सत्यमेव जयते

Compendium of Instructions, 2024 VOL-IV

भारत निर्वाचन आयोग

Election Commission of India

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

"No Voter to be left behind"

Document No.324.6.EPS:COI:020:2024

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Compendium of Instructions
Volume-IV

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B. OBSERVER AND MICRO OBSERVER

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DISCLAIMER: *The Compendium of Instruction-2024 is a compilation of Instructions issued by the Commission time-to-time. Compilation has been prepared for the convenience of the user. In case of any discrepancy, original instruction of the Commission shall prevail.*

Compendium of Instructions
Volume-IV

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INSTRUCTION Sl. No. 1

भारत निर्वाचन आयोग

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No.464/INST/VIS/2023/EPS

Dated: 8th June, 2023

To

The Chief Electoral Officers of
all the States and Union Territories

Subject: Voter Information Slip (VIS) and Accessible Voter Information Slip (AVIS) for General Election and Bye-election to Lok Sabha and State Legislative Assemblies– reg.

References:

S. No.	Letter No.	Dated
1.	464/INST/2011/EPS	18.02.2011
2.	464/INST/2013/EPS	19.03.2011
3.	464/INST/2011/EPS	20.01.2012
4.	464/INST/2013/EPS	14.06.2013
5.	464/INST-VS/ 2014/EPS	21.03.2014
6.	464/WB-LA/2016(INST)	01.04.2016
7.	464/INST/2016-EPS	26.12.2016
8.	464/INST/VS/2017-EPS	19.01.2017
9.	464/INST/2018-EPS	14.09.2018
10.	464/INST/PwD/2016-EPS	27.09.2018
11.	464/INST/2018-EPS	15.01.2018
12.	ECI/PN/22/2019	28.02.2019
13.	464/INST/2021-EPS	26.02.2021

Madam/Sir,

The Commission has been issuing instructions from time to time on Photo Voter Slips, now known as Voter Information Slip, vide instructions referred above. Now, the Commission has reviewed these instructions and issued the following consolidated instruction in supersession of all the existing instructions.

In order to facilitate voters to know about their Polling Station, Voter Information Slip (VIS) is now provided to the voters in place of earlier existing Photo Voter Slip.

1. Design of Voter Information Slip (VIS):

a) The Voter Information Slip contains Voter's details, Polling Station Location, Date and Time of the poll on the one side and snap shot of polling station location map, along with crucial Do's and Don'ts added to the reverse of the VIS to guide the voter. However, the photograph of the voter shall not be printed on the VIS. The word *"THIS SLIP WILL NOT BE ACCEPTED FOR THE PURPOSE OF IDENTIFICATION IN THE POLLING STATION. YOU ARE REQUESTED TO CARRY EPIC OR ONE OF THE ALTERNATIVE DOCUMENTS SPECIFIED BY THE COMMISSION FOR VOTING"* shall also be printed on the VIS in bold letter.

b) There shall be a QR code on the Voter Information Slip as it helps in faster searching/matching of the elector details of respective part using Booth App. The details of QR code can also be seen through Voter Helpline App. The QR code shall contain only the approved information of VIS, which are printed on VIS.

c) The size of VIS shall be as per details below: -

(i) The VIS should be printed in good quality paper. The VIS will be printed in the size of 'Half of A-4 paper' i.e. 8 inches by 6 inches (8" X 6").

(ii) The official VIS will be printed with proper accounting on both sides, as per the Sample enclosed herewith, showing the front and the reverse print.

(iii) The printing quality should be of high standard so as to ensure clear, legible and unambiguous image and content.

(iv) The printing of VIS may be done Polling Station wise by the Electoral Registration Officer concerned in ER Printing Tool of ERONET, which captures Voter's details.

(v) The list of alternative documents for identification of voters is also to be printed on the reverse of VIS.

d) The Electoral Registration Officer (ERO) shall ensure that only one (1) set of VIS is to be printed meeting all possible safeguard for the registered electors of each Assembly Constituency, duly authenticated by the ERO, for distribution through the BLOs. The VIS should only be in the languages in which electoral roll is published for that Assembly Constituency.

2. Distribution of Voter Information Slips: -

a) The Returning Officer (RO) of the Constituency shall prepare a schedule for distribution of VIS by the BLOs. A copy of this schedule shall be given by the Returning Officer (RO) to the Political Parties, Booth Level Agents (BLAs) of all recognized political parties, if they have been appointed, and contesting Candidates and their Agents, under acknowledgement. The printing of VIS to be done at the Level of DEO/ERO and its distribution through BLOs. The distribution of VIS to start from Last date of Nomination, till 5 clear days before the day of Poll to all enrolled electors, by the District Election Officers. A very close and rigorous monitoring of the distribution process shall be done by the DEO and General Observer concerned.

b) A pre-printed register of voters shall be given to each BLO along with the VIS of the electors of his/her Polling Station area. The VIS should be issued under original signatures of the BLOs. The BLO shall give the VIS either to the registered voter or to an adult member of the voter's family, who is himself/herself a voter. The BLO shall obtain the signature or thumb impression of the person to

whom the voter information slips are delivered, as an acknowledgement of having received the VIS. The register shall be deposited by the BLOs to the ERO 3 days before the day of Poll.

c) The BLAs of political parties/Candidates' Agents may accompany the BLOs during the distribution work. When the BLA/Candidates' Agent accompanies the BLO for distribution, their signatures should also be obtained on the register, as a token of having seen the distribution process to genuine voters. The District Election Officers shall ensure that BLOs maintain absolute neutrality during the distribution of VIS. Strict action should be taken against the BLO if a complaint is received and it is proved that he/she did not allow relevant stakeholders to accompany him/her during the distribution work.

d) Returning Officer should monitor the distribution of voter information slips with the help of Sector Officers and should ensure that all voter information slips are properly distributed and duly accounted for.

e) Sector Officers should randomly check that distribution of VIS, is being done as per these instructions and if any discrepancy is found, it should be corrected immediately. Sector Officers should also verify from the Voter Information Slips registers that all slips have been distributed and that signatures/thumb impression of acknowledgement have been obtained on the register.

f) Bulk distribution of the Voter Information Slips shall not be allowed by BLO or any other person.

g) A monitoring mechanism should be set up at the level of each Sector Officer and the RO/ARO, to receive complaints about improper distribution of Voter Information Slips. All such complaints should be expeditiously inquired into, and immediate corrective action should be taken. The ROs/ DEOs will also ensure appropriate legal action against person(s) who procure the Voter Information Slips distributed by BLOs, from a Voter, under intimidation or by means of an inducement.

h) All undistributed VIS shall be returned by the BLO to the Concerned RO/ARO in each Assembly Constituency, who shall keep the same in the sealed cover under safe custody. No further distribution of VIS would be done after the same are returned to the RO. RO shall make an alphabetical list of undistributed Voter Information Slips in respect of each part/ polling station.

3. Accessible Voter Information Slips (AVIS):

In furtherance towards implementing all the parameters of the Strategy Framework for Accessible Election 2018 and to ensure wholesome constructive participation and active engagement of Persons with Disabilities (PwDs) in the election process, it has been directed to issue Accessible Voter Information Slips (AVIS) with Braille Features to Persons with Visual Impairment or Blind, over and above normal Voter Information Slip.

However, **it shall be ensured that Voter Information Slip is not to be accepted as a stand-alone identification document for Voting.** The 'Voter Information Slip' (VIS) will continue to be prepared and issued, as a part of awareness building and facilitation exercise for voters.

The above instructions shall be brought to the notice of all concerned for strict compliance.

Yours faithfully,

(AJAY KUMAR VERMA)

SECRETARY

INSTRUCTION Sl. No. 2

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No.464/INST-AMF/2022/EPS

Dated: 10th June, 2023

To

The Chief Electoral Officers of
all States and Union Territories

Subject: Assured Minimum Facilities and Other Facilities at Polling Stations-reg.

References:

(i)	458/4/98/PLN-IV	01.06.1998
(ii)	No.464/INST/2016-EPS	24.04.2009
(iii)	464/2009-EPS	30.04.2009
(iv)	464/INST/2013-EPS	30.09.2013
(v)	464/INST- BMF /2013-EPS	27.01.2014
(vi)	No.464/INST- PDF/2013-EPS	27.01.2014
(vii)	No.464/INST- BMF/2013-EPS	27.03.2014
(viii)	464/INST/2016-EPS	15.02.2016
(ix)	464/INST/2016-EPS	12.03.2016
(x)	464/INST/PwD/2016-EPS	07.09.2016
(xi)	464/INST/2016-EPS	12.09.2016
(xii)	464/INST/2016-EMS	21.12.2016
(xiii)	464/INST/2016-EPS	26.12.2016
(xiv)	51/8/7/2017-EMS (Vol.II)	03.08.2017
(xv)	464/INST/PwD/2018-EPS	27.09.2018
(xvi)	464/INST/PwD/2018-EPS	27.09.2018
(xvii)	No.464/INST/2019/EPS	16.03.2019

Madam/Sir,

The Commission has been issuing instructions from time to time on facilities to be provided at Polling Stations on the day of poll for electors as well as polling personnel, vide instructions referred above. Now, the Commission has reviewed these instructions and issued the following consolidated instructions in supersession of all the existing instructions on the subject.

1. Assured Minimum Facilities (AMF)

The Commission directs that the CEOs/DEOs shall make complete gap analysis of Assured Minimum Facilities (AMF) at each Polling Station and work with State authorities to permanently provide these AMF at the polling stations. The Assured Minimum Facilities are provided at the Polling Stations for assistance and facilitations to voters to enable them to cast their votes on the day of poll in smooth, hassle-free and convenient manner, apart from providing enabling framework to the polling personnel to discharge their duty in an efficient manner. The DEO and the RO shall do an advance exercise well before the elections, as provided in election planner, to get the conditions of the polling stations physically verified by the field officials. The Sector Officers should visit each Polling Stations/Locations within his /her jurisdiction to assess whether it is use worthy. The Returning Officers shall physically verify at least 20% of the Polling Locations. The Commission directs to provide following Assured Minimum Facilities (AMF) at each and every Polling Stations/Locations:

(i) **Polling Station at Ground Floor:-** The polling stations should be set up on the ground floor of a building to facilitate voting for aged and disabled electors. Polling stations should be set up in such a manner that ordinarily, no voter is required to travel more than two kilo meters to cast his vote. In sparsely populated hilly or forest area, this rule may require to be relaxed. In such cases to ensure that voters may not have to walk unduly long distances, Polling Stations may be set up for a smaller number of electors than the usual norm. Due consideration should be given to the topography and the ease of travel for electors. Sometimes, Polling Stations in hilly areas are located on different levels. It should be ensured that if the Polling Station is at a higher level, the road that leads to it, passes at the same level as that of the Polling Station.

The Polling Stations should have separate Entrance and exit for voters. If there is only one door at the Polling Station(s), separate entrance and exit can be provided with the help of a temporary fencing in the middle of the doorway using bamboos and ropes, based on the local conditions.

(ii) **Provision for Ramp:** A permanent ramp of maximum gradient 1:12 should be provided at all Polling Stations to facilitate the PwD (Persons with Disabilities) voters and senior citizen electors, as per the directions of the Hon'ble Supreme Court of India in the Polling Stations. The Supreme Court has also directed to give wide publicity about the provision of ramps in Polling Stations.

(iii) **Provision for Drinking Water:** There should preferably be permanent arrangement of tap facility for drinking water. As an alternative, drinking water pots having sufficient capacity on the day of poll may be provided. Sufficient number of environment-friendly disposable glasses may be made available for drinking water. Drinking water facility should be on self-service basis and wherever possible provision of volunteer/daily wage-earner to serve water to the voters standing in the queue, may be made.

(iv) **Adequate Furniture:-** There should be proper provision for furniture like tables, chairs and benches etc., inside Polling Station for polling parties and polling agents. Adequate chairs/ benches should also be provided at each Polling Station for disabled, pregnant or senior citizen electors.

(v) **Proper lighting/Electricity arrangements:** It shall be ensured that the inside space of the voting compartment is sufficiently lighted, however, while setting up EVMs and VVPATs at the polling

station, it should be ensured that the light does not fall directly on the voting compartment. If necessary, arrangement for suitable additional lighting should be done for each compartment. Halogen lamps or 200-watt bulbs have to be strictly avoided directly above or in front of voting compartment. If the power connection is available, the condition of switches/bulbs/fans should be checked. If power connection cannot be provided even temporarily due to terrain or proximity of electrical network, alternative arrangement (like Petromax, lantern, Battery operated LED/charger light etc.) and generator sets etc. should be hired, so that, on the poll day, those polling stations are properly lighted.

(vi) **Proper Signage:** Proper Signage should be put up near and at the Polling Station locations for guidance of the voters about the layout of the location, facilities available (like ramp, toilet, drinking water etc.) and Voter Assistance Booth.

(vii) **Toilets:** There should be separate toilets in sufficient numbers for male and female voters at each Polling Station location. If two toilets are not available, pucca one should be earmarked for female voters and one temporary toilet may be provided for male voters. If no pucca toilet is available, provision for mobile toilet vans be made and in hilly areas, with difficult topography, temporary toilet arrangements may be made. One employee or a daily wage-earner shall be deployed to keep the toilet clean throughout the day. The toilets should be accessible for PwD and senior citizen electors.

(viii) **Shade in Polling Station:** Tented arrangement for shade with adequate size (minimum 15ft X15ft) canopy should be made available, as waiting area, at each Polling Station with sufficient chairs/ benches preferably for ladies/senior citizens/nursing mothers/differently abled voters and children accompanying them.

(ix) **Provision for Creche for children:** There should be proper arrangement for creche at each Polling Station Location for children accompanying the electors. One trained attendant/volunteer should be deployed to take care of these children.

(x) **Display of Voter Facilitation Posters:** In order to fulfil the statutory requirements under Rule 31 of the Conduct of Elections Rules, 1961 and to provide accurate and relevant information for voter awareness and information at each polling station, the Commission has directed that a total of FOUR (4) kind of Posters shall be prominently displayed at all Polling Stations. The design and other specifications of the four posters may be seen at **Annexure – 1**.

(xi) **Voter Assistance Booths (VAB):**

(a) A Voter Assistance Booth shall be set up for every polling station location, with a team of BLO/officials in order to assist voters to correctly locate her /his polling booth number and serial number in the electoral roll of that concerned polling booth.

(b) Necessary arrangements for the setting up of the Voter Assistance Booth like basic furniture including table, chairs etc. for seating the deployed staff, a small covered canopy/tent with proper shade and prominent signage in the form of back-drop banner indicating 'VOTER ASSISTANCE BOOTH' and directional signs for guidance of the voters must be made well in

advance by the RO concerned. An indicative design of the Voter Assistance Booth is enclosed at **Annexure-2**.

(c) Alphabetic Roll Locator (as per English alphabet) generated with ERO Net is placed at VAB to search the name easily and to know the serial number in the Electoral Roll.

2. Other facilities: -

(i) Medical Kit: It must be ensured that sufficient number of Medical Kits/First-Aid kits containing medicines & items like gauze pads (4x4 inches)/ large gauze pads/adhesive bandages/rolling bandage/ORS/triangular bandages/wound cleaning agent/ scissors / blanket / tweezers / adhesive tape / latex gloves resuscitation equipment/Masks & Sanitizers etc., along with a village level health worker should be made available at each Polling Station location for emergency use of voters and polling staff. In this regard, the DEO should prepare a standard list of medicines and user instructions in consultation with the District Chief Medical Officer.

During summer, every polling party shall be supplied with Oral Rehydration Salts (ORS) for their own use as well as for any voter needing the same due to heat-stroke. A hand-bill on 'Dos and Don'ts' in case of heat stroke may be prepared and supplied to each of the polling parties.

An appeal to the electors may be issued to carry wet towels to protect themselves against dehydration and also advise women electors to avoid bringing children along with them to polling stations during hot weather conditions.

The DEO shall requisition the services of paramedical staff from the offices of the Chief District Medical Officers and one such Para Medical Staff member shall accompany every mobile Patrol Unit and Sector Officer in their vehicles along with essential medicines. Such mobile patrol units shall touch every polling station once in every hour, preferably, so that instant medical assistance would be available to any voter needing such help besides the first aid facilities given to the polling parties.

(ii) Volunteers: Volunteers from NCC/NSS/Scout & Guides should be deployed to manage the voters' queue. Identified PwD and Senior citizen voters should be assisted by Volunteers to reach the polling station and if required, wheelchair should be provided. The PwD electors can request for wheelchair facility by registering on **Saksham-ECI App.** The volunteers shall guide the PwD electors up to the entrance of polling station. Inside the polling station, such PwD electors shall be assisted by polling staff. The age of volunteers should be less than 18 years. The CEO shall prepare a detailed Do's and Don'ts for the volunteers and ensure that they are properly briefed and trained by DEO/RO. There should be an arrangement for food for the volunteers engaged at the polling stations during the poll day.

(iii) Provision for Transport Facility: Senior Citizens, Persons with Visual and Locomotive Disabilities and infirmed voters with impaired movement should be provided free pass for using public transport on poll day. If public transport is not available, private vehicles may be hired for the purpose. He or she should be picked up from his or her residence and be dropped back there after he or she has cast his or her vote.

(iv) Queue Management:

(a) There should be three queues at the polling station: one for male voters, one for female voters and third one for senior citizens and PwD electors. One male elector should be allowed to vote per two female electors.

(b) Persons with disability/infirm electors shall be given priority for entering the polling station without having to wait in the queue for other electors and all necessary assistance as may be required, should be provided to them at the polling stations.

(c) Similarly, Pregnant women and women voters with child in arms may also be given precedence over other voters in the queue.

(d) Chairs may be placed intermittently, if convenient and required at the Polling Stations prone to long queues, to enable voters waiting in queue to rest for few minutes.

(e) The CEO/DEO should give adequate publicity about facilities to be extended to senior citizens, PwD/infirm and pregnant women or women voters with child in arms and issue an appeal to voters to co-operate in this initiative with a request that those who are able bodied and healthy should not try to avail this opportunity to jump the queue, rather this should be need based. The voters in the queue should have open mind to help the fellow voters who are suffering from disability and other age related and health related problems.

(f) The Presiding Officers and other field officers deployed at Polling Stations should be instructed accordingly.

(g) Based on the past voting pattern and experience of the field staff, the polling stations/polling station locations prone to long queues should be identified.

(h) Dynamic tracking of long queues on the poll day should be done through the Sector Officers.

(i) Decongestion measures should be initiated at the Polling Stations prone to/having long queues, e.g., additional polling staff, volunteers, distribution of tokens etc.

(j) Reserve staff and vehicles should be kept ready for deployment at the Polling Stations with long queue to help out the polling staff.

(k) Members from the National Cadet Corps and National Service Scheme may be mobilized to manage the queue.

(l) Booth App is an integrated app of the ENCORE application, which facilitates in faster identification of voters using encrypted QR code of Voter Information Slips and the digital marked copy of the electors. This reduces the queue, helps in faster polling and allows error-free recording of two hourly poll turnout with minimal intervention.

(vii) Model Polling Stations: Additional attractive features may be added to polling stations according to local culture and requirements as given in directions issued through SVEEP on the subject. Polling Stations should be set up using environment-friendly/recyclable and biodegradable materials and

as far as possible, be kept plastic-free. Provision for eco-friendly waste management should be made.

3. Other measures to speed up voting:- Besides above to speed up voting, following shall also be followed:-

(a) Printed blank voters slips (to be clearer, this is different than Voter Information Slips distributed to electors) must be there with all the polling parties for faster operations inside the Polling Stations.

(b) Second Polling Officer is required to obtain elector's signature or thumb impression in the relevant column of Register of voters in Form 17 A. In column (3) of Form 17A (Register of Voters) the last four digits of the Identification document should be mentioned. In case of electors voting on the basis of the EPIC, it is sufficient that the letters 'EP' (denoting EPIC), respectively is mentioned in the relevant column, and it is not necessary to write down the number of the EPIC. However, in the case of those who vote on the basis of any alternative documents, the last four digits of the document shall have to be written and the type of document produced should also be mentioned therein. The signature/thumb impression of the voter shall be obtained by the second Polling Officer in column (4) of that register.

(c) Wherever needed (if the voters are more than 1200) additional polling officers should be deputed with the polling party. While deploying additional polling officers, care should be taken to select them on random basis.

(d) A reserve of polling officers should be kept ready to rush out to any polling station which requires such assistance during poll hours. The Sector Officer should be able to identify such requirement quickly on their visit to polling stations and seek the assistance of Returning Officer in getting the additional hand when needed, from the pool of such reserve polling officers.

4. Appointment of Nodal Officers: -

While preparing the district machinery for the conduct of election, the DEO shall identify a senior officer as the Nodal Officer to coordinate and supervise amenities at the Polling Stations as well as polling personnel/ voters' welfare measures. Similarly, each RO shall identify a nodal officer for the above purpose. The name and designation, office and residential telephone numbers including mobile number and e-mail ID, if any, of the Nodal Officer shall be mentioned in the District/Constituency Election Management Plan. The contact numbers should also be brought to the notice of the polling personnel drafted for election duty

The above instructions shall be brought to the notice of all concerned for strict compliance.

Yours faithfully,

(AJAY KUMAR VERMA)

SECRETARY

Annexure-1

Voter Facilitation poster

1. A total of FOUR (4), Uniform and standardized Voter Facilitation Posters (VFP), shall be prominently displayed at all Polling Stations as per the design enclosed, including the details of Polling Station Details (**VFP-1**), List of Candidates (**VFP-2**), Do's and Don'ts (**VFP-3**) and Approved Identification Documents & How to Vote (**VFP-4**).

2. The size of the VFPs should be such that the contents are early and clearly visible and the text is effortlessly readable to the voters approaching the polling booth. The following dimensions are provided for purely indicative purpose:

   - **VFP No. 1 and 2:** 27 inches (Height) X 27 inches (Width).
   - **VFP No. 3 and 4:** 27 inches (Height) x 36 inches (Width).

3. The VFPs shall be displayed/pasted/stuck on the outside wall, near the entrance of each polling booth.

4. The VFPs must be pasted/affixed in the order of their Serial Nos i.e. VFP No. 1 followed by VFP-2 and so on.

5. In addition, VFPs No. 3 and 4 shall also be affixed near the entrance of the polling station premises/ locations, especially in case of locations having more than one polling booths.

6. The VFPs can be printed on paper or any other available eco-friendly material, subject to reasonability of cost and without compromise on the overall quality of display.

7. The display of VFPs shall be an integral part of the overall arrangements to be made at every polling booth by the Returning Officer.

8. The proper manner of display of VFPs shall be explained to the Presiding officers during the election training sessions organized by the Returning Officers.

9. The Sector Officers shall ensure that the VFPs are prominently displayed as per the directions herein and submit a report to the Returning Officer.

INSTRUCTION Sl. No. 3

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

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Nirvachan Sadan,
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No.464/INST/VIS/2023/EPS

Dated: 10th June, 2023

To

The Chief Electoral Officers of
all the States and Union Territories

Subject: General Elections and Bye elections to Lok Sabha and State Legislative Assemblies – Poll Day Monitoring - reg.

References:

S. No.	Letter No.	Dated
1.	PS/AK/2005	10.09.2005
2.	464/INST/2009-EPS	08.04.2009
3.	464/INST/2014-EPS	06.05.2014

Madam/Sir

In reference to the abovementioned instructions issued on the Poll Day Monitoring, I am directed to state that the Commission has been issuing instructions from time to time to ensure that electoral processes on day of poll are effectively monitored and there is no scope for vitiation of poll process. Now, the Commission has reviewed these instructions and issued the following consolidated instructions in supersession of all the existing instructions on the subject for various levels: -

1. CEO LEVEL:

(i) The CEO shall create a **State Control Room** (SCR) consisting of mainly following three components:

(a) Communication Control Room: This Control Room shall be set up with adequate communication infrastructure and have adequate number of teams for each district or group of districts, for the purpose of poll day monitoring and communication by drawing effective manpower from different Offices.

(b) Media Monitoring Control Room: A separate control room should be set up to monitor the coverage on National /State media with special emphasis on local media for poll day events.

(c) Webcasting Control Room: A separate control room should also be set up to keep a close watch on webcasting data for the entire polling period.

(ii) Immediate corrective action shall be initiated through Communication Control Room or through any other effective channels. State Control Room shall be supervised by an officer not below the rank of Joint CEO personally.

(iii) CEO may create requisite IT tools for Poll Day Monitoring activities. However, such IT tools shall be vetted and approved by the Technology Division of the Commission.

(iv) Whenever ECI Media and Communication division provides media inputs on poll day events received from Electronic Media Management Center (EMMC) at periodic intervals, as directed, action taken reports shall be promptly furnished.

(v) CEO shall ensure proper training and briefing of the teams for the above-mentioned facilities/ control rooms.

2. DEO LEVEL:

(i) The DEO shall create a **District Control Room** (DCR) consisting of mainly following three components:

(a) Communication Control Room: This Control Room shall be set up with adequate communication infrastructure and have adequate number of teams for each district or group of districts, for the purpose of poll day monitoring and communication by drawing effective manpower from different Offices.

(b) Media Monitoring Control Room: A separate control room should be set up to monitor the coverage on National /State media with special emphasis on local media for poll day events.

(c) Webcasting Control Room: A separate control room should also be set up to keep a close watch on webcasting data for the entire polling period.

(ii) Quick Response Teams (QRTs) shall be formed to address the situation promptly and also to ascertain the facts quickly.

(iii) A senior officer of the district shall supervise functioning of the District Control Room and QRTs.

(iv) DEO shall ensure proper training and briefing of the teams for the above-mentioned facilities/ control rooms.

3. RETURNING OFFICER LEVEL

(i) Returning Officer (also ARO in case of Parliamentary Constituency) shall establish **Constituency/ Segment Control Room (CCR)** for communication, logistics management and emergency response etc.

(ii) The movement of the polling personnel/security forces shall be tracked closely and a confirmatory report should be obtained through Sector Officers on the safe arrival of the polling personnel/ security forces at the polling station.

(iii) Voter Turnout Application which captures approximate periodical voter turnout information is to be gathered and reported by Returning Officers for Assembly Constituency and Parliamentary

Constituency segment at regular intervals, as specified. Due care shall be taken while collecting and collating data from the Polling Stations through appropriate communication channels like Sector Officers or any technological tools.

(iv) Detailed reporting matrix is specified below (always refer to updated reporting matrix):

Cumulative approx. Voter turn out	Data entry time by RO
Poll start to 9 AM	9:00 AM to 9:30 AM
Poll start to 11 AM	11:00 AM to 11:30 AM
Poll start to 1 PM	1:00 PM to 1:30 PM
Poll start to 3 PM	3:00 PM to 3:30 PM
Poll start to 5 PM	5:00 PM to 5:30 PM
Poll start to Close of poll	7:00 PM to 12:00 Night
End of Poll	P + 1 day

4. Sector Officer/Magistrate Level:

(i) Sector Officer shall continuously visit all the Polling Stations assigned at the shortest possible periodic intervals.

(ii) Sector Officer shall mandatorily report, without any delay, on the following activities to Returning Officer or to the Constituency/ Segment Control Room:

(a) Completion of Mock Poll-issuance of Mock Poll Certificates, deletion of Mock Poll data (including removal of mock poll slips from VVPAT)

(b) Commencement of poll

(c) Replacement of EVM/ VVPATs during Mock poll and Poll

(d) Approximate voter turnout data at given intervals through appropriate channel

(e) End of poll -pressing of CLOSE button, sealing, departure of polling parties in the designated vehicles on designated routes only to reach the Reception Center etc.

(f) Reporting of any unwarranted event and immediate response/ corrective measures taken

(g) Any other reporting assigned by DEO/RO/ARO

(iii) Sector Officers/ Magistrates shall make an entry in the 'Visit Sheet' (**Annexure-I**) to be kept with the Presiding Officer on the day of poll.

(iv) Frequently visit and pay attention to the Polling Station(s) where the mock poll had to be conducted in the absence of any agents.

(v) The Sector Officers shall move in a pre-determined manner from booth to booth and after inspection at every booth, shall communicate over phone to the designated control room the situation prevailing there before moving to the next Polling Station.

5. Polling Station Level:

(i) Presiding Officers are permitted to carry their mobile phones in silent mode to contact DEO/RO/ ARO Control Room or Sector Officer in case of need. Micro Observers, wherever deployed in a Polling Station, can also carry their mobile phone keeping them in silent mode to contact General Observer in case of need.

(ii) If a video camera/digital camera/CCTV is deployed in the polling station, before the commencement of the poll apart from recording events like mock poll and commencement of poll, the presence of CAPF/Police personnel should also be recorded by clicking a photograph of the security personnel standing in front of the board of the Polling Station.

(iii) In order to bring transparency and efficiency in the conduct of elections, webcasting shall be effectively used for poll day monitoring. To view the poll proceedings in real time by the ECI, CEO, DEO, RO and the viewing teams at various Control Rooms to effectively monitor the polling process to ensure response in the quickest possible time.

(iv) During webcasting in polling stations, the camera should be placed in such a manner that it captures clear visibility of the following:-

a) Voters in queue

b) Process of Identification of voters by Polling Officer

c) Application of indelible ink on finger

d) Initialization of Control Unit by Presiding Officer after satisfactory identification of voter.

e) Voters visit to Ballot Unit for casting vote wherein camera should not cover face of Ballot Unit so that secrecy of vote is preserved under all conditions.

(v) There should also be a bold display that "YOU ARE UNDER WEB-CAMERA/CCTV SURVIELLANCE" at the polling station wherever webcasting is provided.

6. C-Vigil

Whenever any complaint (either in photo or video) is received for alleged violation of Model Code of Conduct/ Expenditure from anyone in C-Vigil App, effective action shall be taken by authorities and reported on the App within 100 minutes.

The abovesaid instructions shall be brought to the notice of all concerned for strict compliance during General Elections to Lok Sabha, State Legislative Assembly Elections and all Bye Elections.

Yours faithfully,

(AJAY KUMAR VERMA)
SECRETARY

Annexure-1

VISIT SHEET

Day of Poll:

Name and Number of Assembly: _____

Name and Number of Polling Station: _____

Number of Electors: _____

Sl. No.	Name & Designation of the officer visiting Observer/DEO/ RO/ ERO/Sector Magistrate/Zonal Magistrate/ Patrolling Magistrate	Time of Visit	Brief description of polling process (Peaceful/ Incidents, if any)	Number of votes polled till the time of visit	% polled till the time of visit	Remarks, if any	Signature of Officer

Signatures of Presiding Officers

(with date)

INSTRUCTION Sl. No. 4

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

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निर्वाचन सदन,
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Ashoka Road, New Delhi-110001.

No. 464/INST/2023/EPS (Poll Day Management inside PS)

Dated: 14th June, 2023

To

The Chief Electoral Officers of
all States and Union Territories

Subject: General Election and Bye election to Lok Sabha and State Legislative Assemblies – Management of Activities Inside Polling Stations – reg.

References:

S. No.	Letter No.	Dated
(i)	464/INST/2007/PLN-I dated	25.10.2007
(ii)	464/INST/2008/EPS dated	24.10.2008
(iii)	464/INST/2008/EPS dated	18.12.2008
(iv)	464/INST/2008/EPS dated	18.12.2008
(v)	464/INST/2008/EPS dated	19.01.2009
(vi)	464/INST/2008/EPS dated	21.01.2009
(vii)	464/INST/2009/EPS dated	21.01.2009
(viii)	464/INST/2009/EPS dated	21.01.2009
(ix)	464/INST/2012/EPS dated	25.01.2012
(x)	No.464/INST/2016-EPS dated	13.04.2016
(xi)	464/INST/2019/EPS dated	15.04.2019
(xii)	464/INST/EPS/2022 dated	09.09.2022

Madam/Sir,

The Commission has been issuing instructions from time to time on various management activities inside Polling Stations on the poll day, vide letters referred to above. Now, the Commission has reviewed these instructions and issued the following consolidated instructions in supersession of all the existing instructions on the subject matter. The Commission has directed that the following instructions shall be strictly followed inside the Polling Stations:

1. Voting Compartment:

(a) Inside the polling station, voting compartment(s) shall be placed in such a way that secrecy of voting is not violated and ensure that it is not near a window or the door of the polling station.

(b) Ballot Unit(s) and VVPAT shall be kept inside the voting compartment and Control Unit shall be kept on the table of Polling Officer-III/Presiding Officer. Interconnecting cable of Ballot Unit(s), Control Unit and VVPAT should be routed in such a way that it does not obstruct the movement of voters inside the polling station. The entire length of the cable should be visible and under no circumstances be concealed under the cloth or under the table. For this purpose, tape the connecting wires to the legs of the table with transparent adhesive tape.

(c) Self-adhesive stickers having details of elections, as mentioned below, shall be pasted on all the three sides of the voting compartment, in the font and size, which shall be legible and readable from the CCTV/Webcasting cameras:

ELECTION COMMISSION OF INDIA
VOTING COMPARTMENT
Name of Election:
Name of State/UT:
AC/PC No. And Name:
Date of Poll:
Polling Station No. and Name:

(d) Proper electricity arrangements at the polling stations. However, no direct lighting should be placed over the voting compartment.

2. Persons to be admitted inside the polling station:

A. Only the following persons shall be admitted (Rule 49D of Conduct of Election Rules 1961) into the polling station by the Presiding Officer: -

a) The electors;

b) Polling officers;

c) Each candidate, his election agent and one polling agent of each candidate at a time;

d) Persons authorized by the Commission;

e) Public servants on duty in connection with the election;

f) A child in arms accompanying an elector;

g) A person accompanying a blind or an infirm voter who cannot move or vote without help;

h) Such other persons as the Presiding Officer may from time to time admit for the purpose of identifying voters or otherwise assisting him in taking the poll;

B. In case of necessity, the Presiding Officer can demand for photo identity cards of contesting candidates. Similarly, the election agents of the candidates are required to produce their identity cards (the duplicate copy of their appointment letter attested by the Returning Officer).

C. It should be noted that the expression 'Public servants on duty in connection with the election' does not include Ministers, State Ministers and Deputy Ministers of Centre and States. According to the instructions of the Commission, they cannot be allowed to be appointed even as election agents or polling agents, as they have to be escorted by their security guards who cannot be allowed entry into the polling station. For the same reason, no person having security cover can be appointed Election/Polling /Counting Agent

D. The above expression 'Public servants on duty in connection with the election' also does not normally include police officers. Such officers whether in uniform or in plain clothes should not as a general rule be allowed to enter into a polling station, unless the Presiding Officer decides to call them inside in unavoidable circumstances for the maintenance of law and order or some similar purpose.

E. No security personnel accompanying any candidate, or any agent or any elector should be permitted to enter the polling station. Only security personnel of an SPG protectee and Z+ protectee can enter a polling station in plain clothes and arms kept in concealed manner.

3. Events before Actual Poll:

(a) Conduct of Mock Poll before start of actual Poll in Polling Station

(i) Before starting mock poll, it shall be ensured that Ballot Unit(s) and VVPAT are kept inside the voting compartment and Control Unit is kept on the table of Polling Officer-III/Presiding Officer.

(ii) Mock Poll shall be started 90 minutes before the commencement of actual poll time in the presence of at least two candidates/polling agents. The Presiding Officer may wait for 15 minutes before conducting the mock poll, if minimum two candidates/agents are not present. In such cases, Presiding Officer shall make a specific mention in this regard, in the prescribed Mock Poll Certificate.

(iii) The polling stations not having the presence of agents of the candidates of recognized parties and where the mock poll had to be conducted in the absence of any agent or in the presence of only one polling agent, Presiding Officer shall intimate the same to the Returning Officer/Sector Officer. In such case, interventions such as deployment of micro-observers, deployment of video cameras (if not already done), frequent visits by Sector Officer and other senior officers should be ensured.

(iv) After the completion of poll on the basis of mock poll certifications received from the Presiding Officers of polling stations mentioned at 3 (a)(iii), the R.O shall prepare a list of such polling stations, and special attention shall be paid to the documents received from such polling stations for proper scrutiny. The observers shall also pay their attention to this aspect.

(v) In case Ballot Unit or Control Unit or VVPAT does not work properly during mock poll, only respective unit shall be replaced.

(b) Demonstration by Presiding Officer

Presiding Officers shall demonstrate the following before commencement of actual poll to the polling agents present in the polling stations: -

(i) Marked copy of the electoral roll to be used in the polling station.

(ii) The list of Classified Services Voters (CSVs) appointed proxies (if any).

(iii) Register of Voters (Form 17A) to show that the register is blank and no entry in respect of any elector has already been made therein.

(iv) Before the first voter signs in Form-17 A (Register of Voters), the **Polling Officer-1** shall check with the Presiding Officer and record in ink in Form 17A that "Total in the Control Unit checked and found to be Zero".

(v) Read out the declaration prescribed by the Commission (Section 128, Representation of the People Act 1951).

4. Actual Poll:

(i) Voting Procedure:

(a) First Polling Officer is in-charge of the marked copy of electoral roll and responsible for identification of the voters. A Voter enters the polling station, First Polling Officer identifies the voter and marks his/her presence in marked copy Electoral Roll.

When an elector is allowed to cast vote at the polling station, a line will be drawn, in red ink, diagonally across the box containing the particulars pertaining to that elector in the marked copy of the Electoral Roll. Further, for easy verification and calculation of number of male and female voters, the serial number of the voter will be rounded off in the case of female voters.

(b) Second Polling Officer, who is in-charge of Register of Voters (Form-17A), Indelible Ink and Voter Slips, makes the entries of the voter's name including EPIC/any of the other alternative document prescribed by the Election Commission of India and obtain the signature of the voters or the thumb impression (in the case of illiterate voters) in the Register of Voters (Form 17A). Thereafter, marks the indelible ink as per the existing instruction (Rule 37/49 K Conduct of Election Rules 1961) and issues Voter Slip to the voter indicating his/her serial number as mentioned in Form 17A.

(c) Third Polling Officer is the custodian of the CU and activates the BU by pressing BALLOT button of the CU and allows the voter to go inside the voting compartment to cast vote, in the order of the serial number on the voter's slip issued by the Second Polling Officer.

(ii) The Presiding Officer or other polling staff shall not visit frequently to the voting compartment as that may give scope for complaints.

(iii) In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/ names / ballot button, the Presiding Officer may from time to time inspect ballot unit (BU) but he should make it a point to do so in the immediate presence of polling agents under Rule 49 Q of Conduct of Election Rules, 1961.

(iv) Any complaint about the conduct of the polling staff at the polling station shall be taken seriously and shall be properly enquired. Observers are instructed to take serious note of such complaints and conduct or cause enquiry into such allegations and submit reports to the Commission.

(v) The following shall be followed for replacement of non- functional EVM/VVPAT:

(a) If the CU or the BU(s) becomes non-functional during actual poll, then the entire set of BU(s), CU and VVPAT shall be replaced by calling Sector Officer. In such case, mock poll shall be conducted by casting of one vote to each contesting candidate including NOTA and other instructions of mock poll be followed.

(b) If only VVPAT becomes non-functional during actual poll, then only VVPAT shall be replaced. In such case no MOCK POLL is required to be conducted.

(vi)(a) The poll shall be closed by pressing 'CLOSE' button on CU at the hour fixed for the purpose, if no elector is in queue at the polling station. If some electors are in queue at the hour appointed for the close of poll, the following procedure shall be followed:

- All electors present at the polling station at the hour appointed for the close of poll should be permitted to cast their votes irrespective of the appointed closing hour.
- The Presiding Officer shall distribute pre-numbered slips to all electors standing in queue, starting from the last person in queue at the prescribed time for end of poll.
- After the last voter has recorded his vote, the voting machine has to be closed by pressing 'CLOSE" button on CU, so that no further recording of votes in the machine is possible.

(b) After all electors have cast their votes, the Presiding Officer shall put a red line after entry of last voter and sign on Register 17A giving date and time. All polling agents may also be allowed to put their signature, if they desire so.

(c) Under Rule 49S Conduct of Election Rules, 1961, at the close of poll, Presiding Officer shall furnish a true attested copy of the account of votes recorded as prepared by him/her in Form 17C to each polling agent, after obtaining a receipt from them. Copies of the accounts should be furnished to every polling agent present even without his/her asking for it.

5. Various special cases during voting on Poll Day:

(i) Secrecy of Vote

Section 128 of the Representation of the People Act 1951 also prescribes maintenance of secrecy of voting and punishment its contraventions. In the interest of maintaining secrecy of vote, no photography or video recording by any person shall be allowed inside the polling stations, except by the persons authorized by the Commission.

(ii) Voting by ASD Voters:

In order to prevent impersonation of Absent, Shifted and Dead (ASD) electors at the time of poll, a list of ASD voters shall be provided to Presiding Officer, who shall adopt the following procedure in the presence of the Polling Agents:

(a) If any elector of ASD list comes to cast his/her vote, the Presiding Officer shall verify the prescribed identification document personally. If Presiding Officer is satisfied that the elector is genuine after verification, the Presiding Officer shall obtain a declaration (Annexure-1) from such elector and certify therein. Presiding Officer shall maintain a record in this regard.

(b) The polling officer concern shall properly register the details in the Register of Voters (Form-17A). Thumb impression of such electors shall also be obtained in addition to signature against the column of 'Signature/thumb impression' of Register of Voters (Form-17A), even if elector is literate and can sign.

(c) Wherever possible, such electors may be photographed for record.

(d) At the end of the poll, Annexure-1 shall be kept with Form-17A for scrutiny.

(iii) Accessibility in polling:

(a) Dummy Ballot Sheets in Braille shall be made available in Polling Stations for use of visually impaired voter to cast his/her vote using Braille facility on Ballot Units of EVMs so that he/she can vote without any help from companion.

(b) A printed sample of dummy Ballot Unit pasted on a cardboard (real size) shall be provided at every polling station. If any illiterate electors/electors want to know how to cast vote in EVM, the Presiding Officer shall explain the elector without going to the voting compartment in the presence of polling agents.

(c) Infirm voter, who is incapable of voting by himself by pressing the button of the candidate of his choice on the Balloting Unit of EVM shall be permitted one authorized companion only up to Voting compartment in the polling station and not inside the voting compartment. This will apply in cases where the nature of physical infirmity is such that the elector needs assistance only for his movement and not for voting. The presiding Officer has to take decision in such cases.

If the Presiding Officer is satisfied that a voter is unable to recognize the symbols on the ballot paper affixed on the Balloting Unit(s) of the EVM or to record his vote on it without assistance on account of being blind or infirmity, he will permit such voter to take an adult companion of not less than 18 years into the voting compartment with him for recording the vote on his behalf and in accordance with his wishes. However, none of the polling staff can act as a companion to record vote on his behalf. Besides, numeric in Braille signage (1 to 16) has been provided on the Balloting Unit (BU) top cover on the right of the blue button for each contesting candidate for the convenience of the visually challenged (blind) persons (Rule 49N of the Conduct of Elections Rules, 1961). Before any person is permitted to act as the companion of the elector, he/she shall be required to declare that he/she will keep the vote recorded by him/her on behalf of the elector secret and that he/she has not already

acted as the companion of any other elector at any other polling station on that day. The Presiding Officer shall obtain the declaration from the companion in the form prescribed by the Commission for the purpose

(iv) Electoral and Printing Errors in the Electoral Rolls to be overlooked:

Mere clerical or printing errors in respect of a voter as entered in the electoral roll shall be overlooked if satisfied about the identity of that voter and the Presiding Officer is to allow such voter to vote if his name appears in the Electoral Roll.

(v) Tendered Votes:

A person claiming to be a particular elector comes forward to vote after some other person has already voted as such elector. In such case, if the Presiding Officer is satisfied about the identity of such person to be the real voter after necessary questioning, such elector shall be permitted to vote only by means of a "**Tendered Ballot Paper**" (Not by means of the voting machine). The words 'Tendered Ballot Paper' will be stamped or written on its backside. The Presiding Officer will make necessary entry in the list of tendered votes (Form 17B appended to the Conduct of Elections Rules, 1961) and obtain the signature or thumb impression of the voter therein. The elector will record his vote on the tendered ballot paper by placing an arrow cross mark.

(vi) Challenged Vote:

The polling agents can also challenge the identity of a person claiming to be a particular elector by depositing a sum of Rs.2 in cash with the Presiding Officer for each such challenge. The Presiding Officer shall hold a summary inquiry into the challenge. If after the inquiry the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote. If he considers that the challenge has been established, the Presiding Officer shall debar the person challenged from voting and shall handover such person to the police with a written complaint. All such complaints to the Police should be vigorously pursued and prosecutions launched against the offenders so that they are convicted and suitably punished.

(vii) Refusal to cast a vote by a voter:

Sometimes there is a possibility of some voter not casting vote after signing the Register of Voters (Form 17A) even after option of NOTA is provided in the EVM/Ballot Paper. In such cases, if an elector after signing in Form 17A wishes to leave without voting, a remark can be made in the Register of Voters (Form 17 A) according to the situation/circumstances under which the elector is not voting like "left without voting" or "refused to vote" etc. In Form 17-C (Part-I) the number of such cases may be shown against Item (3) after scoring out the words "under Rule 49-O" therein.

(viii) Complaint about particulars printed on VVPAT paper slips:

If any voter alleges about the wrong printing of particulars of a candidate and/or symbol of that candidate on VVPAT paper slip printed by the VVPAT on pressing of concerned blue (candidate) button the Ballot Unit, the Presiding Officer the polling station should provide him/her a 'Form of

Declaration' to lodge a complaint and follow the procedure prescribed under rule 49MA.

(ix) Liability of polling agents for misbehaving or violation of Acts/ Rules: Polling agents/voters should not misbehave with polling staff and voters and must not do any wrong acts which violates Rules / Sections of the Representation of People Act, 1951 or other Acts. For any such violation, they will be liable for punishment of imprisonment or fine or both under the relevant Acts.

(x) Precautions Against Voting by Underage Voters:

The eligibility of a person whose name is included in the electoral roll to be a voter cannot be questioned or enquired into by the Presiding Officer at the polling station. However, if the Presiding Officer is prima facie satisfied, on his own or based on complaint received, that the voter is below the minimum voting age, then the Presiding Officer shall obtain a declaration in the prescribed Form (**Annexure-2**) from the person concerned about his age. Before obtaining the declaration from such voter, the Presiding Officer will inform him of the penal provisions in Section 31 of the Representation of the People Act 1950 for making a false declaration about his age for the inclusion of his name in the Electoral Roll.

(xi) Webcasting in Polling Station

Webcasting shall be arranged in all critical polling stations and all polling stations in vulnerable areas or at least in 50% of total polling stations including auxiliary polling stations, whichever is higher. However, the secrecy of vote shall be maintained. Detailed instruction on the subject may be referred on modalities of implementation.

(xii) Micro Observers

Micro Observers shall be deployed in all or selected critical polling stations as decided by the General Observer for observing the conduct of proceedings inside the polling station as per the statutory provisions and instructions of the Commission. Micro Observer shall report to the General Observer in the prescribed formats.

6. Sealing of EVMs/VVPATs and Election Papers after completion of Poll:

(i) Sealing of EVMs and VVPATs:

Ballot Unit(s), Control Unit and VVPAT shall be sealed in the respective carrying case using thread and address tags, as per existing instructions.

(ii) Sealing of Election Papers - Affixing of Seal thereon by the Polling Agents:

After the close of the poll, the Presiding Officer will also seal all the election papers in separate packets in accordance with the rules and instructions. The Polling Agents present at the polling station are also permitted to affix their seals, in addition to the seal of the Presiding Officer, on the envelopes and packets containing the following documents:

(a) The marked copy of the electoral roll;

(b) Register of Voters;

(c) Voters slips;

(d) The tendered ballot papers and the list of tendered voters in Form 17B;

(e) The unused tendered ballot papers;

(f) The list of challenged votes;

(g) The unused and damaged paper seals, if any;

(h) Appointment letters of Polling Agents; and

(i) Any other papers that the Returning Officer has directed to be kept in a sealed packet.

The above instructions shall be brought to the notice of all concerned for strict compliance.

Yours faithfully,

(SANJEEV KUMAR PRASAD)

SECRETARY

Annexure-1

FORM OF DECLARATION BY ELECTOR WHOSE NAME IS IN ABSENTEE / SHIFTED / DEAD LIST

I hereby solemnly declare and affirm that I am the same person whose name appears at Serial No …….. of Part No …….. Of the existing electoral roll of the ……. Constituency which was prepared / revised with respect of first date of January, April, July, October, 20.… as qualifying date. I am aware that impersonation at elections is an electoral offence under the section 171D of the Indian Penal Code.

……

Signature/Thumb impression of the Elector

Name ……

Certified that the above declaration was made and subscribed by the elector above named before me.

……..

Signature of the Presiding Officer

……..

Number and name of polling station

Date …….

Annexure-2

FORM OF DECLARATION BY ELECTOR

I hereby solemnly declare and affirm that my age was more than 18 years on the first January/*April/July/October.....(year) I am aware of the Penal Provisions of Section 31 of the Representation of the People Act, 1950 for making any false Declaration in connection with the inclusion of any name in the electoral roll or the preparation, revision or correction of the electoral roll.

Signature/Thumb impression of the elector

Father's/Mother's/Husband's Name.....

Part Number of Electoral Roll …….

Serial Number of Elector.....

Date: .....

Certified that the above declaration was made and subscribed by the elector above named before me.

.....

Signature of Presiding Officer

Number and name of Polling Station….....

Date: .....

INSTRUCTION Sl. No. 5

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

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अशोक रोड, नई दिल्ली–110001
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No. 464/INST/2023/EPS(Poll Day Management Outside)

Dated: 14th June, 2023

To

The Chief Electoral Officers of
all States and Union Territories

Subject: General Election and Bye election to Lok Sabha and State Legislative Assemblies – Poll Day Management of activities outside Polling Station reg.

References:

(i)	576/3/98-JS-II	dated 03.02.1998
(ii)	464/INST/2006/PLN-I	dated 20.04.2006
(iii)	464/INST/2007/PLN-I	dated 12.01.2007
(iv)	464/UP-LA/2007	dated 25.10.2007
(v)	437/6/2007(INST)-PLN-III	dated 12.11.2007
(vi)	464/INST/2008/EPS	dated 16.01.2009
(vii)	464/INST/2008/EPS	dated 21.01.2009
(viii)	464/INST./2014/EPS	dated 15.04.2014

Madam/Sir,

The Commission has been issuing instructions from time to time on management of activities outside Polling Stations on the day of poll, vide letters referred to above. Now, the Commission has reviewed these instructions and issued the following consolidated instructions in supersession of all the existing instructions on the subject:

I. Election Booths:

During the period of General / Bye-Elections to the Lok Sabha and State Legislative Assemblies, the candidates of various parties including independent candidates set up and operate Election Booths (temporary offices) on poll day. In these regards, the following directions are issued for strict compliance:

(i) No Election Booth shall be set up within a radius of 200 meters from the Polling Station. Even where more than one Polling Station has been set up in the same Polling Station Location or premises,

there shall be only one Election Booth of a candidate for such group of Polling Stations beyond a distance of 200 meters from such premises.

(ii) Only one table and two chairs shall be provided at each of such Booths with an umbrella or a small tent measuring not more than 10 X10 ft to protect from weather conditions outside the 200 meters periphery of the polling station premises

(iii) Each candidate wishing to set up such Booths shall intimate, in writing and in advance, to the Returning Officer, the names and serial numbers of the Polling Stations where such Booths are proposed to be set up by him. He shall also obtain the written permission of the concerned Government authorities or local authorities like Corporations, Municipalities, Zilla Parishads, Town Area Committees, Panchayat Samitis etc., as applicable, under the relevant local laws before setting up of such Booths. Such a written permission must be available with the persons manning the Booth so as to produce the same before the election/ police authorities concerned on demand.

(iv) Following broad guideline with respect of setting up of such Booths shall be followed:

a. No such Booths will be opened by way of any encroachment either on public or private property.

b. No such Booths will be opened in any religious places or campus of such religious places.

c. No such Booths will be opened contiguous to any educational institutions or hospitals.

d. Such Booths can display only one party flag and banner with party symbols/photographs.

e. The size of the banner used in such Booths should not exceed 4 X 8 feet subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc., then the size restriction prescribed by local law shall prevail.

f. The expenditure on setting up of such Booths and activities conducted, as prescribed, should be booked to the candidate's election expenditure account

(v) Such Booths shall be used only for the sole purpose of issuing unofficial identity slips to electors. These unofficial identity slips shall be printed strictly, in accordance with the instructions of the Commission, without the name or symbol of the candidate or the name of the political party.

(vi) 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.

(vii) 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. More specifically, no elector shall be influenced in any way whatsoever to either come and collect the unofficial identity slip from the particular Booth or if he comes to such Booth of his own accord, to vote in favour of or against any party / candidate contesting the election.

(viii) 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.

(ix) No electioneering shall be allowed within the 200-meter area around the Polling Stations on the date of poll.

(x) No person other than Observers appointed by the Commission and authorized election/police officials shall be allowed to either carry or use mobile phones, wireless sets, etc., in the 100-meter perimeter of the Polling Stations described as the "Polling Station Neighborhood" (Section 130 Representation of the People Act 1951) and within the Polling Station.

(xi) The person who is nominated by the political parties/candidates to man such Booth shall be a voter in the same Polling Station. He shall also have an EPIC and whenever any Sector Magistrate/ Observer ask the person to disclose his identity, he shall show the EPIC.

(xii) The political parties/candidates shall ensure that they do not put any person with criminal antecedents on the job to man such booths.

II. Possession of Arms near the Polling Station:

(i) The provisions of Section 134 B of the Representation of People Act, 1951 provides that, except those expressly permitted by that section, no one else carries any arms or indulges in show of arms in Polling Stations or Polling Station Neighborhood, so that the conduct of elections can take place in a free and fair manner without any intimidation of voters, or threat perception to them.

(ii) It is seen from time to time that during the poll process, candidates and/or supporters of candidates, who have been provided with security cover by the authorities, enter Polling Stations or Polling Station Neighborhood accompanied by their security personnel. This is in clear contravention of the provisions laid down in Section 134B of the Representation of the People Act 1951.

(iii) No person, even if a recipient of any form of security from any quarter, should enter into any Polling Station or Polling Station Neighborhood, accompanied by such security personnel.

(iv) The security agencies in charge of extending security must therefore, recast security plans accordingly. It would be the duty of those in charge of the election to ensure that the provisions of the above quoted Section 134B of the Representation of the People Act 1951 are strictly enforced and no security personnel attached to any person (i.e., any candidate, any of his agents, workers, supporters, or even any elector) enter into any Polling Station or Polling Station Neighborhood. Only one security personnel of SPG protectee or Z+ protectee can enter a Polling Station in plain clothes and arms kept in concealed manner.

III. Security Arrangements:

(i) Commissioner of Police/ Superintendent of Police shall deploy police forces, including CAPF, as per approved District Deployment Plan on static and mobile duties. All police forces, including CAPF, deployed for polling station security shall take positions in and control of the respective Polling Stations on the day prior to the poll day.

(ii) In case CAPF has not reached the assigned Polling Station, due to any reason, the poll shall not commence in that Polling Station.

(iii) Manual on Force Deployment in Elections (Latest Edition) shall be referred to for detailed guidelines on force deployment.

(iv) At the polling station where CAPF personnel are deployed according to District Deployment Plan, one personnel of the CAPF deployed for the Polling Station shall be placed at the door of the Polling Station, either in static or oscillating mode, in order to observe the proceedings inside the Polling Station (Janak Singh V/s Ram Das Rai & Other in CA 9228 of 2003: SC). Moreover, the Company Commanders of CAPF shall also move for area domination and confidence building measure in the sectors assigned to them.

(v) The State Police shall remain solely responsible for maintenance of the general law and order inside and outside of the Polling Station premises (as different from polling stations).

(vi) State Police Force shall not replace the CAPFs at the Polling Stations, in contravention of District Deployment Plan, under any circumstances. No officer of the local state police, with or without contingent, shall position himself at the Polling Station and exercise any supervision and control over the CAPF at the Polling Station.

(vii) According to the vulnerability mapping, hamlets/habitations within relevant Polling Station areas those are vulnerable to threat, all necessary confidence building measures shall be taken. The Local State Police shall attach utmost importance to this task and shall also ensure that there is no hinderance to voters of such pockets in exercising their franchise on the day of poll.

The above instructions shall be brought to the notice of all concerned for strict compliance.

Yours faithfully,

(SANJEEV KUMAR PRASAD)

SECRETARY

INSTRUCTION Sl. No. 6

भारत निर्वाचन आयोग

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No 464/INST-RPM/2023-EPS

Dated: 28th June, 2023

To

The Chief Electoral Officers of
all States/ UTs

Subject: Rationalization and packaging of Statutory and Non - Statutory forms and envelopes -reg.

References: 464/INST/2009-EPS dated 23.02.2009;

Madam/Sir,

All the elections papers relating to an election are required to be sealed, after the close of poll by Presiding Officers in separate packets as per the provisions of Rule 49U of the Conduct of Election Rules 1961. It is important that polling parties receive and submit various forms and envelopes, specified by the Commission, in modular forms for ease of processes and minimize risk of human errors. It is well known that polling parties perform very difficult and enormous tasks for long hours and, hence, it is required that interfaces of polling parties at the Dispatch Centers and Receipt Centers are seamless and pleasant. There is also need to rationalize the work load for polling parties so that they can discharge their duty efficiently and with ease.

2. In the matter, the Commission has conducted a detailed review and in order to bring clarity at the ground level and reduce the burden on polling parties, it has been decided to simplify the process of completing multiple forms and envelopes, which often results in confusion, repetitive tasks and unintentional errors. Therefore, in supersession of its earlier instruction referred under reference, a revised instruction is hereby issued for usage of various statutory and non-statutory forms, additional formats, various envelopes and their packaging as under:

1. <u>Statutory Forms for Polling Parties:</u>

(i) Register of Voters (Form-17A)

(ii) List of Tendered Votes (Form-17B)

(iii) Accounts of Votes Recorded (Form-17C)

(iv) Voter's Slip

(v) List of Challenged Votes (Form-14)

(vi) List of Blind and Infirm Voters (Form-14A)

These forms have been color-coded and incorporated into **three (3) statutory booklets**. The same may be seen below:

Sl. No.	Booklets	Items	No. of copy
		Statutory Booklet (WHITE)	
1.	**Statutory Booklet-1:** (White Register)	(i) Register of voters in Form 17-A	1
2.	**Statutory Booklet-2:** (White Booklet)	(i) List of Tendered votes in Form 17-B	1
		(ii) The account of votes recorded (Form-17C)	10+ (Depending upon the number of candidates)
		iii) List of challenged votes in Form 14	2
		iv) List of blind and infirm electors in Form 14-A	2
	In case of simultaneous election, Form – 17C (Account of Votes Recorded) may also be given in pink colour for Assembly poll.		
3.	**Statutory Booklet-3:** Voter's Slips (White)	(i) As per the number of voters in the concerned booth/part. (ii) For Simultaneous elections, the Voters' slip for use in the polling station may be prepared in two different colours viz. • **White** for Lok Sabha poll and • **Pink** for Assembly poll. (After the poll is over the slips used for different poll should be kept in separate covers.)	1

2. <u>Non-Statutory Forms and Formats for Polling:</u>

(i) Declaration by the Presiding Officer before the Commencement of Poll and at the end of Poll (Part- I to IV)

(ii) Presiding Officer's Diary

(iii) Visit Sheet

(iv) Presiding Officer's Report (I, II, III, IV & V)

(v) Receipt of return of election records and material after poll (Form M21)

(vi) Polling Agents/Relieving Agents Movement Sheets (From Returning Officer Handbook)

(vii) Entry Pass of Polling Agents/Relief Agents (From RO Handbook)

(viii) Declaration by the companion of blind and infirm voters

(ix) Receipt book for deposit of challenged votes fee

(x) Declaration by Elector under Rule 49MA of Conduct of Election Rule 1961

(xi) Form of Declaration by Elector whose name is in ASD List (From Presiding Officer Handbook)

(xii) Letter of complaint to SHO Police

(xiii) Declaration by Elector about his age

(xiv) List of Electors who voted after giving declaration/refused to give declaration

There shall be two (2) new non-statutory booklets which contains the following items-

Non-Statutory Booklet (YELLOW)			
Sl. No.	**Booklets**	**Items**	**No. of copy**
Statutory Booklet (WHITE)			
1.	**Non-Statutory Booklet-Part-A:** Yellow	(i) Declarations by the Presiding Officer before the commencement of poll and at the end of poll (Part- I to IV)	2
		(ii) Presiding Officer's Diary	2
		(iii) Visit Sheet	2
		(iv) Presiding Officer's Report (I, II, III, IV & V)	1
		(v) Receipts of return of election records and materials after poll	1
2.	**Non-Statutory Booklet- Part-B:** Yellow	(i) Polling Agents/Reliving Agents Movement Sheets	1
		(ii) Entry Pass of Polling Agents/Reliving Agents	(10+ Depending upon the number of candidates)
		(iii) Declarations by the companions of blind and infirm voter	10
		(iv) The receipt book and cash, if any, in respect of challenged votes; (As per Presiding Officer Handbook)	10
		(v) Form of declaration by elector under Rule 49MA (Test Vote)	10
		(vi) Form of declaration by elector whose name is in ASD list	5
		(vii) Letter of complaint to the S.H.O. Police; (As per Presiding Officer Handbook)	4
		(viii) Declaration by Elector about his age-	10
		(ix) List of Electors who voted after giving declaration /refused to give declaration	1

3. <u>Candidate Information Booklet:</u>

The Presiding Officer will also be supplied with Candidate Information Booklet consisting of the following items:

(i) List of contesting candidates Form-7A

(ii) Photo Copy of signature of Candidates/ Agents

4. <u>Envelopes:</u>

For sake of clarity, various forms/ formats and other materials used in the polling station are to be placed inside 6 Set of Envelopes. The details are as follows:

(i) First Packet: **EVM Papers (Paper to be kept with EVM)**

(ii) Second Packet: **Scrutiny Documents (To be kept other than EVM Strong room)**

(iii) Third Packet: **Statutory Covers**

(iv) Fourth Packet: **Non-Statutory Covers**

(v) Fifth Packet: **Handbooks, ECI Inst., Indelible ink, and Stamp Pad**

(vi) Sixth Packet: **All other material**

Different Color of Envelope for storing Statutory, Non-Statutory and other election related documents				
Sl. No.	**Envelope Set**	**Master Envelopes**	**Pre-Printed No. of Sub-envelopes**	**No. of copy**
FIRST PACKET (WHITE) EVM PAPERS (To be kept in EVM Strongroom)				
(i)	**Envelope Set-01: EVM Papers** (First Packet)	1/1 Master envelope for EVM papers Size (16"X12")	Envelope No. 1/2 for Account of votes recorded (Form-17C) Size (14"X10")	1
			Envelope No. 1/3 for Presiding Officer's Report-I (Mock Poll Certificate), II & III Size (14"X10")	1
			Envelope No. 1/4 for VVPAT paper slips of Mock Poll **(Black color)**, Size A4	1
	In case of simultaneous election, for assembly election, one addition Master envelope for EVM Papers in **pink** color, one additional Envelope for account of votes recorded (17C) in pink color and one additional envelope for Presiding Officer's Report-I (Mock Poll Certificate), II & III in **pink** color and one additional envelope for VVPAT paper slips of Mock poll in **black** color for assembly poll EVM.			
SECOND PACKET (WHITE) SCRUTINY DOCUMENTS (To be kept in Strong room other than EVM Strong room)				
(ii)	**Envelope Set-02: Scrutiny Documents** (Second Packet)	2/1 Master Envelope for Scrutiny Documents Size (16"X12")	Envelope No. 2/2 for Presiding Officer's Diary, Size (10"X4.5")	1
			Envelope No. 2/3 for register of voters (17A), Size (14"X10")	1
			Envelope No. 2/4 for the list of blind and infirm electors in Form 14-A and the declarations of the companions (10"X4.5")	1
			Envelope No. 2/5 for Visit Sheet (10"X4.5")	1
Sl. No.	**Envelope Set**	**Master Envelopes**	**Pre-Printed No. of Sub-envelopes**	**No. of copy**
THIRD PACKET (WHITE) STATUTORY COVER				
(iii)	**Envelope Set-03: Statutory Cover** (Third Packet)	3/1 Master envelope for Statutory Cover (White colour) 01 Nos, Size (16"X12")	Envelope No. 3/2 for marked copy of the electoral roll and list of CSVs (If any) Size (14"X10")	1
			Envelope No. 3/3 for voter's slips Size (14"X10")	1
			Envelope No. 3/4 for used tendered ballot papers and the list in Form 17B Size (14"X10")	1
			Envelope No. 3/5 for unused tendered ballot papers Size (14"X10")	1
			Envelope No. 3/6 for the list of challenged votes in Form 14 Size (10"X4.5")	1

	In case of simultaneous election, for assembly election, one additional Envelope of Voter's Slips (**Pink** Color)- 01 Nos			
FOURTH PACKET (YELLOW) NON - STATUTORY COVER				
(iv)	**Envelope Set-04:** **Non-Statutory Cover** (Fourth Packet)	4/1 Master envelope for non-Statutory Cover Size (16"X12")	Envelope No. 4/2 for Copy or copies of electoral roll (other than the marked copy) Size (14"X10")	1
			Envelope No. 4/3 for appointment letters of polling agents in Form 10 Size (14"X10")	1
			Envelope No. 4/5 for declarations by the Presiding Officer Size (10"X4.5")	1
			Envelope No. 4/6 for the receipt book and cash, if any, in respect of challenged votes Size (10"X4.5")	1
			Envelope No. 4/7 for unused and damaged paper seals and special tags Size (10"X4.5")	1
			Envelope No. 4/8 for Unused Voter's Slip, Size (10"X4.5")	1
			Envelope No. 4/9 for the declarations obtained from electors as to their age and the list of electors who have refused to make declarations as to their age Size (10"X4.5")	1
			Envelope No. 4/10 for Form of Declaration by elector under 49MA (Test Vote) Size (10"X4.5")	
			Envelope No. 4/11 for Form of Declaration by elector whose name is in ASD list Size (10"X4.5")	
			Envelope No. 4/12 for Letter of complaint to SHO Size (10"X4.5")	
	In case of simultaneous election, one additional envelope for declarations by the Presiding Officer may be given in **pink** color for assembly poll.			
FIFTH PACKET (ENVELOPES BROWN COLOR)				
(v)	Envelope No. 5/1 Master Envelope for Handbooks, Instructions, etc. (Brown color), Size (16"X12") Envelope No. 5/2 for (i) Used and remaining Indelible Ink Phials and (ii) Used Stamp Pad (Brown Color) Size (10"X4.5")			1
SIXTH PACKET (ENVELOPES BLUE COLOR)				
(vi)	Envelope No. 6/1 for other polling materials: (i) Candidate Information Booklet (ii) Other unused forms. (iii) Metal seal of the Presiding Officer; (iv) Arrow cross-mark rubber stamp for marking tendered ballot papers; (v) Cup for setting the indelible ink; Size (16"X12")			1

5. <u>Sealing of Polling Materials in Envelopes after Polling:</u>

After polling process is over, duly filled forms and other materials including unused materials should be packed in the following packets so that, it can be submitted at the Receipt Center without any difficulty and errors: -

I. The first packet should contain the EVM Papers as mentioned below and should be super scribed as "EVM Papers";

(i) Unsealed envelope containing the account of votes recorded (Form-17C),

(ii) Unsealed envelope containing the Presiding Officer Report I (Mock-Poll Certificate), II & III

(iii) Printed VVPAT paper slips of Mock Poll should be kept in Black Colored Sealed Envelope

All the above election papers should be kept in unsealed white colored master envelope (Envelop No: 1/1) and should be kept in the **Polled EVM Strong room**.

In case of simultaneous election, all above EVM papers may be packed separately in their respective pink/ black colour envelopes and should be kept along polled EVM for assembly poll in the polled EVM Strong room.

II. The second packet should contain the unsealed/sealed envelopes mentioned below and should be super scribed as "Scrutiny Cover"

(i) Unsealed envelope containing the Presiding Officer's Diary

(ii) Sealed envelope containing the Register of Voters (17A)

(iii) Unsealed envelope containing the list of blind and infirm electors in Form 14-A and the declarations of the companions

(iv) Unsealed envelope containing Visit Sheet

All the above election papers should be kept in unsealed white colored master envelope (Envelope No: 2/1) and polling station wise scrutiny cover required for scrutiny should be stored separately in a strong room other than Polled EVM Strong Room having polled EVMs and VVPATs.

III. The Third packet should contain the sealed envelopes mentioned below and should be super scribed as "STATUTORY COVER":

(i) Sealed envelope containing the marked copy of the electoral roll;

(ii) Sealed envelope containing voter's slips;

(iii) Sealed envelope containing unused tendered ballot papers;

(iv) Sealed envelope containing the used tendered ballot papers and the list in Form 17-B

(v) Sealed envelope containing the list of challenged votes in Form 14;

All the above statutory papers in sealed envelopes should be kept in sealed white colored master envelope (Envelop No: 3/1). In case of simultaneous election, pink envelope containing pink voter's slip for assembly poll should be kept in this envelope.

IV. The Fourth packet should contain the following envelopes and should be super scribed as "NON-STATUTORY COVER":

(i) Unsealed envelope containing the copy or copies of electoral roll (other than the marked copy);

(ii) Unsealed envelope containing the appointment letters of polling agents in Form 10 and accounts of appointment of polling agent;

(iii) Unsealed envelope containing the election duty certificate in Form 12B;

(iv) Unsealed envelope containing the declarations by the presiding officer

(v) Unsealed envelope containing the receipt book and cash, if any, in respect of challenged votes;

(vi) Unsealed envelope containing unused and damaged seals and special tags;

(vii) Unsealed envelope of unused voter's slip

(viii) Unsealed envelope for the declarations obtained from electors as to their age and the list of electors who have refused to make declarations as to their age

(ix) Form of declaration by elector under Rule 49MA (Test Vote);

(x) Form of declaration by elector whose name is in ASD list;

(xi) Letter of complaint to the S.H.O. Police;

In case of simultaneous election, unsealed envelope containing the declarations by the Presiding Officer in pink colour for assembly election for packed in this non statutory cover. All the above eleven non-statutory papers in envelopes should be kept in sealed in yellow colored master envelope (Envelope No: 4/1)

V. The Fifth packet should contain the following items:

(i) Hand Book for Presiding Officer;

(ii) Instructions of Electronic Voting Machine & VVPAT (a. Posters on How to cast vote on EVM and VVPAT, b. Brochure for Presiding Officer on use of EVM and VVPAT and c. Trouble shooting on use of EVM and VVPAT);

(iii) Sealed envelope containing (a. Indelible ink set with stopper having been secured on each phial effectively with molten candle or wax applied thereon to prevent leakage or evaporation and b. used self-inking pads);

All the above five items should be kept in sealed brown colored master envelope (Envelop No: 5/1).

VI. The Sixth Packet shall contain materials like

(i) Used list of contesting candidates Form 7A,

(ii) Used photocopy of signature of candidates and

(iii) Other unused forms. The colour of this envelope should be Blue. (Envelope No: 6/1) Metal seal of the Presiding Officer;

(iv) Arrow cross-mark rubber stamp for marking tendered ballot papers;

(v) Cup for setting the indelible ink;

All remaining stationery items should be placed back in the respective transparent Card Board/Carton containers and submitted at the Receipt Center.

6. Pre-printing/pre-filled Forms, Voter's slip, and Envelopes:

The issue of similar types of details like name of election, name of State/UT, name number of Parliamentary/ Assembly Constituency etc. required to be written on number of Forms/Envelopes is also considered. In the context, use of pre-printed/pre-filled form will reduce significant time taken by polling parties to fill or write same repetitive details on plain forms, voter's slip, and envelopes supplied them. It has been directed that Chief Electoral Officer or District Election Officer, as the case may be, shall arrange for pre-printed/ pre-filled forms/ envelopes (Annexure-A) as far as possible.

7. Modularization of election material:

The forms and envelopes shall be given to the polling parties in booklet form and other polling materials shall be given in customized labelled cotton bags. A sample booklet and packaging arrangement, as prepared by the Chief Electoral Officer Jharkhand, can be collected from the Planning Division before 15th July 2023 as a guidance.

The above-said amendments shall be brought to the notice of all concerned for compliance during General Election to Lok Sabha, State Legislative Elections, and all Bye Elections.

Yours faithfully,

(SANJEEV KUMAR PRASAD)

SECRETARY

INSTRUCTION Sl. No. 7

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

EPABX 011-23717391-98
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निर्वाचन सदन,
अशोक रोड, नई दिल्ली–110001
Nirvachan Sadan,
Ashoka Road, New Delhi-110001.

No 464/Counting Arrangements/2023-EPS

Dated: 18th July, 2023

To

The Chief Electoral Officers of
all States and Union Territories

Subject: Arrangements of Counting Centers for counting of votes for General/Bye Election to Lok Sabha and Legislative Assemblies- reg.

Reference: Commission's Instructions issued vide letters and dates mentioned below-

S. No.	Instruction Number	Date
1.	470/2007/PLN-I	11.01.2007
2.	464/UP-LA/2007	08.05.2007
3.	470/2007/PLN-I	29.08.2007
4.	470/GJ-LA/2007	21.12.2007
5.	470/2008/EPS	19.01.2009
6.	470/2008/EPS	19.01.2009
7.	470/2009/EPS	22.01.2009
8.	470/2009/EPS	22.01.2009
9.	464/INST/2009-EPS	18.03.2009
10.	464/INST/2009-EPS	07.05.2009
11.	464/INST/2009/EPS	13.05.2009
12.	464/INST/2010/EPS	28.07.2010
13.	470/BR-LA/2010	22.11.2010
14.	470/BR-LA/2010	22.11.2010
15.	470/INST/2011/EPS	04.03.2011
16.	464/INST/2011/EPS	19.03.2011
17.	470/TN-LA/2011 /SS-I	05.05.2011
18.	470/INST/2012-EPS	01.03.2012
19.	470/INST/2012-EPS	03.03.2012

20.	470/INST/2012-EPS	03.01.2013
21.	470/INST/2013-EPS	02.05.2013
22.	464/L&O/EPS/2014	05.04.2014
23.	464/L&O/EPS/2014	10.04.2014
24.	470/INST/2014-EPS	30.04.2014
25.	464/INST/2014/EPS	09.05.2014
26.	464/INST/2014/EPS	10.05.2014
27.	470/INST/2014-EPS	12.05.2014
28.	470/INST/2014-EPS	13.05.2014
29.	470/INST/2017- EPS	09.03.2017
30.	464/INST/2019/EPS	28.03.2019
31.	464/INST/EPS-2019	21.05.2019
32.	470/INST/2019/EPS	21.05.2019

Madam/Sir,

The Commission has issued various instructions, from time to time, on arrangements for counting of votes in EVMs, VVPATs and Postal Ballots in Counting Centers. All instructions relating to ***counting arrangements*** are hereby consolidated and revised instructions, in supersession of all the referred existing instructions, is hereby issued as under:

1. Legal Provisions:

The legal provisions governing counting process are contained in the Representation of the People Act, 1951 and the Conduct of Elections Rules, 1961. A compilation thereof is enclosed at **Annexure-A**. The Observers, the District Election Officers (DEOs), the Returning Officers (ROs) and all other officers concerned should familiarize themselves with the relevant provisions of the law, rules and instructions issued by the Commission for proper arrangements and smooth conduct of counting process.

2. Preparation of Counting Center/Hall:

(i) As per Rule 51 of the Conduct of Elections Rules 1961, the Returning Officer shall, at least one week before the date fixed for the poll, intimate in writing to each contesting candidate or his/her Election Agent the date, time and place(s) of counting of votes as per **Annexure-B** or **Annexure-C**, as the case may be, including special cases of counting table arrangements.

(ii) A proposal for approval of Counting Centre with requisite information in prescribed proforma (**Annexure-D** and **Annexure-E**) shall be sent to the Commission, by the Chief Electoral Officer (CEO), immediately after the last date of withdrawal of candidatures so that the candidates/Election Agents may be intimated by the Returning Officer in compliance of the above legal provision. For this purpose, the suitability and location of the Counting Centre shall be identified well in advance.

(iii) The following should contain in the proposal of Counting Center: -

a. List Counting Centres with numbers and names of PC/AC/AS to be counted

b. Information sheet on Counting Centres

c. Layout of each Counting Centre, and

d. Layout indicating the location of Counting Centres pertaining to Assembly Constituencies in each district(s) / Parliamentary Constituency(ies) with Assembly Segments falling within it and the district or districts in which it is spread over.

(iv) The Chief Electoral Officer, on receipt of proposals from all the Returning Officers through respective District Election Officers, shall scrutinize the same and forward a summary of Counting Centres proposed along with his/her recommendations. The CEO should specifically examine the special arrangement cases proposed by the RO and the DEO and send his/her recommendations for approval of the Commission.

(v) The Observers of the Commission will go for inspection of Counting Centres during their visits and shall ensure compliance of all ECI's instructions/guidelines. They will give their inputs in their reports to the Commission.

(vi) Counting of votes will be done at Counting Centers comprising of one or more Counting Halls. To the extent possible, Counting Center should be located at District HQs, or in exceptional case at Sub- Division HQs. For Lok Sabha elections, it will be ideal, if votes of all Assembly Segments (ASs), comprised in a Parliamentary Constituency (PC), are counted at one place. However, there is no objection if Assembly Segments are counted at different place(s) owing to large area, long distances or difficult terrain, space constraints and difficulty in transporting election materials etc. of the Parliamentary Constituency or in case of Parliamentary Constituency is spread over more than one district. Each Counting Center and each Counting Hall within that Counting Centre will have a distinct identity number.

(vii) The Observer's presence is essential during counting and he/she is also required to perform certain activities in ensuring fairness of counting of votes and ensure accuracy of compilation of results. It is necessary to rationalize the Counting Centres so that the Observers deployed need not oscillate between two or more Counting Centres. The practice of taking up Assembly Segment wise counting at different locations should be avoided and resorted to only in rare case where there is absolute need due to the reasons mentioned above.

(viii) So far as practicable, government buildings other than colleges/ educational institutions are to be requisitioned keeping in view the suitability to establish Counting Centre. Care should be taken while selecting the Counting Centres and Strong Rooms so that there are minimal disruptions to the educational activities and other societal interests. Creation of permanent Strong Rooms in such colleges /institutions should be done as a last resort.

(ix) Primary responsibility to ensure all arrangements for counting of votes, as prescribed in this instruction and otherwise, in a district shall be of the District Election Officer.

(x) Each Counting Hall shall be a separate room walled on all sides preferably with separate duly guarded exit and entry.

(xi) Where pre-constructed separate rooms are not available and large rooms are proposed to be divided for creating halls, each part constituting a hall, will be separated by temporary partitions using strong material, preferably CGI (Corrugated Galvanized iron) sheets. Where there is no provision to dig holes on the floor, a suitable rigid frame, with CGI sheets fixed on two sides, may be used. The partition should be done in such a way that each hall is an independent room walled on four sides so that the movement of anyone from one hall to another hall is not possible without using exit door of the hall. Further, the partition should be erected in such a way that it is impossible to slip or pass any material from one hall to the other through the partition.

(xii) Important consideration for deciding the number of counting tables for CU (EVM) would be the number of Polling Stations, size of the room, the number of contesting candidates, counting agents and counting personnel proposed to be deployed and the security aspects.

(xiii) Counting Centre premises should have adequate parking space, open space, fire-fighting arrangements, good speed internet facility, drinking water facility, food and refreshment, separate toilets for both male and female and uninterrupted power supply with power backup and other required infrastructural facility for smooth conduct of counting and maintenance of law and order.

(xiv) Each Counting Hall, in general, shall have a minimum of 7 and maximum of 14 counting tables for counting of votes in CU (EVM). In addition, one table will be set up for counting of votes in postal ballots subject to provision in **para 2(xxii**). In case the number of tables proposed to be set up is lower or higher than the prescribed number, the specific approval of the Commission shall be obtained through CEO. The CEO should specifically mention this aspect in the report/ recommendation to be provided as described at Para **2(ii) and (iv).** Sample layouts of the Counting Hall are enclosed at **Annexure-F** and **Annexure-G**.

(xv) Each hall, without exception, be used for counting for only one AC/AS at a given point of time. However, if sufficiently big hall is not available i.e., size of the hall doesn't allow placing of 14 tables for counting of votes in CU (EVM) and one table for counting of votes in Postal ballots in that Hall then counting of one AC/ AS may be taken up in two halls, with prior approval of the Commission. In such case both the Halls should be adjacent to each other or on the same floor.

(xvi) In cases where number of polling stations in an AC/AS is large, counting may be taken up in two halls with a maximum of 14 tables in each hall (excluding the table(s) in which postal ballots are counted). All such cases shall be personally scrutinized by the Returning Officer and the District Election Officer, considering all factors such as number of candidates, number of Counting Agents etc. before sending a proposal for approval of the Counting Centre through CEO to the Commission.

(xvii) In all such cases as mentioned at **Para 2(xvi)** above, Polling Station numbers will be pre-allotted to these two halls (each room being one separate Hall) for counting of votes in CU (EVM). This allotment, along with the location of the table(s) on which postal ballots shall be counted, should be made known to all candidates and other stakeholders, in advance. It must be ensured that the table(s) for counting of votes in postal ballots shall be set up in the Hall where RO is sitting. In the other Hall the counting of votes in CU (EVM) shall be supervised by the ARO under overall control and supervision of the Returning Officer.

(xviii) In ***exceptional cases*** where one Hall is being used to count more than one Assembly Constituency/ Assembly Segment, the Counting of votes has to be taken up in a sequential order starting from AC/AS with lower number e.g., if AC-23, AC-25 and AC-34 are to be counted in one Counting Hall then counting shall start from counting of AC-23. In such case, the ROs will need to intimate in advance different time of commencement of counting, by making a reasonable assessment, to the candidates/counting staff concerned and other stakeholders.

(xix) For the counting Wof votes in a simultaneous election to the Lok Sabha and Legislative Assembly, the following scenarios may be considered in the context of Returning Officer of Assembly Constituency and Assistant Returning Officer of Assembly Segment of Parliamentary Constituency are normally same:

a) If separate Counting Halls for Lok Sabha and Legislative Assembly are available, same can be used for counting of Assembly Constituency and Assembly Segment of Parliamentary Constituency. The Returning Officers for AC/ARO of AS may conduct counting of votes for Assembly Segment and ARO of AC may conduct counting of Votes for AC.

b) However, if no separate Halls are available half of the counting tables in a counting hall shall be allotted for PC and half tables for AC. In such case, the Counting Agents will sit accordingly for representing candidates for PC and AC respectively. Since the Strong Rooms for PC and AC are separate, the path to take the CUs and VVPATs and other materials from the Strong Rooms to the Counting Halls and back should be kept separate. The Hall shall also be bifurcated into two partitions with wire-mesh.

(xx) The Counting Halls, including partitions as planned, should be ready at least three clear days ahead of the date of Counting and a report should be sent by each RO to the Chief Electoral Officer. The CEO shall send a consolidated report to the Commission.

(xxi) The CEO will also conduct field visits to inspect as many Counting Centre as possible, but in case of General Election to Legislative Assembly not less than 10, and review the arrangements made therein.

(xxii) Ideally not more than 500 Postal Ballots should be counted on one table. The number of tables needed for counting of Postal Ballots should be assessed by the RO, sufficiently in advance, on the basis of number of the Postal Ballots issued and expected to be received, availability of space and number of AROs. Additional tables may be set up after approval. In such case, if there is space constraint, the counting of postal ballots may be arranged in a separate hall adjacent to it or on the same floor.

(xxiii) If number of Postal Ballots expected to be received are significantly large, the proposal for approval of appointment of additional number of AROs and number of additional tables for such counting may be sent to the Commission, by the CEO, in advance. Each postal ballot counting table shall have one ARO each to supervise the counting.

(xxiv) Counting tables should be placed against the barricade of woodblock and wire-mesh behind which the Counting Agents of Candidates shall sit/stand. The agents shall be prevented from

having physical access to the CU/VVPAT or Postal Ballots but must be able to clearly see and note the contents on the CU display or Postal Ballot.

(xxv) Adequate signage should be prepared and used appropriately for providing guidance to counting staff/candidates/Counting Agents and media personnel.

(xxvi) The RO/ARO table(s) shall be placed at the demarcated area in the Counting Hall itself and the seating arrangement for Candidates or their Election Agents, inside the hall, shall be made in such a way that they can watch the counting process. However, they shall not be allowed to access the counting tables and also not to cross the demarcated area. The Observer table will be placed alongside the RO/ARO's table.

(xxvii) Similarly, tables and computer on which the computation and compilation of data from each table is done in **ENCORE** at the conclusion of each round, shall be placed inside Counting Hall alongside the RO's table and not in any other Hall and one Counting Agent, besides a Micro Observer, shall also be allowed to sit on that table. The area of aforesaid table shall be clearly demarcated from the rest of the area. Separate tabulation team and setup shall be provided, in case simultaneous elections, for PC and AC.

(xxviii) A sufficiently large blackboard/whiteboard/TV in each Counting Hall shall be placed on which the candidates' name and round number will be pre-written/displayed. The round-wise results should be written/ displayed on the board/TV after the Observer has certified the result of that round followed by declaration of the result of that particular round by the Returning Officer. The Control Units for the next round shall be brought from the Strong Room to the Counting Hall only after this exercise is completed.

(xxix) A system should be set up for receiving counting related information and complaints in the DEO's Office and CEO's Office. For this purpose, the staff of DEO/CEO Control Room (helpline number 1950) should be properly briefed and activated 72 hours in advance. Due publicity of these arrangements should be given through all media.

(xxx) If due to any unavoidable reason, RO is unable to conduct the counting of votes on the appointed date, time or place, he can postpone the counting with prior approval of the Commission and fix a fresh date, time or place. RO shall give notice of any change, in writing, to each candidate / Election Agent.

3. Security arrangements in and around Counting Center-

(i) There should be smooth flow of CU/VVPAT between the designated Strong Rooms, where polled EVMs/VVPATs of a particular AC/AS are kept and the respective Counting Halls. A proper barricading and colour coding (if need be) of the path used for this purpose should be done so that the transportation from Strong Room to Counting Hall is not interrupted by any person. Trespassing through the barricade by any unauthorized person should be duly eliminated. No crisscross movement across the paths of two different ACs/ASs is permissible.

(ii) Three-tier cordoning system should be set up in all counting premises to prevent the entry of unauthorized persons inside the counting premises. **1st tier of security ring** shall start from

100-meter periphery around the Counting premise/campus, which should be demarcated as pedestrian zone. No vehicles shall be allowed within this perimeter. Proper barricading of this demarcated zone should be done and the alighting point (same as the pedestrian entry point) clearly made out by providing an entry gate into the premise. If a public road cuts across such sanitized zone, then proper traffic diversion plan should be prepared in advance for the counting day. Adequate local police force should be stationed at the entry point to check the identity of the persons seeking entry. Identification of candidates/counting agents and counting officials should also be thoroughly verified at the 1st tier itself. No person without duly issued authority letter of ECI or photo I-Card issued by the concerned DEO/RO or the Media Pass, duly displayed by such media person, shall be allowed to pass the 1st tier of security ring. An Executive Magistrate shall be posted at the entrance to control crowd and regulate entry.

(iii) The **2nd tier** and the middle cordon will be at the gate of the counting premises. This will be manned by the State Armed Police of the State concerned. Before allowing the entry of persons into the 2nd cordon, proper frisking should be done by the State Police Personnel to ensure that no prohibited items like matchbox, arms and other inflammable articles etc. are carried inside. The frisking shall be done by State Police force personnel only. Women shall be frisked only by Female Police Personnel/Female Home Guards. They should also ensure that mobiles/I-pad, laptop and similar electronic devices or any recording devices are not carried inside the counting hall. All such items shall be kept in the Media Room/Public Communication Room. The forces deployed at **2nd tier** will also ensure that no one is loitering outside the Counting Hall. Mobile phones or other communication equipment can only be used from designated rooms at the Counting Centers.

(iv) The **3rd tier** and the innermost cordon shall be at the door of the Counting Hall. This will be manned by Central Armed Police Forces (CAPF). There will be proper frisking arrangements at this stage too so as to ensure that no mobile phones and other prohibited items are carried inside the Counting Hall.

(v) No still or video cameras except official video camera for official recording are allowed inside the counting hall. Hand-held cameras, without stand, can be allowed inside the counting hall by press persons carrying media pass issued by the ECI. Further, while taking audio-visual coverage of the counting process with hand held cameras by the media persons/journalists, the actual votes recorded on an individual CU/VVPAT or ballot papers should not be photographed or covered by audio-visual coverage under any circumstances. The officials on duty at Media Centre shall escort the media groups in small manageable numbers to visit the Counting Halls at regular intervals for short duration only. The exact boundary, up to which the still/video cameras of the media person/ journalists can move, should be indicated, by the Returning Officer in advance. It may be marked by a coloured line or by a string for guidance of all concerned.

(vi) The entry into the Counting Centre, at all times is subject to the over-all requirement of maintenance of law and order, proper decorum and the conduct of peaceful counting.

4. Counting Staff-

(i) Unlike polling staff, counting staff is to be appointed by the Returning Officer concerned. From the available database of Counting personnel, as provided by the District Election Officer, the Returning

Officer should appoint required number of Counting Assistants and Counting Supervisors (with some reserves in both categories), and such other officials as the Returning Officer may require for assisting him/her in the Counting. The Returning Officer should also appoint sufficient number of MTS/Group D Government employees as Counting Staff for transporting the CUs/VVPATs from Strong Room to pre-decided counting tables in the designated counting hall and vice-versa and to assist Returning Officer in sealing of EVMs, VVPAT paper slips transfer in black thick envelope and other related papers/material after declaration of result.

(ii) The requirement of Counting staff is assessed on the basis of number of Counting halls, number of postal ballots expected to be received and number of Counting tables.

(iii) For each table earmarked for counting of votes in EVM, the Returning Officer shall appoint-

a. One Counting Supervisor (Gazetted Officer or equivalent)

b. One Counting Assistant

c. Counting staff from MTS/Group D employees

d. One Micro Observer

(iv) For each table earmarked for counting of Postal Ballots, the Returning Officer shall appoint-

a. One Assistant Returning Officer

b. One Counting Supervisor (Gazetted or equivalent)

c. Two Counting Assistants (Gazetted Officer or equivalent)

d. One Micro Observer

(v) In addition to the above, the RO shall appoint two Micro Observers and one additional counting staff to assist the Observer.

a. The first Micro Observer to assist Observer in checking the compilation sheet of round wise results.

b. The second Micro Observer to watch over the data entry being made in the computer and round-wise compilation of votes recorded for each candidate.

c. One additional counting staff for each AC for assisting the Observer in parallel counting of two randomly selected CUs.

(vi) Each table for pre-counting of ETPBS (**Para 13**) following staff shall be appointed:

a. one Supervisor

b. one Assistant

c. One ARO for up to 10 tables for ETPBS pre-counting

(vii) For simultaneous election, there shall be additional set of officials in each category with clear cut assignment of duties. They should have a very clear understanding of the layout of the Counting

Hall as well as the tables meant for counting of votes of Assembly Election and Lok Sabha Election. Under no circumstances CU, VVPATs and postal ballots relating to Assembly Election, shall be supplied to the table meant for counting of votes for Lok-Sabha elections and vice-versa. A senior officer should monitor distribution of relevant materials to the respective tables.

(viii) Returning Officer should not appoint any such person as Counting Staff who has been employed by or on behalf of, or has otherwise been working for a candidate in an election. Similarly, the staff of local bodies should also not be appointed for Counting of votes.

(ix) Counting staff appointments should be made in the form given in **Annexure- H**. Counting supervisors should preferably be Gazetted officers (Group B or above), Counting Assistants should also be Group B or at least Group C officials of the Central or State Government or officers of comparable status from Central/State Government undertakings.

(x) All Counting staff, including Micro Observers, should be given two intensive training for both counting of votes in CU, VVPAT slip counting (using dummy symbols) and Postal Ballots/pre-counting of ETPBS including legal and practical aspects of counting procedure sufficiently in advance. The first training shall be imparted immediately after the first randomisation. The second round of training shall be completed at least one day prior to the day fixed for counting.

(xi) There would be no deployment of officials in shifts as the counting process would normally not take more than 6 to 8 hours. However, the Returning Officer has the liberty of replacing officials in case of any exigency, but this replacement would also be done randomly from the pool of officials in reserve after consulting the Observer concerned.

5. Micro-Observers for counting of votes-

(i) Each Counting table including tables for Counting of Postal Ballots, shall have one Micro-Observer (not below group 'C' officials of Central Government or Central PSUs). The Observer should properly train the Micro Observer. The Micro Observer shall be responsible for the purity of counting process on his/her respective table. Wherever adequate number of Central Govt. staff is not available for appointment as Micro Observer, the shortfall shall be met by the Chief Electoral Officer by mobilizing the required number of staffs from the neighboring districts within the Division in coordination with Divisional Commissioner. The additional staff will be given a brief orientation training before being deployed at the Counting Center. The additional staff also will be provided ID Cards by the DEO of the district, where counting is taking place.

(ii) The Observers may appoint Micro Observers as per the format given in **Annexure-I**.

(iii) The Micro Observers will note down the details of votes displayed by the CUs being counted in each round on the table assigned to them. Micro Observers would be provided with a pre-printed statement on which there will be space for noting down the CU Number, Round Number, Table Number, Polling Station Number and thereafter the names of all the contesting candidates, including NOTA, as they appear in the Ballot Paper (**Annexure-J**). Micro Observers shall put their signatures at the end of the statement and shall hand over the statement to the Observer after completion of each round.

(iv) In cases where the Observer is assigned to look after Counting in more than one Hall/AC, the Micro Observers attached to the Observer in each Hall and who are preparing the round-wise tabulation format of randomly selected two CUs, should sign the round-wise tabulation format on behalf of the Observer in absence of the Observer. The Observer will countersign the same when he/she returns/visits the Counting Hall.

(v) The two Micro Observers, attached with the Observer, should be entrusted with the following responsibilities: -

a) One of these two Micro Observers shall keep a watch over the data entry in the computer placed in the Counting Hall for round-wise compilation of the votes recorded for each candidate. He/she should ensure that the entries of the Part II of the Form 17C are correctly entered in the computer by the data entry operator.

b) The second Micro-Observer shall assist the Observer. He/ She shall by obtaining a print-out of the data entry done in the computer and verifying the entries with the statement handed over by the Micro-Observers, present on Counting tables, after each round of Counting.

(vi) In addition to the above, One Counting Assistant for each AC shall be appointed for assisting the Observer in parallel counting of two randomly selected CUs.

6. Randomization of Counting Officials for EVM and Postal Ballot Counting

(i) The arrangements for randomization of counting official shall be done by the District Election Officer, where the Counting Centre(s) is located.

(ii) The randomization of counting staff is to be done in three stages. For this purpose, the DEO should prepare a data base of more than 120% of employees in each category of counting official (Counting Supervisors/Counting Assistants/Micro Observers).

(iii) The randomization of above-mentioned counting staff shall be done using the software centrally developed by the Chief Electoral Officer.

(iv) **First Randomization of Counting Officials:**

(a) The first randomization of counting officials shall be done only for randomly drawing 120% of the required number of officials for each category of counting officials (Counting Supervisors/Counting Assistants/Micro Observers).

(b) It shall be done under direct supervision of the DEO using the software, one week prior to the date of counting.

(c) It shall be done invariably in the presence of the Returning Officer(s). In case of Parliamentary Constituency, where Returning Officer Headquarters is not located, the Assistant Returning Officer(s) concerned shall be present.

(d) The presence of Observer is not required at this stage.

(e) The DEO shall issue Photo Identity Cards and intimation letter for counting duty.

(v) **Second Randomization of Counting Officials:**

(a) The second randomization of counting officials shall be done for randomly allocating counting officials to Assembly Constituency/Assembly Segment wise.

(b) It shall be done by the District Election Officer using the software 24 hours prior to the commencement of Counting of Votes.

(c) It shall be done invariably in the presence of the Returning Officer(s).

(d) In the case of Counting of votes for Parliamentary Constituency, where the Counting locations for any Assembly Segment is far away from the headquarters of the RO, the second randomization of Counting staff shall be done by the DEO, as per above norms, and prepare a separate set of such counting officials for that Assembly Segment, up to **48 hours** before commencement of Counting. The DEO shall intimate the ARO concerned accordingly. In such case, prior approval shall be taken from the CEO.

(e) Similarly, for counting of votes for Assembly election where the Assembly Constituency is located at a far-flung area and counting is proposed to be taken up in that location and not centrally in district headquarters, the above-mentioned instructions shall apply.

(f) The presence of Observer(s) is required at this stage.

(g) The Returning Officer concerned shall issue the appointment letters to the officials allotted to his/her constituency.

(vi) **Third Randomization of Counting Officials:**

(a) The third randomization of each category of counting officials shall be done for allotment of counting tables to them for counting of votes in CU & VVPAT and Postal Ballots in the Counting hall. No randomization is required for counting officials allocated for pre-counting scanning of ETPBS.

(b) It shall be done by the concerned RO (ARO in case of Parliamentary Constituency, where RO is not located) in the presence of ECI Observer at 5.00 AM on the day of Counting.

(c) It shall preferably be carried out by using software. In special cases, where randomization through software is not feasible, this exercise shall be done manually. In case of manual randomization, the senior most Observer present would randomly assign the table number to the counting officials by the draw of lots i.e., picking up chits of the unique serial numbers assigned to counting officials and the table numbers. The DEO should make all arrangements in advance to ensure quick and smooth conduct of the randomization process. In case, it is done with the aid of a computer, the Observers must fully satisfy themselves that the process is free from all errors and that it truly generates the results in a random manner.

(d) The Counting officials would be provided with the details of duty assigned on reaching the control room at the Counting Center. Thereafter, they shall be directed to reach their respective tables in the Counting Hall of the assigned Constituency/ Segment.

(e) It must be ensured that the whole process of randomization is over by 6:00 am on counting

day so that the Counting Officials are able to reach their assigned position conveniently before the scheduled start of the Counting process.

(f) A separate seating arrangement shall be made within the Counting Center/Campus for the reserve staff after third randomization.

(vii) In special cases, where any deviation from the above-mentioned procedure is required in case of any exigencies or geographical constraints, the prior approval of the Chief Electoral Officer is required with full justification.

(viii) The DEO would ensure that videography (with date and time stamping) of entire process of all stages of randomization is carried out for record.

(ix) Summary of randomization process can be perused at **Annexure-K**.

7. Counting Agents of Candidates:

7.1 Eligibility

(i) The law does not prescribe any qualification for a person to be appointed as a Counting Agent. However, the candidates are advised to appoint persons of the age of 18 years and above as their Counting Agents so that they are appropriately represented during counting of votes.

(ii) The following persons cannot be appointed as Counting Agent of a Candidate during an election:

a. Sitting Minister either of the Union Government or of the State Government, Member of Parliament or State Legislature

b. Mayor of a Corporation or Chairperson of Municipality/Zila Parishad/Panchayat Union, etc.

c. Chairpersons and Members of Central PSUs/State PSUs, Govt. Bodies/Corporation.

d. Persons receiving any honorarium from Government or Persons working on part time in any Govt./ Govt. Aided Institutions.

e. Para Medical/Healthcare staff working in Govt./Govt. Aided institutions, Fair Price Shop dealers, Anganwadi Employees.

f. Person in the service of the Government [*This is an offence and Under Section 134-A of the R.P. Act 1951 and such appointees are punishable with imprisonment for a term which may extend to 3 (three) months, or with fine, or with both*].

(iii) There is no prohibition against appointment of Gram Panchayat Pradhan/Gram Panchayat Sarpanch/Panchayat members, Councilors or Members of Municipal Corporation or Municipality and local persons, who are residents of the constituency, as Counting Agents of Candidates. There is no prohibition in appointing an NRI who is a citizen of India as Counting Agent.

(iv) Any other person having security cover provided by the State (both Union and State Govts.) shall not be allowed to act as Election Agent or Counting Agent of any candidate during an election

even if they surrender or decide to relinquish their security. Further, such person cannot enter the Counting Hall along with or without his security personnel.

7.2 Number of Counting Agents per candidate-

(i) Each candidate is allowed to appoint as many counting agents as there are counting tables including table meant for counting of postal ballots for his/ her constituency. The candidate can appoint one more counting agent to watch the counting process at the Returning Officer's table in absence of himself or his election agent.

7.3 Appointment of Counting Agent-

(i) Appointment of a Counting Agent is to be made either by the candidate himself or by his election agent in Form 18 appended to the Conduct of Elections Rules, 1961. Any request on a plain paper received from a candidate/election agent should not be accepted by RO. The name and address of the counting agent will be filled up in that Form and the candidate or his election agent will personally sign that Form 18. The Counting Agent will also sign that Form as token of his acceptance of the appointment. Two copies of such Forms together with the photographs of the agents shall be prepared. One copy of that Form is to be forwarded by the candidate/election agent to the Returning Officer latest by 5.00 PM three days prior to the date fixed for counting of votes. The 2nd copy is to be given to the Counting Agent for production before the Returning Officer on the day of counting.

(ii) On receiving the same, RO will prepare the photo identity cards for the Counting Agents, under his seal and signature, and issue the same, to the Contesting Candidate or his election agent, under acknowledgement.

(iii) A candidate may appoint all his counting agents by a single letter of appointment in Form 18. In that case, all the counting agents are required to sign that Form 18, in token of having accepted the appointment.

(iv) Counting Agents shall produce photo identity cards issued by the RO along with the 2nd copy of Form 18 and sign the declaration, contained therein, before the RO on the day of counting, not later than one hour before the time fixed for the counting. The RO shall not accept the appointment letter which is received after the aforesaid time. RO shall inform the Candidates that if the Counting Agents fail to bring the 2nd copy of Form 18 and photo-identity card, they shall be denied entry in the Counting Hall. Similarly, the Election Agents of the Candidates are also required to produce the attested duplicate copy of their appointment letters. Thereafter, the RO shall allow the agents to enter the Counting Hall.

7.4 Revocation of appointment-

(i) The candidatWe or his election agent is authorized to revoke the appointment of a Counting Agent in Form 19 appended to the Conduct of Elections Rules 1961.

(ii) Such revocation becomes operative from the time at which it is lodged with the Returning Officer. In such a case, the candidate is authorized to appoint another counting agent in place of the one

whose appointment has been revoked, at any time before the commencement of counting. Once the counting has commenced, no appointment of fresh Counting Agent can be made.

(iii) Appointment of such fresh counting agent is to be made in Form 18 of Conduct of Election Rules 1961 as mentioned above.

7.5 Counting Agents inside the Counting Hall

(i) On production of his letter of appointment and the identity card before the Returning Officer, the counting agent will be required to sign the declaration contained in his letter of appointment regarding maintenance of secrecy of voting before the Returning Officer. After verification of the letter of appointment, identity card and declaration, the Returning Officer will permit the Counting Agent to enter the Counting Hall.

(ii) The Returning Officer is empowered to order for searching any Counting Agent before his entry into the counting hall.

(iii) Each Counting Agent will be given a badge by the Returning Officer indicating whose agent he is and showing the serial number of the table at which, he will watch the counting. He should keep sitting/standing at the table allotted to him. He will not be allowed to move about all over the Hall. However, the candidate, his election agent and in their absence, only his Counting Agent at the Returning Officer's table will be allowed to go around all counting tables.

7.6 Seating arrangements for Counting agents-

The counting will be done on the tables arranged in rows. The tables in each row will be serially numbered. On each counting table, the seating arrangement for the counting agents shall be made having regard to the following categories of priority, namely: -

a. Counting Agents of Candidates of recognized National parties;

b. Counting Agents of Candidates of recognized State parties;

c. Counting Agents of Candidates of recognized State parties of other States who have been permitted to use their reserved symbols in the constituency:

d. Counting Agents of Candidates of registered-unrecognized parties:

e. Counting Agents of Independent candidates.

8. Maintenance of Secrecy:

(i) Before the commencement of the counting of votes, the Returning Officer will read out and explain the provisions of the Section 128 of the R.P. Act, 1951 and Rule 54 Conduct of Election Rules 1961 regarding maintenance of secrecy for the information of all present and for compliance on their part.

(ii) Every person inside the counting hall is required by law to maintain, and to aid in maintaining, the secrecy of vote and should not communicate to any person any information intended to violate such secrecy. Everyone is required to fully cooperate and comply with the instructions of the Returning

Officer. Any person contravening the provisions of law in this respect is liable to be punished with imprisonment for a term which may extend to 3 months or with fine or with both (Section 128 of the Representation of the People Act, 1951)

(iii) Counting Agent and others will not be allowed to go outside the Counting Center during counting process. They will ordinarily be allowed to go outside only after the declaration of result. However, Counting Agents other than those allowed to watch counting of VVPAT slips in VCB, may be allowed by the RO to leave the counting hall once counting of votes in CU and PB is over.

9. Maintenance of Discipline and Decorum at Counting Center:

(i) ROs are only bound by the provisions of law and the instructions of the Election Commission while performance of duties as Returning Officer. ROs are not, thus, to take orders from or show any favor to any superior officer or any political functionary including but not restricted to Ministers.

(ii) In case RO has a reasonable doubt about the presence of any person in the Counting Hall, he can have him searched, if necessary, even though the person concerned may be in possession of valid authority letter to enter the place of counting.

(iii) Security Personnel should be posted on duty at the door or doors of the Counting hall. No person should be allowed to enter or leave the room without RO's permission. RO must ensure that complete order and discipline prevail and Counting takes place in a professional/judicious manner. The Counting staff shall leave the Counting Hall, with the permission of RO, only after the result is declared.

(iv) Smoking and e-cigarette are not allowed anywhere in the Counting Centre.

(v) Mobile phones, I-pads, laptops, or any other similar electronic devices capable of recording audio or video are not allowed inside the Counting Center. The only exception will be Commission's Observers. However, computer/ laptops or mobile devices required for official use to transmit Counting data through **ENCORE** will be allowed.

10. Videography/CCTV during Counting Process:

(i) An uninterrupted CCTV coverage of movement of all CU, VVPAT machines and relevant documents from Strong Rooms to Counting Halls and back should be ensured. The CCTV coverage of the movement shall be displayed in TV/Monitor etc. inside the Counting Hall for viewing by the candidates/their agents.

(ii) Entire counting process in the Counting Halls must have 360-degree CCTV coverage or videography with date and time stamping and stored in appropriate retrievable storage device safely. Video coverage shall also be ensured at every stage of counting. This video coverage shall include Counting Hall arrangements, security arrangements in and outside the Counting Hall/Center, presence of candidates and their Agents in the Counting Centers, the process of randomization of counting staff, opening of Strong Rooms, counting process in the Counting Hall, tabulation at the Returning Officer's table, counter checking of two CUs by the Observer, declaration of result, handing over of Certificate of Return of Election to elected candidate, transfer of VVPAT slips to thick

black envelopes, sealing of CU/VVPAT and election papers after counting and any other significant events of the counting process.

(iii) CCTV Camera for counting table earmarked for VVPAT Counting Booth (VCB) shall be installed on ceiling just above the counting table, as per instructions contained in the latest edition of 'Manual on Electronic Voting Machine and VVPAT'.

(iv) However, in no circumstances, the actual votes displayed on individual EVMs or Ballot papers are to be video recorded.

(v) The unedited video recording should be sealed, clearly labeling all the details contained therein, after the counting process is over, for future reference. It should be ensured that the video recording of the entire counting process is kept intact and unedited with proper locking seals so that it cannot be copied by anyone after it has been sealed. All the recordings of the counting process shall be under the custody of the District Election Officer and shall be treated as records under Rule 93(1) of Conduct of Election Rules 1961.

(vi) The Commission's latest instructions on storage and retention of videography/CCTV data, shall be followed strictly in this context.

11. No Webcasting of Counting Center: There shall be **no** webcasting (transmission of video recording) of the process of counting of votes.

12. Persons allowed in the Counting Hall:

(i) Only the following persons can be allowed inside the Counting hall -

a) Counting supervisors and Counting Assistants, Micro-Observers;

b) Persons authorized by ECI (possessing authority letter duly issued by ECI), and Observers,

c) Public servants on duty in connection with the election; and

d) Candidates, their Election Agents and Counting agents.

(ii) Before Counting begins, RO should ensure that no one else is present in the Counting hall.

(iii) RO should note that expression of "public servant on duty in connection with election" does not include police officers; such officers whether in uniform or in plain clothes should not, as a general rule, be allowed to enter inside the Counting hall without any exception, unless RO decides to call them in for the maintenance of law and order or some similar purpose.

(iv) RO should also note that the above expression "public servant on duty in connection with election" also does not include the Ministers/State Ministers/Deputy Ministers of the Union Govt. or State Govt. They can come inside the Counting hall only as candidate. As per ECI instruction, they can't be allowed to be appointed as election agents or Counting agents as they have to be escorted by their security guards who are not to be allowed entry into the Counting Halls.

(v) Entry of persons should be strictly regulated as detailed above. No other unauthorized person, whosoever he may be, should be allowed to enter the place of counting. No security personnel

accompanying the candidates or their agents should be permitted to enter the Counting Halls. However, contesting candidate who is a SPG protectee or other similarly placed contesting candidates can be permitted to be accompanied inside counting hall only with one security personnel in plain clothes with one concealed arm.

(vi) Besides, a contesting candidate, if having security personnel with arms, gives an undertaking that they are surrendering their security on their own voluntarily to sit in the Counting Hall, he/ she may be allowed (this exemption is not available to any other persons having personal armed security)

13. Arrangement for pre-counting of ETPBS:

The pre-counting arrangements for Electronically Transmitted Postal Ballots (ETPBs), being used for Service Voters, shall be done as under:

(i) The Returning Officer should carry out advance planning about the number of tables and teams that would be required for ETPBs QR code reading, which is a pre-counting exercise for ETPBs counting, without undue delay by assessing the estimated number of ETPBs that are likely to come back and other factors such as total time likely to be taken for EVM counting and mandatory VVPATs counting (*approximate gross scanning speed of 4 scans per minutes per team may be assumed in assessing arrangements*).

(ii) Purchasing of QR Code Readers in sufficient numbers and testing for their error-free functioning should be ensured in advance.

(iii) QR code reading may be taken up in a separate room, adjacent to the main Counting Hall. One counting agent for each candidate, irrespective of number of tables for QR code reading, may be allowed to watch the process of QR code reading and suitable seating arrangements for them should be made.

(iv) Each team should comprise one Supervisor and one Assistant with a QR code Reader.

(v) One ARO should be assigned to supervise a maximum of ten QR code reading teams.

(vi) After completing the QR code reading, as per laid down procedure, the set of envelopes will be assigned to counting tables arranged for the postal ballot counting.

14. VVPAT Paper Slip Counting:

(i) For counting of VVPAT paper slips, one of the counting tables inside the Counting Hall shall be converted into a VCB (VVPAT Counting Booth) and should be ready well in advance of the counting day. If counting of an Assembly Constituency is proposed to be conducted in more than one hall, the VCB shall be set up in the hall where RO is seating. Such VCBs shall be set up one each for every Assembly Segment pertaining to Parliamentary Constituency.

(ii) The table on which the VCB is set up can be used for normal round-wise counting of EVM votes. After the completion of such counting, the VVPAT paper slips will be taken up for counting on the same table prepared as VCB.

(iii) The same counting staff assigned to the table for counting of EVM votes shall be assigned for counting of VVPAT paper slips on the table.

(iv) The VCB should be enclosed in a wire mesh just like a bank cashier's cabin, so that no VVPAT paper slip can be accessed by any unauthorized person.

(v) In case where the counting of votes to Lok Sabha and Legislative Assembly is held simultaneously, separate VCBs will be arranged on separate tables for each of the assembly segments of the Parliamentary Constituency and the Assembly Constituency.

(vi) VCB should have a minimum length of 6 ft, a breadth of 6 ft and a height of 8 ft. All four sides and ceiling should be covered with narrow wire mesh and a circular hole of 5 cm radius at suitable height be placed for the Counting Agents' transactions.

(vii) A CCTV camera shall be installed on ceiling just above the Counting table earmarked for VCB for monitoring and recording purpose.

(viii) There shall be seating arrangements for at least 4 persons inside the VCB.

(ix) Other arrangements like a sturdy transparent container of 14" X 10" X 5" (L x B x H) for keeping VVPAT Paper Slips taken out from the Drop Box of the VVPAT; a fixed base Pigeonhole Framework of a sturdy and transparent material having 6" X 4" X 4" (L x B x H) size of each compartments, with symbols as per the ballot paper on 4"X 3" size paper pasted on respective walls for keeping VVPAT paper slips of the respective candidates including NOTA and self-test slips and at least 100 Rubber bands for making bundles of VVPAT paper slips shall be made.

(x) The Observer during his visit to the Counting Centre should ensure that VCB is set up as per the above instructions.

15. Official Communication Room, Media Center and Public Communication Room:

(i) At each Counting Center, there shall be a Communication Room for the officials with table/chairs, a telephone with STD, a fax, computer with printer and internet facility attached to it. A senior officer should be deployed in such Communication Room.

(ii) A Media Center, for use by the authorized media personnel, should also to be set up at some distance away from main

Counting Halls in each Counting Centre. As far as possible, a separate room of adequate size should be used and it should have all reasonable facilities like telephone, fax, computer with printer and internet facility etc.

(iii) In case of any Parliamentary or Assembly Constituencies being counted in one Counting Centre with multiple Counting Halls, the media passes will be issued for Counting Centre and not for Counting Hall.

(iv) One senior officer preferably from the Public Relations Department shall be exclusively designated as in-charge of the Media Center. Each RO shall also deploy other suitable officials to the Media Center who shall assist in dissemination of counting related information/latest trends etc. among

the media persons. The officials on duty at Media Center shall escort the media groups in small and manageable numbers to visit Counting Halls at regular intervals for short durations only. Suitable arrangements will be made to securely store mobile phones in the Media Center, as mobile phones shall not be allowed to be taken inside the Counting Halls. Use of mobile phones and other communication equipment by media personnel shall be allowed in the Media Center only. Proper arrangement of loudspeaker should be made for dissemination of counting trends and results to public and media.

(v) The media personnel with the authority letters issued by ECI, while covering the counting process, can and should be allowed to come out of the Counting Hall(s), if they so desire, during the counting. They should also be allowed to re-enter on the basis of the very same authority letters subject to arrangement specified at para 15 (iv). All entry at all times, however, is subject to the over-all requirement of maintenance of law and order, proper decorum and the conduct of orderly counting.

(vi) A separate Public Communication Room will also be provided for candidates, their agents, counting staff etc. to use their mobile phones in case of any need. This room should also have arrangements for safe-keeping of mobiles phones and other belongings of the candidates, their agents and counting staff. An officer from Public Relation Department shall also be deployed here.

16. Carrying of mobile phones by RO/ AROs inside the Counting Hall:

(i) No person other than the Commission's Observer is allowed to carry a mobile phone inside the Counting Halls.

(ii) In addition to the Observer, the Returning Officer or Assistant Returning Officer or the Counting Supervisor, whose mobile phone is linked to ETPBS, is also authorized to carry mobile phone, but in silent mode to receive One-Time Password (OTP) for the purpose of pre-counting of ETPBS.

(iii) The mobile handset will be switched ON only to receive 'OTP' and be switched off once the ETPBS system is logged in and be kept by the Observer/RO/ARO till counting is over.

(iv) A declaration shall be signed by all users separately about DOs and DON'Ts for mobile usage.

(v) Specific permission shall be obtained by the Returning Officers from the Chief Electoral Officer for the number of users and related mobile numbers in each case for permissible official activities and only then those mobile phones shall be allowed inside the Counting Halls for all such users.

17. Miscellaneous Arrangements:

The DEO/RO shall make all necessary arrangements such as:

(i) Adequate barricades with strong materials, signages and parking spaces as prescribed and as required to ensure safety, security and order.

(ii) Appropriate electricity supply with adequate power back up for the Counting Center

(iii) CCTV with supervised control room covering Strong Rooms, Counting Halls, corridors etc. with display of relevant movements of EVMs inside Counting Halls.

(iv) Sufficient number of QR Code readers for ETPBS scanning

(v) Adequate number of computers, scanners, printers, UPS, stationery items, telephone, internet with prescribed speed (with minimum redundancy from two separate providers) etc. for online data transmission using ENCORE software provided by ECI (provisions and prior testing as prescribed to be ensured)

(vi) Pre- printed white color paper cards of postcard size with name and number of Assembly Constituency/Assembly Segment, date of polling on the top and the polling station number printed in the Center in 1"X 1" size in black ink for conducting the draw of lots for mandatory counting of VVPAT slips.

(vii) DEO/RO shall make adequate arrangements for photocopier machines for making required number of copies of duly filled/signed Part-II of Form 17C.

(viii) Every counting table has to be provided with the necessary stationery items including a ball point pen of blue ink, a paper knife for breaking open the seals, Part-II of Form 17 C in which the names of the candidates are pre-printed in the order they appear on the ballot paper and proformas for recording votes secured by each candidate and NOTA, to be used by the additional counting staff/ Micro Observers.

(ix) The Counting Agents are allowed to carry pen/pencil, plain paper/note pad and duplicate copy of Form 17C, furnished by the Presiding Officers to the Polling Agents after close of the poll, inside the Counting hall for their use/reference during the counting process.

(x) Adequate teams should be formed for sealing the EVMs, transfer of VVPAT slips to black envelopes and sealing various election papers after counting. These teams should be provided with all necessary paraphernalia. The Nodal Officer for sealing work will keep the ECI Secret Seal in his possession safely and use it, wherever needed. Candidates/ their representatives shall be allowed to observe the sealing process and to affix their signature on the seals.

(xi) Election materials shall be stored in a secured way as prescribed in the relevant instructions.

The above said instructions shall be brought to the notice of all concerned for strict compliance during General Election and Bye elections to Lok Sabha, State Legislative Assembly Elections.

Yours faithfully

(Ajay Kumar Verma)

Secretary

Annexure-A

Legal Provisions	
Representation of People Act, 1951	
Section 64- Counting of Votes	• Counting under supervision and direction of the Returning Officer • Contesting candidate /election agent/ /counting agents have a right to be present
Section 64A- Destruction, loss etc. of ballot papers at the time of counting	• RO shall report the matter to the ECI • ECI may direct counting to be stopped and declare poll to be void, order re-poll for that polling station • Or if satisfied the result of election will not get materially affected, may allow counting to be completed
Section 65 : Equality of Votes	Results to be decided by draw of lot by Returning Officer
Section 66: Declaration of Results	In the absence of any otherwise direction from ECI, Returning Officer to declare the result
Section 67: Report of the Result	RO to report result to ECI & Appropriate authority (i.e. Secretary State Legislature/ Parliament, who shall get it published in official Gazette immediately.
Section 128: Maintenance of secrecy of voting	• Applicable to officer/clerk/agent/person performing duty in connection to Election (during poll or counting). • RO/ARO should take an oath to maintain secrecy of voting & read it out aloud before the commencement of counting of votes. • Violation punishable with 3 months imprisonment or fine or with both.
Section 129: Officers, etc. at elections not to act for candidates or to influence voting	• Applicable to DEO/RO/AROs/Polling staff. • Imprisonment up to 6 months /fine/both
Section 136: Other offences and penalties thereof [Sub sections to (1)-(4)]	• Guilty of electoral offence: tampering with EVM/ballot box or ballot paper /nomination paper fraudulently • Imprisonment upto 6 months or 2 years /fine /both
Conduct of Election Rules, 1961	
Rule 66A: Rules 50-54 have been made applicable. Rules 55C, 56C and 57C .	In relation to counting of votes where EVMs used.
Rule 51: Time and place for counting	• To be fixed by RO at least one week before date of counting • Notice to given to in writing to each candidate/his election agent

Rule 52 : Appointment of Counting Agents	• Subject to ECI directions, a candidate may appoint counting agents which shall not exceed 16 for each place of counting • Appointment to be made in FORM 18, in duplicate. One copy for Returning Officer for record and other copy to agent for production before Returning Officer, not later than one hour before the time fixed for counting • No entry in counting hall unless second copy of FORM 18 is given to RO after signing the declaration • Revocation in FORM 19
Rule 53- Admission to the place of counting	• No body else except RO/ARO, counting staff, candidates, their election agents and counting agents public servants on duty, persons authorized by ECI • Whosoever misconducts himself or fail to obey lawful direction of RO shall be removed from counting hall.
Rule 54- Secrecy of voting	Returning Officer to read out provision of section-128 aloud before commencement of counting.
Rule 55C- Scrutiny and inspection of voting machines	Counting staff and counting agents to inspect and ensure that the CU is not tempered and all seals are intact. In case not, report matter to ECI
Rule 56C-Counting of votes	1. Press the result button and see the display of votes count 2. Note down the same in part-II of form 17C. Counting supervisor to sign on it along with willing candidate counting agent 3. Corresponding entries to be made in form- 20
Rule 57C- Sealing of voting machines	After, result is recorded in part-II of form 17C, the CU to be sealed with the seals of the RO and candidates/ counting agents.
Rules 60	for continuous counting
Rule 61	provides for re-commencement of counting after fresh poll
Rule 63	for recount of votes
Rule 64	for declaration of result of election
Rule 65	for counting at 2 or more places
Rule 66	for grant of certificate of election to returned candidate

Annexure – B

NOTICE TO CANDIDATE OR THEIR ELECTION AGENTS REGARDING THE DATE, TIME AND PLACE FOR COUNTING

Election to Lok Sabha.....Legislative Assembly……..Constituency (When Counting takes place at one place)

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have, in accordance with the said rule, fixed the ……..day of (month) …….20…….a.m./p.m. as the date and time for the counting of votes in the Constituency and ……(place) in ……..as the place for such counting.

Place…….

Date……..

Signature……

Returning Officer…….

To

All the Candidates of their election agents

Annexure – C

NOTICE TO CANDIDATE OR THEIR ELECTION AGENTS REGARDING THE DATE, TIME AND PLACE FOR COUNTING

Election to Lok Sabha.....Legislative Assembly……..Constituency (When Counting takes place at more than one place) In pursuance of rule 51 of the Conduct of Elections Rules, 1961.

In pursuance of rule 51 of the Conduct of Elections Rules, 1961, I hereby give notice that I have fixed the date, time and places of counting for the different Assembly segments of this Parliamentary Constituency as specified below:

Name of the Assembly Constituency	Date and Time	Place of Counting

The Postal ballot papers of the entire Parliamentary Constituency will be counted, and the results of poll at all the polling stations will be consolidated at.....(Place) on…….(date) ……..at.(time).

Place……..
Date……..

Signature……
Returning Officer…….

To
All the Candidates of their election agents

Annexure – D

Election Commission of India
INFORMATION SHEET ON COUNTING CENTRES FOR PC

State/UT Code:-	State/UT Name :			
A.	**Basic Information**			
	(a) Counting Centre No.		(b) Category:- Urban/Rural	
	(c) No of Parliamentary Constituencies to be covered in this Centre			
	Sl. No.	**PC No.**	**PC Name**	**PC Type (Gen/SC/ST)**	**Whether PC covered in whole or part**
	1				
	2				
	3				
	(d) Building				
	(e) Area – ID (Particulars of the Street/Locality/ area in which the building is situated):				
	(f) Village/Town/Metro Name* :				
	(g) Police Station No :-		(h) Police Station Name	(k) Pin Code	
	(i) District No:-		(j) District Name		
	(l) Confirm is the Strong Room for storing Polled Ballot Boxes After the Poll is Located in the counting centre itself :- Yes/No				
	(m) If the answer in (l) above is 'No', name of place where the Strong Room is located, its distance from the Counting Centre and the reasons for choosing this location :				
	(n) Whether sufficient space/shelter is available near the Strong Room for the Security Guards & agents of the candidates to keep watch : Yes/No (Please give details in item E(b).				
	(o) Distance from Police Station of which the Counting Centre forms a part (in Kms) :				
	(p) ECI's approval date :				
	(q) Attached Media Centre No & Name :				
B.	**Facilities/Infrastructure Available (Please Tick)**			
	(a) Type of Structure Pucca Kuchcha		(b) Adequate Storage Space :- Yes/No	
	(c) Water : Yes/No		(d) Toilet Yes/No	
	(e) First-aid facilities Yes/No		(f) Regular electricity availability:- Yes/No	
	(g) Arrangements Proposed for emergency lighting:-			
	(h) fire – fighting arrangements proposed:-			

*1Strike out whatever is not applicable

C.	**Information on Counting Halls**					
	No. of halls available for counting:					
	Halls No	**Dimension of the Hall (in Mtrs)**		**No of Doors**	**AC Nos. of Assembly Segments Proposed to be Covered****	**No of Tables proposed to be placed in the Hall**
		Length	Width		In whole *** / In Part ***	
	Note:- Please use continuation sheets, if required, for Giving information on all counting halls				No. of continuation sheets added: _____ No of continuation sheet added: _____	

** Not applicable for UTs without Legislative Assemblies

*** AC Nos should be given in the order in which the counting is proposed to be taken up

D.	**Communication Facilities proposed to be installed *4**	(a) STD Code
	(b) Tel: (1) (2) (3)	(c) Fax/Email
E.	**VCB** (VVPAT Counting Booth)	Sl. No. of Counting Table Proposed for setting up as VCB
F.	**Verification Report of RO**	(a) Date of Verification
	(b) Remarks/Recommendations (covering the aspects of law and order, security, public address system, media and place for crowds etc.):	
	Continued on continuation sheet no._____ No. of Continuation sheets added:_____	
	Verifying Officer's	Date:
	(c) Name	Place
	(d) Designation	Signature
	(e) Full Address (use stamp, if available)	
G.	**Comments of DEO**	Signature
H.	**For use by CEO**	
	(a) Remarks Continued on continuation sheet no._____ No. of Continuation sheets added:_____	
	(b) Name	Date:
	(c) Address	Place:
	(use stamp, if available)	Signature:

**** Phone/fax nos. should be obtained in advance, even though these may be made operational later.

Annexure – E

Election Commission of India
INFORMATION SHEET ON COUNTING CENTRES FOR AC

State/UT Code:-	State/UT Name :

A. Basic Information

(a) Counting Centre No. (b) Category:- Urban/Rural

(c) No of Parliamentary Constituencies to be covered in this Centre

Sl. No.	PC No.	PC Name	PC Type (Gen/SC/ST)	Whether PC covered in whole or part
1				
2				
3				

(d) Building

(e) Area – ID (Particulars of the Street/Locality/ area in which the building is situated):

(f) Village/Town/Metro Name* :

(g) Police Station No :- (h) Police Station Name (k) Pin Code

(i) District No:- (j) District Name

(l) Confirm is the Strong Room for storing Polled Ballot Boxes After the Poll is Located in the counting centre itself :- Yes/No

(m) If the answer in (l) above is 'No', name of place where the Strong Room is located, its distance from the Counting Centre and the reasons for choosing this location :

(n) Whether sufficient space/shelter is available near the Strong Room for the Security Guards & agents of the candidates to keep watch : Yes/No
(Please give details in item E(b).

(o) Distance from Police Station of which the Counting Centre forms a part (in Kms) :

(p) ECI's approval date :

(q) Attached Media Centre No & Name :

B. Facilities/Infrastructure Available (Please Tick)

(a) Type of Structure Pucca Kuchcha (b) Adequate Storage Space :- Yes/No

(c) Water : Yes/No (d) Toilet Yes/No

(e) First-aid facilities Yes/No (f) Regular electricity availability:- Yes/No

(g) Arrangements Proposed for emergency lighting:-

(h) fire – fighting arrangements proposed:-

*1Strike out whatever is not applicable

C.	**Information on Counting Halls**					
	No. of halls available for counting:					
	Halls No	**Dimension of the Hall (in Mtrs)**		**No of Doors**	**AC Nos. of Assembly Segments Proposed to be Covered****	**No of Tables proposed to be placed in the Hall**
		Length	Width		In whole *** / In Part ***	
	Note:- Please use continuation sheets, if required, for Giving information on all counting halls			No. of continuation sheets added: _____ No of continuation sheet added: _____		

** Not applicable for UTs without Legislative Assemblies

*** AC Nos should be given in the order in which the counting is proposed to be taken up

D.	**Communication Facilities proposed to be installed *4**	(a) STD Code
	(b) Tel: (1) (2) (3)	(c) Fax/Email
E.	**VCB** (VVPAT Counting Booth)	Sl. No. of Counting Table Proposed for setting up as VCB
F.	**Verification Report of RO**	(a) Date of Verification
	(b) Remarks/Recommendations (covering the aspects of law and order, security, public address system, media and place for crowds etc.):	
	Continued on continuation sheet no._____ No. of Continuation sheets added:_____	
	Verifying Officer's	Date:
	(c) Name	Place
	(d) Designation	Signature
	(e) Full Address (use stamp, if available)	
G.	**Comments of DEO**	Signature
H.	**For use by CEO**	
	(a) Remarks Continued on continuation sheet no._____ No. of Continuation sheets added:_____	
	(b) Name	Date:
	(c) Address	Place:
	(use stamp, if available)	Signature:

**** Phone/fax nos. should be obtained in advance, even though these may be made operational later.

Election Commission of India
INFORMATION SHEET ON COUNTING CENTRES
Continuation Sheet for CEO's Comments

A.	State /UT Code	State/UT Name
	(a) Counting Centre No.	

F.	**For Use by CEO**	
	(b) Remarks (Contd.) Continued on continuation Sheet No. -- No. of continuation sheets added ---	
	(c) Name:	Date
	(d) Address (Use stamp, if available)	Place Signature

Explanatory Notes

Item No.	Item	Explanation
	State /UT Code	Code assigned to the State/UT S01 to S25 and U01 to U07 for UTs in the alphabetical order (List of codes enclosed)
A (a)	Counting Centre No.	No assigned to the Counting Centre within each State/UT. Running serial numbers for Counting Centres have to be given starting from 1.
A (b)	Building	Name of the Building of the Counting Centre
A (c)	Area-ID (Particulars of Street/Locality area in which the building is situated)	Geographical Identification details like Street, Mohalla, Locality, Area etc. where the building of the Counting Centre is situated. This should help to quickly locate the building
A (d)	Police Station No.	No. assigned to the Police Station within the District Running Serial number, starting from 1. should be assigned to Police Station within each District.
A (e)	District No.	No. assigned to the Revenue District within the State/UT. Running Serial nos. starting from 1. should be assigned to the Districts in a State/UT.

Note: The Police Station No. and District No should be the same as assigned to these units in the control

tables defined in the detailed data structures, which were circulated to the States/UTs in connection with Computerization of Electoral Roll, 1998 vide Commission's letter No. 23/97/PLN-II dated 29th September, 1997. If these unique identification numbers for the various units have not been assigned so far, the verifying officers may leave the respective fields blank but the names of the different units must invariable be filled up in the form.

State/UT Code	Name of State/UT	Short Name of State/UT
S01	Andhra Pradesh	AP
S02	Arunachal Pradesh	AR
S03	Assam	AS
S04	Bihar	BR
S05	Goa	GA
S06	Gujarat	GJ
S07	Haryana	HR
S08	Himachal Pradesh	HP
S10	Karnataka	KT
S11	Kerala	KL
S12	Madhya Pradesh	MP
S13	Maharashtra	MT
S14	Manipur	MR
S15	Meghalaya	MG
S16	Mizoram	MZ
S17	Nagaland	NG
S18	Orissa	OR
S19	Punjab	PB
S20	Rajasthan	RJ
S21	Sikkim	SK
S22	Tamil Nadu	TN
S23	Tripura	TP
S24	Uttar Pradesh	UP
S25	West Bengal	WB
S26	Chhattisgarh	CG
S27	Jharkhand	JKD
S28	Uttarakhand	UKD
S29	Telengana	TG

State/UT Code	Name of State/UT	Short Name of State/UT
U01	Andaman and Nicobar Island	ANI
U02	Chandigarh	CHD
U03	Dadra and Nagar Haveli and Daman & Diu	DNH & D&D
U05	NCT of Delhi	DL
U06	Lakshadweep	LKD
U07	Puducherry	POND
U08	Jammu & Kashmir	J&K
U09	Ladakh	LD

GENERAL ELECTION TO LOK SABHA/LEGISLATIVE ASSEMBLY

LIST OF COUNTING CENTRES

SL. No.	No. & Name of PC	No. & Name of AC. Segments proposed to be covered	Particulars of building proposed to be counting centre	District in which centre falls	Whether information sheet on counting centre attached	Whether map of counting centre attached	Whether map of P.C. attached
1	2	3	4	5	6	7	8

SL. No.	No. & Name of PC	No. & Name of AC. Segments proposed to be covered	Particulars of building proposed to be counting centre	District in which centre falls	Whether information sheet on counting centre attached	Whether map of counting centre attached	Whether map of P.C. attached

NAME OF THE STATE/UT:

Signature ----------

Name of Chief Electoral Officer ----------

State/UT----------

Annexure – H

APPOINTMENT OF COUNTING STAFF

ORDER

No. …….

Dated…….

Election to the House of the People /Legislative Assembly ….…….....……Constituency

I……(name)……..(designation) appoint the persons whose names are specified below to act as Counting Supervisor/Assistant and to attend at ……..for the purpose of assisting me in the counting of votes at the said election.

1…….

2……

Place…….

Signature …….

Date …….

Returning Officer……..

Annexure – I

APPOINTMENT OF MICRO OBSERVERS

ORDER

No. ……. Dated…….

Election to the House of the People /Legislative Assembly …….....Constituency

I ……(name)……..(designation) appoint the persons whose names are specified below to act as Micro Observers for Counting and to attend at ……..for the purpose of assisting me in observing the counting of votes at the said election.

1……

2……

Place…… Signature …….

Date ……. Observer .....…….

INSTRUCTION Sl. No. 8

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi 110001

No 464/Counting Process/1/2023-EPS

Dated: 19th July, 2023

To

The Chief Electoral Officers of
all States and Union Territories

Sub: Procedure on counting of votes from Electronic Voting Machine, VVPAT and Postal Ballot during General Election and Bye election to Lok Sabha and State Legislative Assemblies -reg.

Reference:

No	Instruction	Date
1.	470/2008/EPS	19.01.2009
2.	470/2008/EPS	19.01.2009
3.	470/2009/EPS	21.01.2009
4.	470/2009/EPS	22.01.2009
5.	470/INST/2009/EPS	08.09.2009
6.	470/BR-LA/2010	22.11.2010
7.	470/BR-LA/2010	22.11.2010
8.	470/BR-LA/2010	23.11.2010
9.	470/TN-LA/2011/SS-1	06.05.2011
10.	470/INST/2012-EPS	01.03.2012
11.	470/INST/2012-EPS	03.03.2012
12.	470/INST/2012-EPS	03.01.2013
13.	470/INST/ EPS/2014	14.05.2014
14.	470/INST/2014-EPS	30.04.2014
15.	470/INST/2014-EPS	30.04.2014
16.	464/INST/2019/EPS	28.03.2019
17.	464/INST/2019/EPS	29.04.2019
18.	464/INST/2019/EPS	13.05.2019
19.	464/INST/2019/EPS	13.05.2019
20.	470/INST/2019/EPS	21.05.2019
21.	464/INST/EPS/2019	21.05.2019

Madam/Sir,

The Commission has issued various instructions, from time to time, on counting procedure for counting of votes in EVM, VVPAT and Postal Ballot at Counting Centers. All instructions relating to the counting procedure are hereby consolidated and revised instructions, in supersession of all the referred existing instructions, is hereby issued as under:

1. Legal Provisions:

The legal provisions governing counting process are contained in the Representation of the People Act, 1951 and the Conduct of Elections Rules, 1961. A compilation thereof is enclosed at **Annexure-1**. The Observers, the District Election Officers (DEOs), the Returning Officers (ROs) and all other officers concerned should familiarize themselves with the relevant provisions of the law, rules and instructions issued by the Commission for proper arrangements, pre-counting and pot-counting storages and smooth conduct of counting process.

2. Counting of Votes--- General instruction:

(i) The DEOs, ROs and Observers shall ensure that the existing instructions related to counting arrangements in and around Counting Centers has been fully complied before counting of votes at the hour fixed for the purpose.

(ii) The counting of votes of constituency shall not commence, if ECI orders on adjourned poll at any polling station(s) is pending.

(iii) The counting of votes of constituency may commence if re-poll at any polling station(s) is taking place on counting day. In such case **the penultimate round of counting shall start only after re-polled EVMs & VVPATs, from such polling stations are received in the concerned Counting Hall under full security escort**.

(iv) RO should read out aloud the provisions of Section 128 of the Representation of the People Act 1951 and Rule 54 of Conduct of Election Rules 1961 to maintain secrecy of vote.

(v) Under Rule 60 of the Conduct of Elections Rules, 1961, counting shall be continuous without any interval.

(vi) No unauthorized person should be present in the counting hall. Under Rule 53(4), the RO has authority to direct anybody to go out of Counting Center, if anyone fails to obey the lawful directions of the returning officer.

3. Counting through Postal Ballot paper-

(i) Under Rule 54A of the Conduct of Elections Rules 1961, the counting of postal ballot papers shall be started first at the RO's table.

(ii) Only such Postal Ballot Papers shall be taken up for counting which are received by the RO before the hour fixed for commencement of counting.

(iii) The Returning Officer shall furnish the latest account of the total number of postal ballot papers (received from the facilitation centers and through post) to the Observer at the time of commencement of counting.

(iv) RO or one of the AROs shall explain and demonstrate the requirements of a valid declaration to all the counting supervisors, assistants and the micro observers before the envelopes of the postal ballot papers are distributed to each of the counting tables and actual scrutiny of the declaration by the counting supervisor.

(v) The RO shall ensure that there is no inordinate delay in scrutiny of the declarations by the AROs and the counting supervisors.

(vi) *All the cases of rejection of postal ballot on account of defects in Declaration in Form-13A should be re-verified by the Returning Officer before they are actually put in the rejected category*.

(vii) The Observer shall very closely oversee the process of counting of votes by postal ballot especially the scrutiny of the declaration in Form 13A. While submitting the report on counting after declaration of result, the Observer shall include therein a detailed description of the procedure followed for the postal ballot counting. This should specifically make a mention about the total number of postal ballot papers received for counting, number of PB rejected, number of tables provided for postal ballot counting and the total time taken for the counting of PB.

(viii) All PBs received by the RO up to the hour fixed for commencement of counting shall be counted, so all such PBs should be brought before the RO. Please note that no 'Cover -B' in Form 13-C which contains the Postal Ballot, received late after the time fixed for the commencement of counting shall be opened and counted [Rule 54A (2)], and a suitable endorsement to that effect on the cover in Form 13-C should be made by RO/authorized ARO on each such cover received after the commencement of counting. Thereafter these covers in Form 13C will be put into a larger cover and sealed, before proceeding further.

(ix) All postal ballots received till the time fixed for commencement of counting of votes shall be opened for counting. For counting of the postal ballots following points /stages must be scrupulously followed-

(a) All cover 'B' in Form 13-C containing postal ballot papers, which were received in time by the Returning Officer, are to be opened one after another.

(b) On opening the cover "B" in Form 13C, two documents are required to be found inside. The first is -the declaration by the voter in Form 13-A and the second is the inner "Cover A (Form 13-B) containing the postal ballot paper. Before opening the cover "A" containing the postal ballot paper, the Returning Officer shall check the declaration (Form 13-A).

(c) He shall reject a postal ballot paper without opening its inner cover (Form 13-B) in any of the following cases:

- If the declaration in Form 13-A is not found inside the cover "B" in Form 13-C;
- the declaration has not been duly signed by the elector or has not been duly attested by an officer competent to do so or is otherwise substantially defective,
- If the serial number of the ballot paper appearing on the declaration in Form 13A is different from the serial number as endorsed on the inner cover "A" in Form 13-B

(x) A postal ballot paper shall not be rejected merely on the ground that the attesting officer has not put his seal on the declaration of the elector in Form 13-A if the attesting officer has given all relevant details with regard to his name and designation on that Form. Further, a postal ballot paper shall also not be rejected on the ground that the sender (elector) has not put his signature on the outer cover "B" (Form 13 C) in which he has returned the Postal Ballot Paper, if the identity of the sender is verifiable on the basis of his declaration in Form 13-A.

(xi) All such rejected covers "A" in Form 13-B containing the Postal Ballot Paper should be suitably endorsed by the RO or the authorised ARO, and will be back with the respective declarations in the larger cover "B" in Form 13-C.

(xii) All such larger covers "B" will be kept in a separate packet, which will be sealed by the RO/ARO concerned and full particulars, such as the name of the Constituency, the date of counting and a brief description of the content will be noted thereon for identifying the packet.

(xiii) Thereafter, the RO/ARO will proceed to deal with the remaining covers "A" in Form 13-B, i.e., other than those rejected as aforesaid. In order to protect the secrecy of the postal votes, all the declaration in Form 13-A which are found on scrutiny to be in order should first be placed in a separate packet and sealed. It is necessary to put these declarations away in a sealed packet before any ballot papers are brought out of their cover "A" in Form 13-B, to ensure secrecy of vote as the declarations contain the names of the voters along with the respective serial numbers of their postal ballot papers.

(xiv) Thereafter, the RO/ARO will proceed to open the covers "A" in Form 13-B one after another to take out the postal ballot papers contained in them. The RO /ARO will scrutinize every such ballot paper and decide its validity.

(xv) Postal ballot paper will be rejected on the following grounds: -

(a) If no vote is recorded thereon; or

(b) If votes are given on it in favour of more than one candidate, or

(c) If it is a spurious ballot paper, or

(d) If it has been so damaged or mutilated that its identity as genuine ballot paper cannot be established; or

(e) If it is not returned in the cover "B" sent along with it to the elector by the Returning Officer, or

(f) If the mark indicating the vote is made in such a way that it is doubtful to make out the candidate to whom the vote has been given; or

(g) If it bears any mark or writing by which the voter can be identified.

(xvi) There is no particular mark required by law to be made by a voter to indicate his/her vote on a Postal Ballot. Any mark can be accepted as valid so long as it has been so made on the Postal Ballot that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus, a mark made anywhere in the space allotted to a candidate will be taken as a valid vote

in favour of the candidate concerned. Vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked. (Rule 54A (10) of the Conduct of Elections Rules 1961)

(xvii) The valid votes will then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate so counted will be entered in the result sheet in Form 20 and announced for the information of the candidates/election agents/counting agents.

(xviii) Thereafter all the valid postal ballot papers and all rejected postal ballot papers will be separately bundled and kept together in a packet and sealed with the seal of the RO and the seals of such of the candidates, their election agents or counting agents, as may desire to affix their seals thereon.

(xix) Counting of votes in postal ballots received for Parliamentary Constituency: The Assistant Returning Officer for the Parliamentary Constituency, who will count the votes polled at a component Assembly Segment will have nothing to do with counting of the postal ballot papers for the Parliamentary Constituency. According to Rule 65 of the Conduct of Elections Rules 1961, if votes are counted at more Counting Centers than one (as in most cases they will be in the case of Parliamentary election), the provisions of Rule 54A of the said rule will apply only to the counting at the last of such places. The place at which the Returning Officer finally counts and declares the result should be considered as the last place of counting.

(xx) Elaborate instructions issued from time to time by the Commission shall be followed scrupulously on pre-counting activities for ETPBS, intimation to candidates about postal ballots received from facilitation centers and by post, storage and transmission of such postal ballots and counting of votes by Postal Ballot and results thereof.

4. Procedure of counting of votes through EVM.

(i) After 30 minutes of the commencement of counting of postal ballots, counting of votes from EVMs should be started.

(ii) Counting of votes from EVMs shall be started on the scheduled time of counting in the following cases:

- If there is no postal ballot paper in the constituency.
- Other Assembly Segments of the Parliamentary Constituency where postal ballots are not counted.

(iii) At the time of counting, **only the Control Unit** of the EVM used in the polling station is required for ascertaining the result.

(iv) Hence, for counting of votes in EVM, only Control Units along with the respective **Form 17-C** shall be brought to the counting tables.

(v) Allotment of CUs on Counting Table:

a) Distribution of Control Units of EVMs on the various counting tables should be done in the serial order of the polling stations i.e., CU used at PS No. 1 should be given to counting table number 1, that of PS No. 2 to counting table number 2, and so on.

b) Only after completion of counting of all the CUs of a particular round and taken out of all CUs of that round from the Counting hall, the CUs of the next round shall be brought in the counting hall after getting verbal clearance of RO/ARO and the result of that round has been posted on the blackboard/whiteboard/TV etc.

(vi) Ascertaining the Result:

a) Before ascertain the result from the Control Units of EVMs, Counting Officials shall ensure that

- Paper seal used in the Control Unit is intact and the same was provided to that particular polling station.
- Control Unit is switched ON.
- Total votes displayed on the Display Panel of the Control Unit (Press TOTAL button of the Control Unit) tallies with the total votes polled mentioned in Form 17C.

b) For ascertaining the result from the Control, tear the Green Paper Seal and remove the Address Tag of the Result Section of the CU and press 'Result' Button of the CU without removing Green Paper Seal.

c) The total number of votes recorded for each candidate the polling station shall be displayed automatically in the Display Panels of the CU.

d) The Control Unit may be kept lifted, by the Counting Assistant in such manner and position that the display panel is clearly visible to the Counting Supervisor, Micro Observer and Counting Agents of candidates sitting across the wire-mesh/fence to note down the votes polled against each candidate including NOTA. This process shall be repeated, if any Counting Agent desires.

e) After the result has been noted in Part-II of Form 17C, the cover of Result Section shall be closed and the Control Unit should be switched OFF. Control Units along with Paper Seals shall be kept inside the carrying case and send for sealing purpose.

f) In case of **non-display** of result in the display panel of Control Unit the said unit shall be kept inside carrying case and keep under RO custody. In such case VVPAT slips of respective VVPAT shall be counted after completion of all CUs count.

g) In case of **close button** was not pressed at the end of poll, Total Button of the CU should be pressed to see total votes in CU.

- If total votes polled in the CU tallies with total votes polled in CU mentioned in Form 17 C, result from the CU shall be ascertained after pressing Close button and then Result button.

- If total votes polled in the CU does not tally with total votes polled in CU mentioned in Form 17 C, keep the CU back in carrying case and keep under RO custody.

h) Issues regarding non-deletion of mock poll data from the Control Unit or non-removal of mock poll slips from VVPAT or total votes polled in CU does not match the record of votes in Form 17C: In all pre-identified such cases (on poll day, during scrutiny of documents on P+1 day etc.), their lists shall be shared with the contesting candidates before the commencement of counting. In all such cased CU(s) shall not be brought to the counting hall for retrieving result from that Control Unit(s).

i) EVM counting can go on irrespective of the stage of Postal Ballot counting.

j) As a measure to cross check the correctness of counting, the observers should randomly select two CUs counted in each round with the help of additional counting staff.

k) If any discrepancy is found between the result obtained from the table and that ascertained through the random checking by the observer, then: -

- The result of that round for each table shall be re-verified from the CU.
- The erring official would be taken off and replaced by another set of staff. Severe disciplinary action should be initiated against him/her.
- The result provided by such staff (and table) in the preceding rounds would be checked again in presence of Observer and corrected sheets prepared wherever necessary.

5. Compilation of result of counting of Form 17C Part II:

(i) Candidate wise result of each CU (Polling Station) is noted in Part II of Form 17C and sign by the respective Counting Supervisor. Signatures of candidates or their counting agents present at the counting table shall be obtained. Before taking signature of candidates/their agents/counting agents in Part II of Form 17C, in space between counting supervisor signature and signature of candidates/their agents/counting agents, write in pen - "We, hereby certify that CU No(s) i s / a r e the same which were used in the Polling Station No.....".

(ii) Result sheet is to be prepared in duplicate using carbon paper so that there is no discrepancy between the two copies. Original copy of the Part-II of Form 17C will be handed over to the RO/ ARO for computing round wise tally of votes. The carbon copy will be used for taking multiple photocopies for supplying copy each to the counting agents at the respective table. These copies should be got signed from the counting agents present and thereafter by the Counting supervisor present at the table.

(iii) The original second copy should be returned to the Counting Supervisor of the respective table. They will keep the copy of each round of EVM counting and at the end of the counting put them in an envelope super scribed "Duplicate copy of result of counting in Form 17C-Part-II, mention the Table number, total number of rounds counted and the Name of the Counting Supervisor and handover the envelope personally to the RO/ARO after completion of counting. This packet should be sealed and kept separately by the RO along with other documents.

(iv) Returning Officer shall ensure that the name of candidates entered in this list is exactly as per the order in the ballot paper used on the BU.

(v) When tabulation sheet of each polling booth (Form 17C) is received at the RO/ARO's table, it will be the responsibility of the Returning Officer to show it to the candidates/their election agents/ counting agents sitting at the Returning Officer's table to enable them to note down the results of each candidate for each polling station. RO/ARO should countersign on the original filled Part-II of Form 17C after satisfying himself that the same has been properly filled and completed in all respects. The Form so countersigned by the Returning Officer should be sent to the officer who is compiling the final result and preparing the Final Result Sheet in **Form -20**.

6. Preparation/compilation of Final Result Sheet in Form 20:

(i) The officer in-charge of compiling the final result and preparing the Final Result Sheet in Form 20 should make entries on that Form showing the votes polled by each candidate polling station wise strictly in accordance with the entries made in '**Part II Result of Counting**' of Form 17C in respect of each polling station. The number of tendered votes polled, if any; at a polling station should also be noted in the appropriate column in Form 20 against the polling station concerned as per the report of the Presiding Officer. Tendered votes are not to be counted.

(ii) In addition to above, on the basis of Part II of Form 17 C duly completed by counting supervisors, RO shall get prepared a round wise statement in the proforma as per **Annexure-2**.

(iii) A copy of the detailed polling station-wise round-wise breakup of the votes as shown in the said Proforma will be kept by the Observer in his folder. In addition, on the computer installed in the Counting Hall where parallel tabulation work will be done in an Excel Sheet to counter check any human error. This data entry will also be done Polling station wise and round wise and a print out of the same shall be taken out and compared by the observer and also be signed by the officer.

(vi) Both RO and the observers should get satisfied after due checking that the number of votes posted against the name of each candidate in respect of every counting table tally with the figures as shown in Part-II of Form 17C (result of counting) pertaining to that counting table.

(vii) In case Observer is allotted to look after counting in more than one Hall/AC/AS, the Micro-Observers attached to the Observer in each hall and who are preparing the round-wise tabulation format of randomly selected two CUs and sign the round-wise tabulation format on behalf of the Observers in their absence. The Observer will countersign the same thereafter immediately.

(viii) The Observer and Returning Officer will sign the candidate wise results for that round after checking everything and ensure that the results of that round of counting of votes are immediately displayed prominently on the blackboard/whiteboard. It should also be announced through public address system. A copy of the round's results should be shared with all candidates/agents after completion of that round. A copy of the print out should be given to media room for information of press and another copy to communication room for uploading on **ENCORE**.

(ix) As per the above arrangements, the progress of every round, Assembly segment-wise, will be announced after competition of each round.

(x) Similarly, the consolidated position of the PC by combining the position of the rounds of different ASs should also be announced and repeated at suitable intervals over the public address system for public, preferably from a centralized location where the public announcement booth is located.

(xi) If RO is counting the votes of an Assembly Constituency, he has to prepare the Final Result Sheet only in **Part I** of Form 20. In that Part, the number of votes polled by each candidate by means of postal ballot papers has also to be shown against the appropriate entry provided in that Form.

(xii) After the total number of votes polled to each candidate at every polling station and by means of postal ballot papers has been entered in the Final Result Sheet, RO should strike thereon the grand total of the number of votes credited to each candidate, and also the grand total of postal and tendered votes. But, before striking this grand total, the entire Final Result Sheet shall have to be carefully checked and it must be ensured that each and every entry in respect of each candidate for every polling station has been made correct and that the Form is not incomplete in any respect.

(xiii) Proper care should be taken that only the voting machine used for taking re-poll, wherever ordered, is taken for counting and its count of votes candidate wise are entered in the Result Sheet.

(xiv) Any incorrect totaling is going to materially affect the result of election. This, in turn, will affect the declaration of result, which has to be made on the basis of Form 20. RO shall be held personally responsible for any inaccuracy/discrepancy in that Form. Any slackness shall be viewed very seriously by the Commission and severe disciplinary actions will be taken against the RO.

(xv) ARO of Assembly segment of a Parliamentary Constituency, after completion of counting of votes, shall prepare the Result Sheet in respect of that Assembly segment in Part I of Form 20. Part II of that form will be completed by the Returning Officer by consolidating the Result Sheets of all the Assembly segments. ARO of an assembly segment in a LS election, is not required to show in Part I of Form 20 the number of votes polled by the candidates by means of postal ballot papers because the counting of Postal Ballots, under the law, is required to be done by the Returning Officer for the Parliamentary Constituency and he will record the result of voting of postal ballot papers in Part II of the said Form 20. If RO is counting the votes of an Assembly constituency, he has to prepare the Final Result Sheet only in Part I of Form 20. In that Part, the number of votes polled to each candidate by means of postal ballot papers has also to be shown against the appropriate entry provided in that Form.

(xvi) Immediately on the completion of counting of votes of an Assembly Segment of a Parliamentary Constituency, Result Sheet in Part I of Form 20, all the relevant Forms 17C and all other papers and records relating to the counting of votes should be forwarded to the Returning Officer for the Parliamentary Constituency for consolidation of the result and completion of the Final Result Sheet in Part II of Form 20.

(xvii) The RO for the Parliamentary Constituency, on receipt of Result Sheets in Part I of Form 20 from ARO should incorporate the result in respect of each Assembly Segment in the Final Result Sheet in Part II of the said Form 20. RO shall also record the result of counting of postal ballot papers in the said Part II of Form 20. Then, strike the grand total of the votes received by each candidate (both) the votes recorded in the voting machines at the polling stations and the postal ballot papers, rejected postal ballot papers and tendered votes.

7. Counting of VVPAT slips

(i) Counting of VVPAT slips shall be started only after completion of counting of votes from CUs i.e. no CU(s) is left for counting of votes.

(ii) Counting of VVPAT slips shall be done only in VVPAT Counting Booth (VCB) under close supervision of RO and Observer in the presence of candidates/their agents.

(iii) Before staring VVPAT slips count, Counting Officials and counting agents of other counting tables should be taken out from the counting hall.

(iv) Sequence of VVPAT Slips Count:

(a) Counting of VVPAT slips of polling station(s) for which result is not displayed on the Display Panel of the Control Unit.

(b) Counting of VVPAT slips of polling station(s) having cases of improper conduct of mock poll procedure by non-clearance of mock poll data/slips or mismatch of votes polled in CU and votes polled in CU mentioned in Form-17C, ***if winning margin is equal to or less than total votes polled in these polling stations***.

(c) Counting of VVPAT slips under Rule 56D of the Conduct of Elections Rules 1961, ***if RO decides (speaking order) to count the printed paper slips of any polling station(s) on a written application received from any candidates/election agents/counting agents under Rule 56(D)***.

(d) Mandatory verification of VVPAT slips of randomly selected 05 polling stations per Assembly Constituency/each Assembly Segment of Parliamentary Constituency ***shall be done only after completion of counting of votes***.

(v) Issues regarding non-deletion of mock poll data from the Control Unit or non-removal of mock poll slips from VVPAT or total votes polled in CU does not match the record of votes in Form 17C:

(a) For all the polling stations where EVM and VVPAT has been kept aside as mentioned above, will not be taken up for counting in any Assembly Segment of the Parliamentary Constituency till completion of counting of votes in all Assembly Segments of that Parliamentary Constituency.

(b) If the winning margin is more than the total votes polled in all such polling stations, these polling stations, identified as mentioned above, will not be taken up for counting and the result will be declared without these polling stations.

(c) If the winning margin is equal to or less than total votes polled in these polling stations, in such case ***only counting of the respective VVPAT paper slips*** will be done and the ***Control Units shall be discarded*** for counting purpose i.e. the Control Units shall not be used for counting of votes.

(d) Even in cases where VVPAT paper slips pertaining to mock poll have not been taken out from the drop box of the VVPAT, the VVPAT slips shall be counted and the candidate wise votes from mock poll certificate shall be deducted to arrive at correct count of candidate wise votes polled.

(e) The VVPAT slip count result of all these polling stations shall be added to the candidate-wise tally and the final result compiled.

(f) If there is any discrepancy or difficulty to arrive at correct count of candidate wise votes polled, the matter shall be referred to the Commission for further direction in the matter.

(vi) Candidate Demanding VVPAT Paper Slip Counting under Rule 56D:

After announcement of result sheet entries, if any candidate, their election agent or their counting agents apply in writing to the RO for counting of the printed VVPAT paper slips in any or all polling stations and if such application is received, the RO should pass a speaking order on whether the VVPAT paper slips should be counted. If the RO decides to allow the counting of the VVPAT paper slips of any or all polling stations, such decision of the RO must be recorded in writing along with the reasons thereof. The RO should give due consideration to the following:

(a) Whether the total number of votes polled in that polling station is greater or lesser than the margin of votes between winning candidate and candidate demanding the counting.

(b) Whether EVM and VVPAT had a problem and was replaced at that polling station during poll.

(c) Whether there was any complaint about VVPAT not printing or complaints by any voter under Rule 49MA in that polling station during the poll.

(vii) Mandatory verification of VVPAT paper slips:

Mandatory verification of VVPAT paper slips of randomly selected 05 (five) polling stations (Annexure-III/ IV) must be conducted in all General and Bye Elections to the House of the People and State Legislative Assemblies, in addition to the provisions of Rule 56D of the Conduct of Elections Rules, 1961, after completion of the last round of counting of votes, recorded in the EVMs, as under: -

(a) The verification of VVPAT paper slips of randomly selected 05 (five) polling stations shall be by Draw of lots, by the Returning Officer/Assistant Returning Officer concerned for each AC/AS. It should be done after the completion of the last round of counting of votes recorded in the EVMs and VVPAT paper slips count due to non-display of result from the Control Unit(s) or under Rule 56(D) of the Conduct of Elections Rules 1961 or whatsoever the reason, in the presence of candidates/their agents and the Observer appointed by the Commission for that Constituency.

(b) This verification should be done in a VVPAT Counting Booth (VCB).

(c) In Draw of lots, the following polling station(s) shall not be included:

- **The polling station(s) where VVPAT slips have been counted due to non-display of result from CU(s)**
- **The polling station(s) where VVPAT slips have been counted under Rule 56(D) of the Conduct of Elections Rules 1961**

- **The polling station(s), where is the cases of non-deletion of mock poll data from the Control Unit or non-removal of mock poll slips from VVPAT or total votes polled in CU does not match the record of votes in Form 17C.**

(d) In case, counting of votes to Lok-Sabha and Legislative Assembly is held simultaneously, separate tables should be arranged for VVPAT Counting Booth for PC and AC elections.

(viii) As per Rule 56D (4) (b) of the Conduct of Elections Rules 1961, if there is any discrepancy between EVM count and paper slip count, the paper slip count should prevail. Hence, if there is discrepancy between the counts of votes displayed on the Control Unit and the count of printed-paper slips in respect of that Polling Station, the result sheet shall be amended as per the printed-paper slips count.

(ix) Election authorities shall refer to the latest Manual of Electronic Voting Machines for any reference or guidance on counting of votes in EVM and VVPAT.

8. Recount:

(i) Normally, there will be no question of recount of votes recorded in the voting machines as every vote recorded by the voting machines is a valid vote and no dispute will arise as to its validity or otherwise.

(ii) Despite the necessity for recount being totally eliminated by the use of voting machines, the provisions relating to recount contained in Rule 63 of the Conduct of Elections Rules, 1961, still apply.

(iii) When the counting is complete and the Final Result Sheet in Form 20 has been prepared, RO should announce the total number of votes polled by each candidate as entered in Form 20. Then RO should pause for a minute or two.

(iv) If during this period any candidate or, in his absence, his election agent or any of the counting agents, asks for a recount, RO should ascertain from him the time required for making an application for recount in writing. However, in the case, where the counting places are in different locations, application for re-count in respect of such can be presented before the ARO supervising the counting in that Assembly Segment. The concerned ARO may deal with application for re-count with the approval of the RO as it would be difficult for candidates/agents located in other counting locations to reach the RO's location in time to make application for re-count.

(v) A candidate has option to make request for recount of polled ballot papers and/or polled EVMs of all or some of the polling stations.

(vi) If RO consider that the time applied for is reasonable, he shall allow it and announce the exact hour and minute up to, which RO will wait for receiving the written application for recount.

(vii) RO must not sign the Final Result Sheet in Form 20 until after the expiry of the time so announced.

(viii) If RO receives an application for recount, he should consider the grounds urged and decide the matter judiciously. RO may allow the application in whole or in part if it is reasonable or may reject

it in to if it appears to be frivolous or unreasonable. But the right of a candidate to demand a recount under Rule 63 does not mean that recount can be granted for the mere asking. The party demanding recount has to make out a, prima facie case, which the counting was not accurate and recount is necessary in the interest of justice.

(ix) In every case, RO should record a brief statement of reasons for the decision and should give a speaking order. ROs decision will be final.

(x) In case, RO allow an application for recount either wholly or in part, he shall have the votes recorded in the voting machines counted over again in accordance with his decision. The postal ballot papers will also be counted over again if so, decided by RO.

(xi) After the recount, the RO shall correct the final result sheet necessary and announce the amendments so made, if any.

(xii) After the total number of votes polled by each candidate after recount has been announced by RO, complete and sign the Result Sheet. No candidate has a right to demand a recount after RO have completed and signed the Final Result Sheet. Reject any demand for any recount of votes after RO have completed and signed the Final Result Sheet.

(xiii) Entire process shall have to be video-recorded carefully.

(xiv) A candidate has right to file request for 2nd recount. It would be unreasonable to demand second recount if the first recount showed only minor variations from the first recount and at the same time showed a very substantial majority in favour of one candidate. On the contrary, it would be reasonable to demand further recount where the margin between first two candidates is close and where previous recount has shown differing results.

(xv) In every case of 2nd recount, RO should recount a brief statement of reasons for the decision and should give a speaking order. But RO would be justified in refusing a further recount when the previous recount showed the same result even if the difference between the contesting candidates may be very small.

(xvi) It is pertinent to mention that a Returning Officer's duty is to count accurately the votes. Hence, at any point of time during counting, he has the right to order the counting staff to do the count of the votes again.

(xvii) If votes are counted at more places than one, according to rule 65 of the Conduct of Elections Rules, 1961, the demand for recount of votes can be made only at the end of counting in the last place fixed for the purpose. Thus, in the case of Parliamentary Constituency, the recount can be demanded only at the place where the Returning Officer counts the postal ballot papers and completes Part II of the Final Result Sheet in Form 20 and not at the places where the votes have been counted Assembly segment-wise. If recount is permitted by the RO of PC, then all the voting machines and all relevant papers would have to be taken to the last place of counting (i.e. place of PC of RO) which will be very troublesome and inconvenient. Hence, it would be better and desirable that, if any doubt is expressed by any candidate immediately after the counting of votes at any polling station is over, RO check up again. This is strictly not a recount but a check, which will satisfy all the candidates.

9. Adjournment of Counting:

(i) RO should proceed with the counting at each place continuously. In case RO have to suspend or adjourn the counting before its completion for any unavoidable reason, he should seal up all the voting machines and also all other papers relating to elections. He will also allow every candidate or his agent, if he so desires, to place his seal on every voting machine and packet, etc., in which the election papers are kept.

(ii) It is preferable to keep all the sealed voting machines and packets, etc., in a separate room and have the room sealed and secured with RO's seal and the seals of candidates or their agents. Alternatively, the candidates may put their own locks in addition to ROs on such room.

(iii) For storage of Polled EVMs, VVPAT slips, CD/Storage devices and six packets containing elections papers, latest instruction of the Commission may be referred to.

10. Role of Observers:

(i) The Observers will ensure that the Final Result Sheet in Form 20 is filled by the RO before he declares the result in Form 21 C (for General Election) and Form 21 D (for Bye election) sends it to appropriate quarters. One copy each of the Forms 20, 21C and 21D and Form 21E duly filled in will be collected by the Observers and attached with their reports on counting and submission to the Commission.

(ii) All Observers will keep a close watch on the process of counting of votes and compilation of results. Towards this end, neither the Observer nor the ARO/RO or any other election official should leave the counting hall till the counting is completed and result declared. Strict discipline should be maintained inside the counting premises and prompt action should be taken against anyone not observing the rules.

(iii) Power of Observers to stop counting: The observers, appointed by the Commission under section 20B of the Representation of People Act 1951, have the power to direct RO to stop the counting of votes at any time before the declaration of the result or not to declare the result, if in his/her opinion booth capturing has taken place at a large number of the polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of ROs custody or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at the polling station or place cannot be ascertained. In such case, the observers have no power to order re-commencement of the counting. It will recommence only on the order of the Commission.

11. Procedure to be followed in case of destruction, loss etc. of Electronic Voting Machine before compilation of counting:

Under the law (Section 64A of the Conduct of Election Rules 1961), the Commission is competent to direct, after taking all material circumstances into account, the counting of votes to be stopped and, if necessary, order fresh poll if it is reported by the Returning Officer before completion of the counting of votes that the voting machine used at a polling station has been:

(i) Unlawfully taken out of his custody, or

(ii) Accidentally or intentionally destroyed or lost, or

(iii) Damaged or tampered with, to such an extent that the result of the poll at that polling station or place cannot be ascertained. If any such occasion arises, RO should forthwith report full facts of the case to the Commission and await its directions in regard to the counting of votes.

12. Procedure to be followed in the case of Booth Capturing at the Counting Centre:

(i) Under Section 58A(b) of the Representation of the People Act 1951, if booth capturing takes place at any place of counting of vote in such a manner that result of the counting at that Counting Centre cannot be ascertained, the Returning Officer shall forthwith report the matter to the Commission.

(ii) On receipt of the report of the Returning Officer, the Commission shall, after taking all material circumstances into account, either direct a re-poll at the affected polling stations or countermand the election. In such cases, RO has to proceed as per direction of the Commission.

13. Counting after Re-poll directed after commencement of counting:

If any re-poll has been held at a polling station in accordance with the directions given by the Commission, RO should fix the date, time and place for counting the votes recorded in such Re-poll and give notice of the same in writing to every candidate or his election agent. RO should follow the same procedure as detailed above for such further counting as far as it is applicable.

14. Mandatory re-counting of all postal ballot papers:

Where the margin of victory is less than the number of postal ballot papers rejected as invalid at the time of counting, all the rejected Postal Ballot papers shall be mandatorily re-verified by the Returning Officer before declaration of result. Whenever, such re-verification is done, the entire proceedings should be video-graphed.

15. Equality of votes:

If two candidates contesting any seat happen to secure the highest number of votes and their votes are equal in number, the result will have to be declared by draw of lot. This will be in rare of the rarest case and in such case also matter first be reported to the Commission for such directions as the Commission may like to give.

16. Declaration and Publication of Result of Election:

(i) After the counting has been completed in all respects, RO have to proceed to make the formal declaration of result of election.

(ii) RO must, however, verify and satisfy himself that there is no case, which requires to be referred to the Commission for its directions, and that there is no general or special direction from the Commission's observers to withhold the declaration of result in the constituency. If that be so, he should send a detailed report to the Commission forthwith giving all required information and obtain its prior approval before making the declaration of result.

17. Declaration of Result:

(i) Before RO declare result of an election, RO should obtain an authorization for declaration of result from the Observer concerned. Every Observer shall completely satisfy himself about the fairness of

counting of votes and complete accuracy of compilation of result. After having done so, he shall issue an authorization to the Returning Officer concerned for declaration of result in **Annexure V**.

(ii) After completing and signing the Result Sheet in Form 20 appended to the Conduct of Elections Rules, 1961, and necessary approval of the Commission, wherever required, and a No Objection Certificate (**NOC**) from the Observer in the above format, the candidate to whom the largest number of valid votes have been given should then be declared elected RO must declare the result by a loud announcement.

(iii) It shall be the personal responsibility of the Observer and Returning Officer to ensure fairness of counting of votes and accurate compilation of result.

18. Form of declaration of result:

(i) The formal declaration of result should be made by RO either in Form 21C (in the case of General election) or Form 21D (the case of a bye-election to fill a casual vacancy) of the Conduct of Elections Rules, 1961, as may be appropriate. Due care is to be taken that in Form 21C or 21D, the name and address of the elected candidate shall be as given in list of contesting candidates, name of political party should be written as given in latest Political Parties and Election Symbols notification. After ROs signature, he/she shall affix RO's rubber stamp.

(ii) The date to be given in the declaration should be the date on which result of the election is declared and not the date on which the declaration is dispatched. Even if an occasion arises when RO has to rectify some error in his original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

19. Authorities to whom copies of declaration of result should be sent:

Immediately after the declaration of result, RO should send copies of the declaration of result in Form 21C or 21D, as the case may be, to:

(i) Election Commission of India;

(ii) Chief Electoral Officer of the State/ UT;

(iii) (a) Union Ministry of Law and Justice (Legislative Department), New Delhi, and

(b) The Secretary General of the Lok Sabha, New Delhi (in the case of election to the Lok Sabha);

OR

(a) The State Government/ Lt. Governor; and

(b) The Secretary to State/ UT Legislative Assembly (in the case of election to the State/ UT Legislative Assembly)

20. Authorities to whom copies of return of election should be sent:

(i) He should complete and certify the Return of Election in Form 21-E of the Conduct of Elections Rules, 1961 and forward signed copies of the return to the Election Commission and the Chief

Electoral Officer of the State/ UT. **The name of the candidates should be written as given in the Form-7A**

(ii) If any candidate or his agent wants to take a copy or an extract from this return, he should be permitted to do so. RO may supply a copy of such return to an applicant on payment of fee of Rs. **2/- [Rules 93(3)**]

21. Report of result of election:

(i) As soon as results has been declared, RO should intimate the same to: -

(a) The Election Commission of India, New Delhi

(b) The Director of News Services, All-India Radio, New Delhi,

(c) AIR Station in the Headquarters of the State/ UT;

(d) The Director, Doordarshan Kendra, Parliament Street, New Delhi- 110001;

(e) Doordarshan Kendras concerned, if any, in the headquarters of the State/ UT;

(f) The information Officer, P.I.B., New Delhi;

(g) The Ministry of Law, Justice (Legislative Department), Shastri Bhavan, New Delhi (in respect of election to the House of the People); OR the State Government/ UT; (In respect of election to be State/ UT Legislative Assembly)

(h) The Secretary General, Lok Sabha, New Delhi (in respect of election to the House of the People) OR the Secretary of the State/ UT Legislative Assembly (in respect of the election to the State/ UT Legislative Assembly); and

(i) The Chief Electoral Officer of the State/UT

(j) The fax/Email may be addressed to the Commission and repeated to the other addresses at (b), (d), (f) and (g).

ii) The message communicating the result should indicate the following particulars;

(a) Serial number and name of the constituency (State, Parliamentary/Assembly) as given in Delimitation of Parliamentary and Assembly Constituencies Order;

(b) Total number of electors in the constituency;

(c) Total number of votes polled;

(d) Number of votes rejected;

(e) Names of contesting candidates with their party affiliations and votes polled by each; and

(f) Name of the candidate declared elected.

(iii) RO should further ensure that whenever RO refer to a woman candidate in Email/Fax message communicating the result it should be ensured to prefix her name with 'Kumari' or 'Srimati' as the case maybe, so that it should definitely be understood that the candidate is a woman.

(iv) RO should also ensure that figures of votes which are mentioned while reporting the result are given in words and not in numerals as the latter are likely to be mutilated during transmission.

22. Certificate of election:

(i) As soon as results has been declared, RO should grant to returned candidate a certificate of election in Form 22 and obtain from the candidate an acknowledgment of its receipt duly signed by him. if he happened to be present at the Counting Centre. Where he is not so present, he should be contacted as quickly as possible and the dispatch of the acknowledgment completed within a day or two. These acknowledgments are required by the authorities concerned for verifying the identity of the elected candidates at the time of making or subscribing the oath of affirmation by them.

(ii) The certificate of election in respect of elections to the House of the People should be issued in English or Hindi, but such certificate of election in respect of the State Legislature may be issued in English or Hindi or in any of the languages used for official purposes of the State. It should be open to the elected candidate to sign the acknowledgment in any language he likes in **Annexure VI**.

(iii) It is essential that this acknowledgment is signed by the candidate himself and his signature is attested by the Returning Officer personally before dispatch. Thereafter, he/she shall immediately send this acknowledgment by registered post to the Secretary General to the House of the People or as the case may be the Secretary of the Legislative Assembly.

(iv) Where the elected candidate is not present at the Counting Centre nor visits the locality shortly thereafter the certificate may be handed over to a person duly authorized by the candidate in this behalf and personally known to the Returning Officer, the acknowledgment (duly signed by the candidate) being also obtained through the same person.

23. Drawing of Proceedings:

After the sealing of the voting machines and election papers at the counting place after the counting of votes, RO should draw up proceedings mentioning therein: -

(i) The full particulars of the candidates/agents present in the counting hall;

(ii) The fact that they were asked to affix their seals on the voting machines and packets of election paper, if they so desired; and

(iii) The particulars of persons who had affixed their seals on the voting machines and packets and the particulars of those persons who had refused to do so.

Then, RO should sign the proceedings and obtain on it the signatures of such of the candidates/ agents as are present and willing to sign. The proceedings should be put inside an envelope which should be sealed and the sealed envelope be kept along with the packets of election papers.

24. The instructions shall be brought to the notice of all concerned for strict compliance during General Election and Bye-elections to Lok Sabha and State Legislative Elections.

Yours faithfully,

(Ajay Kumar Verma)
Secretary

Annexure-I

Legal Provisions	
Representation of People Act, 1951	
Section 64- Counting of Votes	• Counting under supervision and direction of the Returning Officer • Contesting candidate/election agent/ counting agents have a right to be present.
Section 64A- Destruction, loss etc. of ballot papers at the time of counting	• RO shall report the matter to the ECI • ECI may direct counting to be stopped and declare poll to be void, order re-poll for that polling station. • Or if satisfied the result of election will not get materially affected, may allow counting to be completed
Section 65- Equality of Votes	• Results to be decided by draw of lot by Returning Officer
Section 66- Declaration of Results	• In the absence of any other wise direction from ECI, Returning Officer to declare the result
Section 67- Report of the Result	• RO to report result to ECI & Appropriate authority (i.e. Secretary State Legislature/Parliament, who shall get it published in official Gazette immediately.
Section 128- Maintenance of secrecy of voting	• Applicable to officer/clerk/agent/person performing duty in connection to Election (during poll or counting) • RO/ARO should take an oath to maintain secrecy of voting & read it out aloud before the commencement of counting of votes • Violation punishable with 3 months imprisonment or fine or with both
Section 129- Officers, etc. at elections not to act for candidates or to influence voting	• Applicable to DEO/RO/AROs/Polling Staff • Imprisonment up to 6 months/fine/both
Section 136-Other offences and penalties thereof [Sub sections to (1)- (4)]	• Guilty of electoral offence: tampering with EVM/Ballot box or ballot paper/nomination paper fraudulently • Imprisonment up to 6 months or 2 years/fine/both
Conduct of Election Rules, 1961	
Rule 66A: Rules 50-54 have been made applicable. Rules 55C, 56C and 57C	• In relation to counting of votes where EVMs used.
Rule 51: Time and place for counting	• To be fixed by RO at least one week before date of counting. • Notice to given to in writing to each candidate/his election agent.

Rule 52: Appointment of Counting Agents	• Subject to ECI directions, a candidate may appoint counting agents which shall not exceed 16 for each place of counting. • Appointment to be made in Form 18, in duplicate. One copy for Returning Officer for record and other copy to agent for production before Returning Officer, not later than one hour before the time fixed for counting. • No entry in counting hall unless second copy of FORM 18 is given to RO after signing the declaration. • Revocation in Form 19
Rule 53- Admission to the place of counting	• Nobody else except RO/ARO, counting staff, candidates, their election agents and counting agents public servants on duty, persons authorized by ECI. • Whosoever misconducts himself or fail to obey lawful direction of RO shall be removed from counting hall.
Rule 54-Secrecy of voting	• Returning Officer to read out provision of section-128 aloud before commencement of counting.
Rule 55C-Scrutiny and inspection of voting machines	• Counting Staff and counting agents to inspect and ensure that the CU is not tempered and all seals are intact. In case not, report matter to ECI
Rule 56	• Counting of Votes
Rules 57	• Sealing of voting machines
Rule 60	• For continuous counting
Rule 61	• Provides for re-commencement of counting after fresh poll
Rule 63	• For recount of votes
Rule 64	• For declaration of result of election and return of election
Rule 65	• For counting at 2 or more places
Rule 66	• For grant of certificate of election to returned candidate

0Annexure-II

Format for tabulating Trends/Results

Number & Name of Constituency_____

Round Number _____Date_____

Table No.		1	2	3	4	5	6	Total	Brought from previous round	Cumulative Total
Polling Booth No.										
Sl. No.	Name of candid-ate									
Rejected Vote										
Total Vote										
		Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO		
		Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer		

Important:

1 All over writings/cutting should be certified by observer

2 Polling station number whose votes are counted should be indicated below the table number

3 A copy of this is to be kept by observer in a separate folder for cross checking later.

Annexure-III

Mandatory verification of paper slips of VVPAT of 05 randomly selected polling stations

(Separate for each polling station)

Name of State/UT……
No. and Name of Assembly/Parliamentary Constituency……
No. and Name of Assembly Segment (in case of PC) ……
Sl. No. and name of Polling Station……...
Unique ID of Control Unit……
Unique ID of VVPAT:……

It is to certify that mandatory verification of paper slips of VVPAT of 05 randomly selected polling station has been conducted as per the instructions of the Commission.

Name of Candidate	**No. of Votes cast**		**Discrepancy, if any**
Polling Booth No.	As per EVM	As per Paper Slips	
1.			
2.			
3.			
--			
--			
NOTA			
TOTAL VOTES			

Signature of Counting Agents

1……

2……

3……

Signature of Counting Supervisor

Signature of Returning Officer

Signature of General Observer

Annexure-IV

Mandatory verification of paper slips of VVPAT of 05 randomly selected polling stations

(To be sent to the Commission through the Zonal Secretary concerned)

Name of State/UT……

No. and Name of Assembly/Parliamentary Constituency……

No. and Name of Assembly Segment (in case of PC) ……

Sl. No. and name of Polling stations

1. ……
2. ……
3. ……
4. ……
5. ……

It is to certify that the entire process of mandatory verification of counting of paper slips of VVPAT of 05 randomly selected polling stations has been conducted under my close and direct oversight with strict compliance of the Commission's instructions.

- signature-

(Name of ECI Observer)

Observer Code……

Annexure-V

Authorisation by the Observer for declaration of result

I, Observer Code (_____) for Assembly Constituency (Name/Code) /Assembly Segment of---------- Parliamentary Constituency (Name/Code) after having satisfied myself about the fairness of counting of votes and co-plete accuracy of compilation of result in Form-20 hereby authorize the Returning Officer for_____ _____ Parliamentary/Assembly Constituency to declare the result.

Signature of the Observer_____

Name of the Observer_____

Code of the Observer_____

Parliamentary/Assembly Constituency No. & Name_____

Annexure-VI

Acknowledgement of receipt of Certificate of Election in Form 22 by the returned candidate

I……(name)…… acknowledge receipt of the certificate of election in Form 22 in respect of my election to .....from……constituency, declared on date..... .....

Signature of the returned Candidate

Attested and forwarded to the Secretary Legislative Assembly/ Lok Sabha

……..

Returning Officer

INSTRUCTION Sl. No. 9

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Website: www.eci.gov.in Ashoka Road, New Delhi-110001.

No. 464/OBS/2023/OPS Dated: 14th August, 2023

To,

1. The Chief Electoral Officers of all States & Union Territories.
2. The Establishment Officer, Department of Personnel & Training, North Block, New Delhi-110001.
3. The Home Secretary to Govt. of India, Ministry of Home Affairs, North Block, New Delhi-110001.

Subject - Compilation of set of instructions in respect of General, Police and Counting Observers - reg.

Commission's instructions issued vide following letters -	
1.	Letter no. 464/OBS/2007/PLN-I Dated 09.01.2007
2.	Letter no. 464/OBS/2007/PLN-I Dated 03.01.2007
3.	Letter no. 464/INST/2007-PLN-I Dated 12.10.2007
4.	Letter no. 464/OBS/2009-OPS Dated 1.4.2009
5.	Letter no. 464/INST/2016-EPS Dated 19.01.2017
6.	Letter no. 464/OBS/2016/OPS Dated 29.04.2016 regarding Daily Activity Report of Observers (General & Police Observers)
7.	Letter no. 464/OBS/2016/OPS dated 29.04.2016regarding deliverance of Commission's orders and instruction
8.	Letter no. 464/OBS/2023/OPS dated 12.05.2023 reg. Compilation of set of instructions in respect of General, Police and Counting Observers - reg.

Reference -

Madam/Sir,

The Commission has been issuing instructions from time to time on roles and responsibilities of General, Police and Counting Observers vide the instructions referred above. Now, the Commission has reviewed these instructions and in supersession of the Commission's instructions referred above, I am directed to state that the Commission appoints Observers under the powers conferred on it by Section 20B of the Representation of the People Act, 1951 and the plenary powers available to the Commission under the Constitution of India. General, Police and Counting Observers are the appointees of the Commission, who work under the superintendence, control and discipline from their appointment till the completion of their election duties.

The Commission puts a great deal of faith in its General, Police and Counting Observers and the role of such Observers in ensuring free and fair elections is of utmost importance without a doubt. General, Police and Counting Observers not only help the Commission in fulfilling its constitutional mandate of conducting free, fair, transparent and inclusive elections but also enhance the voter awareness and participation in election. The objectives of election observations are to identify areas for improvements and to formulate concrete and operative recommendations.

The Commission prepares the pool of officers required to be deployed as General and Police Observers in advance before the commencement of any General/Bye Election(s). Various State(s)/UT(s) authorities are requested beforehand to sponsor the required number of IAS/IPS officers serving under their jurisdiction. In case of IAS officers serving on Central Deputation the Department of Personnel & Training (DoPT) is requested to sponsor the required number of IAS officers. Similarly, in case of IPS officers serving on Central Deputation, the Ministry of Home Affairs (MHA) is requested to sponsor the required number of IPS officers. However, if deficit number of officers are sponsored by any State/UT then the Commission picks the Officers from the Civil List of IAS & IPS officers for deployment as Central Observers.

Once an officer is sponsored/selected for deployment as General, Police and Counting Observer, any change/ replacement/exemption in the middle of the election process is totally undesirable and creates serious problems for suitable supervision of the poll process through Observers. Any request(s) regarding exemption/ replacement in respect of individual Observers should invariably be routed through the concerned department of personnel/nodal authority. Any request received directly from CEOs or directly from the individual officer shall not be entertained and all such requests are to be treated as not accepted until the confirmation from the Commission is conveyed regarding the approval of same.

Briefing Meeting of the General, Police and Counting Observers is convened in vicinity of the announcement of election, post which the General, Police and Counting Observers are deployed in their assigned constituency(ies). Usually, all General, Police and Counting Observers are required to report to the assigned Constituency(ies)/ District(s) at specific date(s) and since the election related duties are of urgent nature and need to carried out in time bound manner, therefore, to avoid any delay in the deliverance of Commission's orders/directions to the General, Police and Counting Observers, the Commission also requests the sponsoring authorities to appoint nodal officers officers of appropriate seniority for seamless flow of information in respect of the sponsored/ deployed General, Police and Counting Observers. The Chief Electoral Officers and designated nodal officers of concerned States/UTs/Departments are required to employ all available means/resources to serve the Commission's orders to the officers concerned within the stipulated time frame under proper acknowledgement.

The General, Police and Counting Observers, upon arriving at their designated constituency(ies), then have to send mandatory Observer reports to Commission by either uploading the filled-up report format or by feeding in the data in the Observer's Portal. All deployed General and Police Observers are also required to submit Daily Activity Report, if required by the Zonal Division concerned, highlighting the polling stations visited, summary of any meetings with DEO/RO, political parties/ public, vulnerability mapping, deployment of CPF, MCC enforcement, preparation of communication plans, expenditure monitoring and any other significant input or issue for urgent information of Commission.

(Report formats required to be submitted by the General, Police and Counting Observers including arrival/ departure report and the self-certification format are enclosed at Annexure - A).

The CEOs of States/UTs where elections are underway are also required to appoint a nodal officer to furnish Status report of Observers regarding their arrival in the assigned constituency (ies), delivering Commission's instructions to the Observers concerned and provide necessary facilitation etc. to the deployed General, Police and Counting Observers.

Apart from the aforementioned instructions, to ensure the convenience and smooth conduct of Observer duty, some instructions/facilities in respect of Observers are mentioned below-

i. As per the existing practice as stated above, a Briefing Meeting of Central Observer is convened few days before the announcement of General Elections and General, Police and Counting Observers are called for Observers' briefing meetings before they proceed for their assigned Observer duty. Central Observers belong to various services including all Indian services like IAS, IPS, SCS, India Forest Services and Gazetted officers of the secretariat of ECI. Officer sponsored/selected for Observer duty come to Delhi from different States and UTs to attend the briefing meeting and sometimes find it difficult to find accommodation and/ or transport.

   In order that those officers are not put to any inconvenience during their stay in Delhi, the Chief Secretaries /Chief Administrators of the States/UTs are required to issue suitable directions to the officers/ departments allotting accommodation & transport as well as to the Resident Commissioners, Liaisons Officers and Managers in charge of the various State Guest Houses and Bhawans in Delhi to provide the officers arriving to attend the briefing meeting with suitable accommodation during their stay in Delhi and transport be placed at their disposal right from their arrival at airport / railway station in Delhi till their departure.

   Further, facilitation Centers may be opened in the Offices of Resident Commissioners/ Liaison Officers in the State Guest Houses and Bhawans in Delhi to facilitate and help the Observer in their duties.

ii. States/UTs should provide necessary assistance for air travel / rail travel required by such officers. The Chief Electoral Officers are also required to ensure that the needful is done in this regard.

iii. Resident Commissioners & liaison officers in Delhi should ensure that no officer appointed as General, Police and Counting Observer is put to any inconvenience during their stay in Delhi for the Briefing Meeting or any other assignment given by the Commission.

iv. After arrival of General, Police and Counting Observers in their assigned AC/PC/District(s), necessary arrangements for boarding, lodging, transport, and security of the General, Police and Counting Observers shall be arranged by the District Election Officers / Returning Officers concerned. These arrangements will also cover the Escort Officers, PSO, Driver, Security Personnel etc. Arrangements for the full team will be made by the DEO/RO to facilitate the General, Police and Counting Observers in making best and optimum use of the time available during the election process. These expenses will be met out of budget head of contingencies for election by the RO.

v. The Commission makes every effort to provide everything needed by the General, Police and Counting Observers in terms of stationeries and other requirements for discharging their duties. DEOs/ROs should adhere to the following instructions of the Commission -

   a. The DEO will supplement with any additional support required by the General, Police and Counting Observer for performing Observer duty. However, there may be rare cases of the General, Police

and Counting Observers being required to meet some emergent contingent expenditure including making telephone calls, sending fax messages or using postage or for any other similar items. In such cases, the General, Police and Counting Observer would immediately give a voucher to the R.O. who will reimburse the amount then and there based on the certificate given by the Observer. This has to be charged to the contingency expenditure account of the concerned DEOs' account.

b. The DEO/RO shall provide the General, Police and Counting Observers telephone, internet and fax facilities at the Circuit House or Guest House where they will be housed. As far as practicable, all General, Police and Counting Observers allotted to a Constituency will be accommodated at the same place so that they can share telephone and fax facilities. The Zonal Secretaries concerned in the Commission shall be intimated with these numbers.

c. Specific facilities will also be provided for the General and Counting Observers in the Counting Centers. DEO/RO should provide a separate table for the Observer(s) at each Counting Center/ Hall with a STD Telephone and one fax to be jointly used with RO. If possible, the fax should have a separate line with STD facilities. The telephone numbers are to be obtained in advance for the Observers' use and these are to be communicated to the Zonal Secretaries concerned in the Commission. Internet facilities should also be provided to ensure exchange of information on real time basis.

d. General, Police and Counting Observers shall be provided with an escort/liaison officer who must have a clear knowledge of the area of constituency. ROs shall ensure that the Liaison /Escort Officer should also be able to act as an interpreter for interaction of the Observers with the local people and officials.

e. The ROs shall provide each General, Police and Counting Observer with a folder containing the following:

- A Map of the Parliamentary/Assembly Constituency (showing also the boundaries of the Assembly Segment(s);
- List of Polling Stations as made available to the Political Parties and contesting candidates in terms of the provisions of Hand Book for the ROs;
- Table of contents of Electoral Roll of each Assembly segment;
- Telephone Numbers at a glance for the district(s), constituency;
- A Booklet containing the plan for managing the elections in the district(s) and such other documents as are essential;
- Detailed plan for counting of votes of the constituency.

vi. The Commission desires that certain minimum facilities that are to be extended to the General, Police and Counting Observers are listed below:

a. Facilities that would be provided to General, Police and Counting Observers, in general would depend on the local condition and therefore, the General, Police and Counting Observers should be given appropriate fooding, lodging and transportation facilities.

b. General, Police and Counting Observers are not to be provided with a Guard of Honor.

c. General, Police and Counting Observers should be provided with a minimum security of a PSO/ gunman. However, if in the assessment of the CEO in consultation with the appropriate authorities of the State Government there is need for a higher level of security, suitably, enhanced security may be provided. Security scale beyond the minimum specified is to be provided by the District Administration as directed by the CEO.

d. No escort car/pilot or advance pilot is to be given to the General, Police and Counting Observer except in terms of special requirement assessed in terms of (c) above.

e. PSO/ gunman, driver and the local official will be provided by the District administration in a manner that would allow the General, Police and Counting Observer full freedom of movement, as he so desires.

f. If the General, Police and Counting Observer desires mineral or bottled water that should be provided.

vii. Each General, Police observer should be provided with a video camera and videographer from the day he reaches the constituency to enable them to get captured all the events found important by them.

viii. The TA/DA bills in respect of General, Police and Counting Observers are to be settled by their respective Ministry/Department/Office/Organization where they are working at the time of their appointment as observers. Same is clearly iterated in the appointment order of each Observer.

ix. After the General, Police Observer reach the assigned Constituency(ies)/District, the CEO(s) of the poll going State(s)/UT(s) are required to form a Whatsapp Group during each General/Bye Elections in respect of each poll going State/UT, comprising of the deployed General and Police Observers, CEO of State/UT concerned, Police Nodal Officer, a designated Officer for Observer related matters in CEO's office and ECI officers like DEC/DG/Pr. Secretary/Secretary of Zonal Division concerned. Purpose for the Whatsapp Group is to ensure speedy exchange of information.

x. Since more than one General/Police Observer(s)are usually deployed during General/Bye Election(s) in Parliamentary Constituency(ies), the senior-most General Observer of the Indian Administrative Service available in the Parliamentary Constituency shall act as the Coordinator Observer for the Parliamentary Constituency in this context.

Apart from the aforementioned instruction/guidelines, Commission's following instructions have been repealed-

Sl. No.	Letter No.	Subject
1.	464/OBS/2007/PLN-I/Vol.II Date 02.01.2007	Appointment of Nodal Officers -reg.
2.	464/INST/2009/EPS Dated 16.11.2009	General Election/Bye – Elections to the House of People/ Legislative Assembly – Reports by Observers – regarding
3.	464/OBS/2008/EMS/Vol.II Dated 30.01.2009	Appointment of Observers to watch the General Election/Bye-elections-Instructions for substitution/ replacement of an officer appointed as Observer
4.	No.318/LC/OBS/2009/OPS Dated 29.12.2009	Biennial/Bye-Elections to the Legislative Council- Deployment & Duties of Observers regarding.

Observers are deployed to observe whether Commission's instructions are being implemented in letter and spirit and therefore, Observers must keep themselves abreast of all Commission's instructions and guidelines and in case of any query Observers should get in touch with the office of CEO of State/UT concerned and if still not satisfied then contact the DEC/DG/Pr. Secretary/Secretary in charge of the State/UT concerned in the secretariat of ECI.

Commission's instructions may be brought to the notice of all Heads of Departments of the State/UT Government and Ministry/Departments for strict compliance.

Yours faithfully,

(SHEESH RAM)

UNDER SECRETARY

GENERAL OBSERVER REPORT – 1

(To be submitted Immediately after the withdrawal of candidature)

Observer's Name	
Observer Code	
Constituency	
District	
State	
Local address with telephone/mobile no. of the Observer, after arrival in the consistency.	
Whether Observer's name, Contact No. and the meeting hours with venue were advertised? (Attach a copy of Advertisement)	

Sl. No.	Subject	Observer's Report
	Scrutiny of nominations	
1.	Whether Scrutiny had been done by the R.O. himself, if no. whether ARO has been authorized by the R.O. in writing. Provide details	
2.	Whether the Commission's instruction regarding number of persons allowed to be present during nomination process was observed/complied (this may be confirmed by viewing the video coverage of nomination process.)	
3.	Whether Scrutiny of nomination papers was done properly in accordance with Section 33, 34 and 36 of the R.P. Act 1951 read with rule 4 of the C.E. Rules 1961.	
4.	Names of Candidates whose nominations were rejected with brief but clear reasons. (Attach copy of summary orders passed by the R.O. in each case)	
5.	Whether a complete data base of the poll personnel – State and Central Government employees – is available for deployment?	
6.	*Whether sufficient number of Polling/ Counting/Poll related staffs have been kept in reserve by DEO/Ro, to replace in case any polling personnel displays COVID-19 symptoms?*	
	Polling Personnel, Logistics and Training	
7.	*Whether all PPTs, training materials, relevant documents, topic wise video clips, question papers for self-assessment have been uploaded in app/portal so that any election official can access it as per requirement.*	

8.	*Whether proper arrangements have been made for organizing the training for election officials through online mode?*	
9.	*Whether a detailed COVID-19 related comprehensive multi-level plan has been prepared at the Assembly Constituency and District Level, taking local conditions into account in consultation with the concerned Nodal Health Officers.*	
10.	Whether election related officers who are in their home district or those who have completed 3 years of service in the Constituency had been identified?	
11.	Whether training centers, counting centers, strong rooms finalized?	
12.	Whether certain orders like suspension of arms license, order pertaining to defacement, use of loud speakers, declaring poll day as local holiday, appointment of sectoral magistrates, vesting powers under CrPC for executive magistrates, requisition orders for polling stations, counting venters, requisition order for vehicles, etc. have been issued	
13.	Whether the required election materials had been procured?	
14.	Whether Election Material Kits have been prepared in a spacious and sufficiently large hall following all safety, sanitation and social distancing measures?	
15.	Whether the postal ballot requirement has been worked out for persons under preventive detention, drivers/ cleaners of requisitioned *vehicles, police personnel on election duty, Electors who are marked as Persons with Disabilities (PwD), electors above the age of 80 years, Electors employed in notified Essential services, Elector who are COVID- 19 positive/ suspect and in quarantine (home/Institutional) and service electors*.	
16.	Whether the route maps for every polling station, sector maps, route chart, and transport plans for Observers, poll personnel, Micro observers etc. made?	
17.	Whether the vehicle requirement for transport plan assessed?	
	SECURITY MEASURES/MCC RELATED/EVM	
18.	Whether security force deployment plans have been finalized for the districts and all assembly constituencies?	
19.	Whether detailed planning for CPF patrolling and route marches in sensitive areas (with dates and routes) and other Confidence Building Measures have been done?	

20.	Whether security arrangement has been prepared for polling personal moving to remote/Sensitive polling station.	
21.	Whether Vulnerability mapping has been done effectively.	
22.	Whether important aspects of Model Code of Conduct were briefed to the political parties/Candidates. (Describe the main issues).	
23.	What was the time, date & venue of the meeting with the political parties and contesting candidates? The names of the candidates or their representatives along with their party affiliation who attended.	
24.	*Whether second randomization and preparation of EVMs/ VVPATs have been arranged in large halls?*	
25.	Whether prior intimation regarding date and time of 2nd randomization of EVM/VVPAT followed by EVM/VVPAT preparation has been given to candidates with proper acknowledgement receipt.	
26.	Whether the concept of worry list was explained to the Candidates, and they advised to submit their worry list.	
27.	Whether candidates were advised to properly train their polling and counting agents (Describe the main aspects).	
28.	Whether adequate publicity on MCC is done.	
29.	Whether Control room, media center and complaint monitoring mechanism has been set up properly.	
30.	Whether the sector officers, flying squads, check posts, video viewing teams, complaint monitoring system, control room etc. in force?	
31.	What arrangements made to review the live feed from CCTVs/Webcasting at Nakas etc. and SOP for action on any illegal activity noticed in live feed.	
32.	Whether Videography teams have been appointed and are available at officer's disposal.	
33.	Whether Single window for granting permissions/passes at RO level.	
34.	Whether Mechanism to control defacement of property has been setup.	
35.	Whether Mechanism to collect and compile information about search, seizures of cash, liquor, and filing of cases for MCC	

violations and monitoring the same.			
	Particulars	**Status**	**If No, remarks thereon**
36.	Whether strong room is spacious to accommodate all polled EVMs and VVPATs?	Yes/No	
37.	Whether strong room has single entry door and no unsealed window/ventilators?	Yes/No	
38.	Whether main switch of electric connections installed outside of the strong room to avoid electric short circuit?	Yes/No	
39.	Whether strong Room has double lock system?	Yes/No	
40.	Whether there is arrangement for uninterrupted power supply at the strong room locations?	Yes/No	
41.	Whether keys of the locks of the strong room are kept as per ECI instructions No. 51/8/6/2021-EMS, dated 17.08.2021?	Yes/No	
42.	Whether arrangement for installation of CCTV cameras at Strong room has been made?	Yes/No	
43.	Whether arrangement has been made for providing round the clock police security at strong room as per the norms prescribed by Commission vide letter no. 51/8/6/2021-EMS, dated 17.08.2021?	Yes/No	
44.	Whether adequate arrangement for fire extinguisher has been made?	Yes/No	
45.	Whether alternate arrangement for lighting at strong room has been made?	Yes/No	
46.	Whether round the clock 02tier security arrangements have been planned at the strong room having polled EVMs and VVPATs?	Yes/No	
47.	Whether arrangement for providing log book to CPF has been made to maintain details of visitors?	Yes/No	
48.	Whether arrangement for providing video camera to CPF has been made to record the visit of any permitted officials?	Yes/No	
49.	Whether there is provision for candidates representatives to stay outside the inner perimeter at a location which enables them to view entry point of the strong room?	Yes/No	

50.	If no direct view, whether CCTV arrangements have been planned to enable them to watch the main gate of the strong room?	Yes/No	
51.	Whether round the clock control room has been planned at the strong centre?	Yes/No	
52.	Whether candidates have been intimated in writing to depute their representatives to keep watch on the security arrangements of the strong room after the poll?	Yes/No	
53.	Whether you are satisfied with arrangements of strong room?	Yes/No	
54.	Any other remarks		

(Signature of the General Observer)

Name of General Observer:

General Observer Code:

No. & Name of AC Allocated:

GENERAL OBSERVER REPORT – 2
(To be submitted on P-2 days)

Observer's Name	
Observer Code	
Constituency	
District	
State	
Local address with telephone/mobile no. of the Observer, after arrival in the consistency.	
Whether Observer's name, Contact No. and the meeting hours with venue were advertised? (Attach a copy of Advertisement)	

Sl. No.	Subject	Observer's Report
	ELECTORAL ROLL/ EVM / VVPAT RELATED	
1.	Whether a copy of the electoral roll handed over to Candidates of recognized Political parties. Whether a copy of written receipts obtained from each of them. Report the exceptions.	
2.	Whether list of EVMs/VVPATs used in the assembly constituency including the training EVMs/VVPATs and reserved EVMs/VVPATs for replacement has been given to candidates.	
3.	Whether mock poll of 1000 votes in 5% randomly selected EVMs as well as VVPATs was done by the R.O. in presence of candidates/their representatives.	
4.	Whether candidates were allowed to take help from the engineers/master trainers in order to eliminate doubt about the malfunctioning of EVMs/VVPATs.	
5.	Whether all stages of Randomization of EVM/VVPAT have been fully covered with videography and record kept properly.	
6.	What is the arrangement to escort the polled EVM back?	
7.	What is transportation and receipt arrangement for polled EVM/VVPAT?	
8.	What is strong room guarding plan? Is the general atmosphere conducive for holding of free and fair poll? If no, state detailed reasons.	

9.	Whether storage and security of intermediate strong room (P-2/3, C+1) arrangements have been made as per ECI instructions.	
10.	Whether arrangements for storage and security of strong rooms for storing polled, reserve, and non-functional EVMs/ VVPATs after poll have been made as per ECI instructions?	
11.	Whether Count of 17 types of errors before final publication has been carried out and rectified.	
12.	Whether count of duplicates names in the electoral roll has been identified and deleted.	
13.	Whether exercise has been done to delete dead/shifted and absentee.	
POLLING PERSONNEL		
14.	Whether arrangement has been made for creating a database for deployment of polling/police personnel?	
15.	How and when 2nd randomization of polling personnel accomplished? Describe. Any drawbacks?	
16.	*Whether Commission's instruction for increasing timing for 3rd randomization of polling staff be from 24 hrs to 72 hrs in order to avoid large gathering of polling staff at dispatch centers has been implemented?*	
17.	Similarly, for micro-observers what are the training and deployment arrangements?	
18.	Whether all vacancies of EROs/AEROs are filled up.	
POLLING STATIONS – POLL DAY PREPARATIONS		
19.	Poll Day Arrangements – Control room, Voter assistance booths, regular reporting to ECI about incidents and violence, for monitoring Law and Order, receipt arrangements, strong rooms, Training OROs about 17 A scrutiny formats etc.	
20.	Whether arrangements for regular media briefings have been made?	
21.	Whether all IT Applications are working properly and training imparted.	
22.	Whether ECI approval has been obtained on the list of Polling (including the auxiliary) stations. Are there any changes in the already approved list?	
23.	Whether the list of polling stations has been prepared, published and provided to political parties, RO, ARO, Observers, Police authorities etc. And whether three copies of the same is provided to the contesting candidates.	

24.	Whether assured minimum facilities like electricity, drinking water, shade, toilet etc. and ramps the physically challenged voters and a standard voting compartment has been arranged at all polling stations. Details.	
25.	Whether Commission's detailed instructions for assured minimum facilities in view of COVID-19 situation have been implemented in letter and spirit at polling stations?	
26.	*Whether necessary arrangements for thermal Checking of voters either by polling staff or Para Medical staff of ASHA workers at entry point of polling station location/Polling station have been done?*	
27.	*Whether one shaded waiting areas with chairs, dari etc. has been provided, for male and female separately, within the polling station premises for the voters?*	
28.	*Whether help desks have been set up at all polling stations for distribution of token to the voters on first come first serve basis?*	
29.	Whether the RO/ARO conducted inspections of all polling stations and a report prepared in the format A (format of DEO Checklist).	
30.	Whether any model polling stations planned?	
31.	Whether proper arrangements have been made to facilitate the differently abled electors at polling stations?	
32.	Whether Live web casting/CCTV arrangements made to monitor election process at distant polling stations?	
33.	Whether references/photographs/posters of Ministers/ MLAs depicting the achievements of the Government in power removed in polling stations.	
	VULNERABILITY MAPPING	
34.	Whether vulnerability mapping have been done and critical polling stations and clusters have been identified?	
35.	Whether comprehensive District Election Management Plan has been prepared as per the Commission's instructions. Comment on quality.	
36.	Details of measures taken for confidence building in vulnerability/hamlets.	
37.	Are there any vulnerable polling stations? Any PS where violence, booth capturing, intimidations, political rivalry etc. incidents reported in past elections?	

38.	Whether list of vulnerable pockets/hamlets have been identified by the DM/SP and RO. (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 percentage of votes polled was more than 90% 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.	
SECURITY MEASURES		
39.	Whether adequate preventive steps have been taken for maintenance of Law and Order?	
40.	What is security arrangement for polling stations and poll personnel (briefly describe the force deployment parameter)?	
41.	How many polling stations with static outside force, how many with video coverage and how many through micro-observers?	
42.	Whether sector officer has prepared Zonal Magistrate Plan with the sketch map for Polling Stations, List of telephone No. of Polling Stations and election related officers, police stations, list of responsible persons, list of Anti-Social elements etc.	
43.	What is the date of arrival of the CPF.	
44.	Whether daily action plan of the CPF was prepared in consultation with DEO/RO. Comment on effective CPF usage so far and shortcoming if any.	
PAID NEWS CASES		
45.	Whether strict monitoring of all 'Paid News' cases was undertaken and cases referred to DEO/RO/Media Certification & Monitoring Committee (MCMC).	
46.	Any Other Comment:	

(Signature of the General Observer)

Name of General Observer:

General Observer Code:

No. & Name of AC Allocated:

GENERAL OBSERVER REPORT – 3

(To be submitted immediately after completion of Poll)

Observer's Name	
Observer Code	
Constituency	
District	
State	
Local address with telephone/mobile no. of the Observer, after arrival in the consistency.	
Whether Observer's name, Contact No. and the meeting hours with venue were advertised? (Attach a copy of Advertisement)	

Sl. No.	Subject	Observer's Report
	ELECTORAL ROLL/ EVM / VVPAT RELATED	
1.	Total number of Polling Station.	
2.	Whether mock poll done and certificate issued in all Polling Stations. If no, indicate the specific number of Polling Station.	
3.	Number of Polling Stations where there was only one election agent/polling agent was present (indicate the specific Polling Stations).	
4.	No. of polling stations with video cameras.	
5.	No of polling stations with micro-observers.	
6.	Number of EVMs/VVPATs replaced after the start of poll (indicate the specific polling Stations).	
7.	No. and name of polling stations where complaints of violation of polls were received during the course of poll. Describe the nature of complaints and action taken.	
8.	Number of Polling Stations where poll was interrupted for more than two hours or start of poll delayed by two hours or more in starting (indicate the specific Polling stations)	
9.	Number of Polling Station, where the interrupted poll could not continue (indicate the specific polling stations)	
10.	No. of polling station where there is, in the opinion of observer, a need for re-poll (based on point no. 7, 8 & 9 above).	
11.	*Whether strong room was sanitized after completion of poll day and whether social distancing and other safety norms were followed for each activity?*	

12.	*How many relivers were allowed by the Presiding officer(s) in place of polling agents having temperature more than set limit?*	
13.	*How many token/certificates were issued to electors having temperature more than the set norm by MoHFW?*	
14.	Any Other Comment:	

(Signature of the General Observer)

Name of General Observer:

General Observer Code:

No. & Name of AC Allocated:

GENERAL OBSERVER REPORT – 4

(To be submitted immediately after the Scrutiny of 17 A (Register of Voters) and other documents on the day after the poll)

Observer's Name	
Observer Code	
Constituency	
District	
State	
Local address with telephone/mobile no. of the Observer, after arrival in the consistency.	
Whether Observer's name, Contact No. and the meeting hours with venue were advertised? (Attach a copy of Advertisement)	

Sl. No.	Subject	Observer's Report
1.	Whether proper intimation was given in advance, in writing (under proper acknowledgment).	
2.	Whether Scrutiny of Form 17 A (Register of Voters) and other documents such as Form 17 C, Presiding Officer's diary, Micro observer's reports, Sector Officer's visit Sheets (in the presence of candidates / election agents or their authorized representatives) done. Who were present? For how many polling stations?	
3.	Whether proper log-books has been maintained for recording the time and purpose of opening and closing storage room where election records are kept.	
4.	Whether the room was opened in the presence of observer and candidates/their election agents/representatives.	
5.	Whether after the scrutiny of Form 17A, 17C, marked copies of electoral rolls etc., have been resealed by the Retuning Officer.	
6.	Whether the election agents/representatives present have put their seal or signature thereon – who/which of the candidates?	
7.	*Whether social distancing norms were followed by all election agents/representatives?*	
8.	*Whether thermal Scanning of all personnel entering the premises was done?*	
9.	*Whether proper arrangements were made for providing sanitizer, soap and water?*	

10.	Whether after scrutiny of Form 17 A, 17C and other documents and materials the R.O. and Observer makes any recommendations to the Commission for re-poll. If yes describe the reasons for each recommended polling station separately.	
11.	*Any Other Comment:*	

(Signature of the General Observer)

Name of General Observer:

General Observer Code:

No. & Name of AC Allocated:

GENERAL/COUNTING OBSERVER REPORT – 5

(To be submitted immediately after the Counting of Votes)

Observer's Name	
Observer Code	
Constituency	
District	
State	
Local address with telephone/mobile no. of the Observer, after arrival in the consistency.	
Whether Observer's name, Contact No. and the meeting hours with venue were advertised? (Attach a copy of Advertisement)	

Sl. No.	Subject	Observer's Report
1.	Whether arrangements for counting has been done as per the instruction of the Commission's letters No. 470/2007/PLN-I dated. 11.01.2007, 29.08.2007 and 470/INST/2009/EPS dated 08.09.2009? If No, what are the discrepancies?	
2.	Whether randomization of counting staff was done as per the instruction of the Commission in the morning?	
3.	Whether political parties were advised to properly train their counting agents.	
4.	*Whether the seating arrangements of the counting agents were done as per the Commission's recent instructions for the conduct of general/Bye elections amid COVID-19?*	
5.	Whether pairing of counting supervisor and counting assistant was done as per the instruction of the Commission?	
6.	How many tables were arranged?	
7.	How many rounds were planned?	
8.	How many Micro-Observer were deployed for each table?	
9.	How many postal ballot papers were counted?	
10.	How many ETPBS were received?	
11.	How many ETPBS were valid and counted.	
12.	Whether after each round or counting, random checking of 2(two) EVMs was done by the observer?	
13.	Whether the counting agents of the candidates were present at the time of counting?	

14.	Whether the signature of the counting agents taken in part – II of form 17 C?	
15.	Whether the total votes shown in part-II of form 17 C tally with the votes counted in EVM?	
16.	Whether continuous Videography of counting was done?	
17.	Whether the EVM no. was tallied with the EVM list supplied to the polling stations?	
18.	Whether Green paper seal no for each counted EVM checked and verified?	
19.	Whether the round wise result was immediately put on the blackboard/display in counting hall at the close of each round and before the beginning of next round?	
20.	Whether there was any demand for re-totaling with what result? Describe.	
21.	Whether any significant incident occurred during counting of votes? If yes, give details.	
22.	Whether there was any case of counting of VVPAT slips under Rule 56D of Conduct of Elections Rules, 1961.	
23.	Name and number of Polling Stations where VVPAT slip were counted due to non-display of result from the Control Unit(s)	
24.	Whether the number of VVPAT slips matched with the number of votes cast in Control Unit during mandatory verification of VVPAT slips	
25.	Whether candidates/counting agents were present at the time of declaration of result following social distancing norms?	
26.	Time when counting started and ended. When was the result announced? If there was any time lag, please describe the reasons.	
27.	*Whether the counting centers were disinfected before, during and after the counting?*	
28.	Is the observer satisfied about the counting & declarations of results? (Observer should enclose round wise tabulation sheets with post copy)	
29.	Remarks if any.	

(Signature of the General Observer)

Name of General Observer:

General Observer Code:

No. & Name of AC Allocated:

ANNEXURE - II

COUNTING ARRANGEMENTS REPORT

(To be submitted one day before the date of Counting of Votes)

PART - A

Sl. No.	Necessary Actions for Preparedness for Counting of votes	Y/N	Remarks
1.	Whether proper management for reception of Postal Ballots has been arranged?		
2.	Whether counting staff has gone under proper training?		
3.	Whether necessary entry passes have been issued to media persons concerned and counting agents?		
4.	Whether proper security arrangements have been made at the strong room as per Commission's instructions?		
5.	Whether proper security arrangement have been made at the Counting centers as per Commission's Instruction?		
6.	Whether CCTVs/ Videography arrangements have been made as per extant instructions of the Commission?		
7.	Whether proper arrangements have been planned for depositing of Electronic Gadgets at the Counting centers?		
8.	Whether Political parties has been advised to properly train their counting agents?		
9.	Whether proper arrangements have been made for deployment of micro-observers at each table in counting centers?		
10.	Whether all arrangements for the Counting Centres have been made properly as per Commission's Instruction?		
11.	Whether minimum 8mbps of lease line internet connectivity, backup lease line of 8mbps, computer system, printer, Cyber security, online ups and minimum 8 hours of power backup generator have been put into place.		
12.	Whether ENCORE app has been set up correctly and training and report generation has been provided?		
13.	*Whether thermal Scanning equipments have been made available in the Counting Centres for thermal screening?*		
14.	*Whether proper arrangements have been made for providing sanitizer, soap and water?*		
15.	*Whether a maximum of 7 counting tables allowed in the counting hall?*		

Observer Code:

Assembly Constituency/ District/ State:

Signature:

COUNTING ARRANGEMENTS REPORT

(To be submitted one day before the date of Counting of Votes)

PART - B

Name of State	
Name of District	
No. & Name of AC	
Address of Counting Centre visited	

Sl. No.	Necessary Actions for Preparedness for Counting of votes	Y/N	Remarks
1.	Whether Counting Hall is spacious to accommodate infrastructure, officials and counting agents?	YES/NO	
2.	Whether smooth flow of EVMs/VVPATs from the strong room to counting hall and vice versa has been made?	YES/NO	
3.	Whether adequate lighting with proper standby arrangements (generator etc.) has been made?	YES/NO	
4.	Whether 100 meter perimeter around the counting centre has been demarcated as 'Pedestrian Zone' and barricaded?	YES/NO	
5.	Whether 03 (three) cordoning security system has been made? [1st (outer) cordon to start from pedestrian zone having adequate local police, 2nd (middle) cordon at the gate of counting premises/campus manned by SAP and 3rd (inner) cordon at the door of counting hall manned by CPF]	YES/NO	
6.	Whether proper barricade using transparent material/wire mash for each counting table to prevent agents/candidates/counting agents etc. From handling polled EVMs has been made?	YES/NO	
7.	Whether one of the counting table inside the counting hall has been earmarked as VVPAT Counting Booth (VCB) for counting of VVPAT paper slips?	YES/NO	
8.	Whether VCB has been wire-mashed just like as Bank Cashier Cabin so that no VVPAT slips can be accessed by any unauthorized person and CCTV camera has been installed on the ceilings?	YES/NO	
9.	Whether you are satisfied with arrangements at Counting Centre?	YES/NO	

Other remarks, if any:

(Signature of the General Observer)

Name of General Observer:

General Observer Code:

No. & Name of AC Allocated:

POLICE OBSERVER REPORT – 1

(To be submitted on 2nd day of reaching the allocated district)

Observer's Name	
Observer Code	
Constituency	
District	
State	

Sl. No.	Subject	Observer's Report			
1.	Date & Time of Arrival at allocated District				
2.	Particulars of Stay in the District with Telephone and Fax number				
3.	Camp Office Address with Telephone and Fax number				
4.	Mobile Phone Number				
5.	Have you gone through the booklets/CDs given in the Observer Kit?				
6.	Whether you had a meeting with -				
	a) District Magistrate (Collector)			Date of meeting & Brief of the discussion held	
	b) Superintendent of Police				
	c) General Observers of the District				
	d) Expenditure Observers of the District				
7.	Any significant information regarding the pattern of law and order situation in the district			Remarks:	
8.	Comments on Seizure of unlicensed Arms/ Weapons/ Cartridges/ Explosives	Weapons		Itemized details of the Seizure	
		Cartridges			
		Explosives			
9.	Comments on illicit arms manufacturing Centers raided and seizures made and cancelled	Number of Raids			
10.	No. of persons bound down u/s 107 / 116 Cr. P.C. etc. & other preventive sections	Number			
11.	Comments on -				
a)	Incidents of violence related to poll campaign, political rivalry etc.	Number			
b)	Total Killed (Since date of announcement of Election schedule)	Number			
c)	Total injured (Since date of announcement of Election schedule)	Number			
d)	Damage to Property (in Lacs Since date of announcement of Election schedule)	Number			

12.	Comments on any Liquor/ Cash seized (Since date of announcement of Election schedule)	Liquor (in Ltrs.)	
		Cash (in Rs.)	
13.	Status of Execution of NBW	Number of Execution	
14.	Comments and level of satisfaction regarding-		
a)	Deployment & performance of flying squads	Remarks	
b)	Night Patrols	Remarks	
c)	Area Domination by CPF/State Police	Remarks with dates and places of such activities	
d)	Training of Police Personnel at all levels	Remarks	
e)	Working of check-posts	Remarks	
15.	Any other specific activity or finding, which you may like to bring to the notice of the Commission	Remarks	
16.	Any major incident which may have impact on forth coming polls.	Remarks	
17.	Any information regarding intimidation of voters	Remarks	
18.	Level of satisfaction regarding whether sufficient action taken to stop such intimidation	Remarks	
REPORT ON ARRANGEMENT AT STRONG ROOM			
	Particulars	**Status**	**If No, remarks thereon**
19.	Whether strong room is spacious to accommodate all polled EVMs and VVPATs?	Yes/No	
20.	Whether strong room has single entry door and no unsealed window/ventilators?	Yes/No	
21.	Whether main switch of electric connections installed outside of the strong room to avoid electric short circuit?	Yes/No	
22.	Whether strong Room has double lock system?	Yes/No	
23.	Whether there is arrangement for uninterrupted power supply at the strong room locations?	Yes/No	
24.	Whether keys of the locks of the strong room are kept as per ECI instructions No. 51/8/6/2021-EMS, dated 17.08.2021?	Yes/No	
25.	Whether arrangement for installation of CCTV cameras at Strong room has been made?	Yes/No	

26.	Whether arrangement has been made for providing round the clock police security at strong room as per the norms prescribed by Commission vide letter no. 51/8/6/2021-EMS, dated 17.08.2021?	Yes/No	
27.	Whether adequate arrangement for fire extinguisher has been made?	Yes/No	
28.	Whether alternate arrangement for lighting at strong room has been made?	Yes/No	
29.	Whether round the clock 02tier security arrangements have been planned at the strong room having polled EVMs and VVPATs?	Yes/No	
30.	Whether arrangement for providing log book to CPF has been made to maintain details of visitors?	Yes/No	
31.	Whether arrangement for providing video camera to CPF has been made to record the visit of any permitted officials?	Yes/No	
32.	Whether there is provision for candidates representatives to stay outside the inner perimeter at a location which enables them to view entry point of the strong room?	Yes/No	
33.	If no direct view, whether CCTV arrangements have been planned to enable them to watch the main gate of the strong room?	Yes/No	
34.	Whether round the clock control room has been planned at the strong centre?	Yes/No	
35.	Whether candidates have been intimated in writing to depute their representatives to keep watch on the security arrangements of the strong room after the poll?	Yes/No	
36.	Whether you are satisfied with arrangements of strong room?	Yes/No	
37.	Any other remarks		

(Signature of the General Observer)

Name of General Observer:

General Observer Code:

No. & Name of AC Allocated:

POLICE OBSERVER REPORT – 2

(To be submitted on the 5th day of reaching the allocated district)

Observer's Name	
Observer Code	
Constituency	
District	
State	

Sl. No.	Subject	Observer's Report	
1.	Training of all Police Personnel on pre-poll and poll duties conducted. Please furnish your comments thereon.	Comments	
2.	Whether check-posts have been set up and shift duty is in place thereof to see whether illegal rms/Ammunitions, liquor etc. are not moving into the district.	Comments	
3.	Whether flying squads have been formed. Please furnish your comments thereon.	Comments	
4.	Whether Night Patrols have been mobilized in the district. Please furnish your comments thereon	Comments	
5.	Whether area domination through route plan is sufficient and each route plan is being covered or not. Please furnish your comments.	Comments	
6.	Whether Security forces have been briefed on:		
a)	pre-poll duties (Area domination)		
b)	security/sensitivity aspects of the area of their deployment.		
c)	Comments on (a) & (b) above		
7.	Status of Execution of NBW	Number of Execution	
8.	Whether NBWs have been executed at than a level. Details thereof		

(Signature of the General Observer)

Name of General Observer:

General Observer Code:

No. & Name of AC Allocated:

POLICE OBSERVER REPORT – 3

(To be submitted 2 days before poll)

Observer's Name	
Observer Code	
Constituency	
District	
State	

Sl. No.	Subject	Input			
1.	Observation about Seizure of unlicensed Arms/ Weapons/ Cartridges/ Explosives	Weapons		Itemized details of seizure with dates	
		Cartridges			
		Explosives			
2.	Observation about illicit arms manufacturing Centers raided and seizure made	Number of raids		Itemized details of seizure with dates	
3.	Observation about Licensed Arms deposited/impounded and cancelled	Deposited		Remarks	
		Impounded			
		Cancelled			
4.	No. of persons bounded down u/s 107 / 116 Cr. P. C. etc. & other preventive sections	Number		Remarks	
5.	Observation about –				
a)	Incident of violence related to poll campaign, political rivalry etc.	Number		Details with dates of the major incidents	
b)	Total Killed (Since date of announcement of Election schedule)	Number		No. of Male/ Females died and details of action taken	
c)	Total injured (Since date of announcement of Election schedule)	Number		No. of Male/ Females died and details of action taken	
d)	Damage to Property (in Lacs Since date of announcement of Election schedule)	Number		Cause of damage and action taken	
6.	Comments of any Liquor/Cash seized (Since date of announcement of Election schedule)	Liquor (Ltrs.)		Remarks:	
		Cash (in Rs.)			

7.	Observation about –			Itemized details of the Seizure	
a)	Deployment & performance of flying squads	Satisfied		Remarks	
		YES	NO		
		(If NO, give comments)			
b)	Night Patrols	Satisfied		Remarks	
		YES	NO		
		(If NO, give comments)			
c)	Area Domination by CPF/State Police	Satisfied		Remarks	
		YES	NO		
		(If NO, give comments)			
d)	Training of Police Personnel at all levels	Satisfied		Remarks	
		YES	NO		
		(If NO, give comments)			
e)	Working of check-posts	Satisfied		Remarks	
		YES	NO		
		(If NO, give comments)			
8.	Status of Execution of NBW	Number of Execution			
9.	Any other specific activity of finding, which you may like to bring to the notice of the Commission			Remarks	
10.	Any major incident which may have impact on forthcoming polls			Remarks	
11.	Suggestion, if any			Remarks	

(Signature of the General Observer)

Name of General Observer:

General Observer Code:

No. & Name of AC Allocated:

POLICE OBSERVER REPORT – 4

(TO BE SUBMITTED IMMEDIATELY AFTER POLLS ARE OVER IN THE DISTRICT)

Observer's Name	
Observer Code	
Constituency	
District	
State	

Sl. No.	Item		Input			Report
1.	a)	No. of incidents of violence on poll day.				
	b)	Total Killed				
	c)	Total Injured				
	d)	Damage of Property (in Lacs)				
2.	Details of any Liquors/ Arms/ Cash seized	Liquors			Remarks	
		Arms				
		Cash				
3.	Reports on Security at Polling Stations.	Satisfied If no, give comments.	YES NO		Remarks	
4.	*How many cases were registered for violating instruction on COVID-19 measures under the provisions of Section 51 to 60 of the Disaster Management Act, 2005 during the election?*					
5.	*How many legal actions under Section 188 of the IPC, and other legal provision as applicable, as specified in Order No. 40-3/2020-DM-I(A) dated 29th July, 2020 of Ministry of Home Affairs were initiated during the election?*					

INCIDENT REPORT

Sl. No.	District	Constituency	Polling Station	Description

(Signature of the General Observer)

Name of General Observer:

General Observer Code:

No. & Name of AC Allocated:

SELF- CERTIFICATION FORMAT FOR CENTRAL OBSERVERS

Sl. No.	Details required		Information provided
1.	Name of Observer		
2.	Cadre & Year		
3.	ECI Code		
4.	Name of the State(s)/UT of deployment		
5.	Date of arrival in assigned constituency		
6.	Date of departure from assigned constituency		
7.	Period of stay in the assigned constituency/district		No. of days:
8.	Leave taken during observer duty, if any		Leave Period: No. of days:
9.	Bank Account Details	Name of Bank and Branch	
		Account No.	
		IFSC Code	

SIGNATURE:……

NAME:……

PLACE AND DATE:……

Kindly submit the filled up self-certification by uploading the scanned copy of the same on your Observers' Portal or send by email to the Zonal Secretary of ECI immediately after completion of Observer duty and before leaving the constituency.

ARRIVAL / DEPARTURE REPORT OF OBSERVERS

(To be Submitted Immediately after Arrival / Departure)

Date of Reporting		
Name of Observer and code		
Email Id		
Number and Name of Constituency		
Name of the District and State		
Mobile No.		
Fax No.		
Constituency Mobile No.		
Constituency Telephone No.		
Constituency Fax No.		
1.	Date of arrival / Departure of Observer (please strike out the portion which is not applicable)	
2.	Was there any break taken by the Observer from the duty	
3.	If Yes, give details.	
4.	Was there late reporting to duty	
5.	If Yes, by how much time?	

PLACE:

DATE: ***SIGNATURE OF OBSERVER***

INSTRUCTION Sl. No. 10

No. 318/LC/OBS/2022/OPS Dated: 29th September, 2022

To,

1. The Chief Secretary to all the States including NCT of Delhi & Union Territories of Puducherry and Jammu and Kashmir
2. The Chief Electoral Officers of all States including NCT of Delhi & Union Territories of Puducherry and Jammu and Kashmir

Subject: -Biennial /Bye-Elections to the Council of States-Deployment & Duties of Observers-reg.

Sir,

I am directed to say that the Election Commission of India, under Article 324 of the Constitution of India read with Section 20B of the Representation of the People Act, 1951, has been deputing Observers for Biennial/Bye elections to the Council of States to watch the election process from the last date of making nominations and till the declaration of results so as to ensure peaceful, free and fair elections.

2. The Commission generally deputes the Chief Electoral Officers of respective States as Observers for biennial/bye elections to the Council of States in excises of powers conferred under Section 20B of the Representation of the People Act, 1951. The Observer deployed is required to remain present on the last date of making nomination, throughout the process of scrutiny of nomination papers, polling and counting of votes so as to oversee that the procedures laid down as per statute and extant instructions of the Commission are strictly adhered to. The role of Observers, their duties and responsibilities in respect of the biennial/bye- elections to the Council of States, along with format of reports to be submitted by them, are indicated in enclosed Annexure-I & Annexure-II, respectively.

3. In case, the Chief Electoral Officer of the State, appointed as Observer for the biennial/bye election to the Council of States proceeds for leave/training, the officer who has been assigned the charge of CEO by the Commission shall carry out the functions of the observer until regular incumbent takes over.

Yours faithfully,

(M. L. MEENA)

UNDER SECRETARY

ANNEXURE – I

DUTIES & RESPONSIBILITIES OF OBSERVERS FOR BIENNIAL/BYE- ELECTIONS TO THE COUNCIL OF STATES

I. (i) To observe the process of nominations, scrutiny and withdrawal of candidatures.

(ii) To examine the video clippings of the nomination process as well as voting procedure and counting procedure, if the Commission directs so, as well as to make proper investigations into the complaints received in connection with the process of nominations. Also, to examine the unresolved grievances by the candidate/Political Parties.

(iii) To submit four reports as per the formats enclosed (Annexure-II)

(iv) To check of the final list of contesting candidates.

(v) To monitor training to ensure that proper training is arranged for the election staff, including the counting officials.

(vi) To visit polling station so as to ensure that the polling station setup is as per the Commission's extant guidelines/instructions.

(vii) To discuss the poll, counting and security arrangements with the Returning Officer concerned.

(viii) To counter-sign the prescribed proforma for obtaining Commission's approval for commencement of counting of votes and declaration of results, duly signed by the Returning officer.

(ix) To address the complaints received during hours of poll and counting of votes with the help of Returning Officer.

(x) To immediately report to the Election Commission of India of any untoward incident during course of poll.

II Apart from the above, the Observers should seek prior permission from the Commission every time they want to leave the headquarters on personal work or on official work not connected with performance of their duties as Observers. Any request in this regard for special permission shall be made to the Deputy Election Commissioner concerned in Secretariat of the Election Commission. Observers shall not be allowed to go on foreign trip during the period of the election process. No request in this regard should be made to the Commission. Only in case of receipt of late intimation about selection of the officer to attend a foreign training, which is duly sponsored by the DOPT as per prescribed procedure, the State Government may recommend release of such officer by substituting/sponsoring an officer of equivalent or of higher rank.

III. The Observer shall also perform any other task, as assigned by Election Commission.

IV Visit Schedule of the Observer shall be as follows: -

(a)	First Visit -	From the last date of making nominations to the last date for the withdrawal of candidatures.
(b)	Second Visit	For one day after three days of the last date for withdrawal of candidatures
(c)	Third Visit -	From the date prior to the day of actual poll and till the counting of votes and declaration of result

ANNEXURE – II

OBSERVER REPORT-1

(To be submitted immediately after the last date for the withdrawal of candidature(s))

Name of Election				
State				
1	Is List of Contesting Candidates finalized & published	Yes	No	If no, give details
2	Electoral Roll for election to the Council of States already finalized/ available for use.	Yes	No	If no, give details
3	Affidavits uploaded on CEO website, put on notice boards and published	Yes	No	If no, give details
4	Is election Contested-	Yes	No	
	If Yes- 4(i) Arrangements for ballot paper printing	Done	Not Done	If no, give details
	4(ii) Preparation of list of polling personnel	Done	Not Done	-do-
	4(iii) Schedule for training of polling personnel finalized or not	Done	Not Done	-do-
	4(iv) Whether the election machinery is aware of Conduct of Election Rules, 1961/ Representation of People Act, 1951/ Handbook for Returning Officers for elections to the Council of States & State Legislative Council	Yes	No	-do-
	If No- 4(i) Result declared in prescribed format	Yes	No	If no, give details
	4(ii) Certificate of Election	Yes	No	-do-

Overall observation – (Indicate any arrangements not made, requiring improvements, overall coordination assessment) Indicate areas of concern.

Date:

Place: **Signature of the Observer**

ANNEXURE – II

OBSERVER REPORT-2

(To be submitted 3 days after Last date of withdrawal of candidatures, only if election is contested)

Name of Election				
State				
1	Whether all the materials for actual poll ready?	Yes	No	If no, indicate present position
2	Whether polling parties formed?	Yes	No	-do-
3	Whether approval of Commission for setting up of place of poll obtained?	Yes	No	-do-
4	Whether polling station has been setup as per Commission's extant directions/guidelines?	Yes	No	-do-
5.	Whether arrangements are made for the peaceful conduct of poll as per Commission's extant directions/guidelines?	Yes	No	-do-
6.	Whether appointment and training of officials done?	Yes	No	-do-
7.	Whether any specific complaints/ request received from any contesting candidates/political parties?	Yes	No	-do-

Any special input:-

Date:

Place: **Signature of the Observer**

ANNEXURE – II

OBSERVER REPORT-3

(To be submitted after counting of votes is over and the result is declared)

Name of Election		
State		
1	Whether poll was conducted as per procedure laid down under the law?	
2 (a)	Whether any complaint was received during the hours of poll?	
(b)	If so, details (Action taken by RO) :-	
(c)	Whether the repoll ordered by the Commission?	
3.	Whether the counting of votes was done as per procedure laid down under law?	
4 (a)	Whether any objection was received during counting of votes from any of the representative of contesting candidates or by contesting candidates? If yes, Action taken by RO-	
(b)	Whether any request for recount of votes received? If yes, action taken by RO?	
(c)	Whether R.O. recorded reasons for accepting/ rejecting request for recount.	
5.	Whether the Commission's permission through proforma prescribed, duly signed by you and the RO was obtained for commencement of counting of votes and declaration of result?	

Any other irregularity noticed-

Date:

Place: **Signature of the Observer**

ANNEXURE – II

OBSERVER REPORT-4

(Departure Report)

Date of reporting by the Observer for election duty

Date of departure of Observer

Was there any break by the Observer from the duty?

If yes give details

Was there any late reporting to duty?

If yes, by how many days?

Date:

Place: **Signature of the Observer**

INSTRUCTION Sl. No. 11

No. 318/LC/OBS/2022/OPS/ Dated: 29th September, 2022

To,

3. The Chief Secretary to the Government of Andhra Pradesh, Telangana, Bihar, Karnataka, Maharashtra and Uttar Pradesh.

4. The Chief Electoral Officers of Andhra Pradesh, Telangana, Bihar, Karnataka, Maharashtra and Uttar Pradesh

Subject: -Biennial /Bye-Elections to the State Legislative Councils-Deployment & Duties of Observers-Regarding.

Sir,

I am directed to say that the Election Commission of India, under Article 324 of the Constitution of India read with Section 20B of the Representation of the People Act, 1951, deputes Observers for biennial/ bye elections to State Legislative Councils. The Commission has, in the past, issued various instructions from time to time in connection with the appointment of Observers to watch the election process from the time of making of nominations and till the declaration of results so as to ensure peaceful, free and fair elections. The role of Observer in supervision of election has undergone a major shift and become quite crucial due to recent changes by the Commission in the approaches and methodologies in election management.

2. The Commission, in supersession of its earlier instructions contained in its letter no. 318/LC/OBS/2009/ OPS dated 29.12.2009, has now issued fresh instructions regarding duties and responsibilities of Observer deployed in connection with Biennial /Bye-Elections to the State Legislative Councils. The role of Observers, their duties and responsibilities in respect of the biennial/bye- elections to Legislative Councils, along with format of reports to be submitted by them, are indicated as under-

Name of Election	Annexure/Report
Duties & Responsibilities of Observer appointed for Biennial/Bye-election to State Legislative Councils from Council Constituencies	Annexure-I
Duties & Responsibilities of Observer appointed for Biennial/Bye-election to State Legislative Councils by Members of respective Legislative Assembly.	Annexure-II
Formal reports to be submitted by the Observer appointed for Biennial/Bye-election to State Legislative Councils from Council Constituencies	Annexure-III (Observer report 1, 2, 3 and 4)
Formal reports to be submitted by the Observer appointed for Biennial/Bye-election to State Legislative Councils by Members of respective Legislative Assembly	Annexure-IV (Observer report 1, 2, 3 and 4)

1. The Commission has also decided that as and when biennial/bye- elections to the Legislative Council are declared by the Commission, the Chief Electoral Officer of State shall be directed by the Commission to send a panel of IAS officers belonging to the State Cadre and working in the State, in consultation with State Government. The number of IAS officers desired in the panel shall be indicated by the Commission.

2. The IAS officers from the panel, so received, shall thereafter be appointed by Election Commission as Observers in the same State for performing their duties as Observer for the designated area, to be indicated in the appointment order.

Kindly acknowledge the receipt.

Yours faithfully,

(M. L. MEENA)

UNDER SECRETARY

Copy to BE Section

ANNEXURE – I

DUTIES & RESPONSIBILITIES OF OBSERVERS FOR BIENNIAL/BYE- ELECTIONS TO STATE LEGISLATIVE COUNCILS FROM COUNCIL CONSTITUENCIES

I. (i) To observe the process of nominations, scrutiny and withdrawal of candidatures.

(ii) To examine the video clippings of the nomination process, if the Commission directs so, as well as to make proper investigations into the complaints received in connection with the process of nominations. Also, to examine the unresolved grievances by the candidate/Political Parties.

(iii) To submit four reports as per the formats enclosed (Annexure-III).

(iv) To check of the final list of contesting candidates.

(v) To monitor training to ensure that proper training is arranged for the election staff, including the counting officials.

(vi) To visit polling stations to monitor that all polling stations have been visited by election officials for verification from fitness angle. Also to verify that the list of polling stations is approved by the Commission.

(vii) To discuss the poll, counting and security arrangements with District Election Authorities and to review the law and order issues in general.

(viii) To monitor the Electoral Roll/Electoral College list prepared by the Electoral Registration Officer/ Returning Officer as per the Conduct of Elections Rules, 1961.

(ix) To counter-sign the prescribed proforma for obtaining Commission's approval for commencement of counting of votes and declaration of results, duly signed by the Returning officer.

II Apart from the above, the Observers should seek prior permission from the Commission every time they want to leave the headquarters on personal work or on official work not connected with performance of their duties as Observers. Any request in this regard for special permission shall be made to the Deputy Election Commissioner concerned in

Secretariat of the Election Commission. Observers shall not be allowed to go on foreign trip during the period of the election process. No request in this regard should be made to the Commission. Only in case of receipt of late intimation about selection of the officer to attend a foreign training, which is duly sponsored by the DOPT as per prescribed procedure, the State Government may recommend release of such officer by substituting/sponsoring an officer of equivalent or of higher rank

III. The Observer shall also perform any other task, as assigned by Election Commission.

IV Visit Schedule of the Observer shall be as follows:-

(a) First Visit - From the last date of making nominations to the last date for the withdrawal of candidatures.

(b) Second Visit - For 3 days after one week of the last date for the withdrawal of candidatures.

(c) Third Visit - From the date prior to the day of actual poll and till the counting of votes and declaration of result

ANNEXURE – II

DUTIES & RESPONSIBILITIES OF OBSERVERS FOR BIENNIAL/BYE- ELECTIONS TO STATE LEGISLATIVE COUNCIL (BY MLAs)

I. (i) To observe the process of nominations, scrutiny and withdrawal of candidatures.

(ii) To examine the video clippings of the nomination process as well as voting procedure and counting procedure, if the Commission directs so, as well as to make proper investigations into the complaints received in connection with the process of nominations. Also, to examine the unresolved grievances by the candidate/Political Parties.

(iii) To submit four reports as per the formats enclosed (Annexure-IV).

(iv) To check of the final list of contesting candidates.

(v) To monitor training to ensure that proper training is arranged for the election staff, including the counting officials.

(vi) To visit polling station so as to ensure that the polling station setup is as per the Commission's extant guidelines/instructions.

(vii) To discuss the poll, counting and security arrangements with the Returning Officer concerned.

(viii) To counter-sign the prescribed proforma for obtaining Commission's approval for commencement of counting of votes and declaration of results, duly signed by the Returning officer.

(ix) To address the complaints received during hours of poll and counting of votes with the help of Returning Officer.

(x) To immediately report to the Election Commission of India of any untoward incident during course of poll.

II Apart from the above, the Observers should seek prior permission from the Commission every time they want to leave the headquarters on personal work or on official work not connected with performance of their duties as Observers. Any request in this regard for special permission shall be made to the Deputy Election Commissioner concerned in Secretariat of the Election Commission. Observers shall not be allowed to go on foreign trip during the period of the election process. No request in this regard should be made to the Commission. Only in case of receipt of late intimation about selection of the officer to attend a foreign training, which is duly sponsored by the DOPT as per prescribed procedure, the State Government may recommend release of such officer by substituting/sponsoring an officer of equivalent or of higher rank.

III. The Observer shall also perform any other task, as assigned by Election Commission.

IV Visit Schedule of the Observer shall be as follows: -

(a) First Visit - From the last date of making nominations to the last date for the withdrawal of candidatures.

(b) Second Visit For one day after three days of the last date for withdrawal of candidatures

(c) Third Visit- From the date prior to the day of actual poll and till the counting of votes and declaration of result

ANNEXURE – III

OBSERVER REPORT-1

(To be submitted after the last date for the withdrawal of candidature(s))

Name of Constituency				
State				
1	Is there any critical event	Yes	No	If yes, give details
2	Electoral Roll for Graduates' & Teachers' Constituencies, Local Authorities' Constituencies, etc. already finalised/ available for use.	Yes	No	If no, give details
3	Affidavits uploaded on CEO website, put on notice boards and published	Yes	No	-do-
4	Arrangements for ballot paper printing	Done	Not done	-do-
5	Preparation of list of polling personnel	Done	Not done	-do-
6	Schedule for training of polling personnel finalised or not	Done	Not Done	-do-
7.	Adequate preventive steps taken for maintenance of Law & Order	Done	Not Done	-do-
8	Whether the election machinery is aware of Conduct of Elections Rules, 1961	Yes	No	-do-

Overall observation - (Indicate any arrangements not made, requiring improvements, overall coordination assessment) Indicate areas of concern.

Date:

Place: **Signature of the Observer**

ANNEXURE – III

OBSERVER REPORT-2

(To be submitted 3 days before the poll)

POLL PREPAREDNESS REPORT

Name of Constituency				
State				
1	Whether all the materials for actual poll ready ?	Yes	No	If no, indicate present position
2	Whether polling parties formed?	Yes	No	-do-
3	Whether approval of list of polling stations obtained from the Commission?	Yes	No	-do-
4	Whether approval for counting centers obtained from the Commission?	Yes	No	-do-
5	Whether appointment and training of officials done?	Yes	No	-do-

Any special input: -

Date:

Place: **Signature of the Observer**

ANNEXURE – III

OBSERVER REPORT-3

(To be submitted after counting of votes is over and the result is declared)

Name of Constituency		
State		
1	Whether poll was conducted as per procedure laid down under the law ?	
2. (a)	Whether poll vitiated in any polling stations	
(b)	If so, details	
(c)	Whether the repoll was ordered by the Commission ?	
3.	Whether the counting of votes was done as per procedure laid down under law ?	
4. (a)	Whether any request for recount of votes received ?	
(b)	If yes, whether it was accepted by RO ?	
(c)	Whether R.O. recorded reasons for accepting/rejecting request for recount.	
5	Whether the Commission's permission through proforma prescribed, duly signed by you and the RO was obtained for commencement of counting of votes and declaration of result.	

Any other irregularity noticed -

Date:

Place: **Signature of the Observer**

ANNEXURE – III

OBSERVER REPORT-4

(Departure Report)

Date of reporting by the Observer in the Constituency for election duty

Date of departure of Observer

Was there any break by the Observer from the duty ?

If Yes, give details

Was there any late reporting to duty ?

If yes, by how many days ?

Date:

Place: **Signature of the Observer**

ANNEXURE – IV

OBSERVER REPORT-1

(To be submitted immediately after the last date for the withdrawal of candidature(s))

Name of Election				
State				
1	Is List of Contesting Candidates finalized & published	Yes	No	If no, give details
2	Electoral Roll for election to State Legislative Council (by MLAs) already finalized/ available for use.	Yes	No	If no, give details
3	Affidavits uploaded on CEO website, put on notice boards and published	Yes	No	If no, give details
4	Is election Contested-	Yes	No	
	If Yes- 4(i) Arrangements for ballot paper printing	Done	Not done	-do-
	4(ii) Preparation of list of polling personnel	Done	Not Done	-do-
	4(iii) Schedule for training of polling personnel finalized or not	Done	Not Done	-do-
	4(iv) Whether the election machinery is aware of Conduct of Election Rules, 1961/ Representation of People Act, 1951/ Handbook for Returning Officers for elections to the Council of States & State Legislative Council	Yes	No	-do-
	If No- 4(i) Result declared in prescribed format	Yes	No	If no, give details
	4(ii) Certificate of Election	Yes	No	-do-

Overall observation – (Indicate any arrangements not made, requiring improvements, overall coordination assessment) Indicate areas of concern.

Date:

Place: **Signature of the Observer**

ANNEXURE – IV

OBSERVER REPORT-2

(To be submitted 3 days after Last date of withdrawal of candidatures, only if election is contested)

Name of Election				
State				
1	Whether all the materials for actual poll ready?	Yes	No	If no, indicate present position
2	Whether polling parties formed?	Yes	No	-do-
3	Whether approval of Commission for setting up of place of poll obtained?	Yes	No	-do-
4	Whether polling station has been setup as per Commission's extant directions/guidelines?	Yes	No	-do-
5	Whether arrangements are made for the peaceful conduct of poll as per Commission's extant directions/ guidelines?	Yes	No	-do-
6	Whether appointment and training of officials done?	Yes	No	-do-
7	Whether any specific complaints/ request received from any contesting candidates/political parties?	Yes	No	-do-

Any special input:-

Date:

Place: **Signature of the Observer**

ANNEXURE – IV

OBSERVER REPORT-3

(To be submitted after counting of votes is over and the result is declared)

Name of Election		
State		
1	Whether poll was conducted as per procedure laid down under the law?	
2. (a)	Whether any complaint was received during the hours of poll?	
(b)	If so, details (Action taken by RO):-	
(c)	Whether the repoll ordered by the Commission?	
3.	Whether the counting of votes was done as per procedure laid down under law?	
4. (a)	Whether any objection was received during counting of votes from any of the representative of contesting candidates or by contesting candidates? If yes, Action taken by RO-	
(b)	Whether any request for recount of votes received? If yes, action taken by RO?	
(c)	Whether R.O. recorded reasons for accepting/ rejecting request for recount.	
5	Whether the Commission's permission through proforma prescribed, duly signed by you and the RO was obtained before commencement of counting of votes and declaration of result?	

Any other irregularity noticed-

Date:

Place: **Signature of the Observer**

ANNEXURE – IV

OBSERVER REPORT-4

(Departure Report)

Date of reporting by the Observer for election duty

Date of departure of Observer

Was there any break by the Observer from the duty?

If yes give details

Was there any late reporting to duty?

If yes, by how many days?

Date:

Place: **Signature of the Observer**

INSTRUCTION Sl. No. 12

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

TEL 011-23052144
Fax 011-23713412/23739944
Website: www.eci.gov.in

निर्वाचन सदन,
अशोक रोड, नई दिल्ली110001.
Nirvachan Sadan,
Ashoka Road, New Delhi-110001.

No. 464/INST/2023-EPS(Micro Observer)

Dated:14th June, 2023

To

The Chief Electoral Officers of all States/ UTs

Sub: - Deployment of Micro Observers in Polling Stations and their duties- reg.

i.	464/INST/2014/EPS dated	21.03.2014
ii.	464/INST/2008-EPS dated	24.10.2008
iii.	464/INST/2008-EPS dated	10.12.2008
iv.	464/INST/2008/EPS dated	21.01.2009
v.	464/INST/2009/EPS dated	18.04.2009

Madam /Sir,

To ensure conduct of free and fair elections, the Commission has directed the District Election Officers to identify critical polling stations so that extra attention can be given to them while making plan for the poll day. Criticality of a Polling Station can be assessed on the basis of incidents of violence, intimidation of weaker sections, abnormally high voting in favour of a particular candidate etc. in the earlier elections. Commission has further directed that at such polling stations on the day of poll, CAPF should be deployed, in addition to use of one or more of non-CAPF measures like Micro Observers, webcasting, videography and still photography etc.

2. Identification of Critical Polling Stations:

The Commission has directed that for identification and finalising the list of critical polling stations, District Election Officers (DEOs) shall follow the objective criteria as provided in the Manual on Force Deployment in Election (latest edition). DEOs shall finalise the list of critical polling stations for the purpose of poll day arrangement in consultation with the General Observers deployed by the Commission.

3. Appointment of Micro Observers at Polling Stations: -

The Commission directs that Micro Observers, as one of the Non-CAPF measures, can be deputed for critical Polling Stations on the day of poll. The Commission further directs that drafting and deployment of Micro Observers shall be as follows:

(a) Categories of employees:- The following categories of personnel will be considered for deployment as Micro Observers:

- Serving officials, not below Group-C of Govt. of India/Central PSUs, can be appointed as Micro Observers in Polling Stations within the district of their residence. However, they should not be used in their home Assembly Constituencies/Segments.
- Retired officials of the Govt. of India and the State Government, **not below to the rank of Group C,** can also be used as Micro-observers in the Polling Stations within the district of their residence. However, they should not be used in their home Assembly Constituencies/ Segments. The list of such persons should be prepared in advance by the DEO and their availability, suitability and willingness shall be ascertained.
- Serving State Government officials, **not below the rank of Group C** brought in from other States may also be used as Micro Observer. As this will require logistical arrangements and mobilization, it should be resorted to only in rare cases.

(b) Volunteers as Micro Observers:

- The Members/Programme Officers/Coordinators of National Service Scheme (NSS) and Bharat Scouts and Guides (Rangers and Rovers) can be used as Micro Observers. The CEOs may get in touch with NSS Coordinator to work out and propose the detailed modalities of their deployment.
- Individual volunteers, not necessarily belonging to any NGO, from amongst reputed persons with experience and integrity may be considered for deployment as Micro Observers, in the rarest of rare case, with the express approval of the Commission.

(c) Preparation of Database for this purpose:

District Election Officer (DEO) will prepare a database of all Government of India and Central Public Sector Undertakings employees in the district containing the name, designation, organization, elector details in the electoral roll and the EPIC number. In addition to this, the postal address, telephone number, mobile number and email ID of the Micro Observers should also be included in the database.

In a situation where the district does not have adequate number of Government of India or Central PSU employees to be appointed as Micro-observers, DEO shall get the database of Government of India or Central PSU employees posted in neighbouring districts, with the help from the Divisional Commissioner/CEO.

(d) Deployment in multi phased election:

In case of multi phased election having multiple poll days and in case of shortage of Micro Observers, they can be used for poll duty on more than one poll day. The convenience, safety and logistics of movement must be considered while putting them on duty for more than one poll day.

(e) Deployment at Polling Station location having multiple Polling Stations:

In a polling station location having more than one critical polling station, the Micro Observer shall be responsible for all the critical Polling Stations at that location. The Micro Observer shall divide his

time between Polling Stations and visit all the Polling Stations within the same location at frequent intervals. He shall make it known to the polling agents at each Polling Station that he is available in case they want to bring anything to his notice.

4. Training of Micro Observers:

Micro Observers should be given at least two rounds of detailed training by the Observers deployed by the Commission on the rules and procedures of the entire polling process. In addition, they must also be trained on the work of observation, which is expected of them, and the method of filling the report which they are required to submit. Standard training material shall be used during their training sessions.

5. Randomization of Micro Observers:

Based on the decision the General Observers deployed by the Commission to deploy to deploy Micro Observers, randomisation of available Micro Observers will be done in the presence of Observers amongst those identified Polling Stations. It shall be ensured that they are not deployed in the home Assembly Constituencies/ Segments. All efforts should, however be, made to put them on duty in the same Parliamentary Constituency where they are enrolled as voters, to enable them to exercise their franchise through Election Duty Certificates. The exact Polling Station, where they will be on duty, shall only be informed on the day of departure.

6. Roles and Functions of Micro Observers

Micro Observer should be present at the Polling Station at least 90 minutes before the start of poll. If, for certain reasons, it is not possible to reach in the morning, he/she should reach in the evening of the previous day. He will monitor the followings at the Polling Station:

i. Assess the preparedness for poll at the Polling Station.

ii. Check the availability of Assured Minimum Facilities (AMF) at the Polling Station and certify before the start of Polling.

iii. During the poll day he should regularly note down the important points for his report in the format given at **Annexure-I**.

iv. It is made absolutely clear that, in no case, the Micro Observer will act as Presiding Officer or the Polling Officer. His task is to observe that the election processes are being carried out in a free and fair manner and there is no vitiation of poll.

v. During the process of observation on the day of the poll, the Micro Observer shall specially observe and note:

   a. Mock Poll Procedures: To watch the mock poll and see that it is carried out as per the ECI instructions. Votes in CU are **cleared** and all **slips are taken out from** VVPAT and put in black envelope, after the mock poll and before the start of actual poll. Mock poll certificate is signed by the Presiding Officer, Polling Agents and all Polling Officers.

   b. Sealing of EVM and VVPAT: Before the actual polling and after poll is over.

c. Presence of Polling Agents and observance of ECI instructions with regards to them.

d. The observance of entry passes system and access to Polling Station.

e. Proper identification of electors in accordance with ECI guidelines; identification and recording procedures for the Absentee, Shifted and Dead voter's list (ASD list)

f. Application of indelible ink,

g. Replacement of EVM, VVPAT during mock poll and polling, if any.

h. Noting down particulars of electors and alternative identification documents shown by them in register Form 17A

i. Secrecy of voting, Conduct of polling agents, their complaints, if any, etc.

7. Reports by Micro Observer and its Scrutiny:

(i) General Observer will supervise the work of Micro Observers and shall be in close touch with them. Micro Observers shall report to the Observer alone and not to other election officials.

(ii) If the Micro Observer notes any deviation of the Commission's instructions and he feels that the poll is being vitiated for any reasons, he will immediately bring the same to the notice of General Observer through any means of communication available to him including mobile phone, police wireless etc.

(iii) After the poll process is over, the Micro Observer will submit a report to the General Observer in the format as enclosed at **Annexure-I**. He shall hand over the report (separate reports, if deployed for two or more Polling stations, in same Polling Station location) to the General Observer at the Receiving Centre in a sealed envelope. He shall also orally brief the General Observer on anything of importance that had happened during the day. General Observers will go through the report submitted by Micro Observers and can seek any further clarifications required.

(iv) Reports of Micro Observers shall also be taken into consideration at the time of scrutiny after poll for taking a decision on re-poll or disciplinary action against any delinquent polling staff. Micro Observers should remain available at the time of scrutiny, for the General Observer to seek any clarifications, if required.

8. Facilities for Micro-Observers:

(i) Logistics for Micro-Observers- The District Election Officer shall be responsible for providing logistics to Micro Observers. One Nodal Officer for Micro Observers shall be appointed for each district by the DEO. Micro Observers will reach the Dispatch Centres on their own. Micro Observers will be dispatched along with the polling teams to the Polling Stations. They will return to the Receipt Centre with the polling teams. Each Micro Observer shall be given a photo identity card/ entry pass by the DEO to ensure his/her access to the Polling Stations

(ii) Remuneration to Micro Observers-

Payment of remuneration and TA/DA etc to Micro Observers shall be made in accordance with the instruction issued on the subject.

(iii) Exercise of franchise by Micro Observers-

Micro Observers are entitled to EDC or postal ballot like any other person on poll duty. The DEO shall send Form-12 and Form-12A to every Micro Observer along with the appointment order. Micro Observers shall be asked to bring the completed Forms on the day of first training. The completed Forms shall be sent to the concerned Returning Officer by the DEO. The Returning Officer shall issue EDC or postal ballot depending on eligibility and ensure that it is delivered to the Micro Observer on the day of second training. They should be provided facilitation to cast their vote at Facilitation Centre, if postal ballots are issued. All instructions of the Commission on Postal Ballots and EDC for employees on poll duty shall also apply to Micro Observers.

The above instructions are being issued in supersession of all existing instructions on the subject for strict compliance by all.

Yours faithfully,

(SANJEEV KUMAR PRASAD)

SECRETARY

ANNEXURE-I

MICRO OBSERVER REPORT ON POLL DAY

Sl. No	Point	Remarks
1.	Whether Assured Minimum facilities like Provisions of ramp, drinking water, adequate furniture, proper lighting/electricity arrangement, proper signage, toilets, shade, etc. were available at the polling station?	Yes or No
2.	Whether mock poll has been conducted in presence of micro-Observer?	Yes or No
3.	Whether data of mock poll from the Control Unit was cleared and all slips are taken out from VVPAT & put in black envelop and the EVM count was set to zero after the mock poll and before the beginning of actual poll?	Yes or No
4.	How many polling agents and of which political party, were present during poll?	Yes or No and brief detail
5.	Whether more than one polling agent from the same political party were present inside the polling station at any time?	Yes or No
6.	Whether polling agents were allowed to note the serial numbers of balloting unit and Control Unit and green paper seal?	Yes or No
7.	Whether voting compartment was properly placed to ensure secrecy of voting?	Yes or No
8.	Whether the entry pass system was enforced properly? Whether any unauthorized person was inside the polling station at any point of time?	Yes or No
9.	Whether marking of indelible ink was done properly?	Yes or No
10.	Whether the identification document particulars were being filled up meticulously in Register of Voters (Form 17A)?	Yes or No
11.	(a) Whether the information of voters issued with Postal Ballot was available with the Presiding Officer & Polling Agents?	Yes or No
	(b) Did any person already issued with Postal Ballot appeared to vote again in person?	Yes or No
	(c) Whether any person cast a vote on the basis of EDC?	Yes or No
12.	Whether events are recorded from time to time as and when they occur in the Presiding Officer Diary?	Yes or No
13.	Whether the Presiding Officer or Polling Officer was going towards voting compartment without valid reasons or giving any undue instructions to the voters?	Yes or No

14.	Whether the scrutiny of voters in the Absentee, Shifted and Dead list was done meticulously by the Presiding Officer in accordance with ECI Guidelines?	Yes or No
15.	Whether sealing of voting machines was done according to instruction?	Yes or No
16.	Whether copies of accounts of votes recorded in Form 17C have been given to the polling agents?	Yes or No
17.	Whether any complaint by polling agent, election agent or any political party was received? If yes, its substance.	Yes or No
18.	Any other incident or issue that you would like to highlight?	Yes or No

(Signature of the Micro Observer)

Name (in Full):

Designation:

Mobile No:

Date and Time:

INSTRUCTION Sl. No. 13

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

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Website: www.eci.gov.in

निर्वाचन सदन,
अशोक रोड, नई दिल्ली110001.
Nirvachan Sadan,
Ashoka Road, New Delhi-110001.

No.464/INST/2022/EPS

Dated:19th June, 2023

To

The Chief Electoral Officers of
All States/ Union Territories.

Subject: Multiple civil (non-force) measures to keep watch on various stages of elections– Videography, CCTV and Webcasting etc.--reg.

(i)	464/INST/2005-PLN-I,	Dated 15.10.2005
(ii)	447/2007-PLN-IV,	Dated 17.01.2007
(iii)	464/INST/2008/EPS,	Dated 19.01.2009
(iv)	464/INST/EPS/2009,	Dated 12.04.2009
(v)	464/INST/2009/EPS,	Dated 03.05.2009
(vi)	470/INST/2011/EPS,	Dated 04.03.2011
(vii)	464/INST/2015-EPS,	Dated 06.10.2015
(viii)	464/INST/2016-EPS,	Dated 30.04.2016
(ix)	464/INST/2016-EPS,	Dated 09.09.2016
(x)	464/INST/2019/EPS,	Dated 28.3.2019
(xi)	464/INST/2019-EPS,	Dated 05.04.2019
(xii)	464/INST/2021-EPS,	Dated 25.02.2021

Madam/Sir,

The Commission has a consistent policy to deploy various civil measures (non-force) for conduct of free, fair, inclusive and transparent elections in the context of emerging challenges of limited security resources available with electoral machinery. The Commission had issued instructions from time to time for use of civil measures such as photography, videography, CCTV, webcasting etc. for identified critical and other Polling Stations and for all other critical poll processes. Following consolidated instruction is being issued, in supersession of all the referenced instructions, for sake of clarity.

2. Some of the Polling Stations may be categorised as Critical Polling Stations and polling stations falling in vulnerable areas, based on pre-defined parameters prescribed by the Commission, for more focused

attention on the day of polling. The Commission has directed that such Polling Stations shall be covered by CAPF. The Polling Stations, where CAPF is not deployed due to non-availability or otherwise, they shall be covered by one or more of the following civil (non-force) measures to keep a watch on the polling process:

(i) Micro Observer

(ii) Video Camera

(iii) CCTV

(iv) Webcasting

On the basis of assessment by DEO in consultation with the Observer, the measures mentioned above can be put in place even at those Polling Stations where CAPF is deployed, to keep a watch on the polling process. Certain civil measures are not restricted to poll day only but extend to and cover all other critical poll processes.

Detailed instruction in deployment of Micro Observers is separately issued. This consolidated instruction deals with civil measures like videography, CCTV and webcasting and is used in supersession of the above referred 12 instructions for the purpose of clarity and ease.

3. Videography and CCTV:

(i) Criteria:

a) The District Election Officer, on the basis of size of the constituency, number of critical polling stations, polling stations falling in vulnerable area, previous history of booth capturing and other malpractices, the general law and order situation, the likelihood of committing corrupt practices and electoral offences and other related factors and after consultation with the Chief Electoral Officer should decide the number of video camera teams needed for each Constituency in the district.

b) Each member of the videography team deployed for recording of the proceedings/ important events shall be given proper duty passe for this purpose.

c) Private videography agencies hired shall be screened thoroughly by obtaining information on their professional competence, track record, financial viability and other related factors like political affiliations etc.

d) Private individual videographers hired by the District Election Officer should not belong to any political party or should not be known sympathizers or supporters or close relatives of any contesting candidates or leaders of any political party and should not have been hired by any political party or contesting candidate.

e) A special receipt counter may be set up at the Receipt Centres to receive photos/ videos with accompanying certificate providing details of location (Polling Stations or location of other process/ events), tasks assigned and number of photos/ minutes of videos taken etc.

f) Videography recording is not restricted to poll day but covers entire spectrum of critical poll processes.

g) Video cameras may be used to capture still photography wherever so required.

h) CCTV coverage can be provided for the poll processes scheduled/happening inside rooms/halls like nomination, scrutiny, withdrawal, symbol allotment, EVM/VVPAT related processes etc.

i) Keeping in view the availability and economic viability, CCTVs can be used as an alternative to video cameras and vice versa.

j) While using CCTV, it must be ensured that all the instructions/parameters mentioned above for use of video cameras are to be, ad seriatim, scrupulously followed in the case of CCTV coverage also.

(ii) Inventory of cameras:

The District Election Officer shall make an assessment of requirements of cameras of appropriate specification/ technology and videographers (with or without cameras) and their availability in the district. In case of shortage, the tender may be floated for hiring of cameras/ videographers or fix the hiring charges based on the prevailing market rate well in advance.

(iii) Events to be recorded:

(a) In reference to the Supreme Court's observations made in its judgment dated 11th January 2005 in Civil Appeal No.9228 of 2003 (Janak Singh Vs. Ram Das Rai and Others), the Commission, earlier, directed that photography may be carried inside the Polling Stations to photograph electors and cover poll proceedings without compromising the secrecy of voting. The Commission now directs that all critical events during the entire course of election shall be recorded in CCTV or videography where CCTV is not available.

(b) Arrangements for 3600 CCTV coverage inside the room and at the exit gate of the room shall be made to record the process of nomination, scrutiny, withdrawal and allotment of symbol. In case CCTVs are not available, the above processes shall be recorded through videography with date and time stamping and other instruction of the Commission in this regard.

(c) Other critical events such as First Level Checking of EVM/VVPATs, commissioning of EVM/ VVPATs, important public meetings, processions during election campaign, processes related to postal ballot papers, polling process in identified critical polling stations, storage of polled EVM/VVPATs, Opening of Strong Rooms before taking out the EVM/VVPATs for counting and counting process etc. shall be recorded in CCTV or through videography.

(d) The videographer shall make sure that all other important events inter alia listed below are properly recorded:

i. Attempts of intimidation of voters.

ii. Attempts of inducement/ bribing of voters.

iii. Canvassing within 100 metres of Polling Stations

iv. Positioning of voting compartment

v. Assured Minimum Facilities (AMF) at the Polling Station

vi. Presence of polling agents

vii. Mock Poll.

viii. Clearing of Mock Poll

ix. Sealing of EVMs and VVPATs.

x. Process of identification of voters.

xi. Voters in queues.

xii. The length of queue at the time fixed for close of poll.

xiii. Any dispute of any nature at the Polling Station.

xiv. Visit by Sector Officers, Observers and other electoral functionaries or any important person including the candidates.

xv. Replacement of EVMs/VVPATs, if any.

xvi. Any reportable or objectionable incidents at the Polling Stations.

xvii. Any other processes or events specified by DEO/RO

(e) All videography and photography should be done with date and time stamping so that the real time and date can be verified.

(f) Videographers, so deployed, shall not be making random videography but shall follow protocol provided by the Commission in recording events.

(g) Care should be taken that the videographers engaged for the purpose of covering the public meetings/rallies etc. attended by NSG/SPG protectees having high security threat, the videographers, so deployed, shall be screened for security by the district police authorities. Proper advance security liasoning with the officials of NSG/SPG shall be maintained in this regard and under no circumstances the videographers and the process of videography can become a hindrance to the process of giving security cover to such protectees.

(h) Regulated entry of the media persons, with authority letters, shall be allowed inside the Polling Station premises in manageable numbers to capture general poll day events without violation of secrecy of voting.

(iv) Method of placing cameras:

Cameras shall be placed/ handled in such a manner that they can record the general proceedings at the Polling Station including the process of identification of voters, application of indelible ink, voting compartment etc., on poll day. On counting day, the CCTV/ videography camera shall be

placed in such a way that it captures the general proceeding and do not focus on the display of the Control Unit. Proper care should be taken to ensure that the secrecy of voting is not violated in any manner in either case.

(v) Scrutiny of videography/CCTV footage done:

(a) Videography done at a Polling Station, shall be viewed by the RO, in presence of the Observer at the time of scrutiny of Form 17A and other documents, in case of any complaint with respect to that Polling Station. At the time of scrutiny, concerned videographer shall be available so that the RO and Observer can seek any clarification, if required.

(b) Video films of campaigning shall be viewed by the teams appointed by the Returning Officer to check whether any of the organizers / speakers or other participants of the public meeting has committed any violations or infractions of statutory provisions and directions of the Commission or provisions of Model Code of Conduct.

(c) The Returning Officer, wherever competent to take action, shall immediately initiate corrective action including disciplinary action against all those found guilty, under intimation to the Commission.

(d) In cases of serious infringements, the RO while submitting his report to the Commission through DEO/CEO will also send a copy of the video recording in CD or in other appropriate storage device by quickest possible means. In such cases the such recordings will be carefully indexed and complete transcript thereof, a brief explanatory note mentioning the broad details of the violations, the persons responsible and the action recommended be provided to the Commission.

(e) The videographic clippings are required to be shown to the Observers concerned deployed in the Constituency/ District on daily basis to enable him/her to apprise the Commission of the situation prevailing in that Constituency to enable it to take prompt remedial measures, if required.

(vi) Videography/CCTV at Counting Centre:

(a) Video/CCTV coverage shall be ensured at every stage of counting by deploying adequate teams of videographers. This video/CCTV coverage shall include the randomization process for counting personnel, opening of Strong Rooms, transfer of CUs from Strong Room to Counting Hall, Counting Hall arrangements, process of counting and tabulation counters, checking of two CUs per round by the Observers, security arrangements in and outside the Counting Hall/Centre, presence of candidates and their agents, declaration of results, handing over of Certificate of Return of Election, placing VVPAT slips in black envelopes and sealing of EVM/VVPATs after counting and any other significant events of the counting process.

(b) The videography shall have the date and time stamping. Storage devices, containing unedited video recording should be sealed, clearly labelling/indexing all the details contained therein, after the counting process is over for future reference. CDs/ Storage devices of the video recording should be kept in safe custody of the District Election Officer.

(c) No still or video camera of the media (except the official video camera for officially recording the entire counting process) is allowed to be fixed inside any Counting Hall. No camera stand should, therefore, be allowed to be taken inside Counting Halls by media persons. Hand held cameras can be allowed for media persons carrying authority letter/ pass issued by the Commission. Further, while covering the counting process with camera carried in hand by the media persons, in no circumstances, the actual votes recorded on an individual EVM or ballot papers is to be videographed/photographed.

(d) The exact location, up to which the cameras of the media can move, should be indicated by the Returning Officer in advance, marked by a line or a string for guidance of all concerned.

4. Webcasting:

(i) Meaning of webcasting-

(a) Webcasting simply means live streaming of video on the Internet. Any video camera including a webcam capable of being connected to the Internet can be used for webcasting. Webcasting in polling stations will be restricted for monitoring by the election machinery, to prevent vitiation of the poll process, at Polling Station.

(b) In the context of poll day webcasting, it is preferable that cameras of appropriate specification/ technology are installed at identified Polling Stations, in such a manner to record general proceedings and not to violate secrecy of vote. Such live stream data of webcasting on poll day events shall only be displayed at Control Rooms of Chief Electoral Officer, District Election Officer and Returning Officer and nowhere else. The Commission shall also be provided with the link to view live streaming on need based.

(c) Webcasting arrangement shall have enough analytical and alert capabilities to provide run time and end of the day analysis on functional/non-functional cameras and alerts on critical system events.

(d) Such live streaming, as described above, shall be recorded in the Control Rooms of the District Election Officers and nowhere else. District Election Officer shall be custodian of the entire video data and shall be responsible for its safe keep.

(e) This civil measure is primarily to provide immediate support to Polling Stations, by monitoring, in case of any events that could jeopardize the integrity of the voting process.

(f) Webcasting shall cover poll process inside the Polling Station and voter's queue and peripheral areas of the Polling Station,

(ii) Identification of locations for webcasting:

Arrangements for webcasting shall be done in all critical Polling Stations and all Polling Stations in vulnerable areas or at least in 50% of total polling stations including auxiliary polling stations, whichever is higher. Therefore, necessary arrangement of webcasting in Polling Stations shall be made, to provide immediate support, for ensuring free and fair election and as a confidence building measure for voters.

(iii) Installation of webcasting at Polling Stations:

(a) A temporary landline or mobile broadband connection or any other means of connectivity should be provided in all identified Polling Stations where webcasting is proposed.

(b) Cameras of appropriate specification/technology should then be provided at Polling Stations.

(c) Provision for sufficient number of 3 pin sockets in Polling Station for powering such cameras.

(d) It is preferable that a State-wide composite tender is issued by the Chief Electoral Officer, with necessary service level benchmarks, to install webcasting infrastructure and its operation. However, the Chief Electoral Officer may, on his own discretion and convenience, adopt any other method to provide webcasting infrastructure and its operation.

(e) It shall be ensured that webcasting infrastructure is ready for full testing by P-3 days at all identified locations including Control Rooms facilities. Full rehearsal shall be ensured on P-2 and P-1 days to ensure glitch free operation on poll day.

(iv) Setting up Web-casting in Polling Station:

(a) During webcasting in polling stations, it should be ensured that camera(s) is/are placed at sufficient height (e.g.,7-8 ft) above the ground.

(b) The camera(s)should be placed on a stable and sturdy position on a wall and kept in fixed position.

(c) The camera(s) should be in such a position that a broad view of the following aspects of poll processes is clearly captured and transmitted:

- Process of identification of voter by Polling Officer;
- Application of indelible ink on the finger of voter;
- Initialisation of Control Unit of EVM by Presiding Officer after satisfactory identification of voter;
- Voter's visit to voting compartment for casting vote on the balloting unit of EVM, but without showing cover face of Ballot Unit and VVPAT so that secrecy of vote is preserved under all conditions.
- Presence of Polling Agents to the possible extent.
- At the time of closing of poll, distribution of slips/tokens to the voters in queue.
- Sealing of EVM (BU/CU), VVPAT, their carrying cases and distribution of attested copies of Form 17C to polling agents.
- Voter's queue and peripheral area of the Polling Station.

(d) The name and number of Polling Stations along with date of poll should be pasted at such a place so that it is displayed in camera view throughout the polling day till completion and sealing.

(e) The Booth Level Officer and the Sector Officer concerned should give Polling Station-wise certificate to the Returning Officer that webcasting arrangements have been made as specified and are functioning properly with the cameras oriented correctly. On the basis of above certificates, the District Election Officer shall furnish a consolidated report to the Chief Electoral Officer for onward submission to the Commission.

(f) The RO shall prepare signages of size 30"X18" with colour scheme of black letters on fluorescent yellow background, having the following text **"YOU ARE UNDER WEB CAMERA/ CCTV SURVIELLANCE".** These signages shall be displayed prominently at multiple locations, inside and outside the Polling Stations or any other relevant locations.

(g) It must be ensured that no advertisement is displayed during webcasting.

(v) Recording of video in case of webcasting:

It is reiterated that. in all cases where webcasting is done, the video of the entire day's proceedings must be recorded in the Control Rooms of the District Election Officers and nowhere else. District Election Officer shall be the custodian of the records so created. The record footage of the relevant period should be made available to the Returning Officer for viewing at the time of scrutiny on the next day after the poll in case of any complaint with respect to that Polling Station.

(vi) Monitoring of webcasting:

Monitoring of webcasting shall be normally two tier, in addition to viewing by the Commission, as below:

a) **State Control Room:** A separate control room within State Control Room shall be set up to monitor webcasting for appropriate action through District Control Room.

b) **District Control Room:** A separate control room within State Control Room shall be set up to monitor webcasting for appropriate action through Returning Officer or Sector Officers or QRTs or any other mechanism.

(vii) No Webcasting of Counting Centre:

There shall be no webcasting of the process of counting of votes. However, the sufficient numbers of CCTV cameras of appropriate resolution shall be installed in all Counting Halls. CCTV Camera for counting table earmarked for VVPAT Counting Booth (VCB) shall be installed on ceiling just above the counting table, as per instructions contained in the latest edition of 'Manual on Electronic Voting Machine and VVPAT'. CCTV recordings of the full counting process shall be under the custody of the District Election Officer and shall be treated as records under Rule 93(1) of Conduct of Election Rules 1961..

5. Training of personnel deployed for videography, CCTV and webcasting:

Personnel deployed videography, CCTV and webcasting should be trained by the Returning Officer or Nodal Officer on what and how to capture during videography. It must be instructed that the purpose of the scheme is to record critical events that could vitiate the poll. They should not simply take photographs

or videos or footage in a routine or random manner in order to fill up a storage device, or camera memory. A proper training for setting up CCTV/ webcasting cameras shall also be provided.

Training of all officers/ staff associated with webcasting is very important. All Presiding Officers, polling officers and Sector Officers for the Polling Stations where webcasting is planned must be familiarised in webcasting and duties associated with it. The officials at State/District Control Room shall also be trained for monitoring methods and appropriate reaction to be initiated.

6. Logistics for teams deployed for videography, CCTV and webcasting:

All teams so deployed for videography, CCTV and webcasting should be under the personal supervision and guidance of a Nodal Officer, appointed by the DEO/RO. Such teams will be provided suitable transportation/vehicles, food etc. during their duty, subject to terms and conditions of the contracts, and it shall be ensured that no hospitality from any candidate or political functionaries is accepted by them.

7. Storage and retention of photo/webcasting/CCTV/videography data:

(a) The webcasting data and videography data/ photography *inside the Polling Stations* produced in compliance with the orders of the Commission shall form a part of the record of the concerned election under Rule 93(1) Conduct of Election Rules 1961 and stored with due precautions for its safety. The recording shall be kept in CDs or other suitable storage devices, properly sealed and indexed for easy retrieval, in the safe custody of District Election Officers, as in the case of all other election related records. The DEO will ensure that there is no leakage and data theft.

(b) Data as above shall be kept in the trunk in the Strong Room, designated for documents different from EVM/VVPAT Strong Rooms, where all the statutory documents relating to that election have been stored. CD/ storage device of video recordings shall be indexed with a uniform code number in the following standard formulation: *State/ District/AC/Date of recording/location/Gist of event recorded*. This data shall be retained for a period of one year and destroyed thereafter, under Rule 94(b) Conduct of Election Rules 1961.

(c) A copy of the data shall be kept in the secured custody of DEO concerned for use during scrutiny process, if required. The copy shall be destroyed after the completion of the scrutiny process.

(d) The locking seal of CDs shall remain intact, so that contents cannot be copied to another CD possible. Before consigning the CD for storage, it shall be covered with tape to prevent accidental erasure, editing, or manipulation. etc. Similar precaution shall be taken for other types of storage device, if used.

(e) The recordings of various stages of election process (not related to the Polling Stations) like nomination of candidates, scrutiny, withdrawal of candidature etc. by videography/CCTV shall be kept in the safe custody of the DEO till the expiry of 45 days from the date of declaration of result of the election concerned.

(f) The video recordings of election campaign activities of candidates and political parties made by the election expenditure monitoring teams, FSTs, SSTs etc., shall be kept in safe custody of DEOs till the expiry of 8 months from the declaration of the result of the election.

(g) On receipt of an application for copies of the data/ record or to inspect such data/ record, within 45 days of the declaration of the election result in case of (e) above, and within 8 months of the declaration of the election result in case of (f) above, following facilitation shall be permitted:

(i) Copies of still photo or video recording should be given on demand, free of cost to candidates and on due payment of a fee of Rs 300/- per CD/ storage device (exclusive of cost of CD/ storage devices) to any other person.

(ii) Inspection may be allowed as per follows:

- The video CDs/ storage devices will be made available for inspection in the office of the District Election Officer or Chief Electoral Officer, as the case may be.
- No guarantee for authenticity and veracity of the contents of the CDs/storage devices will be undertaken under any circumstances and these will be made available on 'as is' basis.
- Effective supervision by officials shall be ensured to avoid removal of any footage or damage or mutilation of the CD/ storage device. Simultaneous inspection by a large number of persons shall not be allowed.

(h) On expiry of the prescribed period of 45 days or 8 months, as the case may be, it should be ascertained whether any election petition or any other petition/complaint etc. has been filed in respect of the election concerned or pertaining to electoral offence etc., in which video recording could be relevant. In case no Election petition or any other petition etc., is pending, the recording should be destroyed after following the usual procedure prescribed for the purpose.

(i) If there is any election petition filed in respect of the election or any other petition etc. in any competent court in respect of which the data mentioned at (e) and (f) would be relevant, then such data shall be retained in safe custody of DEO till the disposal of such matter.

Manual on Force Multipliers and Civil Measures (latest edition) may be referred for detailed instructions and clarification on all types of civil (non-force) measures.

The aforesaid consolidated instructions shall be brought to the notice of all concerned for strict compliance.

Yours faithfully,

(SANJEEV KUMAR PRASAD)

SECRETARY

ANNEXURE-I

Civil (Non-Force) Measures Matrix for Photography/Videography/CCTV/ Webcasting

Location or Event/Civil Measure	Videography	CCTV	Webcasting	Remarks
Polling Station (identified for video coverage)	YES (in case of webcasting not feasible)	NO	YES	Data is part of election records under Rule 93(1) and hence can't be shared without order of competent court.
Counting (VCB shall have CCTV only)	YES (in case 3600 CCTV not provided)	YES	NO	Data is part of election records under Rule 93(1) and hence can't be shared without order of competent court
Any Poll Process other than Polling Station and Counting	YES	YES	NO	Data can be shared/ inspected within 45 days of the election result
Campaign, Expenditure Control etc	YES	YES	YES (need based at check nakas)	Data can be shared/ inspected within 8 months of the election result.

INSTRUCTION Sl. No. 14

Election Commission's letter No. 437/6/0R/95/MCS/1158 dated 29.03.1996 addressed to The Secretary to the Government of India, Ministry of Home Affairs, New Delhi and copy endorsed to CEOs of All States and Union Territories.

Subject: Expenditure on security of PM during election visits

Please refer to letter of Shri V.K. Malhotra, Joint Secretary (CS) dated 21.2.96 regarding clarification sought by Orissa Government in connection with the expenditure to be incurred on the barricading and rostrums etc. for Prime Minister's visit in connection with elections.

2. Attention is drawn to Commission's Order No. 437/6/ES0025/94/MCS dated 21.10.94 (copy enclosed) wherein it has been clarified that the State Governments/Union Territories should strictly adhere to the Order of the Supreme Court given by its Order dated 29.4.94 in the writ petition (Civil) No.312 of 1994. In the Commission's Order, it has further been directed that such individuals who visit State/ Constituency for electioneering and election arrangements like barricading/rostrums etc. shall be borne by the concerned political party.

3. It is, therefore, directed once again that instructions as contained in Commission's Order dated 21.10.1994 should be strictly adhered to.

Annexure

Letter No. 437/6/ES0025/94/MCS Dated 21st October 1994 addressed to Chief Secretaries and CEOs of all States and UTs.

ORDER

The Commission vide its letter No. 437/6/93-PS-II dated 31st December, 1993 had reiterated the total and absolute ban on the use of official vehicles for campaigning, electioneering or election related travel during elections and had directed that there will be total ban on the use of any vehicles for any purpose connected with the election by any political party, the candidate or any other person connected with election.

2. The Commission vide its letter No. 437/6/94 dated 2nd February, 1994 had invited attention to the circular letter No. 10/17/89-M&G dated 1st November,1989 from the Ministry of Home Affairs on the tour of ministers in connection with the election campaign and had observed that those instructions were flouted with impunity and had therefore issued further instructions without, in any way overriding, modifying or affecting the instructions of the Ministry of Home Affairs dated 1st November, 1989 referred to above.

3. The Supreme Court in its order dated 29th April, 1994 in a writ petition (Civil) No. 312 of 1994 (State of Tamil Nadu versus Chief Election Commissioner and others) seeking exemption in the case of Chief Minister of Tamil Nadu had directed as follows:

"While we are conscious of the effort being made by the Election Commission to ensure cleanliness of the electoral process and for the protection and ensurement of free and fair polls, we are afraid, the Election Commission cannot, as it seeks to do here, put out of consideration the security requirements of certain political personalities who might, in view of extremist and terrorist activities and threats to their lives, require security of a high order. To confine the security to only the Prime Minister of the country, as the

Election Commission has done, and to deny, as the communication dated 31st March, 1994 seeks to do, to all other may not reflect a proper perception and appreciation of the problem. At all events, the Election Commission will have to take note of the statutory provisions. However, we should make one aspect clear. Having regard to the responsibilities and obligation of the Election Commission to ensuring purity of the electoral process, it is open to the Election Commission, if it has material to doubt that the assessments of the security requirement made by the Director of the Tamil Nadu Special Security Group under the status are so manifestly and unduly excessive as to amount to promotion indirectly, of partisan electoral interests, to bring such matter to the notice of the State Government for appropriate corrective steps."

4. The Cabinet Secretariat in its letter No. 10/22/094-ES dated 3/5 May, 1994

had issued instructions that under the provisions of the Special Protection Group Act, 1988 protection is provided for proximate security of the following :-

(i) The Prime Minister and the members of his immediate family;

(ii) Any former Prime Minister or the members of his immediate family for a period of 5 years from the date on which the former Prime Minister cases to hold the office of Prime Minister.

5. In the light of the above order of the Supreme Court the Commission had

substituted paragraph 3of its letter No. 437/6/93/PS-II dated 31st December, 1993 vide para 6 of letter of even number dated 8th May,1994 to say that "the Commission has decided that para 3 of its above referred circular letter No. 437/6/93-P-IIdated 31st December, 1993 will stand substituted by the following:-

3(A) The only exceptions from the prohibitions mentioned in para 2 above will be the Prime Minister and other political personalities who might, in view of extremist and terrorist activities and threats to their lives, require security of a high order and whose security requirements are governed by any statutory provisions made by Parliament or the State Legislature in this behalf.

3(B) The Commission would like to make it clear that having regard to its responsibilities and obligations to ensuring purity of the electoral process, the Commission, if it has material to doubt that the assessments of the security requirements made by the authorities under the above referred special enactments or any other special instructions of the Government are so manifestly or unduly excessive as to amount to promotion, indirectly, of partisan electoral interests, bring such matter to the notice of the Central Government and/or, as the case may be, the State Government for appropriate corrective steps.

3(C) For achieving this, the Commission may call for any information from the Central Government or the State Government concerned with regard to the assessment of the security requirements made in respect of any such personality. Such information shall be furnished to the Commission by the concerned Government forthwith.

6. It was further clarified by the Commission in its letter No. 437/6/94 dated 14th May, 1994 that all State Governments and the Union Territory Administration are requested to adhere strict strictly to the orders of the Supreme Court. Further, orders relating to security of the individuals issued under statutory powers or other powers must be fully honored.

7. The Commission has further directed that when such individuals visit State/Constituency for electioneering and election related work, the expenditure incurred on security arrangements like barricading/ rostrums etc. shall be borne by the concerned political parties.

INSTRUCTION Sl. No. 15

Election Commission's letter No.437/6/97-PLN-III dated 18.03.1997 addressed to CEOs of all States and UTs.

Subject: General Election/Bye-elections to Lok Sabha and State Legislative Assemblies -Instructions on misuse of vehicles during election period- Regarding

The Commission has been issuing instructions on the subject of restrictions to be followed and observed on the misuse of vehicles during the election period. In the interest of preserving the purity of election process and rendering the same reflective of true choice of the people, the Commission has now directed that the following instructions shall1 be strictly followed at all the General and Bye-elections to the Lok Sabha and Assembly constituencies. These instructions are issued under article 324 of the Constitution and all other powers enabling the Commission in this behalf.

1. Cars/vehicles being used for electioneering purposes, shall, under no circumstances, be allowed to move in convoys of more than three vehicles from the date of notification till the completion of election process in any constituency. All bigger convoys shall be broken up, even if they are carrying any minister of Central or State Govt. This shall, however, be subject to any security instructions issued in respect of any such individual. In other words the convoy shall not in any case exceed three vehicle of any person plus the security vehicles allowed in view of the security gradation of that particular person.

2. From the date of notification of the election till the completion of election process in any constituency, the district administration shall keep a close watch on the vehicles used by the contesting candidates, persons accompanying the contesting candidates and other party leaders and ensure that the Commission's instructions are not abused.

3. If any person moves in a convoy of vehicles exceeding the limits prescribed above, in spite of the convoy having been broken, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by flouting the Commission's directions till the process of election is completed.

4. The contesting candidates be asked to get the details of all the vehicles that they are using in the election campaign lodged with the District Election Officer or such other officer(s) as may be specifically authorised by the District Election Officer in this behalf before the campaigning commences. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidates or his agent well before the actual deployment of the vehicles. While conveying the details of the vehicles that are being deployed for election campaign the details of the areas/tehsil(s) in which the vehicle would operate, should also be conveyed.

5. The details so obtained should be conveyed by District Election Officer to the Election Expenditure Observers.

6. The vehicles employed for election campaign as per intimation given by the candidates or their election agents to the District Administration should not be requisitioned by the administration.

7. Any vehicle that has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorised campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately taken out of the campaigning exercise.

The receipt of this letter may be please acknowledged.

INSTRUCTION Sl. No. 16

Election Commission's letter No.437/6/GUJ/98-PLN-III dated 16.01.1998 addressed to The Cabinet Secretary to the Govt. of Gujarat.

Subject: Model Code of Conduct - regarding

I am directed to refer to D.O.No.SBI/SSA/1 098/409 dated 13th January, 1998 from Principal Secretary, Home Department, and to state that all Ministers both Union and the State and all other leaders of political parties will be allowed security as per the threat perceptions assessed by official agencies and other professional agencies. The expenditure on the bullet proof cars and all other cars used by these individuals will be borne by the individuals concerned. However, expenditure on the security staff will be borne by the State Government/UT Administration concerned.

INSTRUCTION Sl. No.17

Election Commission's letter No. 76/2004/J.S.II, dated 17.03.2004 addressed to the Chief Electoral Officers of all States/Union Territories.

Subject:- Lodging of account of election expenses - Preparation of rate charts

I am directed to enclose herewith a copy of the Commission's letter No.76/2003/J.S.II, dated 30th October. 2003, addressed to the Chief Electoral Officers of Madhya Pradesh, Chhattisgarh, Rajasthan, Mizoram and NCT of Delhi, on the subject cited in connection with General Election to Legislative Assemblies of these States.

It was directed in the above referred letter that the District Election Officers shall compile the rate charts of the items shown in the list enclosed with the said letter on the basis of the rates prevailing in the district concerned and the rate list shall be furnished to all observers and to the designated officers appointed by the District Election Officers.

The instructions contained in the above mentioned letter dated 30th October, 2003 shall be strictly followed at the current General Elections to the Lok Sabha and Legislative Assemblies and at all future elections.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110001

Commission's letter No. 76/2003/J.S.II Dated : 30th October, 2003

To

The Chief Electoral Officers of

(i) Madhya Pradesh, Bhopal

(ii) Chhattisgarh, Raipur

(iii) Rajasthan, Jaipur

(iv) Mizoram, Aizawl

(v) NCT of Delhi, Delhi

Subject: - Lodging of account of election expenses - Preparation of rate charts

Madam/Sir,

I am directed to say that the Commission has recently revised the proforma for maintenance of accounts of election expenses by the candidates in the light of the recent amendment to Section 77 (1) of the Representations of the People Act. 1951vide i t s letter No.76/2003 J . S . I I , dated 14.10.2003.

In order to facilitate the scrutiny of expenditure which is to be maintained on a daily basis by the candidates in the prescribed proforma, the Commission has directed that all District Election Officers shall compile the rate charts of the items in the enclosed list on the basis of the rates prevailing in the district concerned. These rate lists be furnished to all Observers immediately on their arrival in the respective districts and to all designated officers appointed by the District Election Officer for scrutiny of accounts by the contesting candidates. A copy of this instruction may be handed over to the Observers by the District Election Officer upon their arrival.

RATE CHART

1. Hiring charges of Loudspeaker with amplifier and microphone
2. Construction of podium/ pandal (standard size to seat 4-5 persons)
3. Cloth Banner
4. Cloth Flags
5. Plastic Flags
6. Hand Bills (cost to be calculated and print order ascertained from printer - refer 127A of R. P. Act, 1951).
7. Posters
8. Hoardings

9. Cut outs (wooden)
10. Cut outs (Cloth/Plastic)
11. Video Cassettes
12. Audio Cassettes
13. Erection of Gates
14. Erection of Arches
15. Daily hiring charges of vehicles:
    (i) Jeep/Tempo/Trucker, etc.
    (ii) Sumo/Qualis
    (iii) Cars
    (iv) Three - Wheelers
    (v) Cycle - Rickshaws
16. Hiring charges of hotel rooms/guest houses
17. Charges of drivers, salary
18. Hiring charges of furniture (chairs, sofa, etc.) and fixtures
19. Hiring charges of hoarding sites from municipal authorities.
20. Other items commonly used in a district (DEO to prepare rate list of such items.

INSTRUCTION Sl. No. 18

Election Commission's letter No. 76/2004/J.S.II, dated 10.04.2004 addressed to the Chief Electoral Officers of-All the States and Union Territories.

Subject:- Expenditure to be incurred on barricades and rostrums etc.

1. I am directed to refer to Commission's letter No. 437/6/OR/95/MCS/1158 dated 29th March. 1996 read with Commission's orders No. 437/6/ES/0025/94/MCS dated 21st October, 1994 (reproduced as item No. 133 in the Compendium of Instructions 2004) wherein it has been laid down that expenditure incurred on security arrangements like barricading/rostrums etc. in connection with the campaigning by any political leader or candidate shall be borne by the concerned political party. The Commission has received queries to the effect-whether the expenditure on construction of rostrums/barricades will be charged to the political party or to the account of the individual candidate or a group of candidates belonging to the political party who are present on the occasion of a meeting where "leaders" of the political party participate.

2. The guiding principles to distinguish between the expenditure incurred by the political party and the expenditure incurred by the candidates were enunciated by the Supreme Court in Kanwar Lai Gupta v Amar Nath Chawla(AIR 1975 SC 308) wherein the Apex Court had observed: "when the political party sponsoring a candidate incurs expenditure in connection with his election as distinguished from expenditure on general party propaganda, and the candidate knowingly takes advantage of it and participates in the programme or activity and fails to disavow the expenditure or consents to it or acquiesces in it, it would be reasonable to infer, say in special circumstances, that he authorised the political party to incur such expenditure and he cannot escape the rigors of the ceiling by saying that he has not incurred the expense, but his political party has done so."

3. With the amendment to Section 77 of the Representation of People Act, 1951 only the expenses on account of travel of leaders of the political parties, covered under explanation 2 below Section 77, will be exempted from being included in the account of election expenses of the candidate. All other expenses-incurred/authorized by the political parties, other associations, body of persons/individuals-are required to be included in the account for the candidate.

4. The Commission has considered the matter carefully and keeping in view the provisions of law has directed as follows:-

i. The expenses on construction of barricades/rostrums etc. when done initially by the government agencies on account of security considerations on behalf of the party/organizers are to be booked as expenditure of a candidate in whose constituency the said meeting takes place or to a group of candidates who are present at the time when the leader of a political party addresses such a meeting. In cases where there are more than one candidate of the political party present at the time of the said meeting of the "leader", the expenditure will be apportioned equally amongst all, and the District Election Officer of the district where such a meeting takes place shall obtain the final costs from the concerned government agencies within three days of the event and intimate to the candidates their respective share of expenditure. This information will also be intimated to the Returning Officer/District Election Officer of the Constituency/ District to which the other candidates belong,

ii. Where such construction of rostrums/barricades are done on account of security considerations by the candidate(s) or the political party or the organizers from their own funds, amount will be reflected in the accounts of the concerned candidate or a group of candidates present in the meeting of the "leader". These accounts will be duly verified by the Election Observer or the Designated Officer appointed for scrutiny of the accounts.

5. The Commission has further directed that in all cases where the construction of barricades/rostrums are being done by government agencies the candidate/political party /organizer will deposit the estimated cost of barricades/rostrum in advance.

6. For expenditure already incurred on such items between the date of notification issued for the first and second phases of the current general elections, the concerned DEOs shall immediately take action as per para 4 above and inform all candidates concerned.

INSTRUCTION Sl. No. 19

Election Commission letter No.76/2007/JS-II Dated: 4th April, 2007 addressed to the Chief Electoral Officers of all States and Union Territories

Sub: Account of election expenses of candidates-Section 77(1) of the Representation of the People Act, 1951-regarding.

Section 77(1) of the Representation of the People Act., 1951 mandates every contesting candidate at an election to maintain the correct account of expenditure incurred/authorised in connection with the election. Clause (a) of Explanation 1 to Section 77(1) provides that the expenditure on travel incurred by leaders of a political party for propagating programme of that party shall not be treated as expenditure in connection with the election incurred/authorised by a candidate of that political party for the purposes of the said Section. Explanation 2 to Section 77(1) provides that the list of leaders of a political party (40 in the case of recognized parties and 20 in the case of registered unrecognized parties) is to be submitted within 7 days from the issue of notification to the Commission and to the Chief Electoral Officer of the State concerned for availing of the benefit of Clause (a) of Explanation 1.

Clarifications have been sought regarding accounting of travel expenses of a leader of a political party covered under Explanation 2 to Section 77(1) when such leader happens to be a candidate himself. It is only logical to conclude that the visit of a contesting candidate to the constituency from where he is contesting election is for the purpose of promoting his own election prospect. When a candidate travels in his constituency for election campaigning, the expenses incurred in connection with the journey has to be treated as part of his election expenses. Therefore, it is clarified that, in such situations, the expenses incurred on account of the journey(s) performed by such leader within the constituency from where he/she is contesting election cannot be exempted from the election expenditure account of that person.

2. It has been observed that in some cases political parties, while communicating the names of leaders of that party under Explanation 2 to Section 77(1), have included the names of persons who are leaders of other political parties or who are not members of that political party. It is made clear that as per the provisions of the law referred to above, a political party can nominate only those persons who are members of that party as its leaders for the purposes of Explanations 1 & 2 to Section 77(1). In other words, a person who is not a member of the party cannot be nominated as 'leader' of the party for the purposes of Section 77(1).

3. It has also been seen in the past that after submitting the list of leaders with the Commission, the political parties approach the Commission for substituting the names therein. In this context, it is pointed out that as per the proviso to Explanation 2, substituting a name from the list is permitted under the law only where any of the persons mentioned in the list dies or ceases to be a member of the political party concerned and not otherwise.

4. These instructions/clarifications may be brought to the notice of all the District Election

Officers/Returning Officers and all election authorities. This may also be brought to the notice of all political parties based in the State including the State Units of recognized national and State parties.

5. Please acknowledge receipt.

Copy to all recognized political parties for information and compliance.

INSTRUCTION Sl. No. 20

Election Commission's letter No. 437/6/1/2008-CC&BE Dated: 24th October, 2008 addressed to the Cabinet Secretary Government of India, the Chief Secretaries and the Chief Electoral Officers of all States and Union Territories.

Subject: Election Expenditure on travel by Lead Campaigners - Use of helicopter for election campaign, etc.

1. I am directed to state that according to sub-section (1) of section 77 of the Representation of the People Act, 1951 it is provided that "Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive". Under sub-section (2) it is provided that the account shall contain such particulars as may be prescribed, and under sub-section (3), it is laid down that the total of the said expenditure shall not exceed such amount as may be prescribed.

2. Explanation (1) to section 77(1) provides that the expenditure by leaders of a political party (usually referred to by us as star campaigners) on account of their travel by air or any other means of transport for propagating programme of a political party shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate of that political party.

3. The provisions of section 77(1) and Explanation (1) there-under have to be so harmoniously read that they do not nullify the main object underlying the provisions of section 77(1). Section 77(1) clearly stipulates that a candidate has to account for all his election expense, incurred or authorized by him or by his election agent. Explanation (1) is in the nature of an exemption from account of such expenditure which is incurred by the leaders of the political party in connection with the candidate's election, so that election campaign may be carried out in his constituency by leaders of his political party and any expenditure incurred on their travel by or any other means of transport may not form part of the candidate's overall expenditure. It therefore follows that a candidate who has been declared as leader by a Political Party for the purposes of Explanation to Section 77(1), cannot be considered to be a leader of his political party in his own constituency within the meaning of Explanation (1) to section 77(1), whatever may be his standing in relation to other candidates of his party in the other constituencies. In his own constituency(ies), he is a candidate first. Thus, whatever expenditure he incurs on his own travel within his constituency(ies), on his travel whether by helicopter/aircraft or by any other means of transport, the same has to be accounted for within his overall limit of maximum expenditure prescribed for his constituency. When he goes out of his constituency to the other constituency as a star campaigner, the expenditure on his travel from his constituency to the other constituency would fall within the exempted category, and so also his travel expenditure from the other constituency to his own constituency when he comes back for his own campaign would be so exempted. But once he reaches his constituency and travels within the said constituency, his expenditure on such travel within his constituency would be liable to be accounted for by him. Any other interpretation of the above mentioned provisions would defeat the very object underlying section 77(1). This would be more evidently glaring in the case of bye-elections where a political party may include the name of its candidate as a star campaigner and that would give him a license to travel within his constituency by adopting any means of communication and without accounting for the same.

Copy to: All recognized National & State Political parties.

INSTRUCTION Sl. No. 21

Election Commission's letter No. 437/6/INST/2008-CC&BE Dated: 31st October, 2008 addressed to the Chief Secretaries and the Chief Electoral Officers of all States and Union Territories.

Subject:- Use of Road Transport by party campaigners availing the benefit to clause (a) of explanation given under Section 77 (1) of the Representation of the People Act, 1951 – regarding.

(i) I am directed to refer to Commission's instruction issued vide its letter no. 437/6/2007/Vol.-IV-PLN-III dated 16th October, 2007 and instruction issued vide letter No. 3/7/2008/JS-III dated 7th October, 2008 and to state that the Commission has already modified the guidelines on use of vehicles in convoy and use of flags and stickers on vehicles. Consequently, the former instruction stated above is modified and superseded by this instruction regarding number of vehicles to be allowed to go in a caravan on the road during the period of election campaign by leader(s) who have availed of the benefit of clause (A) of the explanation given under section 77(1) of the Representation of the People Act, 1951.

The restriction on number of vehicles in a convoy has been withdrawn, however, vehicles in the convoy have to conform to the condition as mentioned in the later instruction referred above.

(ii) In case the mode of road transport is to be availed of political parties availing the benefit of clause (a) of explanation given under Sec. 77(1) of Representation of the People Act, 1951, the permit will be issued centrally by the Chief Electoral Officer irrespective of whether the same vehicle is to be used by any leader for election campaigning throughout the State or different vehicles are to be used by such party leaders in different areas. The permit will be issued against the name of the person concerned who will display it prominently on the windscreen of the vehicle being used by him/her in any area. The permits so issued by the Chief Electoral Officer will be of distinctly different colours from the permits to be issued by the District Election Officers/Returning Officers for candidates.

(iii) If the vehicle so permitted in item (ii) above is also occupied by any other person than the leader referred to in item (ii), in that case, the 50% expenditure of the same shall be booked in the expenditure of concerned party contesting candidate from that constituency.

(iv) In case of Video – Vans etc. to be used by a political party for campaign across the states, before any permission to use Video-Vans for campaign is given, it should be ensured by Chief Electoral officer that such use of vehicle is in accordance with the Motor Vehicle Act. Attention in this context is invited to the judgments dated 23.06.2006 and 14.02.2007 of the Allahabad High Court in writ petition No. 3648 (MB) of 2006 a copy whereof has been enclosed herewith. Respective District Election Officers shall ensure that expenditure incurred on such vehicles is proportionately distributed against the expenditure of the contesting candidates of the party in the areas/constituencies where the Van/Vehicles has been used.

This may be brought to the notice of all Political parties and all election related Officers immediately.

INSTRUCTION Sl. No. 22

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2011/EPS Dated: 28th March 2011

To

The Chief Electoral Officers of

1. Assam, Dispur
2. West Bengal, Kolkata
3. Kerala, Thiruvananthapuram
4. Tamil Nadu, Chennai
5. Puducherry, Puducherry

Subject: General Election to Legislative Assembly, 2011-Vehicle permit for district office bearers of recognized political party regarding.

Sir,

With reference to the subject cited and in partial modification of the Commission's instruction of even no. dated 23rd March, 2011, I am directed to state that the Commission has reviewed the matter and has now decided that if any political party applies for permission for vehicles to be used by their district level office bearers/ leaders(other than the star campaigner) for their visit to multiple ACs within the district for electioneering purposes, necessary permission should be given by the DEO of the district concerned. In such cases, the permit shall be in the name of the person while also mentioning the registration no. of the vehicle. The expenditure on this vehicle shall be incurred by the political party and not by the candidates. This permit should not be used for travel in other districts.

I am to further state that the Commission has directed that for a particular district only one permit may be issued for a recognized party whether national or state.

It is further stated that the permit should be issued indicating the name of the political leader, the No. of vehicle and also the period for which issued. The permit may be issued on a paper of a colour different from those used for issuing permits to candidates and star campaigners, so that it can be easily recognized. An attested copy of the permit shall be prominently displayed on wind screen of the vehicle and original be kept by the person for checking by police or any other authorities. The surveillance teams should also be informed in the matter.

Yours faithfully,

Sd/-

(SUMIT MUKHERJEE)

UNDER SECRETARY

INSTRUCTION Sl. No. 23

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2011/EEM Dated: 7th April, 2011

To

The Chief Electoral Officers of

Assam, Kerala, Tamil Nadu, Puducherry & West Bengal

Subject: Instruction on Election Expenditure Monitoring – Expense related to candidate- payment by cash - reg.

Sir,

With respect to instruction of even number dated 7th February, 2011 political parties have asked for further clarification. Election Commission has examined the issues and I am directed to clarify the following:

1. It is mentioned in the Commission's instructions No. 76/Instructions/2011/EEM dated 07-02-2011 that the candidates shall incur all election expenses by account payee cheques from Bank account opened for election purpose, excepting minor expenses where it is not possible to issue cheque. Some political parties have asked for clarification, specifying the limits of such cash expenditure. It is hereby clarified that if the amount payable by candidate(s) to any person/entity for any item of expenditure does not exceed Rs.20,000/- * during the entire process of election, then such expenditure can be incurred by cash, by withdrawing it from the bank a/c opened for the purpose of election. All other payments are to be made by account payee cheque from the said bank account.

2. As per Section 77 of RP Act, 1951, every candidate shall keep separate and correct account of all expenditure from the date on which he has been nominated and the date of declaration of result (both dates inclusive). It is hereby clarified that all candidates, while maintaining their register of accounts of election expenditure, shall account for all expenditure incurred on the day of filing of nomination (i.e. from day) and also those incurred prior to the date of nomination like expenditure on campaign materials etc. which are used during the post nomination period. All expenses relating to the rally or procession organised while filing nomination shall be included in the accounts of the candidates.

3. When members of public attend a public rally/procession/public meeting of candidate(s) by using their own personal vehicle, without receiving any payment or reimbursement from anybody, it shall not be included in the expenditure of the candidate. However, the personal vehicles used in the rally or public meeting for campaign purpose by putting flags or banners or poster for the benefit of any candidate(s) shall be included in the expenses of the candidate(s). If the commercial vehicles bearing commercial registration number are used for rally or public meeting of any candidate(s) the expenditure on such vehicles shall be included in the account of the candidate(s).

4. One personal vehicle owned and used by the candidate(s) for campaign purpose shall be treated as campaign vehicle and notional expenditure on fuel and driver salary as per the market rate shall be included in the accounts of the candidate(s). In case other vehicles, owned by the candidate(s) are used for campaign purpose, then the notional expenses as per the notified rate for hiring of such vehicles shall be calculated by the candidate(s).

5. The use of flags, caps, mufflers with party symbol has been clarified in Question No. 72 of FAQ on Model Code of Conduct. The expense on such items of flags, mufflers or caps with party symbol shall be accounted for by the party concerned as its election expense. If they bear the name(s) or photo(s) of candidate(s), it shall be added to the accounts of the candidate. However, supply and distribution of main apparels like saree, shirt, T- shirt, dhoti etc. by party/candidate is not permitted as it is bribery of voters.

6. ECI instruction No. 464/INST/2011/EPS dated 28-03-2011has clarified that the expense on the vehicle of the district level party office bearers/leaders (other than star campaigners) for the purpose of their visit to multiple ACs within the district for electioneering shall not be included in the accounts of candidate(s). It is further clarified that if the district functionary himself is a candidate, contesting from the same district and such vehicle is used for his movement in the constituency from where he is contesting, or such vehicle is used for campaign for any particular candidate(s), then the hiring charges of the vehicle shall be included in the accounts of the candidate(s) using the vehicle for campaign purpose.

7. You are requested to bring it to the notice of all concerned.

Yours faithfully,

Sd/-

(Avinash Kumar)

Under Secretary

Copy to:

1. All National Political Parties
2. All political parties of the States of Assam, West Bengal, Tamil Nadu, Kerala and Puducherry.

Sd/-

(Avinash Kumar)

Under Secretary

*Now amount is Rs. 10,000/-

INSTRUCTION Sl. No. 24

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/AP- HP & AP-LA/BE/2011/EEM Dated: 3rd June 2011

To

The Chief Electoral Officer of

All States and UT

Subject: Clarification regarding lodging expenses being incurred by the campaigners of the contesting candidates.

Sir,

I am directed to invite reference to the provisions of Section77 of the Representation of the People Act, 1951. As per Explanation 1(a) read with Explanation 2 under sub-section (1) of the said Section, the expenditure incurred by leaders of the political party, who are star campaigners, on account of travel for propagating programme of the party shall not be deemed to be the expenditure of the candidate in connection with the election. The expenditure related to booking of hotels and lodges rooms in the constituency by or for the Star campaigners is not exempted under Section77 of R. P. Act, 1951.

2. I am further directed to inform that all expenditure including lodging/boarding expenses of star campaigners in the constituency where they campaign for any candidate shall be included in the expenditure account of that particular candidate, provided that -

   (a) the Star Campaigners/Campaigners have actually campaigned for the candidate, and (b) the Star Campaigners/Campaigners have incurred such boarding and lodging expenditure while remaining in a commercial hotel or lodge for the purpose of election campaign of the candidate irrespective of the fact whether the payment is made by such candidate or not.

3. The market value of such commercial boarding and lodging is to be calculated towards the election expenditure of the candidate, even if the boarding and lodging is provided as complimentary. It is further clarified that if the star campaigner while availing the boarding and lodging in one constituency, travels to another constituency to campaign for other candidates, then the lodging and boarding expense will be proportionately distributed as the expense of those candidates.

4. A notice may be issued immediately in all such cases and it should be processed accordingly.

5. This disposes of Chief Electoral Officer, Andhra Pradesh, letter no. 1760/Elecs.D/2011-7, dated 30.04.2011.

Yours faithfully,

Sd/-

(AVINASH KUMAR)

UNDER SECRETARY

INSTRUCTION Sl. No. 25

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110001

File No. 76/Instruction /2011/EEM Dated: 5th December , 2011

To

The Chief Electoral Officers of

Punjab, Manipur, Goa, Uttarakhand, Uttar Pradesh

Subject: Expenses incurred on community kitchen (langar, bhoj, etc.) - inclusion in the account of election expenses of candidates- regarding

Sir,

I am directed to refer to Commission's instruction of even number dated 07-10-2011, regarding the expenditure incurred on community kitchen (langar, bhoj, etc.) and inclusion thereof in the account of election expenses of the candidates.

2. In the context of the above instruction, a doubt has been raised with regard to participation of candidates in the community kitchens (langar, bhoj, etc.) organised by regional communities in their religious institutions as a matter of customary practice and the bhoj/feast, etc. offered as a matter of social practice following a ritual ceremony, like, marriage, death, etc. The instruction of the Commission under reference clearly states that the expenditure on the community functions will be treated as the election expenses of a candidate and added to his account "if any contesting candidates attends some community kitchen (in whatever name has been called) either organised by him or by any other person to entertain the electors". It is hereby again clarified that the above instruction does not apply to community kitchens/ langars, etc. organised by religious communities within their religious institutions as a customary practice or the bhoj/feast, etc. offered by any person (other than the candidate) in the normal course to celebrate any ceremony like, marriage, death, etc., and the expenses incurred on such community kitchen/ langar/ bhoj/feast, etc. shall not be included in the election expenses of the candidate, provided that the candidate participates therein in the normal course as a normal visitor.

It shall be further ensured that the candidate does not make any financial contribution for arranging such community kitchen, etc. and no political campaign in any manner is undertaken at such community kitchen, etc.

3. Receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd/-

(S. K. Rudola)

Secretary

INSTRUCTION Sl. No. 26

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD NEW DELHI-110001

No.76/Instructions/2012/EEPS Dated: 20th January, 2012

To

The Chief Electoral Officer,

Punjab,Uttar Pradesh, Uttarakhand,Manipur & Goa

Sub: Clarification regarding election expenditure of the party leaders (Star campaigners) covered under Explanation (2) of section 77(1) of the R. P. Act, 1951-Matter Regarding

Sir/ Madam,

Representations have been received from political parties on Star campaigners covered under Explanation (2) of section 77 (1) of the R. P. Act, 1951. The Commission after considering the representations, issues hereby the following clarifications:

1. Expenditure on Advertisement in Print/Electronic Media

   If the advertisement for general party propaganda with photo or appeal of the leader, mentioned above, is made in print and electronic media, without any reference to any candidate, then expenditure on such general advertisement shall be booked to the account of the political party. If such leader happens to be a candidate in any constituency, the expenditure on such general party propaganda, even if it contains his photo, in print and electronic media, shall not be booked to the account of such leader, as it is in the nature of general party propaganda, without any reference to his constituency.

2. Expenditure on posters, banners, flags, stickers, etc.,

   If the posters, banners, flags, stickers, etc., with photo or appeal of the leaders mentioned above, without any reference to any particular candidate are used during the elections, the expenditure shall be booked to the account of the political party. If however, the leader happens to be a candidate in any constituency, then the proportionate expenditure on such items, actually used in his constituency, shall be accounted for in his election expenses.

3. Travel Expenses

   The Commission has modified its instruction No. 76/2009/SDR dated 20th August, 2009 and relevant Para 5.6.3 of the Commission's Instruction on Expenditure Monitoring, and it is hereby clarified that if any attendant including security guard, medical attendant, or any other person including or any member of the party, who is not a candidate in the constituency concerned, travels with the leader (star campaigner) of the political party, referred to above, in his vehicle/aircraft/ helicopter etc., the travel expenses of such leader shall be wholly booked to the account of the political party. It is further clarified that it shall not result in booking any part of the travel expenditure of the political leader to the account of the candidate, if such persons sharing the transport with the leader (Star Campaigner) , do not play any role in election campaign for the candidate. However, if any candidate/candidates share the transport with such leader, then 50% of the travel expenditure shall be apportioned to the candidate/candidates.

Yours faithfully,

Sd/-

(SUMIT MUKHERJEE)
SECRETARY

Copy to CEOs of all other States and UTs.

INSTRUCTION Sl. No. 27

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110001

No. 76/Instructions/2012/EEPS Date: 9th February 2012

To

The Chief Electoral Officers of

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

Sub:- General Elections to the Legislative Assemblies of Punjab, Uttar Pradesh, Uttarakhand, Manipur and Goa-2012-Addition of expenditure on travelling by Aircrafts/Helicopter by contesting candidate and star campaigners after the date of poll-Reg.

Sir/Madam,

Instances have been reported by the Media that many contesting candidates, including star campaigners of the political parties, use Aircrafts/Helicopters after the date of poll and clarifications have been sought by various political parties regarding expenditure on such travel. In the subject matter, it is clarified as under:-

(i) The expenses after the poll and before the date of counting, which can be said to be in connection with the election shall alone be accounted for by the candidates as per section 77 of the Representation of the People Act, 1951.

(ii) Therefore, after the poll, the expenses on travel of a Star Campaigner or a candidate (not connected with his election) shall not be added to any candidate. If the Star Campaigner/Candidate visits his constituency, where he has contested the election, the travel expenses within the constituency for overseeing the counting arrangements before, or on, the date of counting shall be added to his account. The travel expenses outside the constituency will not be added to his account.

(iii) If the political party is bearing travel expenses of a Star Campaigner outside his constituency, the said expense shall be shown by the political party in the accounts submitted to the Commission within 75 days of the completion of election.

2. In this regard, you are hereby requested to inform all the District Election Officers as well as the political parties in the state.

Yours faithfully,

Sd/-

(AVINASH KUMAR)

UNDER SECRETARY

Copy to : All National Parties for information

INSTRUCTION Sl. No. 28

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instructions/2012/EEPS/Vol.I Dated: 9th February, 2012

To

The Chief Electoral Officer of all the States/UTs

Sub:- General Elections to Legislative Assemblies of Uttar Pradesh, Punjab, Uttarakhand, Manipur and Goa-2012- Clarification on use of Video Vans during election by contesting candidates and political parties-Reg.

Sir/Madam,

I am directed to refer to Commission's letter no. 437/6/INST/2008-CC&BE dated 31st October, 2008 (copy enclosed) regarding use of video van etc. by political parties and candidates during election and to state that clarification has been sought regarding accounting of expenditure on this sorts by the political parties or candidates. In the subject matter it is clarified as under:-

(i) If the Video Van is for political party used during election process for general party propaganda without mentioning the name of any candidate or photo of candidate of any constituency, then it shall be booked to party account, which shall be reported within 75 days by the party after completion of election in case of Assembly election or within 90 days in case of Lok Sabha election.

(ii) If the name(s) or photo(s) of candidate(s) are displayed or any posters/banners of the candidate(s) are displayed thereon and the van is used in his constituency, then the expenditure has to be accounted for by such candidate(s).

Yours faithfully,

Sd/-

(AVINASH KUMAR)

UNDER SECRETARY

INSTRUCTION Sl. No. 29

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 61/Complaints/AP-LS/2012/EEPS Dated:19th July, 2012

To

The Chief Electoral Officers of

All States/UTs

Subject: Collection of information from banks regarding suspicious transactions during electioneering under Article -324 of the Constitution - regarding

Sir,

With reference to the suggestions of Indian Banks' Association vide letter no. LEGAL/5946, dated 6th June, 2012 (copy enclosed), I am directed to state that in order to maintain purity of election process, the District Election Officers (DEOs) shall call for the following information from the Banks regarding suspicious cash transactions made through the banks during the election process:

(i) Unusual and suspicious cash withdrawal or deposit of cash in a bank account exceeding Rs. 1 lakh during the process of election, without any such instance of deposit or withdrawal during the last two months.

(ii) Unusual transfer of amount by RTGS from one bank account to the accounts of several persons in a district/constituency during the election process without any precedent of such transfer.

(iii) Any deposit of cash or withdrawal of cash exceeding Rs. 1 lakh from bank account of candidates or spouse or his dependants, as mentioned in the affidavit filed by candidates which is available in CEO's website.

(iv) Any withdrawal of cash and deposit of cash exceeding Rs. 1 lakh in the account of the political party during the election process.

(v) Any other suspicious cash transactions, which might be used for bribing the electors.

2. The above information shall be processed by the DEOs and wherever it is suspected that the cash may be used for bribing of electors, then Flying Squad may be asked to take necessary action, after due verification. However, if the amount of cash deposit or withdrawal is more than Rs.10 lakh, then such information shall be passed on to the Nodal Officer of the Income Tax Department, for taking necessary action under the Income Tax laws.

Yours faithfully,

Sd/-

(AVINASH KUMAR)

UNDER SECRETARY

Copy to:

Shri K Ramakrishnan, Chief Executive, Indian Banks Association World Trade Centre Complex, Centre 1, 6th Floor, Cuffee Parade, Mumbai-400005, with request to inform all banks for compliance during election process.

Sd/-

(AVINASH KUMAR)

UNDER SECRETARY

INSTRUCTION Sl. No. 30

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2013/EEPS/Vol.VIII Dated: 25th October, 2013

To

The Chief Electoral Officers of

1. Gujarat
2. Tamil Nadu

Sub:- Bye-elections to the Gujarat and Tamil Nadu Legislative Assemblies-Uploading the candidate's day to day account register on DEO/CEO Website-Reg.

Madam/Sir,

I am directed to refer to the Commission's letter no. 464/Exp. Obs./BE/2013/EEPS, Vol. I, dated 09-10-2013 and to state that after every inspection during the election process, the day to day election accounts Register of the candidate shall be scanned till the date of inspection and uploaded on to the DEO's portal with link provided to the CEO's website, besides displaying photo copy on the notice board. The DEOs are requested to ensure that necessary arrangements are made for scanning and uploading on to the website.

2. This may be brought to the notice of all election authorities, including the Expenditure Observers and shall be given publicity.

3. Kindly acknowledge the receipt.

Yours faithfully,

Sd/-

(AVINASH KUMAR)

UNDER SECRETARY

INSTRUCTION Sl. No. 31

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

File No.76/Instructions/EEPS/2013/Vol. VIII Dated: 14th November, 2013

To

1. The Chief Electoral Officer
   Madhya Pradesh
   Bhopal
2. The Chief Electoral Officer
   Rajasthan
   Jaipur

Subject: Prevention of Storage and Illegal Distribution of Liquor during elections- Instructions to DEOs for Daily Report of liquor Sale- matter reg.

Sir,

I am directed to draw your attention to the instructions of the Election Commission of India regarding Production, Storage and Distribution of Liquor during Election (ECI Compendium of Instructions on Election Expenditure Monitoring, July 2013 section 5.10.6, page 28). I am further directed to inform that preventing illegal liquor distribution during the election is one of the very important responsibilities of the Collector & District Election Officer and the Superintendent of Police. Observers of the Election Commission are also expected to monitor such activities.

2. In this regard detailed instructions have been issued from time to time and list of IMFL shops are be made available to the DEOs where there had been suspicious increase in sale of IMFL. The DEOs are also aware that all the excise units of the districts, namely- Distilleries, Bottling Units, Liquor Warehouses have been brought under continuous surveillance of the officials concerned. In important units, officers and armed forces are to be posted round-the-clock. Moreover, almost in all districts, available officials are to be given the special responsibility of monitoring liquor flow during the elections. Some of the officials will have to be deployed on the border check post to prevent cross-border liquor movement during the elections.

3. Though, these steps have resulted in significant tightening of excise machinery in the State, yet the situation needs further improvement at district level. The retail outlets of liquor are turning out to be highly vulnerable from liquor distribution point of view. All District Collectors and Superintendent of Police need to work on this in a more focused and systematic way.

4. The Commission has been receiving following complaints:

   A. Storage of cheaper brands of IMFL and country liquor in local slums, shanty towns and remote rural pockets for distribution prior to election. This storage is happening with help from the retail shops which are selling liquor in bulk to individuals, in contravention of State Excise Act and General and Special License Conditions.

B. Stock registers are not being maintained in some of the shops. It has been reported that some shops, even though maintain the stock register, they do not maintain brand-wise stock register. This creates serious problems in monitoring the daily sales and makes physical stock verification of the shops almost impossible.

C. Coupons are being issued by the candidates, which are convertible into liquor bottles at the shops. This is violation of conditions of State Excise Act/Rules, which prohibits sales in any form other than cash.

5. In view of the above, I am directed to request for compliance the following instructions:-

I. Daily Monitoring of liquor sales:-

Each district has, on an average 25 liquor retail shops. The district Collectors must ensure to get daily report of the shops where there has been significant increase in the sales. A good way of doing that will be to take the average daily sale of October 2013 for each of your liquor retail shop and compare daily sales figure with the October average. Wherever the sales figure exceed by 30% or more, it points to a possibility of bulk sale. These need to be investigated and severe action must be taken against the shop which may include even cancellation of the license.

For this a prescribed form for reporting is enclosed in Annexure-1. The District Collector is expected to get this report from the District Excise Officer/Assistant Commissioner and after taking suitable action send the report to the Election Commission (CEO) along with his remarks, in the format prescribed in Annexure-2.

II. Ensuring maintenance of stock register:-

It has been found during surprise inspections that some of the shops are not maintaining the stock register at all, or are maintaining it without following the prescribed format. This is done with a view to hide bulk sale information and to make stock verification very cumbersome.

District Collectors with the help of the District Excise Officer/Assistant Commissioner must ensure proper maintenance of brand-wise stock register in all shops.

III. Use of tokens or coupons for sale of liquor:-

Newspapers have been reporting that candidates are resorting to distribution to distribution of coupons/tokens, which can be exchanged for liquor bottles at the liquor shop. This, as pointed out earlier, is a violation of General License Conditions of State Excise Act. Collectors are expected to take action against such shops.

IV. Listing and close monitoring of sensitive liquor shops:-

Classify the liquor shops in your district as sensitive based on the following criteria:-

A. Those shops which, on 01.11.2013, have liquor stock which is 50% or more than the liquor stock on 01.11.2012. The list of such IMFL shops has already been communicated. However, you need repeat this exercise for Country Liquor shops in your district.

B. Shops, which are located in a slum or are located in close proximity of a slum.

C. Shops located away from main roads and located in interior rural pockets.

D. Shops which show more than 30% increase in sales on any day in November as compared with their average daily sales of October, 2013.

` These shops must be monitored and their brand-wise stock register checked on daily basis.

V. Prevention of liquor storage for distribution in election:

Slum areas, shanty towns, camps (if any) in urban areas and remote or poorly accessible habitations in rural areas are potential storage points for illegal liquor. District Collectors with the Excise Officials are expected to identify such locations and conduct frequent police patrolling and raids in such locations.

6. In the light of all the above instructions, I am directed to request you to issue suitable instructions to the Collectors & District Election Officers to give a daily report in the format prescribed in Annexure-2 to the Special Secretary Excise (CEO) , State Government, who will send a compiled report for the entire state to the Commission.

7. These instructions may be brought to the notice of all DEOs, SPs, all Observers and officers of Excise Deptt.

Yours faithfully,

Sd/-

(S. K. RUDOLA)

SECRETARY

Copy forwarded for necessary action to:

1. Shri D.R. Johari, Addl. Excise Commissioner and Nodal Officer on Excise, C-100/50 Shivaji Nagar, Bhopal, Madhya Pradesh (By Camp Bag/Speed Post/email)

2. Shri Jitender Kumar Updhayay, RAS, Addl. Excise Commissioner (Adm) Zone, Udaipur, Rajasthan(By Camp Bag/Speed Post/e-mail)

Annexure 1

Daily Report from District Excise Officer to Collector for Liquor Monitoring (Only those shops, which have 30% or more increase in sales over average----------date----------month----------year daily need to be reported.)

Name of the District: Date:

S.No.	Name and address of the shop	Average daily sales of ---date------- month ------year (in Bulk Litre)	Yesterday's sale (in Bulk Liter)	Percentage increase in sales (%)	Reasons for increase	Action taken

Annexure 2

Daily Report from Collector and DEO to CEO for Liquor Monitoring

Name of the District: **Date:**

1. No. of IMFL shops in the district:
2. No. of Country Liquor shops in the district:
3. Brand-wise stock register maintained in all shops: (yes/no)

   (Please mention action taken against those shops where a violation is found and mention if the proper brand-wise stock registers is maintained since)
4. List of sensitive liquor retail shops in the district:

   (Please enclose the list with complete address and licensee name and reason for classifying it as sensitive)

S.No.	Name and address of the shop	Licensee Name	Reason for classifying it as sensitive	Steps taken for close monitoring

5. Action taken against any liquor shops for any violations:

   (Specify the action and penalty levied, if any)

S.No.	Name and address of the shop	Licensee Name	Violation Detected	Action Taken	Violation rectified or not

6. List of possible illegal liquor storage locations in the district:

S.No.	**Name of the location**	**Name of the mohalla/village**	**Reason for being a potential storage area**	**Preventive or corrective step taken**

7. **Daily liquor sale monitoring report (Only for shops having over 30% increase in sale as compared with average daily sale of ---------date----------month----------year):-**

S.No.	**Name and address of the shop**	**Average daily sales of --------date----month------year (in Bulk Liter)**	**Yesterday's sale (in Bulk Liter)**	**Percentage increase in sales (%)**	**Reasons for increase**	**Action taken**

INSTRUCTION Sl. No. 32

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

File No. 76/Instructions/2012/EEPS/Vol. I Dated: 22nd January 2014

To

The Chief Electoral Officers

of all States & UTs

Subject: Clarification regarding expenditure incurred by leaders of political party (Star-Campaigners) ------- under explanation 1 to section 77 (1) of R.P. Act, 1951------matter regarding.

Sir/Madam,

In supersession of the Commission's letter of even no. dated 18th April, 2013, letter nos, 76/2009/SDR, dated 31st March,2009 and 20th August, 2009 and para (iii) of letter No. 437/6/INST/2008, dated 31-10-2008 and para 3 of letter No. 76/Instructions/2012/EEPS, dated 20-01-2012 (copies enclosed), on the subject cited, I am directed to clarify as under:-

(a) If any attendant including security guard, medical attendant, or any other person including any member of the party, who is not a candidate in the constituency concerned, or any representative of the electronic or print media, travels with the leader (star-campaigner) of the political party in his vehicle/aircraft/helicopter etc., then the travel expenses of such leader shall be wholly booked to the account of political party, provided that the said member of political party or media person or attendant sharing the transport with the leader (star campaigner) do not play any role in election campaign for any candidate in any manner. However, if any such person(s) sharing the transport with the leader plays any role in election campaign for the candidate(s) in any manner or if any candidate(s) travels with such leader in his vehicle/aircraft/helicopter, then 50% of the travel expenditure of the leader shall be apportioned to such candidate (s).

(b) The names of leaders of the political party (star campaigners), as defined in Explanation 2 of section 77 (1) of the R. P. Act, 1951 are to be communicated to the Election Commission of India and the Chief Electoral Officer of the State by the political party, within a period of seven days from the date of notification for such election and such leaders are entitled to the benefits provided under section 77 of the R. P. Act, 1951, from the date on which the list including his name is received by the Election Commission of India and by the Chief Electoral Officer of the State concerned.

(c) If the leader (star campaigner) is a part of any rally, organised outside his constituency, he is entitled to the exemption provided under Explanation 1 of section 77(1) of the R. P. Act, 1951.However, if the leader (star campaigner) is also contesting election in any constituency, then he is not entitled to any benefit u/s 77 of the said Act, for the travel expenses incurred within his own constituency and the expenses on meeting or rally organised by him in his constituency including the travel expenses are to be added to his account of election expenditure.

(d) If the rally /meeting is organised in the constituency of the leader (star campaigner), where the leader shares the dais with other contesting candidates, then the meeting expense is to be apportioned to the election expenditure of the leader and all such candidates. However, if, he (star campaigner) is taking part in a rally/ meeting, along with other contesting candidates of his party outside his constituency, then the meeting expense shall be apportioned to the election expenditure of all such candidates, for whose election campaign, such rally/meeting is organised and no part of such rally/meeting expense, organised outside his constituency shall be added to the election expense of the leader (star campaigner).

This may be brought to the notice of all concerned including all political parties in the state.

Yours faithfully,

Sd/-

(S. K. RUDOLA)

SECRETARY

INSTRUCTION Sl. No. 33

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN ASHOKA ROAD NEW DELHI –110001

No. 76/Instructions/2014/EEPS Vol.VII Dated: 9th April, 2014

To

The Chief Electoral Officers

of all States/Union Territories

Subject: General Election to the Lok Sabha, 2014-Expenditure on Security cover to Ministers/Candidates-Instructions regarding.

Ref.: (i) Commission's letter No. 437/6/96-PLN-III dated 09.04.1996;

(ii) Commission's letter No. 437/6/2007/PLN.III dated 24.10.2007;

(iii) Commission's letter No. 464/INST/2009/EPS dated 08.02.2009;

(iv) Commission's letter No. 437/INST/2009/CC&BE dated 25.03.2009.

Sir/Madam,

The Commission has in the past, issued various instructions from time to time regarding the accounting of the cost which will be incurred on the security to be provided to the Ministers/Star Campaigners/ Candidates, as per their security entitlement.

2. The Commission has received a reference from the CEO, Uttarakhand seeking clarification as to whether the cost incurred on the security vehicle and guards will be paid by the candidates or by the State Government. For removing confusion and for convenience of all concerned, the issue relating to expenditure on security person/security vehicles are hereby collated and reiterated for observance during the period when the Model Code of Conduct is in force:

(i) Under the directives of the Government of India, the persons provided with 'Z+' (Z plus) security cover are permitted the use of State-owned one bullet proof vehicles for the particular person. Such persons, whether they are holding office or out of it, and whether they are candidates or not, shall be permitted the use of the said State-owned bullet proof vehicles during the election period covered by the Model Code of Conduct. The use of multiple vehicles in the name of stand-by should not be permitted unless so specifically prescribed by security authorities in any particular case. The cost of propulsion of such vehicles should be borne by the person concerned when it is used for non-official purposes during such period.

(ii) In case of the visiting political functionaries, who are 'star campaigners' sponsored by political parties in pursuance of Explanation of the Section 77 of the R. P. Act, 1951, the expenditure in this regard, will be accounted for in the party's account. If the star campaigner is a candidate, the propulsion cost of vehicle in the constituency shall be accounted for in his election expenditure account.

(iii) If the party functionary enjoying the security facility is not a star campaigner, and he campaigns for the candidate, the cost of propulsion of the security vehicle, used for such campaign shall be added to the candidate's account.

(iv) The number of vehicles to accompany the carcade including pilots, escorts etc. will be strictly in accordance with the instructions laid down by the security authorities and shall not exceed them under any circumstances. The cost of propulsion of all such pilot/escorts vehicles, whether owned by Government or hired vehicles, will be met by the State Government. No recovery need be made also on the cost of the manpower provided.

3. These instructions may be brought to the notice of all concerned.

Yours faithfully,

Sd/-

(S. K. RUDOLA)

SECRETARY

INSTRUCTION Sl. No. 34

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN ASHOKA ROAD NEW DELHI –110001

No. 76/Instructions/2014/EEPS/Vol.I Dated: 9th May, 2014

To

The Chief Electoral Officer

All States/UTs

Subject: Travel by the candidate/Star Campaigner after poll and before declaration of result-matter reg.

Sir,

Instances have been reported that many contesting candidates, including the Star Campaigners of the political parties, use Aircrafts/Helicopters after the date of poll for official or non-official purpose and clarifications have been sought regarding accounting of such expenditure on travel. In the subject matter, I am directed to clarify as under:

(i) The expenses after the poll and before the declaration of result, which can be said to be in connection with the election shall only be accounted for by the candidates as per Section 77 of the Representation of the People Act, 1951.

(ii) Therefore, the expenses on travel of a Star Campaigner or a candidate after the date of poll, which are not connected with election shall not be added to any candidate's account. If the Star Campaigner/Candidate visits the constituency, where he or she has contested the election, the travel expenses within the constituency for overseeing the counting arrangement before, or on, the date of counting shall be added to his or her account.

(iii) If the political party is bearing travel expenses of a Star Campaigner outside his constituency after the poll, the said expense shall be shown by the political party in the accounts submitted to the Commission within 75 days of the completion of assembly election or 90 days of Lok Sabha election.

2. In this regard, you are hereby requested to inform all the District Election Officers, Expenditure Observers, Candidates and the Political Parties in the State.

Yours faithfully,

Sd/-

(Avinash Kumar)

Under Secretary

INSTRUCTION Sl. No. 35

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN ASHOKA ROAD NEW DELHI –110001

No. 61/Complaints/2014/EEPS Vol.VI Dated: 9th June, 2014

To

The Chief Electoral Officer

of All States/UTs

Subject: General Elections to the Lok Sabha-2014-Accounting of parking charges of aircraft/helicopter -Regarding

Sir,

The Commission has received queries regarding accounting of parking charges being reported by the candidates/party during electioneering. In the subject matter, I am directed to clarify that the parking charges of aircraft/helicopter shall be calculated as under:-

1. In aviation sector, parking charges of aircraft (day/night) are levied on aircraft/helicopter operators as per rates determined by Airport Authority of India or by Private airport operator at respective airport. Therefore, the amount for calculation of expenditure of the candidate shall be charged as per actual amount paid or payable at such airports. At places other than commercial airport, the parking charges should be as per actual amount paid by the operator or candidate.

2. Therefore, the parking charges at commercial airports should be obtained from the airport authority of India or the private airport operator for calculation of parking charges of any aircraft. For parking at other places, the actual charges paid by the operator or candidate for parking of aircraft shall be taken into account.

3. Any dispute on accounting of expenditure shall be dealt with Commission's instruction No. 76/Instructions/EEPS/2013/Vol. I, dated 14.03.2013. (enclosed 3 pages)

4. You are requested to bring into the notice of all including the Expenditure Observers deployed during currently concluded Lok Sabha Election, 2014 & State Legislative Assemblies Election from Andhra Pradesh, Odisha, Sikkim, Arunachal Pradesh, 2014 and some other Bye-elections.

Yours faithfully,

Sd/-

(Avinash Kumar)

Under Secretary

INSTRUCTION Sl. No. 36

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instructions/EEPS/Vol-XIX Dated: 30th December, 2014

To

The CEOs of all States/UTs

Subject: Refreshment of polling /counting agents and expenditure on kiosks- accounting notional cost in the account of election expenses of the candidate – Reg.

Sir/Madam,

I am directed to invite your attention on the subject cited and to state that on going through the election expenditure statements of the candidates, it is noticed that the candidates do not show any expenditure on account of the polling/counting agents, campaign workers, etc. Since candidates incur expenditure on food and refreshment and also payment of daily allowances, etc., for their polling/counting agents and campaign workers during election process and subsequently, such expenses also need to be included in their account. The DEOs may be asked to notify the notional rates of lunch, dinner and light refreshment, daily allowances, etc., for the polling/counting agents and campaign workers, on the basis of prevalent rates in their respective districts after due consultation with the political parties as envisaged in Paras 14.2 and 14.3 of the Compendium of Instructions on EEM, in the list of items of expenditure used for election campaign.

2. I am further directed to state that candidates/political parties open kiosks, campaign offices, etc., in the constituency, during election process and such expenses like rent or electricity or furnishing like shamiana etc., after the date of filing of nomination are to be included in the account of the candidate. The DEOs are required to include the notional rates of erection/construction of such kiosks, campaign offices, etc., in the constituency on the basis of prevalent rates, after due consultation with the political parties as envisaged in Paras 14.2 and 14.3 of the Compendium of Instructions on EEM in the list of items of expenditure used for election campaign.

Receipt of the letter may kindly be acknowledged.

Yours faithfully,

Sd/-

(Satyendra Kumar Rudola)

Secretary

INSTRUCTION Sl. No. 37

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instructions/EEPS/2015/Vol-II Dated: 29th May 2015

To

The Chief Electoral Officers of

All States and UTs

Subject:- Account Reconciliation Meeting with the candidates/ election agents with the District Expenditure Monitoring Committee (DEMC)- regarding

Sir,

In supersession of Commission`s Order No.76/Instructions/EEPS/2013/ Vol-I, dated 14th March, 2013 regarding under-stated amount of election expenditure and the decision of the District Expenditure Monitoring Committee (DEMC), I am directed to forward herewith revised order of the Commission to be followed by the DEMC in disposing of the cases of under- statement of account of election expenses of the candidates (Changes in italics).

2. I am further directed to request you to bring it to the notice of all the DEOs, Expenditure Observers, officials concerned, candidates and political parties.

3. Kindly acknowledge the receipt of this letter.

Yours faithfully,

Sd/-

(S. K. Rudola)

Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

File No. 76/Instructions/ EEPS/2015/Vol-II Dated: 29th May, 2015

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, reports are received that the candidates at elections to Lok Sabha and State Legislative Assembly are spending excessive amount in their election campaigns, which disturbs the level playing field, and are often not showing correct expenses in the day –to-day accounts of their election expenses;

Now, therefore, the Election Commission of India hereby issues the following order for maintaining the purity of election process:

(i) If the Returning Officer or any officer authorized, by the District Election Officer/ Returning Officer, is in receipt of information during election process that any candidate has incurred or authorized certain expenditure and has not shown either a part or whole of it in his day to day accounts of election expenditure, maintained by him under section 77(1) of the Representation of People Act,1951, or has not produced the said accounts for inspection on the scheduled date before the authorized officer or Expenditure Observer, then the Returning Officer shall issue a notice along with the evidence thereof to the candidate preferably within 24 hours of the date of receipt of information or inspection of accounts mentioning the details of expenses, which are not shown truly or correctly in day-to-day account or informing him that he failed to produce his account, as the case may be. However, in case of suspected Paid News items, where notice is issued or is being issued by the Returning Officer as per the recommendation of the Media Certifying and Monitoring Committee (MCMC), such items shall not be covered in this notice.

(ii) Such candidate may reply to the notice within 48 hours, explaining the reasons for omission or default which is brought to his notice. In cases where the candidate accepts the fact of suppressed expense mentioned in the notice, the same shall be added to his election expenses.

(iii) Where candidate fails to produce his day to day account for inspection and in spite of the notice, the failure continues, then FIR is to filed under section 171 (I) of Indian Penal Code, after 48 hours of service of such notice and the permission for use of vehicles etc. by the candidate for election campaign shall be withdrawn.

(iv) Where no reply is submitted by the candidate or his election agent within 48 hours of receipt of the notice, then the candidate shall be deemed to have accepted the suppressed amount mentioned in the notice and the same shall be added to the election expenses of such candidate.

(v) If the candidate or his election agent disputes the suppressed expenditure, mentioned in the notice, he shall submit the reply mentioning the reasons for disagreement and the same shall be forwarded to the District Expenditure Monitoring Committee (DEMC) consisting of the following:

1. Expenditure Observer in charge of the Constituency

2. DEO

3. Dy. DEO/Officer in charge of Expenditure Monitoring of the District.

(vi) The DEMC shall decide the case after examining the evidence mentioned in the notice and reply of the candidate thereto, preferably within 72 hours from the date of receipt of the reply from the candidate, whether such suppressed expenditure shall be added or not to the election expenses account of the candidate.

(vii) Training:

a. The DEO shall organize one day facilitation training programme for all the candidates/ election agents and the personnel engaged for receiving the accounts within one week before the last date of submission of the account of election expenses.

b. The Nodal Officer of the Expenditure Monitoring Cell and Assistant Expenditure Observer should be associated in the training programme to explain the procedure of e-filing of accounts, the forms and affidavits to be filed and frequently noticed defects. Consequence of not filing or filing incomplete forms or not filing in the manner prescribed or not showing correct accounts shall also be explained to the candidates/agents.

c. In this training programme they will also be apprised about the Account Reconciliation meeting, in which they should come prepared with all final accounts and registers.

d. The DEO shall notify the date and venue of training on procedure of lodging the final accounts and also about the date of Account Reconciliation meeting, positively on or by the date of declaration of result.

(viii) Account Reconciliation meeting:

(a) The candidates shall be given another opportunity to reconcile the under- stated amount of election expenditure, if any, in the Account Reconciliation Meeting, to be convened by the DEO, on the 26th day of the declaration of result. The DEO shall ensure that each candidate is informed in writing on or by the day of declaration of result about this meeting, so that they/ their election agents can reconcile the disputed items of election expenditure in their accounts of election expenses with the evidence gathered during election process and the notices issued by the RO.

(b) The DEMC, after scrutinizing the accounts, shall pass the order in writing giving detailed reasons in cases, where the differences could not be reconciled and serve it on the candidate/agent on the same day. If the candidate agrees with the DEMC order, he/she may incorporate the same in his final accounts. If the candidate does not agree with the DEMC order, he/she may lodge his final accounts with the DEO, with the reasons for the disagreement by way of a letter to DEO.

(c) If the candidate has already lodged his accounts prior to Account Reconciliation meeting, he/she may revise the accounts, within the statutory period of 30 days of completion of election, in order to incorporate the findings of DEMC.

(ix) If the candidate does not file his statements of election expenses without any valid reasons within the stipulated period of 30 days from the day of declaration of result, then the DEO shall call for the explanation of the candidate suo motu and send the report to the Commission along with the reply of the candidate and his recommendation.

(x) In spite of the Account Reconciliation meeting, if there is disagreement with the accounts lodged by the candidates, the DEO shall forward the Scrutiny report to the Commission, with his recommendations, DEMC Order, certified copies of registers, bills and vouchers and other pieces of evidence.

(xi) The DEO's scrutiny report has to be entered in EEMS software* within seven days of its finalization.

(xii) The above procedure shall be followed with immediate effect.

2. The Commission further directs the CEOs to bring it to the notice of all political parties, candidates, members of DEMC and all concerned in the State.

By order,

Sd/-

(S. K. Rudola)

Secretary

*Now it is ENCORE

INSTRUCTION Sl. No. 38

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instructions/EEPS/2015/Vol-II Dated: 29th May, 2015

To

The Chief Electoral Officers of

All States and UTs

Subject: Permission of vehicles to the contesting candidates and incurring the expenditure in the accounts of elections expenses- regarding.

Madam/Sir,

I am directed to invite your attention to the Commission's letter No. 437/6/2007-PLN-III(Vol-III), dated 16th March, 2007 and to say that each candidate is given permission by the Returning Officer for use of vehicles for campaign purpose during elections. It has come to the notice of the Commission that some candidates take permission for use of campaign vehicles and do not show the expenditure incurred on hiring/propelling of the vehicles in the accounts of their election expenditure. Such vehicles are often used by others during the election process.

2. Therefore, I am directed to inform that if the candidate, after obtaining permission from the Returning Officer, does not intend to use the campaign vehicle(s), for any period of more than two days, he/she shall intimate to the Returning Officer, to withdraw the permission for such vehicle(s). If the candidate, after obtaining permission does not intimate the R.O., to withdraw the permission of such campaign vehicles, it will be presumed that the candidate has used the permitted vehicles for campaign purpose and accordingly, the expenditure as per the notified rates on use of such vehicles shall be added to his/her accounts of election expenses. The details of all such vehicle, permissions and withdrawal requests shall be given to the Accounting Team by the R.O. for accounting the expenditure of such candidates.

3 This may be brought to the notice of all the political parties, candidates and their agents, officials concerned and Expenditure Observers.

4 Kindly acknowledge the receipt of this letter.

Yours faithfully,

Sd/-

(S. K. Rudola)

SECRETARY

INSTRUCTION Sl. No. 39

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instructions/EEPS/2015/Vol-II Dated: 9th June, 2015

To

The Chief Electoral Officers of

All States and UTs

Subject: Donations etc., received by candidates from any person, entity or political party for the purpose of election campaign during election – regarding

Sir/Madam,

The Commission vide its instruction No.76/Instructions/2013/EEPS/Vol.IV dt. 15.10.2013 has prescribed that each candidate shall open a separate bank account for election campaign purposes, through which all amounts meant for campaign expenses will be routed. The Commission has also issued instruction No. 76/PPEMS/Transparency/2013 dt.29.08.2014 to the political parties, for making all payments to the candidates by account transfer and not in cash.

2. It has come to the notice of the Commission that apart from political parties, candidates also often receive large donations or loan in cash during election process from other persons or entities for their election campaign expenses. In so far as political parties are concerned, they are required to declare the donations received in excess of twenty thousand rupees, before the Election Commission, as per the provisions of section 29 C of the R. P. Act, 1951 for claiming tax relief under I. T. Act, 1961.

3. In keeping with the above instructions, the Commission hereby directs that in the interest of transparency and accountability, the candidate(s) shall also not receive any donation or loan in cash, in excess of Rs. 20,000/-* from a single person or entity during the election process and all donations/loans in excess of Rs. 20,000/-* shall be received by the candidate by A/c payee cheque or draft or by account transfer and the candidate(s) shall maintain the full name and address of such persons/entities, which shall be mentioned in relevant columns of day-to-day accounts and the abstract statement of election expenditure.

4. You are requested to bring it to the notice of all candidates, political parties, DEOs, Expenditure Observers and officials concerned.

Yours faithfully,

Sd/-

(S. K. Rudola)

SECRETARY

*Now it is Rs. 10,000/-

INSTRUCTION Sl. No. 40

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instructions/2015/EEPS/Vol. II Dated: 11th October, 2015

To

The Chief Electoral Officer

of all States/UTs.

Subject:- Change of helicopter by the candidates/political parties at last moment – Permission on priority basis by the DEO - regarding.

Sir/Madam,

I am directed to refer to the Standard Operating Procedure (SOP) issued by the Bureau of Civil Aviation Security (BCAS), Ministry of Civil Aviation, Govt. of India vide their Office Memorandum No. CAS-7 (15)/2012/ Div-I (Election) dated 03.07.2013 (copy enclosed) and to state that under the existing provision contained in Para (ix) of the afore-mentioned OM, at remote/uncontrolled airports and helipads application will have to be made either by the candidate or by the political party to the DEO concerned, at least 24 hours before landing, mentioning the details of travel plan, place of landing in the district and names of passengers in the aircrafts/helicopters so that DEO can make adequate arrangements for security, law and order issues and also to make available the coordinates of the helipad. On receipt of such application, DEO shall issue permission on the same day on priority basis.

2. The Commission has considered the above said provision and taking into account hardships caused to the candidates/political parties during election, it has been decided that in those cases where permission has already been accorded to the candidates/political parties, if a request for change of helicopter is received from a candidate/political party at the last moment, then it will be dealt with by the DEO on priority basis and decision will be communicated within 03 hours of receipt of application to the candidate or political party concerned.

3. Kindly bring it to the notice of all DEOs and concerned officers.

Yours faithfully,

Encl: As above

Sd/-

(S. K. RUDOLA)

SECRETARY

Copy to : -

1. The Commissioner of Security (CA), Bureau of Civil Aviation Security, Ministry of Civil Aviation, 'A' Wing, Janpath Bhawan, Janpath, New Delhi – 110001 (By Special Messenger).
2. EPS Section/MCC Section/East-1 Section.

INSTRUCTION Sl. No. 41

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/2016/SDR Dated: 30th April, 2016

To

The Presidents/General Secretaries of

All recognized and registered unrecognized Political Parties

Subject: -Election expenses of candidates and political parties- travel expenses on visits to foreign countries for purposes of canvassing -regarding.

Sir,

I am directed to say that as per section 20A of the Representation of the People Act, 1951 inserted by the Representation of People (Amendment) Act, 2010, Indian citizens absenting from their place of ordinary residence in India owing to their employment, education or otherwise outside India (whether temporarily or not) are entitled to have their names registered in the electoral rolls in the constituencies in which their place of residence in India as mentioned in their passports is located. The Indian citizens so registered as electors in India (called under the Registration of Electors Rules 1960 as 'overseas electors') are entitled to vote in their respective native constituencies in India if they happen to be present in their native places on the day of poll in the constituency in which they are registered as such overseas electors. Pursuant to the above provisions of law, a large number of Indian citizens living abroad have got their names enrolled in the electoral rolls in different parts of the country for the purposes of elections to the House of People and State Legislative Assemblies.

2. It has been brought to the notice of the Commission that in connection with the current round of general elections to the Legislative Assemblies of Kerala, Puducherry, Tamil Nadu & West Bengal and several bye-elections being currently held in some of the States, some candidates are travelling from India to overseas countries for the purposes of canvassing in their favour to seek votes of the overseas electors residing in those countries. In this context, the Commission would like to clarify that though seeking votes of oversees electors by going abroad by the candidates or their agents or party leaders is not prohibited under the law, all expenditure incurred by those candidates, their agents or party leaders on their travel, boarding, lodging etc., in those countries would be deemed to be the expenditure incurred or authorized by the candidates in connection with their election. Thus, all such expenditure would come within the meaning of section 77(1) of the Representation of the People Act, 1951 and will have to be included by the candidates concerned in their accounts of election expenses which are subject to the limits prescribed by Rule 90 of the Conduct of Elections Rules 1961.

3. The Commission would, however, like to further clarify that any inducement to overseas electors by way of Air tickets or any other allurements to them, in cash or kind, to come to India for the purpose of voting at the aforesaid elections would amount to the electoral offence of 'bribery' within the meaning of section 171B of the Indian Penal Code, as also the corrupt practice of 'bribery' within the meaning of section 123(1) of the Representation of the People Act, 1951. Needless to add that the commission of the above mentioned electoral offence and corrupt practice of bribery would invite penal action against them

under the relevant provisions of law. Further, any other person or organization offering to bear the travel expenses of overseas electors to India in connection with the voting in the above elections, or any other such allurements to them to seek their votes, with the consent of the candidate or his election agent, would also attract the same penal action against them.

4. You are, therefore, requested to inform all the candidates set up by your party of the above provisions or law for their information, guidance and compliance.

5. The above clarifications of law by the Commission will equally apply in relation to all elections to the House of the People and State Legislative Assemblies in future.

6. Kindly acknowledge receipt.

Yours faithfully,

Sd/-

(K. F. WILFRED)

PRINCIPAL SECRETARY

Copy to Chief Electoral Officers of all States and UTs for information and necessary action. It is requested that copy of this letter may be given to all political parties based in the State/UT.

INSTRUCTION Sl. No. 42

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2015/EEPS/Vol.XIV Dated: 2nd June, 2016

To

The Chief Electoral Officers of

all States and UTs.

Subject:- Procedure for preparation of Scrutiny Report and Summary Report in respect of accounts of elections expenses of the Candidates – regarding.

Sir/Madam,

In partial modification of the Commission's letter No. 76/Instructions/2013/EEPS/ Vol. IV, dated 24th December, 2013, I am directed to forward herewith the procedure to be adopted by the DEO in preparation of scrutiny report under rule 89 of the Conduct of Elections Rules, 1961 on the election expenses accounts lodged by the candidates.

The procedure referred to above may kindly be brought to the notice of all concerned for necessary action and compliance. The new procedure will be applicable prospectively and shall come into force with effect from the date of issue of this letter.

Yours faithfully,

Sd/-

(AVINASH KUMAR)

SECRETARY

Copy to : -

1. Sr. PPS/PSO to the Hon'ble CEC/EC (J)/EC (R).
2. PPS to DECs/DG.
3. PA to all Sr. Principal Secretaries, Principal Secretaries and Secretaries.
4. All Under Secretaries.
5. All Zonal Sections/Communication Section/CEMS-I & II/Computer Section/PPEMS/ SDR Section.

Procedure for preparation of DEO's scrutiny and summary report

1. Every contesting candidate is required to file his/her account of election expenditure with the DEO within the statutory time limit of 30 days from the date of declaration of result. As soon as the accounts are received by the DEO, the Abstract Statement of each account should be scanned and put in the website of CEO within 3 days of receipt by the DEO for wider dissemination among public.

2. Account Reconciliation Meeting :-

2.1 The Account Reconciliation Meeting shall be convened by the DEO on the 26th day of the declaration of result in which the candidate shall be given another opportunity to reconcile the understated amount of his/her election expenditure, if any. The DEO shall ensure that each candidate is informed about this meeting in writing on or by the day of declaration of result, so that the candidates/ their election agents can be present at the meeting and reconcile the disputed items of election expenditure in their accounts of election expenses with the evidence(s) gathered during election process and the notice(s) issued by the RO.

2.2 If no notice on understatement of items had been issued to the candidate during the election process, the DEO is to issue letter within 15 days of declaration of result to obtain reply of the candidate. Both letter/reply to be considered in Account Reconciliation Meeting first and subsequently shall be informed to the ECI with the recorded views of the District Expenditure Monitoring Committee (DEMC).

2.3 In the Account Reconciliation Meeting, the District Expenditure Monitoring Committee (DEMC) shall scrutinize the accounts and in cases where the differences could not be reconciled, shall pass an order in writing, giving detailed reasons, and serve it on the candidate/agent on the same day. If the candidate agrees with the DEMC order, he/she may incorporate the same in his/her final accounts. If the candidate does not agree with the DEMC order, he/she may lodge his/her final account with the DEO, with the reasons for the disagreement by way of a letter to the DEO.

2.4 If the candidate has already lodged his/her account prior to the Account Reconciliation meeting, he/she may revise the account, within the statutory period of 30 days of declaration of result of election, in order to incorporate the findings of the DEMC.

3. Scrutiny of Accounts:

3.1 After receipt of the final accounts from the candidates, the same shall be scrutinised by the DEMC.

3.2. Where the accounts submitted by the candidates involve procedural defects such as (i) vouchers not signed; (ii) duly sworn in affidavit not filed; (iii) register of day to day account along with bank register and cash register not duly signed, (iv) Abstract Statement (Part-I to Part IV and schedule 1 to 10**) not filled up/not duly signed; (v) Cash Expenditure in excess of Rs. 20,000/-*** not incurred through cheque, (vi) Expenditure outside the bank account; (vii) self-certified copies of the statement of bank account not submitted and (viii) if the bank account is not opened at all, within 3 days of receipt of the accounts the DEO shall issue a notice giving the candidate 3 days' time to rectify the defect. The reply of the candidate will be examined by the DEO and he shall forward the copy of notice and reply of the candidate, if any, to the Commission, along with his/her comments.

3.3 In cases of delay in filing of accounts, not exceeding 15 days from the due date, the DEO shall suo-motu issue a notice to the candidate calling for explanation for the delay. The reply of the candidate will be examined by the DEO and he shall forward the copy of notice and reply of the candidate, if any, to the Commission, along with his comments.

4. The DEO shall finalize the candidate wise summary and scrutiny reports in the prescribed format (Annexure-21* of the Compendium) by the 37th day from the date of declaration of result and shall forward the same to the CEO office preferably by the 38th day (Para 11.5 of the Compendium of Instructions). The DEO reports, duly forwarded by the CEO should reach the Commission within 45 days of declaration of result.

5. In cases where disagreement persists even after the Account Reconciliation Meeting and the DEO does not agree that expenses have been correctly reported by the candidate, the DEO shall, along with the scrutiny report, enclose certified copies of the relevant documents viz. minutes of DEMC/Account Reconciliation Meetings, notices issued, reply from the candidate, rate chart, Shadow Observation Register (SOR), Election Expenditure Register of the candidate with the documents, duly serial numbered.

6. The DEO shall get the data entered into the EEMS software**** within 3 days of the finalisation of the candidate-wise scrutiny report.

7. The new procedure will be applicable prospectively from the date of issue of these guidelines, i.e. 2nd June, 2016.

Note: *Please refer next instruction

** Total no. of Schedules is 11 now

** * Amount is Rs. 10,000/- now

**** It is ENCORE now

INSTRUCTION Sl. No. 43

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2015/EEPS/Vol. XIV Dated: 2nd June, 2016

To

The Chief Electoral Officer of

all States and UTs.

Sub:- Modified format of DEO's scrutiny report (Annexure-21) -Regarding.

Sir/Madam,

I am directed to refer to Annexure-21 of "Compendium of Instructions on Election Expenditure Monitoring (April - 2016)" regarding candidate wise scrutiny report of DEO on election expenditure account and to state that after implementation of Account Reconciliation Meeting Scheme, modified format is being forwarded herewith with the request to bring it to the notice of all District Election Officers etc. for compliance. This new format will be applicable prospectively and shall come into force with effect from the date of issue of this letter.

Yours faithfully,

Sd/-

(AVINASH KUMAR)

SECRETARY

Copy to:

1. Sr. PPS/PSO to the Hon'ble CEC/EC(J)/EC(R).
2. PPS to DECs/DG.
3. PA to all Sr. Principal Secretaries, Principal Secretaries and Secretaries.
4. All Under Secretaries.
5. All Zonal Sections/Communication Section/CEMS-I & II/Computer Section/ PPEMS/SDR.

Serial Number of the candidate in Summary Report of the DEO ---------

Name of the State……District……Election…….....

DEO's SCRUTINY REPORT ON ELECTION EXPENSES OF THE CANDIDATE UNDER RULE 89 OF C.E. RULES, 1961		
S.No.	**Description**	**To be filled up by the DEO**
1.	Name & address of the candidate	
2.	Political Party affiliation, if any	
3.	No. and name of Assembly/Parliamentary Constituency Constituency	
4.	Name of the elected candidate	
5.	Date of declaration of result	
6.	Date of Account Reconciliation Meeting	
7.	(i) Whether the candidate or his agent had been informed about the date of Account Reconciliation Meeting in writing	*(i) Yes/No*
	(ii) Whether he or his agent has attended the meeting	*(ii) Yes/No*
8.	Whether all the defects reconciled by the candidate after Account Reconciliation Meeting (Yes or No). (If not, defects that could not be reconciled be shown in Column No. 19)	*Yes/No*
9.	Last date prescribed for lodging Account	
10.	Whether the candidate has lodged the account	*Yes/No*
11.	If the candidate has lodged the account, date of lodging of account by the candidate:	
	(i) original account	
	(ii) revised account after the Account Reconciliation Meeting	
12.	Whether account lodged in time	*Yes/No*
12A	If not lodged in time, period of delay	…… days
13.	If account not lodged or not lodged in time, whether DEO called for explanation from the candidate. If not, reason thereof.	*Yes/No*
14.	Explanation, if any, given by the candidate	
14A.	Comments of the DEO on the explanation if any, of the candidate	
15.	Grand Total of all election expenses reported by the candidate in Part-II of the Abstract Statement	Rs. ……

16.	Whether in the DEO's opinion, the account of election expenses of the candidate has been lodged in the manner required by the R. P. Act, 1951 and C.E. Rules, 1961				*Yes/No*	
17.	If No, then please mention the following defects with details					
	(i) Whether Election Expenditure Register comprising of Day to Day Account Register, Cash Register, Bank Register, Abstract Statement has been lodged				*Yes/No*	
	(ii) Whether duly sworn in affidavit has been submitted by candidate				*Yes/No*	
	(iii) Whether requisite vouchers in respect of items of election expenditure submitted				*Yes/No*	
	(iv) Whether separate Bank Account opened for election				*Yes/No*	
	(v) Whether all expenditure (except petty expenditure) routed through bank account				*Yes/No*	
18.	(i) Whether the DEO had issued a notice to the candidate for rectifying the defect				*Yes/No*	
	(ii) Whether the candidate rectified the defect				*Yes/No*	
	(iii) Comments of the DEO on the above, i.e. whether the defect was rectified or not.					
19.	Whether the items of election expenses reported by the candidate correspond with the expenses shown in the Shadow Observation Register and Folder of Evidence.				*Yes/No*	
	If No, then mention the following:					
	Items of expenditure	Date	Page No. of Shadow Observation Register	Mention amount as per the Shadow Observation Register/folder of evidence	Amount as per the account submitted by the candidate	Amount understated by the candidate
i						
ii, iii …						
TOTAL						
20.	Did the candidate produce his Register of Accounting Election Expenditure for inspection by the Observer/RO/Authorized persons 3 times during campaign period				*Yes/No*	
21.	If DEO does not agree with the facts mentioned against Row No. 19 referred to above, give the following details:-					

	(i) Were the defects noticed by DEO brought to the notice of the candidate during campaign period or during the Account Reconciliation Meeting	*Yes/No*
	(ii) If yes, then annex copies of all the notices issued relating to discrepancies with English translation (if it is in regional language) and mention the date of notice	
	(iii) Did the candidate give any reply to the notice ?	*Yes/No*
	(iv) If yes, please Annex copies of such explanation received, (with English translation of the same, if it is in regional language) and mention date of reply	
	(v) DEO's comments/observations on the candidate's explanation	
22.	Whether the DEO agrees that the expenses are correctly reported by the candidate. (Should be similar to Column no. 8 of Summary Report of DEO) Date:	*Yes/No* Signature (Name of the DEO)
23. Comments, if any, by the Expenditure Observer*- Date:		Signature of the Expenditure Observer

* If the Expenditure Observer has some more facts that have not been covered in the DEO's report, he may annex separate note to that effect.

** The DEO scrutiny report is to be compiled by the CEO and forwarded to the Commission. If the CEO feels like giving additional comments, he or she may forward the comments separately.

SUMMARY REPORT OF DEO FOR EACH CONSTITUENCY ON LODGING OF ELECTION EXPENSES ACCOUNTS BY CANDIDATES

(a) No. and name of Assembly/Parliamentary Constituency: (b) Total No. of contesting candidates:

(c) State and District: (d) Date of declaration of result of election/bye-election:

(e) Last date of lodging accounts: (f) Name of the elected candidate:

1.	2.	3.	4.	5.	6.	7.	8.	9.		10.		11.
S. No.	Name of the candidate and Party Affiliation	Due date of lodging of account	Date of lodging of accounts by the candidate	Whether lodged in the prescribed format (Yes or No)	Whether lodged in the manner required by law (Yes or No)	Grand Total of the expenses incurred/ authori zed by the candidate/agent (as mentioned in Part-II of Abstract Statement)	Whether the DEO agrees with the amount shown by the candidate against all items of expenditure (Should be similar to point no. 22 of DEO`s Scrutiny Report i.e. Annexure- C13)	Total expenses incurred by the Party (As reported in Part-III of Abstract Statement)		Total expenses incurred by others/entities as reported in Part-III of Abstract Statement		Remarks of the Expenditure Observer
								Lump Sum Amount in cash or cheque given to candidate by each Political Party	Grand Total of other expenses in kind by the Political Party	Lump sum Amount in cash / cheque given to the candidate (and mention names of donors)	Grand total of other expenses in kind incurred for the candidate	

Comments of the Expenditure Observer, if any,.....

Signature of the DEO

Date:

Signature of the Expenditure Observer

INSTRUCTION Sl. No. 44

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/ECI/INST/FUNC/EEM/EEPS/2017/Vol. XIX Dated: 13th December, 2017

To

The Chief Electoral Officer

Tamil Nadu

Chennai

Sub:- Bye-election to 11-Dr. Radhakrishnan Nagar AC, Tamil Nadu, 2017-Exclusion of items like T-shirt, saree etc. from Rate Chart-Regarding

Sir,

It has been brought to the notice of the Commission that in the rate chart issued by the DEO, Chennai, some items like saree, dhoti, blankets etc. have been included as valid items of expenditure and several candidates have shown expenditure incurred on T-shirts and sarees in their day to day account of election expenditure. In this regard, I am directed to refer to para 5 of Chapter D and the Commission's letter no. 76/Instructions/2011/EEM, dated 7th Apirl, 2011 (Annexure-D9) (copies enclosed) in the Compendium of Instructions on Election Expenditure Monitoring (October, 2017) and to reiterate that supply and distribution of main apparels like saree, shirt, T-shirt, dhoti etc. by party/candidate is not permitted as it is bribery of voters. Inclusion of these kinds of main apparels in the rate chart has given impression that the election authority has given permission to parties/candidates to distribute these items among the voters to lure them.

The DEO, Chennai may accordingly be directed to exclude these items from the rate chart and to bring it to the notice of all political parties, candidates and election authorities immediately.

Yours faithfully,

Sd/-

(MUKESH KUMAR)

UNDER SECRETARY

INSTRUCTION Sl. No. 45

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/ECI/INST/FUNC/EEM/EEPS/2018/Vol. I Dated: 19th February, 2018

To

The Chief Electoral Officer

Tripura

Agartala

Subject:- General Election to Tripura Legislative Assembly, 2018-Election Expenditure Limit in adjourned poll for death of a candidate-Reg.

Sir,

I am directed to refer to the Commission's notification no. 492/TP-LA/2018, dated 15.02.2018 (copy enclosed) on the subject cited and to clarify that as per section 77 of the R. P. Act, 1951, the candidates already contesting the election and the newly nominated CPI(M) candidate for 19-Charilam AC have to maintain their accounts of election expenses from the date of filing their nomination up to the date of declaration of result of 19-Charilam AC as per the schedule notified by the Commission vide its aforesaid notification dated 15.02.2018. As per Rule 90 of C. E. Rules, 1961, maximum limit of election expenditure for all the candidates already in the fray and the newly nominated CPI(M) candidate for 19-Charilam AC is Rs. 20 Lakh.

2. The candidates already contesting in 19-Charilam AC will continue maintaining their accounts of election expenses as they are maintaining from the date of filing their nomination up to declaration of result of 19-Charilam AC.

3. Whereas, the newly nominated candidate of CPI(M) will maintain his accounts of election expenses from the date of filing his nomination up to declaration of result of 19-Charilam AC.

4. You are requested to bring this to the notice of concerned DEO, RO, other election authorities, Expenditure Observer, candidates and political parties urgently.

Yours faithfully,

Sd/-

(AVINASH KUMAR)

SECRETARY

INSTRUCTION Sl. No. 46

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/ECI/INST/FUNC/EEM/EEPS/2018/Vol. VII Dated: 23rd March, 2018

To

The Chief Electoral Officer

Tripura

Agartala

Subject:- Clarification regarding signature by the candidate himself in the Affidavit in case of death case-Reg.

Sir,

With reference to your letter no. F.19 (60)-CEO/EEM/GEN/2017-18, dated 18th March, 2018, I am directed to state that there is no in use for presume the case of accounts in event of death of a candidate and hence the requirement of Section 78 of the R. P. Act, 1951 will cease to be applicable in the case of Khagendra Jamatia, who was a contesting candidate at 29-Kirshnapur Assembly Constituency (ST) on Tripura Legislative Assembly Election,-2018.

Yours faithfully,

Sd/-

(RAJAN JAIN)

UNDER SECRETARY

INSTRUCTION Sl. No. 47

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/ECI/INST/FUNC/EEM/EEPS/2019/Vol. XVIII Dated:19th May, 2019

To

The Chief Electoral Officers of

All States and UTs.

Subject:-General Election to Lok Sabha, 2019-Accounting of expenditure incurred on helipad construction and parking charges- Clarification-Regarding.

Madam/Sir,

It is seen that helicopters are being used in large numbers for the purpose of campaigning by political parties and candidates. A clarification has been sought regarding expenditure associated with construction of helipads. In this regard, I am directed to clarify that expenditure incurred on construction of helipads including expenses related to helipad site development and removal of dismantled material and parking charges of helicopter borne by political party in connection with travel of its leaders, as per Explanation 1 of Section 77 of the R. P. Act, 1951 (popularly known as "Star Campaigners"), irrespective of their security entitlement, shall be booked in the account of election expenses of the political party concerned and not in the account of election expenses of the candidate(s).

2. A star campaigner who is also a candidate, shall account for expenses on hiring of helicopter, preparation of helipad etc. for campaigning within his own constituency. However, the travel expenses incurred for travel out of his own constituency for campaigning in other constituencies and to come back to his/her constituency are not to be booked to his/her account. (ECI letter no. 437/6/1/2008-CC&BE, dated 24.10.2008 copy enclosed).

4. You are requested to kindly bring the clarification to the notice of all DEOs, ROs, Expenditure Observers and other election authorities for necessary compliance.

Yours faithfully,

Sd/-

(RAJAN JAIN)

UNDER SECRETARY

INSTRUCTION Sl. No. 48

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/ECI/INST/FUNC/EEM/EEPS/2019/Vol. III Dated: 9th July, 2019

To

The Chief Electoral Officers

of all States/UTs

Sub:- General Elections to Lok Sabha, Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha & Sikkim and some bye-elections, 2019-List of defaulting candidates in terms of submission of their accounts of election expenses-Reg.

Madam/Sir,

In continuation of the Commission's letter of even number dated 31.05.2019 and 19.06.2019 (copies enclosed for ready reference), I am directed to state that DEOs are requested to send the DEO's Scrutiny Reports [Annexure-C3 of "Compendium of Instructions on Election Expenditure Monitoring (February, 2019)] within 45 days of declaration of results i.e. by 8th July, 2019 through the CEO to the Commission and if the CEO feels it so necessary additional comments may be furnished thereupon, separately. In the past it has been noticed that DEOs and the CEOs are sending the DEO's Scrutiny Reports in a piecemeal manner which leads to undue delay in their final disposal. For the sake of timely disposal of accounts cases by the Commission, it has been decided that DEO's Scrutiny Reports on Accounts of Candidates shall now be categorized at the CEO level and shall be furnished to the Commission in the specified format (annexure enclosed), as under:-

A. Total No. of DEOs who have furnished scrutiny reports.

B. Total No. of Contesting Candidates.

Category-1: Candidates in whose case no defect has been pointed out by the DEO in the DEO's Scrutiny Report.

Category-2: Candidates who did not lodge their accounts of election expenses.

Category-3: Candidates who failed to lodge their accounts of election expenses within the prescribed time period (i.e. within 30 days from the date of declaration of election results under section 78 of the R. P. Act, 1951).

Category-4: Candidates who failed to lodge their accounts of election expenses in the manner required under law i.e. Section 77 and 78 in the R. P. Act, 1951 and Rule 86-90 of the Conduct of Elections Rules, 1961 (other than cases mentioned in Category 2 and 3).

Category-5: Candidates who failed to lodge their accounts of election expenses within the prescribed time period + failed to lodge their accounts of election expenses in the manner required under law i.e. Section 77 and 78 in the R. P. Act, 1951 and Rule 86-90 of the Conduct of Elections Rules, 1961 (other than cases mentioned in Category 2, 3 and 4).

2. You are requested to bring it to the notice of all DEOs for compliance and furnish the DEO's Scrutiny

Reports within 45 days of declaration of results of elections along with proper categorization of account cases in the prescribed format (annexure enclosed) to the Commission.

3. Kindly acknowledge the receipt.

Yours faithfully,

Sd/-

(AVINASH KUMAR)

SECRETARY

Copy to Zonal Section/Zonal Under Secretaries/Zonal Secretaries/Zonal Principal Secretaries with the request to take follow up action on DEO's Scrutiny Reports in terms of Commission's circular dated 2nd June, 2016.

INSTRUCTION Sl. No. 49

(Part A)

Register for Maintenance of Day to Day Accounts of Election Expenditure by Contesting Candidates

Name of the Candidate: Name of Political Party, if any:

Constituency from which contested:

Date of Declaration of Result:

Name and address of Election Agent:

Total expenditure incurred / authorized:

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

1.	2.			3.	4.	5.	6.	7.	8.	9.
Date of expenditure/ event	Nature of expenditure			Total Amount in Rupees (paid + outstanding)	Name and address of payee	Bill No. / voucher No. and date	Amount incurred/ authorized by candidate or his election agent	Amount incurred/ authorized by political party and name of political party	Amount incurred/ authorized by other individual/ association/ body/ any other (mention full Name and Address)	Remarks, if any
	Des crip	Qty.	Rate per unit							

Certified that this is a true account kept by me/my election agent under Section 77 of the Representation of the People Act, 1951 (Certificate to be furnished after the date of declaration of result).

Signature of the candidate

Note :

1. This register must be maintained on a daily basis and shall be subject to inspection at any time by the Observer appointed by the Election Commission, the District Election Officer/Returning Officer or by any other officer authorized in this behalf.

2. The register must be lodged in original with the District Election Officer as the return of Election Expenditure under Section 78 of the Representation of the People Act, 1951. It must be accompanied by an abstract statement (Part I to IV and schedules 1 to 11) of election expenses and supporting affidavit in the prescribed formats. No return of expenditure will be accepted as complete without the abstract statement of election expenses and the affidavit.

3. Vouchers may not be attached only in respect of those items which are listed in Rule 86(2) of the Conduct of Election Rules, 1961, like postage, travel by rail. For any voucher not attached vide this rule, an explanation to the affect why it was not practicable to obtain the required vouchers must be given in the prescribed register.

4. The account and abstract statement shall be countersigned by the candidate if it is lodged by his election agent and should be certified by the candidate himself to be the correct copy of the account kept. The affidavit should be sworn by the candidate himself.

5. Apart from the expenses incurred or authorized by the candidate/election agent directly, all expenditure incurred or authorized by the political party, other associations, bodies of persons, individuals in connection with the election of the candidate with his consent are also required to be included in the account. The only exception is the expenses incurred on travel of specified leaders of the political party on account of their travel for propagating the programme of the party. (See Explanation 1 and 2 of Section 77(1) of the Representation of the People Act, 1951).

6. If the expenditure on any item shown above in columns 2 and 3 above is incurred/authorized by any political party/association/body of persons/any individual (other than the candidate or his election agent), its / his name and complete address must be shown in columns 7 and 8.

7. The total expenditure referred in columns 2 and 3 of the above table should include all expenditure in cash and the value of all goods and services received in kind by the candidate or his election agent from any source.

8. This register should include Day to Day Account Register as is Part A in White Pages, Cash Register as mentioned in Part-B in Pink pages and Bank Register as mentioned in Part-C in Yellow pages, as per the formats prescribed.

(Part B)

Cash Register for Maintenance of Day to Day Accounts by Contesting Candidates

Name of the Candidate: Name of Political Party, if any

Constituency from which contested:

Date of Declaration of Result:

Name and address of Election Agent:

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

Receipt				**Payment**				**Balance Amount**	**Remarks, if any**
Date	Name and address of person/ party/ association/ body/any other from whom the amount received	Receipt No.	Amount	Bill No./ Voucher No. and Date	Name of payee and address	Nature of Expenditure	Amount	Places at which or person with whom the balance is kept (if cash is kept at more than one place/ persons, mention name and balance available)	Any expense mentioned in column 7 of this table and not mentioned in column 2 of table of Part-A should be clarified here.
1.	**2.**	**3.**	**4.**	**5.**	**6.**	**7.**	**8.**	**9.**	**10.**

Certified that this is a true account kept by me/my election agent under Section 77 of the Representation of the People Act, 1951 (Certificate to be furnished after the date of declaration of result).

Signature of the Candidate

(Part C)

Bank Register for Maintenance of Day to Day Accounts by Contesting Candidates

Name of the Candidate: Name of Political Party, if any

Constituency from which contested:

Date of Declaration of Result:

Name and address of Election Agent:

Name of the Bank:

Branch Address:

Account No. :

(From the date of nomination to the date of declaration of result of election, both dates inclusive)

Deposit				**Payment**				**Balance Amount**	**Remarks, if any**
Date	Name and address of person/ party/ association / body/any other from whom the amount received/ deposited in Bank	Cash/ Cheque No., Bank name and Branch	Amount	Cheque No.	Name of Payee	Nature of Expenditure	Amount		Any expense mentioned in column 7 of this table and not mentioned in column 2 of table of Part-A should be clarified here.
1.	**2.**	**3.**	**4.**	**5.**	**6.**	**7.**	**8.**	**9.**	**10.**

Certified that this is a true account kept by me/my election agent under Section 77 of the Representation of the People Act, 1951 (Certificate to be furnished after the date of declaration of result).

Signature of the Candidate

Guidelines for Maintenance of the Day-to-Day Accounts of Election Expenditure:

All cash, cheque, or draft or pay order received by the candidate, either from his own fund or from political party or from any other person, body, institution or company is to be deposited in a separate bank account opened by the candidate for the purpose of election expenditure.

1. For Cash received

1.1 For candidate's own cash to be used for election expenditure:- If the candidate brings his own cash, then he/she has to deposit the cash in the bank account opened for election expenses. Then entry has to be made in Bank Register (Part C of day to day account register) by writing "Candidate's own Fund" in column 2, "Cash" in Column-3 and the amount in Column 4.

1.2 Cash received by candidate from any other person/party/association/ body :- If cash is received by the candidate from any other person/party for the purpose of his election expenditure, then, this amount is to be entered in the Cash Register (Part B) on receipt side by writing date in Column-1, name and address of the person/party etc. from whom cash received in Column-2, receipt No. (if any) in Column-3 and amount of cash in Column-4. After making entry in the Cash Register, the amount shall be deposited in the bank account, opened for election expenses. Once the amount is deposited in bank accounts, entries for the same have to be made in the cash register on payment side by writing date in Column-5, Account Number of bank A/c where cash deposited in Column-6, and "deposit" in Column-7 and amount in Column-8.

1.3 After the cash is deposited in Bank, the Bank Register (Part C) has to be updated, by writing date in Column-1, "Candidate's own cash" in Column-2, Cash in Column-3, amount in Column-4. This has to be done so that the bank balance can be drawn, to tally with the bank passbook.

2. For Cheques/Drafts/Pay-orders received

2.1 Cheques/Draft/Pay order received from any person/party/association etc. or from candidate's own bank account: If candidate receives cheque/draft/pay order for his/her election expenditure purpose from any person/party etc. or he issues cheque/draft from his own bank account, he has to deposit it in the said Fs opened for election expenditure. He shall make entry on the deposit side of bank register by mentioning date in Column-1, name and address of the person/party from whom the cheque received in Column-2, Cheque /Draft/Pay order No. and Bank name/branch in Column-3 and amount of cheque/draft/pay order in Column-4. If, it is cheque from his own bank account, then in Column-2 of Bank Register, "Candidate's own fund" is to be mentioned.

3. For Goods or Services received in kind

3.1 If some goods or services are received in kind like vehicles, posters, pamphlets, media advertisement, helicopters, aircrafts etc. from party or any person/body/association: If any person party /body/association provides some goods or services in kind, for election campaigning etc., of the candidate, then for these items, necessary entries are to be made in Part A of Day to Day accounts register by mentioning date in Column-1, description, quantity, rate per unit in Column-2, nature of expenditure and total value (Notional value of the items) in Column-3 of the said Register. Further, if the items in kind have been provided by the political party, then the total value and name of political party for that should be written

in Column-7 and if such items have been given by any other person/association etc. then that amount and name, address of such persons/associations etc. shall be mentioned in Column-8 of this register.

4. For all Election Expenses

4.1 All election expenditure shall be entered in Register of Day to Day Accounts (Part-A). Whenever any expense is incurred, say, a taxi is requisitioned, then entry has to be made in Register of Day to Day accounts (Part A) as under: Date in Column-1, nature of expenditure like "taxi" No. " under description total hours/days for which requisitioned and rate per hour/day in Columen-2 and total amount in Column-3, name and address of the taxi provider in Column-4, bill/voucher No. in Column-5. If the amount is paid by the candidate, then the amount is mentioned in Column-6. If the amount is paid by political party directly to the taxi provider then name of party and amount is to be written in Column-7. If it is paid by any other person, amount and name and address of such person shall be written in Column-8.

4.2 For Payment for expenses made through cheques: All the payments for expenses (except petty expenses up to Rs.10,000/- to a single party during the entire election process) are to be made only through A/c payee cheques. For, making payment in cheques, the following entry has to be made in Bank Register (Part C) : Cheque No. in Column-5, name of the payee to whom cheque issued in Column 6, nature of expenditure in Column-7 and amount in Column-8 is to be written.

4.3 For Payments of petty expenses made in cash: if any payment of petty expenses are to be made in cash (that too if total amount paid to a person during whole period of campaigning shall not exceed Rs. 10,000/-) then cash is to be withdrawn from the said bank account opened for election expense. For this, entries are to be made in Bank Register (Part C) mentioning cheque No. for withdrawal in Column-5, "self" column-6 nature of expenditure "withdrawal for petty expenses" in Column-7 and the amount in Column-8 of the Bank Register. After the withdrawal, this cash is to be introduced in cash Register (Part B) by making entry in the receipt side. For this, date is to be mentioned in Column-1, "self" in Column-2 withdrawal from Bank in Column-3 and amount in Column-4. If such petty cash is given to different branch offices or agents to incur petty expense, then the amount and names of persons/places are to be entered in Column-9. After payment is made for the petty expense, such expenses are also to be entered in Day to Day Accounts (Part A) as follows: date in Column-1, Nature of payment in Column-2, Total amount in Column-3, Name and Address of Payee in Column-4, Bill/voucher No. in Column-5 and "self" in Column-6.

INSTRUCTION Sl. No. 50

PART – I : ABSTRACT STATEMENT OF ELECTION EXPENSES		
I	Name of the Candidate	Sh./Smt./ Km.
II	Number and name of Constituency	
III	Name of State/Union Territory	
IV	Nature of Election (Please mention whether General Election to State Assembly / Lok Sabha / Bye- election)	
V	Date of declaration of result	
VI	Name and Address of the Election Agent	
VII	If candidate is set up by a political party, Please mention the name of the political party	
VIII	Whether the party is a recognised political party	Yes/No

Date: Signature of the Candidate

Place: Name:

PART-II : ABSTRACT OF STATEMENT OF ELECTION EXPENDITURE OF CANDIDATE					
S. No.	**Particulars**	**Amt. Incurred / Auth. by Candidate/ Election agent(in Rs.)**	**Amt. Incurred/ authorized by Pol. Party (in Rs.)**	**Amt. Incurred / authorized by others (in Rs.)**	**Total Election expenditure (3)+(4)+(5)**
1	**2**	**3**	**4**	**5**	**6**
I	Expenses in public meeting, rally, procession etc.:- I. a : Expenses in public meeting, rally, procession etc. (ie: other than the ones with Star Campaigners of the Political party (Enclose as per Schedule-1)				
	I. b : Expenditure in public meeting rally, procession etc. with the Star Campaigner(s) (ie: other than those for general party propaganda) (Enclose as per Schedule-2)				
II	Campaign materials other than those used in the public meeting, rally, procession etc. mentioned in S.No. I above(Enclose as per Schedule-3)				

III	(a) Campaign, through print and electronic media including cable network, bulk SMS or internet and Social media in privately owned newspapers/TV/radio channels etc. (Enclose as per Schedule-4)				
	(b) Campaign, through print and electronic media including cable network, bulk SMS or internet and Social media in newspapers/TV/radio channels etc. owned by the candidate or by the political party sponsoring the candidate (Enclose as per Schedule-4A)				
IV	Expenditure on campaign vehicle(s), used by candidate(Enclose as per schedule-5)				
V	Expenses of campaign workers / agents (Enclose as per Schedule –6)				
VI	Any other campaign expenditure				
VII	Expenses incurred on publishing of declaration regarding criminal cases (Enclose as per Schedule-10)				
VIII	**VIII Expenses incurred on Virtual Campaign (Enclose as per Schedule 11)**				
	Grand Total				

PART III : ABSTRACT OF SOURCE OF FUNDS RAISED BY CANDIDATE		
S No	**Particulars**	**Amount (in Rs.)**
1	**2**	**3**
I	Amount of own fund used for the election campaign (Enclose as per Schedule - 7)	
II	Lump sum amount received from the party (ies) in cash or cheque etc. (Enclose as per Schedule -8)	
III	Lump sum amount received from any person/ company/ firm/ associations / body of persons etc. as loan, gift or donation etc. (Enclose as per Schedule -9)	
	Total	Yes/No

PART- IV

FORM OF AFFIDAVIT

Before the District Election Officer .....(District, State/Union Territory)

Affidavit of Shri/Smt/Ms .....(S/o, W/o, D/o)……..... son/wife/ daughter of ……..……..,..... aged ……. years, r/o .... do hereby solemnly and sincerely state and declare as under :-

(1) That I was a contesting candidate at the general election/bye election to the House of the People / Legislative Assembly of ……..…….. from.....…. …..……Parliamentary/ Assembly constituency, the result of which was declared on …….....

(2) That I/my election agent kept a separate and correct account of all expenditure incurred / authorised by me / my election agent in connection with the above election between …… (the date on which I was nominated) and the date of declaration of the result thereof, both days inclusive.

(3) That the said account was maintained in the Register furnished by the Returning Officer for the purpose and the said Register itself is annexed hereto with the supporting vouchers/bills mentioned in the said account.

(4) That the account of my election expenditure as annexed hereto includes all items of election expenditure incurred or authorised by me or by my election agent, the political party which sponsored me, other associations / body of persons and other individuals supporting me, in connection with the election, and nothing has been concealed or withheld/suppressed therefrom (other than the expense on travel of leaders' covered by Explanations 1 and 2 under section 77 (1) of the Representation of the People Act, 1951).

(5) That the Abstract Statement of Election Expenses annexed as Annexure II to the said account also includes all expenditure incurred or authorised by me, my election agent, the political party which sponsored me, other associations / body of persons and other individuals supporting me, in connection with the election.

(6) That the statements in the foregoing paragraphs (1) to (5) are true to the best of my knowledge and belief, that nothing is false and nothing material has been concealed.

Deponent

Solemnly affirmed/sworn by …….....…….. at …….....……this day of 201 .....……..before me.

(Signature and seal of the Attesting authority, i.e. Magistrate of the first Class or Oath Commission or Notary Public)

ACKNOWLEDGEMENT FORM

To

THE RETURNING OFFICER,

_____

_____

_____

Sir,

I acknowledge receipt of your letter No……dated……. along with its enclosures containing, among other documents, a Register bearing serial No…….. for maintaining of my accounts of election expenses.

2. I have noted the requirements of law for maintenance of account of election expenses and lodging of true copy of that account with the District Election Officer / Returning Officer.

Yours faithfully,

(Signature of Candidate with date)

* Strike off whichever is inapplicable.

.....

ACKNOWLEDGEMENT (To be filled up by Office)

The account of the election expenses in respect of …….....(Constituency) result of which was declared on ……. (Date) has been filed by him /on his behalf on ……... (Date) and has been received by me today the …….. (Date) of ……..(Month)…… (Year).

District_____ District Election Officer

Office Seal

Schedules- 1 to 11: Details of Elections Funds and Expenditure of Candidate

Schedule- 1					
PART III : ABSTRACT OF SOURCE OF FUNDS RAISED BY CANDIDATE					
S No	Nature of Expenditure	Total Amount in Rs.	Source of Expenditure		
			Amt. incurred / Auth. by Candidate / agent	Amt. incurred / by Pol. Party with name	Amt. incurred by others
1	**2**	**3**	**4**	**5**	**6**
1	Vehicles for transporting visitors				

2	Erecting Stage, Pandal & Furniture, Fixtures, poles etc.				
3	Arches & Barricades etc.				
4	Flowers/ garlands				
5	Hiring Loud speakers, Microphone, amplifiers, comparers etc.				
6	Posters, hand bills, pamphlets, Banners, Cut-outs, hoardings				
7	Beverages like tea, Water, cold drink, juice etc.				
8	Digital TV –boards display, Projector display, tickers boards, 3D display				
9	Expenses on celebrities, payment to musicians, other artists remuneration etc.				
10	Illumination items like serial lights, boards etc.				
11	Expenses on transport, Helicopter/ aircraft / vehicles/ boats etc. charges (for self, celebrity or any other campaigner other than Star Campaigner)				
12	Power consumption/ generator charges				
13	Rent for venue				
14	Guards & security charges				
15	Boarding & lodging expenses of self, celebrity, party functionary or any other campaigner including Star Campaigner				
16	Others expenses				
	Total				

Schedule- 2						
Expenditure in public meeting rally, procession etc. with the Star Campaigner(s) as apportioned to candidate (ie: other than those for general party propaganda)						
S No	Date and Venue	Name of the Star Campaigner(s) & Name of Party	Amount of Expenditure on public meeting rally, procession etc. with the Star Campaigner(s) apportioned to the candidate (As other than for general party propaganda) in Rs.			Remarks, if any
1	**2**	**3**	**4**			**5**
			Source of Expenditure			
			Amount by Candidate/Agent	Amount by Political Party	Amount by Others	
1						
2						
3						
4						
Total						

Schedule- 3						
Details of expenditure on campaign materials, like handbills, pamphlets, posters, hoardings, banners, cut-outs, gates & arches, video and audio cassettes, CDs/ DVDs, Loud speakers, amplifiers, digital TV/ board display , 3 D display etc. for candidate's election campaign (ie: other than those covered in Schedule- 1 & 2)						
S No	Nature of Expenses	Total Amount in Rs.	Sources of Expenditure			Remarks, if any
1	**2**	**3**	**4**	**5**	**6**	
			Source of Expenditure			
			Amount by Candidate/ Agent	Amount by Political Party	Amount by Others	
1						
2						
3						
4						
Total						

Schedule- 4							
Details of expenditure on campaign through print and electronic media including cable network, bulk SMS or Internet or social media, news items/TV/radio channel etc., including the paid news so decided by MCMC or voluntarily admitted by the candidate. The details should include the expenditure incurred on all such news items appearing in privately owned newspapers/TV/radio channels etc.							
S No	Nature of medium (electronic / print) and duration	Name and address of media provider (print / electronic /SMS / voice/ cable TV, social media etc.)	Name and address of agency, reporter, stringer, company or any person to whom charges / commission etc. paid/ payable, if any	Total Amount in Rs.	Sources of Expenditure		
					Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	**2**	**3**	**4**	**5**	**6**	**7**	**8**
1							
2							
3							
4							
Total							

Schedule-4A							
Details of expenditure on campaign through print and electronic media including cable network, bulk SMS or Internet or social media, news items/TV/radio channel etc., including the paid news so decided by MCMC or voluntarily admitted by the candidate. The details should include the expenditure incurred on all such news items appearing in newspapers/TV/radio channels, owned by the candidate or by the political party sponsoring the candidate.							
S No	Nature of medium (electronic / print) and duration	Name and address of media provider (print / electronic /SMS / voice/ cable TV, social media etc.)	Name and address of agency, reporter, stringer, company or any person to whom charges / commission etc. paid/ payable, if any	Total Amount in Rs.	Sources of Expenditure		
					Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	**2**	**3**	**4**	**5**	**6**	**7**	**8**
1							
2							
3							
4							
Total							

Schedule -5									
Details of expenditure on campaign vehicle (s) and poll expenditure on vehicle(s) for candidate's election campaign									
S No	Regn. No. of Vehicle & Type of Vehicle	Hiring Charges of vehicle			No. of Days for which used	Total amt. incurred/ auth. in Rs.	Source of Expenditure		
							Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	**2**	**3a**	**3b**	**3c**	**4**	**5**	**6**	**7**	**8**
1									
2									
3									
4									
Total									

Schedule -6								
Details of expenditure on Campaign workers / agents and on candidates' booths (kiosks) outside polling stations for distribution of voter's slips								
S No	Date and Venue	Expenses on Campaign workers			Total amt. incurred/ auth. In Rs.	Source of Expenditure		
		Nature of Expenses	Rate	No. of workers / agents No. of kiosks		Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	**2**	**3a**	**3b**	**3c**	**4**	**5**	**6**	**7**
1		Candidates' booths (kiosks) set up for distribution of voter's slips						
2		Campaign workers honorarium/ salary etc.						
3		Boarding						
4		Lodging						
5		Others						
Total								

Schedule- 7					
Details of Amount of own fund used for the election campaign					
S No	Date	Cash	DD/ Cheque no. etc. with details of drawee bank	Total Amount in Rs.	Remarks
1	**2**	**3**	**4**	**5**	**6**
1					
2					
3					
4					
Total					

Schedule- 8						
Details of Lump sum amount received from the party (ies) in cash or cheque or DD or by Account Transfer						
S No	Name of the Political Party	Date	Cash	DD/ Cheque no. etc. with details of drawee bank	Total Amount in Rs.	Remarks, if any
1	**2**	**3**	**4**	**5**	**6**	**7**
1						
2						
3						
4						
Total						

Schedule- 9							
Details of Lump sum amount received from any person/company/firm/associations/body of persons etc. as loan, gift or donation etc.							
S No	Name and address	Date	Cash	DD/ Cheque no. etc. with details of drawee bank	Mention whether loan, gift or donation etc.	Total Amount in Rs.	Remarks
1	**2**	**3**	**4**	**5**	**6**	**7**	**8**
1							
2							
3							
4							
Total							

Schedule- 10							
Details of expenditure incurred on publishing criminal antecedents, if any in newspaper and TV Channel							
S No	Newspaper			Television			Mode of payment (electronic/ cheque/DD/ Cash) (Pl. specify)
	Name of Newspaper	Date of publishing	Expenses that may have been incurred (in Rs.)	Name of channel	Date & Time of insertion/ telecast	Expenses that may have been incurred (in Rs.)	
1	**2**	**3**	**4**	**5**	**6**	**7**	**8**
Total							

Schedule- 11							
Details of expenditure incurred on publishing criminal antecedents, if any in newspaper and TV Channel							
S No	Nature of Virtual Campaign (Indicate Social Media Platforms/Apps/ Other means)	Name of content creator	Name of media to disseminate message	Total Amount in Rs.	Sources of Expenditure		
					Amount by candidate/ agent	Amount by political party	Amount by others
1	**2**	**3**	**4**	**5**	**6**	**7**	**8**

Note :

1. In Schedule 5:-

   (a) copy of the order containing list of all vehicles for which permit issued by the Returning Officer to be enclosed.

   (b) If the vehicle is owned by the candidate/his relative/agent are used for election purpose, notional cost of hire of all such vehicles, except one vehicle if owned and used by the candidate, notional cost of fuel and drivers salary for such vehicle, shall be included in total amount of expenditure in the above table.

2. In all schedules if any expenditure on goods and services, provided by the Political Party; or provided by any person/ company/ firm /associations/ body of persons etc. on behalf of the candidate, then the notional market value of such goods or services are to be indicated, in respective columns.

3. In Part –III, the Lump-sum amount of fund received from the political party or others or the candidate's own funds, should be mentioned date wise. In all such cases such amounts are required to be first deposited in the bank account of the candidate, opened for election expenses.

4. Each page of the Abstract Statement should be signed by the candidate.

INSTRUCTION Sl. No. 51

Election Commission's direction No. 76/81, dated 18.09.1981

Subject: Lodging of accounts of election expenses

DIRECTION

Under the powers vested in the Election Commission under Article 324 and in pursuance of rule 89 of the Conduct of Elections Rules, 1971, and all other powers enabling it in that behalf and in order to ensure that the work pertaining to the accounts of election expenses of the contesting candidates at a general election or a bye-election is complete expeditiously, the Commission directs that

(i) Each of the supporting vouchers lodged with account of election expenses shall bear the signature in full of the contesting candidate or his election agent, if any:

(ii) When a contesting candidate lodges his account of election expenses before the District Election Officer, the District Election Officer shall issue an acknowledgement immediately. The acknowledgment shall be issued to the person concerned if account is presented in person or sent by post if received through post. The acknowledgement shall be as in the proforma for the maintenance of account of election expenses.

(iii) The District Election Officer shall send his report to the Election Commission as contemplated in rule 89 of the Conduct of Election Rules, 1961 within ten days from the expiration of the 30 days within which the account of election expenses in respect of a constituency is required to be lodged;

(iv) Under sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961 only one show-cause notice shall be sent by Registered A.D. Post to a candidate, who fails to lodge his account of election expenses within the time and in the manner required by law;

(v) When a notice is issued by Registered A.D. Post, unless the communication is received undelivered within a reasonable period, say a month, it shall be presumed that the notice has been served on the candidate. On the expiry of one month after the date of issue of the notice, the case shall be disposed of.

(vi) All correspondence with a candidate shall be sent to him at the address as furnished in the contesting candidate list. A candidate shall intimate in writing the District Election Officer concerned about the change in his address, if any for future correspondence. The District election Officer shall intimate to the Election Commission forthwith the change.

INSTRUCTION Sl. No. 52

Election Commission's order No. 76/95/J.S.II dated 10.04.1995

ORDER

Subject: Language in which the accounts of election expenses may be filed by the contesting candidates.

1. The question of language in which a contesting candidate can file the return of account of election expenses under section 78 of the Representation of the People Act, 1951 has been examined by the Commission.

2. All statutory documents and forms under the election law are printed and made available in the local approved languages. Candidates and others are permitted to file miscellaneous petitions and representations in local languages. These documents are not rejected on grounds of their not being in English or Hindi.

3. It would be unjust to reject an election expenses return lodged by a candidate on the ground of its not being in English or Hindi in view of the fact that the candidates who are not well versed in these languages will feel deprived. If mistakes are found in returns of election expenses the same may be ascribed to lack of knowledge of English or Hindi.

4. Apart from the mandatory provision that all statutory documents and forms shall be prepared in local approved languages, the Commission also directs the Chief Electoral Officers in its various important orders and directions to get them translated into local languages if those orders or directions are meant for wide publicity and circulation among the political parties, candidates and public in the State.

5. Thus, in fairness to the contesting candidates at elections to the House of the People and the State Legislative Assemblies from different States and Union Territories, they will be permitted to file returns of election expenses in English, Hindi or the local language(s) in which the electoral rolls are printed. It shall be responsibility of the Chief Electoral Officers, District Election Officers and Returning Officers to ensure that all the contesting candidates get the forms/registers/extracts of rules relating to lodging of returns of accounts of election expenses in the approved regional language for electoral rolls so that no candidate may complain that he is not aware of the statutory requirements relating to filing the returns of election expenses and he is able to maintain his account from day to day properly and accordingly.

INSTRUCTION Sl. No. 53

Election Commission's letter No. 576/3/2005/J.S.II, dated 29.12.2005 addressed to all Recognized National and State Political Parties

Subject: Election Campaign by political parties and candidates - election expenditure of candidates - regarding.

1. I am directed to invite your attention to the provisions of sub-section (1) of Section 77 of the Representation of the People Act, 1951, relating to account of election expenses. As per Explanation 1(a) under the said sub-section, the expenditure incurred by leaders of political parties on account of travel by air or any other means of transport for propagating programme of the political party is not deemed to be expenditure incurred or authorized by the candidate or his agent, for the purpose of the said Section. It is to be noted here that the benefit provided under the said Explanation 1(a) will be available if and only if the names of the leaders (maximum of 20 in the case of unrecognized political party and 40 for recognized political party) are communicated to the Commission and to the Chief Electoral Officer of the State concerned within a period of 7 days from the date of notification for the election as required under Explanation 2 under sub-section (1).

2. The above mentioned provisions have been brought to the notice of the political parties in the past. The political parties are again advised to take note of the provisions of Section 77(1) explained above. In the event any political party fails to comply with the requirements of Explanation 2 mentioned above, the benefit provided under the Explanation 1 will not be available to the party, and the travel expenses of all leaders in the case of such parties will necessarily be required to be included in the account of election expenses of the candidates concerned.

3. Your attention is also invited to the instructions contained in the Commission's letter No.437/6/97/PLN-III, dated 18.3.1997 (copy enclosed). As per the instructions in the said letter, details of all vehicles being used by a candidate for his election campaign are required to be lodged with the District Election Officer concerned. In this context, it may be noted that two-wheelers like motorbikes, scooters, mopeds, etc. are also covered under the instructions in the said letter, and details in respect of such vehicles are also required to be furnished to the District Election Officer.

4. Where political parties or candidates use aircraft/helicopter for election campaign, prior information should be given to the Chief Electoral Officers of the State concerned. While giving such information, the number of aircrafts/helicopters being used and the name of the Company from which the aircraft/helicopter is being hired, should clearly indicated. Further, within three days of any aircraft/helicopter being used for election campaign, full details regarding areas covered, number of sorties involved and manifest of passengers along with the hire charges paid/payable should be furnished to the Chief Electoral Officer.

5. Kindly acknowledge receipt of this letter.

Election Commission's letter NO. 437/6/97-PLN-III Dated 18th March 1997 addressed to CEOs of all States and UTs.

Subject: General Election/Bye-elections to Lok Sabha and State Legislative Assemblies - Instructions on misuse of vehicles during election period – Regarding

1. The Commission has been issuing instructions on the subject of restrictions to be followed and observed on the misuse of vehicles during the election period. In the interest of preserving the purity of election process and rendering the same reflective of true choice of the people, the Commission has now directed that the following instructions shal1 be strictly followed at all the General and Bye-elections to the Lok Sabha and Assembly constituencies. These instructions are issued under article 324 of the Constitution and all other powers enabling the Commission in this behalf.

2. Cars/vehicles being used for electioneering purposes, shall, under no circumstances, be allowed to move in convoys of more than three vehicles from the date of notification till the completion of election process in any constituency. All bigger convoys shall be broken up, even if they are carrying any minister of Central or State Govt. This shall, however, be subject to any security instructions issued in respect of any such individual. In other words the convoy shall not in any case exceed three vehicle of any person plus the security vehicles allowed in view of the security gradation of that particular person.

3. From the date of notification of the election till the completion of election process in any constituency, the district administration shall keep a close watch on the vehicles used by the contesting candidates, persons accompanying the contesting candidates and other party leaders and ensure that the Commission's instructions are not abused.

4. If any person moves in a convoy of vehicles exceeding the limits prescribed above, in spite of the convoy having been broken, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by flouting the Commission's directions till the process of election is completed.

5. The contesting candidates be asked to get the details of all the vehicles that they are using in the election campaign lodged with the District Election Officer or such other officer(s) as may be specifically authorized by the District Election Officer in this behalf before the campaigning commences. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidates or his agent well before the actual deployment of the vehicles. While conveying the details of the vehicles that are being deployed for election campaign the details of the areas tehsil(s) in which the vehicle would operate, should also be conveyed.

6. The details so obtained should be conveyed by District Election Officer to the Election Expenditure Observers.

7. The vehicles employed for election campaign as per intimation given by the candidates or their election agents to the District Administration should not be requisitioned by the administration.

8. Any vehicle that has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorised campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately taken out of the campaigning exercise.

The receipt of this letter may please be acknowledged.

INSTRUCTION Sl. No. 54

Election Commission letter No. 76/2007/JS-II Dated: 29th March, 2007 addressed to the Chief Electoral Officers of all States and Union Territories

Subject:- Section 77 of the Representation of the People Act, 1951-Election Expenditure of candidates-regarding.

Section 77(1) of the Representation of the People Act, 1951, provides that every candidate at an election shall keep it the correct account of all expenditure incurred or authorized by the candidate/his election agents in connection with the election of the candidate. The expenditure incurred on travel by leaders of a political party whose names have been communicated to the Commission and the Chief Electoral Officer as required under Explanation —2 to Section 77(1) is not deemed to be expenditure incurred or authorized by a candidate of that political party for the purposes of the said Section.

2. Some CEOs and Observers have sought clarifications about the effect of expenditure incurred by political parties on advertisements on the election expenditure accounts of the candidates.

3. In this context, attention is invited to the Commission's letter No. 76/2004/J.S.II, dated 10th April, 2004 (copy enclosed) on the issue of expenditure incurred by political parties in connection with election rallies, etc.

4. In the judgment of the Hon'ble Supreme Court, in Kanwar Lal Gupta vs. Amar Nath Chawla (A.I.R. 1975 SC 308), referred to in the abovementioned letter dated 10.4.04, the Hon'ble Supreme Court has held that the expenditure incurred by the political party, as distinguished from expenditure on general party propaganda, which can be identified with the election of a given candidate would be liable to be added to the expenditure of that candidate as being impliedly authorized by the candidate. The Apex Court has further held in that matter that a party candidate does not stand apart from his political party and if the political party does not want the candidate to incur the disqualification, it must exercise control over the expenditure which may be incurred by it directly to promote the poll prospects of the candidate.

5. The expenditure incurred by a political party on advertisements, in connection with any election could be categorized into the following:

   (i) Expenditure on general party propaganda seeking support for the party and its candidates in general, but, without any reference to any particular candidate or any particular class/group of candidates:

   (ii) Expenditure incurred by the party, in advertisements etc. directly seeking support and/or vote for any particular candidate or group of candidates;

   (iii) Expenditure incurred by the party which can be related to the expenditure for promoting the prospects of any particular candidate or group of candidates.

6. Applying the ratio of the judgment in Kanwar Lal Gupta's case, it is clarified that in the case of any advertisement by political parties, whether in print or electronic or any other media, falling in category (i) above, which is not relatable to the election of any particular candidate or a given group of candidates, the expenditure may be treated as expenditure of the political party on general party propaganda. In the

cases of expenditure falling in categories (ii) and (iii) above, i.e. cases where the expenditure is relatable to the election of a particular candidate or a group of candidates, the expenditure shall be treated as expenditure authorized by the candidates concerned and such expenditure shall be accounted for in the election expenses accounts of the candidates concerned. In those cases where the expenditure is incurred by the party for the benefit of a given group of candidates, the expenditure is to be apportioned equally among the candidates.

7. The contents of this letter may be brought to the notice of all District Election Officers, Returning Officers, Election Observers, and other election authorities. This may also be brought to the notice of all the political parties in the State, including the State units of the recognized political parties.

Please acknowledge receipt of this letter.

INSTRUCTION Sl. No. 55

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/Instructions/2013/EEPS/Vol. IV Dated:15th October, 2013

To

The Chief Electoral Officers

of all States and UTs

Sub: Opening of separate bank account for election expenditure by the candidates– matter reg.

Sir/Madam,

I am directed to state that 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. Reports are received that the candidates are spending excessive amount in election campaign, which disturbs the level playing field and are not showing correct expenses in the day to day accounts of their election expenses. Therefore, for maintaining the purity of election process, facilitating maintenance of correct accounts of election expenses by the candidates and also for their proper monitoring, the Election Commission of India hereby issues the following instructions:

(i) In order to facilitate monitoring of election expenditure, each candidate is required to open a separate bank account exclusively for the purpose of election expenditure. This account can be opened any time only for the purpose of election, not later than one day before the date on which the candidate files his nomination papers. The Account Number of this bank account shall be communicated by the candidate in writing to the Returning Officer (RO) of the constituency at the time of filing of his nomination. Wherever the candidate has not opened the bank account or not intimated the bank account number, the RO shall issue a notice to each such candidate to comply with the Commission's instructions.

(ii) The bank account can be opened either in the name of the candidate or in the joint name with his election agent for the purpose of election expenditure. The said bank account should not be opened in the joint name with any family member of the candidate or any other person, if he/she is not the election agent of the candidate.

(iii) The bank account can be opened anywhere in the state. The accounts can also be opened in any of the banks including the co-operative banks or in the post offices. The existing bank account of the candidate should not be used for this purpose as it has to be a separate bank account for election purpose.

(iv) All election expenditure shall be made by the candidate, only from this bank account. All expenses to be incurred by the candidate on electioneering shall be deposited in this bank account, irrespective of its source of funding including candidate's own fund. A self-certified copy of the statement of this bank account shall be submitted by the candidate to the DEO along with the statement of the account of election expenditure as required to be filed within a period of 30 days from the date of declaration of results.

(v) The candidate(s) shall incur his/her election expenses by crossed account payee cheque, or draft or by RTGS/NEFT from the bank account opened for election purpose. However, if the amount payable by the candidate(s) to any person/entity, for any item of expenditure, does not exceed Rs. 20,000/-* during the entire process of election, then such expenditure can be incurred in cash, by withdrawing it from the said bank account.

(vi) The candidate(s)is required to deposit the entire amount meant for election expenses in the said bank account and all their election expenses are to be incurred only from the said account.

(vii) The candidate(s)is also required to ensure that neither their agents and their followers nor they themselves carry cash exceeding Rs.50,000/- in the constituency during election process, as per direction of Hon'ble Supreme Court in case of Election Commission Vs. Bhagyoday Jan Parishad and Ors. (SLP No. CC 20906/2012).

(viii) It is hereby clarified that if any election expenses are incurred without routing it through the said bank account or not by way of cheque or draft or RTGS/NEFT, as mentioned in para (v) above, it will be treated that the candidate has not maintained the accounts in the manner, prescribed by the Commission.

(ix) The DEOs shall issue suitable instruction to all the banks or post offices located in their districts to ensure that they open dedicated counters for election purpose to facilitate prompt service to the candidates in opening of bank accounts. The banks shall also allow withdrawals and deposits from the said account on priority basis during the election period.

2. I am directed to request you to bring it to the notice of all candidates, election officials and all concerned.

Yours faithfully,

Sd/-

(S. K. RUDOLA)

SECRETARY

*Amount is Rs. 10,000/- now.

INSTRUCTION Sl. No. 56

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

File No. 76/1nstructions/2014/EEPS Vol. I Dated: 23rd January, 2014

To

The Chief Electoral Officers of all States & UTs

Subject: General Elections/Bye-Elections-Instructions for guidance of contesting candidates for lodging their accounts of election expenses-Inspection of accounts of election expenditure as an additional measure - regarding

Sir/Madam,

In supersession of the Commission's letter no. 76/2003/JS.II, dated 29.10.2003, on the subject cited, I am directed to state that the Commission has revised the formats of Abstract Statement of Election Expenses (Copy enclosed). As per standing instructions of the Commission, the contesting candidates are required to maintain their account of election expenditure in the prescribed register on day-to-day basis. They are also required to make available the said register, with supporting documents, for inspection, at any time during the process of election, to the District Election Officers/Returning Officers/ Election Observers appointed by the Commission or any such authority nominated by the Commission in this behalf. It has also been clarified that the failure to produce this register, on demand, will be considered as a major default. The register with the said supporting documents shall be made available by the contesting candidates for inspection, once in three days.

2. The Commission has already prescribed a format (Register) for maintaining account of election expenses by the candidate under sections 77 and 78 of the Representation of the People Act 1951. Under Section 77(1) [vide the Election And other Related Laws (Amendment) Act, 2003', already sent to you] only the expenses on account of travel of 'leaders' of the political parties covered under Explanation 2 will be exempted from being included in the account of election expenses of a candidate. All other expenses - incurred/ authorised by the political parties, other associations, body of persons, individuals - are required to be included in the account of the candidate. In order to streamline the scrutiny of accounts maintained by the candidates, the Commission has given the following directions:-

(i) The register in the standard format as already prescribed by the Commission under Rule 86 of the Conduct of Election Rules, 1961 shall be issued to each candidate by the Returning Officer immediately after his nomination, for keeping the day-to-day account of his expenditure.

(ii) The register shall be duly page-numbered and authenticated by the District Election Officer at the time of issue.

(iii) All day-to-day expenditure shall be truly and correctly recorded in this register by the candidate or his election agent.

(iv) All documents such as vouchers, receipts, bills, acknowledgements, etc. in support of the expenditure incurred or authorised on day-to- day basis shall be maintained in the chronological order along with the aforesaid register as prescribed.

(v) The day-to-day account, maintained in the aforesaid register together with the supporting documents shall be made available for inspection once in three days during the process of election, to the District Election Officer/Returning Officer/Election Observer appointed by the Commission or any other such authority nominated by the Commission in this behalf.

(vi) The District Election Officer and the Election Observer shall prepare a schedule of inspection whereby a three-day cycle of furnishing of accounts will be fixed for every candidate in such a manner that on each day, accounts of one or more contesting candidates are made available for scrutiny to the officers concerned. After each inspection, the register of day-to- day accounts shall be scanned by the office of RO till the date of inspection and uploaded in the website of CEO/DEO for information of public.

(vii) The accounts of the candidates shall be scrutinized by the District Election Officer/Returning Officer and/or Election Observer or by the nominated officers and they will keep two photocopies of the relevant pages of the register. One copy of the relevant pages of the register will be displayed on the notice board of the Returning Officer and the other copy will be retained in a separate file for each constituency as proof of record with the Returning Officer and furnished to the District Election Officer on conclusion of the poll process.

(viii) Candidates shall also submit to the DEO, the Expenditure Register comprising of Day-to-Day Accounts Register, Bank Register, Cash Register and the revised format of Abstract Statement (Part I to Part IV) & Schedules (1-9) with duly sworn affidavit, self certified bank statement of the account opened for election purpose etc. within 30 days of election of the Returned Candidate under section 78 of R. P. Act, 1951.

(ix) The Abstract Statement of election Expenditure as submitted by the candidate with relevant Schedules shall be scanned by the DEO and uploaded on the website of the CEO, within 3 days of their submission. Any person desiring a copy of these day to day accounts shall be provided by the DEO subject to the payment of usual copying charges.

3. I am further directed to request you that the above instructions shall be made clear and known to all contesting candidates, all political parties, election officials concerned and also to the Election Observers. It shall be the responsibility of the District Election Officers to ensure that the instructions of the Commission in this matter are complied with in proper manner.

4. Kindly acknowledge receipt.

Yours faithfully,

Sd/-

(S. K. RUDOLA)

SECRETARY

Copy to All Secretary, Under Secretary and Zonal Section

INSTRUCTION Sl. No. 57

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instructions/2018/ÉEPS Dated: 12th November, 2018

To

1. The Chief Electoral Officers of all States and UTs.
2. The President/General Secretary of all Political Parties
3. The Treasurer of all Political Parties

Subject:- Revision of threshold Election Expenditure/Donation through cash transaction in a single day by the Candidates/Political Parties above Rs. 10,000/- (Ten Thousands) by cheque, DD, RTGS/NEFT or other electronic mode etc. – Regarding.

Madam/Sir,

I am directed to refer to the Commission's letter No. 76/Instructions/2011/EEM, dated 7th April. 2011, letter No. 76/Instructions/2013/EEPS/Vol. IV, dated 15th October, 2013, letter No. 76/Instructions/EEPS/2015/Vol. II, dated 9th June, 2015 and letter No. 76/PPEMS/Transparency/2013, dated 29thAugust/19th November, 2014 (copies enclosed) issued under Article 324 of the Constitution wherein it has been stated that the maximum amount for incurring expenditure in cash is Rs. 20,000/-. The threshold of Rs. 20,000/- for incurring of election expenditure by crossed account payee cheque, bank draft or by RTGS/NEFT has been revisited by the Commission having regard amendment made in Section 40 A (3) of the Income Tax Act, 1961 with effect from 1st April, 2017. It has been decided that henceforth all election expenditure/ donation either by/to Candidate(s) or Political Parties exceeding Rs. 10,000/- (Ten Thousand) in all the situations covered in the afore-mentioned letters shall be incurred by crossed account payee cheque, or draft or by RTGS/NEFT or any other electronic mode linked with bank account of the Candidate opened for election purpose or by Political Party.

2. Accordingly, the figure/word mentioned as Rs. 20,000/- in Para (1) of the Commission`s letter no. 76/ Instructions/2011/EEM dated 7th April 2011, Para(v) of letter no. 76/Instructions/2013/EEPS/Vol. IV dated 15th October 2013, Para (3) of letter no. 76 /Instructions/EEPS/2015/Vol. II dated 9th June 2015, Para (iv) of the letter no. 76/PPEMS/Transparency/2013 dated 29th August 2014 and Para (5) of letter no. 76/PPEMS/ Transparency/2013 dated 19th November 2014 shall be substituted with word and figure Rs. 10,000/- (Ten Thousand).

3. The instruction of the Commission shall come into effect prospectively from the date of issue of the letter. In those cases, where elections have been announced by the Commission, the instruction may immediately be brought to the notice of the Returning Officers, Expenditure Observers, Political Parties, Candidates and all other stake holders.

4. This also disposes of the CEO, Rajasthan letter no. PA.3(1)(2)I/Aaykar/Nirva./2018/8348, dated 24th October, 2018.

Yours faithfully,

Sd/-

(RAJAN JAIN)

UNDER SECRETARY

INSTRUCTION Sl. No. 58

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi -110001

No. 76/Instructions/2018/ÉEPS Dated: 30th November, 2018

To

The Chief Electoral Officers of

all States and UTs

Subject:- Revision of threshold Election Expenditure/Donation through cash transaction in a single day by the Candidates/Political Parties above Rs. 10,000/- (Ten Thousand) by cheque, DD, RTGS/NEFT or other electronic mode etc.-Clarification-Regarding.

Madam/Sir,

I am directed to refer to the Commission's letter of even number dated 12th November, 2018 regarding incurring of election expenditure by the candidate(s) and political parties exceeding Rs. 10,000/- (Ten Thousand) by crossed account payee cheque, or draft or by RTGS/NEFT or any other electronic mode linked with the bank account opened by the candidates for election purpose. A clarification has been sought as to whether this amount can be incurred by the candidate(s)/parties in a single day or multiple days or during the entire election process to/from a single person/entity or multiple persons/entities.

2. In partial modification of the Commission's earlier letter dated 12th November, 2018, it is hereby stated that expenditure exceeding Rs. 10,000/- (Ten Thousand) in connection with an election, consisting of a single transaction or an aggregate of transactions, entered into with a single person/entity during the entire poll period shall not be incurred by a candidate/political party unless the payment in respect of the same is made by way of an account payee cheque or draft on a bank or account payee bank draft or by RTGS/NEFT or any other electronic mode linked to the bank account of the candidate.

3. Further, it is stated that in respect of donations/contributions in cash received by the candidates from a single entity/person in a single or multiple transactions shall not exceed to Rs. 10,000/-. However, in the case of political parties the receipt from donations/contributions shall continue to be governed by the existing provisions of Section 29C of the R. P. Act, 1951.

4. You are requested to bring the above mentioned clarification to the notice of the Returning Officers, Expenditure Observers, Political Parties, Candidates and all other stake-holders.

Yours faithfully,

Sd/-

(RAJAN JAIN)

UNDER SECRETARY

Copy to:- The President/General Secretary/Treasurers of all Political Parties.

INSTRUCTION Sl. No. 59

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi -110001

No. 76/ECI/INST/FUNC/EEM/EEPS/2020/Vol. VI Dated: 24th July, 2020

To

The Chief Electoral Officers of

All States/UTs

Sub:- Cases of accounts of election expenses of candidates-Non-adherence of time limit prescribed under Rule 89 of the Conduct of Elections Rules, 1961 and Commission's Instruction-Regarding

Madam/Sir,

I am directed to refer to the Commission's letter no. 76/Instructions/2015/EEPS/Vol. XIV, dated 2nd June, 2016 regarding procedure for preparation of DEO's Scrutiny Report in respect of account of election expenses of contesting candidates under Rule 89 of the Conduct of Elections Rules, 1961. It has been observed that time frame prescribed in the aforesaid Rule is not being followed by the DEOs leading to undue delay in disposal of accounts cases. Your attention is invited to ECI O.M. No. 76/2004/JS-II, dated 5th July, 2004 (Copy Enclosed) whereby the Commission has fixed a deadline of one year for disposal of all cases pertaining to account of election expenses. This was done keeping in view the observation of the Karnataka High Court (Judgment dated 26.07.1999 of the Karnataka High Court in WP No. 4357 of 1999-Guinness Hite Paksha Rangawamay Vs. Chief Election Commissioner and Ors.) which inter-alia states that there cannot be undue delay in passing order under section 10A and it should be passed within reasonable time.

2. The relevant rules of the C. E. Rules, 1961 are reiterated as under:

Rule 89(5) Where the Election Commission decides that a contesting candidate has failed to lodge his account of election expenses within the time and in the manner required by the Act and these rules it shall by notice in writing call upon the candidate to show cause why he should not be disqualified under section 10A for the failure.

Rule 89(6) Any contesting candidate who has been called upon to show cause under sub-rule (5) may within 20 days of the receipt of such notice submit in respect of the matter a representation in writing to the Election Commission, and shall at the same time send to the District Election Officer a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.

Rule 89(7) The District Election Officer shall, within 5 days of the receipt thereof, forward to the Election Commission the copy of the representation and the account (if any) with such comments as he wishes to make thereon.

3. Para 4 of Commission's letter no. 76/Instructions/2015/EEPS/Vol. XIV, dated 2nd June, 2016 states that:

The DEO shall finalize the candidate wise summary and scrutiny reports in the prescribed format (Annexure-C3) of the Compendium) by the 37th day from the date of declaration of result and shall forward

the same to the CEO office preferably by the 38th day (Para 11.5 of the Compendium of Instructions). The DEO reports, duly forwarded by the CEO should reach the Commission within 45 days of declaration result.

4. In the recent review of pending accounts cases, the Commission has viewed very seriously the delay in submission of DEOs' Scrutiny Reports, Supplementary Reports, acknowledgements regarding delivery of Commission's Notices and non-responsiveness of many DEOs. It is reiterated that law will lose its rigor if time limits as prescribed under Rule 89 of the C. E. Rules, 1961 as well as in the Commission instructions are not followed in true spirit.

5. It is, therefore, required to bring the above instruction of the Commission to the notice of all DEOs for strict compliance.

Yours faithfully,

Sd/-

(AVINASH KUMAR)

SECRETARY

INSTRUCTION Sl. No. 60

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2022/SDR/Vo1.1 Dated: 14th January, 2022

To

The Chief Electoral Officers

all States and Union Territories.

Sub: Conduct of Elections (Amendment) Rules, 2022-Amendment of Rule 90 of Conduct of Elections Rules, 1961-Increase in maximum limit of election expenses-regarding.

Sir/Madam,

I am directed to send herewith a copy of the Ministry of Law and Justice, Legislative Department's, Notification S.O. 72(E) dated 6th January, 2022 amending Rule 90 of Conduct of Elections Rules, 1961 thereby increasing the upper limit of election expenses applicable to candidates at elections to Lok Sabha and Legislative Assemblies. This may be brought to the notice of all District Election Officers, Returning Officers and other election authorities concerned and also to the State Units of recognized political parties and all registered unrecognized political parties based in your State/Union territory, for their information.

Kindly acknowledge receipt.

Yours faithfully,

Sd/-

(Ashwani Kumar Mohal)

Secretary

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 6th January, 2022

S.O. 72(E).—In exercise of the powers conferred by sub-section (3) of section 77 read with section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government, after consulting the Election Commission of India, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:-

1. (1) These rules may be called the Conduct of Elections (Amendment) Rules, 2022. (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Conduct of Elections Rules, 1961, in rule 90, for the existing Table and entries relating thereto, the following Table and the entries shall be substituted, namely:—

"TABLE"

S. No.	Name of State or Union territory	Maximum limit of election expense in any one	
		Parliamentary constituency	Assembly constituency
1	2	3	4
		Rs.	Rs.
	I. STATES		
1.	Andhra Pradesh	95,00,000	40,00,000
2.	Arunachal Pradesh	75,00,000	28,00,000
3.	Assam	95,00,000	40,00,000
4.	Bihar	95,00,000	40,00,000
5.	Chhattisgarh	95,00,000	40,00,000
6.	Goa	75,00,000	28,00,000
7.	Gujarat	95,00,000	40,00,000
8.	Haryana	95,00,000	40,00,000
9.	Himachal Pradesh	95,00,000	40,00,000
10.	Jharkhand	95,00,000	40,00,000
11.	Karnataka	95,00,000	40,00,000
12.	Kerala	95,00,000	40,00,000
13.	Madhya Pradesh	95,00,000	40,00,000
14.	Maharashtra	95,00,000	40,00,000
15.	Manipur	95,00,000	28,00,000
16.	Meghalaya	95,00,000	28,00,000
17.	Mizoram	95,00,000	28,00,000
18.	Nagaland	95,00,000	28,00,000
19.	Odisha	95,00,000	40,00,000

S. No.	Name of State or Union territory	Maximum limit of election expense in any one	
		Parliamentary constituency	Assembly constituency
20.	Punjab	95,00,000	40,00,000
21.	Rajasthan	95,00,000	40,00,000
22.	Sikkim	75,00,000	28,00,000
23.	Tamil Nadu	95,00,000	40,00,000
24.	Telangana	95,00,000	40,00,000
25.	Tripura	95,00,000	28,00,000
26.	Uttar Pradesh	95,00,000	40,00,000
27.	Uttarakhand	95,00,000	40,00,000
28.	West Bengal	95,00,000	40,00,000
	II. UNION TERRITORIES		
1.	Andaman and Nicobar Island	75,00,000	-
2.	Chandigarh	75,00,000	-
3.	Dadra and Nagar Haveli and	75,00,000	-
	Daman and Diu	-	-
4.	Delhi	95,00,000	40,00,000
5.	Lakshadweep	75,00,000	-
6.	Puducherry	75,00,000	28,00,000
7.	Jammu and Kashmir	95,00,000	40,00,000
8.	Ladakh	75,00,000	-

[F. No. H-11019/7/2020-Leg.II]

DIWAKAR SINGH, Jt. Secy. and Legislative Counsel

Note : The principal rules were published in the Gazette of India, Extraordinary vide notification number S.O. 859(E), dated the 15th April, 1961 and were last amended vide notification number S.O. 3667(E), dated the 19th October, 2020.

INSTRUCTION Sl. No. 61

Election Commission's letter No. 76/EE/2005/JS.III, dated 06.10.2005 addressed to the President/General Secretary of Communist Party of India, Communist Party of India (Marxist), National Congress Party, Communist Party of India (Marxist Leninist) (Liberation), Rashtriya Janata Dal and Lok Jan Shakti Party and copy sent to the Chief Electoral Officer, Bihar with the request to bring this to the notice of all District Election Officers and Returning Officers concerned and also the Observers of all constituencies where candidates of the above mentioned parties were contesting. (The CEO was also requested to instruct the Returning Officers to bring the following position to the notice of all such candidates also.)

Subject:- Expenditure incurred by leaders of the party in election campaign.

I am directed to invite reference to the provisions of Section 77 of the Representation of the People Act, 1951. As per Explanation 1(a) read with Explanation 2 under sub-section (1) of the said Section, the expenditure incurred by leaders of the political party on account of travel for propagating programme of the party shall not be deemed to be expenditure in connection with election, incurred or authorized by the candidate or his agent, provided the names of the leaders for this purpose are communicated to the Commission and the Chief Electoral Officer of the State within a period of seven days from the date of notification of the election. In case of the constituencies going to poll in the first phase of election in Bihar in the current general election in that State, the notification of election was published on 23.09.2005, and for the constituencies in the second phase, the notification was published on 28.09.2005. As your party has not communicated the list of 'leaders' of your party for the purposes of the abovementioned Explanations 1(a) and 2 under Section 77(1), it may be noted that all expenses incurred in connection with visit of all leaders of your party, including their travel expenses for the first two phases of election, will necessarily have to be shown in the account of election expenses of the candidate(s) concerned in connection with whose election the visit is made. If the visit is a common one in connecting with the election of a group of candidates, the expenses will be equally apportioned among all such candidates.

The above legal position may be noted and also brought to the notice of all the candidates of your party contesting election in the first and second phases of elections in Bihar.

INSTRUCTION Sl. No. 62

Election Commission's letter No. 76/EE/2005/JS.III, dated 07.10.2005 addressed to the President, Janta Dal (United) and copy sent to the Chief Electoral Officer, Bihar with the request to bring this to the notice of all District Election Officers and Returning Officers concerned and also the Observers of all constituencies where candidates of the above mentioned parties were contesting. (The CEO was also requested to instruct the Returning Officers to bring the following position to the notice of all such candidates also.)

Subject:- Expenditure incurred by leaders of the party in election campaign.

I am directed to invite reference to the provisions of Section 77 of the Representation of the People Act, 1951. As per Explanation 1(a) read with Explanation 2 under sub-section (1) of the said Section, the expenditure incurred by leaders of the political party on account of travel for propagating programme of the party shall not be deemed to be expenditure in connection with election, incurred or authorized by the candidate or his agent, provided the names of the leaders for this purpose are communicated to the Commission and the Chief Electoral Officer of the State within a period of seven days from the date of notification of the election. In case of the constituencies going to poll in the first phase of election in Bihar in the current general election in that State, the notification of election was published on 23.09.2005. As you party has not communicated the list of 'leaders' of your party for the purposes of the abovementioned Explanations 1(a) and 2 under Section 77(1), in respect of the 61 Constituencies in the first phase of election, it may be noted that all expenses incurred in connection with visit of all leaders of your party, including their travel expenses for the first phase of election, will necessarily have to be shown in the account of election expenses of the candidate(s) concerned in connection with whose election the visit is made. If the visit is a common one in connection with the election of a group of candidates, the expenses will be equally apportioned among all such candidates.

The above legal position may be noted and also brought to the notice of all the candidates of your party contesting election in the first phase of elections in Bihar.

INSTRUCTION Sl. No. 63

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instructions/2010 Dated: 20th October 2010

To

The President/General Secretary,

All Recognized National and State Political Parties

Subject: Measures taken by Election Commission to curb use of money power during elections -regarding.

Sir/Madam,

Instances are reported to Commission and also in Media that cash, liquor and several utility items are being used in a clandestine manner during the process of elections for bringing influence on the voters. Such distribution of cash, liquor or any other item for gratification of the voters is bribery and is punishable under Indian Penal Code. It is also corrupt practice under R. P. Act, 1951.

2. During the Commission's meeting with all political parties, held on 4th October 2010 the use of money power during elections was discussed and the Commission's instructions to monitor election expenditure during general election to the Legislative Assembly of Bihar were welcomed by all the parties. (Copies of Commission's instructions are available on the website: www.eci.gov.in.)

3. To curb the incidence of such offences the Commission has issued instructions to the Law Enforcement Agencies to form flying squads to keep watch over distribution of cash, liquor and other items in the constituencies during the election process and seize the said items. The services of Investigation Directorate of Income Tax Department have also been requisitioned to keep vigil over movement of cash through Airports, major Railway Stations, Hotels, Farm Houses, Financial Brokers and Hawala Agents. The Commission has also advised the candidates to open separate bank accounts for their election expenses and to make all election expenses through the said bank accounts.

4. It is needless to point out that any fund provided by the party to its candidates for election purpose are required to be reflected in the day to day accounts of election expenditure of the candidate and the parties are also required to maintain and lodge the accounts before the Commission after the election is over.

5. In order to maintain the purity of elections and in particular to bring transparency in the process of elections it is advised that political parties avoid transactions in cash and should instruct their office bearers, officials, agents and candidates not to carry huge cash during the on-going process of elections.

6. Kindly acknowledge receipt.

Yours faithfully,

Sd/-

(Anuj Jaipuriar)

Secretary

Copy to:

1. All CEOs with request to bring it to notice of all concerned.
2. Chairman, Central Board of Direct Taxes, North Block, New Delhi-110001
3. Director General of Income Tax (Inv.), B.C Patel Marg, Patna- Patna-800001 for necessary action.

INSTRUCTION Sl. No. 64

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/EE/2012-PPEMS Dated: 21st January, 2013

To

The President/ General Secretary,

All Political Parties)

Subject: Modification of Pro-forma for filing "Statement of Election Expenditure" by the Political parties – to be filed within 75 days of Assembly elections/ 90 days of Lok Sabha election.

Sir/ Madam,

1. I am directed to inform that as per the directions of the Hon'ble Supreme Court, in the case of Common Cause v/s Union Of India & Oth.,(AIR 1996 SC 3081) the Election Commission has prescribed a pro-forma vide its letter dated 27.12.2001, 22.03.2004 and 13.01.2009 in which the political parties are required to submit, for the Commission's scrutiny, the statement of their election expenditure relating to each election to Lok Sabha/ State Legislative Assembly. The statement, filed by political parties are put on the website of Commission.
2. I am further directed to inform that a software is being developed by the Commission to process the relevant information in a more systematic and structured manner. Therefore, the Commission has modified the said pro-forma which is enclosed herewith and is also available on its website. The said modified pro-forma provides for information relating to expenditure at party Central Head Quarters in Part-A, information at State Unit (s) of the party or by State party (including the districts/ Local units) in Part-'B', the summary of the information in part 'C' and verification in Part-'D'. The details of expenditure are to be provided in the schedules as per the pro-forma. The modified pro-forma also bifurcates expenditure of political parties for General party propaganda and expenditure attributable to candidates, for better clarity and accountability.
3. The requisite information is sought to enable scrutiny of the expenditure, incurred or authorized by the parties or the candidates, set up by them vis-à-vis exemptions claimed by them in terms of explanation (1) to Section 77(1) of the Representation of the People Act, 1951 in their returns of election expenses, filed under Section 78 of the said Act.
4. I am further directed to inform that all political parties shall file the "Statement of Election Expenditure" in this modified pro-forma for all elections, to be held after 1st Jan., 2013 in a hard copy and in soft form on a CD.
5. This may be brought to the notice of all concerned and the receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd/-

(VARINDER KUMAR)

SECRETARY

Encl: As Above

Copy to: All CEOs to bring it to notice of all political parties in the State, DEOs and ROs

STATEMENT OF ELECTION EXPENDITURE OF POLITICAL PARTY IN ELECTIONS TO LOK SABHA/ASSEMBLY

(from the date of announcement of election till the date of completion of election)

Name of political party: .....

2. Election to the Lok Sabha/Legislative Assembly of State.....

(mention the name of the state in case of Assembly and strike out which is not relevant)

3. Date of announcement of election .....4. Date of completion of election.....

PART - A

5. Details of Election Expenditure incurred/authorized at Party Central Headquarters

5.1	a. Opening balance of party funds at Party Central Headquarters (on date of announcement of election)	Amount
	Description	Amount
	(i) Cash in hand	
	(ii) Bank balance (Please mention name of the bank and branch)	
	Total	
5.2	a. Gross receipts of Party Central Headquarters from all sources from the announcement of election to the date of completion of election	Amount
	Description	Amount
	(i) Cash	
	(ii) Cheque or draft etc.	
	(iii) In kind (Received complimentary goods or services from any person/entity) (Please mention details and notional value of such item- goods or services such as helicopter services etc. received as complimentary from any person/entity)	
	Total	
5.3	a. Gross Expenditure incurred/authorized by Party Central Headquarters for general Party propaganda from the announcement of election to the date of completion of election (If more than one state are involved, then the state wise total expenses incurred by the Party Central Head Quarters is to be given in Schedule-1)	
	Description of Gross expenditure by Party Central Headquarters	Amount
	(i) Cash	
	(ii) Cheque/ draft etc.	
	(iii) Expenditure authorized, but remaining outstanding on date of completion of election	
	Total	
	b. Breakup of the above general Party propaganda expenses incurred/ authorized by Party central headquarters	

	(i) Travel expenses of Star Campaigners as mentioned in explanation 1 of Section 77 of R.P. Act,1951 (Details to be enclosed in format given in Schedule- 2)	
	(ii) Travel expenses of leaders other than Star campaigners. (Details to be enclosed in format given in Schedule- 2A)	
	(iii) Expense on Media advertisement (print and electronic, bulk sms, cable, website, TV channel etc.) on General Party propaganda (Details to be enclosed in format given in Schedule- 3)	
	(iv) Expense on Publicity Materials including posters, banners, badges, stickers, arches, gates, cutouts, hoardings, flags etc. for general party propaganda (Details to be enclosed in format given in Schedule- 4)	
	(v) Expense on Public meetings/processions/rally etc. for general party propaganda (Details to be enclosed in format given in Schedule- 5)	
	(vi) Any other expense towards General Party propaganda (Details to be enclosed in format given in Schedule- 6)	
	Total expense on general party propaganda	
5.4	a. Gross Expenditure incurred/authorized by Party Central Head Quarters for the Candidate(s)	
	(i) Total lump sum payment(s) to candidate(s) of the party or other candidate(s) authorized/ incurred by Party Central Head Quarters, either in cash or by Instruments like- cheque/ DD/PO/RTGS/Fund Transfer etc. (Details to be enclosed in format given in Schedule- 7)	
	(ii) Total Expense on Media Advertisement (print and electronic, bulk sms, cable, website, TV channel etc.) for specific candidate(s) with photo or name or attributable as election expenses of candidate(s) (Details to be enclosed in format given in Schedule- 8)	
	(iii) Total expense on Publicity Materials (like posters, banners, election material etc) with photo and/or name of the candidate(s) (Details to be enclosed in format given in Schedule- 9)	
	(iv)Total Expense (Other than general party propaganda) on Public meetings/ processions etc (barricades /audio etc /hired vehicles for the audience / supporters) at the rally of Star Campaigners or other leaders with candidate(s) (Details to be enclosed in format given in Schedule- 10)	
	(v) Any other expense for candidate(s) (Details to be enclosed in format given in Schedule- 11)	
	(vi) Expenditure incurred on publishing criminal antecedents of the candidate(s) by Party Central Headquarters (Details to be enclosed in format given in Schedule-23A)	
	(vii) Expenses on virtual campaign through Social Media platforms/Apps/Other means by Party Central Headquarters (Details to be enclosed in format given in Schedule 24A) Total expense on candidate (s)	

5.5	Total lump sum amount given by Party Central Headquarters to State Unit(s) of the Party (including the districts and local units) or other party for election expenses (Please mention state wise amount). If political party makes payment(s) on more than one occasion then date wise details are to be mentioned.			
	Name of State Unit of Party to which payment made/ Name of Other Political Party (if any)	Date(s) of Payment	Cash, Cheq / DD no. etc	Amount
	1			
	2.			
	3. etc.			
			Total	
5.6	a. Closing Balance of party funds at Party Central Headquarters on the completion of election			Amount
	Description			Amount
	(i) Cash in hand			
	(ii) Bank balance (Please mention name of the bank and branch)			
			Total	

PART – B

6. Details of Election Expenditure incurred/authorized by State Unit of the political party or by State Party Headquarter including all district level and local units for the State of …….

I. If political party incurs/ authorizes election expenses in more than one state, the details for each state is to be given in separate sheet as per this pro-forma,

II. The state political party having headquarters within the state shall submit report in this pro-form.

6.1	a. Opening balance of State Unit (including district level units and local units) (on the date of announcement of election)	Amount
	Description	Amount
	(i) Cash in hand	
	(ii) Bank balance (Please mention name of the bank and branch)	
	Total	
6.2	a. Gross receipts from all sources from the date of announcement of election to the date of completion of election by State Unit (including district level units and local units in the state)	
	Description	Amount
	(i) Cash	
	(ii) Cheque or draft etc.	
	(iii) In kind (Received complimentary goods or services from any person/ entity) (Please mention notional value of such item- goods or services such as helicopter services etc. received as complimentary from any person /entity)	
	Total	

6.3	a. Gross Expenditure incurred / authorized by State Unit (including district level units and local units) for General Party propaganda (from the date of announcement of election to the date of completion of election)	
	Description of Gross expenditure by State Unit	Amount
	(i) Cash	
	(ii) Cheque/ draft etc.	
	(iii) Expenditure authorized, but remaining outstanding on date of completion of election	
	Total	
	b. Break up of expenditure for general party propaganda incurred by State Unit (including District level Units and local units)	
	(i) Travel expenses on Star Campaigner(s) incurred by State Unit	
	(ii) Travel expense on Other leaders by State Unit (Details to be enclosed in format given in Schedule- 13)	
	(iii) Expense on Media Advertisement (print and electronic, bulk sms, cable, website and TV Channel etc.) on General Party propaganda by State Unit (Details to be enclosed in format given in Schedule- 14)	
	(iv) Expense on Publicity Materials including posters, banners, badges, stickers, arches, gates, cutouts, hoardings, flags etc for general party propaganda by State Unit	
	(v) Expense on Public meetings/processions/Rally etc. for general party propaganda by Sate Unit (Details to be enclosed in format given in Schedule- 16)	
	(vi) Any other expense for General Party propaganda by State Unit (Details to be enclosed in format given in Schedule- 17)	
	Total	
6.4	a. Gross Expenditure incurred or authorized by State Unit for Candidate(s) including District level Units and local units attributable to candidate(s) (other than for general party propaganda)	
	(i) Total lump sum payment(s) to Candidate(s) of the party or other candidate(s) authorized/ incurred by State Unit, either in cash or by Instruments like- cheque/ DD/PO/RTGS/Fund Transfer etc. (Details to be enclosed in format given in Schedule- 18)	
	(ii)Total Expense on Media Advertisement (print and electronic, bulk sms, cable, website, TV Channel etc.) for the candidate(s) with photo or name of candidate (s) by State Unit	
	(iii) Total expense on Publicity Materials (like posters, banners, cut-outs, election materials etc) with photo and/or name of the candidate(s) by State Unit (Details to be enclosed in format given in Schedule- 20)	
	(iv)Total Expense by State Unit (Other than general party propaganda) on barricades /audio etc /hired vehicles for the audience /supporter at the rally of Star Campaigners with candidate(s) (Details to be enclosed in format given in Schedule- 21)	

	(v) Any other expense for the candidate(s) by State Unit (Details to be enclosed in format given in Schedule- 22)			
	(vi) Expenditure incurred on publishing criminal antecedents of the candidate(s) by State Unit (Details to be enclosed in format given in Schedule-23B)			
	(vii) Expenses on virtual campaign through Social Media platforms/ Apps/Other means by State Unit (Details to be enclosed in format given in Schedule 24B)			
	Total expense on candidate (s)			
6.5	Total lump sum amount given by State Unit of the Party (including the districts and local units) to Other party(s) for election expenses. If political party makes payment(s) on more than one occasion then date wise details are to be mentioned			
	Name of State Unit of Party to which payment made/Name of other Political	Date (s) of Payment	Cash, Cheque/DD etc. no.	Amount
	1			
	2.			
	3. etc.			
	Total			
6.6	a. Closing Balance of State Unit of the Party (including the districts and local units) on the completion of election			Amount
	Description			Amount
	(i) Cash in hand			
	(ii) Bank balance (Please mention name of the bank and branch)			
	Total			

PART-C

7. Summary of all Receipts and expenditure incurred / authorized by the Political Party during election (from the date of announcement of election till completion of election) as mentioned in tables in Part –A and B.

A	Name of the Party	
B	Date(s) of Poll	
C	Election to: (mention the State names and Assembly / Lok Sabha Constituency)	
D	Opening Balance (for Party Central Head Quarters and State/Dist./Local level units all included)	
	Description	Amount
	I. Cash in hand [5.1.a.(i)+6.1.a.(i) of all election related states]	
	II. Cash in bank [5.1.a.(ii)+6.1.a.(ii) of all election related states]	

E	Gross receipts from date of announcement of election to the date of completion of election (both at Party Central Headquarters and State/Dist./ Local level units)	
	Description	Amount
	I. Cash [5.2.a.(i) + 6.2.a.(i) of all states]	
	II. Cheque or Draft [5.2.a.(ii) + 6.2.a.(ii) of all states]	
	III. In kind (or complementary receipts) [5.2.a.(iii) + 6.2.a.(iii) of all election related states]	
	IV. Total receipt(s)	
F	Gross Expenditure incurred/ authorized for general Party propaganda from the date of announcement of election to the date of completion of election (both at Party Central Headquarters and State/Dist./Local level units)	
	Description	Amount
	I. Cash or Cheque/DD etc. [5.3.a.(i) +6.3.a.(i) of all election related states]	
	II. Cheque or Draft [5.3.a.(ii) +6.3.a.(ii) of all election related states]	
	III. Expenditure authorized, but remaining outstanding on date of completion of election [5.3.a.(iii) +6.3.a.(iii) of all election related states]	
	IV. Total Expenditure on general party propaganda	
G	Gross Expenditure by Political Party incurred/ authorized for the Candidate(s) other than general party propaganda (both at Party Central Headquarters and State/Dist./Local level units)	
	Description	Amount
	I. Cash or Cheque / DD etc. payment to candidate(s) [5.4.a.(i) +6.4.a.(i)]	
	II. In kind- a. Media payments [5.4.a.(ii)+6.4.a.(ii) of all election related states]	
	b. Publicity materials [5.4.a.(iii)+6.4(iii) of all election related states]	
	c. Public meetings, processions etc.,[5.4.a.(iv) +6.4.a.(iv) of all election related states]	
	d. Any other expenses [5.4.a.(v) + 6.4.a.(v) of all election related states]	
	e. Publicity of Criminal Antecedents [5.4.a.(vi) + 6.4.a.(vi) of all election related states]	
	III. Expense on virtual campaign through Social Media platforms / Apps / Other means [5.4.a.(vii) + 6.4.a.(vii) of all election related states]	
	IV. Total Expenditure on candidate(s)	
H	Gross Total Expenditure for general party propaganda and for candidate(s) [Total of F (IV) + G (IV) above of this table]	
I	Closing Balance (both at Party Central Headquarters and State/Dist./Local level units)	
	Description	Amount
	a. Cash in hand [5.6.a.(i)+ 6.6.a.(i) of election related states]	
	b. Bank balance [5.6.a.(ii)+ 6.6.a.(ii) of election related states]	
	c. Total Closing Balance	

PART-D

Verification

I, Shri/Smt do hereby verify and declare that the account of election expenditure as furnished in the statement of election expenditure (Part A, B, C) includes all items of election expenditure incurred/ authorized by the political party { Party Central Headquarters / State Unit (including District level & Local Units)}* in connection with the general elections/ Bye elections to the Lok Sabha/ ..... State Assembly and nothing has been concealed or withheld/suppressed there from, and

That the said statements of election expenditure, are true and correct account to the best of my knowledge and belief and no material fact has been concealed.

Date

Signature and Seal of Treasurer

Or Authorized Person

Counter signed by

Signature of the Party President/

General Secretary

Certified by the Auditor

Signature and Seal of the Auditor

*Strike out whichever not applicable

Expenses by Party Central Headquarters

Schedule-1					
	State wise break up of Gross Expenditure authorized/ incurred by Party Central Head Quarters for general Party propaganda from the date of announcement of election to the date of completion of election				
S. No.	Name of the State	Cash	Cheque etc.	Expenditure authorized, but remaining outstanding on date of completion of poll	Total
1					
2					
3					
				Total	

Schedule-2						
	Travel expenses of Star Campaigner(s) authorized/ incurred by Party Central Headquarters					
S. No.	State and venue	Date of the meeting	Name of the star campaigner	Mode of Travel (Taxi, Helicopter, Aircraft etc.)	Name of the payee in case of Helicopter or Aircraft	Total Amount (including outstanding amt.)
1						
2						
				Total		

Schedule-2A						
	Travel expenses of Other leader(s) incurred/Authorized by Party Central Headquarters (including expenses after announcement and before nomination)					
S. No.	State and venue	Date of the meeting	Name of the leader	Mode of Travel (Taxi, Helicopter, Aircraft etc.)	Name of the payee in case of Helicopter or Aircraft	Total Amount (including outstanding amt.)
1						
2						
				Total		

Schedule-3					
	Expense(s) on Media Advertisement (print and electronic, bulk sms, cable, website and TV Channel etc.)on General Party propaganda authorized/ incurred by Party Central Head Quarters				
S. No.	State	Name of the payee	Name of media (print/ electronic/sms, cable tv etc	Date/s (of print/telecast /sms	Total Amount (including outstanding amt.)
1					
2					
3					
				Total	

Schedule-4				
	Expense(s) on Publicity Materials including posters, banners, badges, stickers, arches, gates, cutouts, hoardings, flags etc for general party propaganda authorized/ incurred by Party Central Head Quarters			
S. No.	State	No. and Name of the Assembly/ Parl. Constituency	Details of the items	Total Amount (including outstanding amt.)
1				
2				
3				
				Total

Schedule-5				
	Expense(s) on Public meetings /procession/Rally (like dias / audio/ barricade/ vehicles etc.) authorized/ incurred by Party Central Headquarters			
S. No.	State and Venue	Date of the meeting/procession/ Rally	Details of the items	Total Amount (including outstanding amt.)
1				
2				
3				
				Total

Schedule-6					
	Any other expense(s) for General Party propaganda authorized/ incurred by Party Central Head Quarters				
S. No.	State	Purpose	Date	Details of items	Total Amount (including outstanding amt.)
1					
2					
3					
				Total	

Schedule-7						
	Total lump sum payment (s) to Candidate(s) of the party or other candidate(s) if, any authorized/ incurred by Party Central Head Quarters, either in cash or by Instruments like- cheque/ DD/PO/RTGS/ Fund Transfer etc. If political party makes payment (s) to candidate(s) on more than one occasion then date wise details are to be mentioned.					
S. No.	Name of the State / No. and Name of the Assembly/Parl. Constituency	Name of Candidate(s) and name of Party to be mentioned in case of other party	Date(s) of payment	Cash Amount	Cheq / DD no. etc. and Date	Total Amount paid
1						
2						
3						
4						
				Total		

Schedule-8					
	Total Expense on Media Advertisement (print and electronic, bulk sms, cable, website, TV Channel etc.) for specific candidate(s) with photo or name of candidate or attributable to any candidate(s) authorized/ incurred by Party Central Headquarters				
S. No.	State	Name of the candidate(s)	Name of media (print/electronic/ sms/ cable tv etc	Date (of print/ telecast /sms	Total Amount (including outstanding amt.)
1					
2					
				Total	

Schedule-9				
	Total expense on Publicity Materials (like posters, banners, election materials etc) with photo and/ or name of the candidate(s) or attributable to candidate(s) and authorized/ incurred by Party Central Headquarters			
S. No.	State/No. and Name of the Assembly/Parl. Constituency	Name of the Candidate(s)	Details of the item	Total Amount (including outstanding amt.)
1				
2				
			Total	

Schedule-10						
	Total Expense authorized / incurred by Party Central Headquarters (Other than general party propaganda) on Public meetings /processions etc (barricades /audio etc /hired vehicles for the audience /supporters at the rally of Star Campaigner(s) or other leaders with candidate(s)					
S. No.	State and venue	Name(s) of the Star campaigner(s) and other leader(s)	Name of the Candidate(s)	Date	Items of expenditure	Total Amount (including outstanding amt.)
1						
2						
					Total	

Schedule-11					
	Any other expense(s) for the candidate(s) authorized/ incurred by Party Central Headquarters				
S. No.	State	No. and Name of the Assembly/ Parl. Constituency	Name of the Candidate(s)	Details of the items	Total Amount (including outstanding amt.)
1					
2					
3					
				Total	

Statewise Details of Election Expenses

Name of the State .....

Schedule-12						
	Travel expenses of Star Campaigner(s) authorized/ incurred by State/ Distt./ Local Units					
S. No.	State and Venue	Date of meeting	Name(s) of the star campaigner(s)	Mode of Travel (Taxi, Helicopter, Aircraft etc.)	Name of the payee in case of Helicopter or Aircraft	Total Amount (including outstanding amt.)
1						
2						
3						
					Total	

Schedule-13						
	Travel expenses of other leader(s) authorized/ incurred by State/ Distt./ Local Units (including expenses after announcement and before nomination)					
S. No.	State and Venue	Date of meeting	Name of the leader(s)	Mode of Travel (Taxi, Helicopter, Aircraft etc.)	Name of the payee in case of Helicopter or Aircraft	Total Amount (including outstanding amt.)
1						
2						
					Total	

Schedule-14					
	Expense(s) on Media Advertisement (print and electronic, bulk sms, cable, website and TV Channel etc.)on General Party propaganda authorized/ incurred by State/ Distt./ Local Units				
S. No.	State	Name of the payee	Name of media (print/ electronic/sms, cable tv, website, TV Channel etc.)	Date (of print/ telecast/sms etc.)	Total Amount (including outstanding amt.)
1					
2					
				Total	

Schedule-15				
	Expense(s) on Publicity Materials including posters, banners, badges, stickers, arches, gates, cutouts, hoardings, flags etc for general party propaganda authorized/ incurred by State/ Distt./ Local Units			
S. No.	State	No. and Name of the Assembly/Parl. Constituency	Details of the items	Total Amount (including outstanding amt.)
1				
2				
			Total	

Schedule-16				
	Expense(s) on Public meetings /procession/Rally (like dias / audio/ barricade/ vehicles etc.) authorized/ incurred by State/ Distt./ Local Units			
S. No.	State and Venue	Date of the meeting/ procession/Rally	Details of items	Total Amount (including outstanding amt.)
1				
2				

Schedule-17				
	Any other expense(s) for General Party propaganda authorized/ incurred by State/ Distt./ Local Units			
S. No.	State	Purpose/Details of the items	Date of expenditure	Total Amount (including outstanding amt.)
1				
2				

Schedule-18						
	Total lump sum payment (s) to Candidate(s) of the party or other candidate(s) if, any authorized/ incurred by State/ Distt./ Local Units, either in cash or by Instruments like- cheque/ DD/PO/RTGS/Fund Transfer etc. If State/ Distt./ Local Units makes payment (s) to candidate(s) on more than one occasion then date wise details are to be mentioned.					
S. No.	Name of the State / No. and Name of the Assembly/ Parl. Constituency	Name of Candidate(s) and name of Party to be mentioned in case of other party	Date(s) of payment	Cash Amount	Cheq / DD no. etc. and Date	Total amount paid
1						
2						
3						
4						

Schedule-19					
	Total Expense on Media Advertisement (print and electronic, bulk sms, cable, website, TV Channel etc.) authorized/ incurred by State/ Distt./ Local Units for specific candidate(s) with photo or name of candidate(s) or attributable to any candidate(s)				
S. No.	State	Name of the candidate(s)	Name of media (print/ electronic/ sms/ cable tv, etc	Date (of print/ telecast/sms etc.)	Total Amount (including outstanding amt.)
1					
2					
				Total	

Schedule-20				
	Total expense on Publicity Materials (like posters, banners, election materials etc) with photo and/or name of the candidates or attributable to candidate(s) authorized/ incurred by State/ Distt./ Local Units			
S. No.	State/No. and Name of the Assembly/Parl. Constituency	Name of Candidate(s)	Details of the items	Total Amount (including outstanding amt.)
1				
2				
			Total	

Schedule-21						
	Total Expense authorized / incurred for the candidate(s) by State/ Distt./ Local Units (Other than general party propaganda) on Public meetings /processions etc., (barricades /audio etc., /hired vehicles for the audience /supporters at the rally of Star Campaigner(s) or other leader(s)					
S. No.	State and venue	Name(s) of the Star campaigner(s) and other leader(s)	Name of the Candidate(s)	Date	Items of expenditure	Total Amount (including outstanding amt.)
1						
2						

Schedule-22					
	Any other expense(s) for the candidate (s) authorized/ incurred by State/ Distt./ Local Units				
S. No.	State	No. and Name of the Assembly/Parl. Constituency	Name of the Candidate(s)	Details of the items	Total Amount (including outstanding amt.)
1					
2					

Schedule-23 A								
	Total expenses incurred/authorized on publishing criminal antecedents, if any, of candidates sponsored by the political party located in Central Headquarters							
S. No.	Website	Newspaper			Television			Mode of payment (electronic/ cheque/ DD/ Cash) (Pl. specify)
	Period during which displayed	Name(s) of Newspaper	Date(s) of publishing	Expenses incurred (in Rs.)	Name(s) of channel	Date(s) & Time of insertion/ telecast	Expenses incurred (in Rs.)	
1	2	3	4	5	6	7	8	9

Schedule-23 B								
	Total expenses incurred/authorized on publishing criminal antecedents, if any, of candidates sponsored by the political party located in State/ Distt./Local Units							
S. No.	Website	Newspaper			Television			Mode of payment (electronic/ cheque/ DD/Cash) (Pl. specify)
	Period during which displayed	Name(s) of Newspaper	Date(s) of publishing	Expenses incurred (in Rs.)	Name(s) of channel	Date(s) & Time of insertion/ telecast	Expenses incurred (in Rs.)	
1	2	3	4	5	6	7	8	9

Schedule-24 A					
	Total expenses incurred/authorized on virtual campaign through Social Media platforms/Apps/Other means on General Party Propaganda authorized incurred by Party Central Head Quarters				
S. No.	State	Nature of Virtual Campaign (Indicate Social Media Platforms/ Apps/Other means)	Name of content creator	Name of media to disseminate message	Total Amount (including outstanding amount)
1	2	3	4	5	6

Schedule-24 B					
	Total expenses incurred/authorized on virtual campaign through Social Media platforms/Apps/Other means on General Party Propaganda authorized incurred by State/District/Local Units				
S. No.	State	Nature of Virtual Campaign (Indicate Social Media Platforms/ Apps/Other means)	Name of content creator	Name of media to disseminate message	Total Amount (including outstanding amount)
1	2	3	4	5	6

(This Revised Format has been issued by the Commission vide its letter no. 76/Virtual Campaign/EEPS/2022, dated 15th January, 2022)

INSTRUCTION Sl. No. 65

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instructions/2015/EEPS/Vol. II Dated: 8th September, 2015

To

The Chief Electoral Officer of

All States/UTs

Sub:- Filing of part election expenditure statement attributed to candidates by political parties within 30 days of declaration of results of elections-Reg.

Madam/Sir,

I am directed to forward herewith copy of the Commission's letter no. 76/Instructions/2015/EEPS/Vol. II, dated 8th September, 2015, regarding filing of a part election expenditure statement attributed to the candidates by political parties within 30 days of declaration of results of elections, with the request to bring it to the notice of All Political Parties in your State/UT. A copy of the communication sent to the party may be sent to the Commission for its reference and record.

2. You are further requested that election expenditure of the unrecognized parties attributed to the candidates and filed within 30 days of declaration of results shall be put on the website of CEO within 3 days of receipt. It may be noted that instructions regarding filing of election expenditure by the Political Parties as mentioned in the Commission`s letter no. 76/EE/2012-PPEMS, dated 21st January, 2013 and letter no. 76/PPEMS/Transparency/2013,dated 29th August, 2014 shall continue as it is.

3. Kindly acknowledge the receipt.

Yours faithfully,

Sd/-

(AVINASH KUMAR)

UNDER SECRETARY

Copy to Political Party Election Expenditure Monitoring Section and SDR Section

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instructions/2015/EEPS/Vol. II Dated: 8th September, 2015

To

The President/General Secretary

1. All National Parties
2. All State Parties
3. All Un-Recognized Parties

Sub:- Filing of part election expenditure statement attributed to candidates by political parties within 30 days of declaration of results of elections-Reg.

Madam/Sir,

I am directed to refer to the Commission's letter no. 76/EE/2012-PPEMS, dated 21st January, 2013, and letter no. 76/PPEMS/Transparency/2013, dated 29th August, 2014 (copies enclosed), and to state that the Political parties have to file their "Statement of Election Expenditure" within 75 days/90 days of completion of the general election to the Legislative Assembly/Lok Sabha before the Election Commission of India (in the case of National and State Parties) or the Chief Electoral Officer of the State (in the case of unrecognized parties where party headquarter is situated).

2. The total of the expenditure of which account is to be kept under section 77 of the R.P. Act 1951 and which is incurred or authorised in connection with an election in a State or Union Territory has been prescribed under Rule 90 of the Conduct of Elections Rules, 1961. Generally, the political party contributes/donates, either in cash or in kind to the candidates set up by them during election for their election expenditure and the candidates have to show such expenditure in their statements. For the sake of transparency and reconciliation of accounts of political parties and candidates, and in exercise of powers vested under Article 324 of Constitution in the Commission, it has been decided that the political parties have to file (i) a part statement, in addition to (ii) the final statement of election expenditure required to be filed by the parties as above (within 75 days/90 days of completion of the general election to the Legislative Assembly/Lok Sabha), in respect of the lump sum payments made by the party to the candidate, within 30 days after declaration of results of elections to Legislative Assembly/Lok Sabha in the format prescribed at Annexure-A, before the Election Commission of India (in case of National and State Parties) or the Chief Electoral Officer of the State (in case of unrecognized parties where party headquarter is situated).

3. It is reiterated that election expenditure attributed to the candidates by the Political Parties should be certified by the Chartered Accountants, as referred to in para 3(i) of the Commission's letter no. 76/PPEMS/Transparency/2013, dated 29th August, 2014 (mentioned above and annexed).

4. Kindly acknowledge the receipt of this letter.

Yours faithfully,

Sd/-

(S. K. RUDOLA)

SECRETARY

Copy to Political Party Expenditure Monitoring Section (PPEMS) and SDR Section

Annexure A

Name of the Party:

Whether Recognized: ---------- (Yes Or No)

Name of the Election:

Date of Announcement of Election:

Date of Completion of Election:

Total lump sum payment(s) to Candidate(s) of the party or other candidate(s) if, any authorized incurred by Party either in cash or by instruments like-cheque/DD/PO/RTGS/Fund Transfer etc. If political party makes payment(s) to candidate(s) on more than one occasion then date wise details are to be mentioned.						
Sl. No.	Name of the State/No. and Name of the Assembly and /or Parl. Constituency	Name of Candidate	Date(s) of payment	Cash amount	Cheque /DD/PO/RTGS/ Fund Transfer etc.	Total (5+6)
1	**2**	**3**	**4**	**5**	**6**	**7**
1.						
2.						
3.						
					Grand Total	

Date:

Signature

(Treasurer of the Political Party)

Note: Separate annexures may be filed for payments made /authorized by central headquarters of a party, or by State units.

INSTRUCTION Sl. No. 66

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/ECI/INST/FUNC/EEM/EEPS/2019/Vol. XVII Dated: 8th May, 2019

To

The Chief Electoral Officers of

All States and UTs

Subject:-Revised format of Abstract Statement of Election Expenses for Candidates and Statement of Election Expenditure of Political Party- Regarding.

Madam/Sir,

I am directed to refer to the Commission's letter no. 3/4/2017/SDR/Vol. II, dated 10th October, 2018 and letter no. 3/4/2019/SDR/Vol. I, dated 19th March, 2019 (copies enclosed) and to state that the Commission had issued FAQs regarding accounting of election expenses on publicity of criminal antecedents by the candidates (TV & News Papers) and the political parties (Website, TV and News Papers) thrice during the specified period.

2. The Commission had issued an instruction vide its letter no. 76/ECI/INST/FUNC/EEM/EEPS/2016/Vol. IX, dated 13th January, 2017 [Annexure-E2 of "Compendium of Instructions on Election Expenditure Monitoring (February, 2019)"] regarding the format of Abstract Statement to be lodged by contesting candidates under section 78 of the R. P. Act, 1951 within 30 days of declaration of result. Having regard to the FAQs mentioned above, the format of Abstract Statement of Election Expenses of Candidates has been revised to incorporate the expenditure incurred by candidates in publication of their criminal antecedents.

3. Political parties are also required to submit their Statement of Election Expenditure within 75 days/90 days of completion of Assembly/Lok Sabha election respectively in terms of the ECI letter no. 76/EE/2012-PPEMS, dated 21st January, 2013 [Annexure-F2 of "Compendium of Instructions on Election Expenditure Monitoring (February, 2019)"] before the CEO (Unrecognized Parties) and before the ECI (Recognized Parties) in the prescribed format. Having regard to directions issued by the Commission in FAQs mentioned above, the format has been revised to incorporate the expenditure incurred by political parties for publication of criminal backgrounds of their candidates.

4. You are requested to kindly bring it to the notice of all contesting candidates & un-recognised Political Parties in the States/UTs in the ongoing General Elections to Lok Sabha, State Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and bye-elections, 2019 impressing upon them

to lodge their election expenditure in the revised format only. The same may also be brought to the notice of DEOs/ROs, Expenditure Observers and other election authorities for necessary action.

5. A copy of the instruction issued in this regard may be endorsed to the Commission.

Yours faithfully,

Sd/-

(RAJAN JAIN)

UNDER SECRETARY

Copy to :-

1. All National and State Recognised political parties. (By Special Messenger/Speed Post)
2. Sr. PPS/PPS/PAs/PSs to Sr. DEC (US), DEC (SS), DEC (SJ) and DEC (CBK).
3. PAs/PSs to Zonal Sr. Pr. Secy./Pr. Secy./Secy./USs, Zonal Sections, CEMS-II, PPEMS, SDR, RCC.

Sd/-

(RAJAN JAIN)

UNDER SECRETARY

INSTRUCTION Sl. No. 67

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Virtual Campaign/EEPS/2022 Dated: 15th January, 2022

To

The Chief Electoral Officers of

All States and UTs

Subject: Revised format of Abstract Statement of Election Expenses for Candidates and Statement of Election Expenditure of Political Party-Reg.

Madam/Sir,

I am directed to refer to the Commission's letter no. 76/ECI/INST/FUNC/EEM/EEPS/2019/Vol. XVII, dated 8th May, 2019# (copy enclosed) regarding last revision of format of Abstract Statement of Election Expenses for Candidates and Statement of Election Expenditure of Political Party and to state that keeping in view of increasing trend of Virtual Campaigning by Candidates and Political Parties in elections, the Commission has decided to revise the formats of Abstract Statement of Election Expenses for Candidates and Statement of Election Expenditure of Political Party.

2. The Candidates are required to submit their Abstract Statement of Election Expenditure along with their Day-to-Day Account Register required to be maintained by Candidates under section 77 of the R. P. Act, 1951 with the DEOs concerned under section 78 of the R. P. Act, 1951 within 30 days of declaration of election results. The existing format of Abstract Statement of Election Expenses of Candidates has been revised to incorporate the expenditure incurred by Candidates in Virtual Campaigning in Schedule 11 and Row VIII in Part II. Revised format of Abstract Statement of Election Expenses for Candidates is enclosed.

3. Political Parties are also required to submit their Statement of Election Expenditure within 75 days/90 days of completion of Assembly/Lok Sabha elections respectively before the ECI (Recognised Political Parties) and the CEOs concerned (Unrecognised Political Parties). The existing format of Statement of Election Expenditure of Political Party has been revised to incorporate the expenditure incurred by Political Parties in Virtual Campaigning in Schedule 24 A & 24 B, Row 5.4 (vii), Row 6.4 (vii) and Row 7G(III). Revised format of Statement of Election Expenditure of Political Party is enclosed.

4. You are requested to kindly bring it to the notice of all Contesting Candidates and Political Parties impressing upon them to lodge their election expenditure in the revised format only. The same may also be brought to the notice of DEOs, ROs, Expenditure Observers and other election authorities for necessary action.

5. A copy of the instruction issued in this regard may be endorsed to the Commission.

Yours faithfully,

Sd/-

(Anup Kumar Khakhlary)

Under Secretary

Copy to:-

1. All National and State Recognised Political Parties. (By Special Messenger/Speed Post)

2. Sr. PPS/PPS/PSs/PAs to SG, Sr. DEC, DECs, Sr. Pr. Secy., Directors, Pr. Secy., Secy.

3. CEMS-I, II, III, IV and PPEMS

Sd/-

(Anup Kumar Khakhlary)

Under Secretary

INSTRUCTION Sl. No. 68

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/Instructions/EEPS/2013/Vol. II Dated: 16th January, 2013

To

The Chairman,

Central Board of Direct Taxes,

Ministry of Finance, North Block,

New Delhi

Subject: General Elections to the Legislative Assemblies of Nagaland, Tripura and Meghalaya 2013-Modifications in the Commission's instructions on Election Expenditure Monitoring- Reg.

Sir,

I am directed to state that the Commission has announced the schedule of the General elections to the Legislative Assemblies of Nagaland, Tripura and Meghalaya vide its Press Note, dated 11-01-2013 and to invite your kind attention to the Commission's letter No. 76/Instructions/2012/EEPS, dated 27th July,2012 and subsequently modified letters dated 17-12-2012 and 15.01.2013 (copies enclosed) issued to the Chief Electoral Officers of the above mentioned states on close surveillance over election expenditure during the election period

2. Since black money vitiates the purity of election process, you are requested to make necessary arrangements to curb the use of black money during the elections, as mentioned below:-

a. Monitoring by the Income Tax Department:

All Airports in the state, major Railway Stations, Hotels, Farm Houses, Hawala Agents, Financial Brokers, Cash Couriers, pawn brokers and other suspicious Agencies/ persons likely to be used for movement of undisclosed cash during election process shall be kept under close surveillance by the Income Tax Dept.. For this purpose, the services of the officers and officials under the supervision of Director General of Income Tax (Inv.) in charge of the state are requisitioned by the Commission. The placement of officers of Investigation Directorate is to be done immediately after the notification of elections in a state, in the state capital or in such sensitive places, as decided by the Income Tax Deptt.

b. For this purpose, the Director General of Income Tax (Inv) shall take steps to open a 24X7 Control Room, and complaint monitoring cell preferably in the State capital having a toll free number for receiving complaints or information regarding movement of large sums of cash or other items suspected to be used for bribing of electors. The Income Tax Investigation Directorate, on the basis of information or complaint, shall conduct independent enquiry against any person and the DEO shall take steps to provide security personnel enabling them to take necessary action. The outcome of the enquiry by the Income Tax Investigation Directorate shall be reported to the Commission with copy to the CEO of the respective State.

c. Besides the above, the Investigation Directorate and Financial Intelligence Unit (FIU), Govt. of India shall download from ECI website the copies of affidavits declaring assets and liabilities by the

candidates. The FIU shall also verify the information available with them pertaining to the candidates and send the report to the DGIT (Inv) of the State through CBDT. The Investigation Directorate shall also verify the information available with the Income Tax Department and the report shall be sent to the Commission where any suppression of information about assets or liability or pending dues is noticed. In any case, the investigation report regarding the assets should be sent not later than 6 months from the date of poll.

d. If any information pertaining to election expenses by any candidate or political party is gathered by the Investigation Directorate either during the election campaign or in course of their independent investigation of any person including the case of the candidates, either before or after the election, it should be reported to the Commission.

e. Besides the above, the Investigation Directorate of Income Tax Department shall report to the Commission about the political parties which are taking donations and enjoying tax exemptions in the poll bound states without filing the statutory returns and action taken by the Dept. within 2 weeks of announcement of election.

f. Deployment of Income Tax officials:

i. The team of Income tax officials besides gathering intelligence on their own in the state shall station themselves at such sensitive places, where movement of large sums of un-disclosed cash etc. is suspected and take action as per the Income Tax laws.

ii. Besides, the Income Tax Department shall open Air Intelligence Unit in all airports of the poll bound States and airports having commercial flights to poll bound States and keep strict vigil over the movement of cash through the aircrafts (including private aircrafts) leading to or taking off the poll bound states. If any cash exceeding Rs. 10 lakh is found in the airport, the Income Tax Department shall take steps to take necessary action under the Income Tax laws. If it is not possible to seize the same under Income Tax laws, then Income Tax Department shall pass on information to the CEO of the state instantly who shall take steps under IPC, if the cash is suspected to be used for bribing of electors. The CISF authorities will extend necessary information and cooperation in this regard.

iii. If information of cash withdrawal in excess of Rs. 10 Lakh from the bank account by any person is reported by the Bank to the DEO, the same shall be passed on by the DEO to the Nodal Officer of Income Tax Investigation Directorate / Assistant Director of Income Tax(Inv.) in charge of the district, who shall take immediate action under the Income Tax laws.

3. The Activity Report shall be forwarded by the Asst./ Dy. Director of Income Tax (Inv.) as per the revised format (Annexure-24), to the Nodal Officer at the O/o DGIT (Inv.)/DIT(Inv.) concerned who will in turn compile the reports and send it to Election Commission every alternate day, with copy to CEO. The format in Annexure 24, as revised is also enclosed herewith.

Yours faithfully,

Sd/-

(S. K. RUDOLA)

SECRETARY

INSTRUCTION Sl. No. 69

F.No.60 (2)/2008-BO.II
Government of India
Ministry of Finance
Department of Financial Services
3rd Floor, Jeevan Deep Building,
Parliament Street, New Delhi

Dated the 20th February, 2013

To

The Election Commission of India Nirvachan Sadan, Ashoka Road New Delhi

(Kind Attention: Shri S. K. Rudola, Secretary)

Subject:- Transport of Clean and genuine cash by banks during elections-Reg.

Sir,

1. Kindly refer to the Election Commission of India's letter No. 75/El. Ex/ITD/2012/EEPS/605 dated 29th May, 2012 on the above subject and reply of this Department vide letter of even number dated 06.11.2012, inter-alia, indicating that a Standard Operating Procedure will be evolved by the Indian Banks' Association and this Department will share the SOP with Election Commission so that the same become a part of the checking procedure of the election machinery thereby ensuring smooth transport of clean and genuine cash by banks during elections.

2. Indian Banks Association gathered the views/comments of select group of banks and based on the feedback received from banks and after deliberations, the Managing Committee of the IBA has finalized and circulated following guidelines for transportation of cash to all member banks for implementation.

- The bank shall ensure that the cash vans of outsourced agencies/companies carrying that bank's cash shall not, under any circumstances, carry cash of any third party agencies/individuals except the banks. Towards this, the outsourced agencies/companies shall carry letters/documents etc. issued by the banks giving details of the cash released by the banks to them and carried by them for filing the ATMs and delivering cash at other branches, banks or currency chests.

- The personnel of the outsourced agencies/companies accompanying cash van shall carry identity card issued by the respective agencies.

- The aforesaid procedure has been stipulated for the reason that during the period of election if the authorised officials of the Election Commission (District Election Officer or any other authorised official) intercepts the outsourced agency/company's cash van for inspection, the agency/company should be in a position to clearly show to the Election Commission through document and also physical inspection of the currency that they have collected the cash from the banks for the purpose of replenishing the bank's ATMs with cash or delivery of the cash to some other branches of the banks or currency chest on the instructions of the bank.

- The aforesaid procedure shall be part of the standard operating rules and procedure of banks for transport of cash.

3. Kindly find enclosed a copy of Circular dated 04.02.2013 issued by IBA to the member banks. We request you to kindly consider making these guidelines to become part of the checking procedure of the election machinery thereby ensuring smooth transport of clean and genuine cash by banks during elections.

Yours faithfully,

Sd/-

(D.D. Maheshwari)

Under Secretary to the Government of India

Tel. No.011-23748750

E-mail:usbo2-dfs@nic.in, bo2@nic.in

Encls: As Above

INSTRUCTION Sl. No. 70

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN ASHOKA ROAD NEW DELHI-110001

No. 76/Instructions/2013/EEPS/Vol V Dated: 18th April, 2013

To

The Chief Electoral Officer

Karnataka

Bangalore

Subject: - Clarifications on Election Expenditure towards serving food, mass marriages, seized cash and other issues-Regarding

Sir,

I am directed to refer to your letter no. nil dated 13.04.2013 received through e-mail and to clarify as under:-

1. Serving food, cold drinks, butter milk to the people who have come for rally organised by the political party or candidate –

   (a) Under section 77 of the Representation of the People Act, 1951 the candidate is required to keep a separate and correct account of all expenditure in connection with the election, incurred or authorised by him or his election agent between the date of nomination and the date of declaration of result. The amount incurred on such items shall be booked in the election expenditure of the candidate(s), who has/have organised such rally/meeting. If the rally/meeting is organised by the political party then expenditure on such items shall be regulated in terms of Hon`ble SCI Judgement in Kanwar Lal Gupta Vs Amar Nath Chawla (AIR 1975 SC 308, dated 10-04-1974) incorporated in para 10.2 of the Instructions on Election Expenditure Monitoring- March 2013.

   (b) However, serving only portable drinking water or butter milk among the people, who attended the rally, may not constitute bribery under section 171 B of IPC.

2. Mass Marriage:-

   There is no restriction by the Commission on such function. If there is any suspicion that such function is being used for election campaign, then the same should be monitored. However, candidate's expenditure shall be regulated in terms of instruction given in paras 5.10.2 and 5.10.3 of the Instructions on Election Expenditure Monitoring –March, 2013. 5.10.2 and 5.10.3 of the Instructions on Election Expenditure Monitoring – March, 2013.

3. Convoy/Bike Rallies:-The Commission, vide its letter no. 437/6/INST/2010-CC & BE, dated 5th October, 2010 had decided that during the Model Code period, the vehicles of political parties and candidates moving in a convoy shall not have more than ten vehicles excluding the security vehicles, if any, provided to the candidates, leaders of political parties etc., in that convoy.

4. Seized cash or other items to be recorded in the Shadow Observation Register:

As per the existing instruction, if the seized cash or other items are found to be linked with a candidate, then after filing complaints/FIR by the R.O or any other officer authorized by him shall send the copy of complaints/FIR to the Expenditure Observer/Assistant Expenditure Observer who shall mention it in Shadow Observation Register. In partial modification of para 6 of the Commission's order no. 76/ Instructions/2013/EEPS/Vol. I, dated 21 March, 2013. (Annexure -73 of Instructions on Election Expenditure Monitoring, March 2013), it is hereby clarified that the seized amount will not be treated as election expenditure of the candidate till the case filed in the court is decided finally and till such time it shall not be entered in Shadow Observation Register. The Complaint/FIR copy shall be kept in the folder of evidence.

Yours faithfully,

Sd/-

(S. K. RUDOLA)

SECRETARY

INSTRUCTION Sl. No. 71

CAS-7 (15)/2012/Div-I (Election)

GOVERNMENT OF INDIA

BUREAU OF CIVIL AVIATION SECURITY

(MINISTRY OF CIVIL AVIATION) A' WING, JANPATH BHAWAN JANPATH, NEW DELHI -110001 Dated: 03/07/2013

OFFICE MEMORANDUM

Subject: Modified Standard Operating Procedure to prevent transport of unauthorized arms, contraband goods and suspicious money/bullion through airports during election process-matter reg.

Ref. OMs of even no. dated 08.04.2011 and dated 14.02.2012

Reports are received that during the process of elections, unauthorized arms, contraband goods or large sum of cash/bullion are often transported through chartered aircraft/helicopters/passengers of commercial airlines to the poll bound States. The Election Commission of India is concerned about such incidents, which may disturb the level playing field during the election process.

2. Therefore, as per request of the Election Commission of India, it is hereby directed that the following measures shall be taken, while keeping vigil over the baggage/passengers at commercial airports and in non-commercial airstrips/helicopters of the States, going for poll of those boarding such aircrafts to the poll bounds States:

Pre-embarkation checks at Commercial Airports:

(i) During election process, all rules and procedures with regard to frisking and checking of persons and baggage should be strictly enforced without any exception. All passengers (excepting those who are exempted under the Rules) and all the baggage (excepting that which is exempted under the Rules), boarding any aircraft/helicopters including commercial/ chartered flights will pass through the pre-embarkation security checks area of operational airports of the State going of Polls.

(ii) No prior permission for landing or take off of chartered aircrafts (including fixed wing aircrafts) and helicopters at commercial airports shall be required from District Election Officer (DEO) or Returning Officer (RO). The Air Traffic Control (ATC) in commercial airports shall inform the Chief Electoral Officer (CEO) of the State and the DEO of the district, in which the airport is located, about the travel plan of chartered aircrafts or helicopters as early as possible, preferably half an hour in advance.

(iii) However, during election process, the ATC shall keep record of all such chartered aircrafts or helicopters, landing and taking off from commercial airports, time of landing, time of take off and passenger manifest, route plan etc. The ATC shall make a copy of this information available to the CEO of the State concerned and to DEO of the district, in which airport is located, within 3 days, after the date of landing/take off and the CEO/DEO shall make such information available to the Expenditure Observer for making necessary verification during inspection. The ATC shall also make the record available for inspection by Expenditure Observer whenever required.

(iv) All baggage, including hand baggage, of persons/passengers (not exempted under the Rules) but permitted to avail the facility of vehicle for going up to aircraft shall also be screened by CISF/State/UT police without any relaxation.

(v) The CISF or police authorities of the State or Union Territory on detection of cash, exceeding Rs.10 lakhs or bullion, weighing 1 kg or more in the baggage of aircrafts, flying to or from the Poll bound State, shall instantaneously report to the Income Tax Department.

(vi) The Income Tax Department, on receipt of information shall make necessary verification as per the Income Tax Laws and take necessary measures if no satisfactory explanation is given. They shall also inform the Election Commission / Chief Electoral Officer / District Election Officer concerned, before release of any such cash or bullion.

(vii) The law enforcement agencies, like CISF, State Police and Income Tax Department shall develop their internal Standard Operating Procedure (SOP) in such a way that the entire event right from detection till seizure or release at the airport is captured by close circuit TVs/ Video Camera. For this purpose the CCTVs shall be installed in all commercial airports in places where the cash/ bullion is detected counted/ seized and also in the interrogation chambers of the law enforcement agencies including Income Tax Department Such recording of CCTVs / Video Camera shall be preserved with the Airport Operator/ Authority for a period of 3 months and when required, be made available to the Election Commission/ CEO.

Checks at Non-commercial Airports/helipads :

(viii) At remote/uncontrolled airports/helipads, the flying squad or police authorities of the State/UT in coordination with pilot of the aircraft shall carry out the screening/physical checking of all baggage coming out of the craft (excepting the handheld purse by the ladies). Any unauthorized arms, contraband goods, cash exceeding Rs.50,000/- belonging to any candidate or agent or party functionary shall be investigated and considered for seizure as per order of Hon'ble Supreme Court in Election Commissioner vs Bhagyoday Janparishad & Ors. WP No. 231/2012, dated 09.11.2012. However, it is clarified that frisking of body of any passenger shall not be done at the time of disembarkation at such remote uncontrolled airports/helipads, unless there is specific information about unauthorized arms or contraband goods, etc., being carried by the person.

(ix) At remote/uncontrolled airports and helipads, application will have to be made either by the candidate or by the political party to the DEO concerned, at least 24 hours before landing, mentioning the details of travel plan, place of landing in the district and names of passengers in the aircrafts/helicopters so that DEO can make adequate arrangements for security, law and order issues and also to make available the coordinates of the helipad. On receipt of such application, DEO shall issue permission on the same day on priority basis.

(x) Every candidate shall also inform the Returning Officer concerned in writing within five days after the landing of aircraft/helicopter, in his constituency about the hiring charges paid/payable to the company owning/leasing the aircraft/helicopter, the names of passengers and name of the political party. (if the party has borne the expense for the hiring)

3. All concerned are requested to ensure that the above directions are strictly complied with under intimation to this office.

Sd/-

(R N Dhoke, IPS)

Addl. Commissioner of Security (CA)

INSTRUCTION Sl. No. 72

NO. CAS-7(15)/2012/DIV-I(Election)

Government of India

Ministry of Civil Aviation Bureau of Civil Aviation Security

'A' Wing –I, II, III, Janpath Bhawan, Janpath

New Delhi-110001

11/10/2013

ADDENDUM TO OFFICE MEMORANDUM DATED 04/10/2013

Subject: General Elections to the Legislative Assemblies of NCT of Delhi, Chhattisgarh, Rajasthan, Madhya Pradesh and Mizoram-2013- reg.

Reference is invited to this office O.M. of even number dated 04/10/2013 regarding implementation of Modified SOP to prevent transport of unauthorized arms, contraband goods and suspicious money/ bullion through airport located during current election process in the poll going states. The following instructions are to be followed additionally:-

(i) Passengers, crew and baggage to be transported in General Aviation/Chartered/Private aircrafts and aircrafts owned or hired by state governments shall be emplaned through the normal pre-embarkation security check procedure as is applicable to scheduled flights. Similarly normal disembarkation channel shall be followed and exit of such passengers and baggage shall not be allowed through any other gate of the airport. Movement of exempted category passengers is to be coordinated in advance for smooth passage but their hold baggage will be screened.

(ii) Baggage (except the handheld purse or pouch by any passenger) of arriving passengers, crew in respect of General Aviation/Chartered/Private aircrafts and aircraft owned or hired by state governments shall be screened/physically checked randomly by CISF/ASG or State Police where deployed. The X-BIS may be provided on arrival by the airport operator CISF/ASG shall arrange to deploy additional manpower, If necessary for this duty:

(iii) Airport operators manning the In-line Baggage Screening System (IBSS) and the aircraft operators engaged in screening of baggage through stand alone X-BIS shall report the detection of an unauthorized arms to police and suspicious money/bullion to Income Tax Officer(s) posted at the airports in poll going states without any delay; and

(iv) It will be the responsibility of District Magistrate/SP to prevent transport of unauthorized arms, contraband goods and suspicious money/bullion in General Aviation/ Chartered/ Private aircrafts and aircraft owned or hired by state governments operating to/from remote/ uncontrolled airports/helipads to poll going states during election process.

The guidelines are to be strictly adhered to and the above instructions will remain in force till end of the poll process in the states.

Sd/-

(R. N. Dhoke, IPS)

Addl. Commissioner of Security (CA)

INSTRUCTION Sl. No. 73

F.No.CAS-7(15) 2012/Div.(Election)
Government of India Ministry of Civil Aviation
Bureau of Civil Aviation Security
A' Wing, I-III floor, Janpath Bhavan,
Janpath, New Delhi-110001

Date: 12/11/2013

To
The Inspector General,
CISF (Airport Sector),
13, CGO Complex,
New Delhi

Sub: Election to the Legislative Assemblies of NCT of Delhi, Chhattisgarh, Rajasthan, Madhya Pradesh and Mizoram-Reg.

Sir,

Reference is invited to CISF letter no. 10679 dated 9/11/2013 on the subject sited above response to Election Commission of India letter no. 739 dated 01/11/2013.

2. In this connection, BCAS letter of even number dated 11/10/2013 (copy enclosed) inter alia reads that passengers, crew and baggage to be transported in general aviation/chartered/private aircrafts and aircrafts owned or hired by State governments shall be emplaned through the normal pre-embarkation security cheek procedure as is applicable to scheduled flights. Similarly, normal disembarkation channels shall be followed and exit of such passenger and baggage shall not be allowed through any other gate of the airport. Further, AAI has instructed to airports vide their letter no. 1583 dated 8/11/2013 (copy enclosed) reiterating the above instructions in response to this office letter of even number dated 01/11/2013. The above duties can be achieved by redeployment of existing manpower.

3. In view of the above, you are requested to enforce the above said procedures under intimation of this office.

Encl: As above

Yours Faithfully,

Sd/-

(R.N. Dhoke)

Addl. Commissioner of Security (CA)

INSTRUCTION Sl. No.74

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instructions/EEPS/2015/Vol-II Dated: 29th May, 2015

To

The Chief Electoral Officers of

All States and UTs

Subject: Standard Operating Procedure for seizure and release of cash and other items - regarding

Madam/Sir,

In supersession of Commission's Order No. 76/Instructions/2014/EEPS/Vol. XIX, dated 30th December 2014, I am directed to forward herewith the revised Standard Operating Procedure (SOP) for deployment of the Flying Squads, Static Surveillance Teams etc. and for seizure and release of cash and other items during election process, for necessary action and compliance.(Changes in italics).

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

3. Kindly acknowledge the receipt of this letter.

Yours faithfully,

Sd/-

(S. K. Rudola)

SECRETARY

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN ASHOKA ROAD NEW DELHI-110001

File No. 76/Instructions/ EEPS/2015/Vol-II Dated: 29th May, 2015

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 sections 171 B and 171 C 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, 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 Squads (FS) in each Assembly Constituency/Segment. 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 authorized 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 shall be 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. In case of suspicion of commission of any crime, the incharge Police Officer of FS shall seize cash or items of bribe or other such items, and gather evidence and record statement of the witnesses and the persons from whom the items are seized and issue proper Panchnama for seizure as per the

provisions of CrPC to the person from whom such items are seized. He shall ensure that case is submitted in the Court of competent jurisdiction within 24 hrs. The Magistrate of the FS will ensure that proper procedure is followed and there is no law and order problem.

5. The Magistrate of the FS shall send a Daily Activity report in respect of items of seizure of bribe or cash to the D.E.O. in a format as per Annexure - A, with a copy to R.O., S.P. and the Expenditure Observers, and shall also send Daily Activity report in respect of model code of conduct violations to RO, DEO, S.P. and General Observer in the format as given in Annexure-B. The S. P. shall send daily activity report to Nodal Officer of Police Headquarter, who 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 Incharge Officer of FS shall also file complaints/F.I.R. immediately 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 information 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 seizure reports in its Daily Activity Reports in relevant rows/columns and this is done to avoid duplication of reports of seizure.

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. As per Commission's instruction No. 23/1/2015-ERS, dated 21-02-2015, Booth Level Awareness Groups (BAGs) formed for purification and authentication of electoral rolls of the booth will also be associated in collecting the evidences of malpractices taking place in their area either by mobile software developed by

the Commission or otherwise. Whenever the BAG provides any information, the Flying Squad should reach the spot within shortest possible time and take necessary action and gather corroborative evidences.

10. The DEO shall publish 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 issued by the DEO on the election expenditure monitoring measures.

11. After the announcement of elections, DEO shall make an appeal as mentioned in para 8 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.

12. All the vehicles used by the Flying Squads shall be fitted with the CCTV cameras/ webcams or shall have video cameras (keeping in view the availability and economic viability) for recording the interception made by the Flying Squads

Static Surveillance Team (SST)

1. There shall be three or more Static Surveillance Teams in each Assembly Constituency/Segment with one executive magistrate and three or four police personnel in each team who shall be manning the check post. Depending on the sensitivity of the area, the CPF members will be mixed in the SSTs.

2. This team shall put check posts at Expenditure Sensitive pockets/hamlets, 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 captured in video or CCTV.

3. The Magistrate of the SST shall send Daily Activity report to the D.E.O. with copy to R.O., S.P. and Expenditure Observer, General Observer, and Police observer in a format as per Annexure –C, on the same day. The S.P. shall send daily activity update to Nodal Officer of Police Headquarter, who 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.

4. The checking by the 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/CCTV 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 video/ CCTV record by depositing Rs. 300/-.

5. 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 of seizure of cash or items of bribe has to be done by the SST.

6. Checking by SST on the major roads or arterial roads shall commence from the date of notification of election. 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 and during such period, the SST shall not be dismantled under any circumstances.

7. 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 captured in a video/CCTV, which will be submitted to the Returning Officer, every day.

8. If any star campaigner is carrying cash up to Rs. 1 Lakh, exclusively for his/her personal use, or any party functionary is carrying cash with certificate from the treasurer of the party mentioning the amount and its end use, then the authorities in SST shall retain a copy of the certificate and will not seize the cash. If cash of more than 10 lakh is found in a vehicle and there is no suspicion of commission of any crime or linkage to any candidate or agent or party functionary, then the SST shall not seize the cash, and pass on the information to the Income-Tax authority, for necessary action under Income - Tax Laws.

9. During checking, if there is any suspicion of commission of crime, the seizure of cash or any item shall be done by the incharge Police Officer of the SST as per provision of CrPC in presence of the Executive Magistrate. The Police Officer in charge of SST shall file complaint/FIR in the Court, having jurisdiction, within 24 hours.

10. FS and 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 SSTs during checking in their areas.

11. Advance training of FSs and SSTs should be done as per direction of the Commission. 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 is this regard is done.

12. In case of any grievance about the conduct of the FS or SST, the Authority, whom the person can appeal for redressal of grievance on misconduct or harassment shall be the Dy. DEO of the district (in charge of the Expenditure Monitoring Cell).

13. After seizure, the seized amount shall be deposited in such manner as directed by the Court and a copy of seizure of cash, in excess of Rs. 10 lacs shall be forwarded to the Income Tax authority, engaged for the purpose. The DEO shall issue necessary instructions to the treasury units to receive the seized cash beyond office hours and on holidays also, in case it is required.

14. Wherever the FS or SST or police authorities receive information about any suspicious items in their area, including movement of huge amount of cash, they shall keep the respective Law enforcement agencies informed about such items.

15. All the vehicles, used by SSTs and FSs may be fitted with GPRS enabled tracking unit so that timely action by the teams can be monitored.

16. Release of Cash

(i) In order to avoid inconvenience to the public and genuine persons and also for redressal of their grievances, if any, a committee shall be formed comprising three officers of the District, namely, (i) CEO, Zila Parishad/CDO/P.D,DRDA (ii) Nodal Officer of Expenditure Monitoring in the District Election Office (Convenor) and (iii) District Treasury Officer. The Committee shall suo-motu examine each case of seizure made by the Police or SST or FS and where the Committee finds that no FIR/ Complaint has been filed against the seizure or where the seizure is not linked with any candidate or political party or any election campaign etc., as per Standard Operating Procedure, it shall take immediate step to order release of such cash etc. to such persons from whom the cash was seized after passing a speaking order to that effect. The Committee shall look into all cases and take decision on seizure.

(ii) The procedure of appeal against seizure should be mentioned in the seizure document and it should also be informed to such persons at the time of seizure of cash. The functioning of this committee should be given wide publicity, including telephone no. of the convenor of the Committee.

(iii) All the information pertaining to release of cash, shall be maintained by the Nodal Officer expenditure monitoring in a register, serially date wise with the details regarding amount of Cash intercepted/seized and date of release to the person(s) concerned.

(iv) If the release of cash is more than Rs. 10 (Ten) Lac, the nodal officer of Income Tax shall be kept informed before the release is affected.

(v) All cases of seizure of cash etc., effected by FS, SST or Police authorities shall immediately be brought to the notice of the Committee formed in the District and the Committee shall take action as per para (i) mentioned above. In no case, the matter relating to seized cash/ seized valuables shall be kept pending in malkhana or treasury for more than 7(Seven) days after the date of poll, unless any FIR/Complaint is filed. It shall be the responsibility of the Returning Officer to bring all such cases before the appellate committee and to release the cash/valuables as per order of the appellate committee.

17. It is further informed that the EEMS software for Daily Activity Report, available in the Commission's website may be used for sending the report to the Commission.

By order,

Sd/-

(S. K. Rudola)

Secretary

Format for Receipt to be given to persons from whom cash/article is seized

Book No…….

Receipt Number…….

Date …….

Name of the Executive Magistrate ……

(Heading the Flying Squad/ Static Surveillance Team)

1. Cash Amount seized Rs…… (in words……)
/ Other articles seized……
from Shri……..…….....
Address:……..

Mobile No. ……..…….. at……..
(name of place where seized) on dated……falling in the Assembly/ Parliamentary Constituency of……..…
……(Name of State/ UT) …… District ……Police Station……. ……as the entire cash/ other articles is suspected to be used as bribery of the electors.

Or

2. The cash Rs…… (In words Rs……)/- (details of other articles) have been handed over to Shri……...(name and designation of the Officer of Income Tax Deptt.) taking necessary action under Income Tax Laws. (Strike out if not applicable)

Appeal Procedure

You may appeal to …….. (Name of ADM/SDM, heading the Expenditure Monitoring Cell) for redressal of grievance, within seven days or you may appeal to Joint Director of Income Tax (Inv.) for necessary relief if action relates to Income Tax deptt.

Signature with Stamp

(Name, Designation and address of Magistrate)

Date:

INSTRUCTION Sl. No.75

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instructions/EEPS/2015/Vol.V Dated: 20th January, 2016

To

The Chief Electoral Officers of

All the States and UTs

Subject: List of Non-Scheduled Operator's Permit holders (NSOP)- Regarding.

Sir/Madam,

Kindly find enclosed a copy of letter no. AV.14015/Gen./2008-AT-I, dated 05.01.2016 received from the Director General of Civil Aviation, New Delhi forwarding therewith list of service providers for Non-Scheduled Operators Permit Holders. The office of DGCA has informed that the NSOP holders (Service Providers) are free to fix the hiring charges and such charges are not being regulated by the office of DGCA.

I am directed to request you to kindly bring it to the notice of all the District Election Officers and other election authorities impressing that whenever necessary, the information regarding hiring charges of helicopters/air-crafts etc. may be obtained by them directly from the Non-Scheduled Operators Permit Holders.

Yours faithfully,

Sd/-

(AVINASH KUMAR)

SECRETARY

Copy to Shri Ved Prakash, Director of Operations (Air Transport), O/o the Director General of Civil Aviation, Technical Centre, Opp. Safdarjung Airport, New Delhi (By Special Messenger), with the request to facilitate the desired information and keep updating the list on the website of DGCA so that the election authorities are able to obtain latest information during election process.

Sd/-

(AVINASH KUMAR)

SECRETARY

INSTRUCTION Sl. No.76

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instructions/EEPS/2016/Vol.II Dated: 4th 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 29th 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,

Sd/-

(Satyendra Kumar Rudola)

Principal Secretary

INSTRUCTION Sl. No.77

Instruction No. 22/2023-Customs

F. No. CBIC-21/125/2021-INV-CUSTOMS-CBEC

Government of India

Ministry of Finance

Department of Revenue

Central Board of Indirect taxes & Customs (CBIC)

Investigation- Customs

*****

10th Floor, Tower-2, Jeevan Bharti Building, Parliament Street, New Delhi-110001.
Email: inv-customs@gov.in | Tel. 011-21400625 Date: 06.07.2023

To

All Pr. Chief Commissioners/ Chief Commissioners of Customs/Customs (Prev.)/ Central GST,

The Pr. Director General, Directorate General of GST Intelligence, New Delhi,

The Pr. Director General, Directorate of Revenue Intelligence, New Delhi,

The Director General, DGARM, New Delhi.

Madam/Sir,

Sub: Standard Operating Procedure for stepping up of Preventive Vigilance Mechanism by the jurisdictional CBIC field formations and to prevent flow of suspicious cash, illicit liquor, drugs/narcotics, freebies and smuggled goods during elections-reg.

Election Commission of India (ECI) has highlighted that the election expenditure monitoring mechanism, with its two thrust areas of keeping track of the legal expenditure incurred by the candidates and the political parties, requires coordination among the various expenditure monitoring teams and the various law enforcement agencies. ECI has also expressed concern that smuggled goods/contrabands and other illicit articles may be used to lure the voters during the election process, which would need to be checked by the law enforcement agencies including those of the Central Board of Indirect Taxes and Customs (CBIC). Another aspect that would require focused attention is the use of non-monetary inducements and cash to lure voters, which too would need to he checked by keeping strict vigil on warehouses etc. to prevent the stocking of such goods for distribution.

2. Additionally. ECI has stressed on the importance of coordinated and focused attention including proper sharing of information by the field formations of CBIC and all other agencies concerned for ensuring smooth and fair elections. In this regard, the below mentioned SOP is to be followed by formations of CBIC to ensure conduct of free and fair elections:

2 . 1 The Principal Chief Commissioners/ Chief Commissioners of Customs, Customs (Prev.) and Central Goods and Services Tax (CGST) Zones and the Principal Additional Director Generals (Pr. ADGs)/

Additional Director Generals (ADGs) of Zonal Units of Directorate of Revenue Intelligence (DRI) and Directorate General of Goods and Service Tax Intelligence (DGGSTI) should attend all the meetings called by the Chief Election Commissioner or Member(s) of the ECI or on their behalf. They should be well prepared with data/ information regarding the state of preparedness and various election related work done by their officers in the Zone.

2 . 2 The Principal Director General (Pr. DG), DRI, Pr. DG, DGGSTI, Principal Chief Commissioners/ Chief Commissioners of Customs, Customs (Prev.) and CGST Zones concerned shall suitably brief & sensitize their officers about their responsibilities. They shall also forthwith and throughout the elections closely monitor the steps taken by the respective officers to implement the directions of the ECI especially in use of non-monetary inducements (sarees, shirts, caps, scarves, white goods, masks, kitchen items, etc.) and cash to lure voters, apprehending smuggled/ illicit and other goods, identification of warehouses used to stock goods for distribution to lure voters, cash movement etc. and also the dissemination of information to and from other enforcement agencies/ department and action taken thereon.

2.3 The Pr. DG, DRI, Pr. DG, DGGSTI, Pr. Chief Commissioner/ Chief Commissioners of Customs, Customs (Prev.) and CGST Zones concerned shall be responsible for bringing any matter that is highly sensitive or grave to the immediate notice of the Chairman, CBIC/ Member (CM), CBIC/ Commissioner (Investigation -Customs), CBIC with a copy marked to Commissioner (Investigation -GST), CBIC.

2.4 Whereas the administrative arrangement being put in place applies to the DRI, DGGSTI, Customs and CGST field formations, it is clarified upfront that it is the Pr. ADG/ ADG, DRI in the respective States/ UT's, who shall be the point man for all the formations of CBIC, i.e., DGGSTI, Customs, Customs (Prev.) and CGST formations in that particular State. This officer shall, through the appointed Nodal Officer in his/her office, be responsible for:

i. Collating the prescribed reports (and other reports such as report of a serious/ grave nature) and sending the same on a daily basis to ECI with a copy marked to Commissioner (Investigation-Customs), CBIC at email id inv-customs@gov.in and Commissioner (Investigation-GST), CBIC at email id gstinv-cbic@gov.in by 9:30 AM on the following day and;

ii. Coordinating the efforts with other agencies such as Income Tax, etc.

2. 5 Pr. DG, DRI and Pr. DG, DGGSTI shall:

i. Establish a Central Control Room at Hqrs. and a Control Room in each State/ UT concerned. They shall also designate a Nodal officer at Hqrs. and in each State/ UT concerned. The State-wise information of the Control Room(s) and Nodal officer(s) with full contact details would be shared with each other and Pr. Chief Commissioners/ Chief Commissioners of Customs, Customs (Prev.) and CGST Zones concerned. The consolidated details/ list would also be circulated directly by the Pr. DG, DRI and Pr. DG, DGGSTI to other enforcement agencies and ECI with a copy marked to Commissioner (Investigation-Customs.), CBIC and Commissioner (Investigation-GST), CBIC and;

ii. Direct their intelligence units to gather information and develop intelligence to effectively prevent unfair and unauthorized practices that could vitiate the elections.

2. 6 Similarly, Pr. Chief Commissioners/ Chief Commissioners of Customs, Customs (Prev.) and CGST Zones concerned shall:

i. Establish a Central Control Room and designate a Nodal officer. The details of the Control Room list of these Nodal officers with full contact details would be shared with Pr. DG, DRI/ DGGSTI, Pr. DG, DRI will further share it with ECI with a copy to Commissioner (Investigation-Customs), CBIC and Commissioner (Investigation-GST), CBIC.

ii. Establish sufficient number of Flying Squads and Static Surveillance Teams for effective conduct of road and transit checks of vehicles and verification of warehouses etc., as and when required, to curb illegal and prohibited activities;

iii. In order to ensure against unauthorized diversion of liquor, cigarettes etc. special watch/ stock-taking should be kept/ carried out in the Custom Bonded Warehouses;

iv. Map the declared/ registered and other warehouses in the respective States/ UT's and ensure strict vigil is kept on these to ensure that there is no poll related untoward activities taking place or material being kept in these places;

v. Where any such goods are found to be linked to the canvassing process or for use during election, the cost of such goods should be communicated to the Pr. DG, DRI/ DGGSTI along with District Election Officer and Returning Officer with a copy to the ECI Observers for their further necessary action.

2.7 The Central Control Room in the States/ UT's and Nodal Officers concerned shall maintain a proper record of incidents and activities that have a bearing on the free and fair election process and immediately inform the same to the Pr. ADG/ ADG, DRI in the respective State/ UT.

2.8 The Nodal Officers of DGGSTI, Customs, Customs (Prev.) and CGST formations should constantly liaison with the Nodal Officer of DRI in the State, who shall, in turn, be in constant touch with the Nodal Officer of other agencies and keep abreast of poll related activities taking place in their jurisdiction. The Nodal Officers shall meet and brief the Expenditure Observers as and when called for.

2.9 Wide publicity should be given to search and seizures that are related to malpractices that may be related to elections. All out efforts should be made to detect and seize illicit currency, liquor, gold, FICN, NDPS and other contraband.

2.10 Detections made and results achieved are to be reported daily by the Customs, Customs (Prev.) and CGST Zones and DGGSTI Zonal Units concerned, to the Nodal Officer of DRI Hqrs. in their State in the prescribed format attached as Annexure-A. As aforementioned at clause 2.4, Pr. ADG/ ADG, DRI concerned shall then furnish a consolidated report for the State to the ECI with a copy marked to Commissioner (Investigation-Customs), CBIC at email id inv-customs@gov.in and Commissioner (Investigation-GST), CBIC at email id gstinv-¬cbic@gov.in.

3. The Directorate General of Analytics and Risk Management (DGARM) shall carry out a special analytical study of items (sarees, shirts, caps, masks, scarves, white goods, kitchen items, etc.) that might be

associated with the candidate or political party in the poll-bound assembly or constituency and could be used as an inducement for votes in the said States. The study should bring out the surge patterns to and within these States and the movement pattern and place of storage of such goods. These reports shall be quickly shared with field officers who would keep a special watch on movement/storage/supply of such goods.

4. Data analysis should be done on identified sensitive sectors as well as groups/ organizations/ individuals known to generate/deal in unaccounted cash for suitable action including sharing information with Income Tax Department, wherever warranted.

5. Pr. DG, DGGSTI and Pr. Chief Commissioners/ Chief Commissioners of CGST Zones concerned shall:

   i. Monitor movement of goods like saris, shirts, caps, masks, scarves, party flags that might be associated with the candidates or the political party in the poll-bound assembly or constituency by conducting extensive checking of e-way bills by GST teams at nakas during elections to ensure aforementioned goods are not moving without a proper GST invoice or e-way bill for distribution in the poll bound area to influence voters. Due procedure of search/inspection under Section 67 of CGST Act, 2017 may be followed while conducting checking at any suspected premises.

   ii. Ensure Stock checking of manufacturers, wholesale distributors and retailers to identify goods that might be meant for election canvassing and for distribution to voters.

      a. Sudden surge in movement of goods like dhoti, saris, T-shirts, Umbrella, pagri, etc. especially from neighbouring states can be checked through e-way bill portal.

      b. Random checks of the stocks of potential warehouse and shops can be made by GST officers to ensure that no unaccounted goods are removed under cash transactions. Due procedure of search/inspection under Section 67 of CGST Act, 2017 may be followed while conducting checking at any suspected premises.

   iii. Monitor fuels consumed during the election process by candidates and parties.

      a. Sale monitoring of petrol pumps to vehicles used during elections for canvassing: Petrol/ Diesel being an excisable commodity also comes under indirect taxation.

      b. Distribution of coupon-based fuel for alluring prospective voters: It is potential source of alluring voters through distributions free petrol/diesel during elections or on a cash basis. So random audit of fuel pumps/filling stations stocks can be done during elections. Due procedure of search/inspection under Section 67 of CGST Act, 2017 may be followed while conducting checking at any suspected premises.

   iv. Wherever such goods mentioned at paras 5(i), 5(ii) and 5(iii) are found to be linked to the canvassing process or for use during election, the cost of such goods should he communicated to Pr. DG, DRI/ DGGSTI along with the District Election Officer and Returning Officer with a copy to the ECI Observers for their further necessary action.

   v. Account for expenditure on food, hotels, parties, tent house etc. during the election process by the candidates and parties.

a. Extensive Checking by GST teams of Restaurant/Eateries, Marriage Hall/Conference Hall/ Farm Houses/Gardens, Shamiana, Tent House, Chair and Table providers, Slaughter House/ Meat House in the poll bound area. Due procedure of search/inspection under Section 67 of CGST Act, 2017 may be followed while conducting checking at any suspected premises.

b. Wherever services availed are found to be linked to the canvassing process or for use during election, the cost of such good should be communicated to the District Election Officer and Returning Officer with copy to the ECI Observers for their necessary action.

6. The DRI should increase its vigil along the international border/ airports and its information gathering mechanism to check the flow of foreign currency/ gold/ narcotics etc. that could potentially be used for malpractices during the elections.

7. Pr. Commissioner/ Commissioner of Customs in-charge of Customs Airports in the concerned States shall furnish a daily report on the declaration of foreign currency in the format given at Annexure-B to the Nodal Officer of DRI. This report shall also be given by all other Pr. Commissioners/ Commissioners of Customs-in-charge of Customs Airports to the Nodal Officer of DRI, in the State concerned but only in respect of passengers whose place of stay is in one of the poll hound states.

8. Further, it is also expected that all officers/officials concerned would proactively check any misuse and mischief. The measures mentioned above must be strictly complied with without fail. Any suggestions for further tightening the monitoring to effectively check any misuse may be immediately communicated to Commissioner (Investigation-Customs), CBIC and Commissioner (Investigation-GST) and action taken regarding preparedness and any seizure effected may please be communicated on the same day.

9. Hindi version will follow.

Yours faithfully,

Encl. As above

Sd/-

(Suraj Kumar Gupta)

Additional Commissioner (Inv-Cus),

CBIC, New Delhi

Copy to:-

i Principal Secretary, Election Commission of India,

ii. Commissioner- Customs Policy Wing.

iii. Commissioner- GST Policy Wing.

iv. Commissioner (Investigation-GST),

v. Webmaster with a request to put also under Election matter under Departmental Officers.

ANNEXURE-A

SEIZURE DETAILS

S. No.	Name of State and District	Constituency	Date & time of Seizure	Cash seized (in lakhs)	Seizure (like Drugs, Narcotics, Gold or other Precious metals, illicit liquor/ FICN, and Other misc. items including freebies)		Unaccounted storage/ stock of goods kept for inducing voters		Whether items are found to have link with any political party or candidate (name of the Party and Party affiliation)	Action taken so far in respect of seized item (in brief)
					Item& Qty.	Value (in lakhs)	Item& Qty.	Value (in lakhs)		

ANNEXURE-B

CURRENCY DECLARATION DETAILS

S. No.	Name of the passenger	Passport Number	Nationality	Value of Foreign Currency	Likely place of stay/ visit

INSTRUCTION Sl. No.78

M-11045/7/2023-Distribution-PNG

Government of India

Ministry of Petroleum & Natural Gas

Shastri Bhawan, New Delhi

Dated 2nd August, 2023

To,

The Chairman and CMD,

IOCL, BPCL, HPCL, MRPL, NRL, RBML, NEL, Shell and RSIL

Subject: Curbing the abuse of sale of coupons for buying fuel at Retail Outlets during elections-reg

Sirs,

I am directed to refer to the subject mentioned above and to inform that the Ministry has received a letter dated 18.07.2023 from Election Commission of India (ECI) intimating that the General Election to the Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana is to be conducted shortly by the Commission and General Elections to Lok Sabha and Legislative Assemblies of some more States/UTs is due in the next year 2024 (letter enclosed).

2. ECI vide their earlier letter dated 23.03.2023 had stated that there is a mechanism put in place by the Commission to control the abuse of money power and excessive election expenditure which is under reported. Further, Commission was apprised in the past of sale of coupons for buying fuel and other petroleum products etc. during currency of elections without routing through the books of account by the Political Party or candidates or other persons to escape the reporting of expenditure on their part which also amounts to bribery and punishable offence under section 123 B of the R. P. Act, 1951. These unlawful activities disturb the level playing field during elections.

3. Oil Marketing Companies (OMCS) are, therefore, advised to take all the appropriate measures to prevent and check sale of such coupons for buying fuel in the poll bound States/UTS and their neighboring States/ UTS, so that it does not vitiate the electoral process. This Ministry may also be apprised of the actions/ measures taken by OMCs.

Yours sincerely,

Sd/-

(A. K. Sinha)

Under Secretary to the Govt. of India

Tele: 23070329

INSTRUCTION Sl. No. 79

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/SOP/ESC-ESP/ECI/EEPS/2023 Dated: 3rd August, 2023

To

The Chief Electoral Officers

All States/UTs

Sub: Standard Operating Procedure (SOP) for identification of Expenditure Sensitive Constituencies (ESCs) and Expenditure Sensitive Pockets (ESPs)-Reg.

Madam/Sir,

I am directed to forward herewith Standard Operating Procedure (SOP) for identification of Expenditure Sensitive Constituencies (ESCs) and Expenditure Sensitive Pockets (ESPs) with the request to bring it to the notice of all DEOs and ROs for necessary compliance.

Yours faithfully,

Sd/-

(Anup Kumar Khakhlary)

Under Secretary

Standard Operating Procedure for identification of Expenditure Sensitive Constituency (ESCs) and Expenditure Sensitive Pockets (ESPs):

1. The Chief Electoral Officer of the State/UT is required to identify a Constituency as Expenditure Sensitive Constituency (ESC) which is prone to high expenditure and corrupt practices, on the basis of history, profile of the constituency and past developments after having discussion with District Election Officers, State Police Department, and enforcement agencies which participate in expenditure monitoring process.

2. The Chief Electoral Officer of the State/UT will organise the meeting with the State Level Nodal Officers of various enforcement agencies at least 6 months before the month of expiry of the Legislative Assembly of the State/UT and/or Lok Sabha, to identify mapping of sensitivities on two main grounds.

   a. Functionalities like main cohorts of cash, liquor, drugs, precious metals and freebies.

   b. Area wise sensitivities (District wise, group of district wise, AC wise)

3. There is a checklist given below which are indicative empirical parameters (These empirical parameters have been recollected from experiences in States/UT which underwent polls in past as well as it contains inputs from Technical Expert and CEOs of Group IV). This list is only indicative and may be supplemented with specific other expenditure sensitivities as deliberated by the CEO Office in consultation with Nodal Officers of enforcement agencies as mentioned in point 1. The indicative list of empirical parameters of identifying ESC is given below:

   i. High amount seizure of cash, liquor, drugs/narcotics, precious metals/jewellery, freebies etc. during the last two Assembly/Lok Sabha election.

   ii. High amount of seizure of cash, liquor, drugs/narcotics, precious metals/jewellery, freebies, etc. in the preceding six months of announcement of election.

   iii. Constituency sharing State border and / or International border with neighboring State/UT and / or Country be identified as ESC based on history of seizure or other incidents during past elections.

   iv. Constituency having a significant number of Expenditure Sensitive Pockets (ESPs).

   v. Information about treasury chests which show a 20% or more increase in demand for currency in the six months leading up to announcement of elections be obtained from RBI for identification of ESCs.

   vi. Unusually high number of online/digital transitions from a few to many accounts, mostly of small denominations, starting witnessed by banks 6 months before probable date of poll.

4. After the broad sensitivities are compiled by CEO Office in consultation with State Nodal Officers of enforcement agencies, the district wise findings will be communicated to DEOs which in turn will discuss and seek further inputs by forming a District Intelligence Committee comprising of district level officers of enforcement agencies. In case of few Central Agencies where the strength in State is very few, District Intelligence Committee may seek inputs directly from State Level Nodal Officers in place of district level officers of respective enforcement agency.

5. The District Intelligence Committee as mentioned above will give its inputs back to CEO office within stipulated time which is = (Poll month of corresponding previous elections minus 5 months). CEO Office will compile detailed lists with observations and comments and will inform Commission within timeline of Poll month of corresponding previous election minus 4 months (Poll month minus 4 months). This list shall be marked as confidential and will contain ESCs, Assembly Constituency wise, including nature of sensitivity and preparedness (what to do ?) and strategies to overcome the challenge (how to do?).

6. Sticking to timelines is important as the list and observations received from CEOs four months in advance from the month of expiry of the Legislative Assembly of the State/UT and/or Lok Sabha is required to be perused for making adequate arrangements for quality monitoring.

7. For an ESC, there may be upto two Assistant Expenditure Observers, such additional number of Flying Squads, Static Surveillance Teams and Video Surveillance Teams as required, over and above, those deployed in the remaining constituencies.

8. The list of ESCs is to be furnished in the format prescribed as under:

Sl. No.	Name of Expenditure Sensitive Constituency (ESC)	Name of District	ESC as per empirical criteria	Criteria's mentioned by which agency/ agencies	Detailed note on nature of sensitivity of ESC

Standard Operating Procedure for identification of Expenditure Sensitive Pockets (ESPs):

1. The District Election Officer (DEO), Superintendent of Police (SP) in consultation with the Expenditure Observer (EO), deployed in the constituency shall identify the Expenditure Sensitive Pockets (ESPs) in the constituency during first visit of the EO.

2. Pockets having following characteristics may be identified as ESPs:

   i. Inputs of District Intelligence Committee be considered for identification of ESPs.

   ii. Pockets having a large number of complaints/incidents of distribution of cash, liquor, freebies etc. in the last elections.

3. Other empirical criterion as mentioned in the list of marking of ESCs should also be perused.

4. ESPs are to be kept under 24 x 7 surveillance by Flying Squads (FSs) and Static Surveillance Teams (SSTs) particularly during last three days of poll. There shall be a mix of Central Paramilitary Force in the SSTs during this period.

INSTRUCTION Sl. No. 80

By Speed Post/Email

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

No 464/Strong room/2023-EPS Dated: 18th July, 2023

To

The Chief Electoral Officers of

all States and Union Territories

Sub: Arrangements of Strong Rooms for safe storage of EVMs, VVPATs and other election papers before and after counting of votes- reg.

Reference: The following instructions of the Commission: -

Sr. No.	Letter No.	Date
1.	464/INST/2009/EPS	12.05.2009
2.	464/INST/2009/EPS	12.05.2009
3.	464/INST/2011/EPS	19.03.2011
4.	464/INST/2014-EPS	04.04.2014
5.	464/L& O /2014/EPS	05.04.2014
6.	464/L& O /EPS/2014	10.04.2014
7.	470/INST/2014-EPS	30.04.2014
8.	470/INST/2014-EPS	30.04.2014
9.	470/INST/2014-EPS	30.04.2014
10.	464/L& O /2019/EPS	03.05.2019
11.	464/L&O/2019/EPS	04.05.2019

Madam/Sir

The Commission had issued various instructions, referred to above, regarding safe storage of polled EVMs, VVPATs and election papers before and after counting of votes in different strong rooms/designated strong rooms under safe custody of DEO and for their production in competent courts, if need arises. In this regard, I am directed to state that all the instructions relating to storage of election materials have been consolidated and revised instructions, in supersession of all the above referred existing instructions, are hereby issued.

2. Types of EVM-VVPAT strong rooms and storage after completion of poll:

(i) There are four categories of EVMs and VVPATs after the poll and three categories of their strong rooms after the poll as mentioned below:

Category	Letter No.	Date
Category A	Polled EVMs & VVPATs	**Polled EVM Strong Room:** (for storage of category A & B)
Category B	Non-functional Polled EVMs VVPATs	

Category C	Non-functional Un-polled EVMs & VVPATs (failed during mock poll)	**Repair Strong Room:** (for storage of category C), not in the vicinity of polled EVM strong room
Category D	Unused Reserve EVMs & VVPATs	**Reserve Strong Room:** (for storage of category D), not in the vicinity of polled EVM strong room

(ii) Information about all categories of strong rooms and the related storage materials shall be given to all the contesting candidates in writing, *under acknowledgement*, sufficiently in advance.

(iii) Under no circumstances, C & D category machines shall be stored in strong rooms having category A & B machines. This is to ensure that the right kind of CUs are brought to the counting tables, and further to ensure that unused machines are not blocked for future use.

(iv) It shall be ensured that storage and security protocol for all categories of machines shall be followed as per the latest edition of '***Manual on Electronic Voting Machines***'.

3. Types of strong rooms for storage of election papers:

(i) The following election papers, along with polled EVMs and VVPATs are received at the Receipt Centre. The table below lists the kind of strong room and storage of election papers therein: -

Packet Number	Strong Room for storage	Documents details
1st Packet (EVM papers)	**Polled EVM Strong Room** (with proper signage)	(i) Unsealed envelope containing the account of votes recorded (Form-17C), (ii) Unsealed envelope containing the Presiding Officer Report I (Mock-Poll Certificate), II & III (iii) Printed VVPAT paper slips of Mock Poll (should be kept in Black Colored Sealed Envelope).
2nd Packet (Scrutiny Cover)	**Election Papers Strong Room** (a strong room other than polled EVM Strong Room, with proper signage)	(i) Unsealed envelope containing the Presiding Officer's Diary (ii) Sealed envelope containing the Register of Voters (17A) (iii) Unsealed envelope containing the list of blind and infirm electors in Form 14-A and the declarations of the companions (iv) Unsealed envelope containing Visit Sheet
3rd Packet (Statutory Covers)	Same as above	(i) Sealed envelope containing the marked copy of the electoral roll; (ii) Sealed envelope containing voter's slips; (iii) Sealed envelope containing unused tendered ballot papers; (iv) Sealed envelope containing the used tendered ballot papers and the list in Form 17-B (v) Sealed envelope containing the list of challenged votes in Form 14;

4th Packet (Non-Statutory Covers)	Same as above	(i) Unsealed envelope containing the copy or copies of electoral roll (other than the marked copy); (ii) Unsealed envelope containing the appointment letters of polling agents in Form 10 and accounts of appointment of polling agent; (iii) Unsealed envelope containing the election duty certificate in Form 12B; (iv) Unsealed envelope containing the declarations by the presiding officer (v) Unsealed envelope containing the receipt book and cash, if any, in respect of challenged votes; (vi) Unsealed envelope containing unused and damaged seals and special tags; (vii) Unsealed envelope of unused voter's slip (viii) Unsealed envelope for the declarations obtained from electors as to their age and the list of electors who have refused to make declarations as to their age (ix) Form of declaration by elector under Rule 49MA (Test Vote); (x) Form of declaration by elector whose name is in ASD list; (xi) Letter of complaint to the S.H.O. Police
5th Packet (Handbooks, ECI Inst., Indelible ink, and Stamp Pad)	Same as above	(iv) Hand Book for Presiding Officer; (v) Instructions of Electronic Voting Machine & VVPAT (a. Posters on How to cast vote on EVM and VVPAT, b. Brochure for Presiding Officer on use of EVM and VVPAT and c. Trouble shooting on use of EVM and VVPAT); (vi) Sealed envelope containing (a. Indelible ink set with stopper having been secured on each phial effectively with molten candle or wax applied thereon to prevent leakage or evaporation and b. used self-inking pads);
6th Packet (All other material)	Same as above	(vi) Used list of contesting candidates Form 7A, (vii) Used photocopy of signature of candidates, (viii) Other unused forms, (ix) Arrow cross-mark rubber stamp for marking tendered ballot papers, (x) Cup for setting the indelible ink.

ii. In case of simultaneous elections, the above-mentioned materials shall be packed separately and be kept in separate strong rooms of Assembly Election and Parliamentary Election at distinctly identified places so that they are not mixed with each other. Candidates shall be informed about such arrangements in advance.

(iii) Detailed directions on above subject as contained in Commission's latest instruction shall be scrupulously followed.

(iv) The DEO shall remain over all in-charge of the safe custody of EVMs, VVPATs and Election Papers.

(v) One control room adjacent to these strong room locations should be operative round the clock. A Gazetted officer along with a police officer should be put on duty round the clock for monitoring the security arrangements, including CCTV coverage, of strong rooms.

(vi) CCTV cameras with sufficient storage facility shall be installed. CCTV Camera should cover sealed doors of Polled EVM Strong Room and Election Paper Strong Room, security and corridor etc. A proper system to take back up of CCTV footage shall be ensured. Such video data shall be in the custody of the District Election Officer.

(vii) Videography shall be made at the time of the opening and closing of Polled EVM Strong Room and Election Paper Strong Room. Proper log books shall also be maintained.

(viii) CEO may also inspect strong rooms after poll if counting is not immediately scheduled due to multi-phase elections.

4. Collection, storage and security of polled EVMs/VVPATs and election papers at the Receipt Centre not located at the proposed Counting Centres:

In case the polled EVMs, VVPATs and election papers are temporarily to be stored in strong rooms at Receipt Centre, which are far away from the Counting Centre, the protocol of having different types of strong rooms i.e., **Polled EVM Strong Room** (for storing polled EVMs & VVPATs and 1st packet of election papers) and **Election Papers Strong Room** (for storing 2nd to 6th packets of election papers) shall be followed. These election materials shall be transported from the polling stations to the Receipt Center under proper escort/security. Candidates and their representatives shall be allowed to follow the vehicle transporting EVMs, VVPATs and election papers. These election materials shall be stored temporarily under proper videography and security arrangements.

When polled EVMs/VVPATs and six packets are received from all the polling stations at the Receipt Center, these materials shall be taken from temporary strong rooms arto the designated strong rooms at the Counting Centre with proper CAPF security. One senior officer shall be designated to supervise transportation of these election materials. Care shall be taken that, under any circumstances, no seals are broken during transportation. Candidates and their representatives shall be allowed to follow the vehicle transporting EVMs, VVPATs and election papers. The process of depositing of all these materials in the designated strong rooms shall be videographed and a report be sent by the DEO to the CEO. Observers shall also keep a close watch on this transportation process. The candidates and their representatives shall also be allowed to watch the process of depositing these materials in designated strong rooms at the Counting Centre. The candidates/ election agents may be allowed to put their signatures on the seals of

double lock system. Their signatures may also be obtained in the register / log-book maintained for this purpose.

5. Storage of polled EVMs/VVPATs and election papers in the Polled EVM Strong Room at Counting Centre:

As mentioned above, the polled EVMs & VVPATs and related election papers shall be stored in the designated strong rooms immediately after receiving all EVMs& VVPATs and election papers either through transportation process as described at Para 4 or directly at the Receipt Centre. Following protocol for storage of polled EVMs/ VVPATs and 1st Packet (EVM Papers) shall be strictly followed:

(a) Separate space in the form of grid and shape of square/rectangular boxes should be marked for each polling station inside the strong rooms. The ballot unit(s), control unit(s) and VVPAT(s) used for poll received from one polling station must invariably be kept together at one place in the earmarked box for that polling station. The 1st packets (EVM Papers) as mentioned above, shall be kept and attached to the polled CU of Category A and B. The storage should follow the serial number of Polling Stations.

(b) If there is space constraint, these machines and packets shall be kept, polling station wise, in fabricated steel/iron/wooden multi-layer storage within the Polled EVM Strong Room.

(c) In case of single election, ideally all polled EVMs/VVPATs and 1st packet of election papers shall be kept in one 'Polled EVM Strong Room' AC wise or AS wise, as the case may be. However, in case of space constraint, these may be kept in multiple strong rooms, adjacent to each other in the same location preferably on same floor. A notice, containing particulars of the elections, AC/AS number and name and serial number of polling stations, shall be pasted outside each strong room.

(d) In case the size of the Polled EVM Strong Room is large, it shall be ensured that this strong room should not be used for storing the above materials for more than two ACs or ASs as the case may be. However, under such circumstances, it shall be ensured that proper bifurcation of the room is done before keeping them so that these are not mixed up. Each bifurcated space shall have separate door and has independent double lock system.

(e) All other categories of EVMs (i.e., C & D) shall be kept separately from strong rooms meant for category A & B and should not be in the vicinity of category A & B strong rooms.

(f) No other election material, except packets one, shall be kept inside category A & B strong room under any circumstances.

6. Post- poll storage of election papers packet numbers 2 to 6 in the Election Papers Strong Rooms at Counting Center:

(i) The documents contained in the packets number 2 to 6, as mentioned above, shall be kept in a separate Election Paper Strong Room for each AC/AS wise under secure way mentioned above. Under no circumstance, these papers should be put in Polled EVM Strong Room. This strong room shall be opened and closed for taking out 2nd Packet (Scrutiny Papers) and again keeping them inside the strong room as per due protocol after giving due information, under acknowledgement, to candidates and their election agents in advance.

(ii) The Election Paper Strong Room shall have a double lock system, as prescribed. A separate log book shall also be maintained and in the event of opening of the strong room, entry should be made about date, time, duration and name(s) of person(s), purpose for opening the strong room. The other protocol for opening strong rooms such as prior intimation to contesting candidates, videography of the activity in the strong rooms, inc1uding opening and re-sealing etc. should be scrupulously followed.

7. Safety and security arrangements in the Polled EVM Strong Rooms at Counting Center:

(i) The designated strong rooms shall be set up in a secured place preferably in the district headquarters and in special cases in sub- divisional headquarters, where counting of votes is to be conducted.

(ii) The following arrangements shall be made for setting up strong rooms:

(a) Strong Room shall have only single entry/ exit with all other doors/windows sealed using brick masonry/concrete.

(b) Strong rooms shall have a double lock system. All the keys of Lock-1 shall be with RO concerned and all the keys of Lock-2 shall be with ARO concerned (for their AC/AS). In case of Parliamentary Constituency, if Counting Center is established in a district other than RO headquarter, all keys of Lock-1 shall be kept with respective ARO and all keys of Lock-2 with officers duly nominated by the DEO for each Assembly Segment.

(c) Main switch of these strong rooms should be installed outside of the strong rooms and electricity be disconnected after sealing of the strong rooms to avoid short circuiting. No external powered unit should be installed or kept inside the strong room.

(d) Arrangements should be made for fire and flood safety. Fire- extinguishers shall be installed inside and outside of strong room. Adequate fire alarm system shall also be put in place.

(e) It should be ensured that there is uninterrupted power supply at the strong room locations during the entire period wherein EVMs and VVPATs are stored. Appropriate arrangements of generators should be made to ensure uninterrupted power supply in case of any outages.

(iii) There shall be a two-tier guarding system for strong rooms as follows: -

(a) Inner most perimeter shall be guarded by CAPF and outer perimeter by State Armed Police. For this purpose, minimum one platoon CAPF for 24X7 security shall be provided to guard the strong room round the clock.

(b) The District Election Officer shall certify that the above security arrangement has been complied with. The Chief Electoral Officer of the State shall obtain the certificate from each District Election Officer. The Observers shall also inspect and confirm that these instructions of the Commission have been complied with.

8. Facilities to candidates to keep a watch on the strong rooms:

(i) All the candidates should be intimated in writing, with proper acknowledgement, to depute their representatives to keep a close watch on security arrangement of these strong rooms. They should

be allowed to stay outside the outermost perimeter in a rain-proof tent erected officially for this purpose, which enables them to view the entry points of the strong room.

(ii) Facilities such as proper shade, drinking water, toilets, etc. should be provided to them.

(iii) If, there is no direct view to the strong room, CCTV should be arranged at the location, so that they can see the activities at strong room door on CCTV monitors. In such a case, they may be taken periodically to the inner perimeter in batches to see, verify and satisfy regarding strong room security.

(iv) The phone numbers of CEO, Additional CEOs, control rooms set up by CEO/DEO/RO and the DEO/SP concerned should be given to the candidates, who may provide the same to their people keeping vigil at the strong room locations. They may contact the officials in case of any need.

(v) Media shall be briefed from time to time by the CEO for detailed safety and security arrangements in these strong rooms and Counting Centers for information of general public and to counter fake news, if any, mostly in social media.

9. Protocol to be followed to reach the inner perimeter of Polled EVM Strong Room:

No one should be allowed to reach the inner perimeter without following the protocol, as under: -

a. Proper Log book for each entry, exit and duty roster for security personnel shall be maintained by the CAPF. Date, time, duration and name of the person crossing the inner perimeter shall be entered into the log book and signature should be obtained in each case. This includes visits by the Observers or DEOs or SPs or candidates or their agents or any other persons.

b. Video cameras should be provided to the CAPF to record all visits made by such visitors.

c. No vehicle, including that of any official or ministers or any other political functionary should be allowed inside the secured campus where the EVMs and VVPATs and election papers are stored. Alighting point for the vehicles should be marked clearly ahead of the outer security perimeter itself; beyond it should be a pedestrian zone only.

10. Supervision by Returning Officers and District Election Officers:

(i) Returning Officers should visit the storage campus (up to the inner perimeter only) every day in the morning and evening and check the log book and videography and send a report to the DEO on the status every day.

(ii) In case of strong rooms located in the district headquarters, the DEO should do the same every day.

(iii) Where the strong rooms are situated outside the District Headquarters, DEO should visit the same as frequently as possible and at least once in 3 to 4 days.

(iv) DEOs and SPs shall be personally responsible for security of strong rooms within the district and meticulous implementation of the protocol. The copy of this letter should be made available to all candidates, DEOs, ROs and CAPF commandant.

(v) The CEOs may submit a separate report to the Zonal Secretaries indicating the type of security arrangements made by the administration to guard the strong rooms involving the CAPF already available or otherwise. Other additional measures taken for guarding the strong rooms may also be indicated.

(vi) These instructions will also apply mutatis mutandis to the storage of the voting machines during the interval between the original count and the recount, if any.

11. Sealing of strong room:

(i) The sealing of all types of strong rooms shall be done in the presence of respective General Observer, Returning Officer, candidates and their election agents.

(ii) In case more than one strong room are set up in the same premises or in the same town, the sequencing of closure or sealing of strong rooms shall be coordinated in such a way that one of the Observer remain present at the time of closing of each strong room without any deviation.

(iii) In case General Observer is assigned more than one AC/AS and strong room locations are distributed in the district, senior most General Observer, in consultations with the DEO/RO in advance, will decide which Observer will remain present at the time of closure of which strong room. Senior most General Observer may also nominate Expenditure Observer to represent any General Observer for sealing of strong room in case of exigencies. In exceptional cases, senior micro observers may be selected from the list of micro observers deployed for poll day duty can also be authorized by the senior most General Observer to represent any General Observer for sealing of strong room.

(iv) The information should also be made available to the contesting candidates or their election agents in advance.

(v) Similarly, candidates or their agents may also not be available for sealing of strong rooms, the candidates may be allowed to send an authorized representative, who will have the authority of the candidate in writing, also carry a photo ID card and who should be a voter within the concerned Parliamentary Constituency/Assembly Constituency.

12. Opening/closing of Election Papers Strong Room for scrutiny of Form 17A and other documents-

(i) For the purpose of scrutiny of Form 17A and other documents, the **Election Papers Strong Room** is opened at the appointed date and time in the presence of DEO/RO, Observer and contesting candidates/their election agents/their authorized representatives under videography.

(ii) Wherever relevant papers required for scrutiny of Form 17A and other documents are required to be transported, they shall be transported under proper police escort along with Executive Magistrate. Candidates and their representatives shall also be allowed to follow the vehicle transporting relevant papers. In this regard, proper information about the travel plan should be given to the candidates/their election agents or their representatives.

(iii) After conduct of scrutiny the Form 17A and other documents should be re-packed in their respective packets and the strong room should be duly closed and sealed after making entry in the log-book

and obtaining the signatures of all candidates or their representatives, Observer and Returning Officer, as may be present.

(iv) The whole process of opening and closing of strong room(s), containing Form 17A and other documents shall be videographed.

(v) Detailed instructions regarding protocol for scrutiny of Form 17A and other documents and storage thereof shall be followed scrupulously.

13. Opening of the Polled EVM Strong Room for Counting of Votes:

The RO should commence the counting at the hour fixed for the purpose. The Polled EVM Strong Room should be opened in the presence of the Observer, RO/ARO(s), the candidates/ their election agents. After making necessary entries in the log book maintained for the purpose, the seal of the lock should be checked, shown to the candidates/ their election agents and then shall be broken. Entire proceedings shall be videographed with date-time stamping. An uninterrupted CCTV coverage shall be done to record to and fro movement of all CUs, VVPAT and relevant documents from strong room to Counting Hall.

14. Sealing of EVM/VVPAT and other documents after counting of votes:

(i) After declaration of result, all Control Units, after removing the power-packs, shall be kept in their respective carrying cases and sealed with address tag. Further, printed paper slips shall be taken out from VVPATs and sealed in black envelopes (one envelope for one VVPAT) and shall be kept in a trunk (s). One trunk should contain envelops of one AC or AS, as the case may be, with all relevant election details pasted/ written on it. The procedure prescribed in the latest edition of ***Manual on Electronic Voting Machine*** shall be followed.

(ii) The four packets 1 to 4, as mentioned above, shall also be sealed with the bilingual secret seal supplied by the Commission. These packets shall be kept in steal trunks (separately for each type of packet) with double lock system. Returning Officers shall ensure that the bilingual secret seal supplied by the Commission is put on the **packets only** and **not** on any of the locks of the steal trunk.

(iii) The bilingual secrete seal shall be returned to the Commission as per the prescribed instruction.

(iv) Remaining packets (Packets 5 and 6) shall not be sealed with the bilingual secret seal supplied by the Commission.

(v) Returning Officers shall nominate a responsible officer-in-charge for the supervision of sealing process. Utmost care should be taken that all election related papers are properly sealed and labelled.

(vi) Candidates or their agents/authorized representatives shall be invited, with proper acknowledgement, to remain present during the sealing process. They shall also be permitted to note down the number of the bilingual secret seal of the Commission and also to affix their seals, if they so desire.

(vii) The entire sealing process shall be under CCTV coverage/videography. The CCTV coverage/ videography shall be done in a way that entire sealing process is clearly visible.

15. Storage of EVM/VVPAT and other documents under the custody of District Election Officer (DEO) after counting of votes:

(i) Rule 92 read with Rule 93 of the Conduct of Elections Rules 1961 provides that the voting machines and printed paper slips, sealed under Rule 57C, shall be kept in the safe custody of the District Election Officer and shall not be opened or inspected by or produced before any person or authority except under the orders of a competent court. The machines and printed paper slip (VVPAT slip) so sealed shall be retained intact for such period as mentioned in the latest edition of Manual on Electronic Voting Machines/direction issued by the Election Commission of India.

(ii) Immediately after the declaration of result of the election, on the same day and, in any case not later than the noon of the following day, all the EVMs (BU and CU), VVPATs and the sealed trunks(s) containing the packets should be dispatched to the District Election Officer at his headquarters and on receipt of the same the District Election Officer should forthwith arrange to store them safely under his custody.

(iii) The following protocol shall be followed for movement of EVMs, VVPATs and Election Papers for safe storage under the custody of DEO, if the location is other than the Counting Centre: -

(a) The contesting candidates/their agents shall be intimated in writing under proper acknowledgement, about the storage place where EVMs, VVPATs and Election Papers are to be stored after counting of votes.

(b) Proper armed escort (CAPF) shall be provided for the vehicles carrying EVMs, VVPATs and election papers with videography. Candidates/their agents shall also be permitted to follow the vehicles.

(iv) <u>Storage of EVMs (Ballot Units and Control Units):</u>

(a) EVMs of each AC/AS shall be kept in separate district strong room. In no case, EVMs of two or more than two Assembly Constituencies/Segments shall be kept in the same district strong room till completion of Election Petition (EP) period.

(b) In case of simultaneous elections, EVMs pertaining to AC and AS shall be stored in separate district strong rooms with double lock system.

(c) If the size of the district strong room is not sufficiently large, the EVMs can be kept in fabricated steel/iron/wooden multi-layer storage racks inside district strong room. Further, these EVMs can be stored in two adjacent district strong rooms if EVMs of one AC/AS is not accommodated in one district strong room. In such case, labels containing the details of AC/ AS and corresponding serial number of polling stations shall be pasted outside such strong rooms.

(d) No other material, whether related to election or not shall be kept in the district strong room having EVMs.

(e) Candidates or their agents/authorized representatives shall be allowed to affix their seals on the locks of the district strong room, if they so desire.

(v) Storage of VVPATs:

(a) The VVPATs should be stored in the separate room/hall of the district warehouse, under double lock system. They should not be kept in the district strong room having polled EVMs, so that VVPATs can be used in future elections.

(b) Candidates or their agents/authorized representatives shall be allowed to affix their seals on the locks, if they so desire.

(vi) Storage of VVPAT Slips and Election Papers:

(a) All the trunks containing Packets 1 to 4 mentioned above along with the trunk(s) having VVPAT printed paper slips shall be kept preferably in the Treasury/Sub-treasury.

(b) In the districts where, there is no system of Treasury/Sub Treasury, an exclusive safe and secured room, with double lock system, in the office of District Election Officer or any other safe building, shall be selected for safe custody of these election papers.

(c) Trunks of Packets 5 & 6 shall be placed safely in a separate room for further use, provided the material is usable.

(d) Further, the CD/Storage devices containing photos/ webcasting/CCTV/Videography data for other election events shall also be stored, clearly labeling/indexing all the details, in the safe custody of DEO concerned along with the above 4 packets.

(vii) Custody of keys:

(a) There shall be double lock system with all keys of each lock with two separate specified officers.

(b) In cases of storages/ trunk(s) provided in para (iv), (v) and (vi), all the keys of lock-1 shall be kept with the District Election Officer and all the keys of lock-2 shall be with the Dy. DEO or the equivalent officer not below the rank of Dy. DEO.

(c) Proper handing over and taking over of these keys shall be made and documented when transfer takes place.

(d) Proper records of stored items and election material taken out (for court case, destruction of election papers etc.) shall be maintained and shown to DEO and his signature shall be obtained.

(viii) For detailed instructions on the storage and safety of EVMs and VVPATs and their retention period till shifting the district warehouse(s), kindly refer the latest Manual on Electronic Voting Machines. For retention and destruction of election related papers kindly refer Rule 92-94 of the Conduct of Elections Rules 1961. Election Papers shall not be destructed till final disposal of Election Petition, if any.

(ix) The DEO shall obtain a certificate from concerned officer-in-charge of such room for having received all election papers contained in packets 1-4 and any other relevant election related documents and send a copy to the CEO for record.

16. The aforesaid consolidated instructions shall be brought to the notice of all concerned for strict compliance during General Elections and Bye elections to Lok Sabha and State Legislative Assembly.

Yours faithfully,

(Ajay Kumar Verma)

Secretary

INSTRUCTION Sl. No. 81

By Speed Post/Email

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

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No 464/INST-17 A/2023-EPS

Dated: 10th June, 2023

To

The Chief Electoral Officers of
all States and Union Territories

Subject: Scrutiny of Form 17-A and other documents- reg.

Reference:

Sr. No.	Letter No.	Date
1.	464/INST/2007/PLN-I	12.10.2007
2.	464/INST/2009/EPS	02.03.2009
3.	464/INST/2009/EPS	15.04.2009
4.	464/INST/2009/EPS	16.04.2009
5.	464/INST/2009/EPS	19.04.2009
6.	464/Instruction/2011/EPS	24.09.2011
7.	464/INST/2012-EPS	27.01.2012
8.	464/INST/2012/EPS	08.02.2012
9.	No.464/INST/2014-EPS	04.04.2014
10.	464/INST//EPS-2016	21.04.2016

Sir/Madam,

In reference to the above-mentioned instructions issued on the subject cited, I am directed to state that the Commission has reviewed these instructions and issued the following consolidated instructions in supersession of all the existing instructions on the subject:

1. Purpose of scrutiny of Form 17A and other documents:

Effective and thorough scrutiny of critical documents created during the poll process will be necessary to identify cases of poll vitiation at any polling station. This exercise shall be carried out under close supervision of Observers and Returning Officers. The Commission desires to ensure that even subtle and concealed electoral malpractices at the polling station shall be detected through this document scrutiny process.

2. Intimation to all the contesting candidates:

All contesting candidates shall be given an advance notice in writing under proper acknowledgement so that they or their election agent/authorized representatives remain present. Candidates can authorize as many representatives as places fixed for scrutiny by the Returning Officer and Observer to watch the proceedings of scrutiny. In such notice, it shall be mentioned that either the candidate himself or his election agent or one representative duly authorized by the candidate in writing may be present to watch, ***repeat only to watch***, the proceedings of scrutiny.

3. Documents to be Scrutinized:

Following documents should be scrutinized by Observer and Returning Officer in the presence of contesting candidates or their election agents:

(a) Presiding Officers' diary

(b) Form 17-A (Register of Voters)

(c) Other related documents which include but not restricted to Micro Observers Reports, visitor sheets, reports of zonal magistrates or sector officers, report of Presiding Officer, still photography, videography recordings, CCTV and Webcasting footages

(d) If the number of blind/infirm voters voting at a Polling Station (Rule 40, Conduct of Election Rules 1961) is more than 1% of the total no. of electors in that polling station, scrutiny of Form 14A (list of blind/infirm voters).

4. Collection of Information at Reception Center:

To facilitate identification of polling stations, where scrutiny of Form 17-A and other documents referred as above, is required, the Returning Officer shall collect the information for each Polling Station in prescribed format **(Annexure-I)** at the time of receipt of polled EVMs & VVPATs and other documents after completion of polls.

Polled EVMs and VVPATs along with envelopes containing original Form-17C and mock poll VVPAT slips shall be kept in the 'Polled Strong Room' as per existing instructions. Polling Station wise documents required for scrutiny should be stored separately in a strong room other than the Polled Strong Room having polled EVMs and VVPATs. For the sake of convenience in taking out the documents for scrutiny, it will be ideal to keep them separate in a clearly demarcated area so there is no confusion at the time of taking out the document.

5. Opening and closing of the strong room(s) having Form 17A and other documents

(vi) Strong room(s) having Form 17A and other documents shall be opened, at the time so appointed, in the presence of DEO/RO, Observer and contesting candidates/their election agents/their authorised representatives under videography.

(vii) After taking out the packets containing Forms 17A and other documents required for scrutiny in respect of such polling stations selected for scrutiny, the strong room shall be duly closed and

sealed after making entry in the log-book and obtaining the signatures of all candidates or their representatives as may be present.

(viii) In case of more than one strong room in the same premises or in the same town, opening and closing of strong rooms can be coordinated in such a way that one of the Observers remains present at the time of closing of each strong room without any deviation.

(ix) In case strong room locations are distributed in the constituency, Observers shall decide, in advance in consultation with the Returning Officer(s) or District Election Officer, to ensure presence of one of the Observers at the time of opening and closing of strong room(s). The information should also be made available to the contesting candidates or their election agents in advance.

(x) Even after making these arrangements, if the number of Observers is still less than the number of strong rooms, the Returning Officer/ District Election Officer and Observers concerned shall authorize one of the Micro Observers with due care to remain present as a representative of the Observer. In such cases, the DEO/RO shall ensure that one senior officer along with one of the AROs remain present. In such cases, a joint report along with videography will be submitted by the ARO and Micro Observer jointly to the RO and Observer concerned. After getting joint report from ARO/Micro Observer, the RO and the Observer concerned shall record their satisfaction about the process of opening and closing of strong room(s).

(xi) The whole process of opening and closing of strong room(s), containing Form 17A and other documents, shall be video graphed.

6. Transportation of Documents to be Scrutinized:

Wherever relevant papers required for scrutiny of Form 17-A and other documents are required to be transported, they shall be transported under proper police escort along with Executive Magistrate. Candidates and their representatives shall be allowed to follow the vehicle transporting relevant papers. In this regard, proper information about the travel plan should be given to the candidates/their election agents or their representatives.

7. Criteria for selection of Polling Stations for scrutiny:

Based on the information collected as above, scrutiny of documents shall be done by Observers and Returning officers in the presence of contesting candidates or their election agents for any of the following categories of the polling stations: -

(i) In all polling stations, where any complaint of poll rigging, malpractices etc. was received by Observer, DEO or RO during the poll process.

(ii) In all polling stations, where any significant event (EVM/VVPAT related or otherwise) was reported to the Observer, DEO or RO during poll process.

(iii) In polling stations, where poll took place in the absence of any polling agent or in the presence of the agent of only one candidate.

(iv) In polling stations, where the number of electors who cast their votes using documents other than EPIC (i.e., alternative documents specified by the Commission) exceeded 25% of the total votes cast in that polling station.

(v) In polling stations, where more than 10% of such electors who had been identified as ASD turned up and voted.

(vi) In polling stations, where polling percentage is plus 15% or minus 15% than the average polling percentage of that AC. Say, for e.g., in a particular AC 60% votes have been cast, then in all polling stations with polling percentage 75% or more and 45% or less shall be taken up for scrutiny.

(vii) In polling stations, where there are at least 5 (five) tendered votes and challenged votes reported.

(viii) In Polling Stations, where in 10% or more remarks column of Register of Voters (Form-17A) are blank and does not indicate use of the EPIC/alternate document.

(ix) In Polling Stations, where Micro Observer has submitted an adverse report.

8. Procedure for Scrutiny of Documents: -

(i) The scrutiny of Form-17A along with other documents will be taken up preferably at 11:00 A.M. on the day following the day of poll at the location fixed, in consultation with Observer.

(ii) An assembly constituency/segment wise schedule for taking up scrutiny shall be prepared and it will be ensured that all documents with regard to assembly constituency/segments, where strong rooms are at the place different from the RO headquarters, are brought by the ARO to RO headquarters in time for the scrutiny to be undertaken.

(iii) The Returning Officer, in presence of Observer, shall do the scrutiny with utmost care and shall submit a report to the Commission as soon as scrutiny is over. During the process of scrutiny, the candidates / their election agents or their authorized representatives may watch the proceedings so that they can get a clear view of the proceedings but, are not permitted to handle the election papers/material or interfere with the proceedings. The entire process of such scrutiny should be videographed.

(iv) In case of absence of observer due to his preoccupation in scrutiny work in another AC, the Observer may decide to do the scrutiny at 11:00 AM on the day following the poll day in any one of the allotted AC first and after conduct of scrutiny in the first AC, he may proceed to another AC to do the scrutiny work there.

9. Post-scrutiny procedure:

After scrutiny, the Forms 17A and marked copies of electoral roll for each polling station, other documents and material shall be re-sealed with the seal of the Returning Officer. The candidates or their election agents/representatives present, may also be allowed to affix their seal to signature thereon (sealing cloth/ material), if they so desire. These sealed envelopes shall then be kept back in the strong room from which they were taken out. This shall also be done in the presence of the candidates or their election agents/

representatives. The room shall then be sealed with the seal of the Returning Officer. The candidate or their representatives may also affix their seals /signatures thereon if they so desire.

After scrutiny of Forms 17A and other documents, the Returning Officer and Observer shall make necessary recommendations as per **Annexure-II**, to the Commission for repoll, if warranted and wherever considered necessary, giving reasons polling station wise. In case of any difference of opinion, the same shall be reflected indicating the reason for the same in their respective reports.

The aforesaid consolidated instructions shall be brought to the notice of all concerned for compliance during General Elections to Lok Sabha, State Legislative Assembly and all Bye elections.

Yours faithfully,

(Ajay Kumar Verma)

Secretary

Annexure-I

Polling Station Data for Scrutiny Decision

S. No.	Indicators		Details
1	Total Electors in the P.S.	(i) Male	
		(ii) Female	
		(iii) TG	
		Total	
2	Number of persons who voted in the P.S.	(i) Male	
		(ii) Female	
		(iii) TG	
		Total	
3	Number of Tendered votes.		
4	Number of challenged votes		
5	Number of Proxy votes by CSVs.		
6	Number of electors who exercised their right of vote on the basis of EPIC		
7	Number of electors who exercised their right of vote on the basis alternative document.		
8	Number of voters who exercised their right under Rule 49 O, who decided not to record vote		
9	Number of polling agents in the polling station.		
10	Number of overseas electors who voted in the poll.		
11	Number of BU, CU, VVPAT used.		
12	Whether the BU, CU or VVPAT was changed or replaced.		Y/N
13	If so, the time when changed and what was the reason for it.		
14	Total ASD voters in the ASD voters list		
15	Total persons who cast their vote from the ASD voters list.		
16	Any incident of violence or poll interruption due to any reason		Y/N
17	Any complaints received with respect to polling station		Y/N

Annexure-II

Recommendation of Retuning Officer for Re-poll after scrutiny of Form 17A and other documents

No. and Name of the Assembly Constituency	Recommendation of RO for Re-poll (Yes / No)	In case of recommendation for Re-poll		Reasons for Re-poll
		Polling Station Number	Name of Polling Station	

Returning Officer

Constituency Name/ Number

Recommendation of Observer

INSTRUCTION Sl. No. 82

By Speed Post/Email

भारत निर्वाचन आयोग

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No 464/INST/2023-EPS

Dated:6th June, 2023

To,

The Chief Electoral Officers of

all States and UTs

Subject: Advance preparation for Bye-elections to Lok Sabha/Assembly Constituencies in the States/UTs - reg.

Reference: **1.** **No.464/INST/2008-PLN-1 Dated:13.05.2008**

2. **No.464/INST/2013-EPS Dated: 08.08.2013**

Madam/Sir

In reference to the above-mentioned instructions issued on the subject cited, I am directed to state that the Commission has reviewed these instructions relating to preparation for bye-elections and issued the following consolidated instructions in supersession of all the existing instructions on the subject.

2. Bye-elections are held from time to time whenever seats fall vacant in Lok-Sabha as well as in Legislative Assemblies. As per the provisions of Sections 147,149,150 and 151 of the Representation of the People Act, 1951, a bye-election has to be held to fill a casual vacancy in Lok Sabha or of a State Legislature caused by the resignation, death, disqualification of a member of that House or setting aside election of a sitting member under an election petition.

3. Further under Section 151(A) of the Representation of the People Act, 1951, a bye-election for filling any casual vacancy has to be held within a period of six months from the date of the occurrence of the vacancy,

if the remainder of the term of the House is not less than one year. Section 151A of the Representation of the People Act, 1951 is reproduced below: -

"151A. Time limit for filling vacancies referred to in sections 147, 149, 150 and 151.—Notwithstanding anything contained in section 147, section 149, section 150 and section 151, a bye-election for filling any vacancy referred to in any of the said sections shall be held within a period of six months from the date of the occurrence of the vacancy: Provided that nothing contained in this section shall apply if— (a) the remainder of the term of a member in relation to a vacancy is less than one year; or (b) the Election Commission in consultation with the Central Government certifies that it is difficult to hold the bye-election within the said period."

4. Thus, whenever any vacancy occurs, the Commission initiates action to fill up the vacancy, provided no Election Petition is pending in respect of the said seat, in which apart from challenging the election of the returned candidate, a prayer in the original petition or an additional prayer has been made for declaring the petitioner himself or any other candidate as duly elected *[Ref: The decision of the Supreme Court in Telengana Rastra Samithi Case {2011(1)SCJ13}].*

5. CEOs shall ensure that there is no delay in reporting about occurrence of any vacancy.

6. CEOs shall make the following preparative arrangements whenever a bye-election is likely to be held in any State: -

(i) As soon as the information is received about death, resignation, disqualification of any sitting member or setting aside election of a sitting member under an election petition that causes vacancy of a seat in the House, the CEO shall pursue the issue and find out whether the Lok Sabha/ Legislative Assembly has notified the vacancy, whether any Court has passed order in the context of disqualification etc., and ascertain the vacancy position and inform the Secretary of the Zonal Division immediately with a copy to the Secretary, Planning Division in the Election Commission of India.

(ii) The Election Commission will decide the date for conducting bye-elections taking into considerations various aspects. The CEOs instead of waiting for the formal announcement of bye-election schedule, shall initiate advance preparatory measures to ensure smooth conduct of poll. This includes preparation of electoral roll as per the existing instructions, FLC of EVM/VVPATs numbering 200% of PS within 30 days of occurrence of vacancy, assessment of the posting/ availability of RO/ARO, vacancy positions, if any, of key posts connected with bye-election, past data about the constituency covering the previous election, likely requirement of CAPFs etc.

(iii) A committee headed by the CEO along with State Police Nodal Officer and State CAPF Coordinator shall finalize requirements of CAPF promptly.

It is directed that as soon as a casual vacancy in either Houses of Parliament or State Legislative Assembly comes to the notice of the Chief Electoral Officers, they should coordinate with the concerned authorities and send a copy of notification of such vacancy and position of Election Petition in respect of that seat, in the attached format (Annexure-1), immediately to the Commission. In addition to this, the vacancy shall also be reported on Election Planning Portal with all relevant details without any loss of time. All instruction contained in 464/Portal/2022/EPS dated 25th April 2023 shall be scrupulously followed.

The above instructions shall be strictly complied with for bye-elections to Lok Sabha and Legislative Assemblies.

Yours faithfully

(AJAY KUMAR VERMA)

SECRETARY

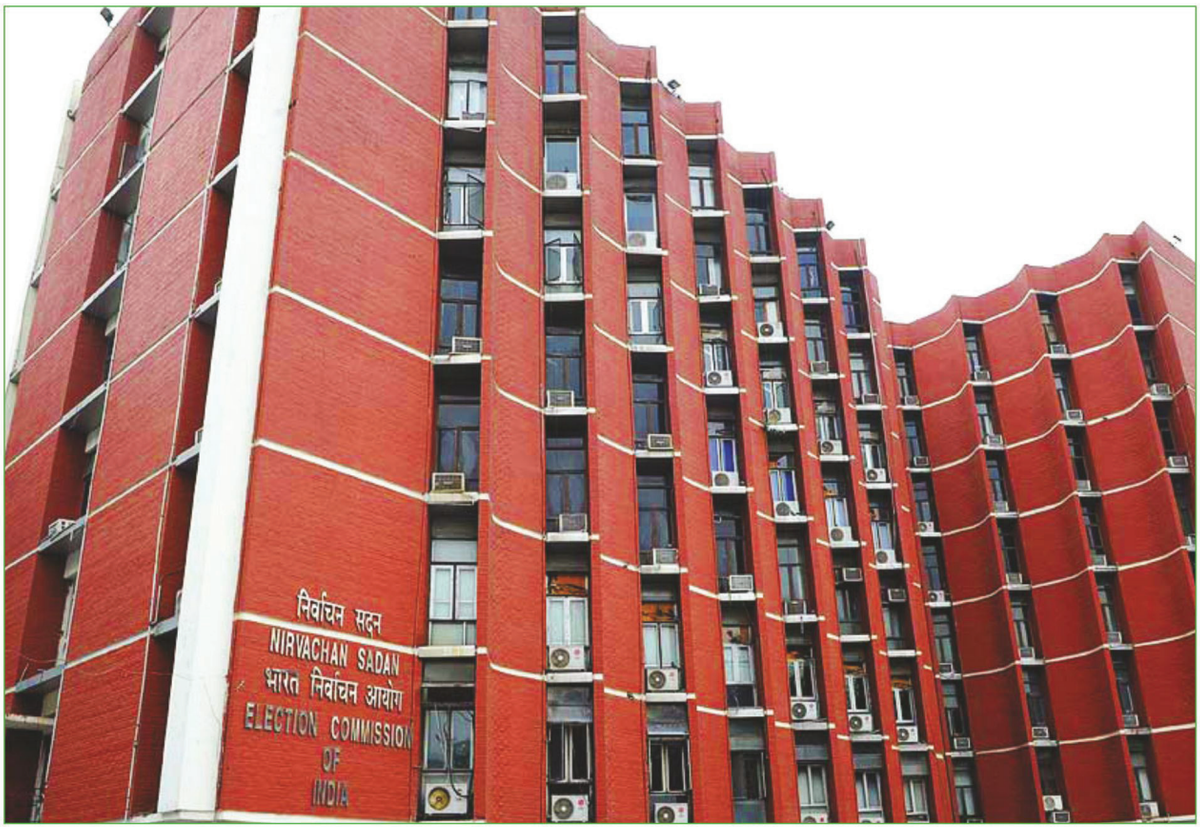
Annexure 1

Format: Information of vacancy/vacancies occurred in HOP/LA

SL. No.	Name of the State	Term of House Up to	No. and Name of Assembly/ Parliamentary Constituency	Date of Vacancy (Copy of notification to be enclosed)	Reason of Vacancy	Whether Election Petition is pending in respect of the said AC/PC	If yes, whether Further direction sought to declare the petitioner elected (Enclose details)	Remarks, if any

Note:

Note:



ELECTION COMMISSION OF INDIA

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