

**INSTRUCTION SL. NO. 25**

Election Commission's Letter No. 576/11/94/JS,II dated 15.11.1994 addressed to The Chief Electoral Officers of all States and Union Territories.

**Subject: Period of duty of Presiding and Polling Officers - Clarifications regarding**

The appointment of Presiding Officers and Polling Officers is done by the District Election Officer under the powers vested in him under section 26 of the Representation of the People Act, 1951. Section 26 reads as follows:-

- (1) The District Election Officer shall appoint a Presiding Officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election:  
  
Provided that if a polling officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the polling officer during the absence of the former officer, and inform the District Election Officer accordingly:  
  
Provided further that nothing in this sub-section shall prevent the District Election Officer from appointing the same person to be the Presiding Officer for more than one polling station in the same premises.
  - (2) A polling officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under this Act or any rules or orders made there under.
  - (3) If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorized by the District Election Officer to perform such functions during any such absence.
2. The Commission has given detailed instructions in this regard which are contained in Para 10.1 of Chapter III of Handbook for Returning Officers (1994 edition) wherein, inter alia, it has been directed that the Presiding and Polling Officers should be formally appointed, both for the Assembly Constituency and for the Parliamentary Constituency also in the case of a simultaneous election.
  3. The Commission has also prescribed a standard proforma for use by the District Election Officer for the appointment of the Presiding Officer and the Polling Officers, which is contained as Annexure IX in the 'Handbook for Returning Officers'.

4. Instructions are also contained in Chapter XXI of 'Handbook for Presiding Officers' that after the poll the Presiding Officer shall hand over to the officials in charge of the Collecting Centre, all polled ballot boxes, election papers and materials and shall obtain a receipt there of. It has also been clarified that only after the above items are checked by the Receiving Officials at the Collecting Centre in the presence of the Presiding Officers/Polling Officers these personnel will be relieved.

5. The time taken for reaching the Collecting Centre with the polled ballot boxes and other materials will differ from place to place depending upon the distance of the polling station from the Collecting Centre, terrain and facility for transport, etc.

6. After the deposit of sealed ballot boxes and other materials by the Presiding Officers/Polling Officers these personnel will have to be given reasonable period for travelling back to their destinations wherever they come from since the deposit of the ballot boxes often goes late into the night of the date of poll, wherever they are able to reach the Collection Centre the same night, for the polling personnel to reach their headquarters takes time.

7. The Commission therefore, has directed that the day following the date of poll, and in the case of re-poll, the date following the date of re-poll, as the case may be, will also be treated as period of election duty and the polling personnel will not be required to report for duty in their normal place on such day. For instance, if the date of poll is 15th December and the polled ballot boxes, etc., are reached at the receiving centre on 15th/16th December by the Presiding Officer/Polling officers, such officers will not be treated as absent from their normal duty if they do not report for their duty on 16th December, after completion of the election duty but report on 17th December for their normal duties. In areas where the travelling time is longer, suitable allowance will be further made for this and the day following the date of deposit of polled material, etc, shall be treated as duty period.

8. The Commission has directed that suitable instructions in this regard be issued by the State Govt/ Chief Electoral Officer for strict compliance of all concerned

The receipt on this letter should be acknowledged forthwith.