

***LAW AND ORDER
IN
ELECTIONS***

LOR, POLL DAY MANAGEMENT, C-VIGIL

BY-

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Law and order ?

- **Law** - Rules or regulations to govern human conduct.
- **Order**- a state of peace and compliance of law within society.
- During elections- some specific law and regulations with general law and regulations to be maintained for free and fair elections.
- So as a **executive magistrate or police officer**, He should be well aware of election regulations as-RP Act , COER , MCC provisions and other local or specific laws.

Dimensions of law and order in elections

- **GENERAL LAW AND ORDER & PREVENTIVE MEASURES & LOR**
- MODEL CODE OF CONDUCT
- VULNERABILITY MAPPING -
- USE OF VEHICLE/LOUDSPEAKERS AND OTHER REGULATIONS.
- **POLL DAY MANAGEMENT INSIDE AND OUTSIDE THE PS**
- **Self Assessment or Revision**

Preventive Law And Order Actions

To insure that intimidation/obstruction doesn't happen and to insure free and fare elections.

Task-----

- Confidence building measures as guarding of vulnerable locations , area domination and point patrolling to boost confidence in electors .
- Safeguarding polling stations and material on poll day and post poll duration.

• **prior to 6 months**

- ❖ Compile list of persons involve in electoral offences
- ❖ Compile list of history sheeters, declared absconders , criminals.
- ❖ Effect the service of all pending warrants in each police station.

• **A special drive**

- ❖ Expedite the investigation and prosecution of all pending electoral offences.
- ❖ Compile list of persons indulged in offences under SC&ST(prevention of atrocity) act 1989 during past elections.

Cont.

- **Ban on sale of liquor**
 - Section 135 C of R.P. Act ,1951---No liquor or substance of like nature shall be sold ,given , distribution at private/public places within polling area during the period of **48 hours** ending with the hour fixed for poll conclusion.(Dry Day)
 - Dry Day will be declared on counting day too.
 - Special drive to keep a check on inter-state flow of illicit liquor and unearth illicit liquor making factories. And no storage to allow in unlicensed premises.
- **Ban on carrying of licensed arms**
 - ❖ Prohibitory orders under section 144 of crpc to ban **carrying arms** as soon as election announced to till declaration of results.
 - ❖ Authorities to conduct **100% scrutiny** of licenses of arms and ammunition shops.

Cont.

- **Ban on issue of licenses**
 - ❖ Issue of licenses for arms should be prohibited from **announcement of elections** to completion of elections.
- **Seizure of unlicensed arms and ammunitions.**
 - ❖ Special drive and intensify regular exercise to unearth and seize **unlicensed** arms and ammunitions.
 - ❖ Strictly check inter-state and intra-state movement of trucks and other vehicles to prevent **smuggling** of arms , ammunition and anti-social elements with coordination with inter-state agencies.
- **Deposit of licensed arms**
 - ❖ Detailed and individual **review & assessment** of all license holders with special review in cases of the persons released on bail , having criminal history , previously involved in rioting and involved in electoral offences of any kind.

Cont.

Procedure for review and assessment of all license holders laid down by the Hon'ble High Court of Bombay in CWP 835/2009.

- **Screening committee**
 - ❖ Shall start work of screening of all arms licenses from **announcement of election** and shall complete before the date of **notification of elections**.
 - ❖ On receipt of report of screening committee, the licensing authority shall issue to individual license holder **notice before the day of withdrawal of candidature** . Failure to deposit arms in **seven days** of notice receipt will result in prosecution under sec. 188 of IPC.
 - ❖ Proper arrangements to be made to deposit arms giving **proper receipt** and arms will be returned back **after one week of declaration** of results.
 - ❖ Sports persons (members of National Rifle Association) will be exempted and Communities who are intitled to display weapons by long standing law , custom and usage (if they are not involved in violence or not posing threat to law and order and peaceful elections.

DM

&

SP/CP

Cont.

Transportation
of arms and
ammunitions

- ❖ **Strict vigil and checking of vehicles**
- ❖ **Supply of arms and ammunition only on valid papers including 'NOC' from respective DM/CP.**

Display of arms

- **Display of arms in campaign period or in processions /assembly is strictly prohibited to prevent any threat or intimidation to electors.**

• **Misuse of
social media
and SMSs**

- ❖ **Advertise a special mobile numbers** on which the receiver of objectionable messages (vitiating the process of election and violating mcc and election laws) can forward such messages with number of sender.
- ❖ **During 48 hours** , no transmission of bulk messages of political nature. Report will be send to CEO by DEO/RO and cost of bulk messages will be added to election expenditure of candidates.
- ❖ **Mobile service providers shall be briefed about provisions.**

Preventions and Restrictions

Entry with security cover

- **Restriction on mobile use in prohibited area**

Restriction on presence

- **The CPT (Close Protection Team) with arms will follow to the door of polling station/counting hall.**
- **Only One PSO with concealed firearms allowed with protectee.**
- Prohibition on using mobile/wireless sets in polling stations/counting hall and prohibited area (in **100 mtr radius** of PS) except SO/PRO/RO/Observer/Police officers/election authorities allowed with silent mode.
- Restriction on presence of political leaders or outsiders (who are **not electors or candidate or election agent** of constituency) after campaign period over.
- Office bearer of political party (in charge of the state) shall declare **place of stay** & will confined between party office and place of stay.

Cont.

- Checking of hotels , guest houses and marriage halls etc.
- Proper briefing to political parties and their representatives/candidates about provisions of silence period.
- Verify identity of persons or group of persons during checking and set up check posts in border area of constituency.
- **To eliminate any possibility of undue influence on peace full , free and fair elections from politically connected jail inmates.**
- **Vigil on jail inmates**
 - Regular inspection of Jail and insure compliance of **jail manual**.
 - Weekly report by DM confirming compliance of jail manual.
 - Restriction on jail inmates to meet visitors every day.
 - Monitoring on transfer of jail inmates.
- **Preventive action in crpc**
 - Preventive action under **section 107/116/110/151/122 crpc** against the trouble makers and habitual offenders to maintain public peace and to insure free and fair election.

Certain orders to be issued by the DM/CP-

- Suspension of **arms license**.
- Issue of Prohibitory order under **144 CRPC** in certain cases.
- Issue of order under **defacement** of property(prevention act).
- Prohibition of sale of liquor(declaration of **dry day**).
- Order relating to use of **loudspeakers**.
- Declaration of **holiday** on poll day.
- Order for compliance of **MCC** as soon as announcement of election.
- Sending proposal to law department for **powers of special executive magistrate** and Appointment of magistrates for different duties.
- **Requisition** order for premises and vehicles or man power if required.
- Issuing order for **petrol pumps** for reserve stock and supply.
- Issuing order regarding **sealing of border**.

Action taken and reporting

- Monthly report
 - ❖ In **Annex-2 (Electoral Offence Report)** about the status of electoral offence cases in which FIRs have been lodged should be furnished to the commission.
- LOR- 1 & 2
 - ❖ **LOR-1** from each district for electoral events to be compile at state level by Nodal Officer and to be transmitted to CEO as compilation in **LOR-2**.
 - ❖ **LOR Report** for a day should cover a period of 24 hours from 6 am of that day to 6 am of the next day.

ANNEXURE-II

STATUS AS ON: /(Month)/(Year)

**ELECTORAL OFFENCE REPORT DURING GENERAL ELECTION/ BYE
ELECTION TO LEGISLATIVE ASSEMBLY OF / LOK SABHA (YEAR)**

(A separate report to be filed for each election)

District	Constituency (Name/Number)	Details of Offence (FIR)		Details of complaints	Date of filing of Charge Sheet/ Final Report to competent courts or any other status	Remarks
		Number/Date	Police Station			

LAW & ORDER REPORT-I

DAILY LAW & ORDER REPORT FOR DISTRICT FOR ELECTORAL EVENTS

(Report for a day should cover a period of 24 hours from 6:00 AM of that day to 6:00AM of next day)

District				State/UT			
Start Date for these Reports (Day 1)		Date		Month		Year	
Report for (.....) Day		Date		Month		Year	
Sr. No.	Items			Reporting Day	Cumulati ve from Start Date up to and including the Reportin g Day	Remarks	
1	No. of Unlicensed Arms/Explosive seized						
	(a)	Arms/Weapons					
	(b)	Cartridges/Explosives/Bombs (Quantity/ Numbers)	(i) Cartridges				
			(ii) Explosives				
			(iii) Bombs				
2	No. of illicit arms manufacturing centers raided and seizures made						
3	Licensed Arms		a.	Total Licensed Arms			
			b.	Deposited			
			c.	Impounded			
			d.	Cancelled and deposited			
			e.	Exempted			

4	No. of cases put up under preventive sections of CrPC					
	(a)	of which no. of persons bound over under Sec. 107, 108, 110 r/w 151 of CrPC, 1973				
	(b)	of which no. of persons bound down under Sec. 107, 108, 109, 110 r/w 116 (3) of CrPC, 1973				
	(c)	No. of unserved notices against persons bound down under preventive sections of CrPC				
	(d)	No. of persons detained under NSA, PITNDPS or any other detention under local acts				
	(e)	No. of persons having licensed arms against (a+b+c)				
	(f)	No. of Licensed arms deposited against (d)				
5	Execution of non-bailable warrants		a.	Pending at the beginning of the day		
			b.	New NBWs received during the day		
			c.	Total No. of NBWs (a+b)		
			d.	No. of NBWs executed		
			e.	No. of NBWs returned to court unexecuted.		
			f.	No. of NBWs pending at the end of the day [c-(d+e)]		
6	Incidents of violence related to election (poll campaign, political rivalry, communal violence etc.)					
	a)	No. of incidents				
	b)	Total Death				
	c)	Total Injured				
	d)	Damage to property (in Rs. Lakh approx)				
7	No. of incidents occurred under The SCs and STs (Prevention of Atrocities) Act 1989 during election					

8	Information regarding Vulnerable Hamlets						
	a)	Number of Hamlets identified as Vulnerable					
	b)	Number of persons identified as probable source of trouble					
		Of which preventive action taken against	a.	107 with 151			
			b.	107 with 116 (3)			
			c.	109, 110			
			d.	Others			
Total							
9	No. of Nakas Operational	a) Inter-State					
		b) Intra-State					
10.	No. of operational	a) FST					
		b) SST					
		c) QRT					

Note: A separate Report on violent incidents related to elections in the DISTRICT shall be attached.

LAW & ORDER REPORT-II

DAILY LAW & ORDER REPORT FOR STATE/UT FOR ELECTORAL EVENTS

(Report for a day should cover a period of 24 hours from 6:00 AM of that day to 6:00AM of next day)

State/UT							
Start Date for these Reports (Day 1)		Date	Month	Year			
Report for (.....) Day		Date	Month	Year			
Sr. No.	Items			Reporting Day	Cumulati ve from Start Date up to and including the Reportin g Day	Remarks	
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	(a)	Arms/Weapons					
	(b)	Cartridges/Explosives/Bombs (Quantity/Numbers)	(i) Cartridges				
			(ii) Explosives				
(iii) Bombs							
2	No. of illicit arms manufacturing centers raided and seizures made						
3	Licensed Arms		a.	Total Licensed Arms			
			b.	Deposited			
			c.	Impounded			
			d.	Cancelled and deposited			
			e.	Exempted			
			f.	Pending [a-(b+c+d+e)]			

Electoral offences

▪ Vehicles related

- If any person illegally hires or procure any vehicle for illegal free conveyance of any elector- **Sec. 133 of RP act 1951**- 3 month imprisonment and fine.

▪ Meeting related

- ❖ Promoting or attempt to promote feelings of enmity or hatred , between different classes on grounds of religion , race , caste , community or language – **Sec 125 of RP act 1951 & sec 153 A of IPC.** – 3 years imprisonment or fine or both.
- ❖ Convene , hold , join , address meeting in last 48 hours or display any election matter by cinema/television in last 48 hours. – **Sec 126 of RP act 1951** – 2 years imprisonment or fine or both.
- ❖ Acting for purpose of disturbing the meeting .- **Sec 127 of RP act 1951** – 6 month imprisonment or fine or both.
- Officers/agents/persons violate secrecy of votes in polling / counting during elections . – **Sec 128 of RP act 1951** –3 years imprisonment or fine or both.

▪ Officers or persons in election duty

- Any act (other than giving vote) by officials for furtherance of prospects of election of any candidate.- **Sec 129 of RP act 1951**- 6 month imprisonment or fine or both.
- Breach of official duty in election.-**Sec 134 of RP act 1951** – Fine up to 500 rs.
- Any govt. official acting as polling/counting/election agent. – **Sec 134 A of RP act** - 3 month imprisonment or fine or both.

Cont.

- **At or near PS on poll day**
 - Canvassing in or near PS , soliciting the vote of any elector or persuading any elector for particular candidate . – **Sec 130 of RP act 1951** – Fine up to 300 rs .
 - Disturbing poll by shouting or by loudspeaker. – **Sec 131 of RP act 1951** - 3 month imprisonment or fine or both.
 - Misconduct in PS and Disobeying the presiding officer.(If re-enter without permission of PRO after removing from PS , can be arrested – **Sec 132 of RP act** - 3 month imprisonment or fine or both.
- **Carrying of arms**
 - ❖ Carrying arms on poll day (other then on duty). – **Sec 134 B of RP act 1951** – 2 years imprisonment or fine or both.
 - Removal of EVM or Ballot papers from PS (may be arrested too) – **Sec 135 of RP act 1951** - 1 years imprisonment or fine or both.
- **Tempering of EVMs/ Ballot papers**
 - Booth capturing- Seizure of a PS by any person making polling authorities surrender the ballot papers or EVMs or allowing only his or their supporters to vote and prevent others or seizure of counting place.- **Sec 135 A of RP act 1951**.- 3-5 years imprisonment and fine, if offence committed by govt. official and 1-3 years imprisonment and fine for others.
 - Fraudulently deface or destroy election materials – **Sec 136 of RP act 1951** - 2 years imprisonment and fine, if offence committed by govt. official and 6 months imprisonment and fine for others.

Cont.

- **Denying someone right to vote**
 - Non granting of paid holiday to the employees entitled to vote on the day of poll by the employer – **Sec 135 B of RP Act 1951** – fine up to Rs. Of 500.
- **Threat or inducement of voters**
 - Forcing or intimidating a member of SC/ST not to vote or to vote a particular candidate- **Sec 3(1)(7) of SC/ST(prevention of atrocities) act 1989** – 6 month to 5 years of imprisonment and fine.
- **Bribery**
 - Giving gratification or accepting gratification as reward to exercise right of vote or inducing any voter - **Sec 171 B/171E of IPC**-1 year imprisonment or fine or both.

Cont.

- **Undue influence at elections.**
 - Undue influence at election by threatening/inducing to vote or not to vote to particular candidate- **Sec 171 C/ 171 F** – 1 year imprisonment or fine or both.
- **Personation at election.**
 - Voting in the name of other person living or dead, or attempting to vote more than one time in own name- **Sec 171 D / 171 F** of IPC-1 year imprisonment or fine or both.
- **False statement**
 - With intent to affect election , makes or publish wrong statement for any candidate or for conduct of any candidate.- **Sec 171 G of IPC** - Fine

Cont.

- **Expense without consent**
 - Incurring or authorizing expenses without the general or specific authority of candidate.- **Sec 171 H of IPC** – Fine.
- **Statement creating enmity**
 - Statements creating or promoting enmity , hatred or ill will between classes – **Sec 505(2) of IPC** – imprisonment up to 5 years.
- **False affidavit**
 - Filing of false affidavit , or concealing any information in the affidavit filed by candidate- **Sec 125 of RP Act 1951**- 6 month imprisonment or fine or both

Cont.

- **False declaration** • False declaration in connection with entry in electoral roll – Sec 31 of RP Act 1950- 1 year imprisonment or fine or both.
- **Harming a public servant** • Causing simple or grievous hurt or assault to public servant during discharge of election duty – Sec 332/333/353 of IPC – imprisonment for 2 to 10 years and fine.
- **Printing related** • Printing or publishing poster , pamphlets or play cards without name of printer or publisher.- Sec 127 A of RP Act 1951 – 6 month imprisonment or fine or both.

Corrupt Practices :	Under RPA-1951	Electoral Offences	Nature of offence/ punishment
Bribery: Gift, gratification or promise to stand or not to stand , to vote or not to vote,	Sec.123(1)	171B & 171E of IPC	Non-cog, Imprisonment up to one year with fine or with both.
Undue Influence: (i)Threatening of injury or social Ostracisation and excommunication from caste/community (ii) threat of Divine Displeasure/ Spiritual Censure	Sec.123(2)a(i) &(ii)	171 C &171 F of IPC	-ditto-
Appeal to vote or not to vote on grounds of race, religion, community, language , religious/national symbols etc.	Sec.123(3) of		
Promoting Enmity between classes ; aggravate mutual hatred or cause tension between different castes and communities, religious or linguistic-; prejudicial to Election prospects of a candidate	Sec. 123 (3A) of	Under Sec.125 of RPA 1951	Imprisonment up to 3 years , or with fine, or with both

Corrupt Practices :	Under RPA-1951	Electoral Offences Under Section	Nature of offence/punishment
<p>Providing illegal conveyance to voters for voting in favour of a candidate.</p>	<p>Sec.123 (5)</p>	<p>sec.133 of RPA</p>	<p>Imprisonment up to 3 moths or with fine or with both</p>
<p>Incurring or Authorizing Expenses without permission of candidate.</p>	<p>Sec.123(6)</p>	<p>171 H of IPC</p>	<p>Fine up to Rs.500</p>
<p>Aiding , Abetting, Taking help of Government servants as Election Agent for furtherance of once electoral prospects...</p>	<p>Sec. 123(7)</p>		<p>Imprisonment up to 3 moths or with fine or with both</p>
<p>Booth Capturing by candidate/agent/any other person</p>	<p>Sec. 123(8)</p>	<p>Sec.135A of RPA-1951</p>	<p>Cognisable, 3yrs to 5yrs with fine</p>

Management of activities inside PS

- Persons to be permitted in PS
- The electors , polling officers , Each candidate / election agent / polling agent
- Persons authorized by the commission , public servants on duty
- A child in arms accompanying an elector, person accompanying blind or infirm voter and such persons as PRO may allow for the purpose of identifying voters.
- Police officers only be allowed by PRO in unavoidable situation to maintain law and order.
- No security personnel accompanying any candidate/agent/any elector should be permitted. Only one PSO of Z-plus Protectee with concealing arms allowed in plain cloth.
- Media persons take photo/video without entering inside PS and with maintaining secrecy of votes.

Management of activities outside PS

- Election Booths
 - Election booth by candidates as **temporary office**.
 - No booth **in 200 meters** from the PS. One booth by candidate on a location irrespective of number of PS.
 - **One table and two chairs** with an umbrella or small tent (maximum 10x10 sq feet) .
 - Written permission from **local body** and prior **intimation to RO**.
 - **No encroachment** and not permissible in religious place and education institutes.
 - One party flag and banner(4x8 s ft) with party symbols / photographs.
 - Only to issue **unofficial identity slips** without name or symbol of any candidate or political party.
 - **No crowd and no obstruction in way** of electors to PS.
 - Person sitting on booth should be **voter of same PS**.

Cont.

- Security arrangements
 - No electioneering in **200 meters** and no mobile in **100 meters** allowed except authorized persons with silent mode.
 - 100 meter perimeter of PS is described as '**PS neighborhood**' in sec 130 of RP Act , where no arms display or mobile allowed.
 - **Police** including **CAPF** will be deployed from prior to poll day as per District Deployment Plan.
 - At the PSs where CAPF is deployed as per DDP , one CAPF person should be placed at the door of PS.
 - **Regular patrolling** by CAPF or state police for confidence building in identified vulnerable pockets and in critical areas.
 - **State police** shall remain solely responsible for maintenance of **the general law and order** inside and outside of the PS premises.

Cont.

- other
 - Queuing on booth
 - No minister, MP or MLA to be allowed to become polling agent.
 - Polling agent is not allowed to take the electoral list outside the booth.
 - Rooftop armed duty on sensitive booths
 - Proper frisking of voters
 - Police person on duty of polling station should be well aware of other back up teams or force or officers to help in trouble. Means should have communication plan.
 - Only permitted vehicles should be allowed on poll day.

- **Defacement of private property**

- ✓ Flag/banners in private premises with voluntary permission of the occupant.
- ✓ Where specific state /local law exists, provisions of the same will be applied.
- ✓ On private vehicle, flags and stickers can be put by owner in the manner, they do not cause any inconvenience to other road users.
- ✓ On commercial vehicles, display of election material not permitted, unless vehicle is validly being used for election campaign.
- ✓ Timeline for removal of unauthorized defacement- From government property within 24 hours from announcement of election. From public place within 48 hours. From private property within 72 hours.

- **Use of government guest house**

- ✓ Not permitted for political leaders while campaigning except those covered by security Z or Z+ security.

- **Use of school ground /public property –**

- ✓ Use of maidan /parks/playground on equitable basis,
- ✓ Use of space in public properties for wall writing, displaying election material/banners/flags/hoardings prohibited,
- ✓ State transport buses/government owned vehicles shall not be used for political advertisement,

- **Party flags / banners at private residence/vehicle –**

- ✓ Maximum 3 flags of a party/candidate to be displayed. If someone wants to display flags of more than one party or candidate, it should be restricted to only one flag of each party/candidate.
- ✓ On vehicles, one flag of maximum size of 1 ft. X ½ ft. with a pole/stick of not more than 3 ft., allowed
- ✓ No banner allowed on any vehicle. During road show, a banner of maximum size of 6 ft. X 4 ft. allowed to be carried out with hand.
- ✓ 1 or 2 small stickers of appropriate size permitted on a vehicle.
- ✓ No spot focus /flashing/search light /hooter allowed on a vehicle.

Use of vehicles

- Vehicle
 - Defined in sec 160 of RP Act 1950. Any vehicle used or capable to use for road transport (mechanical or otherwise). Even cycle rickshaw ,Horse drawn carriages, bullock carts are vehicle.
- Ban on official vehicle
 - No official vehicle will be used in electioneering and campaigning.(even of autonomous body or local body). Exception- PM . President , vice president and speaker/deputy speaker of lok sabha (only in assembly election)and deputy speaker of rajya sabha(only in assembly elections) can use official vehicles during visiting state from other state due to security cover.
- Issue of permit by DEO
 - **No limit-** Expenditure accounted , only for defined use.
 - Dist. Level office bearer of recognized political Party- one vehicle.
 - Display original permit on vehicle.

Cont.

- Permit by CEO

- For **distribution of material** by recognized political Party (no of AC/25 or no of PC/3).
- Permission to use **Video Vans** for campaigning purpose.no limit-expenditure in account of party.(vehicle certified by transport dept and content by MCMC).
- Permission for road transport for **star campaigners**.
- Permission for maximum **5 vehicles** to office baerers of recognized political party for campaigning in state.

Restrictions on number of vehicle

- ❖ **In convey-** **10** vehicles excluding security vehicle. In road show with gap of 100 meters.
- ❖ **During nomination-** Maximum 3 vehicles in 100 meters of office.
- ❖ **Poll day-** PC-One for candidate , one for agent and one for each AS for agent/workers.AC- one for candidate, one for agent , one for agent/workers.(permit by RO). **No free conveyance by candidate** to voters (sec.123(5)).Private vehicle allowed up to 200 meters of PS.

Use of loud speakers

- Only between 6 am to 10 pm & only in permitted event/premises and on permitted vehicle.
- Separate permission for loudspeakers.
- Expenditure to be accounted for.

Public meeting/processions-

- A register for permission grant & with principle of **‘first come first’**.
- Permission – subject to **local laws/prohibitory orders**.
- **Expenditure plan** with application for permission.
- Videography by designated teams to monitor MCC and Expenditure.

- **Temporary campaign office of political parties/candidates**

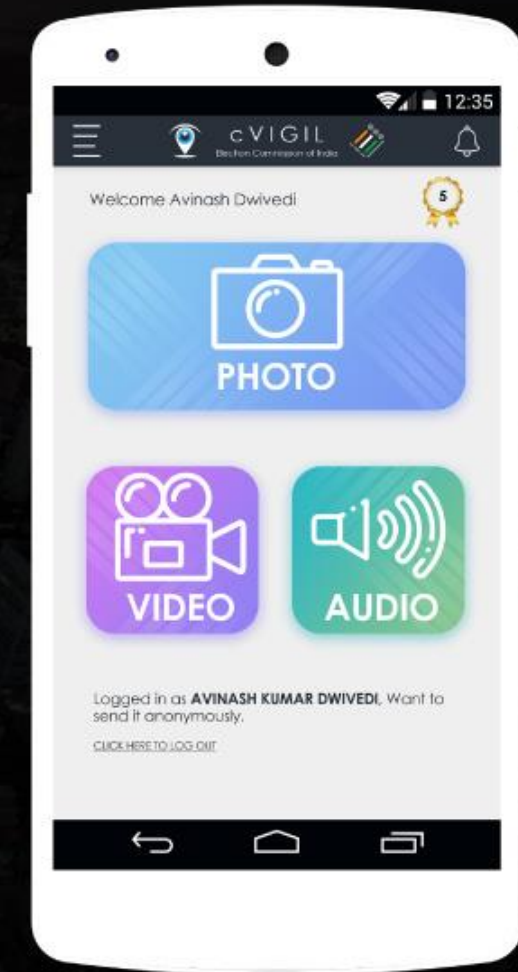
- ✓ Not to be setup in an encroached property,
 - ✓ Not to be opened in a religious place,
 - ✓ Not to be in a place contiguous to any hospital/educational institution,
 - ✓ Not to be within 200 meters of an existing polling station,
 - ✓ Only one party flag/banner with party symbol/photograph to be displayed at such office,
 - ✓ Size of banner shall not exceed 4 ft X 8 ft subject to condition of local laws,
 - ✓ Expenditure observer to monitor and book expenditure in the account of candidate.
- Restriction of use of animals for election campaigning.
 - Restriction on use of photographs of defense forces/personnel.
 - Restriction on engagement of child labour in election related activities.
 - Restriction to use plastic/polythene during electioneering.

Citizen Vigilance and monitoring of MCC violations:

cVIGIL

- Android and iOS based Mobile App available on Google play store and App Store
- Citizen takes a photo/audio/records 2 min video which is geo tagged and uploaded to generate a unique civigil ID
- The Control room assigns received complaint to a field unit – FS
- RO takes action and may Drop(Not found correct), Dispose(Found correct) and Escalate (Found correct and require further investigation) to NGSP Portal
- Sender informed of action taken on complaint
- Safeguards – i) 5 Mins ii) No uploading of pre-recorded video/audio/image iii) Active only with in the boundary of the state holding elections

Features



How it works?

ONE APP TO REPORT **MODEL CODE OF CONDUCT (MCC) VIOLATION**

Status in just 100 Mins



5 Mins-

District Collector assign complaint to Field Unit for verification



15 Mins-

Field team arrives on venue



30 Mins-

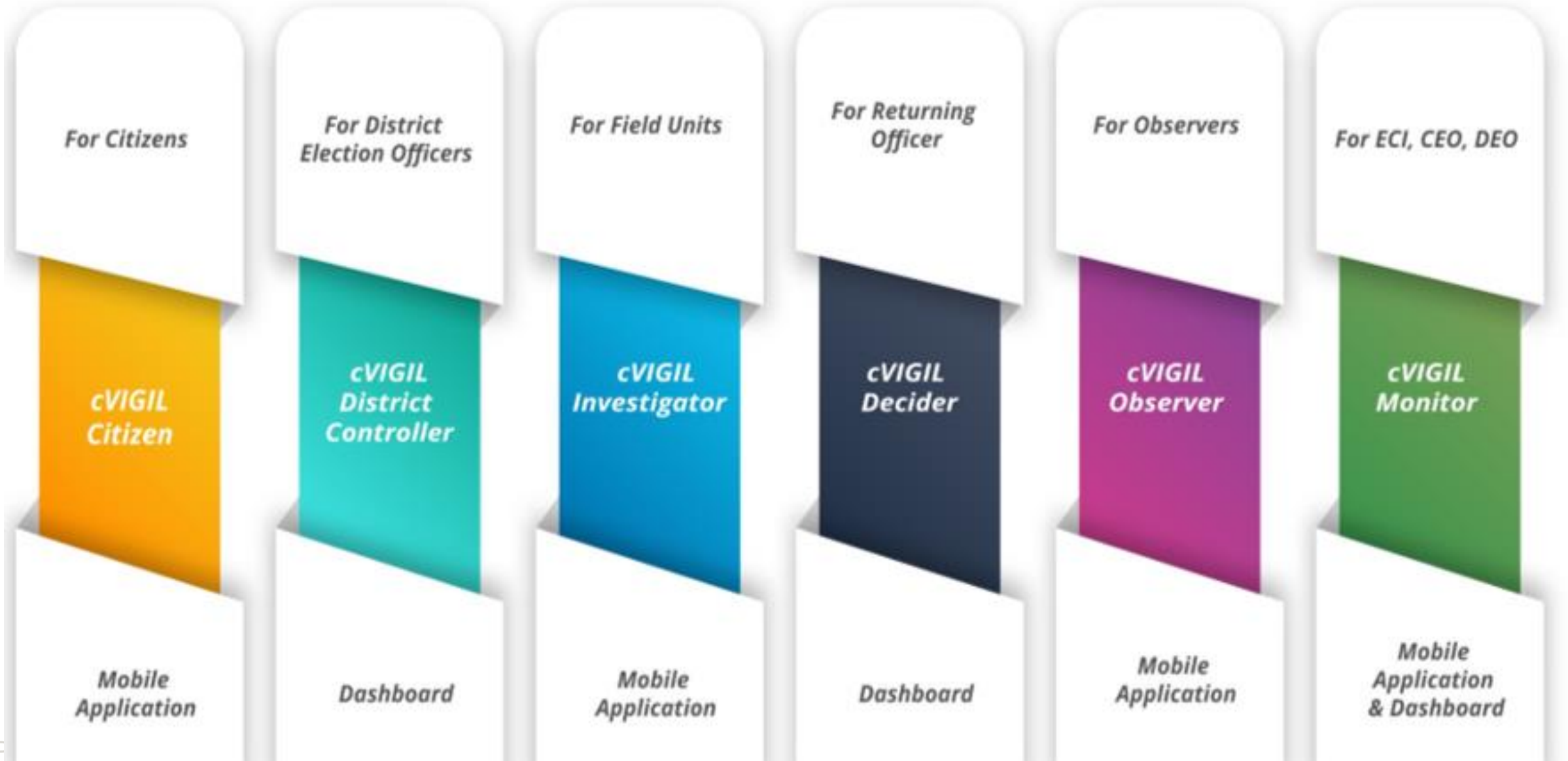
Field team to execute the action and submit report

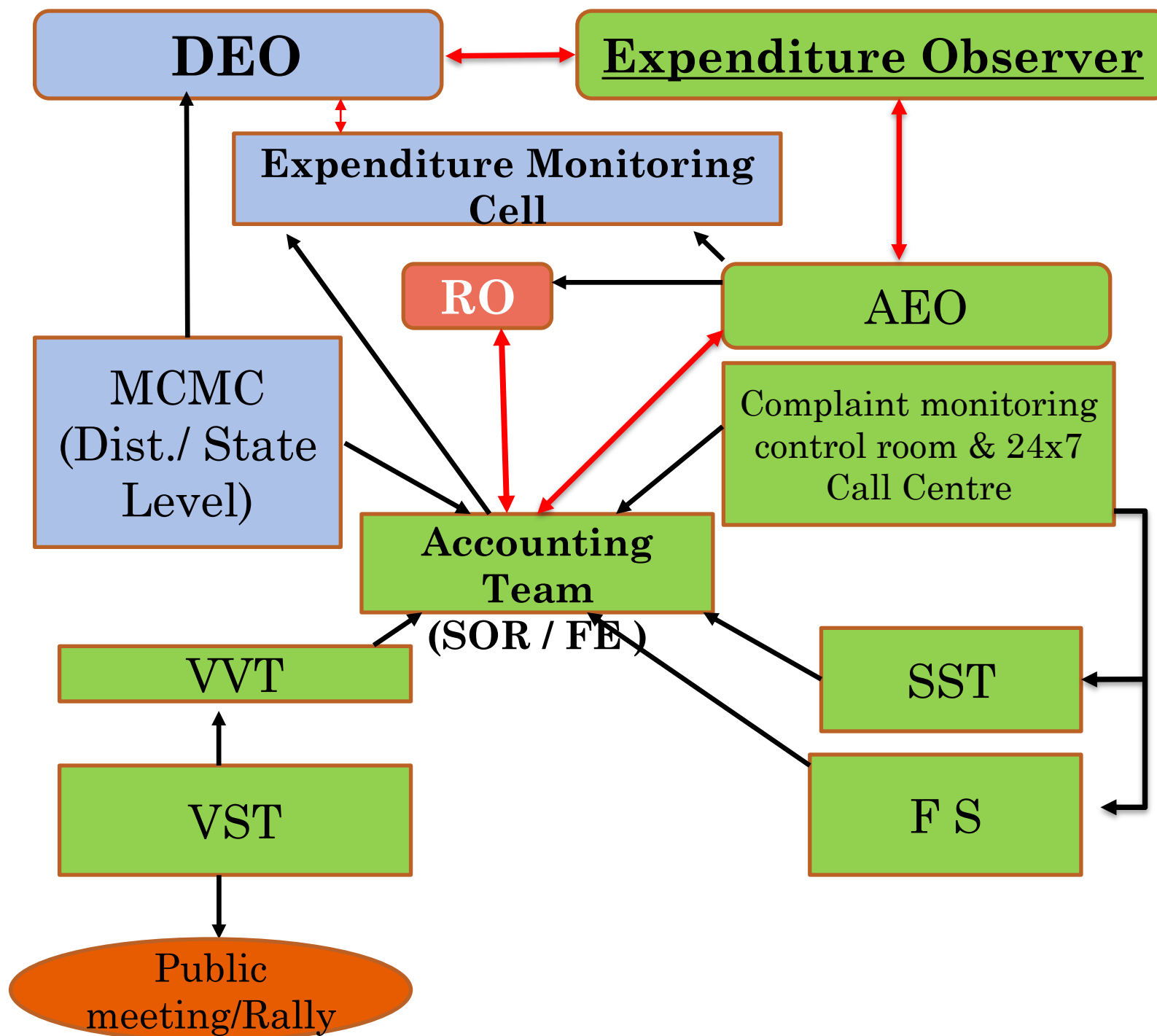


50 Mins-

Time taken by Returning Officer to information the states

cVIGIL Module





Flying Squads and Static Surveillance Teams

- SOP for seizure and release of cash and other items, **ECI letter dated 29 may 2015**
- *3 or more Flying Squads(FS) and Static Surveillance Teams(SST) in each Assembly Constituency/Segment.*
- FS-More in Expenditure Sensitive Constituencies(ESC) if required.
- SST- required at Expenditure Sensitive Pockets (ESP).
- Headed by a Magistrate (Adequate numbers/ gazette notification).
- Video Recording.
- GPS enabled FS vehicles/ Mobile tracking.

FLYING SQUADS

FS- to attend to all complaints related to MCC

Attend all complaints of threat, movement of liquor, arms and ammunition and large sum of cash for the purpose of bribing of elections etc

Attend to all complaints regarding election expenditure by the candidates / political party

Videography with the help of VST, all major expenses made by political parties after the announcement of election .

Daily Activity Report by Flying Squad on MCC related Complaints on the date.....

Reference No.

Name of the Sub-Division

State.....

Name and Designation of the Magistrate.....

Name of the Police Officer.....

1	2	3		4		5	6
S.No.	Name of constituency/ district	Name of Complainant	Party Affiliation, if any	Complaint against (Name)	Party Affiliation, if any	Brief Description Of MCC violation issue	Action Taken Report
1							
2							
3							

Signature
Name & Designation of the Officer in Charge of
Flying Squad / Nodal Officer of State Police HQ

Note:

1. The Officer in charge of the Flying Squad will submit the report for each Flying Squad in this format to the SP with copy to RO, DEO, General Observer and Expenditure Observer.
2. The SP will send the report to the Nodal Officer in State Headquarter after compiling the data for the entire district.
3. The Nodal Officer of State Police HQ will compile the data for the whole state and send the report to Commission with copy to CEO of the State.

Static Surveillance Teams (SST)

- Videography is must and the DVD handed over to Accounting Team, for keeping in **`folder of evidence`**.
- Any member of public may ask and take copy the Video DVD/CD for a particular day by depositing Rs. 300/-.
- Daily Activity report in prescribed format ([Annexure-B10](#)) to SP, RO and Assistant Expenditure Observer .
- Nodal officer of Police HQ to compile and submit report to CEO and Commission.
- EO to have coordination meeting with all law enforcement agencies of district and the teams.

CASH LIMITS FOR SEIZURE FOR SSTs

- **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 SEIZUR IS TO BE CAPTURED IN A VIDEO/CCTV, WHICH WILL BE SUBMITTED TO THE RETURNING OFFICER, EVERYDAY.**

CASH LIMITS FOR SEIZURE FOR SSTs

- IF ANY STAR CAMPAIGNER IS CARRYING CASH **UPTO 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.**

Daily Activity Report by Static Surveillance Teams on seizure of Cash/ Other items related Complaints on the date.....

Place of Check Post.....

Name and Designation of the Magistrate.....

District..... State.....

Name and Designation of the Police Officer

1	2	3	4	5	6	7	8
S.No.	Number & name of Constituency/ District	Name and Address of Persons searched at the Check Post	Cash/ Other Items	FIR filed	Name of candidate or party having links	Name & designation of Authority to whom cash, goods seized goods are handed over after seizure	Remarks
1							
2							
3							
Description						Figure on date of report	Progressive figure including the date
A.		Total amount of cash Seized by SST					
B.		Total amount of Other items seized by SST					
C.		No. of FIRs lodged					

Signature
Name & Designation of the Officer in Charge of
Static Surveillance Team/ Nodal Officer of State Police HQ

Note:

- 1.The Officer in charge of the SST will submit the report for each Static Surveillance Team in this format to the SP with copy to RO, DEO, General Observer and Expenditure Observer.
- 2.The SP will send the report to the Nodal Officer in State Headquarter after compiling the data for the entire district.
- 3.The Nodal Officer of State Police HQ will compile the data for the whole state and send the report to Commission with copy to CEO of the State/UT

Video surveillance team



Video
Surveillance
Team (VST)

- Minimum One official, one videographer and one vehicle
- Can be more than 1 team at a public meeting
- Properly trained to identify and capture MCC and expenditure related events in adequate minute details as required
- At the **beginning of shooting, the team will record in voice mode the title and type of event , date, place and the name of the party or the candidate** organizing the same.
- It will capture the photo in such a way that the **evidence of each vehicle, furniture, rostrum, banner, cutout etc.** can be seen clearly and the expense thereon can be estimated
- At the end of shooting, the team may also **record in voice mode the estimated number and type of vehicles, Chairs, furniture,** approx size of rostrum/banner/poster/cutout etc. used in the event.
- This team will prepare a **video cue-sheet** in the format given at **Annexure-B15** of the instructions.

Video viewing team

Video Viewing Team (VVT)

- 1 officer and 2 clerks (or as required) for each assembly segment ,as viewing all CD's is a time consuming task,
- View Video CD provided by VST for identifying election expenditure and MCC related issues
- Submit report containing **candidate wise expenditure** no later than next day to Accounting Team/ Asst. EO, **MCC related report to General Observer and RO**

Special attention or Critical issues

- **Preventive measures** in Crpc- identification of actual trouble makers and action of bound down in time for maximum period provided will be effective . If already bounded in 107/110 , then may be reminded by serving copy of last order.
- **Arms license-** if not renewed in time , arms will be illegal.
- **Don't allow** violation of MCC and other provisions during campaign period to insure good law and order till poll day. (EX.-case-asind , on violation of MCC)
- Proper marking of **200 meter boundary** of PS and earlier look out about positions of election booths with coordination of local body.
- **No unwanted things** like stones in polling station neighborhood.
- No food or drink supply **by private persons** to polling duty officials.
- Proper frisking of **polling agents** to insure no mobile.
- No **unwanted crowd** on election booth and nearby PS from early in the morning.

Cont.

- Prior exercise or drill about all available **approach routes** to PS.
- **Joint meetings and briefing** in area with counter part officers.(ex-nsbd)
- Get **feedback** from locals or beat constable about any latest incident of dispute in locality or in PS area for better intelligence.
- Develop a **reliable system of information** and feedback at your level.
- Have a close eye on movement of **candidates or their election agents** and their long stay in or near premises of PS.
- Be careful at the time of closing of poll and **about security at door of PS** and also regarding identification of voters in last hours.
- Be careful in **transportation of EVM/VVPAT and in storage** at PS or intermediate locations.
- Have close eye on team members to insure their **neutral and impartial behaviour.**
- **Priorities your action and time** on poll day to manage all things in short time.

Case studies

- **Case Study 1**
- **In some state capital there is a party office of recognized national party. From this party office building there is a polling station situated within 50 meters.**
- **On poll day complaint was raised saying that party office be closed because this violates the provision of model code of conduct on the ground that " no campaign can be made within 200 m from the polling station building on poll day" Party office building is situated in that particular location before independence What should be done?**

Cont.

Temporary solution

- Party office will not be closed or sealed
- On poll day a view cutter was raised hiding party office from polling station vicinity.

Permanent Solution...

- Polling station booth be relocated looking into the provision that 200 m distance is required for no campaign zone on poll day....
- This is a **lacuna** not on the political party but on the DEO.

Self Assessment

- If on the polling station discrepancies are found in the age or serial number of EPIC of any elector then what action has to be taken .
- **Any minor discrepancies in the entries in the EPIC relating to the serial number, electors name, father's/Mother's/Husband's name, sex, age or address shall be ignored and the elector will be allowed to vote as long as the identity of the elector is established.**
- Can a security personnel enter in polling station.
- **No security personnel accompanying any candidate, or any agent or any elector are permitted to enter the polling station. Only security personnel of a Z+ protectee can enter a polling station in plain clothes and arms kept in concealed manner.**
- A Person reached at polling station to cast vote, but he is not a registered elector in electoral roll, can he or she will be able to vote ?
- **No , because on the day of poll , he/she should be registered in electoral roll.**

Cont.

- Critical booths are to be covered by ?
- **CAPF /MO/VG/Webcasting**
- No booth of political parties/ candidates can be set up within a distance of form the polling station ?
- **200 Meters**
- Number of vehicles permissible to any candidate for the poll day are ?
- **three vehicles only**
- Use of cellular phones, cordless phones on the polling stations and 100 meters of the PS ?
- **not to be allowed except by the officers on duty, but they can talk from outside the polling booth only.**
- Blind and infirm can vote at the polling station
- **under rule 49N companion not less than 18 years is allowed by the Pro after obtaining a declaration about secrecy of vote**

Cont.

- The Flying squads will start function from.....
- **The date of announcement of Elections**
- The SST will start functioning from...
- **Date decided by commission or from date of notification of election.**
- In which format does the SST report their daily activity.
- **Annexure B10**

A rectangular, light-brown wooden tag with a hole on the left side, tied with a black string. The tag is placed on a wooden surface. The background is filled with vibrant, bright green leaves, some in sharp focus and others blurred. A faint 'dreamstime' watermark is visible across the middle of the image.

Thank
you!