

STATE ELECTION COMMISSION

3rd Floor, Buddha Bhavan, M.G. Road, Hyderabad-500003, A.P.

ORDER

No. 1118/SEC-B2/2013

Date: 15.07.2013

Whereas, the Superintendence, direction and control of all elections to Local Bodies in the State is vested in the State Election Commission under Article 243K and 243ZA of the Constitution of India; 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 criminal offences under section 171 of IPC and also are Corrupt Practices under Section 211 of A.P. Panchayat Raj Act, 1994;

Now, therefore, for the purpose of maintaining purity of elections, the State Election Commission 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 anti-social elements etc. in the districts during election process:

Flying Squad (FS)

1. There shall be one or more Flying Squads (FS) in each Mandal. 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, all major rallies, public meetings or other major expenses made by candidates and political parties after the announcement of election by the Commission.
3. 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, Collector & DEA, General Observer and Expenditure Observer. The Collector & DEA 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. The FS shall seize the items of bribe or other illicit items, and gather evidences and record statement of the witnesses and the persons from whom the items are seized.

5. The FS shall send a Daily Activity report in respect of items of seizure of bribe or cash to the S.P. in a format as per Annexure - A, with a copy to R.O., Collector & DEA and the Expenditure Observers and shall send Daily Activity report in respect of model code of conduct violations to RO, Collector & DEA and General Observer in the format as given in Annexure-B. The Nodal Officer at the Police Headquarters 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.

6. The entire proceeding shall be video recorded. The R.O. or any other officer authorized by him shall file complaints/F.I.R. 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 display and be sent to the Collector & DEA, General Observer, Expenditure Observer.

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 reports in its Daily Activity Reports in relevant rows/columns and this is done to avoid duplication of seizure or action taken reports.

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.

Static Surveillance Team (SST)

1. There shall be one or more Static Surveillance Teams (SST) in each Mandal with one magistrate and three or four police personnel in each team who shall be manning the check post.

2. This team shall put check posts on major arterial roads, borders of the district and state 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 videographed.

3. The SST shall send Daily Activity report to the S.P. with copy to R.O., Collector & DEA and Expenditure Observer and General Observer in a format as per Annexure–C, on the same day. The Nodal Officer at the Police Headquarters 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.

4. The entire operation by SSTs shall be done in the presence of an Executive Magistrate and shall be videographed. 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 Collector & DEA 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 has to be done by the SST.

6. Checking by SST shall be done on major roads or arterial roads. The SSTs shall be controlled by the Collector & DEA 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.

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. However, cash shall not be seized in the following cases:-

- a) If a person is carrying cash from the business place to the bank, for the purpose of depositing it in the bank, and submits the documents like PAN Card/Business Registration Certificate and bank passbook / statement and copy of the cash book to show regular cash deposits, then no seizure shall be effected, irrespective of the amount. However, a declaration in the format (Annexure-A) along with copies of the above documents shall be obtained from the person before release of the cash. The person shall submit a copy of the Bank deposit slip to the SST concerned, after depositing the amount in the bank.
- b) If no criminality is suspected and no link with any candidate or political party is suspected, and the cash carried along with the bank withdrawal slip/bank pass book/ bank statement with the name of the bank and branch, to show that cash is withdrawn on the same day, then seizure will not be effected. However, the person shall submit a copy of the bank documents and identity of the person/organization.

- c) Any person carrying cash for purpose of medical treatment will not be seized, provided he produces the proof of medical admission/medical treatment.
- d) Any cash being carried for marriage purpose shall not be seized, if person concerned produces documents like marriage invitation / Kalyan Mandap booking / any other document to prove the marriage celebration. No jewellery/bullion carried for marriage purpose or for personal use shall be seized.

8. FS and the SST shall be polite, decent and courteous, while checking the baggage or vehicle. The purse held by women 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.

9. The Collector & DEA 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.

10. In case of seizure by the FS or SST or the police authorities, the Appellate Authority, whom the person can appeal for redressal of grievance shall be the Dy.DEA of the district. The name and address of the Appellate Authority shall be mentioned in the seizure list, which is given to the person from whom seizure is effected.

11. After seizure, the seized amount shall be deposited in Treasury or in such manner as directed by the Court. The Collector & DEA shall issue necessary instructions to the treasury units to receive the seized cash beyond office hours and on holidays also.

12. The details of the seized amount shall also be informed to the Income Tax Department to the officer having jurisdiction over the district to examine and take necessary action on income tax related issue, if any.

13. Wherever the FS or SST or police authorities receive information about any other suspicious items in their area, including movement of huge amount of cash, they shall keep the respective Law enforcement agencies informed about such items.


SECRETARY

To
All the Collectors & DEAs.
All the Superintendents of Police / Commissioners of Police.
All the District Panchayat Officers.
All the RDOs & Dy. DEAs.
All the Dy. Commissioners (Excise & Prohibition).
Copy to: DGP, AP / Addl.DG (L&O) / IG (L&O) / DIGs.
Copy to: All the Election Observers / All the Expenditure Observers.

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

Reference No.....

Name of the Sub-Division.....

Name and Designation of the Magistrate.....

Name of the District

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

1	2	3	4	5	6	7	8	9	10
S.No.	Name of Mandal / 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 upto the end of the day								

Signature
Name & Designation of the
Officer in Charge of Flying Squad /
Superintendent of Police /
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, Collector & DEA, Election Observer and Expenditure Observer.
2. The SP will send the report to the Nodal Officer in State HQ 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 the State Election Commission.

Daily Activity Report by Flying Squad (FS) on MCC related complaints on the date

Reference No.....

Name of the Sub-Division.....

Name and Designation of the Magistrate.....

Name of the District

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

1	2	3		4		5	6
S.No.	Name of the Mandal / District	Name of complainant	Party affiliation, if any	Complaint against (Name)	Party affiliation, if any	Brief description of MCC violation issue	Action Taken Report

Signature
Name & Designation of the
Officer in Charge of Flying Squad /
Superintendent of Police /
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, Collector & DEA, Election Observer and Expenditure Observer.
2. The SP will send the report to the Nodal Officer in State HQ 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 the State Election Commission.

Annexure-C

Daily Activity Report by Static Surveillance Teams (SST) on seizure of Cash / Other items related complaints on the date

Reference No.....

Place of Check Post

Name and Designation of the Magistrate.....

Name of the District

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

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

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

Note:

1. The Officer in charge of the SST will submit the report for each SST in this format to the SP with copy to RO, Collector & DEA, Election Observer and Expenditure Observer.
2. The SP will send the report to the Nodal Officer in State HQ 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 the State Election Commission.

