

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi - 110001

No.76/Instructions/EEPS/2012

Dated: 2nd December, 2012

To

The Chief Electoral Officer
Gujarat
Gandhi Nagar

Subject: General Elections to the Legislative Assembly of Gujarat – modifications in the Commission's instructions on Election Expenditure Monitoring, in pursuance of the Supreme Court Judgment in SLP No. CC20906 of 2012, filed by the Election Commission-regarding

Madam,

I am directed to invite your attention on the subject cited and to say that in view of the judgment of the Hon'ble Supreme Court (Copy enclosed) in SLP No. CC20906 of 2012, filed by the Election Commission, the following modifications in the instructions on Election Expenditure Monitoring issued on 27th July 2012, as amended from time to time, have been made as under:

1. Para 4.7.1 of the Instructions on Election Expenditure Monitoring, dated 27th July 2012 is substituted by the following para:

'During such checking, if any cash exceeding Rs. 50,000/- (Rupees Fifty Thousand only) 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.

The whole event of checking and seizure is to be video graphed by a video team which will submit the copy of the video CD to the Returning Officer.'

3. The heading of the para 4.7.5 may be read as follows:

“Standard Operating Procedure (SOP) for Flying Squads/Static Surveillance Teams during the process of Elections -”

4. In the opening sentence of para 4.7.5, the words, “and involvement of Income Tax Department” shall be omitted.

5. Para 4.7.5 (b) of S.O.P shall be substituted by the following para:

During such checking, if any cash exceeding Rs. 50,000/- (Rupees Fifty Thousand only) 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.

The whole event of checking and seizure is to be video graphed by a video team which will submit the copy of the video CD to the Returning Officer. The flying squad shall also be in constant touch with the officials deputed by the law enforcement authorities.

6. The whole of sub para (iv), (v), and (vi) of Para 4.7.5g shall be omitted.

7. In Annexure 8, Column (5) and row(1) and in Annexure 9, Column (4) and row (A) shall be omitted.

8. A sample appeal by the DEOs (in Annexure 10 as modified) is as follows:

Appeal for general public during elections

Any offer of cash, liquor, gift items or free food to the electors during election process is bribe. Both the persons, offering and accepting such bribe are liable for punishment with imprisonment up to one year and fine.

Flying Squads and Surveillance Teams have been formed to keep watch over such activities during the election process.

It is hereby appealed that any member of public may inform such incidents to the Complaint Monitoring Cell, set up in the district over toll free telephone no.

Date:

District Election Officer

Place:

District

(This may be translated in local language as well and publicised)

