

ELECTION COMMISSION OF INDIA

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.

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.

Yours faithfully

(SANGHARA RAM)
PRINCIPAL SECRETARY