

GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (ELECS.F) DEPARTMENT

Memo No.1455/Elecs.F/2010 -63,

Dated:17.07.2010.

Sub:- Bye-Elections to A.P.L.A. from (12) Assembly Constituencies –
Polling and Counting Agents Seating arrangements – ECI
Direction - Regarding.

Ref:- From E.C.I., New Delhi, letter No.100/AP-LA/2010 (Instt.), dated
16.07:2010.

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A copy of the reference cited is communicated to the Collectors & District Election Officers of Adilabad, Nizamabad, Karimnagar, Medak and Warangal. The Election Commission of India directed that the Returning Officers of the all such constituencies with abnormal number of candidates shall, in consultation with the Chief Electoral Officer of the State and the Observer, so regulate the presence of polling agents and counting agents in the polling stations and counting halls, that the interests of all candidates are properly watched. For that purpose, the following stipulations will among other things depending upon the local conditions, be observed:-

- (i) Polling Agents and Counting Agents of candidates set up by the recognized National and State parties must be given the usual seating arrangements at the polling station and counting centre as mentioned in Para 11 of Chapter XIII and Para 12.1 of Chapter XIV of Hand Book of Returning Officers, 2009 respectively.
- (ii) The polling agents and counting agents of the remaining candidates will be allowed to remain present in the polling station/counting hall for a specified pre-determined time. (eg. One hour/half), by rotation.
- (iii) The rotation chart for this purpose shall be finalized in presence of candidates and the observer by draw of lots.

The above direction of the Commission may be brought to the notice of the R.Os concerned and other election authorities concerned in the matter for their information, guidelines and compliance. The Returning Officers shall be directed to finalise the rotation charts for the presence of polling agents / counting agents of the contesting candidates other than the recognized National and State Political Parties in the presence of the candidates and the observer by draw of lots. These directions may also be given wide publicity for the benefit of contesting candidates and their agents.

T.DAKSHINA MURTHY,
ADDL. CHIEF ELECTORAL OFFICER &
ADDL. SECRETARY TO GOVERNMENT

To
The Collectors & District Election Officers of
Adilabad, Nizamabad, Karimnagar, Medak and Warangal (w.e.)

Copy to:

The Returning Officers of 1-Sirpur, 2-Chennur(SC), 4-Mancherial, 15-Yellareddy,
17-Nizamabad(Urban), 20-Koratla, 22-Dharmapuri(SC), 28-Vemulawada, 29-Sircilla,
31-Huzurabad, 33-Siddipet and 105-Warangal West Assembly Constituencies (w.e)
through D.E.Os., concerned.

// FORWARDED: BY ORDER //


SECTION OFFICER

नई दिल्ली

GRAM. LLLCGOM
NEW DELHI

भारत निर्वाचन आयोग सचिवालय

SECRETARIAT OF THE
ELECTION COMMISSION OF
INDIAFAX/BY SPEED POST

फैक्स : 23/16617

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23717391/280

संख्या
NO. 100/AP-LA/2010(MEC)तारीख
Dated. 16th July, 2010

निर्वाचन सदन

NIRVACHAN SADAN

अशोक रोड, नई दिल्ली- 110001

ASHOKA ROAD, NEW DELHI-110001

To

The Chief Electoral Officer,
Andhra Pradesh,
Hyderabad

Subject: Bye Elections to AP Legislative Assembly, 2010 – direction - reg.

Sir,

I am directed to refer to your D.O letter No.-AP/Spl/10, dated 15.7.2010, on the subject cited, and to state that in view of the abnormally high number of contesting candidates in constituencies like 15-Yellareddy, 20-Koratla, 29-Sircilla, 31-Huzurabad and 105-Warangal West, some special arrangements have to be made for regulating the presence of polling agents and counting agents of those candidates at the polling stations and counting centres provided for aforementioned constituencies.

It is a well known fact that neither the polling stations nor the counting halls will be so big and spacious enough to accommodate polling agents and counting agents of all the candidates. Considering these practical difficulties, some practical solution has to be found out which should give a fair and reasonable opportunity to all candidates and their agents to observe the polling process at the polling stations and counting processes in the counting hall. It is a well accepted principle that an extraordinary situation warrants an extraordinary solution. Therefore, certain special steps have to be taken to regulate the presence of polling agents and counting agents in polling stations and counting halls, as far as possible in conformity with the law and having regard to the situation.

16/7

Add CEO

SO-F

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16/7/10

The Supreme Court has laid down in the case of Mohinder Singh Gill Vs. Chief Election Commissioner and others (AIR 1974 Sc 851) as follows:

"Since the conduct of all elections to the various legislative bodies and to the offices of the President and the Vice-President is vested in Article 324(1) in the Election Commission, the framers of the Constitution took care to leaving scope for exercise of residuary power by the Commission in its own right, as a creature of the Constitution, in the infinite variety of situations that may emerge from time to time in such a large democracy as ours. Every contingency could not be foreseen, or anticipated with precision. That is why there is no hedging in Article 324. The Commission may be required to cope with some situation which may not be provided for in the enacted laws and the rules. That seems to be raison d'être for the opening clause in Articles 327 and 328 which leaves the exercise of powers under Article 324 operative and effective when it is reasonably called for in a vacuous area."

Taking into account the totality of the situation, the Election Commission, in exercise of its powers under Article 324 of the Constitution and having regard to the provisions of sections 20, 24 and 46 to 51 of the Representation of the People Act, 1951 and rules 13, 14 and 52 of the Conduct of Elections Rules, 1961, hereby directs that the Returning Officers of the all such constituencies with abnormal number of candidates shall, in consultation with the Chief Electoral Officer of the State and the observer, so regulate the presence of polling agents and counting agents in the polling stations and counting halls, that the interests of all candidates are properly watched. For that purpose, the following stipulations will among other things depending upon the local conditions, be observed:-

- (i) Polling agents and counting agents of candidates set up by the recognized National and State parties must be given the usual seating arrangements at the polling station and counting centre as mentioned in Para 11 of Chapter XIII and Para 12.1 of Chapter XIV of Hand Book of Returning Officers, 2009 respectively.

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- (ii) The polling agents and counting agents of the remaining candidates will be allowed to remain present in the polling station/counting hall for a specified pre-determined time. (eg. one hour/ half), by rotation.

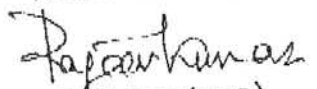
The rotation chart for this purpose will be finalized in presence of candidates and the observer by draw of lots.

The above direction of the Commission may be brought to the notice of the Returning Officers and other election authorities concerned in the matter for their information, guidelines and compliance.

These directions may also be given wide publicity for the benefit of candidates and their agents.

Kindly acknowledge receipt.

Yours faithfully,


(R. K. Srivastava)
Secretary