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# ELECTION COMMISSION OF INDIA

NirvachanSadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2013/EEPS/Vol. IV

Dated: 21<sup>st</sup> March, 2013

To

Chief Electoral Officers of all States and UTs

Sub: Standard Operating Procedure to be adopted by the officer/officials involved in implementation and execution of the Election Expenditure Monitoring – Reg.

Sir/Madam,

I am directed to forward herewith Order of the Commission of even number dated 21.03.2013 on Standard Operating Procedure for the Flying Squad, Static Surveillance Team and check posts, constituted for keeping vigil over excessive campaign expenses, distribution of items of bribe in cash or kind, movement of illegal arms, ammunition, liquor, or antisocial elements etc., in the constituency during election process. The above order may kindly be brought to the notice of all political parties, candidates and all concerned for necessary action and compliance.

Yours faithfully,

Sd/-

**S.K.Rudola**  
Secretary

# **ELECTION COMMISSION OF INDIA**

NirvachanSadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2013/EEPS/Vol. I

Dated: 21<sup>st</sup> March, 2013

## **Order**

Whereas, the Superintendence, direction and control of all elections to Parliament and the Legislature of every State is vested in the Election Commission under Article 324 of the Constitution; and

Whereas, all forms of intimidation, threat, influence and bribing of electors must be prevented in the interest of free and fair election and; reports are received that money power and muscle power are being used during election process for inducement of electors by way of distribution of cash, gift items, liquor or free food; or for intimidation of electors by threat or intimidation; and

Whereas, distribution of cash or any item of bribe or use of muscle power for influencing electors are crime under section 171 of IPC and also are Corrupt Practices under Section 123 of R.P. Act, 1951;

Now, therefore, for the purpose of maintaining purity of elections, the Election Commission of India hereby issues the following Standard Operating Procedure for Flying Squads, Static Surveillance Teams and Check Posts, constituted for keeping vigil over excessive campaign expenses, distribution of items of bribe in cash or in kind, movement of illegal arms, ammunition, liquor, or antisocial elements etc. in the constituency during election process:

### **Flying Squad (FS)**

1. There shall be three or more Flying Squad (FS) in each constituency. The FS shall start functioning from the date of announcement of election and shall continue till completion of poll.
2. The Flying Squad shall (a) attend to all model code of conduct violations and related complaints; (b) attend to all complaints of threat, intimidation, movement of antisocial elements, liquor, arms and ammunition and large sum of cash for the purpose of bribing of electors etc.; (c) attend to all complaints regarding election

expenditure incurred or authorised by the candidates / political party ; (d) videograph with the help of Video Surveillance Team (VST), all major rallies, public meetings or other major expenses made by political parties after the announcement of election by the Commission.

3. In Expenditure Sensitive Constituencies (ESC), there shall be more FSs, depending on the requirement. The FS shall not be given any other work during the period. The names and mobile numbers of the Magistrate as head of the FS and other officials in FS are provided to the Complaint Monitoring Control Room and Call Centre, RO, DEO, General Observer, Police Observer, Expenditure Observer and Assistant Expenditure Observer. In ESCs, CPF or State Armed Police may be mixed in the FS, depending on the situation and the DEO shall take necessary steps in this regard. The DEO shall constitute the FS with officers of proven integrity.
4. Whenever a complaint regarding distribution of cash or liquor or any other item of bribe or regarding movement of antisocial elements or arms and ammunition, is received, the FS shall reach the spot immediately. The FS shall seize the items of bribe or other illicit items, and gather evidences and record statement of the witnesses and the persons from whom the items are seized.
5. The FS shall send a Daily Activity report in respect of items of seizure of bribe or cash to the S.P. in a format as per Annexure - A, with a copy to R.O., D.E.O and the Expenditure Observers and shall send Daily Activity report in respect of model code of conduct violations to RO, DEO and General Observer in the format as given in Annexure-B. The Nodal Officer at the Police Headquarters shall compile all such reports from the district and send a consolidated report in the same format ( i.e.,: Annexure – A & B) on the next day by fax/ e-mail to the Commission with a copy to the CEO of the state.
6. The entire proceeding shall be video recorded. The R.O. or any other officer authorized by him shall file complaints/F.I.R. against (i) the persons, receiving and giving bribe; and (ii) any other person from whom contraband items are seized or (iii) any other antisocial elements found engaged in illegal activity. The copy of the complaint/FIR shall be displayed on the notice board of the R.O. for public display and be sent to the DEO, General Observer, Expenditure Observer and Police Observer.

The Expenditure Observer shall mention it in the Shadow Observation Register, if it has links with any candidate's election expenditure.

7. In case, a complaint is received about distribution of cash, gift items, liquor or free food; or about threat/ intimidation of electors; or of movement of arms/ammunitions/ antisocial elements and it is not possible for the FS to reach the spot immediately, then the information shall be passed on to the Static Surveillance Team, nearest to the spot or to the police station of that area, who shall rush a team to the spot for taking necessary action on the complaint. All seizures made by the police authorities either on receipt of complaints forwarded by FS or received independently shall also be reported to the FS which shall incorporate such reports in its Daily Activity Reports in relevant rows/columns and this is done to avoid duplication of seizure or action taken reports.
8. Each FS shall announce through a Public address system, fitted onto its vehicle, the following in local language in the area under its jurisdiction: "As per section 171 B of Indian Penal Code, any person giving or accepting any gratification in cash or kind during election process, with a view to inducing the person to exercise his electoral right is punishable with imprisonment up to one year or with fine or with both. Further, as per section 171 C of Indian Penal Code, any person who threatens any candidate or elector, or any other person, with injury of any kind, is punishable with imprisonment up to one year or with fine or both. Flying Squads have been formed to register cases against both the giver and the taker of bribe and for taking action against those who are engaged in threat and intimidation of electors. All the Citizens are hereby requested to refrain from taking any bribe and in case, anybody offers any bribe or is having knowledge about the bribe or cases of threat/intimidation of electors, then he should inform on the toll free number.....,of the 24x7 Complaint Monitoring Cell of the district, set up for receiving the complaints".
9. The DEO shall make pamphlets quoting the above in English or Hindi or local language and distribute through the flying squad in prominent places. Press release should also be done by the DEO on the election expenditure monitoring measures.
10. After the announcement of elections, DEO shall make an appeal as mentioned in para above in print and electronic media for the benefit of general public about the monitoring mechanism, which is being put in place during election process.

### **Static Surveillance Team (SST)**

11. There shall be three or more Static Surveillance Teams in an Assembly Constituency with one magistrate and three or four police personnel in each team who shall be manning the check post. Some of the SSTs shall be composed of CPF personnel, depending on the sensitivity of the area.
12. This team shall put check posts on major arterial roads, borders of the district and state and shall keep watch on movement of illicit liquor, items of bribe, or large amount of cash, arms and ammunition and also movement of antisocial elements in their area. The entire process of checking shall be video-graphed.
13. The SST shall send Daily Activity report to the S.P. with copy to R.O., D.E.O and Expenditure Observer, General Observer, and Police observer in a format as per Annexure – C, on the same day. The Nodal Officer at the Police Headquarters shall compile all such reports from the district and send a consolidated report in the same format ( i.e.,: Annexure – C) on the next day by fax/ e-mail to the Commission with a copy to the CEO of the state.
14. The entire operation by SSTs shall be done in the presence of an Executive Magistrate and shall be video-graphed. No such checking shall take place without the presence of Executive Magistrate. The video record with an identification mark of date, place and team number shall be deposited with the R.O, on the next day who shall preserve the same for verification by the Commission at later point of time. It may also be widely advertised by the DEO that any member of the public can obtain a copy of the DVD/video record by depositing Rs. 300/-.
15. Whenever Check Posts are put at the borders of the district/State or at any other place by any agency, for any purpose, then the nearest SST shall be present there in such team, to avoid duplication of checking in the area and reporting has to be done by the SST.
16. Checking by SST on the major roads or arterial roads shall commence from the date as decided by the Commission. The SSTs shall be controlled by the DEO and S.P. in consultation with General Observer and Expenditure Observers and the mechanism shall be strengthened in last 72 Hrs. before the poll, particularly in vulnerable areas or in Expenditure sensitive pockets.

17. During checking, if any cash exceeding Rs. 50,000/- is found in a vehicle carrying a candidate, his agent, or party worker or carrying posters or election materials or any drugs, liquor, arms or gift items which are valued at more than Rs. 10,000/-, likely to be used for inducement of electors or any other illicit articles are found in a vehicle, shall be subject to seizure. The whole event of checking and seizure is to be videographed by a video team, which will submit the copy of the video CD to the Returning Officer.
18. FS and the SST shall be polite, decent and courteous, while checking the baggage or vehicle. The purse held by the ladies shall not be checked, unless there is a lady officer. The FS shall also supervise the functioning and proper conduct of SST's during checking in their areas.
19. Advance action should be taken on training of FSs and SSTs so that they are in a trained position at least three months before the due date of completion of election process and can be deployed immediately as per direction of ECI. The DEO and the SP of the district shall ensure that the teams are constituted and properly trained. The Nodal Officer at the Police Headquarters shall ensure that proper training and sensitisation of the police force in this regard is done.
20. In case of seizure by the FS or SST or the police authorities, the Appellate Authority, whom the person can appeal for redressal of grievance shall be the Dy. DEO of the district (in charge of the Expenditure Monitoring Cell). The name and address of the Appellate Authority shall be mentioned in the seizure list, which is given to the person from whom seizure is effected.
21. After seizure, the seized amount shall be deposited in Treasury or in such manner as directed by the Court. The DEO shall issue necessary instructions to the treasury units to receive the seized cash beyond office hours and on holidays also.
22. Wherever the FS or SST or police authorities receive information about any other suspicious items in their area, including movement of huge amount of cash, they shall keep the respective Law enforcement agencies informed about such items.

By Order,  
Sd/-  
(S.K.Rudola)  
Secretary