



Compendium of Instructions On Election Expenditure Monitoring

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“No voter to be left behind”

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**ELECTION EXPENDITURE
MONITORING INTRODUCTION AND
RELATED LEGAL PROVISIONS**

INTRODUCTION

Superintendence, direction and control of Parliamentary elections as well as Assembly elections of the States/UTs is vested in the Election Commission of India (ECI) by virtue of Article 324 of the Constitution of India, hence it is obligatory and incumbent on the ECI to ensure that each and every election is conducted in a free, fair, transparent and peaceful manner. It has been the endeavour of the ECI that the level playing field for all stake holders, including candidates and political parties is not disturbed and the electoral process is not allowed to be vitiated by any means including misuse of money power.

The Election Commission vowed to respond to the emerging challenges in overall election management, faced with increasing threat from those who were hell bent on distorting the mandate of the electors and as such adopted a structured mechanism to facilitate and monitor election expenditure starting with the elections to the Legislative Assembly of Bihar held in 2010. While curbing the menace of money and muscle power, ECI ensures that general public does not face any inconvenience. In fact, all out efforts are made to ensure that the common man on the ground is sensitized to become a stakeholder in aiding and assisting the ECI mechanism in combating the menace of bribery of voters and other corrupt practices, polluting the electoral system.

OBJECTIVE OF ELECTION EXPENDITURE MONITORING

Election expenditure can broadly be divided into two categories. The first category of election expenditure is the legal expenditure, which is allowed under the law for electioneering, subject to it being within the permissible limit. This would include expenditure connected with campaigning, which is spent on public meetings, public rallies posters, banners, vehicles, advertisements in print or electronic media etc. The second category of the election expenditure is on items which are not permitted under the law, e.g., distribution of money, liquor, or any other item disbursed and given to the electors with the intent to influence them. This expenditure comes under the definition of “bribery” which is an offence both under IPC and under R.P. Act, 1951 (The Act). The expenditure on such items is illegal. Yet another form of expenditure which is coming to the fore in recent times is on Surrogate Advertisements, Paid News and Social Media etc. The purpose of election expenditure monitoring is, therefore, twofold. For the first category of expenditure, it must be ensured that all election expenditure on permitted items is truthfully reported and considered while scrutinizing the expenditure account submitted by the candidates. As far as the second category of expenditure including surrogate advertisements, paid news etc., is concerned, it is obvious that it will never be reported by the political parties/ candidates. Expenditure on campaigning through Social Media tends to be underreported, if at all, especially by candidates. The systems should be robust enough to catch such expenditure as well, and not only include it in the account of election expenditure, but also take action against the wrongdoers under the relevant provisions of the law, including lodging of complaints before the police/ competent magistrate, if required.

Section 77(1) of the Representation of the People Act, 1951 makes it mandatory for every candidate to the House of the People or a State Legislative Assembly, to keep a separate and correct account of all expenditure incurred or authorized by him or by his election agent, between the date on which he was nominated and the date of declaration of the result of election, both dates inclusive. The total of the said expenditure shall not exceed such amount as may be prescribed under Section 77(3) of R.P. Act, 1951. Under Section 77(2), the account shall contain such particulars as may be prescribed. Rule 90 of

the Conduct of Elections Rules, 1961 (The Rules) prescribes varying limits of election expenditure for Parliamentary and Assembly Constituencies in each of the States and Union Territories. The particulars, which have to be shown in the election account of the candidates are prescribed in Rule 86 of the Rules. The ceilings on expenditure as prescribed are enclosed at **Annexure-A1**. Failure to maintain the account is an electoral offence under Section 171-I of the Indian Penal Code. **(Basic Legal Provisions are given in Annexure - A1)**

The incurring or authorizing of expenditure in excess of the limit prescribed under Section 77(3) of R.P. Act, 1951 is a corrupt practice with reference to Section 123(6) of the R.P. Act, 1951. The beneficial objective sought to be achieved by making the incurring or authorizing of election expenditure in excess of the prescribed limit as a corrupt practice was elucidated by the Supreme Court in *Kanwar Lal Gupta vs Amar Nath Chawla* (AIR 1975 SC 308), as follows:

“... The object of the provision limiting the expenditure is twofold. In the first place, it should be open to any individual or any political party, howsoever small, to be able to contest an election on a footing of equality with any other individual or political party, howsoever rich and well financed it may be, and no individual or political party should be able to secure an advantage over others by virtue of its superior financial strength....”

The other objective of limiting the expenditure is to eliminate, as far as possible, the influence of big money in the electoral process. If there was no limit on expenditure, political parties would go all out for collecting contributions..... The pernicious influence of big money would then play a decisive role in controlling the democratic process in the country....”

According to Section 78 of R.P. Act, 1951, every contesting candidate is required to lodge a true copy of the account of his election expenses with the District Election Officer (DEO) within 30 days of the declaration of the result of the election. Failure to lodge the account of election expenses within the time and in the manner required by law without good reason or justification may result in disqualification of the candidate concerned by the Election Commission of India under Section 10A of R.P. Act, 1951.

The Supreme Court has held in L.R. Shivaramagowde Vs. T.M. Chandrashekar - AIR 1999 SC 252 that the Commission can go into the correctness of the account of election expenses filed by the candidate and disqualify a candidate under Section 10A of the Representation of the People Act, 1951 in case the account is found to be incorrect or untrue. Thus, not only is a candidate required to keep his election expenses within the ceiling prescribed by the law, he/she has to also maintain a day to day and true account of his/her election expenditure in the prescribed manner, present the account for inspection by the Observer, RO or authorized person and submit it to the DEO concerned within 30 days of the declaration of the result. Exceeding the prescribed ceiling of expenditure can be a ground for an election petition against a winning candidate. A brief summary of the legal provisions regarding election expenditure has been given in this chapter of the Compendium. With each chapter, instructions issued by the Commission from time to time updating specific aspects have been enclosed to give an overall and unambiguous understanding of the measures taken for strict monitoring of election expenditure. This Compendium brings together at one place the relevant provisions of law and instructions to be followed scrupulously by election officers, observers, candidates and political parties for effective monitoring and scrutiny of election expenditure.

Legal Provisions

1. Indian Penal Code 1860

171B. Bribery: - (1) Whoever-

- (i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or
- (ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not be an offence under this Section.

- (2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.
- (3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

171E. Punishment for bribery- Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Provided that bribery by treating shall be punished with fine only.

Explanation – “Treating” means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

171F. Punishment for undue influence or personation at an election; - Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

171H. Illegal payments, in connection with an election - Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

171I. Failure to keep election accounts. - Whoever being recruited by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.

2. The Representation of the People Act, 1951

77. Account of election expenses and maximum thereof - (1) 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.

[Explanation 1.- For removal of doubts, it is hereby declared that----

- (a) the expenditure incurred by leaders of a political party on account of travel by air or by any other means of transport propagating programme of the political party shall not be deemed to be the expenditure in connection with the election incurred or authorized by a candidate of that political party or his election agent for the purposes of this sub-section.
- (b) any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

Explanation 2.- For the purposes of clause (a) of Explanation 1, the expression

“leaders of a political party”, in respect of any election, means, -

- (i) where such political party is a recognized political party, such persons not exceeding forty in number, and
- (ii) where such political party is other than a recognized political party, such persons not exceeding twenty in number,

whose names have been communicated to the Election Commission and the Chief Electoral Officers of the States by the political party to be leaders for the purposes of such election, within a period of seven days from the date of notification for such election published in the Gazette of India or Official Gazette of the State, as the case may be, under this Act;

Provided that a political party may, in the case where any of the persons referred to in clause (i) or, as the case may be, in clause (ii) dies or ceases to be a member of such political party, by further communication to the Election Commission and the Chief Electoral Officers of the States, substitute new name, during the period ending immediately before forty-eight hours ending with the hour fixed for the conclusion of the last poll for such election, for the name of such person died or ceased to be a member, for the purposes

of designating the new leader in his place.]

(2) The account shall contain such particulars, as may be prescribed.

(3) The total of the said expenditure shall not exceed such amount as may be prescribed.

(As per explanation 1(a) read with Explanation 2 under sub-section (1) of Section 77 of the Representation of the People Act, 1951, the expenditure incurred by leaders of political party on account of travel for propagating programme of the party shall not be deemed to be expenditure in connection with the election, incurred or authorized by the candidate or his agent)

78. Lodging of account with the District Election Officer.- [(1)] Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates, lodge with the [district election officer] an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under section 77.]

10A. Disqualification for failure to lodge account of election expenses.- if the Election Commission is satisfied that a person-

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and

(b) has no good reason or justification for the failure, the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

123. Corrupt practices. —The following shall be deemed to be corrupt practices for the purposes of this Act: —

3[(1) “Bribery”, that is to say—

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or 4[to withdraw or not to withdraw] from being a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) a person for having so stood or not stood, or for 5[having withdrawn or not having withdrawn] his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(a) by a person for standing or not standing as, or for 6[withdrawing or not withdrawing] from being, a candidate; or

- (b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate 4[to withdraw or not to withdraw] his candidature.

Explanation. —For the purposes of this clause the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.]

- (2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person 7[with the consent of the candidate or his election agent], with the free exercise of any electoral right:

Provided that –

- (a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—
- (i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or
- (ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;
- (b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

- 1[(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:

2[Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.]

- (3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.]

- (4) The publication by a candidate or his agent or by any other person 4[with the consent of a candidate or his election agent], of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, 5* * * of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.
- (5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person 4[with the consent of a candidate or his election agent], 6[or the use of such vehicle or vessel for the free conveyance] of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation. —In this clause, the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

- (6) The incurring or authorizing of expenditure in contravention of section 77.
- (7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person 1[with the consent of a candidate or his election agent], any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely:—
- (a) gazetted officers;
 - (b) stipendiary judges and magistrates;
 - (c) members of the armed forces of the Union;
 - (d) members of the police forces;
 - (e) excise officers;

²[(f) revenue officers other than village revenue officers known as lambardars, malguzars, patels, desh mukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and]

(g) such other class of persons in the service of the Government as may be prescribed:

³[Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of /the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.]

⁴[(8) booth capturing by a candidate or his agent or other person.]

Explanation.—(1) In this section, the expression “agent” includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent 1* * * of that candidate.]

2[(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof—

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and

(ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service, such person ceased to be in such service with effect from the said date.]

3[(4) For the purposes of clause (8), “booth capturing” shall have the same meaning as in section 135A.]

127A. Restrictions on the printing of pamphlets, posters etc.—(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster-

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

- (b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,
 - (i) where it is printed in the capital of the State, to the Chief Electoral Officer; and
 - (ii) in any other case, to the district magistrate of the district in which it is printed.
- (3) For the purposes of this section, -
 - (a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression “printer” shall be construed accordingly; and
 - (b) “election pamphlet or poster” means any printed pamphlet, handbill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.
- (4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term, which may extend to six months, or with fine, which may extend to two thousand rupees, or with both.

3. The Conduct of Elections Rules, 1961

- 86. Particulars of account of election expenses.-** (1) The account of election expenses to be kept by a candidate or his election agent under section 77 shall contain the following particulars in respect of each item of expenditure from day to day, namely:-
- (a) the date on which the expenditure was incurred or authorized;
 - (b) the nature of expenditure (as for example, traveling, postage or printing and the like);
 - (c) the amount of expenditure-
 - (i) the amount paid;
 - (ii) the amount outstanding;
 - (d) the date of payment;
 - (e) the name and address of the payee;
 - (f) the serial number of vouchers, in case of amount paid;
 - (g) the serial number of bills, if any, in case of amount outstanding;
 - (h) the name and address of the person to who the amount outstanding is payable.
- (2) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher.
- (3) All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial numbers shall be entered in the account under item (f) of sub-rule (1).

- (4) It shall not be necessary to give the particulars mentioned in item (e) of sub- rule (1) in regard to items of expenditure for which vouchers have not been obtained under sub-rule (2).
- 87. Notice by [district election officer] for inspection of accounts. -** The [district election officer] shall, within two days from the date on which the account of election expenses has been lodged by a candidate under section 78, cause a notice to be affixed to his notice board, specifying-
- (a) the date on which the account has been lodged;
 - (b) the name of the candidate; and
 - (c) the time and place at which such account can be inspected.
- 88. Inspection of account and the obtaining of copies thereof. -** Any person shall on payment of a fee of one rupee be entitled to inspect any such account and on payment of such fee as may be fixed by the Election Commission in this behalf be entitled to obtain attested copies of such account or of any part thereof.
- 89. Report by the [District Election Officer] as to the lodging of the account of election expenses and the decision of the Election Commission thereon.**
- (1) As soon as may be after the expiration of the time specified in section 78 for the lodging of accounts of election expenses at any election, the [district election officer] shall report to the Commission-
 - (a) the name of each contesting candidate;
 - (b) whether such candidate has lodged his account of election expenses and if so, the date on which such account has been lodged; and
 - (c) whether in his opinion such account has been lodged within the time and in the manner required by the Act and these rules.
 - (2) Where the District Election Officer is of the opinion that the account of election expenses of any candidate has not been lodged in the manner required by the Act and these rules, he shall with every such report forward to the Election Commission the account of election expenses of that candidate and the vouchers lodged along with it.
 - (3) Immediately after the submission of the report referred to in sub-rule (1) the [district election officer] shall publish a copy thereof affixing the same to his notice board.
 - (4) As soon as may be after the receipt of the report referred to in sub-rule (1) , the Election Commission shall consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by the Act and these rules.
 - (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.
 - (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.

- (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.
- (8) If, after considering the representation submitted by the candidate and the comments made by the District Election Officer and after such inquiry as it thinks fit, the Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account, it shall declare him to be disqualified under section 10A for a period of three years from the date of the order, and cause the order to be published in the Official Gazette.

90. Maximum election expenses. - 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 authorized in connection with an election in a State or Union Territory mentioned on column

1 of the Table below shall not exceed-

- (a) in any one parliamentary constituency of that State or Union Territory, the amount specified in the corresponding column 2 of the said Table; and
- (b) in any one assembly constituency, if any, of the State or Union Territory, the amount specified in the corresponding column 3 of the said Table-

TABLE

Sl. No	Name of State or Union Territory	Maximum limit (in Rs.) of election expenses in any one	
		Parliamentary Constituency	Assembly Constituency
	1	2	3
I. State			
1	Andhra Pradesh	77,00,000	30,80,000
2	Arunachal Pradesh	59,40,000	22,00,000
3	Assam	77,00,000	30,80,000
4	Bihar	77,00,000	30,80,000
5	Goa	59,40,000	22,00,000
6	Gujarat	77,00,000	30,80,000
7	Haryana	77,00,000	30,80,000
8	Himachal Pradesh	77,00,000	30,80,000
9	Karnataka	77,00,000	30,80,000
10	Kerala	77,00,000	30,80,000
11	Madhya Pradesh	77,00,000	30,80,000
12	Maharashtra	77,00,000	30,80,000
13	Manipur	77,00,000	22,00,000
14	Meghalaya	77,00,000	22,00,000
15	Mizoram	77,00,000	22,00,000
16	Nagaland	77,00,000	22,00,000
17	Orissa	77,00,000	30,80,000
18	Punjab	77,00,000	30,80,000
19	Rajasthan	77,00,000	30,80,000
20	Sikkim	59,40,000	22,00,000
21	Tamil Nadu	77,00,000	30,80,000
22	Tripura	77,00,000	22,00,000
23	Uttar Pradesh	77,00,000	30,80,000
24	West Bengal	77,00,000	30,80,000
25	Chhattisgarh	77,00,000	30,80,000
26	Uttarakhand	77,00,000	30,80,000
27	Jharkhand	77,00,000	30,80,000
28	Telangana	77,00,000	30,80,000

II. UNION TERRITORIES

1	Andaman and Nicobar Island	59,40,000	-
2	Chandigarh	59,40,000	-
3	Dadra and Nagar Haveli and Daman and Diu	59,40,000	-
4	Delhi	77,00,000	30,80,000
5	Lakshadweep	59,40,000	-
6	Puducherry	59,40,000	22,00,000
7	Jammu and Kashmir	70,00,000	30,80,000
8	Ladakh	59,40,000	-

(M/o Law and Justice, Legislative Department's Notification S. O. 3667(E) dated 19th October, 2020, amending Rule 90 of the Conduct of Elections Rules, 1961)

B.

STRUCTURE OF ELECTION
EXPENDITURE MONITORING AND
FUNCTIONS OF ITS VARIOUS ORGANS

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For monitoring day to day election expenditure incurred by the candidates, the election expenditure monitoring mechanism has been put in place in each constituency. Maintenance of the day to day account of election expenditure by the candidate is mandatory. Though the account of election expenditure is required to be submitted within 30 days from the date of the declaration of the result, monitoring has to be done on a regular basis during the campaign period so as to properly and correctly account every election expenditure incurred by the candidates and political parties during this period. After the campaign is over it is difficult to gather evidences relating to election expenditure, incurred on various rallies/ meetings convened by the candidates and political parties. Since, the DEO is required under the law to scrutinize and submit a report to the Commission after the election, it is primarily the duty of the DEO to ensure that proper evidences are gathered during election campaign, based on which subsequently it would be decided whether any expenditure was left out in the statements of the accounts submitted by the candidates. The following will be the structure of the expenditure monitoring mechanism:

1. Expenditure Observer (EO):

Expenditure Observers are appointed by the Commission for specified constituencies to observe the election expenses incurred by the candidates. There shall be at least one Expenditure Observer for each district. However, it shall be ensured that each Expenditure Observer ordinarily does not have more than five Assembly Constituencies under his observation.

Visits by the Expenditure Observer:

The Expenditure Observer shall reach the constituency on the day of the notification of elections for the duration of 3 clear days. During this visit he shall meet all the teams engaged in election expenditure monitoring. If the Expenditure Observer is not satisfied with the performance of the AEO he shall ask for a change and the DEO shall provide an additional list of officers; he may change AEOs depending on their suitability. He shall also train all the officials about the procedure of expenditure monitoring and ensure that the teams are properly equipped. He shall coordinate with the DEO, S.P, Nodal Officers of Police, Income Tax and State Excise and with other enforcement agencies. He will leave the constituency only after submitting poll preparedness report.

He shall again visit the constituency, for the second time, on the date immediately after the date of withdrawal of candidatures and shall remain in the constituency during the entire campaign period, and shall leave the constituency only after the poll. If he is performing the function of the General Observer, he will leave the constituency only after scrutiny of Form 17-A, and after ensuring that the Presiding Officer's diary is complete and the strong rooms are sealed. He may also be required to stay till the completion of counting.

The Expenditure Observer shall once again visit the district on 25th day after the declaration of results of election and stay in the district for 8 clear days to assist the DEO in scrutinizing the statements of accounts of election expenditure submitted by the candidates after the declaration of results. He should be present in the Account Reconciliation Meeting to be convened by the DEO on the 26th day after the declaration of results. The DEO shall facilitate the lodging of accounts by all within 30 days of declaration of result.

Role of Expenditure Observer:

Expenditure Observers are the eyes and ears of the Commission for monitoring of election expenditure. The Expenditure Observer shall supervise and guide all the election expenditure monitoring personnel engaged in the constituency. He shall guide the DEO in imparting final training to all the expenditure monitoring personnel.

He shall supervise the functioning of the Assistant Expenditure Observers. He shall give final training to the Assistant Expenditure Observers and ensure that proper training is imparted to the official deployed in this role. There may be more than one AEO for the constituency, depending on the requirement. He shall periodically inspect the functioning of all the teams engaged in expenditure monitoring and wherever there is laxity or irregularities in functioning of any of the teams, he shall bring it to the notice of the DEO. The DEO shall take corrective steps immediately on the recommendation of the Expenditure Observer.

He shall inspect the expenditure register of each candidate at least three times during the campaign period and give his comments on the discrepancies. The dates of inspection should be fixed in such a way that the gap between two inspections should not be less than 3 days and the last inspection should be fixed not earlier than 3 days from the poll day, so that major campaign expenditure is covered under inspection.

For any understatement of expenditure in the candidate's register, the Expenditure Observer shall give his remarks in the candidate's register during inspection and put his signature. The same shall be noted in the Shadow Observation Register and the signature of the election agent/candidate obtained on it. Such discrepancy should be referred to the R.O. on the same day, who shall issue notice to the candidate on the same day as per order of Commission, dated 29th May, 2015 (Annexure-C10). In case of any difficulty, the Expenditure Observer shall inform the Commission and seek its guidance.

The EO shall coordinate with the Investigation Directorate of the Income Tax Dept., Nodal Officer of Police, Nodal Officer of State Excise Dept., and ensure that there is free flow and exchange of information among all the agencies. On receipt of information from any agency, action is to be taken promptly by the law enforcement agencies concerned. In case action is not taken in time by any agency, he shall immediately bring it to the notice of the Commission, with a copy to the CEO.

In the past, some instances have been brought to the notice of the Commission in which the action of the Expenditure Observer gave the impression that he had exceeded his brief by getting actively involved in enforcement action. The Commission, therefore, reiterates that the guidelines contained in the above-said para of the Compendium should strictly be adhered to by all the Expenditure Observers and they should not be involved in any action being taken by the Enforcement Agencies as per their laws. **(Annexure-B19)**

In case of any seizure by the Surveillance Teams, Flying Squads, Investigation Directorate of Income Tax or by Police or State Excise Dept., he shall communicate report to the Commission on the same day with a copy to the CEO.

He shall mention the suppression of campaign expenditure, if any, vis-a-vis the Shadow Observation Register, noticed during inspection of day to day accounts of the candidates. In this regard Order of the

Commission issued on 29th May, 2015 (**Annexure-C10**), for formation of District Expenditure Monitoring Committee and decision on the replies of the candidates shall be followed. He shall ensure that a copy of this order is served on all candidates. During his last visit, he shall assist the DEO in submitting the Scrutiny Report correctly. In case he does not agree with the DEO, he shall mention all the reasons citing evidences, in the space provided for his comments in the DEO's Scrutiny Report.

Expenditure Observer Reports:

The Expenditure Observer has to submit the following reports:

- (i) Arrival and Departure Report within 24 hours (**Annexure-B1**),
- (ii) First report on the third day of his first visit i.e., after the date of notification (**Annexure-B2**),
- (iii) Second report within 24 Hrs. after withdrawal of candidature during the 2nd visit. (**Annexure-B3**),
- (iv) Third report after the poll (**Annexure-B4**) and
- (v) Fourth and final report after his 3rd visit (**Annexure-B5**)

Expenditure Observers are required to furnish Feedback/Status Report on deployment of various Election Expenditure Monitoring teams, seizure, inspection of accounts of contesting candidates, strategy for the last 72 hours before poll etc. in his/her constituency for Video Conference (VC) with the Commission in the prescribed proforma (**Annexure-B6**). Schedule of VC is intimated to Expenditure Observers during election period.

He shall also inform to the MCMC of all the instances of suspected Paid News brought to his notice independently, by any source, on the same day for necessary action. Besides, he shall report to the Commission, in his third report, all the instances of Paid News as decided by the MCMC, and forward a photocopy or CD/DVD of the Advertisement/Paid News to the Commission, with a copy to the CEO.

2. Assistant Expenditure Observer (AEO):

Assistant Expenditure Observers (AEO) shall be appointed for each constituency on date of notification of election by the DEO and if a change is suggested by the Expenditure Observer, the same shall be carried out. The AEO shall be of the rank of Group B Officer or equivalent in other Central Government Services. If the officers of Income Tax Dept. are engaged by the Investigation Directorate for the seizure of cash and goods, then such names should not be requisitioned for the AEO's duty. If there is absence of such officers in the district, then officers of the State Treasury or Finance Department may be nominated. He should preferably be a local officer, posted within the same district or nearby but whose work place and home town should not be in the same Constituency. The AEO shall be provided with a vehicle, one personal security officer and a local SIM card and office space in the office premises of the RO, as he will be coordinating with all the teams, nodal officers and the Expenditure Observer. If the HQ of the AEO is different from the constituency, he shall be provided with lodging and boarding in the constituency.

Assistant Expenditure Observer shall be deployed in the constituency from the date of the notification upto date of poll/re-poll, if any and shall not leave the constituency without the permission of the Expenditure Observer. However, Assistant Expenditure Observer shall report for duty one day before the day of counting and again on 25th Day to 37th Day after declaration of result of election, for the purposes of giving training to the candidates or his election agents in submission of account of election expenses and to assist in preparation of the DEOs Scrutiny Report and Expenditure Observer Report. He shall be finally relieved after 37th day of declaration of results. (**Annexure-B 18**)

There shall be at least one Assistant Expenditure Observer for each Assembly Constituency/Segment. But in expenditure sensitive constituencies, there may be two or more Assistant Expenditure Observers - one for outdoor recording of events and other for coordination with the teams.

The Assistant Expenditure Observer shall see reports of the video CDs, read all the complaints and reports with respect to each candidate, and study the Shadow Observation Register and the candidate's Expenditure Register. He shall supervise the maintenance of the Shadow Observation Register and Folder of Evidence. The Assistant Expenditure Observer shall be trained by the DEO before arrival of EO and he shall work under the supervision and guidance of EO. He shall ensure that all the expenditure related reports/ orders in respect of each candidate are obtained from all the teams engaged in Expenditure Monitoring and are properly reflected in the candidate's day to day accounts of Election Expenditure. In case of complaint of corrupt practice, he shall pass on the same to the Flying Squads for immediate action and inform the Expenditure Observer immediately. The Flying Squads shall report to him about action taken on each complaint. If no action is taken by the squad or there is delay in taking action, he should bring it to the notice of Expenditure Observer, who in turn shall report to the Commission with a copy to the DEO and the CEO. If he thinks that the SST is not working properly or is not correctly deployed he may suggest changes to ensure that major arterial roads are covered by SSTs.

He shall submit a daily report to the Expenditure Observer on all his activities as per **Annexure-B14**. Till the EO reaches the Constituency, the AEO shall submit his report to DEO/RO which shall be brought to the notice of the EO afterwards. The Folder of Evidence shall have all records of the evidences collected during the campaign. He shall make it available to the Expenditure Observer at the time of inspection of the candidate's register for election expenses. In case of any evidence of suppression or understatement of expenses is found in the candidate's register, the Assistant Expenditure Observer shall bring it to the notice of the Expenditure Observer and through him to the candidate appropriately during the inspection.

On the days fixed for inspections of register of a candidate, the Assistant Expenditure Observer assigned to keep a watch on the expenditure in that constituency should be present, along with the Shadow Observation Register and Folder of Evidence.

The Assistant Expenditure Observer shall assist the EO and also the DEO in submission of his scrutiny report to the Commission. He shall remain present during the third visit of Expenditure Observer to the district and shall assist him in his task.

The Assistant Expenditure Observer shall co-ordinate with the Media Certification and Monitoring

Committee (MCMC) at the district level and report to the Expenditure Observer about its effective functioning. If all the cables/channels/newspapers are not being watched by this committee, it should be brought to the notice of the Expenditure Observer/Commission immediately with a copy to the DEO and the CEO.

If any campaign related public rally/procession/event could not be videographed due to unavailability of a videographer, the Assistant Expenditure Observer shall mention such incident in the Shadow Observation Register. If any advertisement in print or electronic media is not reported by the media committee, the Assistant Expenditure Observer shall obtain a copy and mention it in the Shadow Observation Register.

In case of Assembly elections an Accounting Team will function in each assembly constituency and maintain the Shadow Observation Register (SOR) & Folder of Evidence (FOE) for each candidate. In case of Lok Sabha election, the Assistant Expenditure Observer (AEO) & team for each Assembly segment will maintain SOR & FOE separately for each candidate and their reports to the AEO (Hq. AEO) of the Assembly segment where RO is based. The Hq. AEO and his team shall co-ordinate with all other AEOs of the Assembly segments and will ensure that these accounts are collated at the time of inspection. The AEO will function from the date of notification. (**Annexure-B20**)

3. Video Surveillance Teams (VST):

One or more Video Surveillance Team shall be deployed for each Assembly Constituency/ Segment consisting of at least one official and one videographer. If necessary, more teams may be deployed on the recommendation of the Expenditure Observer. The Assistant Expenditure Observer shall personally supervise videography of sensitive events and big public rallies in the constituency. If more than one public rally is organized on the same day, more than one video teams shall be deployed to record the procession and the rally.

The Video Surveillance Team shall be properly trained and oriented to capture all the expenditure related events and evidences. The Video Surveillance Team, at the beginning of the shooting shall record in voice mode the title and the type of event, date, place and the name of the party and candidate organizing the event. It shall videograph the vehicles/event/poster/cut-outs etc. in such a way that the evidence of each vehicle, its make and registration number, items of furniture, size of rostrum, banner and cutout etc. can be clearly seen and the expenses thereon can be calculated. Wherever possible, statements of the drivers and passengers of the vehicles should also be recorded to prove that the vehicles were used for election purpose, if such vehicles are parked outside the venue of rally.

During the shooting of the event, the video team shall also record in voice describing the estimated number and types of vehicles, chairs/ furniture/ lights/ loudspeakers etc., the approximate size of rostrum/ banner/poster/cutout etc. used in the event. It will then be easier for the Video Viewing Team to cross check with reference to the visuals and estimate the expenditure of the event. They will also record the speech and other events to monitor whether any Model Code of Conduct (MCC) violation has occurred.

The video surveillance team shall prepare a Cue Sheet at the time of recording in the format given in **Annexure-B15**. This cue sheet should be given to the viewing team along with the recorded CD.

The video CD should have a unique identification number, date and name of the staff/officer and should always be kept with the cue sheet. The purpose of maintaining a cue sheet is to see at a glance the evidence available in the CD and also to view the relevant part of the evidence in a short time.

In case of more than one event or public rally or procession on the same day, appropriate number of video teams should be deployed and the DEO will provide all logistics required by the Assistant Expenditure Observer.

Video Surveillance Teams (VSTs) will function from the date of announcement of election and shall continue with their duty upto date of poll/re-poll, if any. (**Annexure-B18 & B20**)

4. Video Viewing Team (VVT):

There shall be a Video Viewing Team for each Assembly Constituency/Segment with one officer and two clerks. The Video Viewing Team shall make CDs in house out of the video recordings, captured by Video Surveillance Teams. Video recordings should not be given to any outside agency for editing or for any other purpose to avoid manipulation by any outsider. The video CDs captured by video surveillance team shall be viewed by the Video Viewing Team daily to identify expenditure related issues and MCC related issues. They shall submit, on the same day and in any case not later than the next day, their reports related to expenditure to the Accounting Team / Assistant Expenditure Observer. In expenditure related reports, the team will put the registration number of all the vehicles and their make, size of the dais, the number of chairs, size of the text in Banner/Poster, size and number of cut-outs and all other items of expenditure captured in the video. The reports/observations related to the MCC shall be submitted by this team to the General Observer/RO. The Accounting Team and the Assistant Expenditure Observer shall calculate the total expenditure as per the notified rates of the items used, based on the video evidences and make the relevant entries in the Shadow Observation Register for the candidate concerned. The same shall be compared with the candidate's register when that is produced before the Expenditure Observer for verification. As explained earlier, any suppression or omission shall be pointed out for corrective measures in writing by the R.O. immediately within 24 hours.

Video Viewing Teams (VVTs) will function from the date of announcement of election and shall continue with their duty upto date of poll/re-poll, if any. (**Annexure-B18 & B20**)

5. Accounting Team (AT):

There shall be at least one Accounting Team for each Assembly Constituency/Segment consisting of one official and one Assistant / Clerk. The personnel of the Accounting Team should be drawn from the accounts sections of various Government departments, or Public Sector Undertakings.

The accounting teams shall work under the guidance of the Assistant Expenditure Observer for maintaining the 'Shadow Observation Register' and 'Folder of Evidence' of each candidate of the Assembly Constituency / Segment. They shall enter the items of expenditure, as reported to them and put the notified rates against each item and calculate the total expenditure on the items for each candidate. The format of 'Shadow Observation Register' is given at **Annexure-B13**.

There are cases when election campaign material is used after filing of nomination, though it might have been paid for before the nomination is filed. The team shall ensure that the expenditure on all the election campaign material which is used after the filing of nomination is included in the Shadow Observation Register, though the payment for it may have been made before filing of nominations. Similarly, the expenditure on rally or procession in connection with filing of nomination should be shown as part of the election expenditure.

Accounting Team will function from the date of announcement upto date of poll/re-poll, if any, for the purpose of accounting the expenditure of the political parties and after nominations are filed, the candidate's accounts will be maintained by the team as per the instructions. However, Accounting Team shall report for duty one day before the day of counting and again on 25th Day to 37th Day after declaration of result of election, for the purposes of giving training to the candidates or his election agents in submission of account of election expenses and to assist in preparation of the DEOs Scrutiny Report and Expenditure Observer Report. Accounting Team shall be finally relieved after 37th day of declaration of results. (**Annexure-B18 & B20**)

In case of Assembly elections an accounting team will function in each assembly constituency and maintain the Shadow Observation Register (SOR) & Folder of Evidence (FOE) for each candidate. In case of Lok Sabha election, the Assistant Expenditure Observer (AEO) & team for each Assembly segment will maintain SOR & FOE separately for each candidate and their reports to the AEO (Hq. AEO) of the Assembly segment where RO is based. The Hq. AEO and his team shall co-ordinate with all other AEOs of the Assembly segments and will ensure that these accounts are collated at the time of inspection. The AEO will function from the date of notification. (**Annexure-B20**)

6. Complaint Monitoring Control Room and Call Centre:

A 24X7 Call Centre shall be established in the Control Room at the district level to operate from the date of announcement of election. The call centre shall be given a toll free telephone number with 3 or 4 hunting lines which will be widely publicized for the public to inform the election monitoring machinery regarding corrupt practices related to the election. A senior officer shall be put in-charge of the control room and call centre who shall be responsible for receiving and recording the complaints and passing them on to the officer concerned or the flying squad for action without any delay. The call centre will be provided with sufficient staff to man the telephone lines round the clock.

All voice complaints made by any member of the public/whistle blower should be entered in the complaint register with timings noted against each complaint and should be entered into a register to be maintained in the format given in **Annexure-B17**. The expenditure related complaints are to be passed on immediately to the officer concerned of the Flying Squad with intimation to the Expenditure Observer, and in case of MCC related complaints, a copy is to be passed on to the General Observer. The Expenditure Observer and General Observer shall inspect this register from time to time to ensure that the control room functions smoothly and the complaints are passed on instantly for further necessary action.

7. Media Certification and Monitoring Committee (MCMC) and Paid News:

There shall be a Media Certification and Monitoring Committee (MCMC) in each district. For detailed instructions and guidelines “*Compendium of Instruction on Media Related Matters, January, 2020*” may be referred to.

If the MCMC finds any advertisement or advertorial published in print media, it shall bring it to the notice of Expenditure Observer and a copy of the same will be placed in the Folder of Evidence. The expenditure on this advertisement will be mentioned in the Shadow Observation Register and intimated to the candidate during inspection of his register. As per section 127 A of the R.P. Act, 1951, no person shall print or publish or cause to be printed or published any election pamphlet or poster, handbill or other document without mentioning the name and address of the printer and the publisher, and without obtaining declaration from the publisher which is attested by two persons. It is the responsibility of such press to deliver a copy of the declaration along with copy of the document to the DEO/CEO, within a reasonable time after printing the document.

Paid News:

The “Paid News” has been defined by the Press Council of India as ‘any news or analysis appearing in any media (print and electronic) for a price in cash or kind as consideration’. The Commission has decided to go by this definition. The MCMC shall see all the newspapers, print media, electronic media, cable network, mobile network and other modes of mass communication, like bulk SMSs etc., and keep record of the advertisements, advertorials, messages, discussions and interviews relating to the candidates and parties. This committee will submit a Daily Report with respect to each candidate in a prescribed format to the accounting team with copy to RO and Expenditure Observer with respect to expenditure incurred by the candidate on election advertising including the assessed cases of Paid News, along with supportive paper cuttings/clippings, recordings of relevant TV and radio advertisements, which will also be included in the Shadow Observation Register. The RO will issue notice to the candidate with regard to the incidents of Paid News in consultation with the Expenditure Observer for not showing the expenditure on such publication. The Expenditure Observer shall send a report of Paid News along with copy thereof to the Election Commission within 24 hours.

The CEO shall obtain standard rate cards from the TV channels/Radio Channels/ News Papers, broadcasting/circulated in the State/UT, six months before due date of expiry of Lok Sabha/State/ UT assembly. Such rate cards will be given to the Accounting Team for calculation of rates of advertisements. The Accounting Team will calculate the expenditure involved at the DAVP/DIPR rate, whichever is lower, and will mention it in the Shadow Observation Register. The Expenditure Observer will bring such discrepancies to the notice of the candidate/his election agent at the time of inspection and mention the discrepancies in the expenditure on account of Paid News in the remarks column of the Register of Election Expenses of the candidate.

The copies of all such notices along with the paid news should be displayed on the notice board of RO and the District Election Website/ CEO Website. The copies of the same can be given to any member of public on payment of Rs.1/- per page.

8. Flying Squads (FS) and Static Surveillance Teams (SSTs):

There shall be three or more dedicated Flying Squads in each Assembly Constituency/Segment for tracking of illegal cash transactions or any distribution of liquor or any other items suspected of being used for bribing the voters. The Flying Squads shall consist of one Senior Executive Magistrate as the head of the team, one senior police officer, one videographer and 3 to 4 armed police personnel. They are to be provided with a dedicated vehicle, mobile phone, a video camera and necessary Panchnama documents required for seizure of cash or goods.

There shall be three or more static surveillance teams in each Assembly Constituency with one Magistrate and three or four police personnel in each team. This team shall put up check posts and keep a watch on the movement of large quantities of cash, illegal liquor, any suspicious item or arms being carried in their area. The entire process of checking shall be videographed. The locations of static surveillance teams shall be changed periodically to maintain an element of surprise.

Flying Squads will be operational from the date of announcement of the elections and Static Surveillance Teams will function from the date of notification as per the Standard Operating Procedure (SOP) dated 29th May, 2015 (**Annexure-G7, Annexure-B20**) upto date of poll/re-poll, if any (**Annexure-B18**).

However, Flying Squads and Static Surveillance Teams shall be kept deployed in poll gone States/UTs and States/UTs where polls are scheduled in phases, as under:-

Case-I: In case of States/UTs where polling is over, FSs and SSTs shall be kept active at strategic locations and in districts sharing borders with neighboring States/UTs.

Case-II: In case of States where polling is scheduled in phases, Flying Squads shall be kept active as under:-

- (i) One Flying Squad may be continued in each assembly segment of Parliamentary Constituency, where polling is over, till the end of election process in the entire state; and
- (ii) Flying Squads/SSTs may be kept operational in full strength, as per SOP dated 29th May, 2015 in the entire district where polls are going to held in multiple phases, till the end of poll in the entire district. (**Annexure-B21**)

9. Expenditure Monitoring Cell:

The DEO shall appoint one senior officer, not below the rank of SDM/ADM, conversant with accounting as the Nodal Officer of the Expenditure Monitoring Cell. All teams mentioned above and the Nodal Officer shall constitute the Expenditure Monitoring Cell.

10. Expenditure Sensitive Constituency (ESC) and Expenditure Sensitive Pockets (ESPs)

On the basis of history, profile of the constituency and past developments, the CEO shall identify the constituencies which are prone to high expenditure and corrupt practices. Such a constituency shall be termed as an "Expenditure Sensitive Constituency". For such a constituency, there shall be 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. The CEO should facilitate effective functioning of the teams engaged in expenditure monitoring work. The list of such constituencies should be sent to the Commission well in advance

The Expenditure Sensitive Pockets are to be identified in consultation with the Expenditure Observer (during first visit), on the basis of the literacy or economic development or the number of complaints in the last election. Such pockets are to be kept under close vigil by the SSTs during last three days before elections.

- (i) The DEO and SP in consultation with the Expenditure Observer shall identify the Expenditure Sensitive Pockets in the constituency. These areas should be under 24x7 surveillance by the SSTs during the last three days of poll. There shall be a mix of CPF in the SST during this period.
- (ii) Where information is received that a candidate is indulging in high election expenditure, such candidate should be put under video surveillance all the time.

11. Nodal Officers

- (a) **Nodal Officer in the CEO Office:** The CEO shall appoint one senior officer in his office, not below the rank of Jt. CEO, for coordination on expenditure monitoring with Commission, training of election expenditure monitoring related personnel and political party functionaries, coordination with all the DEOs, other Nodal Officers in the state, Expenditure Observers, all enforcement agencies involved in election expenditure monitoring and with the Commission. He will compile information regarding all types of seizure made during the election period and e-mail the same in **Annexure-B7** to the Commission on a daily basis **by 3 PM** and also compile and send the same in **Annexure-C3** to the Commission by 1 PM on the day of poll.
- (b) **Nodal Officer of Police:** One officer of the level of Inspector General at the Police Head Quarters of the state, as selected by the Commission, shall be notified as the Nodal Officer for coordination with all flying squads, SSTs, law enforcement agencies and with the Commission. His office telephone/fax number and mobile number shall be intimated to the Expenditure Observers, Investigation Directorate, Excise Department and other law enforcement agencies during election. He shall train all the master trainers of the districts, who in turn shall train all personnel engaged in Flying Squad or SST. He shall be responsible for coordination with other law enforcement agencies, engaged in the election expenditure monitoring.

He shall compile the seizure reports by the **FSs** and **SSTs** sent by the **SPs** of districts and send the composite Daily Activity Report as per **Annexure- B8, B9 & B10** by fax to the Expenditure Monitoring Cell of Commission every day, with a copy to the CEO and also compile and furnish to the Commission in **Annexure-C4** by 1 PM on the day of poll.

- (c) **Nodal Officer of Income Tax:** The Commission, before announcement of General Election, appoints a Nodal Officer in the office of DGIT (Inv) not below the rank of Addl./Joint DIT (Inv. Wing) for

sharing of information etc. with the Commission and CEO of state for effective implementation of Election Expenditure Monitoring by way of seizure of unaccounted money suspected to be used in election etc. and submission on alternate days of the report in the prescribed format (**Annexure- B11**) and also compile and furnish to the Commission in **Annexure-C5** by 1 PM on the day of poll. The Air Intelligence Units and separate compliant monitoring cell of the Income Tax Department will start functioning from the date of announcement. (**Annexure-B20**)

(d) Nodal Officer of Excise: The Commission, before announcement of General Election, appoints a Nodal Officer (Excise) not below the rank of Commissioner for flow of information etc. with the Commission and CEO of State for effective implementation of Election Expenditure Monitoring by reporting of seizures made of illicit liquors by them during electioneering and also for reporting of related statistics in the prescribed format. (**Annexure-B12**) and also compile and furnish to the Commission in **Annexure-C6** by 1 PM on the day of poll. Liquor monitoring measures will be undertaken from the date of announcement of elections as per the instructions and the reporting will be done from the date of announcement. (**Annexure-B20**)

(e) Nodal Officer of Expenditure Monitoring Cell:

(i) The Nodal Officer of Expenditure Monitoring Cell in the district headquarters will coordinate with the DEO for providing adequate manpower and facilities of office space and equipment. The Nodal Officer will train the manpower engaged in various teams of the expenditure monitoring work well in advance, before the notification of election. The DEO can deploy any other officer or employee whose services are required for expenditure monitoring.

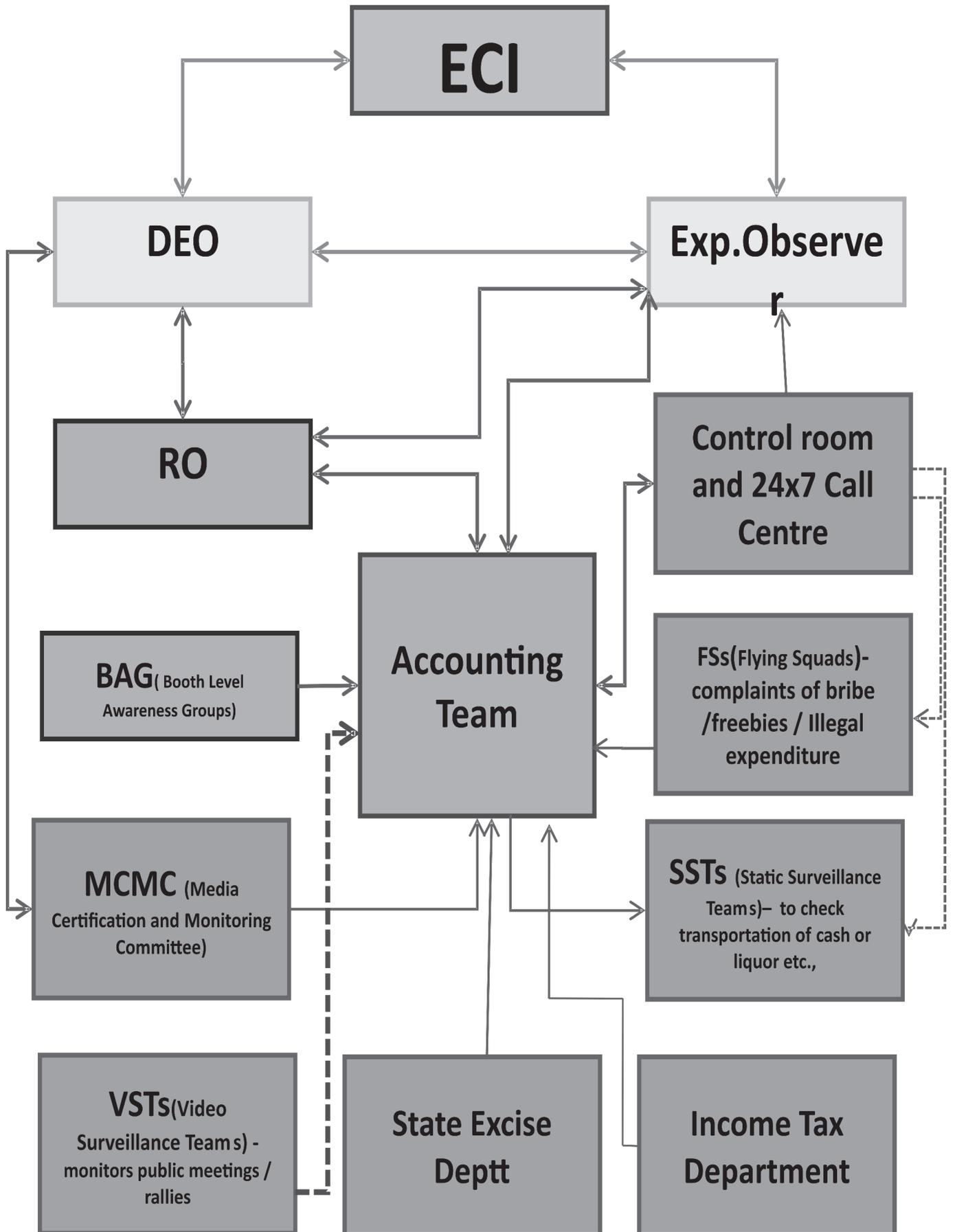
(ii) The Expenditure Monitoring Cell shall be responsible for video graphing all public meetings/rallies political parties/potential candidates during the period between announcement of election by ECI and notification of election. All such expenditure incurred by political parties as per the video CDs/DVDs are to be calculated by this Cell and handed over to DEO for estimating the expenditure by the political parties, during such period. Although this expenditure is not to be included in candidate's register, the party has to show this expenditure to the Commission, within 75 days of Assembly Poll or 90 days of Lok Sabha poll. The CEO shall collect district-wise report as to the total expenditure by the party during this period and also the period up to declaration of result and forward to the Commission within 45 days of declaration of result.

The Toll free number in complaint Monitoring Cell shall be given wide publicity encouraging the public to register complaints.

The Assistant Expenditure Observers (AEOs), FSs, SSTs, Video Surveillance Teams (VSTs), Video Viewing Teams (VVTs) and Accounting Teams shall continue with their duty only up to date of poll/re-poll. However, the AEOs and Accounting Teams shall report for duty one day before the day of counting and again on 25th day after the date of declaration of result and shall remain for a period of eight days, for the purposes of giving training to the candidates/election agents in submission of accounts of election expenses and to assist in preparation of the DEOs Scrutiny Report and Expenditure Observer Report-IV. The AEOs and Account Teams shall be relieved thereafter.

12. If FS/SST/Police Authority/Release Committee, deployed/constituted in pursuance of the Commission's SOP no. 76/Instructions/EEPS/2015/Vol. II, dated 29th May, 2015 (Annexure-G7) finds no linkage of the intercepted/seized foreign currency with any candidate or his/her agent or party workers or political party then information shall be passed on to the concerned Nodal Officers in Directorate of Revenue Intelligence and the Enforcement Directorate for necessary action under relevant Acts (**Annexure B22**).

Flow chart of the teams involved in Expenditure Monitoring.



ARRIVAL/DEPARTURE REPORT OF THE EXPENDITURE OBSERVER

[To be uploaded on Observer Portal and signed copy to be sent by Post to the Commission immediately after arrival/departure]

Date of Reporting		
Observer Name		
Observer Code		
No. and Name of the Constituency/ies		
Constituency Fax No.		Official Fax No.
Constituency Telephone No.		Telephone No.
Constituency Mobile No.		Mobile No.
E- mail id		
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 :

Signature of the Observer

Date :

**Expenditure Observer Report-I
Preparedness Report for the Expenditure Monitoring**

[To be uploaded on Observer Portal and signed copy to be sent by post to the Commission separately for each Assembly Segment in case of Assembly Election and only one Report for one PC in case of Lok Sabha Election within 3 days after the date of notification]

Date of Reporting	
Observer Name	
Observer Code	
No. and Name of the Constituency	
Name of the State	
Constituency Fax No.	Official Fax No.
Constituency Telephone No.	Telephone No.
Constituency Mobile No.	Mobile No.
E-mail id	

Sl. No.	Description	Yes	No
(a)	Whether the Assistant Expenditure Observer has been appointed as the Designated Officer to help check the accounts of daily expenditure to be maintained by the candidates.		
(b)	Whether all the teams engaged in election expenditure monitoring, like, Accounting Team, Static Surveillance Teams, Flying Squads and Video Surveillance Teams etc., have been formed and working properly.		
(c)	Whether election machinery is aware of Rule 90 of the Conduct of Election Rules relating to ceiling on Maximum expenses.		

Sl. No.	Description	Yes	No
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(d)	Whether the RO has provided the Election Expenditure Register containing day to day Account Register (Part A), Cash Register (Part B), Bank Register (Part C), Abstract Statement (Part-I to Part IV) containing Schedule 1 to 10 and Acknowledgement Form under due covering letter to addressed to the candidate.		
(e)	Whether such registers were duly page numbered and authenticated by the DEO/RO at the time of issue.		
(f)	Whether the entire Expenditure Monitoring Teams and Assistant Expenditure Observers have been briefed by the Observer regarding the various aspects of expenditure and the System of Reporting.		
(g)	Whether the Expenditure Observer has spoken to the SP and DEO, and the Officers of Investigation Directorate of Income Tax, Police and State Excise for keeping surveillance on distribution of cash, liquor and other goods.		
(h)	(i) Have the prevailing rates in the district for printing of posters, hiring of vehicles, loud speakers, cost of erecting pandals and hiring of furniture and fixtures been provided by the DEO.		
	(ii) Whether rate charts of all Media operating in the constituency has been obtained		
(i)	Has the same been apprised to the contesting candidates and the Assistant Expenditure Observers and Members of Expenditure Monitoring Teams.		

Sl. No.	Description	Yes	No
(j)	Whether the Accounting Team, Video Viewing Team, Video Surveillance Team, Media Monitoring Team and Surveillance Teams under each Police Station are prepared for Monitoring of Election Expenditure and are provided with relevant Registers/Formats e.g. Video cue sheet, Shadow Register, Media Expenditure Monitoring Report etc.		
(k)	Indicate		
	(i) No. of Flying Squads (FSs)		
	(ii) No. of SSTs		
	(iii) No. of AEOs		
	(iv) No. of VSTs		
(v) No. of Accounting Teams			

(l)	Whether the Assistant Expenditure Observer and members of the Accounting Team, Video viewing Team, Video Surveillance Team, Media report, and Monitoring Team have been trained.		
	(a) By DEO		
	(b) By Expenditure Observer		
	(c) Any Problem in functioning as pointed out by the teams (if yes, then bring it to the notice of RO, DEO and CEO immediately under intimation to the Election Commission of India)		
(m)	Whether the DEO has held meeting with all political parties and has given to them copies of Expenditure Instruction in local language.		

(If answer to any of the above is negative, the same should be brought to the notice of DEO, RO and CEO immediately under intimation to the Election Commission of India.)

Place:

Date:

Signature of Expenditure Observer

Expenditure Observer Report-II
Preparedness Report for the Expenditure Monitoring

[To be uploaded on Observer Portal and signed copy to be sent by post to the Commission separately for each Assembly Segment in case of Assembly Election and only one Report for one PC in case of Lok Sabha Election within 24 hrs after withdrawal of candidature]

Date of Reporting	
Observer Name	
Observer Code	
No. and Name of the Constituency	
Name of the State	
Constituency Fax No.	Official Fax No.
Constituency Telephone No.	Telephone No.
Constituency Mobile No.	Mobile No.
E-mail id	

Sl. No.	Description	Yes	No
(a)	Whether the schedule of inspection of the expenditure register/vouchers fixed.		
(b)	If yes, indicate the dates fixed for inspection.		
(c)	Whether the entire Expenditure Monitoring Teams and Assistant Expenditure Observers have been briefed by the Observer regarding the various aspects of expenditure and the System of Reporting.		
(d)	Whether the Expenditure Observer is getting Daily Activity reports/feedback from the SP and DM, and the Officers of Investigation Directorate of Income Tax for keeping surveillance on distribution of cash, liquor and other goods.		

Sl. No.	Description	Yes	No
(e)	Have the prevailing rates in the district for printing of posters, hiring of vehicles, loud speakers, cost of erecting pandals and hiring of furniture and fixtures been provided by the DEO.		
(f)	Whether the candidates have been apprised of the procedure of Expenditure Monitoring by RO and Expenditure Observers and copies of the Expenditure Instructions have been given?		

(g)	Has the names of leaders (maximum of 20 in the case of unrecognized political party and 40 for recognized political party) (who would be traveling by air or any other means of transport within the Assembly /Parliamentary constituency) been communicated to the CEO/ECI.		
(h)	If no, then whether the contesting candidates been intimated that all expenses incurred in connection with visit of all leaders of the party including their traveling expenses 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 amongst all such candidates)		
(i)	Whether the Banks are providing reports of suspicious cash withdrawal to DEO.		
(j)	Whether such reports exceeding Rs. 10 lakh are being forwarded to Nodal Officer of Income Tax		
(k)	Whether Assistant Expenditure Observers have got entered the expenses in Shadow Register in connection with filing of nominations by all the candidates		

Sl. No.	Description	Yes	No
(l)	Whether Authority granting permission for deploying vehicles for electioneering for Public Meetings, Rallies and processions, are forwarding copies of such permission to Video Surveillance Team, Accounting Team, and Media Monitoring Team.		
(m)	Whether the constituency is declared Expenditure Sensitive?		
(n)	If yes, has the Police Observer been appointed?		
(o)	Over all Observation on the preparedness of the expenditure monitoring Team and suggestions for any improvement (Indicate areas of concerns in order of Priority).		

(If answer to any of the above is negative, the same should be brought to the notice of DEO, RO and CEO immediately under intimation to the Election Commission of India.

Place:

Date:

Signature
Expenditure Observer

Expenditure Observer Report-III
Expenditure Report after Completion of Poll

[To be uploaded on Observer Portal and signed copy to be sent by post to the Commission by post separately for each Assembly Segment in case of Assembly Election and only one Report for one PC in case of Lok Sabha Election within 24 hours of completion of Poll/Re-poll, if any]

Date of Reporting	
Observer Name	
Observer Code	
No. and Name of the Constituency	
Name of the State	
Constituency Fax No.	Official Fax No.
Constituency Telephone No.	Telephone No.
Constituency Mobile No.	Mobile No.
E-mail id	

Sl. No.	Description		
(a)	Number of complaints received pertaining to expenditure.		
(b)	Number of complaints enquired and Action Taken.		
(c)	No. of cases pending inquiry and corrective action.		
(d)	Reasons for pendency.		
(e)	(i) No. of candidates who did not produce the register for inspection.		
	(ii) No. of candidates to whom notices issued for non- production of register for inspection.		
	(iii) No. of Candidates who did not produce register in spite of issue of notice.		
	(iv) Mention the names, who did not produce register in spite of notice.	(i)	
(f)	Candidates who were issued notice by RO/DEO	Number	Name
	(i) For discrepancy in format of register of day to day Accounts/Cash Register/ Bank Register.		

	(ii) For not showing the true account of expenditure including those shown in shadow register.		
	(iii) For not opening separate bank account		
(g)	Whether Assistant Expenditure Observer has maintained the Shadow Observation Register, folder of evidence and other reports/correspondence between RO/DEO and the candidates in the District Head Quarter.		
(h)	Any seizure of cash, liquor, other articles made during the period after filing of nomination.		
(i)	If so, details thereof. Also mention separately the location and authority which effected the seizure.		
(j)	Whether the seized cash/goods can be linked to election expenditure of any candidate.		
(k)	If so, give details.		
(l)	Whether any suspected paid news was noticed and referred to the Committee formed in the District.		
(m)	If so, give details including name of candidate, name of media and other details and whether the MCMC has considered and notice issued by RO (Annex the details of such cases)		
(n)	Whether expenditure in all major Public Meetings/ Rallies/Procession were entered in Shadow Observation Register of the Candidate.		

Sl. No.	Description		
(o)	Whether all such expenses were shown in the Register of day-to-day accounts, submitted by the Candidates.		
(p)	If No, then mention details.		
(q)	Whether liquor production/distribution reports were being monitored during the period.		
(r)	Whether all ostentatious expenditure like Mundan Ceremony, Birthday Ceremony etc. marriage/group marriage ceremony have been reported to DEO/ Investigation Directorate of Income Tax.		
(s)	If so, details of action taken by the Directorate/DEO: -		

(t)	Mention the amount of such expenditure and whether the same can be linked to any candidate. (Mention the Name of Candidate)	
(u)	Expenditure incurred in Cash or in kind by each political party in the constituency on behalf of their candidates (mention the name of party and amount).	
(v)	Any other method of hiding the Election Expenditure were noticed (please give the details)	
(w)	Any other Remark/Suggestion: (Please mention in order of priority)	

Place:

Date:

Signature
Expenditure Observer

Expenditure Observer's Final Report (Report-IV)

[To be uploaded on Observer Portal and signed copy to be sent by post to the Commission separately for each Assembly Segment in case of Assembly Election and only one report for one PC in case of Lok Sabha Election after 30 days of declaration of results]

Date of Reporting: _____

Observer Name: _____

Observer Code : _____ Email – ID: _____ Mobile No: (O) _____

Constituency: _____ State: _____

District: _____

Date of Declaration of Results: _____

Last date of filling Account of Election Expenditure: _____

Date of Account Reconciliation Meeting: _____

Total No. of contesting candidate: _____

Name of winning candidate/Party affiliation, if any: _____

Summary of Observation

S.No.	Name of the Candidate and party Affiliation	Whether notices issued to the candidates on all discrepancies found during inspections or in final accounts of the candidates and reply of candidates is considered (See Note 8)	Date of Lodging of Account of Election Expenses by the Candidates (please see note 1 below)	Whether Account lodged in time (Yes/No)	Amount of expenditure mentioned in the account of the candidate	Whether accounts are lodged in format and with all necessary documents	Whether the Observer agrees with the candidate's Submission vis-a-vis the evidence collected (Yes/No) If no, Please annex as per note 2 below	Whether the DEO has cross checked the candidates submission with all information collected during campaign (Yes/No) . If, No, Pl. annex details as per note 3 below	Whether the estimated expenditure incurred by the Candidate exceeded the prescribed ceiling (Yes/No). If, yes, pl. annex details as per note 4 below	Amount of expenditure incurred by the political party, if any, on behalf of the candidate/mentioned the name of the party as per note 5 below	Amount of expenditure incurred by other entity /individuals on behalf of the candidate	Whether Abstract Statement(Part I to Part IV and schedule 1 to 10) of accounts uploaded on CEO's website (within 3 days of lodging of accounts)	Whether cash and other items seized during election process has been released within 7 days excepting the cases (i) where FIR has been lodged (ii) where cash is handed over to I. T. Deptt.. If not, whether it is brought to the notice of RO, DEO and SP for urgent action
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	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1														
1														
2														
3														
4														
5														

Place:

Date:

Signature
Expenditure Observer

Note:-

1. In column 4, where the candidate has not submitted *his account of election expenses*, it should be mentioned – ‘Not Submitted’.
2. In column 8, if no, a separate report for each candidate along with evidence/reference number shall be given by the Observer mentioning where he does not agree.
3. In column 9, if Observer does not agree with the DEO, he may mention the reasons of disagreement separately.
4. In column 10, a brief statement shall be given by the Expenditure Observer for the candidate in whose case the observed expenditure exceeded the ceiling, and the estimated amount of total expenditure shall be mentioned.
5. In column 11, if there is more than one political party incurring expenditure for a candidate then name of each party and amount shall be given separately. If the Observer does not agree with the figure shown, then he will annex separately the estimated figure with the evidences gathered.
6. In column 12, total amount incurred by other entities/individuals on behalf of the candidate shall be mentioned in this column and if the observer does not agree if the figure shown, then he will annex separately the estimated figure with the evidences gathered along with the names of the entities/individuals.
7. If the Expenditure Observer has any suggestion for improvement of the procedure, he may enclose his suggestion separately with this report as ‘Annex A.’
8. In items where the ‘Shadow Observation Register’ shows more expenditure, which the candidate has not shown, then as per ECI instruction no. 76/Instructions/EEPS/2015/ Vol. II dated 29th May, 2015 (Annexure-C10) a notice is required to be issued after inspection of A/cs asking the candidate to reply within 48 Hrs. Similarly, after final inspection, if any discrepancy is found in the Abstract Statements submitted by the candidates, notices are to be issued within 48 Hrs asking the candidate to reply within 3 days.

The Expenditure Observer is required to indicate, whether the above procedure is followed and whether replies of the candidate have been considered in DEO’s Scrutiny Report

Proforma of Feedback/Status Report from Expenditure Observers

Name and Code of Expenditure Observer:

No. & Name of PC/AC:

Name of District:

Name of State:

S. No.	Item	Remarks
1	(a) Whether AEO, FS, SST, VST, VVT and Accounting Teams are in place and functioning properly ?	
	(b) Whether SOR and FoE are being maintained properly ?	
2	Numbers of AEO, FS, SST, VST, VVT, Accounting Team deployed per Constituency. Suggestion for improving the efficiency of these teams	
2A	Whether the AC(s) under report is/are Expenditure Sensitive Constituencies ?	
2B	Whether adequate staff posted as per the norms in Expenditure Sensitive Constituencies ?	
3	Complaint Monitoring Cell-Nos. of complaints received regarding distribution of cash/liquor/drugs/narcotics/precious metals (like Gold, Silver, jewellery etc.)/Freebies/other items	
4	Seizure made by FS, SST, Police, Excise, Income Tax Dept. and other law enforcement agencies from the date of enforcement of MCC till the date of Report. (Both in quantity and value in rupees)	
	(a) Cash	
	(b) Liquor	
	(c) Drugs/Narcotics	
	(d) Precious metals (like Gold, Silver, jewellery etc.)	
	(e) Other items/Freebies	
5	(a) Date of inspection of candidate's accounts as scheduled	
	(b) Whether all Candidates are getting their accounts inspected ?	
	(c) Mention maximum expenditure incurred by the Candidate(s). (Write the name of political party)	
6	How many candidates did not open separate bank account ?	

7	(a) Number of Candidates with criminal antecedents	
	(b) Whether such Candidates have published their criminal antecedents in the print media and electronic media	
	(c) Expenditure incurred by the respective Candidates on publication of criminal antecedents	
8	Suspected Paid News complaints received by MCMC and action taken report	
9	Monitoring of liquor production units, godowns and sales outlets	
10	Identification of Expenditure Sensitive Pockets and monitoring. Whether CPF personnel mixed with the FS and SST ?	
11	Are the vehicles of Flying Squads GPS enabled ?	
12	No. of complaints pertaining to use of cash, liquors, inducements etc. received through C-vigil and no. of cases found correct	
13	What is your strategy for the last 72 hours before poll ?	
14	Any other issue	

Signature with date.....

Name of Expenditure Observer.....

Daily Seizure Report as on -----/-----/20.....
 (9 a.m.of previous day to 9 a.m. of day of reporting) to be sent to the ECI by 3 p.m.
 General Election to Legislative Assembly of (Name of State/UT)/ Bye-election to.....(No. & Name of PC/AC),(State)

1. Total Cash Seizure (In Rs. Cr.):

FS/SST/Police		Income Tax Department		Total
Seizure on previous day 1	Progressive Seizure 2	Seizure on previous day 3	Progressive Seizure 4	Progressive Seizure 5(2+4)

2. Total liquor seizure (quantity in litres & its value in Rs. Cr.):

FS/SST/Police		State Prohibition & Excise Department		Progressive Seizure
Seizure of previous day 1	Progressive seizure 2	Seizure of previous day 3	Progressive seizure 4	Total liquor seizure in the state 5(2+4)
Qty.	Qty.	Qty.	Qty.	Qty.
Value	Value	Value	Value	Value

3. Total drugs/narcotics seizure by FS/SST/Other police authority etc. (quantity in Kg. and its value in Rs. Cr.):

Seizure on previous day		Progressive Seizure
Description and qty.	Value	Description and Qty.
		Value

4. Total precious metals seizure (Gold, Silver, ornaments etc. seized and value in Rs.):

Seizure on previous day		Progressive Seizure
Description and qty.	Value	Description and Qty.
		Value

5. Total other items/freebies seizure (Laptop, cookers, sarees etc. meant for inducement of voters) and its value in Rs. Cr.

Seizure on previous day		Progressive Seizure
Description and qty.	Value	Description and Qty.
		Value

6. Total seizure value in Rupees:

Total Cumulative Seizure in Rupees on previous day		Total Cumulative Seizure in Rupees

Signature of the Nodal Officer (Exp.), Office of CEOs

Daily Activity Report by Flying Squad on seizure of Cash/ Other items related Complaints on the date.....

Name and Designation of the Magistrate
Name of the Police Officer.....

Reference No.

Name of the Sub-Division

State.....

1	2	3	4	5	6	7	8	9	10
S.No.	Name of constituency/ district	Nature of the complaint/ Information	Name of the person against whom complaint received	Cash / Other Items seized by FS	Cash/ Other Items Seized by Other Police authority	FIRs filed	Name of candidate or party with which links found	Name and designation of the authority to whom seized cash/ items is handed over	Remarks (If any)
Description									
Figure on date of report									
1	Total amount of cash/ Other Items seized by Flying Squad								
2	Total amount of cash/ Other Items seized by Other Police authority								
3	Total of number of complaints of cash/ Other Items, received								
4	Total of number of complaints, verified (a) Within half an hour of receipt (b) Beyond half and hour of receipt								
5	Total of number of complaints, pending								
6	Total number of FIRs filed up to the end of the day								
Progressive figure including the date of report									

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

- Note:**
- 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.
 - The SP will send the report to the Nodal Officer in State Headquarter after compiling the data for the entire district.
 - 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.

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

Reference No.
 Name of the Sub-Division
 Name and Designation of the Magistrate.....
 State.....
 Name of the Police Officer.....

1	2	3		4		5	6
		Name of Complainant	Party Affiliation, if any	Complaint against (Name)	Party Affiliation, if any		
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.

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
SI 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							
A.	Total amount of cash Seized by SST						
B.	Total amount of Other items seized by SST						
C.	No. of FIRs lodged						
						Figure on date of report	Progressive figure including the date

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

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

Format of Activity Report by the Investigation Directorate for the date

(to be submitted on alternate day by the Directorate of Investigation) Reference No.....

Name of Constituency: District: State/ UT

Sl. No	Name of the Constituency and District	Name of Agency from which information/ Complaints received by IT Deptt.	Name and Address of persons against whom action is taken	Amount of Cash / gift items etc. mentioned in complaint	Cash Deposit d by Challan by persons against whom action taken	Amount of Cash Seized by Income Tax	Other articles seized (If any)	Amount of cash returned to the person, if accounted for	Remarks (Please mention name of the candidate/his relationship, Constituency and name of the Political Party, if any)
1	2	3	4	5	6	7	8	9	10
1									
2									
Total									

Progressive Total from the date of notification of election to the end of the Reporting day

S.N	Gross figure on day of reporting	Progressive Figure including the day of reporting
1	Progressive total of Cash seized by Income Tax	
2	Progressive total of seizure of other items (Notional Value)	
3	Progressive total of tax deposited by Challan	

**Signature Nodal Officer
Office of DGIT (Inv)/Dy.
Director In Charge of the District Date**

Note: (1) Officer in charge of the district shall submit the report for each district in this format to the DGIT(Inv) with copy to DEO and Expenditure Observer.
(2) The Nodal Officer of State Income Tax Deptt. shall compile the data for the whole state and send the report to Commission (Expenditure Monitoring Division) with copy to CEO of the state.

Report on alternate day of IMFL/Beer/Country Liquor by the State/District Level Nodal Officer (Separate report should be submitted for IMFL Beer & Country Liquor)				
Name of the District / Name of the State/UT		Date of report:		Remarks on excess, if any
Sl. No	Description	During the day (This Year)	During the day (Last Year)	
1	Opening stock with manufacturers in Bulk litres			
2	Production/Bottling in Bulk litres			
3	Total Dispatch of stock from the manufacturer's godown in Bulk litres			
4	Closing stock in Bulk litres with manufacturers (1+2-3)			
5	Dispatch of stock from manufacturer's godown to whole sellers/Stockists in Bulk litres			
6	Opening stock with Retailers in Bulk litres			
7	Purchase by Retailers in Bulk litres			
8	Sale by Retailers in Bulk litres			
9	Closing Stock with Retailers in Bulk litres (7+8-9)			
10	Sale by others in Bulk litres			
11	Number of check posts			
12	Volume of illicit liquor seized by check posts in Bulk litres			
13	Number of raids conducted			
14	Volume of illicit liquor seized in Bulk litres during raids			
15	No. of Prohibition cases			

16	No. of persons arrested			
17	Amount of Fine imposed			

Signature of Nodal Officer
Name
Designation

Note:-

1. Separate Reports for IMFL, Beer or Country Liquor is to be furnished in the above format by District Level Nodal Officer of Excise Department to the State Level Nodal Officer with copy to DEO.
2. The State Level Nodal Officer of Excise Department will monitor and compile the district level reports and submit composite report of the State to the CEO in the same format with a with a copy to Election Commission of India.

Daily report of Assistant Expenditure Observer

No. & Name of the Constituency: - Date: -	
<u>(A.) Video Teams</u>	
(i) List of places where Video Teams were deployed and names of the candidates.	
(ii) Whether the Video Surveillance Team has submitted the CD with Cue Sheet?	
(iii) Whether the Video Viewing Team has entered the items of expenditure like number of Vehicles/Size of Rostrum/cutouts etc.?	
<u>(B.) Accounting Team:-</u>	
(i) Whether all the expenses are entered in Shadow Observation Register of each candidate?	
(ii) Whether the folder of evidence for each candidate is being maintained?	
(C.)Media Monitoring Team	
(i) Whether the team is watching and recording all the advertisements in print or electronic Media?	
(ii) Whether the team is sending report to Accounting Team?	
(iii) Whether any Paid News is noticed?	
<u>(D.) Control Room and Call Centre :</u>	
(i) No. of complaints received -	
(ii) Whether complaint has been forwarded to the Officer concerned promptly?	
(iii) Whether action has been taken? If so, mention the type of action and findings.	
<u>(E.) Flying Squad and Surveillance Teams</u> (i) No. of cases reported to Flying Squad. (ii) Action taken by the Squad. (iii) No. of Check Posts put. (iv) Seizure, if any -	

Date: -

Signature

Name of Assistant Expenditure Observer

Cue-Sheet for Video Surveillance Teams
(To be filled at the time of Video Recording)

Name of District –
 Name of the Officer In-charge of Video Surveillance Team –
 Name of the Videographer –
 Date –
 CD Number -

Sl. No.	No. and Name of Constituency	Name of Candidate	Location	Event	Time of the day when recording began	Time on CD when recording began	Time on CD when recording ended	Duration of recording	Brief Description of evidence Recorded
1	2	3	4	5	6	7	8	9	10

Signature of Officer In-Charge of Video Surveillance Team

DETAILS OF ADVERTISEMENTS/PAID NEWS IN PRINT/ELECTRONIC MEDIA

Name of State –

Name of District –

Number and Name of Constituency –

Name of Candidate -

Political Party –

1. Details of Advertisements Published in Print Media

Sl. No.	Name of Newspaper/ Magazine	Size of Advertisement (in column X cm)	Approximate Circulation (information to be obtained from DPIR)	Cost of Advertisement

2. Details of Paid News in Print Media

Sl. No.	Name of Newspaper/ Magazine	Size of Paid News (in column X cm)	Approximate Circulation (information to be obtained from DPR)	Cost of Paid News

3. Details of Advertisements in Television including Cable TV

Sl. No.	Name of Channel	Date & Time	Duration of Advertisement (in Minutes)	Approximate viewer ship (information to be obtained from DPR)	Cost of Advertisement

4. Details of Paid News in Television including Cable TV

Sl. No.	Name of Channel	Date & Time	Duration of Paid News (in Minutes)	Approximate viewer ship (information to be obtained from DPR)	COST OF PAID NEWS

5. Details of Advertisements on Radio

Sl. No.	Name of Channel	Date & Time	Duration of Advertisement (in Minutes)	Approximate listener ship (Information to be obtained from DPR)	Cost of Advertisement

6. Details of Paid News on Radio

Sl. No.	Name of Channel	Date & Time	Duration of Paid News (in Minutes)	Approximate listener ship (information to be obtained from DPR)	Cost of Paid News

Dated :

Signature of the officer in charge of

Media Certification and Monitoring committee

Name of the Officer :

Designation:

Daily Action Report of RO on Call Centre information

Date:

Constituency:

S. No	Nature of Complaint	Time of Receiving the Complaint/Information by any mode Viz: Phone/Fax/e- mail/SMS/Special Messenger	Detail Narration on the action taken	Whether forwarded to Accounting Team

(Signature, Name & Designation with date)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/Instruction/2014/EEPS/Vol. I

Dated: 7th April, 2014

To

The Chief Electoral Officers of
All States/UTs

Subject: Clarification regarding tenure of deployment of Expenditure Monitoring Teams Election-Regarding
Sir,

A clarification has been sought by CEO, Delhi as to tenure of deployment of various teams engaged in Election Expenditure Monitoring and I am directed to clarify the following:

- (i) The Assistant Expenditure Observer FS, SST, VVT, VST and Accounting Team shall continue with their duty only upto the date of poll/re-poll.
- (ii) However, the Assistant Expenditure Observer and Accounting Team shall report for duty one day before the day of counting in the second schedule and again on 25th Day to 37th Day after declaration of result of election, for the purposes of giving training to the candidates or his election agents in submission of account of election expenses and to assist in preparation of the DEOs Scrutiny Report and Expenditure Observer Report. He shall be finally relieved after 37th day of declaration of results.
- (iii) This may be brought to the notice of all concerned.

Yours faithfully,

Sd/-

(S. K. Rudola)

Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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

Dated: 22nd March, 2016

To

All the Expenditure Observers.

Subject:-General Elections to Legislative Assemblies of Assam, Kerala, Puducherry, Tamil Nadu and West Bengal, 2016- Exchange of information and coordination between Expenditure Observers and all the Enforcement Agencies of Election Expenditure Monitoring - Regarding

Sir,

I am directed to invite your kind attention to the Para No.4.2.8 under the Heading “Role of Expenditure Observer”, of the Compendium of Instructions on Election Expenditure Monitoring (July-2015) regarding exchange of information and coordination between Expenditure Observers and all the Enforcement Agencies during the process of elections.

2. There were some instances that came to the notice of the Commission in which the action of the Expenditure Observer gave impression that he had exceeded his brief by getting actively involved in enforcement action. The Commission, therefore, reiterates that the guidelines contained in the above-said para of the Compendium should strictly be adhered to by all the Expenditure Observers and they should resist themselves to be involved in the action being taken by other Enforcement Agencies as per their existing Laws.

Yours faithfully

Sd.-

(S. K. Rudola)

Pr. Secretary

Copy forwarded to: The Chief Electoral Officer of Assam, West Bengal, Kerala, Tamil Nadu and Puducherry with request to kindly bring it to the notice of all the Nodal Officers of Election Expenditure Monitoring in the State (By Camp Bag/e-mail).

Sd/-

(S. K. Rudola)

Pr. Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/INSTRUCTION/2019/EEPS/Vol. XV

Dated: 22nd March, 2019

To

The Chief Electoral Officers of

All States and UTs

Sub: Preparedness regarding Election Expenditure Monitoring-matter regarding

Madam/Sir,

I am directed to draw your kind attention to the “Compendium of Instructions on Election Expenditure Monitoring (February, 2019) and to reiterate the following:-

1. Flying Squads will be operational from the date of announcement of the elections and shall look into all complaints of Model Code of Conduct violations, election expenditure of political parties and candidates, complaints of intimidation, movement of anti-social elements, liquor, arms and large sum of cash etc. and will vide graph all major rallies, public meetings and other expenses as per the Standard Operational Procedure (SOP) dated 29th May, 2015 (copy enclosed).
2. Static Surveillance Teams will function from the date of notification and will set up check posts as per the Standard Operating Procedure (SOP) dated 29th May, 2015.
3. Video Surveillance Teams and Video Viewing Teams will function from the date of announcement of election and will videograph all major political rallies of the party as well as of the candidates as per the instructions.
4. (i) Accounting Team will function from the date of announcement for the purpose of accounting the expenditure of the political parties and after nominations are filed, the candidate’s accounts will be maintained by the team as per the instructions.
(ii) In case of Assembly elections an accounting team will function in each assembly constituency and maintain the Shadow Observation Register (SOR) & Folder of Evidence (FOE) for each candidate.
(iii) In case of Lok Sabha election, the Assistant Expenditure Observer (AEO) & team for each Assembly segment will maintain SOR & FOE separately for each candidate and their reports to the AEO (Hq. AEO) of the Assembly segment where RO is based. The Hq. AEO and his team shall co-ordinate with all other AEOs of the Assembly segments and will ensure that these accounts are collated at the time of inspection. The AEO will function from the date of notification.
5. Media Certification Monitoring Committee (MCMC) will function immediately from the date of announcement as per the instruction.

6. Liquor Monitoring measures will be undertaken from the date of announcement of elections as per the instructions and the reporting will be done from the date of announcement.
 7. The Air Intelligence Units and separate complaint monitoring cell of the Income Tax Department will start functioning from the date of announcement.
2. I am further directed to request you to bring it to the notice of all concerned.

Yours faithfully,

Sd/-

Encl. As above

(AVINASH KUMAR)

SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/ECI/INST/FUNC/EEM/EEPS/2019/Vol. V

Dated: 22nd April, 2019

To

The Chief Electoral Officers,
All States and UTs.

Subject:-General Election to Lok Sabha and Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim,
2019-Deployment of Flying Squad and Static Surveillance Team-Reg.

Madam/Sir,

I am directed to refer to Commission's SOP no. 76/Instructions/EEPS/2015/Vol. II, dated 29.05.2015 [Annexure G7 in "Compendium of Instructions on Election Expenditure Monitoring (February, 2019)"] and to state that Flying Squads and Static Surveillance Teams shall be kept deployed in poll gone States/UTs and States/UTs where polls are scheduled in phases, as under:-

Case-I: In case of States/UTs where polling is over, FSs and SSTs shall be kept active at strategic locations and in districts sharing borders with neighboring States/UTs.

Case-II: In case of States where polling is scheduled in phases, Flying Squads shall be kept active as under:-

- (i) One Flying Squad may be continued in each assembly segment of Parliamentary Constituency, where polling is over, till the end of election process in the entire state; and
- (ii) Flying Squads/SSTs may be kept operational in full strength, as per SOP dated 29th May, 2015 in the entire district where polls are going to held in multiple phases, till the end of poll in the entire district.

2. You are requested to bring this to the notice of all concerned District Authorities, political parties, candidates and general public.

Yours faithfully,

Sd/-

(RAJAN JAIN)

UNDER SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 61/Complaints/GE-LS/2019/EEPS/Vol. XV

Dated: 17th May, 2019

To

The Chief Electoral Officers of
All States and UTs.

Subject:-General Elections to Lok Sabha and Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim,
2019-Seizure of foreign currency– Reg.

Madam/Sir,

I am directed to state that the Commission has received information from various sources regarding seizure of foreign currencies in the General Elections to Lok Sabha and Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim, 2019. In this connection, I am directed to state that if FS/SST/Police Authority/Release Committee, deployed/constituted in pursuance of the Commission's SOP no. 76/Instructions/EEPS/2015/Vol. II, dated 29th May, 2015 [Annexure-G7 of "Compendium of Instructions on Election Expenditure Monitoring (February, 2019)] finds no linkage of the intercepted/seized foreign currency with any candidate or his/her agent or party workers or political party then information shall be passed on to the concerned Nodal Officers in Directorate of Revenue Intelligence and the Enforcement Directorate for necessary action under relevant Acts. Copies of DRI's letter dated 13.03.2019 and ED's letter dated 18.03.2019, containing names of Nodal Officers are enclosed for ready reference.

Yours faithfully,

Sd/-

(RAJAN JAIN)

UNDER SECRETARY

Copy to:-

1. The Pr. Director General, Directorate of Revenue Intelligence, 7th Floor, 'D' Block, Drum Shaped Building, I. P. Estate, New Delhi-110002 with the request to inform Nodal Officers of DRI accordingly. (By Special Messenger)
2. The Director, Enforcement Directorate, 6th Floor, Lok Nayak Bhawan, Khan Market, New Delhi-110003 with the request to inform Nodal Officers of ED accordingly. (By Special Messenger)

Sd/-

(RAJAN JAIN)

UNDER SECRETARY

C.

Role Of RO, DEO
And CEO In Expenditure Monitoring

CONTENTS IN PART 'C'

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3	Role of Chief Electoral Officer	71-72

Conducting elections, especially Lok Sabha elections and elections to the State Legislative Assemblies is a gigantic task and is essentially a team work. At the State level, the conduct of election is supervised, subject to overall superintendence, direction and control of the ECI, by the Chief Electoral Officer (CEO) of the State and by the District Election Officer (DEO) at the district level. At Parliamentary/Assembly constituency level, the Returning Officer (RO) is overall in-charge of the whole election process. Main functions of these officers relating to monitoring of election expenditure are as under:

1. Role of Returning Officer (RO):

The Returning Officer shall hold a meeting of all candidates immediately after the allotment of symbols to explain the process of expenditure monitoring, legal provisions relating to election expenditure and consequences of non-compliance of these provisions. He also issues permission letters for vehicles/public meetings etc., promptly to the candidates as required under the law or rules. The Returning Officer shall ensure that the revised combined format of Affidavit for filing criminal records and asset and liability statement by the candidates is made available to all potential candidates. He shall also give the expenditure register, duly signed and page numbered, to the candidates at the time of filing of nomination papers.

He shall notify the dates for inspection of accounts by the Expenditure Observer during the campaign period, and shall issue notices to the candidates to explain any discrepancy between the candidate's expenditure register and the Shadow Observation Register, as advised by the Expenditure Observer. He shall also supervise the complaint monitoring system and ensure that every complaint is inquired into within 24 hours of receipt.

He shall ensure that all the documents required to be put up on the notice board of the RO under these or any other instructions, rules or law are put up on the notice board. He shall ensure that the copies of documents, when demanded, are given immediately to members of the public on payment of the prescribed fee.

It has been decided by the Commission that the affidavits on declaration of assets and liabilities by the candidates of recognized political parties are to be put up on the website on the same day. The affidavits in respect of other candidates may be put within one day after scrutiny of nominations (**Annexure-C16**). In order to move forward in the way of digital India and to minimize scope of mistakes in nomination form and the affidavit (Form 26), the Commission has decided to provide an optional facility to candidates for online data entry of personal details in nomination form. This facility will be available for the candidates through the Election Commission's Suvidha portal <https://suvidha.eci.gov.in>. The candidate will have to do the registration and login with the mobile number and OTP. The guidelines for availing this facility are enclosed with **Annexure-20**. At present, the facility of online data entry is available in two languages, namely, English and Hindi.

The RO shall issue notices to the defaulting candidates, as suggested by the Expenditure Observer. He shall also ensure that after seizure is made by FS and SST, the FIR/ complaint is filed promptly.

The RO shall hold a meeting of all the candidates immediately after allotment of symbols. In this meeting,

the RO shall explain all the legal provisions and instructions of the Commission relating to election expenditure, its monitoring and the consequences of failure to comply with them. The RO shall also give a copy of this Compendium and notification of rates of items of election expenditure to each candidate. For advertisement in the local or national dailies/ magazines (English/Regional), rates of the DAVP/DIPR rates shall also be communicated to the candidates. The Assistant Expenditure Observer or Expenditure Observer shall also attend this meeting along with the RO.

The RO shall organize a meeting of all candidates immediately after the allotment of symbols, and properly explain to them, the legal provisions relating to election expenditure and consequences of failure to comply with the provisions of law. The Assistant Expenditure Observer/Expenditure Observers will be present in the meeting. The RO shall also give a copy of these instructions regarding expenditure monitoring to each candidate both in English and vernacular language.

Inspection of Accounts:

The RO shall prepare a schedule for inspection of Expenditure Register of each candidate, by the Expenditure Observer, or a senior officer designated by the RO in consultation with the Expenditure Observer for the purpose. The candidate is required to produce the register either in person or through his election agent or any other person duly authorized by him before the Expenditure Observer/ designated officer for inspection at least three times during the campaign period. The gap between two inspections should be at least three days. This schedule shall be given wide publicity through the press. For convenience, for each candidate the timing of inspection may be specified between 10 AM to 5 PM. Timings should be fixed in such a way that the work should be completed before 7 PM. The inspection should be done either in the office room of the RO or any other conference room/office chamber. The last inspection should be fixed not before 3 days from the day of poll (**Annexure-C15**). After every inspection during the election process, the day to day election account register of a candidate shall be scanned till the date of inspection and uploaded onto the DEO's portal with a link provided to the CEO's website besides displaying a photocopy on the notice board (**Annexure-C8**).

If a candidate or his agent does not produce his Election Expenditure Register for inspection on the day fixed for this purpose, a notice shall be issued to the candidate by the R.O in writing, informing him that if he fails again to produce the Register for inspection on the day specified in the notice, it shall be presumed that he has failed to maintain a day to day account of election expenditure as required under Section 77 of RP Act 1951. This notice shall be given the widest possible publicity and a copy shall be displayed on the notice board of the RO. If, in spite of the notice, the candidate fails to produce the register of election expenditure for inspection, a complaint under Section 171-I of IPC shall be filed in the competent court. Besides this, the permission given to the candidate for use of vehicles during election should be withdrawn, if the candidate does not produce the register after three days of service of the notice. The withdrawal of permission for use of vehicles shall be intimated to all the Surveillance Teams and Flying Squads and displayed on the notice board.

Publicity should also be given that members of the public can be present during inspection of expenditure registers/ accounts and that anybody can obtain a copy of the expenditure register of any

candidate, on payment of Re.1 per page, from the Returning Officer. The inspection of registers should be done, as far as possible, by the Expenditure Observers only. Where the inspection of register is carried out by a designated officer, other than the Expenditure Observer due to some unavoidable reasons, the Expenditure Observer shall be kept apprised of the outcome of each such inspection and the reasons for such inspection by any other officer.

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 the frequently noticed defects. Consequences 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.

2. ROLE OF DISTRICT ELECTION OFFICER (DEO):

The DEO shall hold a meeting of all the recognized National and State Level political parties within 3 days of announcement of elections by the Commission. In this meeting, the DEO shall explain all the legal provisions and instructions of the Commission relating to election expenditure and its monitoring and consequences of failure to comply with them. The DEO shall also give a copy of this Compendium of Instructions, revised format of affidavit for declaration of asset and liability and the rates of items of election expenditure to the representative of each recognized national and state level political party.

Under Rule 89 of the Conduct of Elections Rules, 1961, the District Election Officer has to report to the Commission whether the candidate has lodged his account of elections expenses, and whether in his opinion such account has been lodged within time and in the manner required by the Act and the Rules. The DEO shall finalize the candidate wise summary and scrutiny reports in the prescribed format **(Annexure-C13) 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 **(Annexure-C12)**. He shall follow the Order of the Commission's letter no. 76/Instructions/ EEPS /2015 /Vol II, dated 29th May, 2015 **(Annexure-C10)** and letter no. 76/ Instructions/2015 /EEPS /Vol. XIV, dated 2nd July, 2016 **(Annexure-C12)** regarding the procedure laid down for preparation of the Scrutiny Report & Summary Report in respect of accounts of election expenses of the candidate, before sending the Scrutiny Report to the CEO. 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 the Account Reconciliation Meeting first and subsequently shall be informed to the ECI with the recorded views of the District Expenditure Monitoring Committee (DEMC).

After receipt of the final accounts from the candidates, the same shall be scrutinised by the DEMC. 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. 10,000/- not incurred through cheque (**Annexure- E11 & E12**), (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, alongwith his/her comments.

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, alongwith his comments.

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.

The Expenditure Observer, during his third visit shall send to the Commission his 4th and final report (**Annexure-B5**) and simultaneously he has to give his comments in the prescribed *space* provided in the DEO's Scrutiny Report based on the facts mentioned in the 'Shadow Observation Register' and 'Folder of Evidence'. He has to ensure that the same has been incorporated in the DEO's Scrutiny Report (**Annexure-C13**). In case of any item of expenditure not considered in the DEO's report, he shall bring it to the notice of the DEO asking him to incorporate the same in his report to the Commission and make suitable comments on the DEO's report.

The abstract statement of accounts filed by the candidates, within 30 days of declaration of result shall be scanned and put up on the website within 3 days of receipt. This has to be strictly adhered to as the time limit for filing election petition is 45 days. The DEO shall ensure that scrutiny report of DEO is entered in **Encore** within **3 days** of the preparation of the scrutiny and summary report (**Annexure-C17**). The DEO shall finalise his scrutiny and summary reports by/before 37th day from the date of declaration of the result and forward the same to the CEO's Office preferably by the 38th day.

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, 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). **(Annexure-C18)**

It is the responsibility of the DEO that the entire expenditure monitoring mechanism runs effectively in the district. The DEO shall be assisted by various teams of the Expenditure Monitoring Cell. The DEO shall extend all help including logistics to the Expenditure Observer and the Assistant Expenditure Observer in performing their functions. Since use of money vitiates the electoral process and leads to violence and other electoral offences and malpractices, he should not neglect this area. In fact, effective control on election expenses will result in smooth conduct of elections. The DEO shall provide logistical support to all the expenditure monitoring teams.

The DEO in the meeting with political parties shall discuss the rates of various items of election related expenses and obtain their views before notification. The rates for urban and rural areas may be different. The prevalent rates shall be considered. Similarly, the DEO shall fix the refreshment expenses of the workers or the polling agents/counting agents appointed by the candidates during election process. The CEO shall also obtain hourly rates of helicopters/aircrafts used for the purpose of rallies by candidates/star campaigners/other dignitaries, which will be notified by the DEO.

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 **(Annexure-D7)**. Hence, these kinds of main apparels should not be included in the rate chart. **(Annexure-C14)**

The DEO shall notify the rates of items of election expenditure, the standard rate charts of newspapers, TV and other media. If the rates are not available, then DAVP/DIPR rates of advertisement in the local/national dailies/magazines (English/ Regional) shall be notified by DEO within 3 days of announcement

of election on which election expenditure will be assessed. In this regard Commission's instructions given in its letter No. 76/2004/JSII, dated 17.03.2004 (**Annexure- C7**) may also be followed for further reference.

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 also 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 (Commission's letter no. 76/Instructions/EEPS/2015/ Vol. XIX, dated 30th December, 2014, **Annexure- C9**).

He shall be responsible for the proper functioning of the complaint monitoring control room and call center in the district.

He shall provide the logistical support to the officers of the Investigation Directorate of Income Tax and other law enforcement agencies. He shall make arrangement for lodging and boarding, vehicles and security of all officers, engaged in expenditure monitoring cell.

He shall scrutinize the statement of accounts of election expenditure submitted by each candidate after the declaration of results with the help of the Expenditure Monitoring Cell and support of the Expenditure Observer will submit a report to the Commission through the CEO within 45 days of the declaration of the results in the prescribed format as per **Annexure-C13**.

The DEO shall submit a monthly report of the pending cases, where accounts are not submitted or are defective, to the CEO by the 2nd day of every month in the format given in **Annexure-C2** for monitoring of cases of the election expenditure. The CEO shall compile the reports sent by the DEOs, and send to the Commission, a consolidated report by the 5th day of every month.

The Expenditure of Political Party in General Party propaganda from the date of announcement of election till the date of declaration of result should be watched by the district authorities through the Flying Squad(s). Though the Expenditure on General Party propaganda should not be added in Candidate's expenditure, yet observations recorded with evidence should be reported in the prescribed proforma (**Annexure-C1**) to the CEO within 45 days of declaration of results of election. This may be done in consultation with the Expenditure Observer.

The DEO will deal on priority basis the 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, and decision will be communicated within 03 hours of receipt of application to the candidate or political party concerned. (**Annexure- C11**)

District Expenditure Monitoring Committee (DEMC) (Refer Annexure- C10)

- (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 be 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.

DEO's Scrutiny Report and Action thereon at ECI Level

After receiving reports from the DEOs through the CEO, the Commission shall examine each report and decide on what action needs to be taken in each case. This action can be any one of the following: -

- (a) If the Commission deems fit, it may accept the account submitted by the candidate as being within time and in the manner required by the Act and the Rules.
- (b) If the Commission considers that a candidate has failed to submit his account within time or in the manner required by the Act and the Rules, the Commission shall issue a notice to the

candidate to show cause as to why he should not be disqualified u/s 10 A of the R. P. Act, 1951.

The notice shall be served on the candidate by the DEO, and the evidence of having served the notice shall be forwarded by the DEO to the Commission. The Commission after considering the reply, if any, received from the candidate may pass appropriate orders in accordance with law.

3. ROLE OF CHIEF ELECTORAL OFFICER (CEO)

The CEO shall hold meeting with all political parties at state level within three days of announcement of election and explain the new Expenditure Monitoring Measures. He shall also handover a copy of the Compendium of Expenditure Monitoring Instructions both in English and local language.

The CEO shall hold a meeting with all media houses and journalists at state level and explain the provisions of section 127 A of the R. P. Act 1951 and the instructions of ECI on advertisements and “Paid News”. He shall also hand over the copy of Compendium of Election Expenditure Instructions to them.

The CEO shall examine the scrutiny and summary reports submitted by the DEO, and shall forward the same to the Commission within 45 days of declaration of result along with additional comments if he/she feels so. **(Annexure- C12)**

It has been observed that time frame prescribed in the Rule 89 of the Conduct of Elections Rules, 1961 is not being followed by the DEOs leading to undue delay in disposal of accounts cases. 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, the Commission has fixed a deadline of one year for disposal of all cases pertaining to account of election expenses **(Annexure-C19)**.

Election Expenditure Statement of the Candidate on the CEO’s Website and entry of DEO’s Scrutiny Report in Encore:

Scanned copy of the Abstract Statement (Part I to Part IV and schedule 1 to 10) of all the candidates along with copies of all notices issued by the RO, if any, and the replies thereto, during election period, must be put on the website of the CEO, positively within 3 days of lodging of account of election expenses by the candidate, for wider dissemination of information to the public. An instruction may be issued in this regard by the CEO to all DEOs, that the summary of account of election expenses (Abstract Statement) be put on the website of the CEO within 3 days of receipt of the account of election expenses of the candidate under single caption, namely, “**General Election to the Legislative Assembly, 201...(Name of the State)-Candidates’ Election Expenditure**”. Any delay in this regard should be strictly avoided. Preparatory activities like providing linkage to all the DEOs on CEO’s website may be completed well before the due date for poll in the constituency.

The Commission has developed a new data entry portal as **Encore**, for online filing of the DEO’s Scrutiny Report in respect of the contesting candidates. The online form contains the same columns as the physical

format of DEO's Scrutiny Report. The data entry portal can be accessed by visiting the link <https://encore.eci.gov.in>. It is to be ensured that data is entered online within 3 days of finalization of DEO's Scrutiny Report. (Annexure- C17)

Compilation of Seizure Reports

To ensure that all records regarding seizures made during the elections are maintained properly and correctly, the Chief Electoral Officers have to compile the details of seizure in the prescribed formats (Annexure-C3) after taking necessary inputs from the Nodal Officer of Police, DEOs and DG Income Tax (Inv.) etc., **and furnish the same to the Commission on the day of poll** . Simultaneously, the Nodal Officer of the Police, Nodal Officer of Income Tax Department and Nodal Officer of the Excise Department shall send their separate consolidated report of seizure made during election process on the day of poll in prescribed format (Annexure-C4, C5 & C6).

The date wise sub totals of seizure of each category for the district, the person from whom it has been seized and the authority to which it has been handed over (each seizure to be shown separately) will be maintained by the CEO office and only the consolidated total figures shall be sent to Election Commission of India in the proforma enclosed.

The CEO shall send monthly progress report of the seized amount/articles and status of FIRs registered during the election campaign to the Commission, by 7th day of the succeeding month.

After the statement of election expenditure is filed by the political parties, the CEO shall compare DEO's reports on party expenditure with the statement of election expenses of political parties, by down loading the statements from the ECI website. If there is any discrepancy in the statement, report may be sent to the Commission by the CEO.

Details of Campaign Expenditure of Political Parties for General Party

Propaganda as observed by the District Election Officers (to be submitted to the CEO)

(From date of announcement to completion of election.)

1	2	3	4	5	6	7	8.
Sl. No.	Name of the Political Party	Nature of Expenditure recorded during rally, procession, public meeting etc. (for example Media advert., cut-outs, banners, helicopters, aircrafts etc.)	Quantity	Rate	Total Expenditure	Evidence collected in exhibit no. / cassette no. etc. with date	Remarks

Date:

Signature

DEO/CEO

Monthly Report by DEO (Part-B)

Name of State/ UT –

Name of District -

Sl. No.	No. and Name of Constituency	Name of Candidate	Name of Political Party/ Independent	Status of Account Statement

Note – In the Status column it should be mentioned whether candidate has submitted his account. If submitted, then mention the date of submission. Whether scrutiny completed by DEO; whether any discrepancy found between candidate's account and Shadow Observation Register; whether report sent by the DEO to CEO; whether notice served on the candidate; whether account accepted by the Commission. If account not accepted by the Commission, whether case is pending or whether candidate has been disqualified. If disqualified, then mention the date of disqualification order.

Signature of DEO

Report on Seizure (up to 12 O'clock) Election Expenditure Monitoring on poll day by the CEO

(Report is to be sent to the Election Commission of India by 1 PM on poll day)

Sl. No.	Details	Remarks		
1.	Total No. of Expenditure Observers Deployed across the State/UT			
2.	Total No. of Flying Squads (FS) deployed across the State/UT			
3.	Total No. of Static surveillance Teams (SST) deployed across the State/UT			
4.	Total No. of Excise Teams Deployed across the State/UT			
5(a).	Total amount of cash seized during election process (In Rs)	FS	SST	SHO/Police Authority
5(b).	Total amount of cash released after verification by FS, SST and Police as per 5(a)			
5(c)	Total amount of cash handed over to the Income tax Department by the FS, SST and Police as per 5(a)			
5(d).	Balance amount of seizure covered by FIR lodged by the FS/ SST/Police and lying with election authorities/kept in treasury/kept as per direction of the competent court {5a-(5b+5c)} (In Rs.)			
6.	Total Liquor, (In Litres with approx. value in Rs.) , drugs (in Kg with approx. Value in Rs.) and others item seized across the State/UT during election process	Liquor (In Litres)	Total drugs/ Narcotics/ Psychotropic substances seized (In Kg)	Total of Other Items seized i.e. Campaign Material, Dhotis, Sarees, etc. during Election process
		Monetary Value approx (In Rs.)	Monetary Value approx (In Rs.)	Monetary Value approx (In Rs.)
7a.	By FS			
7b.	By SST			

7c.	By Excise Dept.				
7d.	By Police				
7e.	Others				
7f.	Total LitersKg	Rs.	
		Rs.	Rs		
8.	(a)Total No. of suspected cases of 'Paid News' reported across the State/UT, where notices have been issued				
	(b) Out of (a) above Total no. of Paid News cases decided by (i) Dist. MCMC (ii) State MCMC				
9..		By FS	By SST	By other Police	By RO
9a.	Total No. of expenditure related FIR/Police cases registered across the State/UT				
9b.	Arrests, if any, related to bribe/gratification etc.				
9c.	Total No. of FIR/Police cases registered for Excise law violation				

Signature of the CEO/ In charge of the nodal officer Election Expenditure Monitoring

Date

To

The Secretary (EXP), Election Commission of India, New Delhi -110001

Seizure made by Police Department upto 12 O`clock on poll day
(Report is to be sent to the Election Commission of India by 1 PM)

Sl. No.	Description	By Flying Squad (FS)	BY Static Surveillance Team (SST)	By others SHO/Police
1.	Total amount of cash seized during election process (In Rs.)			
2.	Out of 1 above total amount of cash released after verification by FS, SST and Police			
3.	Out of 1 above total amount covered by FIR/Complaint in court			
4.	Out of 1 above, total amount of cash handed over to the Income Tax Authority			
5.	Balance amount of seizure on which FIR has been lodged by the FS/ SST/ Police and are lying with election authorities/kept in treasury/kept as per direction of the court {1- (2+4)} ((In Rs.)			
6	Total Liquor, (In Litres with approx. value in Rs.), drugs (in Kg with approx. Value in Rs.) and others item seized across the State/UT	Liquor (In Litres)	Total drugs/ Narcotics/ Psychotropic substances seized (In Kg)	Total of Other Items seized i.e. Campaign Material, Dhotis, Sarees, etc. during Election process
		Monetary Value approx (In Rs.)	Monetary Value approx (In Rs.)	Monetary Value approx (In Rs.)
6a.	By FS			
		Rs.	Rs.	Rs.
6b	By SST			

6c	By Police			
6d	By Excise Deptt.			
6e	Total (6a + 6b + 6c + 6d)LitersKg	
		Rs.	Rs	Rs.
7.	Total No. of Expenditure related FIR/Police cases registered across the State/ UT			
8.	Total No. of Arrests, if any related to bribe/ gratification etc.			

Signature

Designation

Date:

To

1. Secretary (EXP)

Election Commission of India

New Delhi -110001

2. The Chief Electoral Officer

Name of State:-

Seizure of cash made by IT Dept. up to 12 O`clock on poll day
(Report is to be sent to the Election Commission of India by 1 PM on poll day)

S. No.	Particulars	Amount (In Rs.)
1	Total amount of cash handed over to the Income tax Department by the FS or SST or Police during election process	
2	Out of (1) above total amount of cash seized by Income Tax Deptt. during election process under the Income Tax Law	
3	Out of (1) above total amount of cash released by the Income Tax Authority which was handed over by the FS or SST or Police authority during election process	
4	Out of (1) above balance amount of cash taken into custody by the Income Tax Deptt., where action is pending for further investigation under the Income Tax Laws {1-(2+ 3)}(in Rs.)	
5	Amount of any seizure made on suo motu cases based on complaints received during election process	
6	Total (4 + 5) (in Rs.)	

Signature

Name & Designation

Date:

To

1. Secretary (EXP)

Election Commission of India

New Delhi -110001

2. The Chief Electoral Officer

Name of State:-

Seizure and raids etc. by the Excise Dept. upto 12 O`clock on poll day

(Report is to be sent to the Election Commission of India by 1 PM on poll day)

Consolidated report of seizure of all types Liquors in (Litres)	Values in Rs. (Approx.)	Total drugs/Narcotics/ Psychotropic substances seized	Values in Rs. (Approx.)	Total Raids during election process (No.'s)	Total No. of FIR/ Police cases registered for excise violations

Signature

Designation

Date

To

1. The Secretary (EXP)
Election Commission of India
New Delhi -110001

2. The Chief Electoral Officer

Name of State:-

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. 1951 vide its letter No.76/2003 J.S.II, 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.

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

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

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 be 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

***Please refer Annexure-C17**

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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.

Sd/-

(S. K. RUDOLA)

SECRETARY

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 Annexure-C13 for Annexure-21 as the Compendium has been revised.

*Please refer Annexure-E11 and E12

**Please refer Annexure-C17

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	
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>(i) Yes/No</i>
	(ii) Whether he or his agent has attended the meeting	<i>(ii) Yes/No</i>
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)	<i>Yes/No</i>
9.	Last date prescribed for lodging Account	
10.	Whether the candidate has lodged the account	<i>Yes/No</i>
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	<i>Yes/No</i>
12 A.	If not lodged in time, period of delay	<i>..... days</i>
13.	If account not lodged or not lodged in time, whether DEO called for explanation from the candidate. If not, reason thereof.	<i>Yes/No</i>
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. If No, then mention the following:				Yes/No	
	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	

	If DEO does not agree with the facts mentioned against Row No. 19 referred to above, give the following details:-	
21.	(i) Were the defects noticed by DEO brought to the notice of the candidate during campaign period or during the Account Reconciliation Meeting	<i>Yes/No</i>
	(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 ?	<i>Yes/No</i>
	(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:	<i>Yes/No</i> <i>Signature</i> <i>(Name of the DEO)</i>

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/authored 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	Lump sum Amount in cash / cheque given to the candidate (and mention names of donors)	Grand Total of other expenses in kind by the Political Party	Grand total of other expenses in kind incurred for the candidate

Signature of the DEO

Comments of the Expenditure Observer, if any, _____

Signature of the Expenditure Observer

Date: _____

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 April, 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

**Please refer Annexure-D7 for Annexure-D9 as the Compendium has been revised*

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/ECI/INST/FUNC/EEM/EEPS/2019/Vol. VI

Dated: 18th February, 2019

To

The Chief Electoral Officers of
all States and Union Territories.

Subject:-Fixation of dates for inspection of accounts of candidates 3 times during election period by Returning Officer -Reg.

Madam/Sir,

I am directed to state that there have been instances of fixation of different dates for inspection of accounts of candidates by Returning Officers and Expenditure Observers in the last elections. In this connection, I am directed to reiterate that in pursuance of the Commission's instructions laid down under the heading "Role of Returning Officer", sub heading "Inspection of Accounts", in part "C" of "Compendium of Instructions on Election Expenditure Monitoring (February, 2019)" (copy enclosed), the Returning Officer is required to prepare a schedule for inspection of Expenditure Register of each candidate in consultation with the Expenditure Observer. Three dates shall be fixed for inspection of Expenditure Register of candidates in such a way that the gap between two inspections should be at least three days and the last inspection should be fixed not before 3 days from the day of poll.

2. You are requested to bring it to the notice of all Returning Officers for necessary compliance and to fix the dates for inspection of Expenditure Registers of candidates in accordance with the aforesaid provisions of Commission's instructions.

Yours faithfully,

Sd/-

(RAJAN JAIN)

UNDER SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2019/SDR-Vol. I

Dated: 28th February 2019

To

The Chief Electoral Officers of
All States and UTs

Sub:- Amendments in Form-26 (Format of Affidavit to be filed by candidates)

Sir/Madam,

I am directed to invite reference to the Commission's letter no. 3/4/2017/SDR/Vol. II, dated 10.10.2018, on the subject cited and to state that Form 26 appended to the CE Rules, 1961 has been further amended vide Ministry of Law and Justice Notification no. S.O. 1023 (E) dated 26.02.2019 (copy enclosed). The consolidated Form-26 after incorporating the amendments is enclosed herewith. The candidates are now required to file the affidavit in this amended Form-26.

2. This letter may be circulated to all DEOs, ROs in the State/Union Territory for necessary action on their part. This shall also be circulated to all Political parties based in the State, i.e. the State Units of the recognized Parties and recognized State parties of other States and all registered un-recognized political parties with headquarters based in your State/Union Territory, with instructions to take note of the amendments in Form-26. Adequate publicity shall also be given in this regard so that all concerned are aware of the amendments in Form-26.

3. Please acknowledge receipt and confirm action taken.

Yours faithfully,

Sd/-

(N. T. Bhutia)

Secretary

Form 26
(See rule 4A)

Please affix your
recent passport
size photograph
here

AFFIDAVIT TO BE FILED BY THE CANDIDATE ALONGWITH NOMINATION PAPER BEFORE THE RETURNING OFFICER FOR ELECTION TO.....(NAME OF THE HOUSE) FROM.....CONSTITUENCY (NAME OF THE CONSTITUENCY)

PART A

I.....**son/daughter/wife of.....
Agedyears, resident of.....(mention full postal address), a candidate at the above election, do hereby solemnly affirm and state on oath as under:-

(1) I am a candidate set up by-----

(**name of the political party) / **am contesting as an Independent candidate.

(**strike out whichever is not applicable)

(2) My name is enrolled in.....(Name of the Constituency and the State), at Serial No.....in Part No.....

(3) My contact telephone number(s) is/are.....and my e-mail id (if any) is..... and my social media account(s) (if any) is/are

(i).....

(ii).....

(iii).....

(4) Details of Permanent Account Number (PAN) and status of filing of Income Tax return:

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed	Total income shown in Income-tax return (in Rupees) for the last five Financial Years (as on the 31 st March)
1.	Self			(i)
				(ii)
				(iii)
				(iv)
				(v)
2.	Spouse			(i)
				(ii)
				(iii)
				(iv)
				(v)
3.	HUF (If the Candidate is Karta or Coparcener)			(i)
				(ii)
				(iii)
				(iv)
				(v)
4.	Dependent-1			(i)
				(ii)
				(iii)
				(iv)
				(v)
5.	Dependent-2			(i)
				(ii)
				(iii)
				(iv)
				(v)
6.	Dependent-3			(i)
				(ii)
				(iii)
				(iv)
				(v)

Note: It is mandatory for PAN holder to mention PAN and in case of no PAN, it should be clearly stated “No PAN allotted”.

(5) Pending criminal cases-

(i) I declare that there is no pending criminal case against me.

(Tick this alternative, if there is no criminal case pending against the Candidate and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) The following criminal cases are pending against me:

(If there are pending criminal cases against the candidate, then tick this alternative and score off alternative (i) above, and give details of all pending cases in the Table below)

Table

(a)	FIR No. with name and address of Police Station concerned			
(b)	Case No. with Name of the Court			
(c)	Sections of concerned Acts/Codes involved (give no. of the Section, e.g. Section.....of IPC, etc.).			
(d)	Brief description of offence			
(e)	Whether charges have been framed (mention YES or NO)			
(f)	If answer against item (e) above is YES, then give the date on which charges were framed			
(g)	Whether any Appeal/Application for revision has been filed against the proceedings (Mention YES or NO)			

(6) Cases of conviction

(i) I declare that I have not been convicted for any criminal offence. (Tick this alternative, if the candidate has not been convicted and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) I have been convicted for the offences mentioned below:

(If the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table below)

Table

(a)	Case No.			
(b)	Name of the Court			
(c)	Sections of Acts/Codes involved (give no. of the Section, e.g. Section..... of IPC, etc.).			
(d)	Brief description of offence for which convicted			
(e)	Dates of orders of conviction			
(f)	Punishment imposed			
(g)	Whether any Appeal has been filed against conviction order (Mention YES or No)			
(h)	If answer to item (g) above is YES, give details and present status of appeal			

(6A) I have given full and up-to-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).

[candidates to whom this Item is not applicable should clearly write NOT APPLICABLE IN VIEW OF ENTRIES IN 5(i) and 6(i), above]

Note:

- 1. Details should be entered clearly and legibly in BOLD letters.**
- 2. Details to be given separately for each case under different columns against each item.**
- 3. Details should be given in reverse chronological order, i.e., the latest case to be mentioned first and backwards in the order of dates for the other cases.**
- 4. Additional sheet may be added if required.**
- 5. Candidate is responsible for supplying all information in compliance of the Hon'ble Supreme Court's judgment in W. P (C) No. 536 of 2011.**

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

A. Details of movable assets :

Note: 1. Assets in joint name indicating the extent of joint ownership will also have to be given.

Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of Bank/Institution and Branch are to be given.

Note: 3. Value of Bonds/Share Debentures as per the current market value in Stock Exchange in respect of listed companies and as per books in case of non-listed companies should be given.

Note: 4. “Dependent” means parents, son(s), daughter(s) of the candidate or spouse and any other person related to the candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood.

Note: 5. Details including amount is to be given separately in respect of each investment.

Note: 6. Details should include the interest in or ownership of offshore assets.

Explanation- For the purpose of this Form, the expression “offshore assets” includes, details of all deposits or investments in Foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries.

Sl. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand						
(ii)	Details of deposit in Bank accounts (FDRs, Term Deposits and all other types of deposits including saving accounts), Deposits with Financial Institutions, Non-Banking Financial Companies and Cooperative societies and the amount in each such deposit						
(iii)	Details of investment in Bonds, Debentures/ Shares and units in companies/Mutual Funds and others and the amount.						
(iv)	Details of investment in NSS, Postal Saving, Insurance Policies and investment in any Financial instruments in Post office or Insurance Company and the amount						
(v)	Personal loans/advance given to any person or entity including firm, company, Trust etc. and other receivables from debtors and the amount.						

(vi)	Motor Vehicles/Aircrafts/ Yachts/Ships (Details of Make, registration number. etc. year of purchase and amount)						
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)						
(viii)	Any other assets such as value of claims/interest						
(ix)	Gross Total value						

B. Details of Immovable assets:

Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated.

Note: 2. Each land or building or apartment should be mentioned separately in this format.

Note: 3. Details should include the interest in or ownership of offshore assets.

S. No	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	<u>Agricultural Land</u> Location(s) Survey number(s)						
	Area (total measurement in acres)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self - acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any Investment on the land by way of development, construction etc.						
	Approximate Current market value						
(ii)	<u>Non-Agricultural Land</u> Location(s) Survey number(s)						

	Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self - acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any Investment on the land by way of development, construction etc.						
	Approximate current market value						
(iii)	<u>Commercial Buildings</u> (including apartments) -Location(s) -Survey number(s)						
	Area (total measurement in sq. ft.)						
	Built-up Area (total measurement in sq.ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self - acquired property						
	Cost of property (in case of purchase) at the time of purchase						
	Any Investment on the property by way of development, construction etc.						
	Approximate current market value						
(iv)	<u>Residential Buildings</u> (including apartments): -Location (s) -Survey number(s)						

	Area (Total measurement in sq. ft)						
	Built up Area (Total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self – acquired property						
	Cost of property (in case of purchase) at the time of purchase						
	Any Investment on the land by way of development, construction etc.						
	Approximate current market value						
(v)	Others (such as interest in property)						
(vi)	Total of current market value of (i) to (v) above						

(8) I give herein below the details of liabilities/dues to public financial institutions and government:-

(Note: Please give separate details of name of bank, institution, entity or individual and amount before each item)

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Loan or dues to Bank/ Financial Institution(s) Name of Bank or Financial Institution, Amount outstanding, Nature of loan						
	Loan or dues to any other individuals/ entity other than mentioned above. Name(s), Amount outstanding, nature of loan						
	Any other liability						
	Grand total of liabilities						

(ii)	<p>Government Dues:</p> <p>Dues to Departments dealing with Government accommodation</p>	<p>(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election ?</p> <p>(B) If answer to (A) above is YES, the following declaration may be furnished namely:-</p> <p>(i) The address of the Government accommodation: </p> <p>(ii) There is no dues payable in respect of above Government accommodation, towards-</p> <p>(a) rent;</p> <p>(b) electricity charges;</p> <p>(c) water charges; and</p> <p>(d) telephone charges as on (date)</p> <p>[the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter].</p> <p>Note- "No Dues Certificate" from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above Government accommodation should be submitted.</p>					YES/NO (Pl. tick the appropriate alternative)
(iii)	Dues to Department dealing with Government transport (including aircrafts and helicopters)						
(iv)	Income Tax dues	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(v)	GST dues						
(vi)	Municipal/Property tax dues						
(vii)	Any other dues						
(viii)	Grand total of all Government dues						

(ix)	Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.						
------	--	--	--	--	--	--	--

(9) Details of profession or occupation:

- (a) Self.....
- (b) Spouse

(9A) Details of source(s) of income:

- (a) Self
- (b) Spouse
- (c) Source of income, if any, of dependents,.....

(9B) Contracts with appropriate Government and any public company or companies

- (a) details of contracts entered by the candidate.....
- (b) details of contracts entered into by spouse
- (c) details of contracts entered into by dependents
- (d) details of contracts entered into by Hindu Undivided Family or trust in which the candidate or spouse or dependents have interest
- (e) details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners
- (f) details of contracts, entered into by private companies in which candidate or spouse or dependents have share

(10) My educational qualification is as under:

.....

(Give details of highest School / University education mentioning the full form of the certificate/ diploma/ degree course, name of the School /College/ University and the year in which the course was completed.)

PART – B

(11). ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART - A:

1.	Name of the candidate	Sh./Smt./Kum.					
2.	Full postal address						
3.	Number and name of the constituency and State						
4.	Name of the political party which set up the candidate (otherwise write 'Independent')						
5.	Total number of pending criminal cases						
6.	Total Number of cases in which convicted						
7.		PAN of	Year for which last Income Tax Return filed			Total Income Shown	
	(a) Candidate						
	(b) Spouse						
	(c) HUF						
	(d) Dependent						
8.	Details of Assets and Liabilities (including offshore assets) in Rupees						
	Description	Self	Spouse	HUF	Dependent-I	Dependent-II	Dependent-III
A.	Moveable Assets (Total value)						
B.	Immovable Assets Asset						
	I	Purchase Price of self-acquired immovable property					
	II	Development / construction cost of immovable property after purchase (if applicable)					
	III	Approximate Current Market Price - (a) Self-acquired assets (Total Value) (b) Inherited assets (Total Value)					
9.	Liabilities						
	(i)	Government dues (Total)					

	(ii)	Loans from Bank, Financial Institutions and others (Total)						
		Liabilities that are under dispute						
10.	(i)	Government dues (Total)						
	(ii)	Loans from Bank, Financial Institutions and others (Total)						
11.	Highest educational qualification: (Give details of highest School /University education mentioning the full form of the certificate/ diploma/ degree course, name of the School /College/ University and the year in which the course was completed.)							

VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from. I further declare that:-

- (a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;
- (b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at.....this the.....day of.....

DEPONENT

- Note:** 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.
- Note:** 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.
- Note:** 3. All columns should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either “Nil” or “Not applicable” as the case may be, should be mentioned.
- Note:** 4. The affidavit should be either typed or written legibly and neatly.
- Note:** 5. **Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.**

(Ministry of Law & Justice Notification No. H11019(4)/2018-Leg.II, dated 10th October, 2018 and Notification No. H-11019/13/2016-Leg. II, dated 26th February, 2019)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/ECI/INST/FUNC/EEM/EEPS/2019/Vol. III

Dated: 19th June, 2019

To

The Chief Electoral Officers of

All States/UTs

Subject: General Election to LS and State Legislative Assemblies, 2019-Filing of DEO's Scrutiny Report in EEMS Software-Regarding.

Madam/Sir,

I am directed to refer to the Commission's letter of even no. dated 31st May, 2019 on the subject cited and to state that the Commission has developed a new data entry portal as a part Suvidha* Module, for online filing of the DEO's Scrutiny Report in respect of the contesting candidates. It is relevant to mention that the online form contains the same columns as the physical format of DEO's Scrutiny Report.

2. The data entry portal can be accessed by visiting the link <https://suvidha.eci.gov.in>** (Steps to be followed are enclosed). You are requested to kindly ensure that data is entered online within 3 days of finalization of DEO's Scrutiny Report.
3. In case of any clarification the URL <https://support.ecitech.in>*** may be visited, wherein you may register first and then raise the relevant query.
4. You are requested to ensure that this measure is brought to the notice of all concerned including ROs, DEOs and the EOs. The DEO's Scrutiny Report should also be sent in physical form as mentioned in para (b) of the letter of even no. dated 31st May, 2019.

Yours faithfully,

Sd/-

(Rajan Jain)

Under Secretary

* Now ENCORE

**now <https://encore.eci.gov.in>

***Now <https://support.ecitech.in/support/login>

Election Expenditure Monitoring Software-Guidelines for filing of DEO's Scrutiny Report

Election Expenditure Monitoring Software is a web portal system to help DEOs to submit candidate wise Scrutiny Report.

Steps for E-filing (DEO Login):

1. Open the link <https://encore.eci.gov.in>
2. Select "General Election to the House of People" or "General Election to the Legislative Assembly", depending on the election concerned.
3. DEOs will use the username, password and process which is used for Suvidha login.
4. There are two options (1) Fill DEO Scrutiny Report (2) Dashboard.
5. Click on "Fill DEO Scrutiny Report".
6. The list of candidates will be automatically populated from Suvidha data of the AC/PC and appear on the page.
7. Under the heading "Status" click on "Not Started" to open a form.
8. Fill in the form till part 5 and finalise.
9. Once it is finalised it gives the DEO the following option "Continue to add more DEO Scrutiny report for candidates" "Yes/No"
 - I. Pressing "Yes" will take the DEO back to the first page with the name of all candidates for entries.
 - II. Pressing "No" will take the DEO to the "Tracking Module"
10. Tracking Module to be filled.
11. Complete and finalise.
12. Finalising the Tracking Module will take the DEO back to the landing page with the list of candidates for further entry.
13. Finalising the Tracking Module report shows the Status as "Finalised".
14. Non finalisation of Tracking Module but filling up of Scrutiny Report will show the status as "Update Info".
15. The finalised form will be pushed to the CEO for further necessary action.

Steps to be taken by CEO:

1. Open the link <https://encore.eci.gov.in>
2. Select General Election to the House of People or General Election to the Legislative Assembly depending on the election concerned.
3. CEOs will use the username and password which is used for Suvidha login.
4. After logging in click on "Expenditure" Tab.
5. There are two options (1) Notification (2) Dashboard.
6. Click on "Notification" to see Scrutiny Reports which have been pushed by DEOs.
7. The list of candidates pushed by the DEOs will be visible AC/PC wise.
8. Under the heading "Status" click on "Update Info" to open the form.
9. Tracking Module to be filled.
10. Complete and finalise.
11. Finalising the Tracking Module will take the CEO back to the landing page with the list of candidates for further entry.
12. Finalising the Tracking Module report shows the Status as "Finalised".
13. The finalised form will be pushed to the ECI for further necessary action.

Please raise your technical difficulties at <https://support.ecitech.in/support/login>

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.

**Please refer Annexure-C13 for Annexure-C3 as the Compendium has been revised.*

Summary of DEO's Scrutiny Report from the State ofGeneral Elections toYear.....

Category-1-Candidates where no defects pointed out by the DEO in the DEO's Scrutiny Report						
S l . No.	District	No. & Name of AC	Name of Candidate	Returned or Non-returned	P a r t y Affiliation/ Independent	Remarks
1						
2						
3...						
			Total			
Category-2-Candidates who failed to lodge their accounts of election expenses						
S l . No.	District	No. & Name of AC	Name of Candidate	Returned or Non-returned	P a r t y Affiliation/ Independent	Remarks
1						
2						
3...						
			Total			
Category-3-Candidates who failed to lodge their accounts within prescribed time of 30 days of declaration of results						
S l . No.	District	No. & Name of AC	Name of Candidate	Returned or Non-returned	P a r t y Affiliation/ Independent	Remarks (mention (i) last date for submission of accounts, (ii) date of submission of accounts and the number of days delayed, (iii) reason for late submission, if obtained by the DEO)
1						
2						
3...						
			Total			
Category-4-Candidates who failed to lodge their accounts of election expenses in the manner required under law (cases other than Category 2 & 3)						

S l . No.	District	No. & Name of AC	Name of Candidate	Returned or Non- returned	P a r t y Affiliation/ Independent	Remarks (mention the deficiencies found and amount of understatement, if any)
1						
2						
3....						
			Total			

Category-5-Candidates who failed to lodge their accounts in time and manner (cases other than Category 2, 3 & 4)

S l . No.	District	No. & Name of AC	Name of Candidate	Returned or Non- returned	P a r t y Affiliation/ Independent	Remarks (mention (i) last date for submission of accounts, (ii) date of submission of accounts and the number of days delayed, (iii) reason for late submission, if obtained by the DEO, (iv) the deficiencies found and amount of understatement, if any)
1						
2						
3....						
			Total			

(Signature of the CEO)

Date:

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

**Please refer Annexure-C13 for Annexure-C3 as the Compendium has been revised*

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2020/SDR/Vol. III

Dated: 1st October, 2020

To

The Chief Electoral Officers

Of all States and UTs

Subject: Optional facility of online data entry of personal details by candidates in Nomination Form and Affidavit (in Form 26 appended to the CE Rules, 1961)-Guidelines-reg.

Madam/Sir,

I am directed to state that under sub-section (1) of section 33 of the R. P. Act, 1951, nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer has to be delivered to the Returning Officer at the place specified in the notice issued under Section 31 of the R. P. Act, 1951.

2. In order to move forward in the way of digital India and to minimize scope of mistakes in nomination form and the affidavit (Form 26), the Commission has decided to provide an optional facility to candidates for online data entry of personal details in nomination form. This facility will be available for the candidates through the Election Commission's Suvidha portal <https://suvidha.eci.gov.in>. The candidate will have to do the registration and login with the mobile number and OTP. The guidelines for availing this facility are enclosed herewith (Annexure-A).

3. At present, the facility is available in two languages, namely, English and Hindi.

4. For any technical support an email may be sent at support@ecitech.in and technical person available at phone No. 011-23052052 can be contacted.

5. This guidelines on may be brought to the notice of all DEOs/Returning Officers of your State and all the concerned election authorities for information and necessary action.

6. Kindly acknowledge receipts.

Yours faithfully,

Sd/-

(N. T. Bhutia)

Secretary

Guidelines for optional facility for candidates for online data entry of personal details in Nomination Form

A facility has been provided for the Candidates to make online data entry of their personal details in the nomination form and the affidavit (Form 26) through ECI suvidha portal i.e. suvidha.eci.gov.in. Validation checks at each step of the process will help the candidates to fill the form in proper format and without errors. The facility for online payment of security deposit by the candidate is also available through the same suvidha portal.

1. Online data entry in Nomination Form

1.1 The facility of Online data entry in nominations form will be available for the Candidates through ECI Suvidha Portal <https://suvidha.eci.gov.in>

Step 1-registration- The Candidate will have to do the registration and login with the mobile number and OTP.

After a successful login, the candidate needs to enter the EPIC number and the relevant details will be auto-fetched from the electoral roll.

Step 2-Data entry of personal details in the form and affidavit-Candidate then needs to make data entry of his personal details in the nomination form and affidavit online. In case of error or mistake entries, filled in the form, can be edited/corrected, till the finalization by the candidate.

Step 3- Selection of preferable dates- After complete details verification, candidate has to finalize the form and proceed further for selection of 3 preferable dates from the candidate given, by ticking at the same, for physical submission of the form before the Returning Officer.

Step 4- Security deposit-Further, the candidate can submit the security deposit online by choosing the available options from net banking. Optionally, the candidate can choose to enter the details of challan or indicate the option to deposit it by cash.

Step 5- Physical submission of print out of the form filled online-It is to be noted that the form in which the online data entry was made by candidate, will only be treated duly submitted if a printout with QR Code is taken from the system, signed in ink, notarized and delivered by hand, either by the candidate himself or by his proposer between the hours of 11 O'clock in the forenoon and 3 O'clock in the afternoon to the Returning Officer, on the appointed date and place specified by him. The online Nomination Facility will be closed one day prior to the last date of nomination.

Function of Returning Officer

1. Provision of IT infrastructure and manpower-

(i) Returning officers should set up a workstation for physical verification of online data entry

of personal details made by candidate in nomination from the date of notification till the last day of nomination.

- (ii) Returning Officer should ensure the availability of one or more computers alongwith printer, scanner, webcam, stationary and other essential as per requirement at the workstation. The computer/laptop should be with webcam and minimum i3 processor, 2 GB RAM, and at least 50 GB of free space available. If the webcam is inbuilt in the laptop/desktop then it should be at least 2 megapixels while in case of a separate webcam, the same should be of at least 5 megapixel.
- (iii) Operating system and Browser should be updated with updated antivirus Java Script support.
- (iv) The system and hardware shall be checked by Returning Officer, well in advance, by scanning a sample QR code and also the quality of scanning and printing.
- (v) Returning Officer should identify the staff and arrange training of them, well in time, scanning of QR Code, verification of physical and electronic copy filled up by the candidate, generating and taking print out of the receipt from the system.

2. Processing and verifying Nomination Forms in which data entry made by candidate online-

- (i) The Returning Officer will login and complete the process of nomination form, in which online data entry was made and received through the ENCORE portal <https://encore.eci.gov.in>.
- (ii) The Returning Officer can view all the Preferences indicated by candidates for dates for delivering print out of nomination form in which online data entry was made and give appointments accordingly.
- (iii) As per the common directions, the nomination forms, which have been filled using the suvidha portal are required to be downloaded, printed and completed in all respects and then hard copy delivered physically by the candidate or his proposer, to the Returning Officer. Before verifying each such nomination form, the Returning Officer shall check the QR Code at the top of the first page. The scanning of QR Code shall be done at the first instance by the Returning Officer, which will mark the time of receipt of the application. (If in any case, the QR Code is not readable through the webcam, the Returning Officer has the option to enter the system generated nomination id printed on the form and proceed for verification.)
- (iv) After scanning, the details of the physically handed over form shall be checked and verified from the online submitted form.
- (v) In case of a difference between a form in which online data entry made and physically submitted form, the nomination form should be treated as submitted offline form and

procedure for processing of physically submitted form be followed. In such a case, the online nomination form should be discarded.

- (vi) Returning Officer shall verify the details of online payment of security deposit. In case the amount has not been credited to the treasury / bank account of the designated institution / bank, the same will be recorded in the nomination form and this be informed to the candidate. In such case, the manual method of security deposit, as prescribed by the Election Commission of India, shall be followed.
- (vii) After the verification of nomination form as per the above procedure, the Returning Officer shall fill Part (IV) in the system and proceed for receipt generation.
- (viii) Returning Officer should verify the details in the receipt generated and signed copy be handed over to the candidate as per the rules.
- (ix) Returning Officer shall prepare the checklist as provided in the Commission's instructions and the same will be handed over to the candidate against a proper receipt.

D.

MONITORING OF EXPENDITURE
ON ELECTION CAMPAIGN

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Though it is mandatory for each contesting candidate to maintain his/her account of election expenses in a true and correct manner, yet it is observed that some of the candidates inadvertently or deliberately fail to maintain the account correctly and in the proper manner. All the candidates are required to get their accounts inspected thrice during the campaign period, the dates of which are notified by the RO. The inspection also provides an opportunity to the candidate to see whether he/she has accounted his/her expenditure correctly and in a proper manner and enables him/her to rectify the defects observed during the inspection. For cross checking the expenditure incurred by the candidates, Accounting Team maintains Shadow Observation Registers and Folder of Evidence for each candidate so that expenditure incurred by the candidates on major rallies/ meetings etc., is properly recorded and shown to the candidates during inspections.

1. Shadow Observation Register (SOR) :

A Shadow Observation Register for each candidate shall be maintained by Accounting Team in the format as enclosed at **Annexure- B13**. This Register will be maintained in hard copy and/or in excel sheet, with print outs (kept serially, page numbered) and the observed expenditure as captured by various teams/reports of the expenditure monitoring machinery. The purpose of this register is to cross check items of the major expenses incurred and reported by the candidate.

The accounting teams shall get information on daily basis from the Video Surveillance Teams, Video Viewing Teams, MCMC, SSTs and FSSs, and complaint monitoring Control Room. The Accounting Team shall work under the overall guidance and supervision of the Expenditure Observer and Assistant Expenditure Observer.

The Assistant Expenditure Observer shall make daily inspection of the Shadow Observation Register for each candidate and ensure that all expenditure reported by different teams of Expenditure Monitoring are entered in this Register. In case of any discrepancy or laxity, the same should be immediately reported to the Expenditure Observer.

The Shadow Observation Register can be shown to the candidate or his representative and any member of the public only up to the period for which inspection of the register of election expenditure maintained by the candidate has been done and not before inspection of accounts of the said date. If the expenditure reported in the register of election expenditure maintained by the candidate is less than the amount mentioned in the Shadow Observation Register, it shall be brought to the notice of the candidate or his representative at the time of inspection, in writing in his register itself under the signature of the Expenditure Observer and also making such noting in Shadow Observation Register and obtaining the signature of the candidate/his representative. The candidate or his agent shall be served a notice in writing on the same day by the RO for such discrepancy. A copy of the notice shall be put on the notice board of the RO for information of the public. Any member of the public shall be entitled to obtain a copy of the notice on payment of a fee of Re. 1/- per page. A copy of the notice and the reply received from the candidate or his election agent shall be kept in Folder of Evidence and mentioned in Shadow Observation Register. Replies received shall be put on the notice board of the RO and copies of these shall also be made available to the public on payment of Re. 1/- per page. The copies of notices so issued and replies received, if any, shall be marked to the DEMC with Expenditure Observer, DEO and Dy. DEO for forming opinion about the truthfulness of the account of expenditure submitted by the candidate after the declaration of results. The latest instructions of the commission should be followed.

2. Folder of Evidence:

The Folder of Evidence shall be maintained by the Accounting Team along with each Shadow Observation Register. All pieces of evidence collected against any expenditure entered in the Shadow Observation Register shall be kept in this folder and cross referenced with it. All pages are to be numbered and signed by the Assistant Expenditure Observer. This folder shall include video or audio CDs, copies of

posters, pamphlets etc., newspaper advertisements and “Paid News” cuttings, copies of bills and vouchers, copies of reports made by various officers with respect to expenditure, copies of documents submitted by the candidate, copies of the complaints relating to expenditure and inquiry reports on these complaints, the notices issued to candidate by the RO relating to expenditure monitoring and the replies received, FIRs filed relating to the expenditure of the candidate etc..

If it is found that a candidate incurred or authorized expenditure on prohibited items, action should be taken against the candidate under relevant provisions of the law. For example, if it is found that a candidate has distributed money or any item in kind, to influence voters, a complaint should be lodged against him on the same day before the Police/ in the competent Court under the provisions relating to bribery in IPC. In addition, the details of this expenditure should also be entered in the Shadow Observation Register along with the evidence and the details of FIRs filed and shall be acted as per Commission’s instruction no. 76/Instructions/2013/EEPS/Vol.V, dated 18th April, 2013 (**Annexure-G3**). A report is to be sent to the Commission within 24 hours by the Expenditure Observer about such incidents.

3. Monitoring of Campaign through Electronic/ Print Media including Cable Network:

The MCMC shall closely watch the campaign through electronic/print media including cable network, radio etc. and pre-certification is done in case of advertisement in electronic media. A meeting shall be taken by the DEO with the political parties and also with the representatives of news papers and in case of print media clarify to them that all the advertisements issued/published by them would have to be properly owned as per section 127 A of R. P. Act, 1951 and any practice of surrogate advertising shall be dealt with sternly. The DEO shall take particular care to alert political parties, candidates and media that ‘news reports’ based on ‘payments’, generally described as “Paid News” shall be accounted for through MCMC and they must refrain from such practice. The DEO shall also explain the new Expenditure Monitoring Mechanism and related legal provisions. He shall request the political parties to exercise self-restraint and through political parties, advise all their candidates to exercise similar restraint on expenditure. At the state level, the Chief Electoral Officer shall carry out the same exercise.

If the advertisement for general party propaganda with photo or appeal of the leader (Star Campaigner) within the meaning of section 77 of the R. P. Act, 1951, is made in print and electronic media, without any reference to any candidate, then expenditure on such general party 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 having any reference to his constituency. (Commission’s letter NO.76/Instructions/2012/EEPS dated 20th January, 2012, at **Annexure- D10**)

4. Monitoring of use of Social Media in election campaigning:

The Commission has issued detailed guidelines on Social Media on 25th October, 2013 (Letter No. 491/SM/2013/Communication) which mentions about furnishing details of social media accounts by the candidates in the affidavit filed during nomination. The Commission has also brought the political advertisements to be issued on social media sites under the purview of pre certification. The Commission has further instructed that candidates and political parties shall include all expenditure on campaigning, including expenditure on advertisements on social media, both for maintaining a correct account of expenditure and for submitting the statement of expenditure. (**Annexure-D14**)

Google, Facebook and Twitter are facilitating transparency in paid political advertisement by displaying “Ad Transparency Reports” on their platforms showing the payments made by different political parties for their political campaigns on these platforms, at the following links:-

(i) <https://transparencyreport.google.com>

(ii) <https://www.facebook.com/ads/library/report/?Source=archive-landing-page&country=IN>

(iii) <https://ads.twitter.com/transparency> (**Annexure-D21**)

5. Monitoring of Public Meetings, Rallies etc.

Any candidate or his representative, who applies for permission for a public meeting or a rally shall also submit an expenditure plan in the format given in **Annexure-D1** along with the application for permission.

A copy of this expenditure plan shall be given by the DEO along with copy of permission letter to the officer sent on duty for maintenance of law and order to that public meeting or rally and also to the Assistant Expenditure Observer for making necessary arrangements for videography of the events.

The accounting team will calculate separately, the expenditure incurred in each of the public meetings or rallies on the basis of notified rates and keep the folder of evidence which are collected by way of photographs, video recording and statements etc.

All expenses relating to a rally or procession organized while filing nomination shall be included in the accounts of the candidate.

Commission has issued instruction No. 76/Instruction/2011/EEM. dated 07.04.2011 (**Annexure-D7**) that when members of public voluntarily 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 commercial vehicles bearing commercial registration numbers are used for rallies or public meetings of any candidate(s) the expenditure on such vehicles shall be included in the account of the candidate(s).

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).

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), the amount 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.

ECI instruction No. 464/INST/2011/EPS dated 28-03-2011 (**Annexure-D6**) has 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 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.

Permission for public rally shall not be given, if the candidate does not produce his accounts for inspection, without valid reasons. A show cause notice shall be issued and served for not producing accounts, before the permission for public rally is rejected. However, if the candidate produces the accounts for inspection, then permission for public rally shall be granted forthwith. This will act as deterrence against dummy candidates, who are not serious in contesting elections.

6. Monitoring of Helicopter expenditure and other travel expenditure

- (i) **Expenditure on travel expenses of Star Campaigners:** As per section 77 of the R. P. Act 1951, the expenditure incurred by the leaders of a political party on account of travel by air or by any other means shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate. Explanation (2) of the section defines political leaders to include 40 persons of a recognized political party and 20 persons of a party other than the recognized political party, i.e., registered unrecognized parties, whose names have been communicated to the Chief Electoral Officer and Election Commission of India within a period of 7 days from the date of notification. Such political leaders, as communicated to the CEO and the ECI, are known as Star Campaigners. The Chief Electoral Officer after receiving the information during the prescribed period regarding list of star campaigners from Recognized Political Party/ Other than Recognized Political Party shall make it available to all Retuning Officers/DEOs/ Expenditure Observers and place it on their website.

In the event of a public rally or meeting by the star campaigner, if the candidate or his election agent shares the dais with the star campaigner/ other dignitary, then the entire expenditure on that rally other than the travel expenses of the star campaigner should be added to the candidate's expenses. If the candidate is not present on the dais but the banners/posters with name of the candidate or the photographs of the candidate are displayed at the site of public rally or the name of the candidate is mentioned by the dignitary/Star Campaigner, then also the entire expenditure on the public rally, other than the travel expenses of the star campaigner, will be added to the candidate's account of election expenses. If there is more than one candidate, sharing the dais or displaying banners or posters with their names in rally/meeting, then the expenses on such rally/meeting should equally be divided among all such candidates. The RO should pass on the information about the other candidates present in the rally to the respective ROs, for making necessary entries of expenditure in the Shadow Observation Register of such candidates.

- (ii) **Helicopter or Aircraft Expenses:** One of the major items of election expenses is by way of hiring helicopters and aircrafts. As per the Commission's instructions, if the name of the star campaigner of the political party has been intimated to the Commission and CEO within 7 days of notification of election, then the travel expense of the Star campaigner will not be added to the expenditure of the candidate. If the candidate(s) is/are sharing the transport facility with the star campaigner, then 50% of the expenditure and if more than one candidate(s) is sharing the facilities then 50% of the travel the expenditure is to be apportioned among those candidates. **(Commission's letter no. 76/Instructions/2012/EEPS Vol. I, dated 22nd January, 2014 at Annexure-D15).**

In the aviation sector, parking charges of aircraft (day/night) are levied on aircraft/helicopter operators as per rates determined by Airports Authority of India or by private airport operators at respective airports. 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 airports, the parking charges should be as per actual amount paid by the operator or candidate. Therefore, the parking charges at commercial airports should be obtained from the Airports 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 **(Annexure – D18).**

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). 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. **(Annexure-D22)**

- (iii) 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 such person(s) sharing the transport with the leader (star campaigner) does not play any role in election campaign for the 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 then 50% of the travel expenditure of the leader shall be apportioned to such candidate(s).
- (iv) 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.
- (v) If the leader (star campaigner) is participating in any rally, organised outside his constituency, he is entitled to the exemption provided for under Explanation 1 of Section 77(1) of the R. P. Act, 1951. However, if the leader (star campaigner) is also contesting elections 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 meetings or rallies organised by him in his constituency including the travel expenses are to be added to his account of election expenditure.
- (vi) If a 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). **(Commission’s letter no. 76/Instructions/2012/EEPS/ Vol. I, dated 22nd January, 2014, Annexure – D15).**
- (vii) If a star campaigner of another political party /a party in alliance with the party of the candidate attends the rally and takes the name of the candidate or shares dais with the candidate then the travel expense of that campaigner of allied party up to the constituency is not exempt and should be added to the candidate’s expenses. In this regard Commission’s instructions contained in its letter no.437/6/1/2008-CC & BE, dated 24-10-2008, relating to use of helicopters is enclosed at **Annexure – D5.**
- (viii) 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 have actually campaigned for the candidate, and
- (b) the Star 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.

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 complimentary. 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. A notice may be issued in all such cases and it should be processed accordingly. (Commissions letter No.464/AP- HP & AP-LA/BE/2011/EEM dated 3rd June 2011, at **Annexure – D8**).

- (ix) 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 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. In case of the visiting political functionaries, who are ‘star campaigners’, the expenditure, 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. 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 (**Annexure – D16**).
- (x) 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. 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. 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, (**Annexure – D17**).

7. Monitoring of printing of pamphlets, posters etc.

The District Election Officers shall, within three days of the announcement of elections by the Commission, write to all the printing presses in their districts, pointing out the requirements of Section 127-A of R. P. Act 1951, and informing them that any violation would invite stern action including the revocation of the license of the printing press under the relevant laws of the State. They should be specially instructed to indicate clearly in the print line the names and the addresses of printer and publisher of any election pamphlets, posters, and such other material printed by them. Copy of the printed material and the declaration of the publisher as required under section 127A(2) of R. P. Act 1951 is to be sent by the printer to the DEO and if it is printed in State Capital, then to the CEO within 3 days of such printing. Detailed

instructions on the subject are contained in the Commission's letter no. 3/9/(ES008)/94-JS-II dated 2nd September 1994 (**Annexure – D2**).

If the posters, banners, flags, stickers, etc., with photo or appeal of the leaders (Star Campaigner within the meaning of section 77 of the R. P. Act, 1951) 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. (Commission's letter NO.76/Instructions/2012/EEPS dated 20th January, 2012, at **Annexure – D10**)

As soon as the DEO receives any election pamphlets or posters, etc., from a printing press, he shall examine whether the publisher and the printer have complied with the requirements of law and directions of the Commission. He shall also cause one copy to be exhibited on his notice board so that all political parties, candidates and other interested persons may be able to check whether the requirements of law have been complied with.

In all such cases where there is violation of the provisions of Section 127-A of R P Act 1951, a complaint should be filed by the DEO against the offenders in the competent court. These cases should be given wide publicity and pursued vigorously in the courts concerned. Copies of the printed materials along with the statements showing cost of printing should be given to the accounting teams for inclusion in the Shadow Observation Register.

8. Monitoring of use of vehicles during electioneering:

Each candidate shall submit before the RO, details of all vehicles proposed to be used by him for his election campaign. The RO will issue permits on the same day. The vehicle permit obtained from the concerned RO is to be displayed on the front screen of the vehicle. Two-wheelers (Motorbikes, Scooters, Mopeds), Cycle Rickshaw, etc. are also vehicles for the purposes of these instructions and the permit in such cases is to be shown on demand. These details should be given to the accounting teams for inclusion in the Shadow Observation Register.

If a vehicle is found being used for campaigning without written permission of the RO, it shall be considered unauthorized campaigning for the candidate and will attract penal provisions of Section 171H of the Indian Penal Code. It shall therefore be immediately taken out of the campaigning exercise. In addition, the expenditure on this vehicle will also be added in the Shadow OR The permission given for the use of vehicle during election is to be withdrawn by the RO immediately, if the candidate has not submitted his account for inspection, in spite of notice by the RO, and the permission shall not be granted till the accounts are submitted for inspection by the candidates. Commission's instructions given in its letters no. 576/3/2005/JSII, dated 29-12-2005 at **Annexure–D4** may also be followed for further guidance.

If the vehicle for which permission is given to a particular candidate is being used for campaign purpose by or for another candidate, then the permission has to be withdrawn and the vehicle is to be seized by the Flying Squad. A report should also be given by Flying Squad to the Assistant Expenditure Observer to include the expenditure in the account of the candidate who was actually using this vehicle.

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 vehicles

permissions and withdrawal requests shall be given to the Accounting Team by the RO to account for the expenditure of such candidates. (Commission's letter no. 76/Instructions/EEPS/2015/Vol. II, dated 29th May, 2015 at Annexure – D19)

9. Monitoring of expenses on constructions of barricades and rostrums etc.

If expenses on construction of barricades/ rostrums etc. are issued by government agencies on account of security considerations, these should be booked as expenditure of the candidate in whose constituency the meeting takes place. If a group of candidates are present on the dais at the time when the leader of a political party addresses such a meeting, the expenditure will be apportioned equally amongst them. The District Election Officer shall obtain the details of expenditure from the concerned government agencies within three days of the event and intimate to the candidates, their respective share of expenditure and mark a copy to the Accounting Team for entering in the Shadow Observation Register. In case any private agency is engaged in construction of rostrum or barricade, the RO shall call for the information of expenditure from such agency within three days. If any travel agency is engaged to provide transport facilities, the RO shall call for the expense details from such agencies within 3 days. This information will also be intimated to the RO and the DEO of the constituency/ district if any such candidate belongs to another district. Commission's instructions contained in its letter no. 76/2004/JS-II, dated 10-04-2004 shall also be followed regarding expenditure incurred on barricades and rostrums etc. (Annexure – D3).

10. Monitoring of Video Van

- (i) If a Video Van is used by the political party during the election process for general party propaganda without mentioning the name of any candidate or without a photo of candidate except star campaigner of any constituency, then it shall be booked to the 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. (Commission's letter no. 76/Instructions/2012/EEPS/Vol. I dated 9th February, 2012, at Annexure – D11)
- (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).

11. Other Monitoring Mechanism:

- (i) **Monitoring of Accounts of Self Help Groups, NGOs etc.:** There have been complaints pertaining to Self Help Groups, NGOs etc. being made conduits by the political parties/ candidates for distribution of money/ materials and being utilized for election campaigns. In as much as the revolving fund/ economic assistance is channelised through the DRDAs, it should be easily possible to monitor the SHGs closely so as to ensure that they are not utilized for distribution of money/ materials which is a corrupt practice and an electoral offence with reference to the provisions of the R. P. Act, 1951 and the IPC. The DEOs shall call for a report on alternate days regarding SHG /NGO activities in their district during the election process.
- (ii) **Checking Distribution of gift articles/ serving of food in Marriage/ Community Halls:** There are frequent complaints of Marriage Halls/ Community Halls or other big halls being utilized in the past for distribution of gift articles (like dhotis/ sarees)/ serving of food etc. The use of Marriage Halls/ Community Halls and similar places during election period should be kept under watch by the district electoral machinery with reference to the purpose of booking for which some evidence (like marriage invitation) must be obtained so that there is no camouflage of expenses for election purposes. The DEOs shall collect daily reports of such bookings and see that no fake party is being organized for influencing the voters. Report of any suspicious

booking/event should be handed over to the Assistant/Dy. Director of Income Tax, in charge of the district, who will examine the expenses from Income tax angle. Large scale feeding under the cloak of “*Annadanam*” outside places of worship will give room for suspicion that serving of food is being resorted to influence the voters on the eve of the election, which is a corrupt practice and an electoral offence with reference to Section 123 of the Representation of the People Act, 1951 and the provisions in Chapter IX-A of I P C . The CEOs/DEOs should ensure that in case of any suspicion about feeding on a large scale, necessary steps should be taken to prevent it.

A doubt has been raised with regard to participation of candidates in the community kitchens (langar, bhoj, etc.) organised by religious 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. As per the Commission’s instruction No. 76/ Instruction/2011/EEM dated 05.12.2011 (**Annexure–D9**) expenditure on the community functions shall be treated as the election expenses of a candidate and added to account of the candidate, if any contesting candidate(s) attends the community kitchen (in whatever name has been called) either organised by him or by any other person **to entertain the electors**. However, this 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 there in the normal course as a normal visitor. It shall further be 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. The restrictions on the community kitchens, etc., as mentioned above, shall be over after the completion of poll/ re-poll in the constituency, (Commission’s Instruction letter No. 76/Instruction/2011/EEM, dated 5th December, 2011 **Annexure – D9**).

It has been brought to the notice of the Commission that during the General Elections to the Legislative Assemblies of Kerala, Puducherry, Tamil Nadu and West Bengal and several bye-elections in 2016 held in some of the states, some candidates travelled from India to foreign countries for the purposes of canvassing, 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 overseas 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 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 R. P. 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.

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. (Annexure – D20)

12. Checking Distribution of tokens to be exchanged for gifts or cash or distribution of money through various means:

Another form of corrupt practice in respect of which there have been complaints in the past, relates to distribution of tokens by parties/candidates to the voters. It is also reported that token distribution is done at the time of Aarti offering or in meetings/functions and pawn brokers are used as channels for bribing the voters. In order to ensure that there is no scope for misuse, token distribution through any method including in meetings/ functions held for election campaigning or social gatherings should be checked by collecting proper evidence and lodging police complaints. The DEO should arrange meeting with citizen forums, volunteers, Nehru Yuva Kendras and other NGOs to get appropriate information in real time about such activities. The DEO shall also collect the list of pawn brokers and keep them under close watch including involving the Assistant Director / Deputy Director Income tax in charge of the district for necessary action under Income Tax Act.

13. Checking distribution of cash by candidates/political parties along with disbursement of wages under any government scheme:

Representations were received in the Election Commission alleging that money was being given on the eve of the elections by political parties/candidates to workers over and above the wages due under the govt. schemes like Rural Employment Scheme, and various other schemes of the government to influence the voters. It is to be noted that while poor people are not to be put to hardship due to the Model Code of Conduct, the disbursement of any cash by political parties / candidates in addition to wages to which the workers are entitled under the Scheme, is not permissible. This is a corrupt practice and an electoral offence. The District Election Officers should monitor the disbursement of wages and other benefits under government schemes so as to ensure that there is no payment of cash or gifting of articles by any candidate/ political party along with the wages under the scheme. It is also noticed that the cash benefits (both arrears and advance amount) under the government schemes are disbursed on the eve of elections, to bring influence on the electors. It will be the responsibility of DEOs to ensure that no such arrear or advance is disbursed within 72 hours of the day of poll.

14. Monitoring of Production, Storage and Distribution of liquor during elections:

In order to curb the liquor menace, the following actions shall be initiated from the date of the notification of elections till the date of poll:-

- (i) The production, off take, stock limits of licensed Stockists, daily receipt and off take of retail sellers of IMFL/Beer/Country Liquor and opening and closing time of liquor vending shops should be closely monitored with reference to the production figures in the previous year.
- (ii) Intense vigil over inter-state movement of vehicles at RTO Check Posts and border check posts by Excise staff should be kept by special enforcement staff under the State Excise Department who are to be deputed round the clock from the date of notification till the completion of Poll/ Re-poll. All distilleries and warehouses in the state shall be put under 24X 7 CCTV monitoring with police guard, to ensure that no liquor is released without proper license. Stern action should be taken against any illicit storage or transportation of illicit liquor in the state. Inter state co-ordination among Excise Commissioners with bordering States should be done for monitoring of inter-state movement of IMFL, Beer and Country Liquor.
- (iii) District Level Nodal Officers and State Level Nodal Officer of Excise Department should be

identified to monitor the above aspects and conduct raids to seize illicit liquor.

- (iv) The District Level Nodal Officer will submit report on alternate days as per the proforma given in **Annexure-B12** of this Compendium for IMFL, Beer and Country Liquor in separate forms to State Level Nodal Officer with copy to the DEO and Expenditure Observers. State Level Nodal Officer of Excise Department will, in turn, submit the alternate day Report on excise activity of the entire state to the CEO in the same proforma with copy to the Commission.
- (v) The Commission's Instruction No. 76/Instructions/EEPS/2013/Vol.VIII, dated 14th November, 2013 addressed to DEOs, SPs and all Observers for prevention of storage and illegal distribution of liquor during elections and furnishing the daily report by the DEOs on it, may also be brought to the notice of all concerned (**Annexure-D13**). The DEO and District Excise Officer are required to submit a daily report in the prescribed format to the CEO and Nodal Officer, Excise Department

15. Monitoring of cash withdrawal from Banks:

The DEO shall ask all the banks to submit daily reports on suspicious withdrawal of cash from the bank account of any individual person during election process. The Commission vide its letter No. 61/Complaints/AP-LS/2012/EEPS dated 19th July, 2012 (**Annexure-D12**) has directed the DEOs to call for the following suspicious transactions from the bank:

- (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 dependents, 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.

The DEO shall ensure that the reports are received regularly from banks and the same are handed over to Expenditure Observer for analysis. Investigation, if any, may be conducted through the FS or through the Investigation Directorate of income Tax to see that the money is not used in election process.

In case any suspicious withdrawal of a large amount of cash is noticed, necessary action may be taken and the information about large amount exceeding Rs.10 lakh shall be passed on by the DEO to the Nodal Officer Income Tax Dept. {at O/o The DGIT(Inv.)} or Assistant/Dy. Director of Income Tax in charge of the district for necessary action under Income Tax laws.

16. Monitoring of Political Party Expenditure:

The Expenditure of a political party in general party propaganda from the date of announcement of election till the date of declaration of results should be watched by the district authorities through the Flying Squad(s). Though the expenditure on general party propaganda should not be added in the candidate's expenditure yet observations recorded with evidence should be reported in the prescribed **Annexure-C1** to the CEO within 45 days of declaration of results of election.

Details of Expenditure on Public Meetings/ Rallies etc.

(To be given by the candidate/ his election agent at the time for applying for permission to hold the Public Meeting/ Rally etc.)

Name of District-

No. and Name of

Constituency- Name of Candidate -

Political Party if any-

Date, time and duration of Public Meeting/Rally etc. –

[Location] Venue of Public Meeting/ Rally etc. –

Sl. No.	Item of Expenditure	Proposed to be used by the Candidate/ his Election Agent		Proposed to be used by the Political Party		Proposed to be used by any other Association		According to the Report of the Officer In-Charge	
		Number of Units	Cost	Number of Units	Cost	Number of Units	Cost	Number of Units	Cost
1	Pandal and fixture								
2	Barricading & Arches								
3	Tables								
4	Chairs								
5	Other Furniture								
6	Loudspeaker & Microphone								
7	Posters								
8	Banners								
9	Cut Outs								
10	Digital Boards								
11	Illumination items like Serial Lights, etc.								
12	Power connection charges paid/ payable to EB etc.								
13	Other items								
14								
Total									

Name and Signature of Candidate/Election Agent/ Name and Signature of Political Party/any other Association Officer in-charge.

Date:

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110 001

No.3/9/(ES008)/94-J.S.I

Dated: 2nd September, 1994

ORDER

Subject: Restrictions on the printing on pamphlets posters etc.

The printing and publication of election pamphlets, posters, etc., is governed by the provisions of Section 127A of the Representation of the People Act, 1951. The said Section 127A provides as follows:-

“127A. RESTRICTIONS ON THE PRINTING OF PAMPHLETS, POSTERS ETC.

(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster:-

Unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

Unless, within a reasonable time after printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document.

(a) Where it is printed in the capital of the State, to the Chief Electoral Officer; and

(b) in any other case, to the district magistrate of the district in which it is printed.

(3) For the purposes of this section:-

(a) Any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression “printer” shall be construed accordingly, and

(b) “election pamphlet or poster” means any printed pamphlet, and bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any handbill, placard or poster merely announcing the date, time, place and other particular of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.*

a. The above restrictions on the printing of election pamphlets, posters, etc., have been imposed under the law with a view to establishing the identity of publishers and printers of such documents, so that if any such document contains any matter or material which is illegal, offending or objectionable like appeal on ground of religion, race, caste, community or language or character assassination of an opponent, etc., necessary punitive or preventive action may be taken against the persons concerned. These restrictions also sub serve the purpose of placing a check on the incurring of unauthorized election expenditure by political parties, candidates and their supporters on the printing and publication of election pamphlets, posters, etc.

b. The Commission has noticed that the above provisions of law relating to printing and publication of election pamphlets, posters, etc. are being followed more in their breach than

in their observance. At the time of elections, a large number of such documents are printed, published, circulated and pasted on the walls of private and Government buildings in respect of which the above mentioned requirements of law have not been complied with. The printing presses rarely send the printed documents to the Chief Electoral Officers or, as the case may be, the District Magistrates concerned along with the declaration obtained from the publisher as required under Section 127 A (2). Many a time, the election pamphlets, posters, etc. do not bear on the face the names and addresses of the printer and/or publisher thereof in violation of Section 127A (1).

- c. It is further complained to the Commission that no timely action is taken against the offenders with the result that offending material is freely published and circulated with impunity. In this connection, attention is drawn to the following observations made by the Supreme Court in *Rahim Khan Vs. Khurshed Ahmed and others* (*AIR 1975 SC290):

“Even at this stage we may notice that the handbill in question does not contain the name of the printer and publisher although the election law so requires. Unfortunately, when such printed material is circulated, there is no agency of the law which takes prompt action after due investigation, with the result that no printer or candidate or propagandist during elections bothers about the law and he is able successfully to spread scandal without a trace of source, knowing that nothing will happen until long after the election, when in a burden some litigation this question is raised. Timely enforcement is as important as rule of law as the making of legislation.”

5. In order that in future there is strict observance of, and compliance with, the requirements of the above mentioned provisions of law on the subject, the Commission, in exercise of its powers under Article 324 of the Constitution and all other powers enabling it in this behalf, and in suppression of all its previous instructions on the subject, hereby directs as follows:-

5. (1) As soon as any election from a Parliamentary, Assembly or Council Constituency is announced by the Election Commission, the District Magistrates shall, within three days of such announcement of election, write to all printing presses in their districts.
- (a) Pointing out to them the requirements of above mentioned Section 127A and specifically instructing them to indicate clearly in the print line the names and addresses of printer and publisher of any election pamphlets or posters such other material printed by them:
- (b) Asking the printing presses to send the copies of the printed material (along with three extra copies of each such printed material) and the declaration obtained from the publisher as required under Section 127A (2) within three days of its printing:
- (c) Impressing on them in clear terms that any violation of the provisions of Section 127A and the above directions of the Commission would be very seriously viewed and stern action, which may in appropriate cases include even the revocation of the license of the printing press under the relevant laws of the State, would be taken.
5. (2) The Chief Electoral Officers shall do likewise in respect of the printing presses located at the State capitals.
5. (3) Before undertaking the printing of any election pamphlets or posters, etc., printer shall obtain from the publisher a declaration in terms of Section 127A (2) in the proforma prescribed by the Commission in Appendix A hereto. This declaration shall be duly signed by the publisher and attested by two persons to whom the publisher is personally known. It should also be authenticated by the printer when it is forwarded to the Chief Electoral Officer or the District Magistrate, as the

case may be.

5. (4) As directed above, the printer shall furnish four (4) copies of the printed material, along with the declaration of the publisher, within three (3) days of the printing thereof. Along with such printed material and the declaration, the printer shall also furnish the information regarding number of copies of document printed and the price charged for such printing job, in the proforma prescribed by the Commission in Appendix-B hereto. Such information shall be furnished by the printer, not collectively but separately, in respect of each election pamphlets, posters, etc., printed by him within three (3) days of the printing of each such document.
5. (5) As soon as a District Magistrate receives any election pamphlets or posters, etc., from a printing press, he shall examine whether the publisher and printer have complied with the requirements of law and the above directions of the Commission. He shall also cause one copy thereof to be exhibited at some conspicuous place in his office so that all political parties, candidates and other interested persons may be able to check whether the requirements of law have been duly complied with in relation to such document and which would also enable them to bring to the notice of the authorities concerned the cases of other election pamphlets, posters, etc., in respect of which the above requirements of law have been violated.
5. (6) The Chief Electoral Officers shall also likewise take further follow up action as mentioned in sub-Para (5) above in respect of the pamphlets, posters, etc., received by them.
5. (7) The Chief Electoral Officers and District Magistrates shall initiate prompt action for investigation forth with if any case of publication of election pamphlets, posters etc. in violation of the above mentioned provisions of said section 127A and/or the Commission's above directions either comes, or is brought to their notice. In all such cases prosecutions should be launched against the offenders most expeditiously and these cases should be pursued vigorously in the courts concerned.
6. The Commission hereby cautions all political parties, candidates and others concerned that any violation of the law and the Commission's directions on the above subject will be viewed with utmost concern and the most stringent action possible will be taken against the offenders.
7. If any officer who is responsible the enforcement of the above provisions of law and the directions of the Commission is found to have failed in the due discharge of his duties in this regard, he will be liable to severe disciplinary action apart from any penal action that may be called for against him for breach of his official duty.

BY ORDER AND IN THE NAME OF ELECTION COMMISSION OF INDIA

Sd/-

(S.K. MENDIRATTA)

SECRETARY

TO,

1. The Chief Secretaries of Government of all States and Union Territories.
2. The Chief Electoral Officers of All States and Union Territories.

APPENDIX – A

Performa for declaration to be submitted by the Publisher of Election Posters, Pamphlets, etc.

(See Section 127-A of the Representation of the People Act, 1951)

I,.....son/daughter/wife of..... (Name)
resident of.....(village/town)..... (District) ...
..... (State), hereby declare that I as the publisher of
..... (give brief particulars of election poster, pamphlet, etc.)

Being printed by (Name of the
printing press)

Place (Signature of Publishers)

Date

Full Address.....

Attested by (person personally known to publisher)

Signature (name and address) Countersigned by

Signature (Name and address of Printer)

APPENDIX – B

**PROFORMA FOR SUBMISSION OF INFORMATION REGARDING PRINTING OF ELECTION
POSTERS, PAMPHLETS, ETC.**

1. Name and address of printer.....
2. Name and Address of publisher.....
.....
3. Date of Printing order of the Publisher.....
4. Date of declaration of the publisher.....
5. Brief Particulars of election poster, pamphlet, etc.....
.....
6. Number of copies of the above document printed.....
.....
7. Date of printing.....
8. Printing charges (including cost of paper) being charged from the publisher in respect of the above document.....
.....

Place.....

(Signature of Printer)

Date.....

Seal of the printer

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.

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 shall 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.

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.

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 color 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

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 28-03-2011 has 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

*Note:- Please refer Annexure- E11 and E12.

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 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, 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 Section 77 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

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

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.

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

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

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 Litre)	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 Litre)	Yesterday's sale (in Bulk Litre)	Percentage increase in sales (%)	Reasons for increase	Action taken

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110001

No. 491/SM/2013/Communication

Dated: 25th October 2013

To

1. Chief Electoral Officers
of all States and Union Territories
2. Presidents/General Secretaries
of All National/State recognized Political Parties.

Sub: Instructions of the Commission with respect to use of Social Media in Election Campaigning.

Sir,

The Commission's attention was drawn to use of social media for election campaigning and also certain violations of the Electoral Law in the social media, which need to be regulated in the interest of transparency and level playing field in the elections.

Social media refers to the means of interactions among people in which they create, share, and/or exchange information and ideas in virtual communities and networks. It differentiates from traditional/industrial media in many aspects such as quality, reach, frequency, usability, immediacy, and permanence. The prevalence of Web and social media has increased over the years and there have been demands from the political and social groups to regulate the social media during elections as other media is regulated.

There are broadly five different types of social media:

- a) collaborative projects (for example, Wikipedia)
- b) blogs and micro blogs (for example, Twitter)
- c) content communities (for example, You Tube)
- d) social networking sites (for example, Face book)
- e) virtual game-worlds (e.g., Apps)

Legal provisions relating to election campaigning apply to social media in the same manner in which they apply to any other form of election campaigning using any other media. Since social media is a relatively new form of media, it appears necessary to clarify to all concerned by the following instructions:-

A. Information to be given by candidates about their social media accounts.

Candidates are required to file affidavits in Form-26 at the time of filing of nominations. Detailed instructions and the format in which the affidavits have to be filled were issued vide the Commission's letter No. 3/4/2012/SDR dated 24, August, 2012. Para 3 of this Form requires that

email ID of the candidate, if any, should be communicated to the Commission in this Form. The Commission finds it necessary that authentic social media accounts of candidates should also be informed to the Commission. This information should be furnished in the said Para 3 as follows:-

“My contact telephone no.(s) is/are....., my email ID (if any) is, and my social media accounts (if any) are.....”

B. Pre-Certification of Political Advertisements

In pursuance of the Hon'ble Supreme Court of India's Order in SLP (Civil) N.6679/2004, dated 13 April,2004, the Commission issued detailed instructions on this subject vide its order no. 509/75/2004/JS-1/4572 dated 15.04.2004. In this order, it was stated that every registered/national and State political party and every contesting candidate proposing to issue advertisements on television channels and/ or on cable network will have to apply to Election Commission of India/designated officer for pre-certification of all political advertisements on electronic media before the publication. The order was further modified and consolidated vide Commission's order dated 27.08.2012, wherein Media Certification and Monitoring Committees at district and State levels were given the responsibilities of pre-certification of such advertisement along with other functions viz. acting against Paid News etc. Since social media websites are also electronic media by definition, therefore, these instructions of the Commission contained in its order No.509/75/2004/JS-1/4572 dated 15.04.2004 shall also apply mutatis mutandis to websites including social media websites and shall fall under the purview of pre-certification. You are, therefore, requested to ensure that no political advertisements are released to any internet based media/websites, including social media websites, by political parties/candidates without pre-certification from competent authorities in the same format and following the same procedures as referred in the aforesaid orders.

C. Expenditure on campaigning through internet including social media websites.

According to Section 77, sub section (1), of Representation of the People Act,1951, every candidate is required to 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 filed nomination and the date of declaration of the result thereof, both dates inclusive. The Hon'ble Supreme Court of India had directed in Common Cause Vs. Union of India in 2005 that political parties should also submit a statement of expenditure of elections to the ECI and such statements are required to be submitted within 75 days of assembly elections and 90 days of Lok Sabha elections. It is obvious that expenditure on election campaign through any advertisement in social media is a part of all expenditure in connection with the elections.

For the sake of removing any ambiguity, it is hereby directed that candidates and political parties shall include all expenditure on campaigning, including expenditure on advertisements on social media, both for maintaining a correct account of expenditure and for submitting the statement of expenditure. This, among other things, shall include payments made to internet companies and websites for carrying advertisements and also campaign related operational expenditure on making of creative development of content, operational expenditure on salaries and wages paid to the team of workers employed by such candidates and political parties to maintain their social media accounts, etc.

D. Application of Model Code of Conduct to content on internet including social media.

The Commission has a model code of conduct in place during the elections in respect of political parties and candidates which remains in force from the date the elections are announced by the Commission till the completion of elections. It is clarified that the provisions of model code of conduct and related instructions of the Commission issued from time to time shall also apply to the content being posted on the internet, including social media websites, by candidates and political parties.

- E.** As far as the content posted by persons other than candidates and political parties is concerned, the Commission is considering the matter in consultation with the Ministry of Communication and Information Technology on practical ways to deal with the issue, in so far as they relate to, or can be reasonably connected with, the election campaigning of political parties and candidates.

These instructions may please be brought to the notice of all concerned including candidates, political parties, media and election observers for immediate necessary action.

Yours faithfully,

Sd/-

(Rahul Sharma)

(Under Secretary)

Tel. 011-23052070

Email: rahulsharma.eci@gmail.com

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).

T his may be brought to the notice of all concerned including all political parties in the state.

Yours faithfully,

Sd/-

(S. K. RUDOLA)

SECRETARY

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ELCTION 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

ELCTION 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

ELCTION 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

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

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 overseas 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.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/ECI/INST/FUNC/EEM/EEPS/2019/Vol. XX

Dated: 18th April, 2019

To

The Chief Electoral Officers,
All States and UTs.

Subject:-General Election to Lok Sabha and Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim, 2019-Social Media platforms for tracking expenditure on advertisements/transparency reports-Reg.

Madam/Sir,

I am directed to refer to Commission's letter no. 491/SM/2013/Communication, dated 25th October, 2013 [Annexure D14 in "Compendium of Instructions on Election Expenditure Monitoring (February, 2019)] and to state that Google, Facebook and Twitter are facilitating transparency in paid political advertisement by displaying "Ad Transparency Reports" on their platforms showing the payments made by different political parties for their political campaigns on these platforms, at the following links:-

- (i) <https://transparencyreport.google.com>
- (ii) <https://www.facebook.com/ads/library/report/?Source=archive-landing-page&country=IN>
- (iii) <https://ads.twitter.com/transparency>

2. You are requested to bring it to the notice of all DEOs, ROs, Expenditure Observers and Election Expenditure Monitoring Teams for necessary action.

Yours faithfully,

Sd/-

(RAJAN JAIN)

UNDER SECRETARY

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

E.

MAINTENANCE OF ACCOUNTS OF
ELECTION EXPENDITURE BY THE
CANDIDATES

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Every contesting candidate has to keep a separate and correct account of all election expenditure, incurred or authorised by him or by his election agent between the date of filing of nomination and the date of declaration of result (both date inclusive). As such he has to maintain day to day account of his election expenditure in different registers, compile all the bills and vouchers in this regard and at the same time he has to get his accounts inspected on the notified dates by the election authorities. Maintaining accounts of election expenditure properly thus is the most important task a candidate has to perform dutifully otherwise discrepancy in his account of election expenses may lead to initiating disqualification proceedings against him under Section 10 A of the R.P. Act, 1951.

- 1. Procedure for maintaining accounts of election expenses by the contesting candidates:** As per section 77 of the R. P. Act, 1951, during an election every candidate shall either by himself or through 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.

Section 78 of the R P Act 1951 provides that every candidate has to lodge a true account of his election expenses maintained under Section 77 of the R. P. Act 1951, with the District Election Officer within 30 days from the date of declaration of result of the election. In the computation of this 30 days period, the date of declaration of result of election is excluded. The Commission has clarified vide its letter No. 76/95/J.S.II dated 10-04-1995 (copy enclosed at **Annexure – E4**) that in all fairness to the contesting candidates, they will be permitted to file their election expenses in English, Hindi or the local language (s) in which the electoral rolls are printed. For this, it has to be ensured that all contesting candidates get the forms/ registers/ extracts of rules relating to lodging of their returns of accounts of election expenses in the approved regional language for electoral rolls and no candidate complains that he was not aware of the statutory requirements relating to filing the returns of election expenses and he is able to maintain his day to day account properly. Various instructions of the Commission issued from time to time for the guidance of the contesting candidates are given in **Annexure – E5 & E6**.

- 2. Separate Bank Account to be opened by each candidate for election expenditure: (Annexure – E7 letter no.76/Instruction/2013/EEPS/Vol. IV, dated 15th October, 2013):** 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 shall be opened any time at least one day before the date on which the candidate intends to file his nomination papers. The Account Number of this bank account shall be communicated by the candidate in writing to the RO at the time of filing of his nomination. All election expenditure shall be made by the candidate only from this bank account. All money to be spent on electioneering shall be deposited in this bank account irrespective of its funding from any source including candidate's own fund. A certified copy of the account statement of this bank account shall be given by the candidate to the DEO along with the statement of the account of expenditure at the time of filing of the Abstract Statement, after declaration of results. Wherever the candidate has not opened the bank account or not intimated the bank account number, the RO shall issue a notice to all such candidates to comply with the Commission's instructions.

The bank account can be opened either in the name of the candidate or in joint name with his election agent for the purpose of election expenditure. The bank account should not be opened in joint name with any family member of the candidate or any other person, if he/she is not the election agent of the candidate.

The bank account can be opened anywhere in the state. The accounts can be opened in any of the banks including 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.

The DEOs will issue suitable instructions to all banks or post offices to ensure that they open dedicated counters for election purpose to facilitate prompt service to the candidates in opening of bank accounts. They should also allow withdrawals and deposits from the said account on priority during the election period.

The Commission has issued Instruction No. 76/Instruction/2011/EEM dated 07.04.2011 (**Annexure-D7**) that the candidate shall incur all election expenses by crossed account payee cheque, 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. 10,000/- during the entire process of election, then such expenditure can be incurred in cash, by withdrawing it from the bank account opened for the purpose of election. All other payments are to be made by account payee cheque from the said bank account.

The candidates are required to deposit all the amounts meant for election expenses in the separate bank account opened for the purpose of election and all their election expenses are to be incurred from the said account. The Commission has clarified that if the separate bank account is not opened before nomination for election expenses or any amount is spent, without depositing the same in the said bank account, it will be treated that the candidate has not maintained the account “in the manner prescribed”.

The Commission has also directed 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. 10,000/- from a single person or entity during the election process and all donations/loans in excess of Rs. 10,000/- 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. (**Annexure-E8, Annexure-E11 and E12**)

- 3. Register of Election Expenditure to be maintained by the candidate:** Each candidate is required to maintain a day to day account of his election expenditure in a register (**Annexure-E1**), given to him by the Returning Officer at the time of filing of nomination papers. This register consists of three parts:
- (i) Register of day to day accounts in Part A, in white pages,**
 - (ii) Cash Register as Part B, in pink pages and**
 - (iii) Bank Register as Part C, in yellow pages.**

The candidate shall have to submit the above mentioned registers for inspection by the Expenditure Observer at least three times during the campaign period.

Every page of the register must be numbered and a certificate must be given by the RO on the first and last page of the register about the total number of pages in the register. The register should have sufficient number of pages for the entire campaign period. However, if the register gets filled up earlier, the candidate can ask for a supplementary register and the RO shall issue a supplementary register to him in the same format. The candidate shall give an acknowledgement for having received these registers. The District Election Officer should obtain a copy of such receipts from the Returning Officer.

- 4. Procedure to fill up the Register of Day to Day Accounts of Election Expenses, Cash and Bank Register.**
- (A) Register of day to day accounts:** This register, meant for the entire election expenses comprises of

9 columns and is required to be filled up date wise on a day to day basis. Whenever no expenditure has been made on any particular date, 'NIL' should be mentioned against that date. Besides correctly filling up all columns, care should also be taken to fill up the total amount of expenses (including both paid and outstanding) incurred/authorised on every date. The value of goods or services in kind received from any source and used for electioneering by the candidate shall also be mentioned. In fact, this register will contain the entire election expenditure incurred/ authorised by the candidate/ election agent/the party/ any other person. Regarding source of such expenses, any amount incurred/ authorised by the candidate from his own fund should be mentioned in the relevant column. Amount received from political party or incurred or authorised by political party either in cash or in kind shall be mentioned in the column meant for the purpose. Source of any amount either received in cash or in kind from any person or entity other than political party shall be mentioned in the separate column meant for this purpose.

- (B) Cash Register :** All the amounts received in cash from any source including withdrawal from any bank account of the candidate are to be entered date wise in the cash register from the date of nomination to the date of declaration of results. Name and address of person, or entity from whom amount is received in cash shall be entered in receipt column of the cash register. If the amount is withdrawn in cash from the bank account opened for election purpose, the same should also be shown in the Receipt Columns with appropriate description. All expenses incurred in cash shall be entered in Payment Columns. When any amount of cash is deposited in the bank account of the candidate the same shall also be entered in the payment columns, 'Nil' should be mentioned against the date wherever no receipt or payment has been made. Date wise cash balance is required to be shown. If cash is given to any person or any branch office of the candidate, the same should be clearly mentioned. Efforts should be made as far as possible to make all payments through cheques and carrying huge amounts of cash in the constituency during election campaign should be avoided.
- (C) Bank Register:** The candidate shall deposit the entire amount, meant for election expenses received from any source including his own fund, in the bank account opened for the purpose of election. All the election expenses are to be incurred by issuing cheques from this bank account only. However in case of minor expenses, where it is not possible to issue a cheque, the amount can be withdrawn in cash and payments are to be made with proper vouchers. Details of deposits, withdrawals and daily balance shall be entered in respective columns of the Bank Register. 'Nil' should be mentioned against the date wherever no deposit or withdrawal has been made.
- 5. Appointment of Additional Expenditure Agent on part of candidate:** Under the existing instruction of the Commission, every candidate is permitted to appoint an additional agent in the prescribed format (**Annexure – E3**) assisting the candidate in the various expenditure related matters. A person who is disqualified under the law for being chosen as, and for being, a Member of Parliament or State Legislature and who cannot be appointed as Election Agent u/s 40 of the R. P .Act, 1951, should not be appointed such an additional agent. The general prohibition against appointing minister/MP/MLA/MLC/Mayor or Corporation/Chairman or Municipality/Zila Parishad, as any agent for a candidate, would also apply to such additional agent. It may be noted that such additional agent would be for the purpose of performing only the non-statutory duties and not the duties that the election agent, appointed under section 40 read with rule 12 of C. E. Rules, 1961, is authorized to perform on behalf of the candidate.
- 6. The procedural requirements for lodging the account of election expenses by the candidate:**
- (A) Procedural requirements for lodging of the accounts:** The candidate has to submit the Abstract Statement as per **Annexure – E2** along with the Register of day to day accounts, bills & vouchers

and the supporting affidavit. The Abstract Statement comprises of Part I to Part IV together with acknowledgement form and is followed by Schedule 1 to 10 thereof. In these schedules, the details of election expenditure incurred /authorized by the candidate or party or others on various items, source of candidate's funds have to be shown. All parts and schedules thereof should be properly filled up and wherever it is not applicable, the candidate shall write `nil` or `not applicable.`"

(B) The documents required along with the Abstract Statement: Register for day-to-day accounts of election expenditure as inspected by the Observer shall be submitted in original along with the vouchers. If vouchers are not attached for any item, an explanation, as to why it was not practical to obtain the required vouchers, must be given by the candidate. All bills and vouchers should be signed either by the candidate or his election agent.

- (i) The Parts I to IV and schedules 1 to 10 of the Abstract Statement must be signed by the candidate himself.
- (ii) Copy of the bank statement as certified by the candidate or his election agent should also be attached.
- (iii) Affidavit should be signed by the candidate himself as per the format and submitted with Abstract Statement.
- (iv) Acknowledgement as prescribed by the Commission indicating date and time of receipt of accounts of election expenses should be given by the officer deputed by the DEO for this purpose.
- (v) In case of discrepancies on any item of expenditure which was pointed out by the Expenditure Observer or the R.O at the time of inspection of the Register, the explanation along with the reason for the discrepancy on such items should be annexed separately.
- (vi) Copies of the notices issued by the R.O and explanation furnished in respect of Election Expenditure should be enclosed.
- (vii) It should be made known to the candidate or his election agent that under statutory provisions, even a candidate who has lost the election has to lodge his account of election expenses within the stipulated time and in the manner prescribed otherwise he is liable to be disqualified.

(C) Consequences of defective statements: Submitting statements which are not correct and true, may result in issuance of notice by the Commission for default that may lead to disqualification for 3 years for being a member of, and also for being chosen as a member to, either House of the Parliament or State Legislatures under section 10A of the R. P. Act, 1951.

The officer present at the counter for receiving the accounts should check whether the account submitted by the candidate or his agent is complete in all respects and is duly certified by the candidate. A certificate by the election agent is not sufficient. It should also be checked that all the documents which are required to be submitted along with the account statement, such as register, abstract statements (Part I to IV and schedules 1 to 10 including affidavit), bills and vouchers are enclosed with the account. Bills and vouchers should be signed by the candidate. If incomplete accounts are lodged, the defects may be mentioned in acknowledgement receipt itself and should be pointed out to the candidate or his election agent on the spot, with instructions to file correct and complete accounts within the time prescribed by law.

Under Rule 87 of the Conduct of Elections Rules, 1961, the DEO is required to affix a notice on the notice board within two days from the date on which a candidate lodges his account of election expenses, specifying therein the names of the candidate and the date on which the accounts were lodged. Copy of the Abstract Statement of Account of election expenditure filed by the candidates

and the first runner up in each constituency should be put on the notice board of the DEO within two days of such filing. Copies of accounts may be obtained by any member of the public on payment of a fee of Re. 1 per page.

7. Account Reconciliation meeting (Annexure-C10, C12):

- (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 after the date of 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 disagreement mentioned 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.
- (d) 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.
- (e) 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.
- (f) The DEO's scrutiny report has to be entered in **Encore** within **three days** of its finalization. **(Annexure-C17)**

8. Election Expenditure Limit in adjourned poll due death of a contesting candidate

In case of adjourned poll due to death of a contesting candidate, under section 77 of the R. P. Act, 1951, the candidates already contesting the election and the newly nominated candidate in place of the candidate who died after filing his/her nomination and before poll by the political party concerned is required to maintain their accounts of election expenses from the date of filing of their nomination up to the date of declaration of result by the Commission. **(Annexure-E9)**

9. Requirement of submission of account of election expenses under section 78 of the R. P. Act, 1951 of a candidate who demised

There is no in use for presume the case of accounts of election expenses in event of death of a candidate and hence the requirement of Section 78 of the R. P. Act, 1951 ceases to be applicable in case of a candidate who demised. **(Annexure-E10)**

(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
	Description	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 10*) 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 air. For any voucher not attached vide this rule, an explanation to the effect 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	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 Column-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.

(Commission’s letter no. 76/Instructions/2014/EEPS/Vol. I, dated 23.01.2014)

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	Campaign, through print and electronic media including cable network, bulk SMS or internet and Social media (Enclose as per Schedule-4)				
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)*				
	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	

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).....

..... I 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 atthis day of 201before 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 10: Details of Elections Funds and Expenditure of Candidate

Schedule- 1						
Expenses in public meeting, rally, procession etc. (ie: other than those with Star Campaigners of the Political party)						
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
			Amt. By candidate / agent	Amt. By Pol. Party	Amt. By others	
1	2	3	4	5	6	7
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. Col. (3) +(4)	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. Col. (3) +(4)	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		
		Rate for Hiring of vehicle / maintenance	Fuel charges (If not covered under hiring)	Driver's charges (If not covered under hiring)			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.	Sources 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							
Sl. 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							

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

* In pursuance of Hon'ble Supreme Court Judgment dated 25.09.2018 in WP(C) No. 536 of 2011. Commission's letter no. 76/ECI/INST/FUNC/EEM/EEPS/2019/Vol. XVII, dated 8th May, 2019
(Annexure-I 3)

FORMAT FOR APPOINTING ADDITIONAL AGENT
ON EXPENDITURE MATTERS

(For the general/bye election,(mention the year)

1. Name of the State :-
2. Name of the Constituency: -
3. Name and Address of the Candidate: -
4. Party Affiliation, if any: -
5. Name of the Additional Agent: -
6. Full Postal Address of the Additional Agent: -
7. Contact Telephone Number: -

I (mention the name of the candidate) do hereby appoint Shri/Smt./Ms....., as my additional agent for the above election. I hereby declare that he/she is not disqualified under the law for being chosen as, and for being, a member of Parliament or State Legislature and that the said person is not a Minister/MP/MLA/MLC/Corporation Mayor/Chairman of Municipality/Zila Parishad and is not a person to whom security cover has been provided by the State.

Place:

Signature of the Candidate

Date :

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.

Election Commission's letter No. 3/1/2004/JS-II, dated 03.04.2004 addressed to all Chief Electoral Officers of all States / Union Territories.

Subject:- Names of leaders of political parties for the purposes of section 77 (1) of the Representation of the People Act, 1951.

I am directed to say that under Explanation 2 below section 77 (1) of the Representation of the People Act, 1951 the political parties are required to communicate names of their leaders for availing of the benefit of clause (a) of Explanation 1 under the said Section, to the Commission and to the Chief Electoral Officers of the States/Union Territories.

You are requested to supply copies of each of the lists received from political parties in this regard, to all the Observers in the States and to all District Election Officers and Returning Officers.

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.

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

*Note:- Please refer Annexure-E11 and E12.

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

*Note:- Please refer Annexure-E11 and E12

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

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

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 29th August/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

Note:- Please refer Annexure-D7, E7, E8, F4 and F6.

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.

*Note:- Please refer Annexure- E11.

F.

MAINTENANCE OF ACCOUNTS OF
ELECTION EXPENDITURE BY THE
POLITICAL PARTIES

Political Parties are the most important stakeholders in a democratic set up since they field candidates who are the representatives of the people. In keeping with their pivotal position, it is incumbent upon them to adhere to the principle of maintaining a level playing field during the conduct of elections. The expenditure incurred by them for general party propaganda and for support to candidates needs to be accounted for properly at the party level. Political parties also need ensure that their candidates keep to the prescribed expenditure limits and report the same to the election authorities in the time and manner prescribed.

Political Parties

The Supreme Court, in its judgment in *Kanwar Lal Gupta Vs. Amar Nath Chawla* (A.I.R. 1975 SC 308), dated 10-04-1974 has held that the expenditure incurred by a political party which can be identified with the election of a given candidate, as distinguished from the expenditure on general party propaganda, would be liable to be added to the expenditure of that candidate as being impliedly authorized by the candidate. 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.

Applying the ratio of the judgment in Kanwarlal 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 which is relatable to a particular candidate or group of candidates, the expenditure shall be treated as expenditure authorized by the candidate concerned and such expenditure shall be accounted for in the election expenditure of the said candidate or group of candidates.

The expenditure in kind, like, party posters or banners or advertisements, without the name or photograph of the candidate is to be shown as party expenditure by the political party. Even the party expenditure during the period after announcement of election by ECI and before notification of election, has to be shown by the political party as its election expenditure. The political party shall forward its election expenditure in prescribed format along with scanned soft copy to the Election Commission within 75 days of Assembly poll or 90 days of Lok Sabha poll.

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. After the poll, the expenses on travel of a Star Campaigner or a candidate (not connected with his election) shall not be added to the expenses of 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. 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. (Commission's Instruction No. 76/Instructions/2012/EEPS dated 9th February, 2012 enclosed at **Annexure-F2**). The reporting format of the Political Parties enclosed with the Commission's letter No.76/EE/2012-PPEMS dated 21st January, 2013 (**Annexure-F3**) has been modified in pursuance of Hon'ble Supreme Court Judgment dated 25.09.2018 in WP(C) No. 536 of 2011 vide the Commission's letter no. 76/ECI/INST/FUNC/EEM/EEPS/2019/Vol. XVII, dated 8th May, 2019 (**Annexure-I 3**).

The national and state level political parties should send the list of their Star Campaigners to the CEO and ECI within 7 days of notification of election. However, keeping in view to ensuring the conduct of free, fair, peaceful, transparent, ethical and safe elections during COVID-19, Commission **revises the norms concerning Star Campaigners for all ongoing and future elections during the period of pandemic COVID-19** in the following manner:

- 1) The **maximum limit** on the number of star campaigners for recognized National/State political parties **shall be 30 in place of 40** and for unrecognized registered political parties it **shall be 15 in place of 20** during the period of pandemic.
- 2) Accordingly, **the period of submission** of the list of star campaigners is extended **from 7 days to 10 days from the date of notification**.
- 3) Request for permission for the campaigning by star campaigners shall be submitted to the district election authorities **at least 48 hours** before the start of campaign so that all necessary safety measures are put in place by all concerned stakeholders well in time. (**Annexure-F8**)

The political parties are required to file the statement of their election expenses with the ECI within 75 days of Assembly election or 90 days of elections to Lok Sabha. The statement of election expense should include all lump sum amounts given to the individual candidates, the expense on travel of Star Campaigners and other party functionaries, details of expenses on banners, posters, dais, cutouts arches and hoardings, advertisement in Press and Electronic media etc., both for general party propaganda and for individual candidates. This also includes a consolidated statement including number of aircrafts used and sorties made during election in the State for election campaign, name of company which hired/provided the aircraft, flight period, and the money paid/payable to the company leasing/providing the aircraft, including copy of the vouchers. These instructions are contained in the Commission's letter no. 76/EE/2012/PPEMS dated 21st January, 2013 at **Annexure-F3**. Political parties are also required to show the expenditure incurred by them for publication of criminal antecedents of their candidates (**Annexure-I3**).

The political parties also 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 prescribed format, 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). **(Annexure-F7)**

For conduct of free and fair poll, all political parties should avoid transactions in cash. All party functionaries should be advised not to carry large amounts of cash in the constituency during the election campaign. The parties are required to exercise self-restraint in election expenditure and advise their candidates accordingly. **(Annexure-F1**, letter no. 76/Instructions/2010, dated 20th October, 2010)

The parties should submit before the ECI, the list of donations received in the relevant forms and in stipulated time. They should also audit their accounts and file their income tax returns in the prescribed time, mentioning details of receipts and expenses.

The Commission has issued guidelines on transparency and accountability in party funds and election expenditure vide its letter No. 76/PPEMS/Transparency/ 2013, dated 29th August, 2014 **(Annexure-F4)** and further clarification vide its letter no. 76/PPEMS/Transparency/2013, dated 19th November, 2014 **(Annexure-F6)**. The political parties are required to follow the same while incurring expenditure and accounting the same. As per the guidelines, the following principles are to be followed:

It is required that (a) the treasurer of the political party or such person as authorized by the party, besides ensuring maintenance of the accounts at all state and lower levels, shall maintain consolidated accounts at the central party Head Quarters as required under the aforesaid provision, (b) the accounts so maintained by him/her shall conform to the guidance note on Accounting and Auditing of Political Parties, issued by the Institute of Chartered Accountants of India (ICAI), and (c) the Annual Accounts shall be audited and certified by the qualified practicing Chartered Accountants. The ECI has issued instructions/guidelines regarding its expectations from the political parties in the areas of transparency and accountability and some of the major areas covered are as under:

In order to bring uniformity, all political parties shall submit to the Commission or to such authority as mentioned in para (vi) of the **Annexure-F4**, a copy of the audited Annual Accounts with Auditor's report for each financial year, before 31st October of each year. [The recognized political parties shall file all reports, namely, the contribution reports in Form 24A, the audited Annual Accounts as certified by the Chartered Accountants, and the Election Expenditure Statements, with the Election Commission of India, the unrecognized parties shall file the same with the Chief Electoral Officer (CEO) of the respective states (i.e. the state where the party Head Quarters is situated in pursuance of Commission's letter no. 76/PPEMS/Transparency/2014, dated 14th October, 2014 **(Annexure-F5)** in the prescribed time

The political party shall maintain name and address of all such individuals, companies or entities making donation to it, excepting petty sums, donated by the public only during its public rallies. If a party is incurring any expenditure, it shall ensure that no payment in excess of Rs.10,000/- is made in a day to any person or company or entity in cash, except where (a) the payment is made in a village or town, which is not served by a bank; or (b) the payment is made to any employee or party functionary towards salary, pension or for reimbursement of his expenses; or (c) cash payment is required under any statute. **(Annexure-E11 & E12)**

If the party desires to provide any financial assistance to its candidates for their election expenses, such assistance shall not exceed the prescribed ceiling. Any payment in this regard by the party shall be made only through crossed account payee cheque or draft or through bank account transfer and not in cash. While the recognized political parties shall file all reports, namely, the contribution reports in Form 24A, the audited Annual Accounts as certified by the Chartered Accountants, referred to in para 3 (i) of **Annexure-F4**, and the Election Expenditure Statements, with the Election Commission of India, the unrecognized parties shall file the same with the Chief Electoral Officer (CEO) of the respective states (i.e. the state where the party Head Quarters is situated) in the prescribed time and manner.

The Commission is alive to the practice of raising funds by political parties through hundi/bucket collection in public meetings/rallies, where it is not possible to record the name and address of the donors. Therefore, the Commission has exempted such collections from the ambit of the above instruction. In case of all donations other than those raised through hundi/bucket collection in a public meeting/rally, the record of name and address of each donor has to be maintained by the political party, as is done by all other social/civil society/organizations.

The cash received by political parties has to be deposited in its bank accounts within a period of 10 working days excepting the amount required to defray its day-to-day expenses. It is clarified that the total amount of cash in hand of a registered political party for the purpose of defraying its day-to-day expenses shall not normally exceed the average monthly cash expenditure of the party during the last financial year.

In the interest of conduct of free and fair elections, all parties are required to follow the transparency guidelines issued by the Commission, and violation of lawful direction of the Commission may entail action, as envisaged under para 16A of the Election Symbols (Reservation and Allotment) Order, 1968.

Political parties have to submit following statements, relating to their election expenses, contribution reports and also about their audited accounts:

- (i) Contribution reports- by 30th September every year or such date as extended by CBDT for filing Income Tax Return
- (ii) Annual Audited account- by 31st October every year
- (iii) Statement of election expenditure- within 75 days of completion of Assembly election and 90 days of completion of Lok Sabha election.
- (iv) Part election expenditure statement giving details of amount disbursed to the candidates by political parties shall be filed within 30 days of declaration of result.

Recognized political parties have to file aforesaid statements with the Election Commission of India, while Un-recognized Political Parties have to file the same with the Chief Electoral Officer of the respective States/UTs in the prescribed time and manner.

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 RP 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 Jaipuria)

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-800001 for necessary action.

ELECTION COMMISSION OF INDIA

NRIVACHAN 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

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/-

(S. K. RUDOLA)

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)

1. 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)*	
	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 etc no.
		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 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-forma.

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 Campaigners incurred by state unit (Details to be enclosed in format given in Schedule- 12)	
	(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 (Details to be enclosed in format given in Schedule- 15)	
	(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 Sate 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 (Details to be enclosed in format given in Schedule- 19)	
	(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)*	

	Total expense on candidate (s)	
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 Quarter 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 Head Quarter 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 central Head Quarter 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 central Head Quarter 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]*	
	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 Head Quarter 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 Loksabha/ 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 Head Quarters						
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 Head Quarters (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 Head Quarters				
S. No.	State and Venue	Date of the meeting/ procession/ Rally	Details of 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						
<p>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.</p>						
S. No.	Name of the State / No. and Name of the Assembly/Parl. Constituency	Name of Candidate and name of 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 Head Quarters					
S. No.	State	Name of the candidate	Name of media (print/electronic/sms/ cable tv etc	Date/s (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 nam of the candidate(s) or attributable to candidate(s) and authorized/ incurred by Party Central Head Quarters					
S. No.	State	Name of the Candidate	No. and Name of the Assembly/Parl. Constituency	Details of the item	Total Amount (including outstanding amt.)
1					
2					
Total					

Schedule- 10	
Total Expense (Other than general party propaganda) authorized/ incurred by Party Central Head Quarters 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)	

S. No	State and venue	Name(s) of the Star campaigner(s)	Name of the Candidate(s) attending the Meeting	Date and venue of the meeting	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 Head Quarters						
S. No.	State	No. and Name of the Assembly/Parl Constituency	Name of the Candidate	Details of the items	Total Amount (including outstanding amt.)	
1						
2						
3						
Total						

State Wise 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.	Venue	Date of the 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.	Venue	Date of the 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/s (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				
3				
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				
Total				

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				
Total				

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 and name of Party	Date(s) of payment	Cash Amount	Cheq / DD no. etc. and Date	Total amount paid
1						
2						
3						
4						
Total						

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	Name of media (print/electronic/ sms/ cable tv, etc	Date/s (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 nam 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	Details of the items	Total Amount (including outstanding amt.)
1					
2					
Total					

Schedule- 21						
Total Expense incurred/authorized for the candidate(s) by State/ Distt./ Local Units (Other than genera party propaganda) on Public meetings /processions etc., (barricades /audio etc., /hired vehicles for th audience /supporters at the rally of Star Campaigners or other leaders						
S. No	State and venue	Date	Name(s) of the Star campaigner(s)	Name of Candidate(s)	Details of items	Total Amount (including outstanding amt.)
1						
2						
Total						

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					
Total					

Schedule- 23 A*								
Total expenses incurred/authorized on publishing criminal antecedents , if any, of candidates sponsored by the political party located in Central Head Quarters								
Sl. 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	
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								
Sl. 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	
1	2	3	4	5	6	7	8	9

* In pursuance of Hon'ble Supreme Court Judgment dated 25.09.2018 in WP(C) No. 536 of 2011. Commission's letter no. 76/ECI/INST/FUNC/EEM/EEPS/2019/Vol. XVII, dated 8th May, 2019 (**Annexure-I 3**)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.76/PPEMS/Transparency/2013

Dated: 29th August, 2014

To

1. The President/General Secretary of all Political parties.
2. The Treasurer of all Political parties.

Subject: Guidelines on transparency and accountability in party funds and election expenditure matter – regarding.

Sir/Madam,

Under Article 324 of the Constitution, Election Commission of India is vested with the responsibility to conduct free and fair elections. Concerns have been expressed in various quarters that money power is disturbing the level playing field and vitiating the purity of elections. To curb the abuse of money power during elections, the Election Commission has issued several instructions in the past to the candidates and political parties from time to time.

2. It is desirable for the political parties to observe transparency and accountability in respect of funds raised and expenditure incurred, both during elections and in other times. Further, in the interest of conduct of free and fair elections it is necessary and expedient to provide guidelines for bringing transparency and accountability with regard to fund of political parties.
3. In order to formulate the guidelines, the Commission sought comment/suggestions/inputs from all recognized political parties. While most of these parties supported the issue of transparency guidelines, some other had a different view. Having regard to the suggestions received from the political parties and in the interest of purity of election process, the Commission hereby issues the following guidelines under Article 324 of the Constitution, to bring transparency and accountability in funding of political parties: -
 - (i) Provision (a) to Section 13A of Income Tax Act 1961, inter-alia, provides that political party shall keep and maintain such books of accounts and other documents as would enable proper deduction of its income there from. Accordingly, it is required that (a) the treasurer of the political party or such person as authorized by the party, besides ensuring maintenance of the accounts at all State and lower levels, shall maintain consolidated accounts at the central party Head Quarters as required under the aforesaid provision, (b) the accounts so maintained by him/her shall conform to the guidance note on Accounting and Auditing of political parties, issued by the Institute of Chartered Accountants of India (ICAI), and (c) the Annual Accounts shall be audited and certified by the qualified practicing Chartered Accountants.
 - (ii) The Commission has amended the requirements for registration of a new political party w.e.f. 8th

October 2010, which inter-alia, require a party to submit a copy of its audited annual accounts. Accordingly, in order to bring uniformity, all political parties shall submit to the Commission or to such authority as mentioned in para (vi) below, a copy of the audited Annual Accounts with Auditor's report for each financial year, before 31st October of each year.

- (iii) The provisions of Section 80GGB and 80GGC of I.T. Act 1961, inter-alia, state that no deduction shall be allowed on the contributions made in cash by any person or company to a political party. Accordingly, the political party shall maintain name and address of all such individuals, companies or entities making donation to it, excepting petty sums, donated by the public only during its public rallies. Further, any amount/donation received in cash, shall be duly accounted in relevant account books and deposited in the Party's bank account within a week of its receipt. However, the Party can retain a reasonable amount required for day to day functioning of the Party and for defraying the cash expenses.
 - (iv) Section 40A(3) of Income Tax Act, 1961, provides that all payments exceeding Rs.20,000/-* by any business entity to a person in a day are required to be made by account payee cheque/draft, except the exempted category as provided in Rule 6 DD of Income Tax Rules, 1962. Similarly, if a party is incurring any expenditure, it shall ensure that no payment in excess of Rs.20,000/-* is made in a day to any person or company or entity in cash, except where (a) the payment is made in a village or town, which is not served by a bank; or (b) the payment is made to any employee or party functionary towards salary, pension or for reimbursement of his expenses; or (c) cash payment is required under any statute.
 - (v) Section 77(3) of the R.P. Act, 1951 provides for a ceiling of election expenditure for a candidate. Therefore, if the party desires to provide any financial assistance to its candidates for their election expenses, such assistance shall not exceed the prescribed ceiling. Any payment in this regard by the party shall be made only through crossed account payee cheque or draft or through bank account transfer and not in cash.
 - (vi) While the recognized political parties shall file all reports, namely, the contribution reports in Form 24A, the audited Annual Accounts as certified by the Chartered Accountants, referred to in para 3 (i) above, and the Election Expenditure Statements, with the Election Commission of India, the unrecognized parties shall file the same with the Chief Electoral Officer (CEO) of the respective states (i.e. the state where the party Head Quarters is situated) in the prescribed time and manner.
4. The above guidelines shall apply to all political parties with effect from 1st October 2014.

Yours faithfully,
Sd/-
(MALAY MALLICK)
UNDER SECRETARY

Copy to:

1. All CEOs with request to bring it to the notice of all political parties of their respective states.
2. The Chairman, Central Board of Direct Taxes, North Block, New Delhi for making relevant rules for the political parties.
3. The President, Institute of Chartered Accountants of India, ICAI Bhawan, Indraprastha Marg, Post Box No.7100, New Delhi – 110022, for incorporating the points in the Guidance note on political parties.

*Note:- Please refer Annexure-E11 & E12

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110001

No.76/PPEMS/Transparency/2014

Dated: 14th October, 2014

To

The Chief Electoral Officers of
All States and UT's.

Subject: Guidelines on transparency and accountability in party funds and election expenditure -
submission of reports by unrecognized political parties – regarding.

Sir/Madam,

I am directed to refer the Commission's letter of even No. dated 29th August, 2014 on the subject cited and to state the recognized political parties shall file all reports, namely, (a) the contribution reports in Form 24A, (b) the Audited Annual Accounts, with Auditor report and (c) the Election Expenditure Statements, with the Election Commission of India and the unrecognized parties shall file the same with the Chief Electoral Officers (CEO) of the respective states (i.e. the state where the party Head Quarters is situated) in the prescribed time and manner. The above mentioned guidelines are applicable to all political parties with effect from 1st October, 2014. (Copy enclosed)

2. In view of the above I am directed to request you to bring it to the notice of all such unrecognized political parties having their Head Quarters/official address for correspondence in the state, as per the Commission's Symbol Order notification, to submit the requisite reports in the office of the CEO. (A copy of the Commission's Symbol Order Notification dated 10.03.2014, amendment notification dated 16.09.2014 and letter No. 56/2014/PPS-II dated 26.09.14 are enclosed herewith for ready reference).
3. On receipt of the reports from the State level unrecognized political parties, the following procedure shall be followed by CEO office:
 - (i) Scanned copies of the contribution reports, Annual audited accounts and Statements of election expenditure shall be uploaded on the websites of CEOs of the respective states, within 3 days of receipt of the same for viewing by the public. This should be done under the heading "Reports and Accounts statements of State level Political parties", with links from "current news."
 - (ii) The list of reports/statements filed by the unrecognized political parties shall be compiled and uploaded on the CEO's website within 24 hrs of the due date, as per proforma enclosed herewith (Annexure- A, B, C). The list shall be periodically updated by the CEO office, within 3 days

of receipt statement/report from any political party. The status report should have links to the scanned copy of the concerned party's report/statements.

- (iii) The last dates for filling of reports/statements by political parties are as under:
1. Contribution reports- 30th September every year or such date, as extended by CBDT, for filing Income Tax Return.
 2. Annual Audited account- 31stOctober every year.
 3. Statement of election expenditure- within 75 days of completion of Assembly election and 90 days of completion of Lok Sabha election.
- (iv) In case of default in filling the reports/statements, it should be brought to the notice of the political parties concerned, by writing a letter to that effect and the letter should also be put on the website of CEO.
- (v) A copy of the contribution report shall be forwarded to the Principal Chief Commissioner of Income Tax of the state concerned mentioning the date of submission of such report by the political party. The parties which have not submitted the contribution report in time shall be processed by the Income Tax Department, for denial of tax benefit in accordance with Section-29 C of the R.P. Act. 1951.
- (vi) The contribution report shall also be forwarded to Ministry of Home Affairs, Government of India for scrutiny and action by that Ministry about any donation received from foreign sources, as defined under clause (j) of Section 2 of Foreign Contribution (Regulation) Act, 2010.

Yours faithfully,
Sd/-
(MALAY MALLICK)
UNDER SECRETARY

Copy to:

Director (IT) to facilitate the proposed changes in the website of CEO's and ECI.

Annexure - A

Status of filing Contribution report by the unrecognized parties(name of the respective state/UT) for the financial year.....

Due date for filing report

List Prepared on Date

S. No.	Name of the Party	Head Quarters / Office Address	Filed on or before due date		Filed after due date		Remarks
			Date of filing	Total Contribution amount shown (In Rupees)	Date of filing	Total Contribution Amount Shown (In Rupees)	
1	2	3	4 (a)	4(b)	5 (a)	5(b)	6

N.B.: In column 4(a) and 5(a) the links to the scanned copy of the report submitted by the political party are provided.

Signature

Date:

Chief Electoral Officer

Annexure - B

Status of filing Annual Audit Report by the unrecognized parties having head quarters/office address in.....(name of the respective state/UT) for the financial year 20.....

Due date for filing Annual Audit Report

List Prepared on Date

S. No.	Name of the Party	Head Quarters / Office Address	Filed on or before due date			Filed after due date			Remarks
			Date of filing	Total Receipt (In Rupees)	Total Expenditure	Date of filing	Total Receipt (In Rupees)	Total Expenditure	
1	2	3	4(a)	4(b)	4(c)	5(a)	5(b)	5(c)	6

N.B.: In column 4(a) and 5(a) the links to the scanned copy of the report submitted by the political party are provided.

Signature

Date:

Chief Electoral Officer

Annexure - C

Status of filing Election Expenditure Statement for General Election to 20

Due date for filing Expenditure Statement

List Prepared on Date

S. No.	Name of the Party	Head Quarters / Office Address	Filed on or before due date		Filed after due date		Remarks
			Date of filing	Total Expenditure (In Rupees)	Date of filing	Total Expenditure (In Rupees)	
1	2	3	4 (a)	4(b)	5 (a)	5(b)	6

N.B.: In column 4(a) and 5(a) the links to the scanned copy of the report submitted by the political party are provided.

Signature

Date:

Chief Electoral Officer

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 76/PPEMS/Transparency/2013

Dated: 19th November, 2014

To

1. The President/General Secretary
of all political parties
2. The Treasurers of all Political Parties

Subject: Clarification of transparency guidelines for the political parties issued by Election Commission of India on 29.08.2014 - matter reg.

Madam/Sir,

Kindly refer to Commission's letter No. 76/PPEMS/Transparency/2013 dated 29.08.2014, wherein the Commission issued transparency guidelines for the political parties invoking Article 324 of the constitution. Representations have been received from a few parties raising doubt about the powers of the Commission and asking for clarifications on certain issues. After considering the representations, the following issues are hereby clarified:

1. Under Article 324 of the Constitution, the Commission has plenary powers and also sacred duty, to conduct free and fair elections in the country. Of late, the increasing use of Black money in election campaigns has been noticed and is causing serious concern all around. The use of black money in elections disturbs the level playing field and vitiates the purity of election process. Therefore, there was need to issue the transparency guidelines, in order to protect the purity of election process and for conduct of free and fair elections, as enshrined in the Constitution. There was legal vacuum in this area, which can be filled by the Election Commission of India as held by the Hon'ble Supreme Court in Mohinder Singh Gill vs CEC (AIR 1978 SC 851).
2. The guidelines have been framed after due consultation with all recognized political parties. The lawful instructions, thus issued by the Commission under Article 324, are binding on all political parties and their violations shall affect the transparency of election process which is the bedrock of a democracy.
3. The instruction to political parties to file Annual Audited Accounts with the Commission is essential for maintaining transparency in the functioning of political parties, which is an essential ingredient for conduct of free and fair election. The direction to maintain the name and address of the individuals, companies and entities making donations to the political parties is intended to ensure that no funds are received by the political parties from prohibited sources as stipulated in section 29B of the R.P. Act 1951. However, the Commission is alive to the practice of raising funds by political parties through hundi/bucket collection in public meetings/rallies, where it is not possible to record the name and address of the donors. Therefore, the Commission has exempted such collections from the ambit of

the above instruction. In case of all donations other than those raised through hundi/bucket collection in a public meeting/rally, the record of name and address of each donor has to be maintained by the political party, as is done by all other social/civil society/organizations.

4. The cash received by political parties has to be deposited in its bank accounts within a period of 10 working days excepting the amount required to defray its day-to-day expenses. It is clarified that the total amount of cash in hand of a registered political party for the purpose of defraying its day-to-day expenses shall not normally exceed the average monthly cash expenditure of the party during the last financial year.
5. All political parties are required to submit their election expenditure statement before the ECI within 75 days of assembly election or 90 days of Lok Sabha elections as stipulated by the Election Commission of India in pursuance of the order of the Hon. Supreme Court and it is thus required that the parties file their true and correct statement of their election expenses within the stipulated time limit. Since all the political parties and candidates are having bank accounts and also the banks have extended services to foster inclusiveness, all parties shall make payments in excess of Rs.20,000/-* to a person or entity on a single day by account payee cheque or draft or by account transfer excepting the payments, mentioned in para (IV) of the said Transparency Guidelines. This will help in curbing excessive flow of cash during elections and will bring in transparency in the election expenditure of the parties.
6. It has been the endeavour of the Commission to maintain level playing field for all political parties and all candidates during elections. In the interest of conduct of free and fair elections, all parties are required to follow the transparency guidelines issued by the Commission, and violation of lawful direction of the Commission may entail action, as envisaged under para 16A of the Election Symbols (Reservation and Allotment) Order, 1968.

Yours faithfully,

Sd/-

(Malay Mallick)

UNDER SECRETARY

*Note:- Please refer Annexure-E11 and E12.

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.

S 1 . 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.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/SOP/2020/EPS

Dated: 7th October, 2020

To

The Chief Electoral Officers of

All States/Union Territories

Subject: Revised Guidelines of Star Campaigners for Elections held during the period of Pandemic-regarding.

Sir/Madam,

Commission has announced the schedule for conduct of the General Elections to the Legislative Assembly of the State of Bihar on 25.09.2020 (Press Note No. ECI/PN/64/2020) and of the Bye-Elections of various State on 29.09.2020 and 05.10.2020.

2. It would be recalled that on 21.08.2020, Commission issued broad guidelines setting the paradigm for the conduct of elections during the period of COVID-19 after taking inputs from political parties and Chief Electoral Officers of the States/UTs. These guidelines were widely circulated and are available at <https://eci.gov.in/files/file/12167-broad-guidelines-for-conduct-of-general-electionbye-election-during-covid-19/>.
3. Commission, during its visit to Bihar from 29.09.2020 to 01.10.2020 for reviewing the preparedness for General Elections of the State of Bihar held wide ranging consultations starting with National and State Political Parties (on 30.09.2020 from 10 AM to 12 Noon); Senior Officers of the State including Chief Secretary, ACS(Home), DGP, Chief Electoral Officer, District Election Officers and Superintendents of Police etc. Commission was informed that district authorities have completed the identification of locations for electoral campaign and are in the process of marking it for public gathering, keeping COVID safety norms in view, in each constituency and as directed by Commission, now all this information has been made available widely through media by the Chief Electoral Officer, Bihar for the purpose of campaign during these elections. Similar exercises have been carried out by election authorities in the constituencies wherever bye-elections are scheduled. Earlier, senior officers of Commission visited Bihar and reviewed the electoral preparedness at Patna, Muzaffarpur, Bhagalpur and Gaya on 14.09.2020 and 15.09.2020. Besides it, Commission and its officers held a series of virtual meeting with the Chief Electoral Officer, Bihar and District Election Officers and Superintendents of Police before visiting the State.
4. Commission was also informed during the visit of Bihar about the matter of large gatherings during the visit of Star Campaigners. During the Press Conference on 01.10.2020 at 5 PM, clarifications were sought about the potential health concerns during such visits, especially huge crowd gathering during

the landing of helicopters etc. The matter was further deliberated in the Commission today. After considering all facts and circumstances emerging due to pandemic and keeping a balance between the requirement of campaign by the political parties, Commission has decided to revise the norms of Star Campaigners.

5. In view of the above, and with a view to ensuring the conduct of free, fair, peaceful, transparent, ethical and safe elections during COVID-19, Commission hereby **revises the norms concerning Star Campaigners for all ongoing and future elections during the period of pandemic COVID-19** in the following manner:
 - 1) The **maximum limit** on the number of star campaigners for recognized National/State political parties **shall be 30 in place of 40** and for unrecognized registered political parties it **shall be 15 in place of 20** during the period of pandemic.
 - 2) Accordingly, **the period of submission** of the list of star campaigners is extended **from 7 days to 10 days from the date of notification**. Political parties, which have already submitted a list of star campaigners shall resubmit a revised list within the stipulated period.
 - 3) Request for permission for the campaigning by star campaigners shall be submitted to the district election authorities **at least 48 hours** before the start of campaign so that all necessary safety measures are put in place by all concerned stakeholders well in time.
6. You are directed to undertake wide publicity through media and inform all National/State/other registered political parties.

These revised norms shall come into effect immediately.

Yours faithfully,

Sd/-

(STANDHOPE YUHLUNG)

SR. PRINCIPAL SECRETARY

G.

STANDARD OPERATING PROCEDURES
FOR FLYING SQUADS, STATIC
SURVEILLANCE TEAMS, ATM VANS,
CHECKING OF HELICOPTERS ETC., AND
FOR MONITORING BY INCOME TAX
DEPARTMENT

The Commission's instructions are implemented uniformly and proper procedures are followed, standard operating procedures (SOPs) for Flying Squads, Static Surveillance Teams, transportation of cash through ATM vans, checking helicopters/ aircrafts and for checking made at the non commercial airports/ helipads have been formulated for the convenience of the officers and personnel engaged in their implementation.

A. Standard Operating Procedure for Flying Squads and Static Surveillance Teams:

For the purpose of maintaining purity of elections, the Election Commission of India has issued a Standard Operating Procedure (S.O.P) for Flying Squads, Static Surveillance Teams and Check Posts, constituted for keeping vigil over excessive campaign expenses, distribution of items of bribe in cash or in kind, movement of illegal arms, ammunition, liquor and activities of antisocial elements etc. in the constituency during election process, as per Commission's letter no. 76/Instructions/EEPS/2015/Vol.II, dated 29th May, 2015 (**Annexure-G7**). Daily Activity Reports are to be furnished by the FS and SST in the prescribed formats (**Annexure-B8, B9 & B10**). The members of each Flying Squad and Static Surveillance Team, should not be assigned duty for more than 8 hrs., to the extent possible, in a day and the teams are to be dismantled immediately after poll/re-poll.

The Commission has issued 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 as per **Annexure-G9**.

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. (Commission's Instruction no. 76/Instructions/2013/EEPS/Vol. V dated 18th April, 2013, **Annexure-G3**)

B. Standard Operating Procedure for transportation of cash by ATM Vans etc.

In pursuance of 'SOP' prescribed by the Ministry of Finance (Department of Financial Services), copy enclosed as per **Annexure-G2**, it is reiterated that the banks should follow the following procedure for transportation of cash scrupulously:-

- (i) 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.
- (ii) The personnel of the outsourced agencies/companies accompanying cash van shall carry identity cards issued by the respective agencies.
- (iii) 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) intercept 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 accompanying documents 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.

- (iv) The aforesaid procedure shall be part of the standard operating rules and procedure of banks for transport of cash. **(Annexure-G2)**

With regard to information of suspicious or illegal cash, foreign currency and Fake Indian Currency Notes (FICN) etc. found during elections a reference may be made to the relevant enforcement agencies in the district.

The Investigation Directorate of Income Tax Department shall be deployed during elections and they shall perform the functions as mentioned in ECI letter No76/Instructions/EEPS/2013/Vol. II, dated 16th January, 2013 **(Annexure-G1)**. The Daily Activity Report shall be forwarded by the Asst./ Dy. Director of Income Tax (Inv.) as per the revised format **(Annexure-B11)**, 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.

C. Standard Operating Procedure for checking helicopters/Private Aircrafts –

The Bureau of Civil Aviation Security vide its O.M. No. CAS-7 (15)/2012/Div-I (Election), dated 03.07.2013 and Addendum No. CAS-7(15)/2012/DIV-I (Election), dated 11-10-2013 **(Annexure-G4, G5 and G6)** has issued instructions in supersession of all other instructions recommending the following steps:

Pre-embarkation checks at Commercial Airports:

- (i) During the 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 or pouch by any passenger). 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)
- (xi) 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.

- (xii) 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 at the arrival by the airport operator. CISF/ASG shall arrange to deploy additional manpower, if necessary for this duty.
- (xiii) 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 any 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
- (xiv) 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 Non-Scheduled Operator's Permit holders (NSOP) are free to fix the hiring charges and such charges are not being regulated by the office of DGCA (NSOP) (Annexure-G8), list of NSOPs is available in the DGCA's website www.dgca.nic.in at link [Operators-Non-scheduled](#).

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-100001

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 undisclosed 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

**Please refer Annexure-B11 for Annexure-24 as the Compendium has been revised.*

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/EI. 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

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

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)

Adtl. Commissioner of Security (CA)

Distribution:

1. All Chief Secretaries of States/UTs
2. The DG, CISF, 13 CGO's Complex, Lodhi Road, New Delhi.
3. All DGP/IGP of States.UTS
4. DGCA, Oppo. Safdarjung Airport, New Delhi.
5. Chairman, AAI, Safdarjung Airport, New Delhi.
6. The RDCOS(CA), BCAS, Delhi, Amritsar, Mumbai, Ahmedabad, Chennai, Hyderabad, Kolkata & Guwahati: *for strict compliance.*
7. The MD, DIAL, New Udan Bhawan, Opp.Terminal-3, IGI Airport, New Delhi-37.
8. The MD, MIAL, CSI Airport, 1st Floor, Terminal IB, Santacruz (E), Mumbai-400009.
9. The MD, CIAL, Cochin International Airport Ltd., Cochin Airport, Cochin.
10. The MD, HIAL, Hyderabad International Airport Limited, Shamshabad- 500409, Ranga Reddy Distt., A.P.
11. The MD, BIAL, Bangalore International Airport Ltd., Administration Block, Bengaluru International Airport Devanahalli, Bangalore-560300.
12. The MD, MIHAN India Private Ltd. Dr. Babasaheb Ambedkar International Airport, Nagpur.

Copy to:-

1. Election Commission of India (Shri Anuj Jaipurian Secretary) Nirvachan Ashoka Road, New Delhi.: *w.r.t. letter No.76/Instructions/2013/EEPS/Vol.I dated 27th June , 2013*
2. The Secretary to the Govt. of India, Ministry of Civil Aviation, Rajiv Gandhi Bhavan, Safdarjung

Airport, New Delhi

3. The Chairman, CBDT, North Block, New Delhi
4. The Joint Director, IB, 35 SP Marg, New Delhi

Internal:

1. PPS to Jt. COSCA
2. Shri R.N. Dhoke, Addl.COS(CA), Nodal Officer, Tel No. 011-23311467 Mob no. +919013626505, Tel. No. (011)23311467, Mob.No. +919013626505
3. Shri M. T. Baig., Asstt. Commissioner of Security (CA), Alternate Nodal Officer Tel. No.(011) 23731721
4. All Officers in BCAS HQrs

Sd/-

(R. N. Dhoke, IPS)

Addl. Commissioner of Security

RESTRICTED

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 remtain in force till end of the poll process in the states.

Sd/-

(R. N. Dhoke, IPS)

Addl. Commissioner of Security (CA)

Distribution: -

1. All Chief Secretaries of States/Uts.
2. The DG. CISF, 13 CGO Complex, Lodhi Road, New Delhi.
3. All DGP/IGP of States/Uts
4. DGCA, Opposite Safdarjung Airport, New Delhi
5. Chairman, AAI Safdarjung Airport, New Delhi
6. The RDCOS(CA), BCAS, Delhi, Mumbai, Chennai, Kolkata, Amritsar, Ahmedabad, Hyderabad and Guwahati- For Strict Compliance.
7. The MD, DIAL, New Udan Bhawan Opp Terminal-3, IGI Airport, New Delhi- 37.
8. The MD, MIAL, CSI Airport, 1st Floor. Terminal 1B, Santacruz (E), Mumbai- 400009.
9. The MD, CIAL Cochin Int, Airport Ltd, Cochin Airport, Cochin.
10. The MD, HIAL, Hyderabad International Airport Ltd, Shamshabad-500408.
11. The MD, BIAL, Bangalore International Airport Ltd, Administration Block, Bengaluru International Airport Devanshaill, Bangalore- 560300
12. The MD, MIHAN India Private Ltd. Dr. Babasaheb Ambedkar International Airport Nagpur.

Copy to:

1. Election Commission of India (Kind attention: Shri S.K. Rudola, Secretary), Nirvachan Sadan, Ashoka Road, New Delhi-w.r.t. letter No.76/Instructions/2013/EEPS/Vol.VI/330 dated 30.09.2013.
2. The Secretary to the Govt. of India Ministry of Civil Aviation, Rajiv Gandhi Bhawan, New Delhi.
3. The Chairman, CBDT, North Block, New Delhi.
4. The Joint Director, IB, 35 SP Marg, New Delhi.

Internal:

1. PS to Jt. COSCA.
2. Shri R. N. Dhoke, Addl COS (CA), Nodal Officer, Tel No. 011-23311467, Mob No. +919013626605.
3. Shri M T Baig, ACS (CA), Alternate Nodal Officer, Tel No. 011-23731721.
4. All Officers in BCAS Hqrs.

MOST URGENT

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 cited 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 check 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)

Copy to:

1. Chief Secretary, Madhya Pradesh
2. DGP, Madhya Pradesh Police
3. Chairman, AAI, R.G. Bhavan, New Delhi

Copy for information to:

1. Election Commissioner of India (Shri B. B. Garg, Jt. Director), Nirvachan Sadan, Ashoka Road, New Delhi-01

Internal: PS to Jt. COSCA, PS to ACOS (S), ALL RDCOS, BC

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, *everyday*.
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 in 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 effected.
 - (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

Note: Please refer Annexure-B8, B9 & B10 for Annexure- A, B & C.

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) DistrictPolice 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:

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/aircrafts etc. may be obtained by them directly from the Non-Scheduled Operators Permit Holders.

Yours faithfully,

Sd/-

(AVINASH KUMAR)

SECRETARY

Enc. As above (33 pages)

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

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

H.

CHECKLISTS FOR RO, DEO, CEO,
CANDIDATE AND POLITICAL PARTY

Checklist for RO

[The check list is not exhaustive, in case of any doubt kindly refer to detailed instructions]

A. Before announcement of elections: -

1. To have the updated list of all the disqualified candidates, who have incurred disqualification u/s 8A and 11 A (b) (for corrupt practices) and 10 A (failure to lodge the account of election expenses in time and manner) of the R.P. Act, 1951, which may also be viewed on Commission's website. www.eci.nic.in
2. To ensure that the following formats are ready at the o/o the DEO/RO :
 - (i) Election Expenditure Register of the candidates (duly serial numbered) comprising of Bank Register, Cash Register, Day to Day Account Register, Abstract Statement (Part I to Part IV) along with Schedules 1 to 10, Format of Affidavit and Acknowledgement
 - (ii) Shadow Observation Register
 - (iii) Video Cue Sheet
 - (iv) Reporting formats by Flying Squad / Static Surveillance Team
 - (v) Compendium of Election Expenditure guidelines in local language
 - (vi) Form 26 regarding criminal cases, assets and liabilities.
3. To identify Expenditure Sensitive Pockets (ESPs), in the Constituency on the basis of level of development, literacy and complaints received during the last Assembly elections and to report to Commission.
4. To identify the Master Trainers of State Police and State Excise Department of the district for Expenditure Monitoring Team.
5. To pursue all pending cases of last election, where FIR was filed and take them to their logical conclusion.
6. To identify officers who will be notified as Executive Magistrate for the Flying Squad / Static Surveillance Team.
7. To prepare plan for training of all manpower to be deployed in Expenditure Monitoring Teams in 2/3 phases.
8. To arrange vehicles for all teams and the logistics.
9. To interact with BAGs and sensitize them about their role in ethical voting campaign and provide information on malpractices during election.

B. After announcement of election

10. To ensure that FS, VST, VVT, MCMC and Accounting team are functional from the date of announcement of election.

11. To ensure that GPRS is fitted in all FS/SST vehicles and the Flying Squads shall attend both the MCC cases and expenditure related cases within ½ an hour of receipt of complaint.
12. The expenses incurred by the political parties shall be observed from the date of announcement of election till completion of election and reported to CEO party wise, after declaration of result.
13. To file FIR in appropriate cases, as detected by FS, SST or EO.

C. After issuance of notification of elections: -

14. To ensure that SSTs are functional from the date of issue of notification.
15. Take note of the list of Star Campaigners received by the CEO and ECI within 7 days of notification of election.
16. To scan the affidavit of assets and liabilities submitted by the candidates and upload on to the CEO's website within 24 hours of its receipt.
17. To hold a meeting of all the candidates or agents immediately after the allotment of symbols to explain the process of expenditure monitoring, legal provisions relating to election expenditure and consequences of non-compliance of these provisions.
18. To notify dates for inspection of accounts by the Expenditure Observer during the campaign period and issue notices to the defaulting candidates as directed by the Expenditure Observer.
19. To supervise complaint monitoring system and ensure that every complaint is enquired within 24 hours of its receipt.
20. To ensure that all the documents required are put on his website and copies of the same, if requested, are given immediately to the members of public on payment of prescribed fee.
21. To ensure that after seizure by FS/SST, FIR/Complaint is filed promptly in appropriate cases.
22. To interact with Expenditure Observers/Assistant Expenditure Observers and to ensure that all teams are working smoothly.
23. To issue notice to the candidate, when any defect is pointed out by the EO/DEO and received reply from the candidate/agent.
24. To issue notice to the candidate, preferably within 24 hrs. of the date of receipt of information about suppression/omission of the expenditure incurred by the candidate or if the candidate has not produced his account of election expenses for inspection on scheduled date or if the expenses incurred in election campaign are not correctly shown by the candidate.
25. To ensure that the reply of the notices issued to the candidates are received within 48 hrs.

.....

Checklist for DEO

[The check list is not exhaustive, in case of any doubt kindly refer to detailed instructions]

A. Before announcement of elections: -

1. To identify officers to be appointed as Assistant Expenditure Observers from Income Tax, Customs & Central Excise or other Accounts Departments of Central Govt. or PSUs or State Financial Services.
2. To identify manpower for Flying Squad (3 or more per AC); Static Surveillance Team (3 or more per AC) and Video Surveillance Team (one or more per AC).
3. To mobilise Video Cameras, Web Cams, GPRS system etc., as per requirement of Video Surveillance Teams, Flying Squads and Static Surveillance Teams.
4. To arrange TV/Computers with TV connection for MCMC.
5. To identify Expenditure Sensitive pockets (ESPs) and Expenditure Sensitive Constituencies (ESCs) – on the basis of level of development, literacy, complaints during Legislative Assembly Election to forward to ECI.
6. To identify a senior officer of ADM rank as Nodal Officer for Expenditure Monitoring and inform to ECI – He will be Master Trainer for all Expenditure Monitoring officials
7. To identify the Nodal Officer of State Police and State Excise Department of the district for Expenditure Monitoring programme- they will be Master Trainers.
8. To pursue all pending cases of last election, where FIR was filed and take it to logical conclusion.
9. To identify officers who will be notified as Executive Magistrate for the Flying Squad / Static Surveillance Team.
10. To prepare plan for training in 2/3 phases of all manpower to be deployed in Expenditure Monitoring Teams.
11. To prepare workshop on EEM for the Media and political party functionaries of the district, especially on requirement for rallies, notification of rates, restriction on cash transaction and role of parties and media during election.
12. To print the following:
 - (i) Election Expenditure Register of the candidates (duly serial numbered) comprising of Bank Register, Cash Register, Day to Day Account Register, Abstract Statement (Part I to Part IV) along with Schedules 1 to 10, Format of Affidavit and Acknowledgement
 - (ii) Shadow Observation Register
 - (iii) Video Cue Sheets for Video Surveillance Teams
 - (iv) Reporting formats by Flying Squad / Static Surveillance Team
 - (v) Compendium of Election Expenditure guidelines in Hindi/Local language
 - (vi) Form 26 regarding criminal cases, assets and liabilities.

- (vii) Revised statement of Expenditure for the political parties, to be submitted within 75 days of declaration of result.
13. To identify the Booth Level Awareness Groups (BAGs) and have a sensitisation programme with the BAGs at district level for ethical voting campaign, pledge letter, and for familiarising them with software for uploading photo, audio, video of malpractices to complaint centre.
 14. To organise meeting with all Citizen Societies (CSOs)/NGOs, academicians, media persons, and intellectuals on ethical voting and sensitise them about their role on ethical voting campaign and creating awareness of penal provisions against bribing.
 15. To prepare advertisement materials, audio video visuals, slogans etc. on ethical voting.
 16. To organise debate, slogan, cartoon etc. competitions in schools and colleges on ethical voting and against bribery of elections.
 17. To ensure that the pledge letters or ethical voting are circulated widely and signature campaign for ethical voting is taken up in large scale.
 18. To ensure that all cases of accounts of election expenses of candidates (pertaining to last Assembly elections) have been disposed of.

B. After announcement of election

19. To arrange meeting with banks (i) for facilitation in opening bank account by candidates and issuing cheque books/(ii) for sending suspicious transaction report exceeding Rs.10 Lakh (iii) Procedure to be followed for ATM Vans as per guideline of Ministry Finance dtd. 20.2.2013 (Annexure-G2)
20. To go through the Guidelines for permission for helicopter landing in the district and for checking of baggage.
21. To arrange a meeting with political parties in the district after announcement of election for notification of rates of different items of election campaign expenditure and get consensus on rates, with their signature.
22. To start functioning of District level Complaint Monitoring Centre, MCMC, FS,VST,VVT a n d Accounting Team from the date of announcement of election. The SST will start functioning after issue of notification.
23. To videograph all rallies held by the political parties, for tallying expenditure by the party with the expenditure statement furnished after 75 days of Assembly election and 90 days after Lok Sabha elections.
24. To publicise in local language about the checking measures against movement of cash during election.

C. After issue of notification of election:-

25. To ensure that SSTs are functional in all constituencies and to see that all teams of EEM are functional at constituency and district level and to ensure that FS/SST are mixed with CPF in Expenditure Sensitive Cconstituencies.

26. To form DEMC and inform the procedure of appeal, SOP for FS/SST to all candidates.
27. To publicise in local media, the appeal procedure against the seizure of cash.
28. To take note of the list of Star Campaigners received directly by the CEO office or from the Commission, within 7 days of notification of election.
29. To up-load scanned copies of all the Affidavits of Criminal cases, Assets & liabilities on the CEO website, within 24 hours of these being filed by candidates of the recognised political parties and in case of other candidates one day after the scrutiny of nomination for public display.
30. Teams involved in EEM like FS, SST, VST, VVT, EMC, Excise Team, MCMC, DEMC, Accounting Team, 24X7 District EEM Control room etc. are to be strengthened during the last 72 hrs. of poll and CPF be provided to the FS, SST where required, which are deployed near the polling stations.
31. To have police deployment plan during last 72 hrs. as the police may be required for poll duty and in no case the FS, SST be disbanded during last 72 hrs.

D. After completion of elections:-

32. To arrange one-day facilitation training programme for all the candidates/ election agents and the personnel engaged for receiving accounts within one week before the last date of submission of the accounts of election expenses.
33. To issue letter just after declaration of result to candidates for “Account Reconciliation Meeting” on the 26th day of declaration of result and to request them to come prepared with the draft expenditure reports/statements and to arrange the said meeting with Expenditure Observers, Assistant Expenditure Observers, members of Accounting Team, Nodal Officer of Election Expenditure Monitoring of the district.
34. To issue a letter just after declaration of results to all the candidates for lodging the account within 30 days of declaration of result and mentioning the date of facilitation training in that notice.
35. 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).
36. If there is any procedural defect in the account of a candidate, the DEO shall issue a notice to defaulting candidate giving him 3 days time for rectifying the defect in the account. The reply of the candidate alongwith copy of the notice shall be forwarded to the Commission by the DEO with his comments.
37. 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, alongwith his comments.
38. The DEO shall finalize the candidate wise summary and scrutiny reports in the prescribed format

(Annexure-C13) 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.

39. Scanned copy of the Abstract Statement (Part I to Part IV along with Schedule 1 to 10) of all the candidates along with copies of all notices issued by the RO, if any, and the replies thereto, during election period, must be put on the website of the CEO, positively within 3 days of lodging of account of election expenses by the candidate, for wider dissemination of information to all public.
40. The scrutiny report of DEO for each candidate is to be entered Encore (Annexure-C17), within 3 days after submission of DEO's Scrutiny Report.

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Checklist for CEO

[The check list is not exhaustive, in case of any doubt kindly refer to detailed instructions]

A. Before announcement of elections:-

1. To appoint a Nodal officer in the CEO office for Election Expenditure Monitoring (EEM) training, reporting to Commission and to also co-ordinate with the state Police Dept., Income Tax Dept (Inv.), State Excise Dept. and to forward to the Secretary (EEM) at the Commission, the names, telephone no. & mobile no., e-mail and address of all these Nodal Officers, before announcement of election in state.
2. To compile list of Expenditure Sensitive Constituencies (ESCs) and Expenditure Sensitive Pockets (ESPs), within the ACs and send the list to the Commission well in advance, preferably six months in advance from the date of completion of the term of Assembly, along with the slotting for Expenditure Observers and the allotment of districts.
3. To translate into the local language and print the Compendium of Election Expenditure Instructions in sufficient numbers and to distribute copies to candidates, officers engaged in EEM, Nodal Officers of all departments, DEOs and SPs, Political parties and Media.
4. To print all the registers and forms required for reporting by the candidates and the teams engaged in expenditure monitoring.
5. To identify and prepare for training of all Master Trainers / Nodal officers, to be deployed (at district level in DEO office, Police and Excise Department) for EEM in the state, in advance.
6. To identify man power in all districts for Asst. Exp. Observers, members of VST,VVT, FS, SST, MCMC and Accounting Teams and to impart two or three training programmes for each member of the team and to ensure that the manpower for FS/SST/VST/Accounting Team/MCMC/District level complaint centre are properly trained.
7. To ensure that officers are identified in advance by all districts that will be notified as Executive Magistrates for the Flying Squads (FS) to be deployed from the date of announcement of election till the date of completion of election.
8. To ensure that vehicles for all the teams, Video cameras/ Web cams etc. for FS/SST/VST and TVs with cable connections for the MCMC, are arranged by the DEOs.
9. To ensure that vehicles to be used by FST/SST are GPRS enabled.
10. To prepare for workshop for political parties at State level with regard to the EEM Instructions issued by the Commission. To prepare sensitisation workshop on EEM for the Media.
11. To obtain media advertisement rates, DIPR and DAVP rates for the State/district.
12. To liaison with Excise Commissioners and Police Commissioners of bordering states with regard to control of flow of illicit liquor, drugs etc. to or from the state during elections.
13. To liaison with the Director General of Income Tax (Investigation) of the state to get the Airport Intelligence Units (AIUs) operational at all commercial airports in the state and to identify all operational non-commercial airports/airstrips/helipads in the state and see that proper checking arrangement is done.

14. To liaison with BSF, or ITBP, if state has international border and to sensitise them reg. movement of cash, liquor or drugs during election.
15. To pursue all old pending cases of last election where FIRs were filed and take them to logical conclusion.
16. To ensure that all the cases of accounts of election expenses of candidates pertaining to the last Assembly elections have been disposed of.

Ethical Voting:-

17. To form Booth Level Awareness Groups (BAGs) and equip them with all ethical voting materials and the software to upload photo/video of malpractices and to ensure that the DEOs have sensitisation meeting with BAGs for ethical voting campaign, signing pledge letters etc.
18. To organise meeting with all Citizen Societies (CSOs)/NGOs of the State, educationists, academicians, media person of the state to spread the message of ethical voting.
19. To prepare all advertisement matters like audio, video, visuals slogans etc. on ethical voting.
20. To organise debate, slogan, cartoon competitions in schools and colleges on ethical voting and to circulate pledge letters/signature campaign for ethical voting and against bribery.
21. To have partnership with media organisations on ethical voting campaign and penal provisions of bribery.
22. To update the website data on the status reports of the registered political parties regarding their annual Audit report, election expenditure statement and contribution reports.

B. After announcement of election:-

23. To start functioning of the District Level Complaint Monitoring Centre, FSs, VSTs, VVTs, Accounting Teams from the date of announcement of election to capture expenditure of all major rallies, to attend to complaints and to enforce Model Code of Conduct. After announcement, the party expenses are to be captured by VST and FS and compiled reports sent to CEO, for each party, so that the expenditure statements filed by the parties are tallied subsequently.
24. MCMC to start functioning from date of announcement.
25. To make arrangements at district level, for up-loading scanned copies of all the Affidavits of Criminal cases, Assets & liabilities on the CEO website, within 24 hours of these being filed by candidates of the recognised political parties and in case of other candidates one day after the scrutiny of nomination for public display.
26. To direct the DEOs to ensure that the SSTs are properly manned and formed to start functioning from date of notification. The reporting by the teams in the relevant formats to start from the day of notification of election.

27. To ensure that CAPF are mixed in FS/SST in ESCs.

C. After issue of Notification of elections:-

28. To ensure that SSTs are functional in all constituencies and to see that all teams of EEM are functional

at constituency and District level and to ensure that FS/SST are mixed with CPF in Expenditure Sensitive Constituencies.

29. To publicise in local language in all media about restrictions in carrying cash during election period, the checking of cash and the procedure for appeal against seizure.
30. To take note of the list of Star Campaigners received directly by the CEO office or from the Commission, within 7 days of notification of election and circulate among the DEOs/ROs and upload on the website.
31. To ensure that the copies of the Affidavits regarding Criminal cases, Asset and Liability are displayed on the notice board of DEOs and scanned copies are uploaded on the website within 24 hrs.
32. To ensure that the dates of three inspections of accounts by all Expenditure Observers are notified.
33. To ensure that the scanned copies of the registers of the candidates after each inspection are uploaded on the DEO's portal with link provided to the CEO's website.
34. To form State level MCMC and ensure timely disposal of suspected Paid News cases / connected grievances referred, if any.
35. To ensure that strict monitoring is done in ESCs and ESPs.
36. Teams involved in EEM like FS, SST, VST, VVT, EMC, Excise Team, MCMC, DEMC, Accounting Team, 24X7 District EEM Control room etc. are to be strengthened during the last 72 hrs. of poll and CPF be provided to the FS, SST where required, which are deployed near the polling stations.
37. To have police deployment plan during last 72 hrs as the police may be required for poll duty and in no case the FS, SST be disbanded during last 72 hrs.
38. To ensure that seizure reports are sent to the Commission by all Nodal officers in time.
39. To ensure that action is taken on complaints within half an hour.
40. To ensure that all major rallies are videographed.
41. To ensure that ROs promptly file FIR, in cases detected by FS/SST/Accounting Team.

D. On the Poll day:-

42. To forward to ECI (to the Secretary, EEM) the compiled CEO's report on EEM up to Poll day and including poll day (Ref. **Annexure – C3**) by/before 1.00 PM, for media briefing by the Commission at 5.00 PM.

E. After completion of elections:-

43. To ensure that all seized cash/items are released within 7 days of poll, if no FIR is filed, or, if not handed over to Income Tax Dept.
44. To ensure proper training at district level (within 23 days after declaration of result) for the candidates and the staff to be engaged at DEO office for receiving the election expense accounts from the candidates.
45. To ensure that Account Reconciliation Meeting is organised with all candidates on 26th day of completion

of election, who will come prepared with their draft account statements/reports for reconciliation.

46. To prepare for up-loading on the website (all the Abstract Statement of accounts, filed by the candidates) within 3 days of receipt by DEO office.
47. To ensure that DEOs put on the notice board the details, mentioning the names of the candidates, date of lodging accounts and time and place at which such account can be inspected, within 2 days of filing of accounts by the candidates.
48. To ensure that DEOs send Scrutiny Reports within 38 days from the date of declaration of result to the CEO and the same is forwarded to the Commission by 45th day of declaration of result. (**Annexure-C13**)
49. To prepare plan for data entry of the “Scrutiny Report” of DEOs in Encore within 3 days of finalisation of scrutiny report by DEOs (**Annexure-C17**).
50. To pursue all police cases of election offences relating to bribe, where FIR was filed or court case filed and take them to their logical conclusion.
51. To dispose pending suspected Paid News cases, if any, by the State level MCMC before disbanding it and sending the list of cases of Paid News to Commission.
52. To forward the DEO’s Scrutiny & Summary reports to the Commission within 7 days of receipt with comments. The CEO to ensure that DEOs send the scrutiny report along with the DEMC reports and notices and candidates’ explanations, if any.
53. To ensure that the DEOs keep the evidences (video CDs etc.) gathered during election and the Shadow Observation Register in safe custody, to be produced before the Commission in future, in case of a complaint.

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Checklist for Candidates

[The check list is not exhaustive, in case of any doubt kindly refer to detailed instructions]

A. Up to the time of nomination

1. To open a separate bank account exclusively for election expenditure purposes, at least one day before filing of nomination.
2. To take a copy of Election Expenditure Register from the Returning Officer duly serial numbered and pages numbered and necessary certification regarding number of pages comprising of Cash Register, Bank Register and Day-to-Day Account Register, Abstract Statement (Part I to Part VI), Affidavit and Acknowledgment and to receive Compendium of Instructions on Election Expenditure Monitoring from the RO.
3. To notify name of the separate agent for election expenditure, if any, and inform the RO.
4. To attend or to ensure that the Expenditure Agent attends the training programme on election expenditure and on maintenance of Election Expenditure Register organised by the Returning Officer.
5. To know the ceiling of election expenditure of your constituency and the laws/ instructions regarding election expenditure monitoring.
6. To obtain copy of the notification or rates of election campaign items by the DEO.
7. To go through all instructions on Election Expenditure Monitoring and contact Election Expenditure Monitoring Nodal Officer in case of doubt.
8. To train all workers on the Election Expenditure Monitoring instructions.

B. From the date of nomination to the date of declaration of result

9. To maintain a day-to-day accounts of all election expenses in the Election Expenditure Register received from the RO.
10. To take permission regarding all vehicles to be used for election campaign and to ensure that the permission letter is displayed on windscreen of each such vehicle.
11. To be aware that in case the candidate is not using any vehicles, it should be informed to RO and permission should be cancelled, otherwise deemed expenditure on such vehicles will be computed and added to his expenditure.
12. To take permission to hold rally/procession /public meeting with expenditure plan given in **Annexure-D1** of the compendium and submit before the date of such rally/ meeting to the RO.
13. To ensure that all expenses for the commercial vehicles hired for the rally are included in the accounts.
14. To ensure that all expenditure on rally attended by the candidate/ photo displayed/ name promoted are added to the account as per Commission's instruction. To ensure that expenses tally with the "Shadow Observation Register". Any underestimating/underreporting of election expenditure may lead to issuance of `show cause notice by the R.O.
15. To be aware of the provisions of section 127 A of the R. P. Act, 1951 regarding printing of election posters, etc. and passing information to DEO and necessary declaration to be submitted by the

Publisher and Printer in Appendix A & B on printing of poster and pamphlet on part of publisher and printer.

16. To know the provisions of sections 171 B to 171 I of IPC and section 123 of R. P. Act, 1951.
17. To maintain regularly the Day-do-Day accounts, cash book and bank book from the date of filing of nomination and include all expenses incurred on the date of filing of nomination.
18. To know the fact that all posters, banners, pamphlets even if printed/ published prior to nomination, but being used/displayed after nomination, shall form the election expenditure of the candidate.
19. To be aware that if the candidates sponsored by any political party (recognised or unrecognised) he should check as to whether list of Star Campaigners submitted by the party to the Commission and CEO has been provided to the Returning Officer/Expenditure Observer/Election Expenditure Monitoring Teams for claiming benefit u/s 77 of the R.P. Act 1951 by the party within 7 days of date of notification of Election.
20. To get the details of travel expenses of Star Campaigners (like helicopters) from the party so that necessary correct entries are made in his account statement and to inform the RO within 5 days after landing of aircraft/helicopter in his constituency, about the hiring charges paid/payable to the company owning/leasing the aircraft of the helicopter, names of passengers and name of the political party (if the party had borne the expenses for hiring).
21. To ensure that all expenditure in excess of Rs. 10,000/- and all receipts, contributions, loans, deposits, advances in excess of Rs.10,000/- should not be in cash, and should be by cheque or draft or bank transfer, through the bank account exclusively opened for the election expenditure purpose.
22. To maintain all the details relating to receipts of funds from party, from own funds, receipts from others by way of donations/gifts/loans etc. Even outstanding/payable amounts are to be included.
23. To ensure that in respect of the services/goods received in kind, the name and address of persons must be mentioned in the Accounts register and also be added as expenditure of the candidate.
24. To know that the rates of various items/services utilised in election campaign are fixed by the DEO in consultation with the candidates/agents. As such the candidate should ensure that the rate chart is followed for maintaining the accounts.
25. To know that sharing of dais with star campaigner, appeal made by the star campaigner for vote in his favour shall result in the expenditure on such meetings etc. being treated as expenditure incurred by the candidate and not by the party.
26. To be present either personally or through the agent during the 3 inspections to be done by the Expenditure Observer during campaign period and produce all completed accounts/registers.
27. To respond within 48 hours to the communications or notices received from the R.O. regarding discrepancies found in the account of your election expenses.
28. To know about the “Paid news” and the procedure in which the paid news cases are to be added in the account of election expenses of the candidate.
29. To respond in time to the order passed by the MCMC (At District Level) as regards suspected cases

of paid news brought to the notice of the candidate by the RO. If candidate disagrees with the order, an appeal is to be made before the State Level Media Committee, within the stipulated time.

30. To include the expenses incurred on maintenance of candidates' booths (Kiosks) for distribution of voter's slips on the poll day. The expenses include expenditure incurred on election of candidates' booths (Kiosks), logistics, remuneration paid to the workers/agents manning them and the expenses on snacks, food etc. (Schedule – 6 of Abstract statement of account).
31. To ensure that none of the party workers indulge in or extend support to bribing of electors, as defined in Section 171 B of IPC or Section 123 (1) of R. P. Act 1951.

C. After declaration or result

32. To attend personally or through the agent the training on procedure of lodging the accounts organised by DEO within 23 days of declaration of result and also **Account Reconciliation Meeting** organised on 26th day of declaration of result.
33. To be aware that in the above said meeting the candidates will be given another opportunity to reconcile the understated amount of their election expenses, if any. Therefore, the candidates should produce their draft of final accounts, so that the discrepancies can be reconciled.
34. To know that even if the candidate had already lodged his account prior to the above said meeting, he may revise the accounts within the statutory period of 30 days of the declaration of result in order to incorporate the findings of the District Expenditure Monitoring Committee.
35. To submit before the DEO, the account of election expenses, comprising of Bank Register, Cash Register, Day-to-Day account Register, Abstract Statement (Part I to Part IV and Schedules 1 to 10), all bills & vouchers (serially numbered) and Affidavit in **original**, duly filled up in all respect and self-attested copy of bank statement opened for expenditure purposes exclusively, within 30 days of declaration of result. If account is not lodged within time and in the required manner, notice is issued by the Commission for disqualification u/s 10 A of the R. P. Act, 1951.
36. To obtain acknowledgment as a proof of lodging the account from the office of the DEO, giving date and time of lodging of the account.
37. To sign the Abstract Statement and Affidavit himself and all bills and vouchers are signed by you or your election agent:
38. To submit copy of the reply given to the Returning Officer or Expenditure Observer at the time of inspection of register in respect of discrepancies pointed out by DEMC.

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Checklist for Political Parties

[The check list is not exhaustive, in case of any doubt kindly refer to detailed instructions]

A. After announcement of election:

1. To ensure that all candidates of the party open a separate bank account exclusively for election expenditure purposes, at least one day before filing nomination and present a self-attested copy of that account to the Returning Officer at the time of filing nomination:
2. To obtain a copy of the Compendium of Instructions on Election Expenditure Monitoring, in local language from the CEO.
3. To nominate a nodal political leader at state level, who will co-ordinate with CEO and Commission on Election Expenditure Monitoring and who will be the Master Trainer of party workers and candidates on election expenditure.
4. To ensure that Nodal Officer attends the training programme on election expenditure and on maintenance of Election Expenditure Register by the Returning Officer/DEO.
5. To ensure that all contribution reports and annual audit reports of previous years, all election expenditure statements of previous elections are filed in time.
6. To ensure the following: -
 - (a) Amounts paid to candidate (if any) are by way of cheque/draft/bank transfer only (not in cash).
 - (b) To maintain details of receipts and details of all expenses from the date of announcement of election till declaration of result, for preparation of correct election expenditure statements of the Party subsequently.
 - (c) To incur expenditure on payment to a single person/entity exceeding Rs. 10,000/- in a day by way of cheque/draft/bank transfer only (not in cash).
 - (d) Amount payable/outstanding also to be recorded and included in the account.
 - (e) Notional value of all receipts in kind and/or as complimenting are also to be included in the accounts.

B. From the date of nomination to date of declaration of result

7. To ensure that the list of Star Campaigners has been provided to the CEO and Election commission of India within 7 days of the issue of notification of the election. Otherwise all expenditure incurred on the travels of Star Campaigners will be booked in the account of the candidate and the benefit within the meaning of explanation (2) of section 77 of the R. P. Act, 1951 cannot be availed).
8. To ensure that while the expenditure for general party propaganda are accounted for by the party, the campaign expenditure by the party, propagating for candidate(s) with their name, photo or sharing dais etc. shall be added to the candidates, as per instructions of the Commission.
9. To take due permission to hold rally/procession /public meeting from the R.O. concerned.
10. To be aware of the provisions of the section 127 A of the R. P. Act, 1951 regarding the passing information to RO and necessary declaration to be submitted by the Publisher and Printer in Appendix

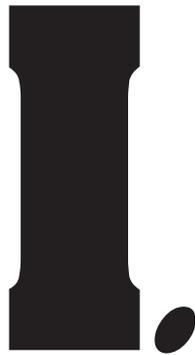
A & B on printing of poster and pamphlet on part of publisher and printer.

11. To inform the party functionaries and candidates about the provisions of the sections 171 A to 171 I of IPC and particularly that procuring or promoting the prospect of the candidate without his authority shall lead to punishment of the concerned persons.
12. To educate the party workers regarding penal measures under sections 171 A to 171 I of IPC and section 123 of R.P. Act, 1951 and particularly section 171 B of IPC and section 123(2) of R. P. Act, 1951 regarding bribery of electors.
13. To inform the candidate about the name and hiring charges of the company, providing the service of helicopters and aircrafts to the party, during election rally in his/her constituency as per instructions of the Commission.

C. After declaration or result

14. 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 prescribed format, 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).
15. To submit the consolidated Statement of Election Expenditure in prescribed format within 75 days of completion of Assembly elections of the State and within 90 days of completion of election of Lok Sabha elections, duly certified by the Chartered Accountant. In case of recognize political parties, the accounts are to be submitted with the Commission and in case of un-recognized political parties, the accounts are to be filed with the CEO of the State.

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Guidelines of ECI on Publicity of Criminal
Antecedents by Political Parties and Candidates

Introduction

Indian elections are extremely competitive. In 17th General Elections, 2019, a total of 8054 candidates belonging to 673 political parties including independents vied for 543 seats in the Lok Sabha. One of the main concerns of electoral environment has been the participation of some candidates with criminal backgrounds. Hon'ble Supreme Court in its catena of judgments [dated 13th March, 2003 in Civil Appeal No. 490 of 2002 (People's Union for Civil Liberties and another v Union of India)] facilitated disclosure of full background including criminal antecedents and financial status of every candidate in the form of affidavit. Subsequently, in WP (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and WP (C) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr. the Court on 25th September, 2018 directed vide Para 4:

- (i) *Each contesting candidate shall fill up the form as provided by the Election Commission and the form must contain all the particulars as required therein.*
 - (ii) *It shall state, in bold letters, with regard to the criminal cases pending against the candidate.*
 - (iii) *If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.*
 - (iv) *The concerned political party shall be obligated to put up on its website the aforesaid information pertaining to candidates having criminal antecedents.*
 - (v) *The candidate as well as the concerned political party shall issue a declaration in the widely circulated newspapers in the locality about the antecedents of the candidate and also give wide publicity in the electronic media. When we say wide publicity, we mean that the same shall be done at least thrice after filing of the nomination papers.*
2. In pursuance of this, Election Commission issued detailed instructions on 10th October, 2018. In its directions, it prescribed six forms for the following purposes:

Formats	Action to be taken by	Platform
C1	Candidates	Newspaper & TV
C2	Political Parties	Newspaper, TV & Political Party's website
C3	Returning Officer	Reminder to the Candidate
C4	Candidate to DEO	Report to be submitted before the DEO (in case of elections to Lok Sabha and Vidhan Sabha) or the RO (in case of elections to Rajya Sabha and Vidhan Parishad)
C5	Political Parties to CEO of the State concerned	Report about publishing of the declaration
C6	CEO to the Commission	Report regarding compliance by the political parties

3. The Commission also released detailed Frequently Asked Questions (FAQs) on 5th November, 2018 which was reiterated on 19th March, 2019 in this regard.
4. Further, in contempt petition (C) no. 2192 of 2018 in WP (C) no. 536 of 2011, the Hon'ble Supreme Court on 13th February, 2020, in the matter related to candidates with criminal antecedents, directed,

“4. We have also noted that the political parties offer no explanation as to why candidates with pending criminal cases are selected as candidates in the first place. We therefore issue the following directions in exercise of our constitutional powers under Articles 129 and 142 of the Constitution of India.

 - (1) It shall be mandatory for political parties (at the Central and State election level) to upload on their website detailed information regarding individuals with pending criminal cases (including the nature of the offences, and relevant particulars such as whether charges have been framed, the concerned Court, the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.*
 - (2) The reasons as to selection shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere “winnability” at the polls.*
 - (3) This information shall also be published in:*
 - (a) One local vernacular newspaper and one national newspaper;*
 - (b) On the officials social media platforms of the political party, including Facebook & Twitter.*
 - (4) These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.*
 - (5) The political party concerned shall then submit a report of compliance with these directions with the Election Commission within 72 hours of the selection of the said candidate.*
 - (6) If a political party fails to submit such compliances report with the Election Commission, the Election Commission shall bring such non-compliance by the political party concerned to the notice of the Supreme Court as being in contempt of this Court's orders/directions.”*
5. Meaning of ‘National’ and ‘Local Vernacular’ Newspapers, in the context of Hon'ble Supreme Court's Order dated 13th February, 2020, as approved by the Commission, is as below:
 - (a) National Newspaper- Any daily newspaper which meets all the following norms:
 1. At least one edition with circulation beyond 75000 as stated by DAVP/Audit Bureau of Circulation in publicity available records.
 2. Editions in more than one State, as reflected in the publicly available records of DAVP/Audit Bureau of Circulation.
 - (b) Local Vernacular Newspaper- Any daily newspaper which meets all the following norms:
 1. At least one edition published within the geographical territory of the State/UT, in the local vernacular language, with a circulation of at least 25,000, as stated by DAVP/Audit Bureau of Circulation in publicly available records. However, Chief Electoral Officer may, if deemed necessary, fix a lower

circulation floor, not below 15,000, in the States of Arunachal Pradesh, Goa, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, and in UTs except Delhi and Chandigarh.

2. Registered with the DIPR of the concerned State/UT, and eligible for receiving advertisements from it.
 3. List of local vernacular languages in each State/UT shall be specified by the CEO of the State/UT who may, if deemed necessary, seek advice from the DIPR of the State/UT, in the matter.
6. The Commission, in pursuance to this, on 6th March, 2020 prescribed two more forms for compliance by the political parties,

Formats	Action to be taken by	Purpose
C7	Political Parties	Newspapers, social media platforms & website of the party
C8	Political Parties to Commission	Report of compliance of the Political Party

7. The Commission has now decided to consolidate all related instructions on this matter so that concerned political parties and candidates comply with the directions of Hon'ble Supreme Court, in the interest of electors, without any difficulty.
8. Also, for ensuring periodic awareness of electors during the campaign, the Commission has now prescribed following timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and upto 48 hours before ending with the hour fixed for conclusion of poll:
 - i. Within first 4 days of withdrawal of nominations
 - ii. Between next 5th – 8th days
 - iii. From 9th day till the last day of campaign (the second day prior to date of poll)

(Illustration: If the last date for withdrawal is 10th of the month and poll is on 24th of the Month, the publication of declaration shall be done in the following time period:-

 - i. First block for publication shall be done between 11th and 14th of the Month,
 - ii. Second block for publication shall be done between 15th and 18th of the Month,
 - iii. and the third block for publication shall be done between 19th and 22nd of the Month)
9. However, timeline for publishing the details of criminal cases on the three occasions, in case of the Rajya Sabha and State Legislative Council elections by Members of Legislative Assembly (MLAs), shall be as under:
 - i. within first 2 days of withdrawal
 - ii. Between next 3rd -4th days; and

iii. From 5th day to 6th day i.e. prior to date of poll.

10. As directed by Hon'ble Supreme Court, such political parties must disclose the reasons of such selection, publicize it, and intimate in the prescribed format to the Commission with 72 hours. Failure to comply with this need to be reported for contempt.
11. All contesting candidates, who have criminal antecedents must publicise the details in the prescribed format as per timeline described at Para 7 above.
12. All those candidates who return uncontested and have criminal antecedents must publicise the details in the prescribed format as per timeline described at Para 7 above.
13. All such candidates must disclose expenditure incurred in this regard in the prescribed format C-4 to the concerned District Election Officer at the time of filing of her/his return, and Abstract statement of Election Expenses of candidates.
14. All such political parties must disclose expenditure incurred in this regard at the time of filing their returns in format C-5 and statement of Election Expenditure of Political Parties.
15. It has been noticed that a number of candidates with criminal antecedents, have not published the declaration in the newspapers even once as prescribed by the Commission vide its two instructions dated 10th October, 2018 and 16th September, 2020, which is in contravention to the directions of the Hon'ble Supreme Court. In view of this, the Commission has decided to serve a Notice to such defaulting candidates by the CEO. The Format of the Notice may be seen in the annexure.

This may be published in Newspapers and TV from the day following the last date for withdrawal of candidature and upto two days before the date of poll

Format C-1

(for candidate to publish in Newspapers, TV)

Declaration about criminal cases

(As per the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.)

Name and address of candidate:.....

Name of political party:.....

(Independent candidates should write "Independent" here)

Name of Election:.....

*Name of Constituency:.....

I(name of candidate), a candidate for the abovementioned election, declare for public information the following details about my criminal antecedents:

(A) Pending criminal cases				
Sl. No.	Name of Court	Case No. and dated	Status of case(s)	Section(s) of Acts concerned and brief description of offence(s)
(B) Details about cases of conviction for criminal offences				
Sl. No.	Name of Court & date(s) of order(s)	Description of office(s) & punishment imposed	Maximum Punishment Imposed	

*In the case of election to Council of States or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency.

Note:

1. The particulars regarding criminal cases pending against the candidate shall be in bold letters.
2. The matter in newspapers shall be published in font size of at least 12.
3. Details should be given separately for each case in separate rows.
4. If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.
5. The candidate shall report about publishing of declaration regarding criminal cases immediately after such publication to the Returning Officer. In addition, he shall submit a report about publishing of the declaration regarding cases in Format C-4 alongwith the account of election expenses within 30 days of declaration of result of election. (a) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted to District Election Officer concerned, (b) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned.

This may be published in Newspapers and TV from the day following the last date for withdrawal of candidature and upto two days before the date of poll

Format C-2

(for political party to publish in website, newspapers, TV)

Declaration about criminal antecedents of candidates set up by the party

(As per the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.)

Name and Political Party:.....

*Name of Election:.....

Name of State/UT:.....

1	2	3	4	5			
S l . No.	Name of constituency	Name of candidate	(A) Pending criminal cases		(B) Details about cases of conviction for criminal offences		
			Name of Court, case No. & status of the case(s)	Sections of the Acts concerned & brief description of offence(s)	Name of Court & date(s) of order(s)	Description of offence(s) & punishment imposed	Maximum Punishment Imposed

*In the case of election to Council of States or election to Legislative Council by MLAs, mention the election concerned in place of name of constituency.

Note:

1. The particulars regarding criminal cases pending against the candidate shall be in bold letters.
2. The matter in newspapers shall be published in font size of at least 12.
3. The above information shall be published State wise for each State/UT.
4. If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.
5. The political party shall be obligated to put up on its website the information pertaining to candidates having criminal antecedents.
6. The political party shall submit a report about publishing of declaration regarding criminal cases in Format C5 to the Chief Electoral Officer of the State within 30 days of declaration of result of the election concerned.

(Reminder to the Candidate)

Office of Returning Officer

Name of Constituency:.....

Name of State:.....

Name of Election:.....

It is informed that as per the judgment dated 25th September, 2018, of Hon’ble Supreme Court, in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs Union of India & Anr., and the directions in the Commission’s letter No. 3/ER/2018/SDR, dated 10.10.2018, and letter No. 3/4/2019/SDR/Vol. IV, dated 16.09.2020 all candidates with criminal cases-either pending cases or cases of conviction in the past, are required to publish declaration regarding such criminal cases in newspapers and TV channels on three occasions during the campaign period for the purposes of publishing of such details. The Commission has prescribed following timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and upto 48 hours before ending with the hour fixed for conclusion of poll.

- i. Within first 4 days of withdrawal of nominations
- ii. Between next 5th – 8th days
- iii. From 9th day till the last day of campaign (the second day prior to date of poll)

Since you, Sh./Smt./Ms.....(mention the name of the candidate), a candidate nominated for the abovementioned election, have declared information about criminal cases in Items 5/6 of Form-26, you are required to publish information in newspapers having wide circulation in the constituency area and on TV channels on at least three occasions each as mentioned above. The Format C-1 for publishing the information is enclosed herewith. You shall report about publishing of declaration regarding criminal cases immediately after such publication to the Returning Officer. In addition, you shall submit a report about publishing of the declaration regarding cases in Format C-4 with copies of the newspapers publishing the information about criminal cases along with the account of election expenses within 30 days of declaration of result of election. (a) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted to District Election Officer concerned, (b) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned.

Date:

Signature:.....

Name of the RO/ARO.....

Signature of Candidate.....

Note: One copy of this should be given to candidate and one copy retained with RO.

Report by Candidate about publishing of declaration regarding criminal cases

Name and address of candidate:.....

Name of political party:.....

(Independent candidates should write 'Independent' here)

Name of Election :.....

*Name of Constituency:.....

I(name of candidate), a candidate for the above mentioned election, certify that I have published the declaration about my criminal antecedents in newspapers and TV channels as per the directions of the Election Commission in pursuance of the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). Details are as follows:

Sl. 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.)	

Copies of newspapers in which declaration was published are enclosed.

Date:-

Name & Signature of Candidate

Note:-

- (i) In case of elections to the Lok Sabha and the Legislative Assemblies, this shall be submitted alongwith the account of election expenses.
- (ii) In case of elections to the Rajya Sabha and the State Legislative Council, this shall be submitted to the Returning Officer concerned within 30 days of declaration of result of election.

Report by Political Party about publishing of declaration regarding criminal cases

Name and political party:.....

Name of Election :.....

It is certified that(name of political party) has published the declaration about the candidates with criminal antecedents on the website of the party, in newspapers and TV channels as per directions of the Election Commission in pursuance of the judgment dated 25th September, 2018, of Hon'ble Supreme Court in WP (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). Details are as follows:

Sl. No.	Website	Newspaper			Television			Mode of Payment (electronic/cheque/DD/Cash)(Pl. specify)
		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.)	
	Period during which displayed							

Copies of newspapers in which declaration was published are enclosed.

Date:-

Signature of office bearer.....

Name & designation

Note:- This report shall be submitted to the Chief Electoral Officer of the State within 30 days of declaration of result of the election concerned.

Statement regarding publishing of criminal cases against candidates set up by political parties as per directions in the Commission’s letter No. 3/4/2017/SDR/Vol. II, dated 10th October, 2018-Report regarding compliance by Political Parties

Name of State/UT.....

Name of the Election.....

(General/Bye-election, Lok Sabha/Rajya Sabha/Legislative Assembly/Legislative Council)

Date (s) of Poll.....

No. & Name of Assembly/Parliamentary Constituency	Name of the Political Party	Whether submitted Report in Format C-5 by the party (Yes/No) If yes, then date of submission	Whether declaration has been published on the website of the party as per direction (Yes/No)	Publishing in Newspaper by the party		Publishing on Television by the party	
				Name(s) of Newspaper	Date(s) of publishing	Name(s) of Channel	Date(s) & time of insertion/telecast
01-abc	ABC						
	...						
	...						
	...						
02-def	DEF						
	...						
	...						
and so on							

Note 1- Only such Political Parties which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to submit Report in this regard to the CEO concerned.

Chief Electoral Officer

Name of the State.....

Format C-7

(for political parties to publish in the newspapers,
social media platforms & website of the party)

Information regarding individuals with pending criminal cases, who have been selected as candidates,
along with the reasons for such selection, as also as to why other individuals without criminal antecedents
could not be selected as candidates

(As per the Commission’s directions issued in pursuance of the Order dated 13.02.2020 of the Hon’ble
Supreme Court in contempt petition C) no. 2192 of 2018 in WP(C) no. 536 of 2011)

Name of Political Party: _____

***Name of the Election:** _____

Name of State/UT: _____

(1) Name of the Constituency-.....

Name of the candidate-.....

Sl.no.		
1.	Criminal antecedents	
	a.	Nature of the offences
	b.	Case no.
	c.	Name of the Court
	d.	Whether charges have been framed or not (Yes/No)
	e.	Date of conviction, if any
	f.	Details of punishment undergone, if any
	g.	Any other information required to be given
2.	The reasons for the selection of the candidate. Selection shall be with reference to the qualifications, achievements and merit of the candidate, and not mere “winnability” at the polls (not more than 100 words)	
3.	Reasons as to why other individuals without criminal antecedents could not be selected as candidates (not more than 100 words)	

(2) Name of the Constituency-.....

Name of the candidate-.....

.....and so on

* In the case of election to Council of States or States or election to Legislative Council by MLAs, mention the election concerned in place of name of Constituency.

Signature of office bearer of the Political Party

Name and designation.....

Note:-

- (1) Political parties (at the Central and State election level) shall upload on their website detailed information regarding individuals with pending criminal cases (including the nature of the offences, and relevant particulars such as whether charges have been framed, the concerned Court, the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.
- (2) The reasons as to selection shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere “winnability” at the polls.
- (3) This information shall also be published in:
 - (a) One local vernacular newspaper and one national newspaper;
 - (b) On the official social media platforms of the political party, including Facebook & Twitter.
- (4) The matter in newspapers shall be published in font size of at least 12.
- (5) The above information shall be published State wise for each State/UT.
- (6) **These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.**
- (7) **The political party concerned shall then submit a report of compliance in Format C-8 with the Election Commission within 72 hours of the selection of the said candidate.**

Report of political party as required under the Commission's directions issued in pursuance of the Order dated 13-02-2020 of Hon'ble Supreme Court in Contempt Petition(C) No. 2192 of 2018 in WP(C) No. 536 of 2011

Name of political party: _____

Details of Social Media Accounts of the party: (i)

(Facebook, Twitter etc.) (ii)

(Facebook, Twitter etc.)

(iii)

Name of Election: _____

Gen. Election/ Bye-election to Lok Sabha/Leg. Assembly/Biennial election/ Bye-election to Council of States/
Leg.Council

(Write the appropriate alternative)

Name of State: _____

It is certified that _____ (name of political party) has published detailed information regarding the persons with pending criminal cases in the Format prescribed by the Commission (Format C-7) as per the directions in the Commission's letter No. _____, dated _____ in the following media:

Sl. No		Date of publication & cost of publication to be mentioned in column below	
		Date	Cost
1.	One National Newspaper (copy to be furnished)		
2.	One Local vernacular Newspaper (copy to be furnished)		
3.	Social Media Platforms of the party (print to be furnished)		
4.	Website of the party (printout of the material enclosed)		

Declaration

It is declared that full information, explanation and details have been published in respect of each of the persons with pending cases who have been selected to be the candidates of the party in the abovementioned election, as per the directions in the Order dated 13-02-2020 of the Hon'ble Supreme Court referred to above, and nothing has been concealed.

Place:

Signature of office bearer of the Political Party

Name and designation

Date:

(seal of the Party)

Note:-This report shall be furnished at least two weeks before the date on which nomination is proposed to be filed or within 72 hours of selection of the candidate, whichever is earlier.

Format-CA

Statement showing details of Candidates with criminal antecedents, sponsored by the political parties in election to House of People/Legislative Assembly/Council of States/Legislative Councils to be held in20

(As per the Commission's directions issued in pursuance of the Order dated 13.02.2020 of the Hon'ble Supreme Court in contempt petition (C) no. 2192 of 2018 in WP(C) no. 536 of 2011)

S. No.	Name of State	No. of Name of Constituency	No. of seats	Party affiliation	Name of Candidates	Whether the candidate has declared anything about pending criminal case(s) against him/her in item 5 of Form 26 (Yes/No)	Whether the candidate has declared anything about case(s) of conviction(s) for criminal offence(s) in item 6 of Form 26 (Yes/No)	In the information given in column no. 7 & 8 is yes, whether the political party has sent report in Format C 8 (Yes/No)
1	2	3	4	5	6	7	8	9

Signed by RO of the Constituency

Date:

Countersigned by CEO.....State

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2017/SDR/Vol. II

Dated: 10th October, 2018

To

The Chief Electoral Officers of
All States and Union Territories

- Sub:- (i) Supreme Court's Judgment on the petition regarding people with criminal antecedents contesting elections;
- (ii) Amendments in Form-26 (Format of affidavit by candidates).

Sir/Madam,

The candidates at all elections are required to file affidavit in Form-26, along with nomination paper, declaring information about criminal cases, assets, liabilities and educational qualifications. Form-26 has now been amended vide Ministry of Law & Justice Notification No. H.11019(4)/2018-Leg.II, dated 10th October, 2018. The amendments made in Form-26 are in pursuance of the directions in the judgements of the Hon'ble Supreme Court in Writ Petition (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.). A copy of the said notification along with a copy of the updated Form-26 is enclosed herewith. The candidates are now required to file the affidavit in the amended Form-26.

2. In the judgement in Writ Petition (Civil) No. 536 of 2011, the Hon'ble Supreme Court has, inter alia, given the following directions:-
- (i) Each contesting candidate shall fill up the form as provided by the Election Commission and the form must contain all the particulars as required therein.
- (ii) It shall state, in bold letters, with regard to the criminal cases pending against the candidate.
- (iii) If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.
- (iv) The concerned political party shall be obligated to put up on its website the aforesaid information pertaining to candidates having criminal antecedents.
- (v) The candidate as well as the concerned political party shall issue a declaration in the widely circulated newspapers in the locality about the antecedents of the candidate and also give wide publicity in the electronic media. When we say wide publicity, we mean that the same shall be done at least thrice after filing of the nomination papers.
3. In pursuance of the abovementioned judgement, the Commission, after due consideration, has given the following directions to be followed by candidates at elections to the Houses of Parliament and Houses of State Legislatures who have criminal cases against them, either pending cases or cases of

conviction in the past, and to the political parties that set up such candidates:-

- (a) Candidates at elections to the House of the People, Council of States, Legislative Assembly or Legislative Council who have criminal cases against them-either pending cases or cases in which candidate has been convicted, shall publish a declaration about such cases, for wide publicity, in newspapers with wide circulation in the constituency area. This declaration is to be published in Format C-1 attached hereto, at least on three different dates from the day following the last date for withdrawal of candidatures and upto two days before the date of poll. The matter should be published in font size of at least 12 and should be placed suitably in the newspapers so that the directions for wide publicity are compiled with in letter and spirit.

(Illustration: If the last date for withdrawal is 10th of the Month and poll is on 24th of the Month, the publishing of declaration shall be done between 11th and 22nd of that Month.)

- (b) All such candidates with criminal cases are also required to publish the above declaration on TV channels on three different dates during the abovementioned period. But, in the case of the declaration in TV Channels, the same should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll.
- (c) In the case of all candidates who have criminal cases as per the declarations in Items 5 and 6 of Form-26, the Returning Officer shall give a written reminder about the directions herein for publishing declaration about the criminal cases in newspapers and TV channels for wide publicity. A standard format for such reminder to the candidates is annexed as Format C-3. The candidates shall submit the copies of newspapers in which their declaration in this regard was published to the District Election Officer, along with their account of election expenses.
- (d) In the case of candidates with criminal cases set up by political parties, whether recognized parties or registered un-recognized parties, such candidates are required to declare before the Returning Officer concerned that they have informed their political party about the criminal cases against them. Provision for such declaration has been made in Form-26 in the newly inserted item (6A).

4. The Political Parties-recognized parties and registered un-recognized parties, which set up candidates with criminal cases, either pending cases or cases of past conviction, are required to publish declaration giving details in this regard on their website as well as in TV channels and newspapers having wide circulation in the State concerned. This declaration by political parties is to be published in Format C-2, annexed hereto. Publishing of the declaration in newspapers and TV channels is required to be done atleast on three different dates during the period mentioned in Para-2(a) above. In the case of TV channels, it shall be ensured that the publishing should be completed before the period of 48 hours ending with the hour fixed for conclusion of poll for the election. All such political parties shall submit a report to the Chief Electoral Officer of the State concerned stating that they fulfilled the requirements of these directions, and enclosing therewith the paper cuttings containing the declarations published by the party in respect of the State/UT concerned. This shall be done within 30 days of completion of election. Thereafter, within the next 15 days, the Chief Electoral Officer should submit a report to the Commission confirming compliance by the parties concerned, and pointing out cases of defaulters, if any.

5. It may also be noted that the provisions for the additional affidavit in respect of dues against Govt. accommodation, if any, that may have been allotted to the candidates, have now been incorporated in Form-26 itself under item (8) relating to liabilities to Public Financial Institutions and Govt. Therefore, the candidates shall give the requisite declaration/particulars in this regard in Item (8) of Form-26. Accordingly, the candidates are now not required to file the additional affidavit prescribed under the Commission's Order No. 509/11/2004-JS-I, dated 3rd February, 2016, as the provisions are now part of Form-26 itself.
6. This letter may be circulated to all DEOs, ROs in the State/Union Territory for necessary action on their part. This shall also be circulated to all the political parties based in the State, i.e. the State Units of the recognized Parties and recognized State parties of other States and all registered un-recognized political parties with headquarters based in your State/Union Territory, with instructions to take note of the above directions and the amendments in Form-26.
7. Please acknowledge receipt and confirm action taken.

Yours faithfully,

Sd/-

(K. F. WILFRED)

Sr. PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2019/SDR/Vol-I

Dated: 19th March, 2019

To

The Chief Electoral Officers of
All States and UTs.

Subject:-FAQs on Criminal Antecedents, if any, of a candidate and its publicity in pursuance of Hon'ble Supreme Court Judgment dated 25.09.2018 in WP(C) No. 536 of 2011-Regarding.

Sir/Madam,

I am directed to invite your reference to the Commission's directions in letter of even No. dated 10.10.2018 issued in pursuance of Hon'ble Supreme Court Judgment dated 25.09.2018 in WP(C) No. 536 of 2011. In view of the various queries raised in this regard, a set of FAQs and clarifications in this regard is enclosed.

2. The FAQs may be circulated to all DEOs, Returning Officers, officers connected to elections and the Political Parties based in your State, for their information.
3. In the Commission's abovementioned letter, it has been inter alia, directed that after the election the candidates shall submit a report about publishing of declaration to the DEO and the Political parties to the CEO of the State. The Commission has provided formats C-4 and C-5 for this purpose. The formats are also enclosed. These shall also be circulated to the DEOs, ROs and all political parties based in the State.

Yours faithfully,

Sd/-

(N T BHUTIA)

SECRETARY

Copy to: All Recognized National and State Political Parties

- FAQs: Criminal Antecedents, if any, of a candidate and its publicity in pursuance of Hon'ble Supreme Court judgment dated 25.09.2018 in WP (Civil) No. 536 of 2011.
- Q.1 Which newspaper are to be chosen for publicity by such candidates ?
- Ans. As per direction in the judgement of the Hon'ble Supreme Court, the declaration is required to be published in newspapers with wide circulation in the area concerned. The CEO may get an indicative list of various newspapers which have wide circulation in the various district/different constituency areas in the State prepared by the State DIP. This indicative list should be shared with the political parties and the candidates.
- Q.2 When has it to be publicized ?
- Ans. It has already been clearly mentioned in the Commission's letter dated 10.10.2018 that the publishing has to be during the period starting from the day following the last date for withdrawal of candidature and up to two days before the date of poll.
- Q.3 There is no column for signature. Who will authenticate it ?
- Ans. The format contains column for mentioning the name and address of the candidate and the name of the political party on the top portion of the format. Thus, the name of the publisher will be clear from the declaration. There is no need for publishing the information with the signature of the publisher.
- Q.4 What if someone publishes false information about criminal cases of another candidate ?
- Ans. There are already provisions to deal with any case of publication of false statement in relation to a candidate [Section 123 (4) of the RP Act, 1951 and Section 171G of IPC].
- Q.5 Which TV channel the declaration has to be published ?
- Ans. Please refer to the answer against Q.1 above. It has to be done in TV channels which are available/popular in the areas concerned.
- Q.6 What will be the font size and duration of publicity in TV ?
- Ans. Font size should be the standard size used for displaying printed material on TV. Its duration may not be less than 7 seconds.
- Q.7 If a candidate does not have any criminal record, whether he/she is required to publicise ?
- Ans. No. Only those candidates who have either pending criminal cases or who have been convicted in the past are required to publish the declaration.
- Q.8 Whether FIR cases have to be published by the concerned candidates and political parties ?
- Ans. Yes. Under the heading 'Case No. and status of case', details regarding FIRs, mentioned in Item-5 Form-26, are required to be mentioned.
- Q.9 If after filing nomination, status of criminal case changes, whether candidate can revise the details ?
- Ans. It will be open to the candidate concerned to notify the revised status to the Returning Officer and to publish that revised status only. If it is NIL, the candidate is not required to publish it.

- Q.10 Who will bear the expenses for publishing ?
- Ans. Expenses, if any, will be borne by the candidate and the political parties in respective cases.
- Q.11 Whether expenditure on this account will be accounted for ?
- Ans. Yes. This being an expenditure in connection with the election, if expense is incurred in this regard, the same will be counted for the purpose of election.
- Q.12 Can RO act on any discrepancy in such details if pointed out ?
- Ans. No. RO is not supposed to enquire into correctness of declarations published by candidate/political parties.
- Q.13 In what manner, such candidates will submit the information about publicity of cases to the DEO ?
- Ans. Separate formats have been specified by the Commission for the candidates and the political parties to submit report about publishing of the declaration. These are Format C-4 for candidates and Format C-5 for political parties.
- Q.14 What happens if such candidates or such political parties do not publicise in the manner prescribed ?
- Ans. Such failure may be a ground for post-election action like election petition or contempt of Hon'ble Supreme Court.
- Q.15 What are the Hours during which the information on TV channels is to be displayed ?
- Ans. Information should be published on TV channels during the period between 8AM and 10 PM.
- Q.16 What will be the language in which the information is to be published on TV channels ?
- Ans. The information should be published in vernacular language or in English.

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

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2019/SDR-Vol. III

Dated: 30th August, 2019

To

The Chief Electoral Officers of
All States and Union Territories

- Sub:- (i) Supreme Court's Judgment on the petition regarding people with criminal antecedents contesting elections;
- (ii) Amendments in Form-26 (Format of Affidavit to be filed by candidates)

Sir/Madam,

I am directed to invite your attention to the Commission's letter no. 3/4/2017/SDR/Vol. II, dated 10.10.2018 and letter dated 19.03.2019 whereby in pursuance of the decision of the Hon'ble Supreme Court in the judgment in WP(C) No. 784 of 2015 (Lok Prahari Vs UoI & Ors.) and WP(C) No. 536 of 2011 (Public Interest Foundation & Ors. Vs UoI and Anr.), the Commission had issued a direction that the candidates who have criminal cases against them, either pending cases or cases of conviction in the past, and the political parties that set up such candidates shall publish a declaration in newspapers and TV channels in the manner prescribed in the letters referred to above. Further, as per Para 4 of the above mentioned letter, all CEOs are requested to submit a report to the Commission confirming compliance by parties concerned, and pointing out cases of defaulters, if any.

In this context, it is to inform that the Commission has devised a Format C-6 for sending the compliance report. You are, therefore, requested to send the abovementioned report regarding compliance by the political parties to the Commission in the Format C-6 in respect of the Lok Sabha general election. The report may be submitted latest by 30.09.2019.

Yours faithfully,

Sd/-

(N. T. BHUTIA)

SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2020/SDR/Vol. III

Dated: 6th March, 2020

To

The President/General Secretary/Chairperson/Convener,
of all recognised National and State Political Parties

Sub:- Order dated 13th February, 2020 of Hon'ble Supreme Court in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011-Requirement of publishing details regarding candidates with pending criminal cases-regarding.

Sir/Madam,

I am directed to bring to your notice of the Hon'ble Supreme Court's Order dated 13.02.2020 in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011.

2. In this connection your attention is drawn to the Commission's instructions contained in letters no. 3/4/2017/SDR/Vol. II & 3/4/2019/SDR/Vol. I, dated 10th October, 2018 and 19th March, 2019 respectively in compliance of the Hon'ble Supreme Court's judgment dated 25th September, 2018, in *Public Interest Foundation & Ors. V. Union of India & Anr.* [WP(Civil) No. 536 of 2011].
3. The Hon'ble Supreme Court in its Order dated 13.02.2020 in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011, referred to above, has given the following directions:-
- “4. We have also noted that the political parties offer no explanation as to why candidates with pending criminal cases are selected as candidates in the first place. We therefore issue the following directions in exercise of our constitutional powers under Articles 129 and 142 of the Constitution of India.
 - (1) It shall be mandatory for political parties (at the Central and State election level) to upload on their website detailed information regarding individuals with pending criminal cases (including the nature of the offences, and relevant particulars such as whether charges have been framed, the concerned Court, the case number etc.) who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.
 - (2) The reasons as to selection shall be with reference to the qualification, achievements and merit of the candidate concerned, and not mere “winnability” at the polls.
 - (3) This information shall also be published in”
 - (a) One local vernacular newspaper and one national newspaper;
 - (b) On the official social media platforms of the political party, including Facebook & Twitter.
 - (4) These details shall be published within 48 hours of the selection of the candidate or not less than

two weeks before the first date for filing of nominations, whichever is earlier.

- (5) The political party concerned shall then submit a report of compliance with these directions with the Election Commission within 72 hours of the selection of the said candidate.
 - (6) If a political party fails to submit such compliances report with the Election Commission, the Election Commission shall bring such non-compliance by the political party concerned to the notice of the Supreme Court as being in contempt of this Court's orders/directions."
4. In pursuance of the directions given by the Hon'ble Supreme Court in its Order dated 13.02.2020 and in addition to the Commission's earlier instructions dated 10th October, 2018 and 19th March, 2019, the Commission, after due consideration has directed that all political parties, that set up candidates with criminal antecedents, either pending cases or cases of past conviction shall scrupulously follow each of the above directions in all future elections to the Houses of Parliament and State Legislatures. Information regarding individuals with criminal cases, who have been selected as candidates, along with the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates shall be published by the political party in the newspapers, social media platform and website of the party in the enclosed **Format C-7 within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.**
 5. A compliance report in the enclosed **Format C-8 shall be sent to the Commission within 72 hours of the selection of the candidate.**
 6. The party may note that failure to abide by the abovementioned directions will render the party liable to contempt proceedings before the Hon'ble Supreme Court.
 7. It is clarified that failure to abide by the above directions will also be treated as failure to follow a lawful direction of the Commission for the purposes of Paragraph-16A of the Elections Symbols (Reservation & Allotment) Order, 1968.

Yours faithfully,

Sd/-

(NARENDRA N. BUTOLIA)

PRINCIPAL SECRETARY

Copy to:- The Chief Electoral Officers of all States and UTs with the request that a copy of this letter may be sent to all registered political parties with headquarters in the State/UT including the State Units of the recognised National and State Parties.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2020/SDR/Vol. III

Dated: 19th March, 2020

To

The Chief Electoral Officers of
All States and UTs

Sub:- Order dated 13th February, 2020 of Hon'ble Supreme Court in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011-Requirement of publishing details regarding candidates with pending criminal cases-regarding.

Sir,

I am directed to refer to the Commission's letter of even No. dated 06.03.2020, on the above subject and addressed to recognised political parties, a copy of the letter endorsed to CEOs and to say that in pursuance of the directions given by the Hon'ble Supreme Court in its Order dated 13.02.2020, if a political party fails to submit compliance report with the Election Commission, the Election Commission shall bring such non compliance by the political party concerned to the notice of the Supreme Court as being in contempt of the court's order. Accordingly, the political parties shall publish information regarding candidates with criminal antecedents with the reason for selection of such individuals in Format C-7 within the given time and a compliance report shall be sent in Format C-8 to the Commission within 72 hours of the selection of the candidates.

The CEOs are requested to obtain information with regard to the individuals with criminal antecedents, selected as candidates by the political parties, in the elections being held in their states, from the ROs concerned and furnish the same in compiled form, in the enclosed Format CA. The information shall be sent to the Principal Secretary/Secretary of the concerned Territorial Zone/Biennial Election Division in the Commission by the last date of making nominations for the said election so that information of non-compliance by the political parties may be submitted to the Supreme Court, in time.

Yours faithfully,

Sd/-

(N. T. Bhutia)

Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2019/SDR/Vol. IV

Dated: 16th September, 2020

To

The Chief Electoral Officers of
All States and Union Territories

Sub:- Supreme Court's Judgment on the petition regarding requirement of publishing details regarding people with criminal antecedents contesting elections.

Sir/Madam,

I am directed to invite your attention to the Commission's letter no. 3/4/2017/SDR/Vol. II dated 10.10.2018, and letter dated 19.03.2019, issued in pursuance of the Judgment of Hon'ble Supreme Court in WP(C) No. 784 of 2015 (Lok Prahari Vs. UoI & Ors.) and WP(C) No. 536 of 2011 (Public Interest Foundation & Ors. Vs UoI and Anr.). In the said letters the Commission has directed that the candidates who have criminal cases against them, either pending cases or cases of conviction in the past, and the political parties that set up such candidates, shall publish declaration in newspapers and TV Channels in the manner prescribed in the letters referred to above.

2. Subsequently, in pursuance of the directions given by the Hon'ble Supreme Court in its Order dated 13.02.2020 passed in Contempt Petition (C) No. 2192 of 2018 in WP(C) No. 536 of 2011 and in addition to the directions in the Commission's above said two letters, the Commission vide letter No. 3/4/2020/SDR/Vol. III, dated 6th March, 2020, has also directed that all political parties, that set up candidates with criminal antecedents, either pending cases or cases of past conviction, shall scrupulously follow each of the above directions in all future elections to the Houses of Parliament and State Legislatures. Information regarding individuals with criminal cases, who have been selected as candidates, along with the reasons for selection of such candidates, as also as to why other individuals without criminal antecedents could not be selected as candidates, shall be published by the political party in the newspapers, social media platform and website of the party within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations, whichever is earlier.
3. The Commission has also considered the issues relating to the publicity by the uncontested returned candidates and directed that in view of above said directions of Hon'ble Supreme Court such candidates must also publicise their criminal antecedents in the manner as prescribed for other contesting candidates.
4. As per the Commission's directions, the details regarding criminal cases are to be published on three occasions during the campaign period for the purposes of publishing of such details. Now, Commission has considered the matter and directed that the period specified will be decided with three blocks in following manner, so that electors have sufficient time to know about the background of such candidates:

- a. Within first 4 days of withdrawal
- b. Between next 5th – 8th days
- c. From 9th day till the last day of campaign (the second day prior to date of poll)

(Illustration: If the last date for withdrawal is 10th of the month and poll is on 24th of the Month, the first block for publishing of declaration shall be done between 11th and 14th of the Month, second and third blocks shall be between 15th and 18th and 19th and 22nd of that Month, respectively.)

5. The other directions in this regard as given in the Commission's letters referred to in Para 1 & 2 above shall continue to be followed.
6. While filing the a/c of election expenses the details regarding publishing of instruction on criminal antecedents, if any, shall be provided in the prescribed format (Format C-4). In the case of election to Rajya Sabha or State Legislative Council, these details shall be submitted to the RO for the election.
7. It may again be stated here that as far as political parties are concerned, they will be bound to disclose details regarding candidates selected by them in terms of the above mentioned Hon'ble Supreme Court's Order dated 13.02.2020, communicated vide Commission's letter No. 3/4/2020/SDR/Vol. III, dated 6th March, 2020, even if their candidature is rejected during scrutiny and/or withdraws his candidature may be followed in this regard.
8. It may be reiterated that all the expenses incurred by the candidate and the political party in connection with the publication of the aforesaid criminal antecedent will be accounted for the purpose of election. In this regard, the Commission's letter No. 3/4/2019/SDR/Vol. I dated 19th March, 2019 may be referred to.
9. In order to streamline the existing Formats as prescribed by the Commission and in compliance of the Order of the Hon'ble Supreme Court, Formats C1, C2 and C3 have been modified by adding suitable guidelines (copies enclosed).
10. This letter may be circulated to all DEOs/ROs in the State/Union Territory for necessary action on their part. This shall also be circulated to all the political parties based in the State i.e. the State Units of the recognised parties and recognized State parties of other States and all registered un-recognised political parties with head quarters based in your State/Union Territory, with instruction to take note of the above directions for strict compliance both by the parties and their candidates in all future elections.
11. Kindly acknowledge receipt and confirm action taken.

Yours faithfully,

Sd/-

(N T Bhutia)

Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2021/SDR

Dated: 26th February, 2021

To

The Chief Electoral Officers

All States/Union Territories

Subject:- Publication of criminal antecedents by contesting candidates and political parties in pursuance of the Hon'ble Supreme Court decision in WP (C) No. 784 of 2015 (Lok Prahari Vs. Union of India and Others and in WP (C) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.) and in contempt petition (C) no. 2192 of 2018 in WP(C) no. 536 of 2011-regarding.

Reference:-

1. No. 3/4/2017/SDR/Vol. II, dated 10th October, 2018
2. No. 3/4/2019/SDR/Vol. I, dated 19th March, 2019
3. No. 76/ECI/INST/FUNC/EEM/EEPS/2019/Vol. XVII, dated 8th May, 2019
4. No. 3/4/2019/SDR/Vol. III, dated 30th August, 2019
5. No. 3/4/2020/SDR/Vol. III, dated 6th March, 2020
6. No. 3/4/2020/SDR/Vol. III, dated 19th March, 2020
7. No. 3/4/2019/SDR/Vol. IV, dated 16th September, 2020
8. No. 3/4/2019/SDR/Vol. IV, dated 30th October, 2020
9. No. 3/4/2020/SDR/Vol. III, dated 11th January, 2021

Sir/Madam,

I am directed to refer to the above letters on the subject cited and to send herewith a copy of booklet containing "Guidelines on publicity of criminal antecedents by political parties and candidates" issued in this regard, for your information and future reference.

2. Attention is brought to Para 5 (Introduction) of the booklet wherein the meaning of National/Vernacular newspapers has been prescribed in the context of Hon'ble Supreme Court's Order dated 13th February, 2020. This must be brought to the notice of all concerned.
3. This shall be informed to all DEOs/ROs in the State/Union Territory for necessary action on their part.
4. This shall also be circulated to all the political parties based in the State i.e. the State Units of the recognised parties and recognised State Parties of other States and all registered un-recognised National/State political parties with headquarters based in your State/Union Territory, with instructions

to take note of the above direction for strict compliance both by the parties and their candidates in all future elections. This may also be brought to their notice that the candidate, who fails to publish the declaration in the Newspapers, shall be issued notice by the CEO, in the enclosed format.

Yours faithfully,

Sd/-

(N. T. Bhutia)

Under Secretary

NOTICE (Template)

Whereas, in WP(C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and WP(C) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.), the Hon'ble Supreme Court on 25th September, 2018 directed vide Para 4:

- (i) *Each contesting candidate shall fill up the form as provided by the Election Commission and the form must contain all the particulars as required therein.*
- (ii) *It shall state, in bold letters, with regard to the criminal cases pending against the candidate.*
- (iii) *If a candidate is contesting an election on the ticket of a particular party, he/she is required to inform the party about the criminal cases pending against him/her.*
- (iv) *The concerned political party shall be obligated to put up on its website the aforesaid information pertaining to candidates having criminal antecedents.*
- (v) *The candidate as well as the concerned political party shall issue a declaration in the widely circulated newspapers in the locality about the antecedents of the candidate and also give wide publicity in the electronic media. When we say wide publicity, we mean that the same shall be done at least thrice after filing of the nomination papers.*

Whereas, in pursuance of the above said Judgment of Hon'ble Sureme Court of India, Election Commission issued directions vide letter No. 3/ER/2018/SDR, dated 10.10.2018 and letter No. 3/4/2019/SDR/Vol. IV, dated 16.09.2020, that all candidates with criminal cases either pending cases or cases of conviction in the past, should publish declaration regarding such criminal cases in newspapers and TV channels on three occasions during the campaign period for the purposes of publishing of such details in Format C-1 (copy enclosed). The Commission has prescribed following timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and upto 48 hours before ending with the hour fixed for conclusion of poll.

- i. Within first 4 days of withdrawal of nominations
- ii. Between next 5th – 8th days
- iii. From 9th day till the last day of campaign (the second day prior to date of poll)

Whereas, as per the information received by the RO/DEO, it has come to the notice that you have not published the declaration in the newspapers even once as prescribed by the Commission vide its above

referred two letters dated 10th October, 2018 and 16th September, 2020, which is in contravention to the Directions of the Hon'ble Supreme Court.

Now, therefore, you are being given an opportunity to explain as to why not necessary legal action should be initiated against you for such failure. You may send your explanation byAM on, 2021 positively, failing which this office shall be constrained to initiate further action including lodging of FIR etc. without any further reference to you.

By Order,
Chief Electoral Officer,
(State)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2021/SDR/Vol. III

Dated: 26th August, 2021

To

The President/General Secretary
of recognised National/State Political Parties
(As per the list)

Subject:- Publication of criminal antecedents by contesting candidates and political parties-Hon'ble Supreme Court order dated 10.08.2021 in Contempt Petition (C) No. 656 of 2020 titled Brajesh Singh Vs. Sunil Arora & Ors.-regarding.

Sir,

I am directed to refer to the subject cited and to state that the Hon'ble Supreme Court vide its judgment dated 10.08.2021 in Contempt Petition (C) No. 656 of 2020 titled Brajesh Singh Vs. Sunil Arora & Ors. has given the following directions:

“73. In furtherance of the directions issued by the Constitution Bench in Public Interest Foundation (supra) and our Order dated 13.02.2020, in order to make the right of information of a voter more effective and meaningful, we find it necessary to issue the following further directions:

- (i) *Political parties are to publish information regarding criminal antecedents of candidates on the homepage of their websites, thus making it easier for the voter to get to the information that has to be supplied. It will also become necessary now to have on the homepage a caption which states “candidates with criminal antecedents”;*
- (ii) *The ECI is directed to create a dedicated mobile application containing information published by candidates regarding their criminal antecedents, so that at one stroke, each voter gets such information on his/her mobile phone;*
- (iii) *The ECI is directed to carry out an extensive awareness campaign to make every voter aware about his right to know and the availability of information regarding criminal antecedents of all contesting candidates. This shall be done across various platforms, including social media, websites, TV ads, prime time debates, pamphlets etc. A fund must be created for this purpose within a period of 4 weeks into which fines for contempt of Court may be directed to be paid;*
- (iv) *For the aforesaid purposes, the ECI is also directed to create a separate cell which will also monitor the required compliances so that this Court can be apprised promptly of non-compliance by any political party of the directions contained in this Court's Orders, as fleshed out by the ECI, in instructions, letters and circulars issued in this behalf;*

(v) *We clarify that the direction in paragraph 4.4 of our Order dated 13.02.2020 be modified and it is clarified that the details which are required to be published, shall be published within 48 hours of the selection of the candidate and not prior to two weeks before the first date of filing of nominations; and*

(vi) *We reiterate that if such a political party fails to submit such compliance report with the ECI, the ECI shall bring such noncompliance by the political party to the notice of this Court as being in contempt of this Court's Orders/directions, which shall in future be viewed very seriously."*

2. In compliance of the Hon'ble Supreme Court directions the Election Commission of India has created a Fund in which fines for contempt of court can be deposited. The fines can be deposited by way of cheque in the name of PAY AND ACCOUNTS OFFICER or through electronic mode in the Punjab National Bank receipt accounts i.e. A/c No. 0153002100000180 (Name of the account "Collection A/c Election Commission of India") IFSC code PUNB0015300. In case the payment is made through electronic mode the details of the transaction namely UTR No., Bank Name, Date of transaction etc. may be intimated to the Commission, immediately.

The above may be noted for future compliance.

Yours faithfully,

Sd/-

(Ashwani Kumar Mohal)

Secretary

Copy to:- The Chief Electoral Officers of all States and UTs.

J.

**FREQUENTLY ASKED
QUESTIONS (FAQs)**

A. For Candidates:

1. What is the ceiling limit of the election expenses for a contesting candidate?

Ans. Ceiling limit prescribed for Assembly/Parliamentary Constituency in each State/UT is as under:

Sl.No.	Name of the States/ UTs	Parliamentary Constituency	Assembly Constituency
1.	Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal, Chhattisgarh, Uttarakhand, Jharkhand, Telangana and Delhi	77.00 Lacs	30.80 Lacs
2.	Manipur, Meghalaya, Mizoram, Nagaland and Tripura	77.00 Lacs	22.00 Lacs
3.	Jammu & Kashmir	70.00 Lacs	30.80 Lacs
4.	Arunachal Pradesh, Goa, Sikkim, Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli and Daman & Diu, Lakshadweep, Puducherry and Ladakh	59.40 Lacs	22.00 Lacs*

*Except Delhi, Puducherry and Jammu & Kashmir, other UTs have no Assembly

2. I am a candidate for an Assembly Constituency / Parliamentary Constituency. What is expected from me with regard to election expenditure?

- Ans: a) All candidates will be provided with an Election Expenditure Register by the Returning Officer and they are required to maintain an account of election expenditure truly and correctly from the date of filing of nomination to the date of declaration of results (both dates inclusive).
- b) It is necessary to get the election expenditure account inspected at least 3 times during campaign period before the election authorities as per schedule fixed by RO.
- c) All candidates have to lodge their true election expenditure account before the District Election Officer within 30 days of declaration of result.

3. What constitutes the Election Expenditure Register of a candidate, which is required to be submitted within 30 days of declaration of results?

Ans. Each contesting candidate has to lodge the following registers/ statements with the DEO within 30 days from the date of declaration of results:

- (i) Day to Day account Register (with all the bills & vouchers in chronological order signed by the

candidate or his election agent).

- (ii) Cash register.
- (iii) Bank Register (along with certified copy of the Bank statement).
- (iv) Abstract Statement (Part I to IV) and Schedules 1 to 10 duly signed by the candidate
- (v) Affidavit duly signed by the candidate.

4. Is it compulsory to have a separate bank account, exclusively for election expenditure of a candidate? When and where should it be opened?

Ans. Yes, it is compulsory to have a separate bank account, which has to be opened anytime at least one day before the date on which the candidate intends to file his/her nomination papers. It can be opened either in the name of the candidate or in the joint name with his election agent. However, the 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. The account can be opened anywhere in the State, in any bank including cooperative bank or in post offices. The details of this account shall be communicated to the Returning Officer at the time of filing nomination. The candidate has to deposit all the amount meant for election expenses and incur all his/her election expenses from this account only. Failure to open a dedicated/separate bank account for election expenditure will be construed to be failure to maintain accounts in the manner prescribed by the Commission.

5. Whether all bills and vouchers are required to be lodged along with the Election Expenditure Register before the Expenditure Observer and the DEO and what are other documents required to be lodged and signed by the candidate?

Ans. Yes, under the provision made in the Conduct of Election Rules, 1961, all vouchers shall be obtained for every item of expenditure except for those items where, it is not practicable to obtain a voucher. All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial numbers shall be entered in the account. Affidavit and Abstract Statement shall necessarily be signed by the Candidate himself while rest of the documents are required to be signed by the candidate or his election agent.

6. What will happen if I do not lodge the account at all or do not lodge the account in prescribed time and manner?

Ans. If a candidate fails to lodge his/her account within prescribed time or in the manner required by law or fails to lodge his/her account at all, proceedings against him/her shall be initiated under section 10A of the R. P. Act, 1951 and he/she could be disqualified by the Commission after following due procedure for being chosen as, and for being, a member of either house of Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of 3 years from the date of order of the Commission declaring the candidate to be so disqualified.

7. What is the Account Reconciliation Meeting? Whether a candidate has to attend the meeting?

Ans. Account Reconciliation Meeting is convened by the DEO on the 26th day after the date of declaration of results for reconciling the discrepancy(ies), if any, in the account of election expenses maintained

by the candidate with the account statement maintained by the Accounting Team for each candidate. This opportunity may be availed by the candidates, if they so desire.

8. Whether it is necessary to incur election expenditure beyond Rs. 10,000/- by account payee cheque?

Ans. Yes. As per existing instructions of the Commission, the candidates shall incur all election expenses by account payee cheques from the Bank account opened for election purpose, excepting minor expenses where it is not possible to issue cheques. If the amount payable by candidates to any person/entity for any item of expenditure does not exceed Rs. 10,000/- during the entire process of election, then such expenditure can be incurred by cash, by withdrawing it from the bank account opened for the purpose of election. All other payments are to be made by account payee cheque from the said bank account.

9. Whether it is necessary to maintain account of election expenses incurred by the candidate before filing his nomination?

Ans. The expenditure incurred from the date of nomination to date of declaration of results, is to be accounted for in the account statement by each contesting candidate. The candidate has also to include the election related expenditure, if the expenditure incurred is on campaign material which is used during the campaign period.

10. How do the rates for different items get decided and how do I get a rate chart?

Ans. 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 the DEO shall compile the rate charts of the items commonly used for the election campaign in the district on the basis of the prevailing rates after consultation with the representatives of political parties. The DEO/RO shall ensure that the rate list of all such items is made available to all the candidates and to the teams monitoring election expenditure.

11. How shall a candidate account for the use of Social Media during his/her election campaign?

Ans. A candidate shall include payments made to internet companies and websites for carrying advertisements and also campaign related operational expenditure on creative development of content, operational expenditure on salaries and wages paid to the team of workers employed to maintain their Social Media accounts.

12. Do I, as a candidate, have to account for election expenses when a “Star Campaigner” holds a rally for me?

Ans. If the candidate or his election agent shares the dais with the Star Campaigner in the event of public rally or meeting, then the entire expenditure on that rally other than the travel expenses of the Star Campaigner shall be added to the candidate’s account. Even if the candidate is not present on the dais but the banners/posters with the name of the candidate or the photographs of the candidate are displayed at the site of public rally or the name of the candidate is mentioned by the “Star Campaigner” during the rally/meeting,, then also the entire expenditure in that rally/meeting other than the travel expenses of the “Star Campaigner”, will be added to the candidate’s account of

election expenses. If there is more than one candidate, sharing the dais or displaying banners or posters with their names in rally/meeting, then the expenses on such rally/meeting should equally be divided among all such candidates and added to their respective account.

13. How many vehicles can be used for campaigning and can the permission for the same be withdrawn?

Ans. There is no limit on number of vehicles which a candidate may use for electioneering purposes. The candidate shall have to furnish the details of such vehicles and the areas in which these will be used for campaign, to the RO or authorised Officer to get permission. The original copy of the permit should be displayed on the wind screen of the vehicle. The permit contains the number of the vehicle, date of issue of permit, name of the candidate and the area where it shall be used for campaigning. The candidate has to maintain expenditure incurred on the permitted vehicles in his day to day account register. If the candidate fails to submit his election expenditure register for inspection before the election authority on the dates scheduled by RO during campaign period even after notice served upon him by RO within 3 days, then permission of vehicle shall be withdrawn by the RO. Any vehicle used for campaigning without due authorization/permit by the authorized officer shall be deemed to be campaigning unauthorisedly for the candidate and may attract penal provision of Chapter IX A of the IPC and shall therefore, be immediately taken out of the campaigning exercise.

B. For Political Parties

1. What are the statements required to be filed by Political Parties?

Ans. Political parties have to file following statements:-

- Contribution reports- by 30th September every year or such date as extended by CBDT for filing Income Tax Return
- Annual Audited account- by 31st October every year
- Statement of election expenditure- within 75 days of completion of Assembly election and 90 days of completion of Lok Sabha election.
- Part election expenditure statement giving details of amount disbursed to the candidates by political parties shall be filed within 30 days of declaration of result.

Recognized political parties have to file aforesaid statements with the Election Commission of India, while Un-recognized Political Parties have to file the same with the Chief Electoral Officer of the respective States/UTs in the prescribed time and manner.

2. Who is a ‘Star Campaigner’ of a political party?

Ans. Election campaigners of a registered political party (not exceeding 40 in number in case of recognised political party and not exceeding 20 in number in case of a party other than a recognised political party), whose names have been communicated to the Commission and the Chief Electoral Officer of the state, within a period of seven days from the date of issue of notification for such election are called “Star Campaigners”. The expenditure incurred by these leaders (Star Campaigners) on account of travel by air or by any other means of transport for propagating the programme of a political party shall not be deemed to be the expenditure in connection with the election incurred/authorised by a candidate of that political party or his election agent.

3. What is the limit of donation to be received in cash by candidates from a single person/entity/party?

Ans. The limit for receiving cash donations from any individual/ entity or political party is Rs. 10,000/-. If donation exceeds Rs 10,000/-, it should be made through cheque/draft or e-payment.

4. My political party is in alliance with other political party (ies) then how the election expenditure shall be accounted for by the candidate(s)?

Ans. There is no provision in law as regards to parties in alliance and therefore, the whole expenditure is subject to be accounted for by the candidate for whom campaigning has been done by any party(parties) that has(have) alliance with the party of the candidate.

5. Can a Star Campaigner carry cash during electioneering?

Ans. Yes. A Star Campaigner may carry cash up to Rs. 1 Lac exclusively for his/her personal use or any party functionary with a certificate from the treasurer of the party.

6. How will the expenses during rallies of “Star Campaigners” be accounted for?

Ans. The expenditure incurred by the leaders of a Political Party (Star Campaigners) on account of travel

by air or by any other means shall be accounted as expenditure of the Political Party. 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).

7. If a person is provided with Z+ security then how his expenditure will be accounted?

Ans. The cost of propulsion of State-owned one bullet proof vehicles by the persons provided with 'Z+' (Z plus) security should be borne by the person concerned when it is used for non-official purposes during electioneering. In case of the visiting political functionaries, who are "Star Campaigners", the expenditure, 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. 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.

8. Whether the expenditure incurred on construction of barricades and rostrums is to be booked in the account of candidate(s) or political party where "leader" (star campaigner) of a political party participate in a rally/meeting?

Ans. Expenditure incurred on construction of barricades/ rostrums etc., either made by government agencies or by any private agency, on account of security considerations for a public rally/meeting, where a "leader" of a political party (star campaigner) is participating, is to be booked in the account of the candidate in whose constituency the rally/ meeting is taking place. If a group of candidates is present at the dais at that time, then the expenditure will be apportioned equally amongst those candidates.

C. Election Machinery

1. Who are the members of the District Expenditure Monitoring Committee (DEMC) and what are the functions of DEMC?

Ans. DEMC consists of (i) Expenditure Observer in charge of the Constituency, (ii) District Election Officer (DEO) and (iii) Dy. DEO/Officer in charge of Expenditure Monitoring of the District. DEMC shall have to decide the case of suppression of election expenditure incurred by candidate after examining the evidence mentioned in the notice served upon the candidate by RO and the 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.

2. When does the Expenditure Observer report in the district HQ and what are the duties he is required to perform?

Ans. An Expenditure Observer has to make three visits to the ACs/Dist. Hq. assigned to him.

1st Visit-The Expenditure Observer shall reach the constituency on the day of the notification of elections for the duration of 3 clear days. During this visit he has to meet all the teams, engaged in election expenditure monitoring. He coordinates with DEO, S.P, Nodal Officers of Police, Income Tax and State Excise and other enforcement agencies. His contact numbers are also notified so that he can receive complaints from candidates and public regarding any untoward incident or malpractice during election process.

2nd Visit-The Expenditure Observer shall again visit the constituency for the second time, on the date immediately after the date of withdrawal of candidatures and shall remain in the constituency during the entire campaign period, and shall leave the constituency only after the poll. However, he has to stay till counting of votes, if he is so directed by the Commission. During this period he periodically inspects the functioning of all the teams engaged in expenditure monitoring and wherever there is laxity or irregularities in functioning of any of the teams, he brings it to the notice of the DEO. He inspects the expenditure register of each candidate at least three times during the campaign period and give his comments on the discrepancies.

3rd Visit- The Expenditure Observer has to visit the district once again on 25th day after the declaration of results of election and stay in the district for 8 clear days to assist the DEO in scrutinizing the statements of accounts of election expenditure submitted by the candidates after the declaration of results. He should be present in the Account Reconciliation Meeting to be convened by the DEO on the 26th day after the declaration of results.

3. Which teams form part of the Election Expenditure Monitoring Mechanism?

Ans. The teams form part of Election Expenditure Monitoring Mechanism are:-

- Expenditure Observer (EO)
- Assistant Expenditure Observer (AEO),
- Video Surveillance Team (VST),

- Video Viewing Team (VVT),
- Accounting Team (AT),
- Complaint Monitoring Control Room & Call Centre,
- Media Certification & Monitoring Committee (MCMC),
- Flying Squads (FS)
- Static Surveillance Teams (SST)

4. How many inspections are required to be carried out by the Expenditure Observer?

Ans. A total number of 3 inspections are to be carried out by the Expenditure Observer. The dates of inspection are made known to all the candidates by the RO in advance. The last inspection is to be done not before 3 days from the date of poll, so that major campaign expenditure is covered under inspection.

5. What is Shadow Observation Register (SOR)?

Ans. A Shadow Observation Register (SOR) is to be maintained by the Accounting Team in a given format in respect of each candidate. This is to be maintained to cross check items of expenses actually incurred on major rallies/processions/meetings etc., with what is reported by the candidate.

6. What is Folder of Evidence (FE)?

Ans. Folder of Evidence has to be maintained by the Accounting Team along with Shadow Observation Register for each candidate. Evidences in the form of CD/DVD/documents etc., are cross referenced for the expenses entered in the Shadow Observation Register.

7. What are the restrictions on printing of pamphlets, posters etc., relating to election campaign?

Ans. No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof. He should not do so unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons, personally known to him, is delivered by him to the printer in duplicate. Moreover, within a reasonable time after printing of the document, one copy of the declaration is to be sent by the printer together with one copy of the document to the District Election Officer concerned or to the CEO if printed in the capital of the State. If a person contravenes any of the above said provisions mentioned above, then he may be punished with imprisonment which may extend to six months and with a fine up to Rs. 2,000/-.

8. No. of days within which the National and State level political parties are required to send list of “leaders” (star campaigners) of their party to CEO and ECI?

Ans. The list of “leaders” (star campaigners) should be communicated to the Election Commission and the CEO of the state within a period of 7 days from the date of issue of notification of elections. The recognized political party (National / State) can send names of 40 persons and a registered political party can send names of 20 persons to be treated as “Star Campaigners”. The travel expenditure of these “Star Campaigners” is not added to the expenditure of the candidate.

9. What is the limit of carrying cash/gift items during election period?

Ans. During checking by Flying Squad/ Static Surveillance Team, 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.

10. In what circumstances shall the IT Dept. be informed about seizures of cash/goods?

Ans. If cash of more than Rs. 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.

11. Who is the authority an aggrieved person should appeal/approach for releasing the seized cash etc., during election?

Ans. Committee for taking decision on cash seized at District level consists of the following:

- (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 procedure of appeal against seizure has to be mentioned in the seizure document and it has to be informed to the aggrieved person at the time of seizure. In no case, the matter relating to cash/seized valuables shall be kept pending for more than seven days after the date of poll, unless any FIR/ Complaint is filed. The functioning of the Committee has to be given wide publicity so that there is no inconvenience to the public.

12. Where should one complain about incidents of bribery/ liquor/cash distribution?

Ans. There is Complaint monitoring Cell/ Call Centre in each district and its number is published in media also. Complaint can be made on this number. The Flying Squad will immediately reach the spot where any incident of bribery etc., is allegedly taking place.



“No voter to be left behind”



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