

CHAPTER XVI

ELECTION, COUNTING AND POLLING AGENTS

Election agents.

During the first general elections in 1951-52, the law required that every candidate must, before presenting his nomination paper, appoint in writing either himself or some other person to be his election agent. The form of nomination paper then prescribed contained a declaration to be compulsorily signed by the candidate recording the appointment of his election agent. Quite a considerable number of nomination papers were rejected by the Returning Officers on that occasion for failure on the part of candidates to make the appointment of their election agents in accordance with the law.

The experience gained during the first general elections made it clear that the provision requiring the compulsory appointment of election agents was not very popular with the candidates. In fact the great majority of the candidates appointed themselves as their own election agents. The law was accordingly amended and its provisions were greatly simplified so far as they related to the appointment of election agents.

According to the amended law, it is no longer necessary or incumbent on a candidate to appoint any election agent at all. An election agent may now be appointed at any stage at the candidate's option. In other words, the appointment of an election agent has been made entirely optional.

If an election agent has been appointed, the candidate may, of course, revoke the appointment at any time by a letter in the prescribed form which takes effect as soon as it is lodged with the Returning Officer. If an election agent's appointment has been revoked or if he dies, the candidate may appoint another election agent in his place.

Counting agents.

Under the amended law, votes are to be counted polling station-wise and not candidate-wise as was the case during the general elections of 1951-52. The Returning Officer decides the number of polling stations the ballot boxes from which would be counted simultaneously. The number of counting agents that each candidate is permitted to appoint materially depends on that decision.

The total number of counting agents a candidate may appoint in law cannot exceed twelve at each place of counting. During the first general elections, only one counting agent could be appointed by a candidate. The law has thus been considerably liberalised in favour of the candidates.

The number of counting agents that a candidate is allowed to appoint is fixed by the Returning Officer subject to the legal maximum of twelve and to the directions issued by the Election Commission. The Commission directed that a candidate may appoint counting agents according to the following scale :—

(1) If the number of candidates is not more than three, one counting agent may be appointed by each candidate to attend to the counting of ballot papers contained in every three of the ballot boxes allotted to any particular candidate which are being counted at the same time; thus if there are two or three candidates and twelve ballot boxes of each candidate are counted simultaneously, a candidate may respectively appoint eight or twelve counting agents in all.

(2) If the number of candidates is more than three, one counting agent may be appointed by each candidate to attend to the counting of the ballot papers contained in as many ballot boxes allotted to each of the candidates as there are contesting candidates; thus, for instance, if there are four, five or six candidates, each of them may appoint one counting agent to attend respectively to the counting in respect of every set of four, five or six ballot boxes of every candidate which are being counted at the same time.

(3) If the number of contesting candidates is more than twelve, or if the number of counting agents a candidate has appointed is less than the number of candidates, one or more counting agents of each candidate would be required by the Returning Officer to attend to the counting of ballot boxes of more candidates than one, the number of such candidates depending on the circumstances of each particular case.

(4) If the total number of ballot boxes of each candidate which are counted at the same time is less than the number of candidates, each candidate may appoint one counting agent to attend to the counting of the ballot papers contained in all the ballot boxes allotted to each candidate.

(5) A candidate may appoint one additional counting agent, subject to the maximum of twelve counting agents in all, if he is himself absent at the place of counting.

(6) A candidate may also appoint one additional counting agent subject to the maximum of twelve counting agents in all, if he has no election agent or if his election agent is absent at the place of counting.

The Commission issued directions at variance with the above scheme whenever the Returning Officer in any particular case made out a case for such special direction.

During the general elections of 1957 the total number of counting agents who were present at the time of counting of

the votes at all the counting centres was 11,893 for the House of the People and 55,748 for the Legislative Assembly elections.

Polling agents.

In 1951-52, the law required that every polling agent must be appointed by a candidate at least three days before the commencement of the poll and the candidate must give notice of all such appointments to the Returning Officer. Many candidates found it impossible to adhere to this time-limit or to comply with the requirement that notice of such appointment must be given to the Returning Officer. This resulted in serious hardship in many cases. The law has accordingly been suitably amended.

Under the amended law, the notice of appointment of a polling agent is to be delivered direct to the Presiding Officer on the day of poll itself. It is, therefore, no longer required that any such appointment should be reported to the Returning Officer. This amendment has removed a good deal of inconvenience to the candidates. The Returning Officers also have been relieved of a large volume of unnecessary routine work in forwarding the letters of appointment of polling agents to each Presiding Officer as they had to do under the old law.

Polling agents are the representatives of the candidates at the polling stations for which they are appointed. Polling agents can and should play a very important role in the actual taking of the poll which is the most vital part of an election.

It is very important that the Presiding and Polling Officers on the one hand, and the candidates and their polling agents on the other, clearly appreciate their duties and responsibilities at the poll and carry them out intelligently and in a co-operative spirit. For the convenience of the candidates, a comprehensive hand book containing all the information and advice they require was prepared by the Election Commission. Another hand book was also prepared for the benefit of the polling agents whose attention was specifically drawn to the salient points which they should bear in mind at the polling station. These hand books were made available for sale before the general elections and are said to have been found useful.

One of the main duties of a polling agent is to see that the interests of his candidate do not suffer in any way at the polling station where he serves as a polling agent. His other duties are (a) to help the Presiding Officer to detect and prevent impersonation of voters by challenging persons who attempt impersonation, (b) to see that the ballot boxes are properly secured and sealed according to the Rules and the instructions before and after the poll, and (c) to see that the documents relating to the poll are also secured and sealed properly at the end of the poll as required by law.

Every candidate is entitled to appoint one polling agent and two relief agents for each polling station in the constituency. Only one of the polling agents of a candidate is, however, entitled to enter the polling station at a time. One of the relief agents can take the place of the polling agent whenever the latter goes out of the polling station.

A form has been prescribed for making the formal appointment of a polling agent. Every polling agent is required to produce his letter of appointment at the polling station on the day of the poll. Unless he does so, he cannot be admitted into the polling station.

It was found that many candidates were not in a position to appoint polling agents for every polling station within their respective constituencies. They evidently contented themselves by depending on the sense of fairness of the polling staff. In respect of elections to the House of the People and Legislative Assemblies, the number of candidates who did not appoint any polling agents at all were 70 and 399 respectively. This shows a welcome and growing confidence of the parties and the candidates in the election machinery.

In general the election, polling and counting agents performed their duties efficiently and in accordance with the law. Generally no difficulty was experienced by the Returning Officers and the Presiding Officers in dealing with them.