

## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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

Dated: 06.03.2014

To

The Chief Electoral Officers of  
All States/UTs.

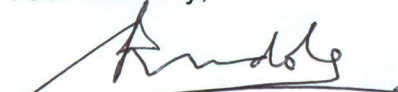
Sub: Modified Standard Operating Procedure for Flying Squads and Static  
Surveillance Teams - Regarding

Sir/Madam,

I am directed to invite your kind attention to the subject cited and to say that the Commission has withdrawn the Standard Operating Procedure (SOP) issued vide Commission's order dated 21.03.2013, mentioned as Annex-73 of 'The Compendium of Election Expenditure Monitoring (January 2014)'. In supersession of the said order dated 21.03.2013, the Modified Standard Operating Procedure vide Commission's order of even number dated 06.03.2014 for the Flying Squads and Static Surveillance Teams (copy enclosed) shall come into force with immediate effect.

2. The receipt of this letter may kindly be acknowledged and this shall be brought to the notice of all concerned including all the Nodal Officers and team members, immediately.

Your faithfully,

  
(S.K. Rudola)  
Secretary

**ELECTION COMMISSION OF INDIA**  
**NirvachanSadan,Ashoka Road, NewDelhi-110001**

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

Dated: 6<sup>th</sup> March,2014

**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 section 171 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, 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, or antisocial elements etc. in the constituency during election process:

**Flying Squad (FS)**

1. There shall be three or more Flying Squad (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 authorised 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 are 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 evidences 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 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 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. The DEO shall make 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 done by the DEO on the election expenditure monitoring measures.

10. After the announcement of elections, DEO shall make an appeal as mentioned in para 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.

#### **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. Some of the SSTs shall be composed of CPF personnel, depending on the sensitivity of the area.

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 video-graphed.

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 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 DVD/video 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.

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 videographed by a video team, which will submit the copy of the video CD to the Returning Officer.

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 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 the 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.

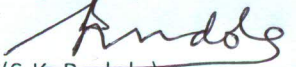
12. In case of any grievance about the conduct of the FS or SST, the Appellate Authority, whom the person can appeal for redressal of grievance, shall be the Dy. DEO of the district (in charge of the Expenditure Monitoring Cell).

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. 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,

  
(S.K. Rudola)

Secretary

**Daily Activity Report by Flying Squad on seizure of Cash/ Other items 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	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)
1									
2									
3									
Description				Figure on date of report			Progressive figure including the 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								
5	Total of number of complaints, pending								
6	Total number of FIRs filed up to the end of the day								

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 DEO with copy to R.O., SP, 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.

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

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

1. The Officer in charge of the Flying Squad will submit the report for each Flying Squad in this format to the SP with copy to RO, DEO, SP, 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.



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

Place of Check Post.....

Name and Designation of the Magistrate.....

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

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

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

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

**Note:**

1. The Officer in charge of the SST will submit the report for each Static Surveillance Team in this format to the DEO with copy to RO, SP, General Observer, Expenditure Observer and Police 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

**Annexure-57**

**Intimation alongwith Panchnama to be given to persons from whom cash/article is seized**

To

Date:

Shri/Smt/Ms.....Address:.....  
.....Mobile No. ....at.....(name of place  
where seized) on dated.....falling in the Assembly/Parliamentary  
Constituency of.....(Name of State/UT).....District.....Police  
Station.....

**Appeal Procedure**

1. In respect of Seizure of cash of Rs.....or of other items....., you may apply to Judicial Magistrate..... having Jurisdiction over the case.
2. You may appeal to ..... (Name of ADM/SDM, heading the Expenditure Monitoring Cell) for redressal of grievance (if any), within seven days on account of any misconduct during the checking.

Signature with Stamp  
(Name, Designation and address of Incharge Police Officer)  
Date: