in statutory forms as mentioned earlier.

47. It shall be the personal responsibility of the District Election Officer concerned to ensure that all the above mentioned instructions are strictly complied with and brought to the notice of all the Returning Officers, Observers, Candidates, Counting Agents etc sufficiently before the commencement of the Counting.

48. The Observers can make out a joint report at the end of counting. On the day immediately following the counting, they will put together their reports, along with copies of Forms 20, 21C and 21E and send them to the Commission. This should be done before the Observers leave the Constituency on completion of their duty. They will also ensure that the original Forms in two sets are dispatched by the RO through special messenger to the CEO who in turn, will send one set for all constituencies in his state, through a special messenger by flight, to the Commission.

Yours faithfully,

(Sumit Mukherjee)
Under Secretary

Annexure for Tabulating Trends/Results

Number & Name of Constituency		Round						
Number	Date	1	2	3	4	5	6	Total
Table No.								
Polling Booth No.	(To be pre-filled)							
Center No.	(To be pre-filled)	(To be pre-filled)						
Number of Electors assigned to this polling station								
Name of Candidate								
Rejected Votes								
Total Votes								
Polled								
	Initial of RL	Initial of RL	Initial of RL	Initial of RL	Initial of RL	Initial of RL	Initial of RL	Initial of RL
	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer

- Important by observer:
1. All voter writings/cutting should be certified
 2. Polling station Number whose votes are counted should be indicated below the table Number
 3. The PVM (CU) no. used in the polling station will be specifically verified and tick marked by the RO from Part II of 17C
 4. A copy of this is to be kept by observer in a separate folder for cross checking later

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(ANNEXURE-II).

Check list of final Report of the observer to be sent to the Commission after counting.

1. Whether arrangements for counting has been done as per the instruction of the Commission's letters No. 470/2007/PLN-I dated. 11.1.2007 and 29.08.2007? (yes/No)
2. If No, what are the discrepancies ?
3. Whether randomization of counting staff was done as per the instruction of the Commission in the morning? (yes/No)
4. Whether pairing of counting supervisor and counting assistant was done as per the instruction of the Commission? (yes/No)
5. Whether Micro-Observer was present? (yes/No)
6. Whether postal ballot papers were counted before the counting of votes in EVM*? (Yes/No)
7. Whether after each round or counting, random checking of 2(two) EVMs was done by the observer? (Yes/No)
8. Whether the figures at random checking done by staff drawn from reserve pool tally with the figures of round wise counting provided by the counting supervisor/counting assistant? (Yes/No)
9. Whether the signature of the counting agents taken in part –II of form 17 C? (yes/No)
10. Whether the total votes shown in part-II of form 17 C tally with the votes counted in EVM? (Yes/No)
11. Whether the counting agents of the candidates were present at the time of counting? (Yes/No)
12. Whether the seating arrangements of the counting agents were done as per the Commission's instruction? (Yes/No)
13. Whether Videography of counting was done ? (yes/No)
14. Whether there was any demand for recounting or re-totaling? (Yes/No)
15. Whether any significant incident occurred during counting of votes? If yes, give details
16. Whether candidates/ counting agents were present at the time of declaration of result? (yes/No)
17. Whether the counting was started in time? If not, give remarks.
18. Total No. of rounds counted in each assembly constituency.

*

No. of postal ballot	No. of postal ballot found invalid for counting

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.470/TN-LA/2011/SS-1

Dated : 06th May,2011

To,

The Chief Electoral Officers of
1. Tamil Nadu, Chennai
2. West Bengal, Kolkata
3. Kerala, Thiruvananthapuram
4. Assam, Dispur
5. Puducherry, Puducherry.

Sub: Arrangements for Counting – regarding.

Ref: Commission letter No. 470/TN-LA/2011/SS-1 dated 5th May, 2011.

Sir/Madam,

In continuation of the letter cited above on arrangements for counting, following additional instructions are given by the Commission:-

1. Copies of round-wise result sheet should be given by the Returning Officer to the candidates and their election agents as soon as the result of that round is declared by the Returning Officer.
2. There are existing instructions of the Commission that counting process should be fully videographed. A CD containing the record of complete videography of counting process should be given by the Returning Officer to all candidates or their election agents free of cost after the counting process is over.

This may be communicated to all District Election Officers, Returning Officers and Observers for strict compliance.

Yours faithfully,


(Sumit Mukherjee)
Under Secretary

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By Speed Post/Camp Beg/Fax

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.51/8/7/2010-EMS

Dated: 7th May, 2011

To

**The Chief Electoral Officers
Of All States & Union Territories**

Subject: Action to be taken during counting of votes in case Presiding Officer does not press CLOSE button of CU at the end of poll.

Sir,

I am directed to refer to the letter No. 8912/Ele.III/2011, dated 27.04.2011, received from the Chief Electoral Officer, Tamil Nadu, whereby, guidelines have been sought on the course of action to be taken during counting of votes, in case, Presiding Officer is found to have not pressed CLOSE button of Control Unit at the end of poll.

The Commission has advised that the following action be taken during counting of votes, in such circumstances, in the presence of candidates/their authorised agents, under videography: -

- a. In case any Control Unit does not display result due to not-pressing of "Close" button by the Presiding Officer in the polling station at the close of poll, it should be kept back inside its carrying case and then be kept in the Returning Officer's custody in the counting hall. Counting of votes in other machines should continue as usual.
- b. When counting of votes in other machines is completed, the Returning Officer and Observer should see whether the margin of votes between the first candidate and the runner up is more or less than the votes polled in such machine (s).
- c. In both the cases where the margin of votes is more or less than the total votes polled in that machine (s), the Returning Officer/Counting Supervisor shall press the "Total" button of the Control Unit to see the total votes polled in that machine (s). In case, total votes polled in the machine (s) tallies with the total votes polled mentioned in the Form-17 C, the Returning Officer/Counting Supervisor shall press the "Close" button of the Control Unit (s) so that "Result" button can be pressed for getting result data explaining the entire issue to the candidates and/or their authorised agents and recording a proceeding in this behalf with the signatures of the candidates/their authorised agents. In

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such a case, the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at **Annexure-A**.

- d. In case, total votes polled in the machine(s) does not tally with the total votes polled mentioned in the Form-17 C, the matter should be referred by the Returning Officer to the Commission for its decision and action may be taken as per the direction of the Commission. In such a case, the Returning Officer and Observer should also send a detailed report to the Commission in the format mentioned at **Annexure-B**, where the margin of vote between the candidates having highest vote and the runner up is more than the votes polled in the Control Unit in question, and in **Annexure-C**, where such margin is less.
- e. After completion of counting, all such Control Units whether result has been retrieved from it or not, the Control Unit should be kept back inside its carrying case. The carrying cases should then be sealed once again. The Returning Officer and Observer should put their signatures on the seal. All candidates and their election agents should also be allowed to put their signature on the seal. The Control Unit should be then kept in the strong room (s).

The aforesaid instructions should be brought to the notice of all Political Parties and contesting Candidates in advance.

Yours faithfully,

(K.N. Bhar)
Secretary

Annexure-A

(Report on getting result data from Control Unit whose CLOSE button was not pressed by Presiding Officer at the end of poll)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result has been obtained from the following Control Unit(s) after pressing CLOSE button in the presence of the contesting candidates/their counting agents. The result of the election has been declared taking into consideration the result from this machine as well.

Sl.No.	Polling Station No.	Unique ID No. of Control Unit	Detailed Report	No. of votes polled in the Control Unit as per Form 17C

Final statement showing votes polled by the winning and runner up candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-B

(Report on discrepancy in total votes shown in the Control Unit whose CLOSE button was not pressed by Presiding Officer at the end of poll and as mentioned in Form 17-C)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the discrepancy has been noticed in the total votes polled in the following Control Unit(s), after pressing TOTAL button of the Control Unit and comparing it with the total votes polled mentioned in Form 17-C.

Sl.No.	Polling Station No.	Unique ID No. of Control Unit	No. of votes polled displayed by Control Unit on pressing TOTAL button	No. of votes polled in the Control Unit as per Form 17C	Remarks

Final statement showing votes polled by the winning and runner up candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled

As the margin of votes between the candidate having highest votes and the runner up is more than the votes polled mentioned in the Form 17C relating to the Control Unit(s) mentioned above, the matter is being referred to the Commission for permission to set aside the votes polled in the said Control Units (s) and to declare the result.

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-C

(Report on discrepancy in total votes shown in the Control Unit whose CLOSE button was not pressed by Presiding Officer at the end of poll and as mentioned in Form 17-C)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the discrepancy has been noticed in the total votes polled in the following Control Unit(s), after pressing TOTAL button of the Control Unit and comparing it with the total votes polled mentioned in Form 17-C.

Sl.No.	Polling Station No.	Unique ID No. of Control Unit	No. of votes polled displayed by Control Unit on pressing TOTAL button	No. of votes polled in the Control Unit as per Form 17C	Remarks

As the margin of votes between the candidate having highest votes and the runner up is less than the votes polled mentioned in the Form 17C relating to the Control Unit(s) mentioned above, the matter is being referred to the Commission for appropriate orders.

Statement showing votes polled by the candidates having highest votes and runner up

S.No.	Name of candidate	Party affiliation, if any	Votes polled

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

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By Speed Post/Camp Bag

ELECTION COMMISSION OF INDIA

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

No. 51/8/7/2011-EMS

Dated: 14th February, 2012

To,

The Chief Electoral Officers of
All States and Union Territories.

Sub:

Security measures for polled Electronic Voting Machines stored in Strong Rooms for counting of votes - regarding.

Sir,

I am directed to state that the following instructions shall be strictly followed for the security and safety of strong rooms where the polled EVMs are kept for counting of votes -

1. The strong rooms should have double lock system. One key should be kept with District Election Officer and the other with Returning Officer of concerned assembly constituency.
2. Two cordoned security arrangements should be made round the clock for the strong rooms having polled EVMs kept for counting of votes. The CPF should man the innermost perimeter security immediately outside the strong room and the State Armed Police should man the outermost perimeter security.
3. All contesting candidates should be intimated in writing to depute their representatives to keep a close watch on security arrangement of strong room. They should be allowed to stay outside the inner perimeter at a location, which enables them to view the entry points of the strong room. As far as possible, facilities such as proper shade, drinking water, etc. may be provided to them. If there is no direct view to the strong room, CCTV may be arranged at the location, so that they can see the strong room door on CCTV. In such a case, they may be taken periodically to the inner perimeter in batches to see for themselves and verify the strong room security.
4. A control room adjacent to the strong room SHOULD BE operative round the clock.

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5. A Gazetted officer along with a police officer should be put on duty round the clock for monitoring the security arrangements of strong room.
6. There should be sufficient arrangement of fire extinguishers near and inside the strong room.
7. There should be an arrangement round the clock for the security of unused EVMs also.
8. No one should be allowed to enter the inner perimeter without following the protocol, as under:-
 - a) The log book shall be maintained by the CPF in which entry should be made about date, time, duration and name(s) of any one crossing the second security ring i.e. the middle perimeter. This includes visits by the Observers or DEOs or SPs or candidates or their agents or any other person.
 - b) Video cameras should be provided to the CPF contingent to record all visits made by such visitors.
9. It should be ensured that there is uninterrupted power supply at the strong room locations during the entire period wherein EVMs are stored. CEO may address the Chairman of Electricity Board concerned separately regarding this. Local Electricity Board officials should be asked to ensure the same. Contingency arrangement of stand by generators should be made to ensure uninterrupted power supply.
10. The phone nos. of CEO, Addl. CEOs, DEC in-charge in the ECI and the DEO/SP/COP/ROs concerned should be given to the candidates, who may provide the same to their people keeping vigil at the strong room location. They may be advised by the candidate to contact the officials in case of any need.
11. All the entry points (doors etc.) of strong rooms should be under constant videography using the web-cams and laptops available. If there are other doors of the strong room, they should also be covered by the web-cams/videography. Persons coming to take back-up from the laptops should have identity cards given to them and their names should be recorded in advance with the CPF contingent stationed there. Their visits should be videographed by the CPF contingent with the video camera provided for the entire duration.

12. Returning Officers should visit the storage campus (upto the inner perimeter only) every day in the morning and evening and check the log book and videography and send a report to the DEO on the status every day. In case of strong rooms located in the district headquarters, the DEO should do the same. Where the strong rooms are situated outside the District Headquarters, DEO should visit the same as frequently as possible and at least once in 3 to 4 days.
13. No vehicle, including that of any official or ministers or any other political functionary should be allowed inside the secured campus where the EVMs are stored. Alighting point for the vehicles should be marked clearly ahead of the outer security perimeter itself; beyond it should be a pedestrian zone only.
14. DCs and SPs shall be personally responsible for security of strong room within the district and meticulous implementation of the protocol. The copy of this letter should be made available to all candidates, DEOs, ROs and CPF commandant.

Yours faithfully,

(DILIP K VARMA)
UNDER SECRETARY

STANDARD DISTRIBUTION

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ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 470/INST/2012-EPS

Dated: 1st March, 2012

To

The Chief Electoral Officers of
All States/Union Territories.

Sub: Arrangements for counting of votes- regarding.

Sir/Madam,

I am directed to invite your attention to the Commission's letters No. 470/EPS/2011, dated 4.3.2011 and No. 470/TN-LA/2011-SS-I/277-281, dated 5.5.2011 wherein videography of proceedings of each counting table was decided to be done (Para 11, 11A and 11B of letter dated 5.5.2011 may kindly be seen). Now, in view of the practical and administrative difficulties explained by the CEOs of Punjab, Uttarakhand and Uttar Pradesh, the Commission has reviewed the matter and decided that videography of each counting table shall not be necessary. Hence, the contents of Paras 11, 11A and 11B of letter dated 5.5.2011 and 4.3.2011 will not be applicable during counting of votes.

2. The Commission has further directed that during each round of counting, Counting Supervisors will ensure that at the time of pressing the result button on the control unit of the EVM, the counting agents of all candidates are shown the display panel of the control unit to their satisfaction so that they can note down the votes polled in favour of each candidate as displayed on the control unit display panel. For this purpose, the control unit may be kept lifted, if necessary, by one of the counting assistants in such manner and position that the display panel is clearly visible to the counting supervisor, the second counting assistant and micro observer sitting on the counting table, and also to counting agents of candidates sitting across the wire-mesh/fence. In case, any counting agent desires to have the result displayed on EVM more than once, it shall be done by the Counting Supervisor to the satisfaction of the counting agents.

3. The Commission has also directed that when tabulation sheet of each polling booth(form-17-C) is received at the RO's table, it will be the responsibility of the Returning Officer to show it to the candidates/their election agents/counting agents sitting at the Returning Officer's table to enable them to note down the results of each candidate for each polling station.

Yours faithfully,

(SUMIT MUKHERJEE)
SECRETARY

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 470/INST/2012/EPS

Dated 3rd March, 2012

To

The Chief Electoral Officers of
All States/Union Territories

Subject:- Arrangements for counting of votes- regarding

Sir/ Madam,

I am directed to refer to Commission's letter of even number dated 1st March, 2012 on the subject cited and to say that while as stated therein the Commission has dispensed with the requirement of videography of counting at each counting table, **the videography of the entire counting process shall be necessary**. Accordingly, the existing paras 22 and 39 of Commission's letter No.470/TN-LA/2011/SS-I dated 5th May, 2011 (copy enclosed) will be read as follows:-

" 22. No camera- still or video of the media except for official recording of the entire counting process is allowed to be fixed inside any counting hall. No camera stand should therefore be allowed to be taken inside counting hall by media and journalists. Hand held cameras can be allowed to the authorized ECI pass holders. Further, while taking audio video coverage of the counting process, with camera carried in hand or on shoulders by the media/press, under no circumstances, the actual votes recorded on an individual EVM or ballot papers is to be photographed or covered by audio visual coverage. The exact location upto which the still and video camera of the media and press can move, should be indicated by the Returning Officer in advance, marked by a line or a string for guidance of all concerned."

" 39. Entire counting process must be videographed. CD of the video should be kept in safe custody of the DEO."

This may be brought to the notice of all concerned immediately.

Yours faithfully.

(K. AJAYA KUMAR)
PRINCIPAL SECRETARY

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ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi 110 001.

No. 4/2012/SDR

Dated: 17th October, 2012.

To

The Chief Electoral Officer,
Gujarat,
Gandhi Nagar.

Subject:- General Election to the Legislative Assembly of Gujarat - Provision of Rule 49 O of the Conduct of Elections Rules, 1961, regarding electors deciding not to vote.

Sir,

Your attention is invited to the Commission's letter No. 4/2004/JS-II, dated 29-9-2004 regarding the procedure to be followed in the case of electors deciding not to vote under Rule 49 O of the Conduct of Elections Rules, 1961. As explained therein, Rule 49 O of the Conduct of Elections Rules, 1961 provides that if an elector after his electoral roll number has been duly entered in the register of voters in Form 17A and has put his signature or thumb impression thereon, as required under sub-rule (1) of rule 49L, decides not to record his vote, a remark to that effect (decided not to vote) shall be made against the said entry in Form 17 A by the Presiding Officer, and signature or thumb impression of the elector shall be obtained against such remark. The procedure to be followed in such cases is explained in Chapter XXIII of Handbook for Presiding Officers (2009). This point should be explained during the training of poll personnel.

2. The above instructions shall be brought to the notice of all election related officials, especially the Presiding Officers and Polling Officers at the current general election for strict compliance of the prescribed procedure to deal with electors who decide not to cast vote after signing in Form 17A. There have been complaints from several quarters that the Polling Personnel are not aware of the procedure in this regard, resulting in confusion in the Polling Station and inconvenience to the electors.

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3. Further, the Commission has directed that the total number of electors who may decide not to vote invoking the provision of the said Rule 49 O should be compiled for record purposes. The figures regarding the number of such electors are required to be indicated against Item-3 of Part-1 of Form 17C (Account of votes recorded). Instructions may be issued to all Returning Officers to collect the said figures from Form 17C at the time of counting of votes. The information so compiled may be sent to the Commission indicating the total number of such electors constituency-wise.

4 Kindly acknowledge receipt.

Yours faithfully,

(A.K. Pathak)
Under Secretary

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

JCEC
2

19/12/12

No. 464/INST/2012-EPS

Dated: 13th December, 2012

To

The Chief Electoral Officers,
Of all the States/ UTs.

Ans
of
20/12

Subject: Counting of Votes – Substantial reasons for rejection of postal ballots – clarification – regarding.

Sir/Madam,

With reference to the counting of Postal Ballots, I am directed to clarify as

under:

2339/Ce
15.12.12

(i)

A Postal Ballot paper shall not be rejected merely on the ground that the attesting officer has not put his seal on the declaration of the elector in Form 13A, if the attesting officer has given all relevant details with regard to his name and designation on that form;

Sd/- M. J. (ii)

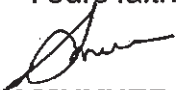
(ii)

A Postal Ballot paper shall also not be rejected on the ground that the sender (elector) has not put his signature on the outer cover "B" (Form 13C) in which he has returned the postal ballot paper, if the identity of the sender (elector) is verifiable on the basis of his declaration in Form 13A.

MJE

This may be circulated to all concerned.

Yours faithfully,


(SUMIT MUKHERJEE)
SECRETARY

JCEO
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8/1/13

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8/1/13

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No. 470/INST/2012-EPS/499

To

Dated: 3rd January 2013

The Chief Electoral Officers,
of all States/ UTs.

Subject: Arrangements for counting of votes – clarification – regarding.

Sir/Madam,

I am directed to invite your attention to the Commission's letter of even number, dated 1st March, 2012 (copy enclosed) and to state that the sentence "For this purpose, the control unit may be kept lifted, if necessary, by one of the counting assistants in such a manner and position that the display panel is clearly visible to the counting supervisor, the second counting assistant and micro observer sitting on the counting table, and also to the counting agents of candidates sitting across the wire-mesh/fence" of the second paragraph of the letter dated 1st March, 2012 referred to above may be read as, **"For this purpose, the control unit may be kept lifted, if necessary, in such a manner and position that the display panel is clearly visible to the counting supervisor, the counting assistant and the micro observer sitting on the counting table, and also to the counting agents of candidates sitting across the wire-mesh/fence"**

This may be brought to the notice of all concerned.

Yours faithfully,

T.C. Kom

(T.C. KOM)

UNDER SECRETARY

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 470/INST/2013-EPS

Dated:- 2nd May, 2013

To

The Chief Electoral Officers of
All States and UTs.

Subject: Counting of voters – Randomization of counting staff – Regarding.

Sir/Madam,

I am directed to invite your attention to the Commission's letter No. 470/2007/PLN-I, dated 29th August, 2007 and letter No 470/TN-LA/2011-SS-I, dated 5.5.2011, on the subject cited, and to state that various District Election Officers have pointed out that there is lot of confusion regarding the procedure of Randomization of counting officials, viz, as to whether DEOs or ROs are supposed to issue the orders regarding appointment of Counting officials, etc.

The Commission has considered the matter and it is clarified that:-

- (i) A list of 120% of the required number of officials (Counting Supervisors/Counting Assistants/Micro Observers) required for counting in the district, should be generated (including reserve) randomly, using the software by the District Election Officers one week prior to the date of counting. This is the first of the three-stage randomization process. Presence of observers is not required at this stage. This is only to identify and select the officials that would be given duty for counting as Counting Supervisors/Counting Assistants/Micro Observers in whichever constituency of that district. In no case, at this stage, the identity of the assembly constituency to which the Counting personnel are likely to be deployed will be known.
- (ii) The Assembly Constituency wise randomization shall be done by the District Election Officers in presence of Observer(s) 24 hours prior to commencement of counting. Thereafter, the Returning Officer shall issue the appointment letters to these officials assigning them concerned allotted ACs.
- (iii) Randomization for allotment of Tables in the counting hall to these Counting Supervisors/Counting Assistants/Micro Observers shall be done by the concerned R.O. in the presence of Observer at 5 AM on the day of Counting.

These instructions will be strictly and scrupulously followed by the all concerned.

Yours faithfully,

(SUMIT MUKHERJEE)
SECRETARY

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