

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 464/INST/2014/EPS

Dated:- 1st April, 2014

To

The Chief Electoral Officers,
of all States/UTs.

Sub: Prohibition of Appointment of sitting Minister/MP/MLA/MLC as Election Agent, Polling Agent or Counting Agent – Clarification regarding.

Sir/Madam,

I am directed to refer to the Commission's Instructions communicated vide letter No. 464/INST/2008/EPS, dated 14.10.2008, on the subject cited above, and to state that the Commission has prohibited any 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.) to act as Election Agent, Polling Agent or Counting Agent of any candidate during an election **in view of their security cover**. Further, any person having security cover is not allowed to surrender his security cover to act as such agent of a candidate during an election keeping in view that any untoward incident involving them may have serious repercussions in the conduct of free, fair and peaceful election.

2. In the said instructions, it is also stated 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 of maintaining the level playing field during an election apart from their security being compromised.

3. Further, the Commission, vide its instruction No. 464/INST/2009/EPS dated 25.04.2009, extended the said prohibition to Mayor of Corporation, Chairman of Municipality/Zila Parishad/Panchayat Union, etc. also, stating that *"a large number of employees of local authorities are deployed on election duty. Therefore, a Mayor of Corporation or Chairman of Municipality/Zila Parishad/Panchayat Union, etc. acting as agent for a candidate will be improper and would be contrary to the spirit of level playing field."*


4. In this connection, a clarification has been sought by the CEO, Puducherry as to whether a sitting MLA/Rajya Sabha MP without security cover be allowed to be appointed as

Election/Polling/Counting Agent as it could be inferred that persons without security cover will not be covered under the above instructions.

5. The Commission, keeping in view all the relevant factors in this regard, has decided that any sitting Minister either of Union Government or of a State Government, sitting Member of Parliament, sitting Member of Legislative Assembly/Legislative Council, Mayor of a Corporation or Chairperson of Municipality/Zila Parishad/Panchayat Union, etc., will not be allowed to act as Election Agent, Polling Agent or Counting Agent of any candidate during an election, irrespective of whether he/she is provided with security or not or anything else, in order to ensure maintenance of a level playing field and prevent undue influence on the election process, for effective implementation of the guidelines issued by the Commission, to follow the Model Code of Conduct.

6. This may be brought to the notice of all concerned, especially for compliance by the candidates while they appoint such agents to watch their interests during an election.

Yours faithfully,


(SUMIT MUKHERJEE)
SECRETARY