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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

File No. 76/Instructions/ EEPS/2016/Vol. II

Dated: 4<sup>th</sup> April 2016

To

The Chief Electoral Officers of all States/UTs

Subject: -Standard Operating Procedure for follow up action by the Flying Squads on receipt of complaints relating to storage of cash or other valuables etc. in any premise-  
Regarding.

Madam/Sir,

I am directed to refer to the Commission's letter No.76/Instructions/2015/EEPS /Vol.II dated 29<sup>th</sup> May 2015 and to state that the instructions therein provide a comprehensive SOP in respect of deployment of Flying Squads, SSTs etc for seizure and release of cash and other items during election process.

The SOP covers instances of complaints relating to movement of large sum of cash etc. suspected to be for the purpose of bribing of voters etc. However, it is seen that there is lack of clarity in respect of the procedure to be followed by the complaint monitoring cells and Flying Squads in respect of complaints relating to storage of large amount of cash at any premise which is suspected to be for illegal use in connection with election. Accordingly, it is decided that the following procedure may be strictly followed by the complaint monitoring cell, DEMC or the Expenditure Observer on receipt of such complaints or information that large amounts of cash or other valuables are lying at any premise which may be used for bribing of voters.

1. On receipt of any such complaint, the complaint monitoring cell will immediately inform the Expenditure Observer regarding the same.

2. The Expenditure Observer or the Nodal Officer, DEMC will coordinate with the In-charge of the Income Tax Team. If required the Nodal Officer of Income Tax (Investigation) may also be informed for taking appropriate action.
3. A team of Flying Squad will be immediately rushed to the spot. The team will deploy persons at some distance yet within sight from the premises for continuous surveillance of the premise till the team from Income Tax Department arrives or it is conclusively inferred from discreet enquiry that the information is not genuine. If required, videography can also be made.
4. Neither the Expenditure Observer, nor any member of the Flying Squad will enter the premise before arrival of the Income Tax Team.
5. Any action with regard to search and seizure will be undertaken by the Income Tax Department as per procedure laid down under the Income Tax Act. However, the members of the Flying Squad team or the Expenditure Observer may enter the premise if their services are required by the Income Tax team, which would be strictly under the provisions of the Income Tax Act including authorisation etc.
6. The DEO/ SP are expected to provide necessary assistance in execution of the search by the Income Tax team.
7. The Flying Squad team (teams) should be present in the vicinity for interception and checking of persons entering or coming out of the premise during the period of the search. Cash or valuables etc found in such vehicles/ with such persons may be seized by the Flying Squad as per laid down procedure.
8. It is clarified that the Expenditure Observer or the Flying Squad will not carry out any search of the premises on their own.

9. The instruction contained in para 4.2.8 of the Compendium of Instructions must be strictly complied by the Expenditure Observer. He shall co-ordinate with the Enforcement agencies and shall ensure that there is free flow and exchange of information among all agencies. On receipt of information from any agency, action is to be taken promptly by the law enforcement agency concerned.

You are requested to kindly bring it to the notice of the Income Tax Department, Police Department and all the election authorities for compliance.

Kindly acknowledge the receipt of this letter.

Yours faithfully,



(Satyendra Kumar Rudola)  
Principal Secretary