

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110 001.

No. 76 /2011/SDR

Dated: 18th March, 2011

To

The Chief Electoral Officers of
All States and Union Territories.

Subject:- New guidelines of the Commission for expenditure monitoring-
Appointment of an additional agent for expenditure matters-
regarding.

Sir/Madam,

Under Section 40 of the Representation of the People Act, 1951, every candidate at an election is entitled to appoint a person as his/her Election Agent. The appointment of Election Agent is to be made in Form 8 appended to the Conduct of Elections Rules, 1961 in the manner mentioned in rule 12 of the said Rules. The Election Agent so appointed can perform all functions mentioned in the 1951 Act on behalf of the candidate.

2. The Commission had convened a meeting on 09.03.2011 of the recognized National Parties and the recognized State Parties of the States going to polls currently, to brief them about the new guidelines issued by the Commission for closer and better monitoring of the election expenses. Under the new guidelines there are several activities required on the part of the candidates to facilitate the new monitoring mechanism. There was a suggestion from the Parties at the meeting that for convenience and better compliance of the instructions in the new guidelines, it would be helpful if the candidates were allowed to appoint an additional agent for assisting the candidate for this purpose.

3. The Commission has approved the above suggestion. Accordingly, every candidate would be permitted to appoint an additional agent for assisting the candidate in the various expenditure related matters. The appointment is to be made in the format enclosed herewith. A person who is disqualified under the law for being chosen as, and for being, a Member of Parliament or State Legislature and who cannot be appointed as Election Agent under the said Section 40, should not be appointed as such additional agent. The general prohibition against appointing Minister/MP/MLA/MLC/ Mayor of Corporation/Chairman of Municipality/ Zilla Parishad, as any agent for a candidate, would also apply for such additional agent.

4. It has to be noted that such additional agent would be for the purpose of performing only the non-statutory duties related to the expenditure monitoring matters. The statutory duties that the Election Agent is authorized to perform on behalf of the candidate can be performed only by the Election Agent appointed under Section 40 read with rule 12 referred to in para 1 above.

5. These instructions may be brought to the notice of all District Election Officers, Returning Officers and other election officials in the States. This should also be brought to the notice of all the political parties based in the States including the State Units of recognized National Parties and State Parties of other States. This should also be brought to the notice of all the candidates filing nominations for the current elections.

Yours faithfully

(K.F. WILFRED)
SECRETARY

**FORMAT FOR APPOINTING ADDITIONAL AGENT
OF EXPENDITURE MATTERS**

(For the general/bye election, ----- (mention the year))

1. Name of the State:-
2. Name of the Constituency:-
3. Name and Address of the Candidate:-
4. Party Affiliation, if any:-
5. Name of the Additional Agent:-
6. Full Postal Address of the Additional Agent:-
7. Contact Telephone Number:-

I (mention the name of the candidate) do hereby appoint Shri/Smt./Ms....., as my additional agent for the above election. I hereby declare that he/she is not disqualified under the law for being chosen as, and for being, a member of Parliament or State Legislature and that the said person is not a Minister/MP/MLA/MLC/Corporation Mayor/ Chairman of Municipality/Zila Parishad and is not a person to whom security cover has been provided by the State.

Signature of the Candidate

Place:

Date: