

**Check List for Police Officers
General Elections 2014**

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Check List for Police Officers

Part-1

Law and Order – Preventive actions for peaceful, free and fair elections

1.1 Preventive Law and Order actions for peaceful, free and fair elections.
(Related circulars of ECI's No. 464/L&O/ 2007 PLN-I dt. 8.1.2007, No. 464/INST/2009/EPS dt. 24.03.2009 & Dt. 01.09.2009)

1.2 Special drives to be launched from the announcement –

- (i) to compile list of persons indulged in electoral offences during past two elections
- (ii) updating list of history sheeters, declared absconders, fugitive criminals
- (iii) to give affect the service of pending warrants/challans and updating list of pending warrants,
- (iv) to expedite the investigation / prosecution of pending election offences
- (v) Unearthing & seizure of illicit liquor making factories.
- (vi) Thorough search & **seizure of illegal arms** and places of indigenous manufacturer of arms & ammunitions – Regular raids - Arrest of offenders.
- (vii) **100% scrutiny** of arms licenses and ammunition shops.
- (viii) Prohibitory orders u/s 144 CRPC **banning the carrying of licensed arms.**
- (ix) **Fortnightly updated constituency wise information** on above points of special drives be made available to DEO & RO to be forwarded to ECI, if and when asked for.
- (x) **New arms license** after announcement of elections till completion of elections - Only after consultation of screening committee.
- (xi) Inter-state and Intra-State movements of trucks and commercial **vehicles shall be checked** with a view to preventing smuggling of arms & ammunitions and anti-social elements.
- (xii) Preventive actions **u/s 107 116/ 109 CRPC.**

1.3 Deposit of Licensed Arms

- (i) Immediately after announcement of election DM/Police Commissioner shall make a detailed and individual review and assessment under prevalent laws of all license holders.
- (ii) Licensed arms which are considered essential may be impounded in order to ensure free & fair elections and for maintenance of Law & Order at elections.
- (iii) Among cases which may need to be reviewed are the arms licenses of persons,-
- (iv) released on bail,
- (v) having a history of criminal offences, and
- (vi) previously involved in rioting at any time but especially during elections.

- (vii) The above categories are only illustrative and not exhaustive.
- (viii) The Bombay High Court laid down the guidelines on the subject.
- (ix) **Screening Committee** – In every district and in every Commissionerate area.
 - (a) In District – It shall consist of DM & SP.
 - (b) In Commissionerate – It shall consist of Commissioner of Police and Joint/Additional C.P. (Admn.)
 - (c) Work of screening from the day of announcement of election and to be completed in respect of licenses placed before it before notification of elections.
 - (d) On receipt of report from Screening Committee the Licensing Authority issue notice before last date of withdrawals to the license holder for depositing the arms and inform about prosecution u/s 188 IPC on failure to deposit the arms.
 - (e) The license holder, on receipt of notice, shall deposit his arms within 7 days. The Licensing Authority shall give proper receipt to the licensee.
 - (f) Decision of Screening Committee shall be final.
 - (g) License holder if fails to deposit arms within specified period shall be liable for prosecution u/s 188 IPC.
 - (h) All fire arms so deposited shall be returned to the license holders immediately after one week after the declaration of result.
- (x) Sportsmen members of National Rifle Association will be exempted from these restrictions.
- (xi) Ban not to apply those communities also who are entitled to display weapons by long standing law, custom and usage. However District administration may impound weapons of a person from such communities if they are found to be indulged in violence or causing a threat to peaceful conduct of elections.

1.4 Transportation of Arms and Ammunitions –

- (i) Strict vigil and thorough checking of lorries, light vehicles and all other vehicles from 3 days before the poll till counting of votes to ensure that no undesirable elements or arms and ammunitions are being transported from outside.
- (ii) Inter-state supply of Arms and ammunitions only on the basis of valid papers including “No Objection Certificate” from the DM. Care should be taken that supply reaches the actual consigning and not into the hand of unauthorized persons.

1.5 Confidence building measures –

- (i) The Police Officers shall initiate preventive measures to ensure that intimidation/obstruction do not really happen on the poll day. They shall undertake tours and meet the communities and explain the arrangements.
- (ii) Police patrolling parties for tracking of vulnerable locations and Control Room be informed .
- (iii) Wherever necessary police pickets shall be established.

- (iv) List of vulnerable locations shall be given to CPF.
- (v) Wherever CPF arrives in advance for area domination, special attention to be given on such locations.
- (vi) On the day of poll Commander/Asstt. Commander should visit such vulnerable pockets.
- (vii) Complaints about obstructions/threat shall be enquired into immediately.
- (viii) Special drive to compile the list of persons who are reported to have indulged in the offences under SC & ST (Prevention of Atrocities) Act, 1989 during the election period.

1.6 Display of Arms

- (i) Display of arms in support of a candidate shall not be allowed during a procession or in any meeting in support of a candidate under any circumstances.
- (ii) The meeting/procession for campaigning should be videographed.

1.7 Law & Order Report

- (i) Daily Law and Order report for each district in format (LOR- Form -1) and for its transmission to CEO. District Authorities should not send this report directly to ECI.
- (ii) Daily report from announcement of elections till completion of elections.

Part-2
District Security Deployment Plan

[ECI's No. 464/L&O/2007PLN-I dt.8.1.07 and No. 464/INST/2008-EPS dt. 24.10.2008, No. 470/2009/EPS dt. 8.9.2009]

2.1 Points for preparation of District Security Plan -

- (i) Full and optimal utilization of CPFs and SAPs to be ensured.
- (ii) CPF can be splitted into half section – (SP to certify that the area is insurgency / naxalite free). In areas which are insurgency / militancy/ naxalite affected, section of CPF not to be broken.
- (iii) District Deployment Plan – To be prepared under the chairmanship of DM/DEO – and to be approved by Observers – No deviation without express prior approval of Observer.
- (iv) State deployment plan and district deployment plan would be finalized at least one week before the poll.
- (v) Observers to be given draft force deployment plan on their arrival.
- (vi) The plan should have sketch map of each sector and identify vulnerable pockets and critical PSs.
- (vii) Police patrol routes and SOs route to the extent possible should be common.
- (viii) Deployment of any force (other than State Police and CPF) i.e. Home Guards etc. will require prior permission of ECI.
- (ix) Security cover to contesting candidates only as per assessment of threat, and not in routine manner – Observers should be provided with adequate security.
- (x) Adequate security to Observers and Asstt. Election Observers also.
- (xi) Three tier cordoning system to be set up in counting centers.
- (xii) Sealing of inter state borders/inter district borders, well in advance to prevent infiltration of antisocial and disruptive elements.
- (xiii) For guarding strong rooms after the poll to the extent possible, CPF will be used and wherever CPF is not available SAP will be used.
- (xiv) The forces shall be deployed at the PSs in the following order of sensitivity – CPF followed by SAP followed by DAP.

2.2 Additional measures at critical polling stations – As per criteria [ECI's No. 464/INST/2008-EPS dt. 24.10.2008]

2.3 Role of CPF and State Police (ECI's No. 464/INST/2008-EPS dt. 24.10.2008, No. 464/L&O/2009-EPS dt. 30.3.2009)

- (i) CPF not to be kept as strike reserve etc.
- (ii) CPF will be used for the purpose of area domination conducting flag march (should be more on foot), confidence building among electors, checking of border etc., till 2 days before the poll.

- (iii) For the poll day the CPF shall be assigned duties of guarding PSs, poll material, poll personnel and the poll process and not to look after law and order – CPF may be deployed in any of the following manners:-
- (a) Static guarding of chosen polling stations solely and exclusively by CPF;
 - (b) Static guarding of polling stations as part of a mixed (composite) team with local state force;
 - (c) Patrolling duty on assigned routes (election sectors) covering a fixed cluster of polling stations;
 - (d) Patrolling duty as flying squad in a defined area with surprise element.
 - (e) Escorting duty of polled EVM with polling personnel back to the receipt centre/ strong room after polls are over;
 - (f) Any other duty which is necessitated to ensure the purity and fidelity of the election process.
 - (g) In static duty at chosen PSs – One CPF Jawan from the CPF party posted at PS will be stationed at the entrance of PS to watch on the proceedings inside the PS. When a building has multiple PSs CPF deploy is not sufficient to cover every PS door then the CPF Jawan on duty at entrance of the PS will oscillate from one PS door to the other. He will report to officer incharge of CPF or Observer if anything unusual observed by him.
 - (h) Where CPF has been assigned static guard duties but could not reach the assigned PS, the poll shall not commence.
 - (i) In some cases CPF and the local police mixed in the ratio 1:1 - in such case the CPF Jawan will take position at the door of PS.
 - (j) Where CPF is on static guard duty (whether exclusively or compositively) two (at least one) unarmed local police/ HG be posted at PS premises.
 - (k) When CPF is assigned duty of mobile patrolling they will ensure the fidelity of election process and assist the sector officer. CPF be provided list of critical PSs, vulnerable Hamlets etc.
 - (l) Local State Police for maintenance of general law and order, in the catchment area of PSs as well as inside and outside of the polling premises.
 - (m) Local police not to replace the CPF at PS where the CPF has been assigned duties solely and exclusively – Supervision and control over the CPF at PS not by local Police Officer.
 - (n) When the CPF is assigned duty in a “flying squad” mode, it shall be accompanied by a Zonal Magistrate.
 - (o) Hamlets / habitations with in polling area that are vulnerable to threat, intimidation and undue influence shall be identified and confidence building and preventing measures be taken in advance by local state police.
 - (p) Only if enough CPF is not available, local State Police can be deployed at PS. In such case the local police shall not stand at the

entrance door of PS and instead would be position away from the sight of polling personnel inside the PS.

- (q) A minimum two unarmed local State Police personnel /Home Guard for each PS – When a PS is covered with CPF unit, only one local police will be deployed.
- (r) CPF mobile patrolling party will be provided sketch map indicating PS locations, their sensitive gradations, name and contact numbers of SO/RO/Observer etc.,.
- (s) After poll the polled EVMs and polling personnel's shall be escorted by CPF.
- (t) CPF may also be assigned duty of guarding polled EVMs/ strong room.

Part-3
Critical Polling Stations and Vulnerability Mapping

[ECI No. 464/INST/2008-EPS dt. 24.10.2008]

3.1 Factors to be taken into account for identifications of Critical PSs–

- (i) PSs of high % of Non EPIC voters.
- (ii) PSs of high % of missing voters without family links.
- (iii) PSs having vulnerable pockets – SO's, Police's and candidate's "worry list".
- (iv) PSs where polling was more than 75% and where more than 75% of votes have been polled in favor of one candidate in last election.
- (v) Re-poll reported due to malpractices, and where electoral violence has taken place during last election.
- (vi) Anti social elements and their areas of influence.
- (vii) Observer will be consulted while finalizing the list of critical PS.
- (viii) Categories of critical PSs – like S-1,S-2, S-3 and S-4. Weight-ages to be assigned to each category of criticality.

3.2 Critical polling stations and zones – Measures to be followed thereat - Police mobiles and zonal mobiles [ECI No. 464/INST/2008-EPS dt. 24.10.2008 and No. 447/2007/PLN-4 dt. 17.1.2007] –

3.2.1 One or all of the following measures:-

- (i) CPF to safe guard the PS.
- (ii) PrOs be briefed to ensure that EPIC / approved identification document are properly verified and reflected in the remarks col. Of Form 17A
- (iii) List of such PSs be given to Commanding / Assisting Commanding Officer of CPF to keep an eye on such PSs.
- (iv) Digital/Video camera be positioned at identified PSs– Photography inside the PS to capture photos of all electors in same sequence as in Form 17A and cover poll proceeding without compromising the secrecy of voting.
- (v) Micro Observer to be deployed – with consultation/ approval of Observer.

3.2.2 Critical events in and around the PS should also be captured /photographed

3.2.3 Digital cameras will be issued by DEO to the trained officers for such PSs – The officer shall submit a certificate after the poll.

3.2.4 Media persons not to be allowed to capture photograph inside the PS. [See also ECI No. PS /AK/2005 dt. 10.9.2005]

3.2.5 Webcasting of poll process at identified PS can be done.

3.3 Prevention of Intimidation to the voters – Mapping of vulnerability (ECI No. 464/INST/ 2007 - PLN-I dt. 12.10.2007, No. 464/INST/2008- EPS dt. 24.10.2008, No. 464/INST/2009-EPS dt. 22.03.2009, 31.03.2009 & No. 464/Instructions/EPS/2011 dt. 05.03.2011) -

(A) “ Vulnerability”- In the context of election may be defined as, -

- (i) susceptibility of any voter or section of voters, whether or not living in a geographically identifiable area,
- (ii) to being wrongfully prevented from or influenced upon in relation to the exercise of his right to vote in a free and fair manner,
- (iii) through intimidation or use of undue influence or force of any kind on him/her.

(B) The exercise of **Vulnerability Mapping** in the context of elections to be undertaken with the point of view, :-

- (i) to clearly identify vulnerable voter/ section of voters,
- (ii) to identify the persons/factors causing such vulnerability , &
- (iii) to plan and take adequate corrective action well in advance.
- (iv) Police Officers should do exercise on VM. After appointment of Sector Officers, Police Officers should give feedback to them.

3.3.1 For identification of the areas/communities Sector Officers with close coordination with Police Officers should do exercise soon after declaration of election by, -

- (i) Visiting the catchment area of every polling station in his Sector.
- (ii) Meeting with community, local intelligence etc.
- (iii) Identify source of threat and intimidation.
- (iv) Considering incidence and current apprehensions.
- (v) Consultation with SHO, BDO, Tehsildar and other local administrative officers/officials.
- (vi) Candidates' "Worry List“ when candidates are finalized and observers have arrived.
- (vii) Identify names of people who are likely to cause undue influence/intimidation.

3.3.2 Sector Officer will prepare,-

- (i) The list of vulnerable households & families,
- (ii) The list of persons and factors causing such vulnerability
- (iii) Contact no. of household/ Contact points within the habitats/ community vulnerable
- (iv) Action taken/proposed
- (v) Contact no. & address of the person who are to be tracked/prevented from intimidating/wrongly influencing the voters

3.3.3 Sector Officer, after visiting the area and collecting information, shall fill up detailed information in **Format VM-SO** for each polling station in his Sector

and submit to RO. Each **Format VM-SO** must contain the details of all vulnerable localities/ pockets/voter segments in one polling station area.

3.3.4 Sector Officer will give a certificate that no locality/pocket/ voter segment which is vulnerable has escaped or been missed from inclusion in this Format for any polling station area.

3.3.5 Each RO must collect all **Formats VM-SO** and prepare the **Format VM-RO** and will send it to DEO. The DEO on the same lines must collect the **Formats VM-RO** & prepare and make available to the CEO the **Format VM-DEO**. CEO will compile all the districts formats **Format VM-DEO** of the State in a book which will be sent to ECI.

3.3.6 Follow up action on Vulnerability Mapping exercise

- (i) Preventing measures by local police also and confidence building measures for free and fair poll - Frequent visit at such locations.
- (ii) Regular feedback by district intelligence.
- (iii) A specific officer will be designated at Thana level for tracking the individual trouble mongers.
- (iv) The name of Police Officer responsible for each vulnerable location should be mentioned along with his contact no. in the format to be sent as ATR.
- (v) The ATR is required to be submitted by DEO & SP jointly to the CEO 5 days before the poll.
- (vi) Details of Polling Station-wise vulnerability mapping be given to Observer also on his arrival.
- (vii) Action plan by DEO and SP to deal with potential threats and intimidation points - action under 107/ 116/ 151 CRPC, forcing trouble mongers' appearance in police station, placement of police pickets, visits by officers etc.,.
- (viii) The Police patrolling parties should keep track of the vulnerable locations and keep the control room informed on the day of poll. Wherever necessary police pickets should be established.
- (ix) Where there is a cluster of vulnerable pockets dedicated police teams / squads shall be located in the vicinity of such pockets. It should be part of District Security Plan.
- (x) The Commanders of the CPMF shall be given list of such vulnerable locations.
- (xi) On the day of poll CPF shall make it a point to visit such pockets as a confidence building measures.

3.3.7 On the day of poll special attention about vulnerable areas/families –

- (i) The Presiding Officer should be briefed about the vulnerable locations. In the electoral roll the Section within the part should also be marked for proper monitoring.

- (ii) SO/Sector Magistrates and Police Mobile Parties will verify whether voters from vulnerable habitats/ communities/households are turning up for voting or not.
- (iii) It can be gauged from the marked copy of electoral roll where voters who have voted are ticked.
- (iv) In case some section of voters is conspicuously absent then they should inform the RO about this immediately and special squad will be sent to ascertain that there is no hindrance.
- (v) At least two visits must be done on poll day by SO/SM and Police Mobile Parties in the area of vulnerable families.

Part - 4

General Arrangements For Poll

4.1 Meeting with Standing Committee (Ch. XI of RO Hand Book)

DEO and RO will hold the meeting. Representatives of political parties, contesting candidates and police officers be associated - Briefing about arrangements, model code of conduct, cooperation for law and order, Election Expenditure Monitoring, Electoral Offences, Corrupt Practices etc., - Minutes to be drawn.

4.2 Observers (Sec. 20B of RP Act 1951; Para 12 of Ch. 1 of RO Hand Book) -

- (i) Due courtesies and facilities to be given
- (ii) General Observer, Expenditure Observer and Police Observer
- (iii) Place of stay, phone number and dates of visit are to be publicised

4.2.1 Duties of Observers -

- (i) To observe the preparedness for conducting elections
- (ii) They will observe all aspects for a fair, free and peaceful election
- (iii) General Observer will inspect at random electoral rolls - Polling material and arrangements of polling booths also to be observed - Random checking of EVMs also.
- (iv) Security arrangements and force deployment plan - Observers to be consulted.
- (v) Expenditure incurred by candidates to be inspected
- (vi) Directions of ECI regarding model code of conduct - Compliance to be observed
- (vii) Randomization of polling personnel, counting personnel in the presence of Observer.

4.3 Restrictions on the Printing of pamphlets, posters etc., [ECI's No. 3/9(ES008)94-JS II/5196 dt. 2.9.94, No. 3/9/2004/JS II dt. 24.8.2004 & No. 3/9/2007/JS II dt. 16.10.2007 and section 127A of RP Act 1951]

- (i) Printers and publishers are required to comply the provisions of section 127A of R. P Act, 1951 and ECI's directions.
- (ii) All the printing presses shall be informed within 3 days of announcement of election programme in writing by the District Magistrate to furnish information and printed material as required U/s 127A of RP Act 1951.
- (iii) In case of any violation of the provisions of Sec. 77(1) and 127A of RP Act, 1951, 171H of IPC and Commission's directions, strict action should be taken.
- (iv) Display of election materials , viz., Cardboard badges, Paper caps, Mobile stickers, Sticker badges, Flag banners, Cut-outs, Caps, Masks, Scarf are not

covered under section 127-A. Therefore, they should not seized for violation of 127-A. (ECI No. 464/INST/2012/EVS dt. 20.01.2012)

4.4 Authority letters for entry into PSs and Counting places (R. 49-D, and 53 of CE Rules 1961, and ECI's orders) -

- (i) Authority letters will be issued as per directions of the Commission only.
- (ii) Authority letters issued u/r 49D and 53, only, will be valid.
- (iii) Public servants on duty should be given photo identity card by DEO to be displayed on their persons.

4.5 Feed back about "Dummy Candidates" and measures to be taken in this regard (ECI's No. 464/INST/2008/EPS dt. 7.1.2009) —

- (i) Actual use of vehicles permitted for campaigning be reviewed - Video recording and collecting evidence - Issuing notice.
- (ii) Before giving permits of vehicles on poll day dummy factor should be considered.
- (iii) Appointment of polling agents should be tracked.
- (iv) Close watch on counting agents.
- (v) On misuse of permitted vehicle, action u/s 171H IPC to be taken.
- (vi) On misuse of vehicle authorized for other candidate, notice be given to include the expenditure of the candidate, who misused the vehicle for his campaigning.

4.6 Use of videography and digital camera during elections process (ECI No. 447/2007/PLN IV dt. 17.1.2007 and dt. 12.10.2007 and No. 4/2008/SDR dt. 15.12.2008)

- (i) DEO/RO to make arrangement of videography of critical events during election campaign day of poll, counting etc..
- (ii) Video teams under supervision of Senior Officers - The private videographers to be properly sensitized and be easily identified.
- (iii) Besides Video Surveillance Teams in EEM separate Video Teams will also be required for videography of various stages of election process to be done by DEO & RO.
- (iv) Critical events which are likely to vitiate the poll and related to election expenditure by candidates/political parties be video taped - Viz - Meetings, violent incidents, booth capturing, intimidation of voter, inducement/ bribery of voters, canvassing within 100 meters of PS, vulgar display of expenditure, cutout/hoardings, movement/ activities of candidates with criminals records, critical PS, nominations/ scrutiny/ withdrawal etc, preparation of EVMs, closure and opening of strong rooms, counting process etc.

- (v) Video films to be viewed by R.O/VVTs immediately - corrective actions by R.O - In cases of serious infringement of MCC & seizure of money etc. copy of video tape accompanied by a brief note by R.O., be sent to ECI.
- (vi) Unedited videographic clippings/ cassettes/ CD's will be handed over to Observers on the same evening or latest by morning of next day - Certificate to be also furnished.
- (vii) CDs of all critical events should be made available on reasonable cost to everyone whoever intends to obtain a copy of the same.

4.7 Advertisement of political nature on Radio, TV Channel and cable networks (ECI No. 509/75/2004 JS-I (Vol. II) dt. 15.4.2004; 26.9.2007; 2.11.2007, dt. 08.11.2007; 21.11.2008; 18.03.2009, No. 3/ER/2009/SDR dt. 20.3.2009 and ECI No. 491/Paid News/2012/Media dt. 27.07.2012)

- (i) Advertisement of political nature on TV Channels, Cable Network and Radio including FM Channels and advertisement in Cinema Halls are to be got certified.
- (ii) 'Advertisement' includes programme also which intends to use campaign material .
- (iii) Committees are formed at **three level** for previewing, scrutinizing and verifying all advertisements by individual contesting candidates or political parties before it is inserted in the electronic media.

(A) Committee setup in the office of CEO, Delhi –

- (i) To deal with applications by Central Offices of all Political Parties having HQrs at Delhi.
- (ii) Certification by this committee will be valid for telecast/broadcast throughout country in all States.
- (iii) The party should submit a copy of the certificate obtained from Committee in Delhi to CEO of the State in which such advertisements are proposed to be telecast/broadcast.
- (iv) The copy shall be accompanied with declaration that the same is a true copy of the certificate.
- (v) This should be submitted to the CEO of the State before the advertisement is telecast/broadcast.

(B) State level Committee - Headed by Jt. CEO – for certification of political advertisement by (i) State Units of recognized national political parties, (ii) all registered political parties having HQr in the State and (iii) all organizations or groups of persons or associations having their registered offices in the State.

(C) District level MCMC –

- (i) For purposes of the certification of advertisements on TV/Radio by an individual / candidates the RO of the Parliamentary Constituency & ARO (not below SDM) shall be members of MCMC.
- (ii) For the scrutiny of cases of *Paid News* etc. there shall be 3 additional members and in such case DEO of the district concerned will preside the Committee.
- (iii) District MCMC will also monitor all the political advertisements in electronic media, for checking if the telecast/broadcast has been done only after certification by the competent committee.
- (iv) Immediate action will be taken in case of political advertisement is found without certification.

Part-5
Model Code of Conduct

5.1 Object – To provide atmosphere for free and fair election and level playing field to all candidates.

5.2 Provisions —

- (i) General Conduct
- (ii) Meetings
- (iii) Processions
- (iv) Polling Day
- (v) Observers
- (vi) Party in Power

5.3 Publicity

- (i) Provisions of MCC, Legal provisions electoral offences and corrupt practices and ECI's directions may be explained in the meetings with political parties/ candidates.
- (ii) R.O. to give copies of ECI's directions to candidates at the time of nominations.
- (iii) Publicity through print media etc.

5.4 Be pro active - check misuse of

- (i) Official vehicles of Government/PSUs
- (ii) Government Building
- (iii) Government Officials.

5.5 DO'S & DONT'S (ECI No. 464/INST/2007-PLN-I dt. 07-01-07)

5.5.1 Illustrative list of DO's:-

- (i) **Ongoing programmes**, which actually started in the field before the announcement of elections may continue.
- (ii) **Relief and rehabilitation** measures to the people in areas affected by floods, drought, pestilence, and other natural calamities, can commence and continue.
- (iii) Grant of cash or medical facilities to terminally or **critically ill persons** can continue with appropriate approvals.
- (iv) Public places like **maidans** must be available impartially to all parties/contesting candidates for holding election meetings. So also use of **helipads** to ensure a level playing field.

- (v) **Criticism** of other political parties and candidates should relate to their policies, programme, past record and work.
- (vi) The right of every individual for peaceful and undisturbed **home life** should be fully safeguarded.
- (vii) The local police should be fully informed of the venue and time of the proposed **meetings** well in time and all necessary permissions taken.
- (viii) Restrictive or **prohibitory orders**, if any, in the place of the proposed meeting, they shall be fully respected. Exemption, if necessary, must be applied for and obtained well in time.
- (ix) Permission must be obtained for the use of **loudspeakers** or any other such facilities for the proposed meetings.
- (x) The Police assistance should be obtained in dealing with **persons disturbing meetings** or otherwise creating disorder.
- (xi) The time and place of the starting/termination of any **procession** and the route should be settled in advance and advance permissions obtained from the police authorities.
- (xii) **Restrictive orders**, if any, in force in the localities through which the procession has to pass should be fully complied with. So also all **traffic regulations** and other restrictions.
- (xiii) The passage of the procession must be without hindrance to traffic.
- (xiv) Cooperation to all election officials at all times to ensure peaceful and orderly poll.
- (xv) All Workers must display badges or **identity cards**.
- (xvi) Unofficial **identity slips** issued to voters shall be on plain (white) paper without any symbol, name of the candidate or name of the party.
- (xvii) Restrictions on **plying of vehicles** during campaign period and on poll day shall be fully obeyed.
- (xviii) (Except voters, candidates and their election/polling agents), only persons with a specific valid authority letter from the ECI can enter any polling booth. No functionary highly placed (e.g. CM, Minister, MP or MLA etc) is exempt from this condition.
- (xix) Any complaint or problem regarding the conduct of elections shall be brought to the notice of the Observer/RO/Sector Magistrate/ECI.
- (xx) Directions/orders/instructions of the ECI/RO/DEO shall be obeyed in all matters related to various aspects of election.

- (xxi) Do leave the constituency after the campaign period is over if the political functionaries are not a voter or a candidate or candidate's election agent from that constituency.

5.5.2

Illustrative list of DON'Ts (ECI No.464/INST/2007-PLN-I dt.07-01-07)

- (i) Any and all advertisements at the cost of the public exchequer regarding achievements of the party/Government in power as prohibited.
- (ii) No Minister shall enter any PS or the place of counting, unless he or she is a candidate or as a voter only for voting.
- (iii) Official work should not at all be mixed with campaigning/electioneering.
- (iv) No inducement, financial or otherwise, shall be offered to voters.
- (v) Caste/communal feelings of the electors shall not be appealed to.
- (vi) No activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes, communities or religious or linguistic groups shall be attempted.
- (vii) No aspect of the private life, not connected with the public activities, of the leaders or workers of other parties shall be permitted to be criticized.
- (viii) Other parties or their workers shall not be criticized based on unverified allegations or on distortions.
- (ix) Any place of worship shall not be used for election propaganda, including speeches, posters, music etc., on electioneering.
- (x) Activities which are corrupt practices or electoral offences such as bribery, undue influence, intimidation of voters, personation, canvassing within 100 meters of a polling station, holding of public meetings after campaign period is over and conveyance of voters to and from polling stations are prohibited.
- (xi) Demonstrations or picketing before the houses of individuals by way of protesting against their opinion or activities shall not be resorted to.
- (xii) Subject to the local laws, no one can make use of any individual's land, building, compound wall, vehicles etc. for erecting flag staffs, putting up banners, pasting notices or writing slogans etc. without specific permission of the owner. The specific permission will be shown to and deposited with the DEO.
- (xiii) No disturbances shall be created in public meetings or processions organised by other political parties or candidates.
- (xiv) No procession along places at which another party is holding meetings.
- (xv) Processionists shall not carry any articles, which are capable of being misused as missiles or weapons.
- (xvi) Posters of other parties/candidates shall not be removed or defaced.

- (xvii) Posters, flags, symbols or any other propaganda material shall not be displayed in election booths of candidates on the day of poll or near polling booths.
- (xviii) Loudspeakers shall not be used either before 6 a.m. or after 10a.m. and without prior written permission of the authorities concerned.
- (xix) Loudspeakers shall also not be used at public meetings and processions without the prior written permission of the authorities concerned. Normally, such meetings/processions will not be allowed to continue beyond 10.00 p.m. in the night and will be subject to the local laws and other relevant considerations like festival season, examination period, etc.
- (xx) No liquor should be distributed during elections.
- (xxi) On the day of the poll, no person having security cover shall enter the vicinity of a polling station premise (within 100 meters) with his security personnel. Further, on the day of the poll no such person shall move around in a constituency with his security personnel. If the person happens to be a voter also, then he or she shall restrict his/her movement - to voting only.
- (xxii) No person having official security or private security guards for himself, shall be appointed as an election agent or polling agent or counting agent.
- (xxiii) Grants/payments out of discretionary funds shall not be sanctioned.

5.6 References to Politicians/ Ministers on official website- (ECI No. 437/6/2007/Inst./ PLN III dt. 21-11-07)

References to Ministers, politicians or Political Parties on Govt. official website, shall be taken off / purged off.

5.7 Restrictions on presence of political functionaries who is not voter, in the constituency, when campaign period is over [ECI No. 464/INST/2007/PLN-I dt. 8.1.2007 and 27.2.2007] –

- (i) Office bearer of political party, who is in charge of the state, shall declare his place of stay in the State HQ and his movement shall remain confined normally between this party office and place of stay.
- (ii) Premises like community halls etc., be checked to find out outsiders.
- (iii) Check posts in the constituency border for vehicular movement.
- (iv) Verify the identity of people/group of people - whether they are voters.
- (v) As per Election Commission's letter No. PS/AK/2005, dated 10.09.2005. addressed to the Chief Electoral Officers of Bihar, West Bengal, Uttaranchal and Haryana, all District Election Officers and Superintendents of Police shall ensure that all those political functionaries who have been provided security by the State shall not be allowed to remain present in the constituencies in which they are not electors after the period of campaigning is over and that they shall also restrict the movements of such political functionaries in the constituency in which they are bonafide electors on the day of poll before

and after they cast their votes. These instructions shall, however, will not be applicable to the candidates

5.8 Regulation of plying of vehicles during campaign period [ECI's No. 437/6/96-PLN-III dt. 16.01.1996, No. 464/INST/2007 PLN-I dt. 9.2.07, No. 437/6/97 PLN-III dt. 18.3.97, No. 437/6/2007 PLN-III (Vol. III) dt. 16.3.2007; No. 437/6/2006 - PLN-III dt. 12-11-2007 and dt. 23.11.2007, No. 437/6/INST/2010/CC&BE dt. 05.10.2010]

- (i) Strict action against vehicles plying in contravention of provisions of MV Act
- (ii) Close watch on vehicles for any possible mischief or criminal activities carrying of illegal arms, illicit liquor, and anti-social elements - Such vehicles not to be release till elections – Penal actions under relevant law also be taken.
- (iii) Vehicles for campaign purpose may ply only with prior approval of RO - Original permits bearing number of vehicle and name of candidate be displayed premonitory on wind screen of vehicles - Details to be given to Expenditure Observer
- (iv) Vehicle not registered for campaigning if found being used for campaigning shall be deemed to be unauthorized campaigning for the candidate - Action for such activity be taken u/s 171H of IPC also.
- (v) During filing of nominations upto 3 vehicles be allowed to come within the periphery of 100 meters of RO/ARO office - Expenditure will be included in account.
- (vi) In case visits by party leader as covered U/S 77 (1) (a) the permits of vehicles for road journey be issued centrally by CEO in different color - expenditure to be proportionally distributed (ECI No. 437/6/2007Vol.IV/PLN-III dated 16-10-2007 and No.437/6/ INST/2008-CC&BE dt. 31.10.2008)
- (vii) Convoys of more than 10 vehicles (excluding security vehicles in view of security gradation of PP) not to be allowed from the date of notification till completion of election - Bigger convoys be broken up keeping a minimum distance of 200 meters
- (viii) Bicycle, Two wheelers or cycle rikshaw is also a vehicle u/s 160 of RP Act 1991.
- (ix) Only one flag/banner/poster/placard be allowed on one vehicle during procession.

5.9 Permission of vehicle to a political party for transporting publicity material (ECI's No. 464/INST/2011/EPS dated 23-3-2011 & 28-3-2011)

- (i) CEO may grant permission of a vehicle to a recognized political party on request, for distributing publicity material to various party offices in the State.
- (ii) The color of permit will be different.

- (iii) Political party will have to specify the name of district, route map, dates etc.
- (iv) The vehicle will be subjected to normal checks and will not be used for campaigning.
- (v) The expenditure shall be incurred by political party and not by candidate.

5.10 Vehicle Permit for district office-bearers of recognized political party - (ECI's No. 464/INST/2011/EPS dated 23-3-2011 & 28-3-2011)

- (i) DEO may permit district level office-bearers (other than Star Campaigners) of recognized political party for electioneering in different constituency within district.
- (ii) Permit on different color from the color of permits issue to candidates and Star Campaigners
- (iii) Permit in the name of person and details of vehicle – journey, period etc.
- (iv) The expenditure shall be incurred by political party and not by candidate.

5.11 Prevention of defacement of property (ECI's No. 3/7/2008/JS II dt. 07.10.2008 and 10.11.2008)

5.11.1 Defacement of Public Places —

- (i) No defacement in any form (wall writing, banners, posters, flags, hoardings etc.,) be permitted on Government premises.
- (ii) Writing of slogans displaying of posters etc, erecting cutouts, hoardings, banners, advertisement **only in any public place specifically identified** for such purposes be allowed strictly as per local laws - **Equal opportunity** to candidates/ political parties.
- (iii) If specifically earmarked places are already let out to any agency, the DEO through municipal authorities should ensure equitable opportunity to candidates/political parties.

5.11.2 Defacement of Private Places —

- (i) Not to be permitted on private places, if the local law do not permit even with consent of the owner.
- (ii) Where local law has express provisions permitting wall writings, posters, banners, hoarding etc on private premises the written permission of the owner is must - Photocopies of the same shall be submitted by the candidate with a statement in prescribed format, to the RO within 3 days - Expenditure to be accounted for. However, expenditure incurred on party campaign without indicating any candidate shall not be added to candidate's expenditure.
- (iii) In areas where there is no law on defacement of private property, temporary and easily removable campaign material like flags and banners would be permitted with written permission of the owner. Copy of the same is to be submitted to the RO.

5.11.3 Other issues —

- (i) In case of violation of legal provisions relating to prevention of defacement of property penal action to be taken.
- (ii) Displaying of flags and stickers on private vehicles - If it aims to solicit vote for a candidate, then provision of S. 171-H IPC would be attracted.
- (iii) No poster/flag/campaign material be displayed on commercial vehicles, except in case of vehicles permitted for electioneering (Action u/s 171-H of IPC).
- (iv) External modification/fittings including loudspeakers, in contravention of M.V. Act, not to be allowed on vehicles.
- (v) Educational institutions (including grounds) not to be used for campaigning/rallies

5.12 Tours of Ministers (ECI's No. 437/6/96 PLN.III dt. 17.1.1996; No. 437/6/ 99 PLN-III dt. 15.7.1999; No. 464/INST/2007 - PLN-I dt. 7.1.2007 and No. 437/6/ 2007/ PLN-III dt. 23.11.2007, No. 437/6/INST/2011-CC&BE dt, 24.03.2011 & 01.04.2011)

- (i) Official visits and political activities/electioneering not to be combined.
- (ii) Tours of Union Ministers - They may visit on purely official business after letter of certification by Secretary of department/ministry - Govt. vehicles, accommodation and due courtesies be given for such official trip.
- (iii) Tours of Ministers of State Government -
 - (a) No Minister shall undertake an official visit.
 - (b) Election related officers not to be summoned by Minister.
 - (c) Only exception is Minister in charge or CM in case of failure of law and order and occurrence of natural calamity
- (iv) Minister entitled for official vehicles at HQ from their residence to offices for official work only and not for any political activity.
- (v) During electioneering visit, no pilot cars or car with beacon lights or car affixed with sirens be used, even if the minister has been granted security cover.
- (vi) Official staff of Minister not to accompany with minister during electioneering – But one member of non gazetted personal staff of the Chief Minister may be allowed to accompany him on personal/private tour.
- (vii) However, such personal staff shall not take part in political activity or assists the CM in his political work.

5.13 Accommodation in Government Guest Houses (ECI No. 437/6/2006-PLN-III (Vol.II) dt. 1.4.2006)

- (i) Accommodations in the Guest Houses / Rest Rouses of Govt. or PSUs can be given to political functionaries who are provided security cover in Z scale or above, on equitable basis.
- (ii) No political activities while staying in such guest houses etc.,.

5.14 Misuse of official vehicles (ECI No. 437/4/96-PLN-III dt. 15.1.96, No. 437/6/96-PLN-III dt. 9.4.1996, No. 437/6/97 PLN-III dt. 18.3.97 and No. 464/INST/2007 - PLN-I dt. 7.1.07 and No. 437/6/2008/CC&BE dt. 19.10.2008)

- (i) Total restrictions on the use of official vehicles such as helicopters, aircraft (except PM), cars, jeeps, etc.
- (ii) Use of official vehicles by Ministers, even on payment for electioneering purposes including by adopting the official work.
- (iii) The only exception will be the Prime Minister and other political personalities who require security of high order.
- (iv) Official vehicle means vehicles belonging to Central Govt., State Govt., Public / Joint Sector under takings of Central or State Govt., Local bodies, PRIs and any other body in which any public funds are invested.
- (v) Functionaries of autonomies organizations may use the official vehicle only for commuting between office and residence and to attend any official meeting within Head Quarters itself (ECI No. 437/6/2008/CC&BE dt. 19.10.2008)
- (vi) Close watch by district administration.
- (vii) Vehicles found being misused, may be confiscated forthwith.

5.15 Security covers to Ministers and political personalities (ECI No. 437/6/96- PLN-III dt. 9.4.96; No. 437/6/98 PLN-III dt. 18.8.99; No. 4/2001/JS II dt. 30.3.2001 and No. 437/6/2007 PLN-III dt. 24.10.2007)

- (i) Security covers as per threat perception assessed by Govt. agencies.
- (ii) Absolute ban on the use of State owned aircraft or helicopters propelled at State cost or hired at State cost for any reason including security (except P.M.).
- (iii) State owned one bulletproof vehicle be permitted where the security agencies have prescribed such use. Stand-by vehicle not to be permitted unless so specifically prescribed by security authorities.
- (iv) Propulsion charges of bulletproof vehicle will be borne by the PP and in case of Star Campaigner it will be borne by the political party.
- (v) Carcade will be strictly in accordance with security norms. Propulsion charges of such security vehicles and cost of man power will be met by State Govt.

- (vi) Political functionaries of other states (other than Z+ and SPG protects for whom approved guidelines exist) will not be permitted with private security vehicles or security guards - They will be permitted to come with their PSOs as per X, Y and Z category entitlement. (ECI's No. 464/RJ-LA/2008 dt. 20.11.2008)

5.16 Political Parties & star campaigners: –

- (i) Names to come within 7 days of notification - their movements and expenses to be closely monitored - cases when it will be apportioned to candidate(s) -
- (ii) CEO & DEO to maintain a party wise register to track the instances of violation of MCC by candidates/star campaigners - Brief description be given about violation, dates of violation, action taken, order passed - This should also be put in public domain. (ECI No. 437/6/INST/2008-CC & BE dated 18.2.2009)
- (iii) Any violation of MCC by candidates of recognised political parties or by a star campaigner must be reported to ECI.

5.17 Conduct of Government Servants (ECI No. 62/84 dt. 6.11.84 and Sec 129, 134 and 134A of RP Act 1951 and Civil Services (Conduct) Rules)

- (i) No Government servant can take part in political activities - He can not act as election agent, polling agent, counting agent.
- (ii) He should not be present in public meeting during election campaign. Exception - those officers engaged in law & order and security arrangements.

5.18 Ban on Transfer/Appointments

- (i) From the announcement of election programme no officer/official connected with election work or likely to be deputed for election work not to be transferred.
- (ii) Transfer orders issued prior to the date of announcement but not implemented till the announcement should not be given effect without specific permission from ECI.
- (iii) No appointment/promotion in Govt./PSUs shall be made without prior clearance of ECI.
- (iv) Officers connected with election work should not remain at the place against the Home District and 3+ policy.

5.19 Liquor - Restrictions on Sale (Sec. 135-C of RP Act 1951 & ECI No. 464/L&O/2007 PLN-I dt. 7.1.2007)

Liquor not to be sold, given or distributed on polling day and period of 48 hours ending with close of poll - Dry day shall be declared.

5.20 Use of loud speakers (ECI No. 3/8/2000/JS II dt. 26.12.2000 and No. 3/8/2005/JS-II dt. 26.9.2005)

- (i) Loudspeakers on vehicles or for meetings can be used between 6.00 Am and 10.00 PM only.
- (ii) Permission is must for use of loudspeakers.
- (iii) In the case of loudspeaker on vehicles, permit issued by Govt. authority, shall indicate registration Number / identification Number of vehicle.
- (iv) Vehicles used without written permission is liable to be confiscated with all equipment.
- (v) Expenditure to be accounted for.

5.21 Public meeting/processions

- (i) A register for permissions granted for meetings etc.,.
- (ii) "First come first" principle be followed strictly.
- (iii) Permission - Subject to local laws / prohibitory orders.
- (iv) No public meeting / processing after campaign period is over.
- (v) Expenditure plan of the public rally must be enclosed with the application for permission.
- (vi) Copy of this expenditure plan shall be given by the DEO along with the copy of permission to the officer deputed for maintenance of Law & Order, Asstt. Expenditure Observer, VST & Accounting Team.
- (vii) Permission for public rally shall not be given if the candidate does not produce his account for inspection.

5.22 Temporary offices of candidates during electioneering (ECI No. 437/6/2007/INST/ PLN-III dt. 12.11.2007)

- (i) No such offices will be setup by way of encroachment or in campus of a religious place or contiguous to a educational institution / hospital or within 200 mtrs of PS.
- (ii) Only one flag and one banner (4 × 8 ft.) is allowed.

5.23 Restriction on publication and dissemination of result of exit poll etc. (Sec 126 A and 126B)

- (i) No person shall conduct any exit poll and publish or publicized by means of the print or electronic media or disseminate in any other manner, the result of any exit poll, -
 - (a) At any time during the period as may be notified by the ECI.
 - (b) The period may commence from the beginning of hours fixed for poll on first day and continue till half an hour after close of poll in all the phases in all States.

- (ii) On contravention punishment- imprisonment upto 2 years/ fine.

5.24 Discipline at time of Nominations

- (i) Only 4 persons can enter in the office of RO/ Specified ARO other than the candidate.
- (ii) During filing of nominations upto 3 vehicles may be allowed to come within periphery of 100 mts. of RO/ARO's office.

5.25 General

- (i) Security briefings of Chief Minister or the Home Ministers when considered essential, should be undertaken by the Home Secretary or the Chief Secretary, who in turn should be briefed by the police agencies.
- (ii) In case where police agency's/official's presence is considered essential, the Chief Secretary/Home Secretary may require the police agency/official to be present in such briefings.
- (iii) In situations where it is so warranted, the law and order enforcing agencies should not take the plea of ECI instructions for any inaction or delay in action to be taken by them.
- (iv) Whatever is required under the circumstances, including informing the political executives by the DGP and taking directions from them, should be undertaken by the police agencies in the bonafide performance of their duty or exercise of their authority.(ECI letter No. 437/6/INST/2009/CC&BE, Dated 26th April, 2009 and No.464/MT-HP/2009, Dated 8th April, 2009)

Part-6

Election Expenditure Monitoring and its Mechanism

6.1 Types of Election Expenditure

- (i) Broadly two categories, **the first type is allowed** under the law for electioneering, subject to it being within the permissible limit.
- (ii) The **second category** of expenditure on items which are illegal and **not permitted** under law. For example, distribution of money, liquor etc. which is bribery and is an offence and corrupt practice also.
- (iii) Another form of expenditure in recent times is on **Surrogate Advertisements, Paid News** etc.

6.2 Election Expenditure Monitoring (EEM)- Purpose-

- (i) The purpose is two fold. For the **first category**, it must be ensured that all election expenditure on permitted items is truthfully reported and considered while scrutinizing the expenditure account.
- (ii) For **second category** including surrogate advertisements, paid news etc. the systems should be robust enough to catch such expenditure as well, and not only include it in the account of election expenditure, but also take action against the wrongdoers under the relevant provisions of law.

6.3 Expenditure Monitoring Machinery

- (i) Expenditure Observer (EO)
- (ii) Asst. Expenditure Observer (AEO)
- (iii) Flying Squad and Static Surveillance Teams (FS and SST)
- (iv) Video Surveillance Team (VST)
- (v) Video Viewing Team (VVT)
- (vi) Media Certification and Monitoring Committee (MCMC)
- (vii) Accounting Team (AT)
- (viii) Liquor Monitoring Team (LMT)
- (ix) Election Expenditure Monitoring Cell.

6.4 EXPENDITURE OBSERVER (EO)

- (i) To be appointed by the Commission.
- (ii) EO's are responsible for overall supervision of expenditure monitoring for two or more Assembly segments.
- (iii) They will train the AEOs and inspect functioning of different teams engaged in EEM in each constituency
- (iv) They will coordinate with various law enforcement agencies of Income tax, Police, BSF/SSB, State Excise and DRI
- (v) They will assist the DEO in preparation of scrutiny report.

6.5 Structure and Functions

- (i) Expenditure Observers for each district not more than five ACs.
- (ii) AEO for each constituency
- (iii) More number of Observers and AEOs in ESC (Expenditure sensitive constituency)
- (iv) Three or more number of Flying Squads and minimum three SSTs in one AC and each FS/SST with 3-4 police personnel and one magistrate.

6.6 EXPENDITURE MONITORING CELL (EMC)

- (i) This cell at district level will consist of a Nodal Officer, of the rank of SDM/ADM and two officials, who will be in charge of Expenditure monitoring training and coordination with all other team heads engaged in expenditure monitoring,
- (ii) It will be responsible for expenditure monitoring efforts in the district, providing manpower and logistical support like space and equipments,
- (iii) First training of the AEOs and all the officials engaged in various teams should be done by these Nodal Officers of EMC in the District as soon as the elections are announced.

6.7 Video Surveillance Team (VST)

- (i) Minimum One official, one videographer and one vehicle
- (ii) Can be more than 1 team at a public meeting,
- (iii) The team will record in voice mode the title and type of event, date, place and the name of the party or the candidate organizing the same.

6.8 Video Viewing Team (VVT)

- (i) 1 officer and 2 clerks (or as required) for each assembly segment ,as viewing all CD's is a time consuming task,
- (ii) View Video CD provided by VST for identifying election expenditure and MCC related issues,
- (iii) MCC related report to General Observer and RO

6.9 Accounting Team

- (i) One official and one accounting clerk per AC.
- (ii) Drafted from employees of accounts wing of Central Govt. depts.
- (iii) It will work under Asst. EO, involved in preparation of Shadow Observation Register and maintaining videos/ CD evidences carefully in Evidence Folder.

6.10 Campaign through media: Monitoring by MCMC

6.10.1 Print Media –

- (i) Local News Papers
- (ii) Other News Papers in circulation in the area.
- (iii) Magazines
- (iv) Pamphlets and Posters

6.10.2 Electronic Media –

- (i) Radio including private FM
- (ii) TV Channels, Cable network
- (iii) Bulk SMS

6.11 District level MCMC – To operate 24x7

- (i) A Dist. Level MCMC comprising DEO/RO (of Parliamentary Constituency), ARO (not below SDM), Central Govt. I&B Official(if any) and 1 citizen/ journalist nominee of Press Council of India/ DPRO or DIO equivalent-member secy.
- (ii) Certifying advt. proposals of candidates, by committee comprising only RO Parliamentary Constituency + one ARO
- (iii) Scanning media for suspected '**paid news**' and examination of complaints, reference by EO.
- (iv) **Infrastructure** – in separate room - 3-4 TVs with cable, all newspapers including local,

6.12 Separate Bank Account

- (i) The candidate is required to open a separate bank account for the purpose of election expenditure.
- (ii) All the election expenses of the candidate should be met from this bank account. The candidate shall also submit a certified copy of the account statement after the poll.

6.13 Shadow Observation Register (SOR) & Folder of Evidence (FE) - SOR for each Contesting Candidate in a constituency. To record all expenses incurred on major events(public meetings/ rallies etc.,) towards election campaign. To be maintained by Accounting Team.

6.14 Flying Squads (FS)

- (i) FS- to attend to all complaints related to election expenditure & MCC
- (ii) Receive complaints forwarded by Distt. Complaint Monitoring Cell or forwarded from CEO Office
- (iii) Take immediate action on receipt of complaints which will provide complete contact details of complainant
- (iv) Wherever not possible to reach within ½ hour, send SST or local SHO and monitor action taken by the officials
- (v) All action taken by FS/SST/Local SHO to be videographed
- (vi) Complainant to be contacted in case of clarification
- (vii) FS- report action taken to District Control Room/ Call Centre
- (viii) Forward Daily Report to SP & DEO and copy to AEO

6.15 Static Surveillance Teams (SST)

- (i) The SSTs shall be formed under each Police Station comprising of one magistrate, 3-4 Police personnel and one videographer.
- (ii) They will be responsible for putting the check post on major road/arterial road to check movement of illegal cash/liquor/arms or gift items
- (iii) There should be surprise elements in putting the check posts so that one can not anticipate about its placement. The Flying Squad of the district will supervise the posting of the Static Team/Check Post so as to avoid any harassment of public.
- (iv) The entire activity at the check post should be video graphed and the DVD handed over to Accounting Team, for keeping in 'folder of evidence'.
- (v) Any member of public may ask and take copy the Video DVD/CD for a particular day by depositing Rs. 300/-.
- (vi) It will submit a Daily Activity report in prescribed format to SP, RO and AEO,
- (vii) The Nodal Officer at Police Headquarters at State level will compile the Daily Activity reports of FSs and SSTs and send to the CEO and Commission.
- (viii) EO to have coordination meeting with all law enforcement agencies of district and the teams.

6.16 Standard Operation Procedure for FS/ SST

- (i) Flying Squad will supervise operation of SSTs and law & order issues arising out of the operation,
- (ii) FS & SST will seize cash or other gift items suspected to be used for inducement of electors under CrPC/ IPC, if criminality is suspected.
- (iii) Criminality is determined, if they find :
 - (a) Banner/poster/voter slip/any campaign material along with cash or gift.

- (b) Arms or illicit items along with cash or gift.
- (c) Cash in custody of any candidate/agent/ party official being carried in a vehicle or any other modus operandi leading to crime.
- (iv) Utmost care to ensure all politeness, decency and courtesy–
 - (a) Seizure has to be done with proper Panchnama/ Acknowledgement
 - (b) The authority whom to appeal and procedure for appeal must be mentioned in the seizure order
 - (c) FIR to be lodged and also put in notice board of RO.
 - (d) Copy forwarded to SP, DEO, Exp. Observer, Nodal Officer of Police and Police Observer (If any)

6.17 Standard Operating Procedure : SOP

- (i) During checking by SSTs, if any cash exceeding Rs.50,000 is found in a vehicle carrying a candidate, or his agent or party worker or carrying posters or election materials or any drugs, liquor, arms or gift items (valued more than Rs. 10,000) which are likely to be used for inducement of electors or any other illicit articles are found in a vehicle, the same shall be subject to seizure. Whole event of checking/seizure to be video graphed by video team submitting CD to R.O.,
- (ii) An Appeal is to be made by DEO and CEO in local language through Flying Squads / media regarding the enforcement measures & advising the public and political functionaries not to carry huge cash during election process.

6.18 District Complaint Monitoring Cell

- (i) Copies of all complaints received and reports of inquiries conducted shall be put on the notice board of the RO for information of the Public. Any member of the Public can obtain copies of these documents on payment of a fee of Re. 1 per page.
- (ii) All complaints filed with District Level Complaint Monitoring cell to be recorded and investigated

6.19 Assistant Expenditure Observer -

One Asst. Expenditure Observer (AEO) for each Assembly segment:

- (i) AEO's should be from Income Tax, Central Excise, Audit and Accounts or Central PSUs - of the rank Group 'B' Central Govt. Officers.
- (ii) AEOs are appointed from date of announcement of election by DEO.
- (iii) He would assist the Expenditure Observer and the DEO in scrutiny of the account election expenses submitted after the declaration of result.

6.20 Public Meetings/Rallies

- (i) Format for applying for permission to hold public meeting/rally is given in Instruction of ECI.
- (ii) Candidate has to mention date time, duration and location of such meeting/rally alongwith expenditure plan for obtaining due permission
- (iii) This is necessary for maintenance of law and order and proper video recording of events.

6.21 Printing Pamphlets, Banners and Posters

- (i) The print and electronic media, cable network and FM radio will be closely monitored
- (ii) Prior approval of CEO before any broadcast or telecast
- (iii) Press or publisher's name and address, number of copies and amount charged to be mentioned in all printed material including media advertisements and sent to DEO immediately
- (iv) Advertisement in Print media to be covered under section 127A of RP Act,1951.
- (v) Copy of the printed material and declaration from the publisher to be sent by the printer to CEO or DEO.

6.22 Monitoring of vehicles

- (i) Candidates to submit before the RO details of vehicles proposed to be used and obtain permission in writing
- (ii) Permission letter to be displayed on the wind screen of vehicle
- (iii) Permission given to a particular candidate being used by another, vehicle to be seized and exp. for entire period to be added.

6.23 Monitoring production, storage and distribution of liquor

- (i) From the date of announcement of election, the production, off-take, stock limits of stockists and retailers of IMFL/Beer/country liquor are to be monitored district wise,
- (ii) Opening and closing of liquor vending shops are to closely monitored,
- (iii) Intensive vigil over inter state movement of vehicles at RTO check-posts and border check-posts by special enforcement staff of Excise Deptt.,
- (iv) To conduct raids to seize illicit liquor,
- (v) Inter state coordination of Excise Commissioners of the bordering states,
- (vi) District level Nodal Officer to submit report in format prescribed by ECI every alternate day to DEO, Exp. Observer and State Level Nodal Officer, who will compile the state level report to Commission and CEO (Annex.22).

6.24 Other Instructions:

- (i) If candidate attends a **community kitchen**, during election campaign, (other than those organized by religious communities and normal ceremonies like marriage etc,) the entire expenditure will be added as his election expenditure,
- (ii) If the vehicle permitted to any independent candidate or any other candidate is found carrying campaign material of another candidate or being used for campaign for any other candidate, the entire expenditure on the vehicle from the date of permission will be added to the candidate using it for his campaign and permission will be withdrawn

6.25 Other Monitoring Measures

- (i) Tracking on transportation of liquor - Proper investigation to establish linkage between the election process and such inducements.
- (ii) The bookings of marriage halls and Mandaps to be monitored,
- (iii) Distribution of gift items and cash coupons to be closely monitored,
- (iv) Unusual cash deposit/ withdrawal in account of SHGs and NGOs,
- (v) Disbursal of wages under ongoing Government schemes only in presence of Government officials during elections.

6.26 SOP: Checking of Helicopters/ Aircraft

- (i) The Bureau of Civil Aviation Authority Instruction vide its OM dt. 14.02.12
- (ii) During election process proper frisking and preembarkation, checking of all persons, screening/ phy. Checking of baggage to be done,
- (iii) CISF to inform the Income Tax dept. if cash above 10lacs/ bullion is detected in poll bound states,
- (iv) No prior permission for landing/ takeoff at commercial airports from DEO. But ATC to keep records of all such pvt. Aircrafts/ helicopters and make available such information to the CEO within 3 days of landing or takeoff.
- (v) The candidate or Party shall inform about the travel plan of the aircraft or helicopter 24 hrs in advance for landing and take off in non commercial airports, to DEO for security purpose
- (vi) For airstrips not used for commercial purposes applications to be made to the DEO concerned 24 hrs in advance by candidate or Political Party,
- (vii) Every candidate shall inform the RO concerned in writing, within 3 days of landing about the hiring charges paid or payable for helicopter / aircraft and name of Political Party if party has borne the expenses

6.27 Role assigned to: Income Tax Department

- (i) To gather intelligence/keep watch over movement of cash in the constituency and take necessary action under IT Laws

- (ii) To watch all airports of the state, major railway stations, hotels, farm houses, hawala agents, financial brokers, Cash couriers, Pawn brokers
- (iii) IT Deptt. will open **Air Intelligence Units** in all airports of the poll bound states and also shall keep vigil over movement of cash **through aircrafts/ helicopters leading to poll bound states,**

6.28 Misuse of Money Power (ECI No. 464/INST/2009 EPS dt. 9.1.2009)

- (i) Outright payment of cash that amounts bribery.
- (ii) Inducement such as supply of liquor, food packets, holding of lunch and dinner parties in the name of birthdays and other anniversaries to give election related inducement, distribution of gifts in the name of mass-wedding and so on.
- (iii) Close tracking by SHO of such payments and inducements.
- (iv) Whenever such even takes place - Video coverage shall be ensured for documentary evidence.

Part-7

Poll day arrangements

7.1 Control room arrangements.

- (i) Additional staff / Equipments
- (ii) Communication arrangements – To be in touch with CEO also– Mobile be switched on all the time.
- (iii) Complaint handling arrangements.
- (iv) Arrangement for EVM replacement.
- (v) **Escorting of the poll EVMs and election material** – Observers to be intimated.

7.2 Video/digital photography of proceedings inside the PS (ECI's No. 447/2007/PLN-IV dt. 17.1.07) –

- (i) In particular cases, as directed by ECI, photography of voters in identified area/AC/PSs.
- (ii) Faces of all electors, should be in same sequence as in Form 17-A - Special care about faces of voters not having EPIC or ECI approved photo-I cards.
- (iii) Critical events in and around the PS also to be captured - viz - mock poll and sealing of EVM, positioning of voting compartment, presence of polling agents, last voter in queue at the close of poll - visits of SO, etc.,.
- (iv) Video cassettes duly indexed will be kept in the custody of DEO as other election records.
- (v) Inspection and certified copy of print of video cassette

7.3 Regulation of plying of vehicles on poll day [ECI's No. 437/6/96-PLN-III dt. 16.01.1996 & dated 24.3.2007 and No. 437/6/2006 –PLN-III dt. 23.11.2007] –

- (i) One vehicle for candidate, one vehicle for election agent and one vehicle for candidate's workers / party workers be allowed– not more than 5 persons including drivers be allowed. If candidate is absent from constituency no other person allowed to use the vehicle allotted to him – No other vehicle should be allowed to be used by any leader.
- (ii) Permits be issued by DEO – Permits be displayed on wind screen of vehicles
- (iii) Carrying of voters by these vehicles – Corrupt practice u/s 133 and penal action u/s 123(5) of RP Act, 1951.
- (iv) Exceptions – Govt. Servant on duty, transportation of patient / old / infirm persons, voters in their own vehicle, public transport and other genuine bona-fide use other than election.

- (v) Private vehicles used by owners for them selves / family members for going to polling booth to vote, not to be allowed within a radius of 200 meter of PS.

7.4 No canvassing within PS or any public or private place within a distance of 100 meters of a PS (S. 130)–

- (i) Cellular phones, cordless phone etc., not to be allowed except officers on duty in the 100 meters of a PS. [ECI No. 464/INST/2007-PLN-I dt. 12.1.2007]
- (ii) Voter slips to be plain white slips without name of candidate / party markings/ symbol.
- (iii) No posters or banners.
- (iv) During polling PrO and other staff keep their mobile “switch off” in the PS. If required they can talk from outside the polling booth.
- (v) Booth Level Officer to be stationed outside the polling booth and should keep with mobile phone switched on.

7.5 Prohibition of misuse of SMSs [ECI’s No. 464/INST/2008-EPS dt. 05.11.2008] –

- (i) Objectionable SMSs are to be traced and action to be taken by police.
- (ii) Bulk transmission of SMSs as an alternative electioneering – cost involved to be noticed.
- (iii) Transmission after the campaign is over is not allowed.

7.6 Prohibition of loudspeakers, mega phone etc and disorderly conduct – within 100 mtrs of a PS (S. 131)

- (i) Amplifying or reproducing the human voice by any apparatus not allowed.
- (ii) In case of contravention such apparatus be seized.
- (iii) Shouting or otherwise act in disorderly manner not allowed.
- (iv) Penal action also to be taken.

7.7 Candidates’ election booths

- (i) (one table + two chairs) without shamiyana / tentage and with – one banner upto 3 ft.× 1.5 ft. beyond 200 mtrs of a allowed. If it have valid permission from local authority (Please see details in ECI No. 464/INST/2007 PLN- I dt. 12.1.2007)
- (ii) No crowds shall be allowed to collect at such booths in any circumstances, nor shall any person who has already cast his vote at the polling station be allowed to come to the booth. This would be evident from the indelible ink mark on his left forefinger or any other finger as specifically prescribed for that election for the constituency in which the polling station is located.
- (iii) The persons manning the booths shall not cause any obstructions whatsoever in the way of electors proceeding to the polling stations or prevent them from going to the booths of other candidates or create any other sort of hurdles whatsoever in the right of voters to exercise their franchise according to their own free will.

- (iv) The Commission hereby warns all concerned that any violation of the above directions will be viewed by the Commission with the utmost gravity and most stringent action possible under the law, including but not restricted to the removal of such booths forthwith will be taken against the candidates and / or their agents / workers responsible for any such violations.
- (v) If any officer is found to have failed to take prompt and expeditious action to ensure the strict compliance of the abovementioned directions, he will render himself liable to strict disciplinary action apart from any penal action as may be called for against him for failure to discharge the official duty. (Please refer to Commission's instruction No.464/INST/98/PLN-I dated 12.02.1998)

7.8 Polling neighbourhood

- (i) In order to prevent electioneering at the Polling Stations on the date of poll and to maintain law and order in the counting centers at the time of counting of votes, the Commission hereby directs that no person other than authorized election and police officials shall be allowed to either carry or use cellular phones, cordless phones, wireless sets, etc., in the 100 meter perimeter of the Polling Stations described as the "Polling Station Neighborhood" and within the polling booth. (ECI No. 464/INST/2007 PLN- I dt. 12.1.2007)
- (ii) **Going armed to / near a polling station** (Sec. 134B and ECI No. 464/INST/2007 PLN-I dt. 24.2.2007)– Security personnel attached to any person not to be allowed – Except in case of person covered under Z+ security which is one security person in simple clothes and with concealed weapon.

7.9 Prohibition for Minister / MP/ MLA etc. to be an election agent etc., –

- (i) Minister/MP/MLA/Mayor/Chairman of Municipality/Zila Pramukh or persons to whom security cover granted not to be an Election Agent/ Polling Agent/ Counting Agent.
- (ii) Any person having security cover will not be allowed to surrender his security cover to act as such agent.

7.10 Entry into polling station –

- (i) Only persons entitled under rule 49-D of Conduct of Election Rules, 1961 be allowed.
- (ii) Media person not to capture photograph of the balloting process in any manner that will be reveal the secrecy of ballot – Every one must have a valid pass properly displayed.
- (iii) Where the CPF is deployed a Jawan will stand at entrance – Not inside the PS except called by PrO.

7.11 Before Commencement of Poll –

- (i) PrO to demonstrate the EVM.
- (ii) EVM identification slips to be given to agents.

- (iii) Marked copy of roll and Register of Voters also to be demonstrated before the polling agents present and their signatures be taken.
- (iv) Mock poll by PrO – A prescribed certificate shall be given by PrO.
- (v) Control unit to be sealed properly.
- (vi) RO through SO and using other links shall track the conduct or otherwise of mock poll and ascertain the mock poll status within 30 minutes.

7.12 During Poll Process –

- (i) PrO to regulate the voters, and maintain purity of election – To deal with tendered votes, challenged votes, etc., - Overall supervision on poll process.
- (ii) Special attention at such polling stations where mock poll had to be conducted in the absence of agents [ECI's No. 464/INST/2008 – EPS dt. 18.12.2008]
- (iii) Identification of voters – through EPIC or alternate documents approved by ECI – Minor discrepancies can be overlooked.
- (iv) PO – 1st – Marked copy – Responsible for identification.
- (v) PO – 2nd – Indelible Ink – Register of voters – voter slips.
- (vi) PO – 3rd – Control unit – He will sit near PrO – Same table for PrO + PO – 3rd.
- (vii) In case of new EVM, new EVM should be put to use only after conducting mock poll, clearing the date of mock poll and recording the certificate of mock poll [ECI's No. 576/3/2009/SDR dt. 6.1.2009]

7.13 Voter Assistance Booth –

- (i) Separate officials for each PS premises be appointed to facilitate voters to locate their particulars.
- (ii) Roll in alphabetical order, in English, to locate quickly.
- (iii) Additional copy of Voter's Slip will also be kept at this booth so that the voters who have misplaced their EPIC or Voter's slip can obtain this copy. This additional copy can be used in identification of voter in the polling station.

7.14 Facilities for the physically challenged electors (ECI's No. 509/110/2004-JS-I dt. 26.10.2007) –

- (i) They should be given priority for entering PS without having to wait in queue.
- (ii) Full facility be provided to take their wheel chairs inside the PS.
- (iii) Companion for such voter is also allowed.
- (iv) Wide publicity about the facilities to be given to such voters.

- (v) For visually impaired voters Braille stickers on ballot units and Dummy Ballot Sheets at every polling station.

Part-8

Counting of Votes and Declaration of Result

8.1 Counting centres and Programme of Counting –

- (i) Date, time and place (Counting centre) shall be approved by the Commission -
- (ii) While selecting the building, all relevant factors should be considered, viz security, space available, infrastructure, maintenance of law and order, etc.

8.2 Arrangements at counting centre

- (i) Counting centre and receipt centres should be same.
- (ii) Strong rooms and counting centres should be within same campus.
- (iii) Large rooms can be divided into halls by temporary partitions - In such partition CGI sheets with rigid frame be used, so that any material can not be slipped through partition.
- (iv) Only one AC in one hall.
- (v) There should be sufficient place for counting officials/agents, etc.,.
- (vi) Each counting center will have a distinct No. and each hall within counting center have a distinct No.
- (vii) Counting plan to be prepared - pre allotment of PSs.
- (viii) Drawings of counting centre be given to Observer.
- (ix) Counting halls should be got ready at least 3 clear days before counting - A report in this regard to be sent by RO to CEO and by Observer to ECI - consolidated report by CEO also to ECI.
- (x) Photo I-Cards to counting officials/candidates/agents.
- (xi) Unauthorized persons not to be allowed.

8.3 Security Arrangements

- (i) Three tier cordoning system should be setup to prevent unauthorised entry inside the counting centres.
- (ii) No counting agent without proper identity and having photograph duly displayed on its person shall be allowed to cross the first cordon.
- (iii) Identify of candidates/agents and counting officials should also be thoroughly verified at the first cordon itself.
- (iv) Magistrate to be posted at entrance to control crowd and regulate the entry.
- (v) Proper frisking at 2nd cordon by state police personnel.
- (vi) Barricades for each counting table.

- (vii) Media room should be at some distance from counting hall - media passes will be issued 'counting centre wise' and not 'counting hall wise'.
- (viii) Counting trends and result information be given at media centre in systematic manner and in good time.
- (ix) Static camera or video not to be allowed inside counting hall or for this purpose a line be demarcated.

8.4 Counting Agents

- (i) Obtain the list of counting agents with their photographs from all the contesting candidates by 1700 hours on the day 3 days prior to counting. Photo I-cards of the counting agents should be issued them and there.
- (ii) Allow in counting hall only such counting agents as there are counting tables and one more to watch at ROs.
- (iii) Each counting agent may have a badge-bearing name of candidate and table No.

8.5 Entry into counting hall

- (i) Only following persons can enter counting centres: -
 - (a) Counting Supervisors/Assistants/staff appointed by RO
 - (b) Persons authorized by Commission.
 - (c) Public servants on election duty.
 - (d) Candidates, their election agents and counting agents.
- (ii) Ministers/MPs/MLAs/MLCs/Mayor/Municipal Chairman/Zila Pramukh or other persons having security cover not to be allowed as Election Agent or counting agent, except as a candidate. (Election Commission's Letter NO. 464/INST/2008/EPS Dated: 14th October, 2008 addressed to the Chief Electoral Officer of all States and Union Territories.)
- (iii) Candidates whether is MP/MLA shall be permitted with a stipulation that security persons with arms should not get into counting hall. Such candidates should be asked to given an undertaking that they are voluntarily surrendering their security.
- (iv) Exception is SPG producting or similarly placed persons. One SPG personnel in plain cloth can be accompanied with them.
- (v) Cellular phones, cordless phones, wireless sets etc not to be allowed to any person except officers on duty. Officer of duly with keep their mobiles in silent mode. (ECI No. 464/INST/2008/EPS dt. 9.2.09)

8.6 Restriction on number of persons for receiving certificate of election (ECI No. 464/INST/2009-EPS dt. 15.5.2009)

When the candidate come for receiving certificate of election, only a maximum of 4 persons may accompany him.

Part-9
Postal Ballots

9.1 Voters entitled to vote by post (Sec. 60 of RP Act., 1951; Sec.20 of RP Act, 1950; R. 17, 18(a) & (c), 20-21 & 27B of CE Rules, 1961) -

- (i) Service Voters (including their wives) - (except those who opted for proxy voting)
- (ii) Special Voters - (including their wives) who are holding declared offices. [List of such declared offices is given in footnote below at Sec. 20 of RP Act, 1950].
- (iii) Electors subjected to preventive detention.
- (iv) **Electors on election duty** – Persons and Staff who are specifically assigned any official work in connection with elections on the day of poll & can not be able to vote at normal PS. These include all police personnel (except those on leave), HGs, DEOs/ROs/AROs & their Staff, Control Room Staff, Videographers/Staff of EEM Teams/ ZOs/SOs, BLO, MOs, Drivers/Cleaners, etc. also. (ECI's No.52/2012/SDR dt. 01.11.2012)
- (v) **Notified voters** (if any).

9.2 Uniform common design of postal ballot papers (R.22, 30 of CE Rules, 1961; Ch.X of RO Hand Book)- Design of Postal Ballots for all categories shall be common.

9.3 Smooth Management of PBs for Persons on Election Duty (Based on ECI's No. 52/2013/SDR Dated 26.03.2013 issued to CEO Karnataka and ECI's No.52/2013/SDR dt. 18.06.2013 to all CEO's)

9.3.1 Preparation of Database-

- (i) Database of Police personnel, whether they are to be deployed in poll duty or not, should be prepared.
- (ii) Database of Home Guards to be put on poll duty should also be prepared.
- (iii) Along-with other information about No. & name of AC, No. & Name of PS, Sr. No. in Part where the person is enrolled and EPIC of each person should be captured in the database.
- (iv) Cell phone number and E-mail Ids, if any, of all persons shall be collected and stored in the database.
- (v) The software for preparation of this database shall be made available by CEO.
- (vi) The work of preparation of database should be completed by 31.08.2013.
- (vii) The database should also have fields for capturing information about No. & Name of AC, No. & Name of PS where the persons will be put on duty, the location of facilitation centers.

- (viii) The facilitation center and training center will be same. If a person is to be called for training more than once, information about all the trainings should be captured in the database.

9.3.2 Checking of the enrollment status of person in the database:-

Enrolment of a person can be found by using search facility provided on CEO's website based on EPIC/Name/Locality.

9.4 Corrections in electoral roll entries-

- (i) Based on search, if any correction in roll becomes necessary, appropriate forms should be got filled and correction be made following due procedure-
- (ii) In case person is not enrolled at all or enrolled at a place other than ordinarily residence, ERO should take immediate steps for enrollment at the place of ordinarily residence.
- (iii) They should be enrolled once only and all of them should have an EPIC.
- (iv) DEO should monitor this on a daily basis.
- (v) It should be made clear to Govt. employees, by a circular, that enrollment at more than one place is an offence, and that a person is to be enrolled only at the place of ordinarily resident and not at native place.

9.5 Postal Ballot for Police Personnel -

- (i) All police force from Constable to DGP are notified under Sec.28A of R.P.Act, 1951 as on deputation to ECI during election period.
- (ii) On the basis of judgment of Hon'ble Madras High Court dated 22.08.2012 all police personnel, except those on leave during the election period, are treated as personnel on election duty and hence entitled to vote by Postal Ballot.

9.6 Form 12 - Distribution of pre-filled Forms and collection of signed forms—

- (i) The SP should prepare the database of all police personnel (including home guards, to be deployed on election duty).
- (ii) Enrolment status of all police personnel to be collected in the database.
- (iii) Pre-filled Form-12 shall be delivered to the police personnel along with his duty order or by any other means atleast 15 days before the poll.
- (iv) Police personnel have to submit Form-12 for availing the facility of PB, so as to reach RO atleast 7 days or such shorter period as the RO may allow before poll.(u/r 20(1)).
- (v) SP/Nodal officer of Police shall arrange to collect duly filled-in & signed Form-12 from police personnel at least one week before poll. This can be combined with training of police officer on poll duty.
- (vi) SP should organize a special facilitation camp for police officers for casting PBs.

- (vii) One Gazetted officer for attestation of Declaration in Form-13A at Facilitation Camp.
- (viii) Register for correct account of PBs issued.
- (ix) A ballot box shall be kept at the facilitation centre and police officers who have been issued PB should deposit PB in this box after marking.
- (x) A note should be printed at the bottom of Form-12 , that the employee should check it and make corrections, if any.
- (xi) Form-12 should be distributed to police personnel through the SP.

9.7 Issue of Postal Ballots-

- (i) The RO should prepare PBs for all police personnel in anticipation of receiving filled-in Form 12 duly signed.
- (ii) RO shall depute one Officer to deliver prepared PBs to Police personnel.
- (iii) Prepared PBs should be given to this officer in advance so that PBs can be delivered as soon as duly signed & filled-in Form 12 received from police personnel.
- (iv) The officer will issue PBs after verifying identity of voter concerned based on EPIC or any other photo ID.
- (v) Employees are generally not sent for election duty outside their district. If however it becomes necessary to send a PB to a Facilitation Center outside the district the DEO will co-ordinate with the DEO of the other district.

9.8 Procedure at the Facilitation Center (FC)–

- (i) One senior officer as OIC of PB at each FC.
- (ii) All Recognized Political Parties will be informed by DEO in writing the schedule of facilitation of postal balloting at FC. They shall be allowed to send their representatives to witness the facilitation process.
- (iii) In each training session, after training is over, at least 2 hours shall be set apart for facilitation of postal balloting.
- (iv) Arrangement shall be made for candidates to sit and watch the process of facilitation without interfering with the process. If any person interferes with the process of facilitation, the OIC of facilitation can order such a person to leave the premises immediately.
- (v) Voting compartments (as in a PS) shall be made in each FC for marking the PBs by employees in complete secrecy. Arrangement of glue/gum also be made to seal the envelopes.
- (vi) At least one gazetted officer shall be put on duty by the DEO at each FC to attest the declaration in Form 13A based on the identification of the voter by his identity documents.

9.9 Process of Postal Balloting-

- (i) After receiving his PB, the voter shall go into the voting compartment and mark the PB in secrecy. He shall then keep the marked PB in the inner envelope (Form 13B) and seal it properly.
- (ii) The voter shall then sign the declaration in Form- 13A and get it attested by a gazetted officer. He shall write the serial number of the PB paper if not already filled up in Form 13A.
- (iii) He shall then keep the inner envelope (Form 13B) and the signed & attested declaration in Form 13A in the outer envelope (Form 13C) and seal this as well. The voter will then cast his PB in the Facilitation Ballot Box.

9.10 Sorting of PBs –

- (i) After all PBs for the day have been cast, the box will be opened by the OIC of FC in the presence of the representatives of political parties. All the PBs will be taken out of the box and the empty box will be shown. The PB envelopes will be sorted AC wise and the number of PB envelopes received for each AC will be entered in a register in prescribed Format.
- (ii) Representatives of political parties present will be asked to put their signature on the register. A copy of the relevant pages be given to them.
- (iii) All PB envelopes for one AC shall be kept in one large envelope. The name of the Facilitation Centre, the date of Facilitation, the number of PBs contained therein and no. & name of AC will be clearly written on this envelope.
- (iv) This envelope will then be sent to the concerned RO along with a copy of the relevant pages of register through special messenger appointed by RO for this purpose not below the rank of Naib Tahsildar.
- (v) **Videography** - The entire process of postal balloting will be videographed.

9.11 Sending PBs to the counting center -

- (i) Where the counting is done at a place other than the RO headquarters, the PBs will be transferred to another strong room for the PBs for that AC at the counting centers, one day before the day of counting.
- (ii) This box will be carried under guard of armed CPF to the strong room for PBs at the counting center. Candidates and their representatives shall be allowed to follow the vehicle carrying PBs.
- (iii) The box will be kept in the strong room for PBs at the counting center in the presence of the candidates/representatives. Strong room will then be sealed and signatures of candidates/ representatives shall be taken.
- (iv) Candidates/representatives shall be allowed to keep watch on the strong room for which they will be provided reasonable facilities by the DEO.
- (v) Whole process will be video graphed.

Part-10

Training of police officials associated with conduct of elections

10.1 Training to all officers/officials likely to be deployed in election process as per directions of ECI: -

- (i) At IIIIDEM, New Delhi – SLMTs
- (ii) At State HQr – SPs and Addl. SPs
- (iii) At Div. HQr/Distt. HQr – Dy. SPs
- (iv) At Range HQr – Inspectors/SHOs/Incharge Police Lines
- (v) At Thana Level/Police Line level–Police Mobile parties and Police Personnel to be deputed in polling parties

10.2 Topics -

- (i) Vulnerability Mapping and confidence building measures
- (ii) Identification of critical polling station and critical clusters .
- (iii) Preventive Measures – special drives
- (iv) Misuse of money power and election expenditure.
- (v) Prevention of Defacement of Public properties.
- (vi) Discipline during nomination process.
- (vii) Communal harmony.
- (viii) Poll day and counting day duties.
- (ix) CPF coordination and Deployment of force
- (x) MCC provisions
- (xi) Poll process
- (xii) Relevant legal provisions
- (xiii) Other Issues.

10.3 Election Commission's letter No.464/INST/2009-EPS Dated: 9th January, 2009 addressed to The Chief Electoral Officers of All States and Union Territories reg Training of police officials associated with conduct of elections.

1. Police headquarter level

- (i) The State police headquarters should develop a checklist for the key officials associated with the conduct of election indicating their duties and responsibilities in

the light of new instructions being issued from the Election Commission of India from time to time.

- (ii) Besides, a reference material should also be prepared indicating the relevant Sections of Indian Penal Code, the R.P Act and Model Code of Conduct (MCC) that are relevant during the course of elections.
- (iii) This reference material book should indicate the nature of offence and the relevant Sections whether cognizable or noncognizable and the action to be taken in case of any violation.
- (iv) This reference material should be made available to all field officials as well.
- (v) There should be a proper coordination between the CEO's office and the police headquarters.
- (vi) Whenever the Election Commission of India issues any instruction connected with maintenance of law and order preparation of State/district level deployment plan of CPF etc., the guidelines should be immediately brought to the notice of police headquarters.
- (vii) The DGP may identify a senior officer who would function as a nodal officer to remain in touch with the CEO on day-to-day basis so that the Commission's instructions from time to time are followed up and implemented.

2. At District level

- (i) The DEO-cum-District Collector/DM will hold a meeting with SP and senior police officials and apprise them of all the recent instructions of the Election Commission of India.
- (ii) The enforcement of MCC is the joint responsibility of the district electoral administration as well as the police administration. Clear accountability should be spelt out when the district administration/RO forms MCC squads/teams.
- (iii) There should be a specific accountability for the police officials at the Thana level.
- (iv) A Complaint Monitoring System should also be introduced for tracking election related violence and offence and case book in that connection.
- (v) The DEO and SP will review the status of the election related cases while during the previous election and expedite follow up action in this regard.

3. Concept of vulnerability mapping and identification of critical polling station and critical clusters

- (i) The training to be organized by the district administration (DEO and SP) for police officials should be planned in advance and proper training material should be prepared.

- (ii) Copies of the relevant circulars of the Election Commission of India and extracts of relevant law should also be circulated in the training programme.
- (iii) As the vulnerability mapping gives valid inputs for identification of critical polling stations and critical clusters, the entire concept should be explained to the police officials properly by the DEO and SP. (refer circular no. 464/INST/2008 dt. 24.10.08).

4. Misuse of money power and election expenditure

- (i) The misuse of money power has emerged as a big challenge to the free and fair election process.
- (ii) Feedback has been received about candidates indulging in various methods to induce the voters which includes outright payment of cash that amounts to bribery and other forms of inducements such as supply of liquor, food packets, holding of lunch and dinner parties in the name of “birthdays” and other “anniversaries” to give election related inducement, distribution of gifts in the name of masswedding and so on.
- (iii) During the election process, a close tracking by each and every Thana officer of such payments and other forms of inducement at their level is essential.
- (iv) The field level election machinery/police administration should work as a team to track such types of malpractices.
- (v) It is noticed that liquor is transported even from the far away States to the election going States. Proper checking at the inter-State border and commercial tax check post will be helpful in tracking such transportation of liquor.
- (vi) Whenever a consignment of such liquor is intercepted, proper investigation should follow to trace the origin of such supply and the destination. A proper investigation is essential to establish linkage between the election process and the supply of such inducements.
- (vii) Media should be briefed whenever such consignments are seized. A proper orientation about this should be given to the police officials during training programmes.

5. Defacement of Public properties

- (i) The Election Commission has been issuing a detailed instructions regarding prevention of Defacement of Public Property and other connected issues. The steps to be taken to implement the Commission’s order in the context of prevailing law if any, applicable to the State should be properly explained. The methodology to be adopted for enforcement of Commission’s instruction should be discussed in the training programme and explained to the field officials.

6. Discipline during nomination process

- (i) Commission has issued instructions to ensure proper discipline during the process of filing of nomination. During the filing of nomination, the candidate can be accompanied by only the four other persons (refer 464/inst/2007/PS I dated 09.02.07).
- (ii) A nodal officer needs to be identified by the SP of the district who would be responsible for sanitizing the area of RO's premises and ensure that only the permitted number of people are allowed to go inside the RO's room and the entire proceeding should be video graphed.
- (iii) Duties and responsibilities of the nodal officer in this regard, should be properly explained by the SP to the nodal officer during training session.
- (iv) Publication of election pamphlets in violation of Section 177 A of the RP Act, 1951 needs close tracking and monitoring.

7. Communal harmony

- (i) The police administration should remain vigilant about circulation of campaign material which can affect the communal harmony. The provisions of electoral law as well as model code of conduct in this regard shall be explained to the police officials during training programme.

8. Poll day and counting day duties

- (ii) An orientation should be given to the police officials about the polling process on the poll day and other connected issues and about the duties and responsibilities of various police officials on poll day with reference to security at polling station, patrolling of the catchments areas, tracking of areas identified as vulnerable, transportation of polled EVMs, sealing and guarding of strong rooms and the counting day arrangements.

9. CPF coordination

- (iii) A proper orientation needs to be given about the role of CPF vis-à-vis State police/local police and other coordination responsibilities.

10. Directory of electoral administration

- (iv) A directory of key functionaries of the electoral administration both civil and police should be prepared indicating the names, designation, landline and mobile numbers so that coordination between civil authorities and the police authorities is ensured.

Part-11.

Legal provisions relating to elections

11.1 Laws

- (i) Indian Penal Code
- (ii) Representation of the people Act, 1951
- (iii) Cr.P.C.
- (iv) Special & Local Acts.

11.2 Indian Penal Code

11.2.1 Cognizable offences

- (i) **171-D.** Impersonation at elections.
- (ii) **171-F.** Punishment for personation at an election.

11.2.2 Non- Cognizable offences

- (i) **171-B.** Bribery .
 - (ii) **171-E.** Punishment for bribery.
 - (iii) **171-C.** Undue influence at elections.
 - (iv) **171-F.** Punishment for undue influence at an election.
 - (v) **171-G.** False statement in connection with an election.
 - (vi) **171-H.** Illegal payments in connection with an election.
 - (vii) **171-I.** Failure to keep election accounts.
 - (viii) **505. {1}(b)** with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or
- (d) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community;

11.2.3 Other important sections of IPC

- (i) Sec-153A - Promoting enmity between different groups on grounds of religion race, place of birth, residence, language, etc. and doing acts prejudicial to maintenance of harmony.
- (ii) Sec-153AA - Punishment for knowing by carrying arms in any procession or organizing, or holding or taking part in any mass drill or mass training with arms.
- (iii) Sec-153B - Imputations, assertions prejudicial national integration

11.3 Representation of the People Act, 1951

11.3.1 Section 123. Corrupt practices - Which can be agitated in Election Petitions before High Court. Corrupt practices are: -

- (i) Bribery
- (ii) Undue influence
- (iii) Appeal on ground for religion, race, cast etc.,.
- (iv) Promoting hatred between different classes
- (v) Propagating / glorification of Sati
- (vi) False statement in relation to personnel collector/ conduct of any candidate.
- (vii) Use of vehicles for conveyance of Electors.
- (viii) Incurring expenditure in contravention of Sec. 77
- (ix) Taking assistance of Govt. Servants.
- (x) Booth capturing.

11.3.2 Cognizable offences

- (i) **125.** Promoting enmity between classes in connection with election.
- (ii) **127.** Disturbances at election meetings.
- (iii) **129.** Officers, etc., at elections not to act for candidates or to influence voting.
- (iv) **130.** Prohibition of canvassing in or near polling station.
- (v) **132.** Penalty for misconduct at the polling station.
- (vi) **134.** Breaches of official duty in connection with election.
- (vii) **134B.** Prohibition of going armed to or near a polling station.
- (viii) **135.** Removal of ballot papers from polling station to be an offence.
- (ix) **135A.** Offence of booth capturing.
- (x) **136.** Other offences and penalties therefore.

11.3.3 Non- Cognizable offences

- (i) **125A.** Penalty for filing false affidavit, etc.
- (ii) **126.** Prohibition of public meetings during period of forty—eight hours ending with hour fixed for conclusion of poll.
- (iii) **127A.** Restrictions on the printing of pamphlets, posters, etc.
- (iv) **128.** Maintenance of Secrecy of voting.
- (v) **131.** Penalty for disorderly conduct in or near polling stations.
- (vi) **132A.** Penalty for failure to observe procedure for voting.
- (vii) **133.** Penalty for illegal hiring or procuring of conveyance at elections.
- (viii) **134-A.** Penalty for Government servants for acting as election agent, polling agent or counting agent.

- (ix) **135B.** Grant of paid holiday to employees on the day of poll.
- (x) **135-C.** Liquor not to be sold, given or distributed on polling day.

11.4 The Conduct of Election rules, 1961

- (i) Rule-49-G Facilities for woman electors.
- (ii) Rule-49-H Identification of electors
- (iii) Rule-49-I Facilities for public servants on election duty
- (iv) Rule-49-J Challenging of Identity
- (v) Rule-49-K Safeguards against personation
- (vi) Rule-49-L Procedure for voting by voting machines
- (vii) Rule-49-M Maintenance of secrecy of voting by electors within the polling station and voting procedure
- (viii) Rule-49-N Recording of votes of blind or infirm electors
- (ix) Rule-49-P Tendered votes

11.5 Criminal Procedure Code

- (i) Sec-20 Executive Magistrates
- (ii) Sec-21 Special Executive Magistrates
- (iii) Sec-22 Local jurisdiction of Executive Magistrates
- (iv) Sec-23 Subordination of Executive Magistrates
- (v) Sec-41 When police may arrest without warrant
- (vi) Sec- 42 Arrest on refusal to give name and residence
- (vii) Sec-57 Person arrested not to be detained more than Twenty Four hours.
- (viii) Sec-58 Police to report apprehensions
- (ix) Sec-100 Person in charge of closed place to allow search
- (x) Sec-102 Power of police officer to seize certain property
- (xi) Sec-103 Magistrate may direct search in his presence
- (xii) Sec-106 Securing for keeping the peace on conviction
- (xiii) Sec-107 Security for keeping the peace in other cases
- (xiv) Sec-108 Security for good behaviour from person disseminating seditious matters
- (xv) Sec-109 Security for good behaviour from suspected person
- (xvi) Sec-110 Security for good behaviours from habitual offenders
- (xvii) Sec-116 Inquiry as to truth of information
- (xviii) Sec-121 Power to reject securities
- (xix) Sec-122 Imprisonment in default of security
- (xx) Sec-123 Power to release persons imprisoned for failing to give security
- (xxi) Sec-124 Security for unexpired period of bond
- (xxii) Sec-129 Dispersal of assembly by use of civil force.
- (xxiii) Sec-130 Use of armed forces to disperse assembly
- (xxiv) Sec-131 Power of certain armed force officers to disperse assembly
- (xxv) Sec-133 Conditional order for removal of nuisance
- (xxvi) Sec-144 Power to issue order in urgent cases of nuisance or apprehended danger

(xxvii)	Sec-144-A	Power to prohibit arms in procession or mass drill or mass training with arms
(xxviii)	Sec-149	Police to prevent cognizable offences
(xxix)	Sec 150	Information of design to commit cognizable offence
(xxx)	Sec-151	Arrest to prevent the Commission of Cognizable offences.
(xxxi)	Sec-154	Information in cognizable cases.

11.6 SPECIAL & LOCAL ACTS (These should be inserted by the concerned State)

11.6.1 The State Police Act

11.6.2 The Prevention of Anti-Social Activities Act, if any

11.6.3 The State Noises Control Act, if any

11.6.4 State Excise Act, if any

11.6.5 State Prevention of Defacement of Property Act, if any

11.6.6 Defacement of private/ public property other than municipal areas

- (i) Attracts sec. 171-H and 426/427 IPC

11.6.7 The State Treasury Rules if any regarding strongroom

11.7 OTHER CENTRAL ACTS

11.7.1 The Arms Act, 1959

Sections

- (i) 3. Licence for acquisition and possession of firearms and ammunition.
- (ii) 4. Licence for acquisition and possession of arms of specified description in certain cases.
- (iii) 5. Licence for manufacture, sale, etc., of arms and ammunition.
- (iv) 6. Licence for the shortening of guns or conversion of imitation firearms into firearms.
- (v) 7. Prohibition of acquisition or possession, or of manufacture or sale, of prohibited arms or prohibited ammunition
- (vi) 8. Prohibition of sale or transfer of firearms not bearing identification marks
- (vii) 9. Prohibition of acquisition or possession by, or of sale or transfer to young persons and certain other persons of fire arms, etc.
- (viii) 10. Licence for import and export of arms, etc.
- (ix) 17. Variation, suspension and revocation of licences

Powers and Procedure

- (i) 19. Power to demand production of license, etc.
- (ii) 20. Arrest of persons conveying arms, etc., under suspicious circumstances
- (iii) 21. Deposit of arms, etc., on possession ceasing to be lawful
- 22. Search and seizure by magistrate
- (iv) 23. Search of vessels, vehicles for arms, etc.
- (v) 24. Seizure and detention under orders of the Central Government
- (vi) 24A. Prohibition as to possession of notified arms in disturbed areas, etc.
- (vii) 24B. Prohibition as to carrying of notified arms in or through public places in disturbed areas, etc.

11.7.2 Motor Vehicle Act, 1988

Sections-

- (i) 177. General provision for punishment of offences.
- (ii) 179. Disobedience of orders, obstruction and refusal of information.
- (iii) 180. Allowing unauthorised persons to drive vehicles.
- (iv) 181. Driving vehicles in contravention of section 3 or section 4.
- (v) 183. Driving at excessive speed, etc.
- (vi) 184. Driving dangerously.
- (vii) 185. Driving by a drunken person or by a person under the influence of drugs.
- (viii) 186. Driving when mentally or physically unfit to drive.
- (ix) 187. Punishment for offences relating to accident.
- (x) 188. Punishment for abetment of certain offences.
- (xi) 190. Using vehicle in unsafe condition.
- (xii) 192. Using vehicle without registration.
- (xiii) 192A. Using vehicle without permit.
- (xiv) 194. Driving vehicle exceeding permissible weight.
- (xv) 196. Driving uninsured vehicle.
- (xvi) 197. Taking vehicle without authority.
- (xvii) 200. Composition of certain offences.
- (xviii) 201. Penalty for causing obstruction to free flow of traffic.
- (xix) 202. Power to arrest without warrant.
- (xx) 203. Breath tests.
- (xxi) 205. Presumption of unfitness to drive.
- (xxii) 206. Power of police officer to impound document.
- (xxiii) 207. Power to detain vehicles used without certificate of registration permit, etc.

11.7.3 The Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(i) Section 3

Punishments for offences of articles

(1) Whoever not being a member of a scheduled caste, or a Scheduled Tribe.

(vii) Force or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote a particular candidate or to vote in a manner other than that provided by law; shall be punishable with imprisonment for a term which shall not be less than six months but which may extended to five years and with fine.

11.7.4 The Religious Institutions (Prevention of Misuse) Act, 1988

(i) Sec-1 Short title, extent and commencement

(ii) Sec-2 Definations

(iii) Sec-3 Prohibition of use of religions institution for certain purposes.

(iv) Sec-4 Restrictions on carrying arms and ammunition into a religious institution

(v) Sec-5 Prohibition of use of funds of religious institutions for certain activities

(vi) Sec-6 Prohibition of religious for propagating political ideas.

(vii) Sec-7 Penalties.