

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi - 110001

No.76/Instructions/EEPS /2012

Dated:15th January 2012

To

The Chief Electoral Officers of

1. Uttar Pradesh
2. Uttarakhand
3. Punjab
4. Manipur
5. Goa

Subject: Modification of the Standard Operating Procedure (SOP) for Flying Squad and Surveillance Team

Reference: Standard Operating Procedure (SOP) as per Para 4.7.5 of Election Expenditure Monitoring dated 13.09.2011

Sir/Madam,

Representations have been received from the Traders Associations regarding the inconvenience being faced by small time traders and individual citizens during the checking by the Static Surveillance teams. The Commission after considering the facts, has further modified its earlier instructions dated 29.12.2011 and issued the fresh guidelines modifying the SOP as per para 4.7.5 of Election Expenditure Monitoring dated 13.09.2011 for the static surveillance teams as under:

2. (i) Sub-para (f) of SOP is omitted.
3. (ii) Sub para (h) of SOP is substituted with the following sub-paras:

h(i) The entire operation of Static Surveillance teams (SST) 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 and without video recording the entire process. The video record shall be deposited on the next day with R.O., who shall preserve the same for verification by the Commission at later point of time.

h(ii) The facts that the checking by SST is being done in presence of an Executive Magistrate till the date of election and the public can get copy of the

DVD by depositing Rs.300/- shall be widely advertised by the DEO of each district.

h(iii) The purse held by the ladies shall not be checked. The SST shall be polite, decent and courteous, while checking the baggage.

h(iv) If criminality is suspected or if any links with any candidate or political party is suspected that the cash may be used for bribing the voters, then the whole amount will be seized. If no criminality is suspected nor any links with any candidate or political party is suspected, and the cash is up to Rs. 2.5 lakh, then no seizure will be effected.

h(v) If the cash found is above Rs. 2.5 lakh (Two lakh and fifty thousand rupees) with no links to any candidate or political party and no criminality is suspected, then the Income tax authorities shall be involved in all such cases before the release of any such cash and the Income Tax authorities shall consider prompt action for seizure of the cash in accordance with the Income Tax laws, if they find the amount not duly accounted for. A declaration in the Format (Annexure – A) is to be obtained, before release of the cash.

h(vi) However, the cash will not be seized in the following cases:

(a) If a person is carrying cash from the business place to the bank, for the purpose of depositing it in the bank, and submits the documents like PAN Card/Business Registration Certificate and bank passbook/statement and copy of the cash book to show regular cash deposits, then no seizure shall be effected, irrespective of the amount. However, a declaration in the format (Annexure-A) along with copies of the above documents shall be obtained from the person before release of the cash. The person shall submit a copy of the Bank deposit slip to the SST concerned, after depositing the amount in the bank.

(b) If no criminality is suspected and no link with any candidate or political party is suspected, and the cash carried along with the bank withdrawal slip/bank pass book/ bank statement with the name of the bank and branch, to show that cash is withdrawn on the same day, then seizure will not be effected. However, the person shall submit a declaration in the format (Annexure-A) along with copy of the bank documents and identity of the person/organization.

(c) Any person carrying cash for purpose of medical treatment will not be seized, provided he produces declaration in the format (Annexure-A) along with the proof of medical admission/medical treatment.

(d) Any cash being carried for marriage purpose shall not be seized, if person concerned produces a declaration in the format (Annexure-A) along with documents like marriage invitation/Kalyan Mandap booking/any other document to prove the marriage celebration. No jewellery/bullion carried for marriage purpose or for personal use shall be seized and identity of the person and declaration in the format is obtained.

h (vii) In case of seizure by the SST or Income Tax deptt., the Appellate Authority whom the person can appeal for redressal of grievance shall be the SDM/ADM of the district (in charge of the Expenditure Monitoring Cell) and the Joint Director of Income Tax (Inv) (in charge of the district) respectively. The appellate authority shall hear the case and take appropriate steps, for redressal of grievance. The name and address of Appellate Authority shall be mentioned in the seizure list.

4. This shall be brought to the notice of all concerned including the DEOs, SSPs, and all officials engaged in Flying Squad/Static Surveillance Teams, officials of Income Tax Deptt.

Yours faithfully,

(S.K. Rudola)
Secretary

ANNEXURE - A

**Format for submission of information to the Flying Squad or Surveillance
Teams by persons carrying cash, found at
.....(Place), Dt.....Time.....**

Name and full address of the Person/ Persons (Photocopy of Identity proof to be enclosed)	
Proof of residence/ office/business address person (Copies enclosed)	
Amount of cash and its source, like the copy of the bank withdrawal slip, Bank passbook etc. (copies enclosed)	
Purpose for which the cash is being carried and any proof thereof.	
I do hereby declare that the above information is true to the best of my knowledge and I further declare that this amount shall not be used for the purpose, other than mentioned above.	
Signature	
Name and Designation of I/C Officer of the Surveillance Team	
Signature	
Date and time	

Copy to:

1. The Chairman, CBDT, North Block, New Delhi
2. Mr. K.V.Chowdary, DGIT(Inv) and Nodal Officer of CBDT, III floor, ARA Centre, Jhandewala Extension, New Delhi
3. The Director General of Income Tax (Inv), Aayakar Bhawan, Sector-2, Panchkula, Haryana
4. The Director General of Income Tax (Inv), (North), Aayakar Bhawan, 5, Ashok Marg, Lucknow, Uttar Pradesh
5. The Director General of Income Tax (Inv), Central Revenue Building, Queen's Road, Bangalore-560001, Karnataka
6. The Director General of Income Tax (Inv), (East), Aayakar Bhawan, Annexe, P-13, Chowringee Square, 4th floor, Kolkata-700069
7. The Nodal Officer and Inspector General of Police, Punjab
8. The Nodal Officer and Inspector General of Police, Manipur
9. The Nodal Officer and Inspector General of Police, Uttarakhand
10. The Nodal Officer and Inspector General of Police, Uttar Pradesh
11. The Nodal Officer and Inspector General of Police, Goa

(S K Rudola)
Secretary