

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2009-EPS

Dated: 9th January, 2009

To

The Chief Electoral Officers
of all States/UTs.

Subject: **Training of police officials associated with conduct of elections.**

Sir/Madam,

I am directed to say that the police machinery plays a key role in the conduct of elections in a peaceful and orderly manner. But a peaceful election free from violence need not necessarily be a free and fair election. Therefore, correct and unbiased implementation of the election laws and Election Commission's directions is necessary. That presupposes a familiarity with the laws and instructions and can come about only through the proper/periodic training. Commission has earlier issued instructions for the training of election staff other than the police. Now the following directions are issued regarding training of police personnel associated with conduct of elections:

1. Police headquarter level

The State police headquarters should develop a checklist for the key officials associated with the conduct of election indicating their duties and responsibilities in the light of new instructions being issued from the Election Commission of India from time to time. Besides, a reference material should also be prepared indicating the relevant Sections of Indian Penal Code, the R.P Act and Model Code of Conduct (MCC) that are relevant during the course of elections. This reference material book should indicate the nature of offence and the relevant Sections whether cognizable or non-cognizable and the action to be taken in case of any violation. This reference material should be made available to all field officials as well. There should be a proper coordination between the CEO's office and the police headquarters. Whenever the Election Commission of India issues any instruction connected

with maintenance of law and order preparation of State/district level deployment plan of CPF etc., the guidelines should be immediately brought to the notice of police headquarters. **The DGP may identify a senior officer who would function as a nodal officer to remain in touch with the CEO on day-to-day basis so that the Commission's instructions from time to time are followed up and implemented.**

2. At district level

The DEO-cum-District Collector/DM will hold a meeting with SP and senior police officials and apprise them of all the recent instructions of the Election Commission of India. In this meeting, the attention of the police officials should be drawn to Commission's instructions regarding maintenance of law and order, execution of non-bailable warrants, seizure of illegal arms, surrender of licensed weapons, enforcement of excise law, action against bootleggers, restriction on use of vehicles, instruction regarding prior permission for campaign vehicles, ban on use of any vehicle for transporting voters on the day of poll etc.

The enforcement of MCC is the joint responsibility of the district electoral administration as well as the police administration. Clear accountability should be spelt out when the district administration/RO forms MCC squads/teams. There should be a specific accountability for the police officials at the Thana level. A Complaint Monitoring System should also be introduced for tracking election related violence and offence and case book in that connection. The DEO and SP will review the status of the election related cases while during the previous election and expedite follow up action in this regard.

3. Concept of vulnerability mapping and identification of critical polling station and critical clusters

The training to be organized by the district administration (DEO and SP) for police officials should be planned in advance and proper training

material should be prepared. Copies of the relevant circulars of the Election Commission of India and extracts of relevant law should also be circulated in the training programme. The Commission has introduced a new concept of vulnerability mapping and specific process for identifying the critical polling stations and critical clusters (refer circular no. 464/INST/2008 dt. 24.10.08). The conventional method of identifying hyper sensitive/sensitive/normal polling stations adopts the law and order and past events of violence as the major criteria. However, the new system of identifying critical polling stations and critical clusters gives lots of importance for the factors associated with free and fair election process. As the vulnerability mapping gives valid inputs for identification of critical polling stations and critical clusters, the entire concept should be explained to the police officials properly by the DEO and SP.

4. Misuse of money power and election expenditure

The misuse of money power has emerged as a big challenge to the free and fair election process. Feedback has been received about candidates indulging in various methods to induce the voters which includes outright payment of cash that amounts to bribery and other forms of inducements such as supply of liquor, food packets, holding of lunch and dinner parties in the name of “birthdays” and other “anniversaries” to give election related inducement, distribution of gifts in the name of mass-wedding and so on. During the election process, a close tracking by each and every Thana officer of such payments and other forms of inducement at their level is essential. The field level election machinery/police administration should work as a team to track such types of malpractices. Whenever such event takes place, video coverage of such events shall be ensured so that sufficient documentary evidence is created.

It is noticed that liquor is transported even from the far away States to the election going States. Proper checking at the inter-State border and commercial tax check post will be helpful in tracking such transportation of

liquor. Whenever a consignment of such liquor is intercepted, proper investigation should follow to trace the origin of such supply and the destination. A proper investigation is essential to establish linkage between the election process and the supply of such inducements. Media should be briefed whenever such consignments are seized. A proper orientation about this should be given to the police officials during training programmes.

Information on the Commission's instructions about ceiling for expenditure in election, the details of Section 77 of R.P Act regarding the list of star campaigners to be submitted by the recognized party and the implications therein should be explained to the police officials. Section 171 H which deals with the illegal payment by any person for furthering interest of a candidate should be explained to the police officials during training programme.

5. Defacement of Public properties

The Election Commission has been issuing a detailed instructions regarding prevention of Defacement of Public Property and other connected issues. In this regard, the latest Commission's instruction vide no. 3/7/2008/JS II dated 07.10.08 needs to be properly studied. The steps to be taken to implement the Commission's order in the context of prevailing law if any, applicable to the State should be properly explained. The methodology to be adopted for enforcement of Commission's instruction should be discussed in the training programme and explained to the field officials.

6. Discipline during nomination process

Commission has issued instructions to ensure proper discipline during the process of filing of nomination. During the filing of nomination, the candidate can be accompanied by only the four other persons (refer 464/inst/2007/PS I dated 09.02.07). This restriction by and large is being strictly followed. However, there are instances in which these instructions are not followed resulting in chaotic situation inside the RO's room. In order to

ensure that proper discipline is maintained and the Commission's instructions regarding restriction of persons, a nodal officer needs to be identified by the SP of the district who would be responsible for sanitizing the area of RO's premises and ensure that only the permitted number of people are allowed to go inside the RO's room and the entire proceeding should be video graphed. Duties and responsibilities of the nodal officer in this regard, should be properly explained by the SP to the nodal officer during training session. Publication of election pamphlets in violation of Section 177 A of the RP Act, 1951 needs close tracking and monitoring.

7. Communal harmony

The police administration should remain vigilant about circulation of campaign material which can affect the communal harmony. In this regard, a strict vigil needs to be kept. The provisions of electoral law as well as model code of conduct in this regard shall be explained to the police officials during training programme.

8. Poll day and counting day duties

An orientation should be given to the police officials about the polling process on the poll day and other connected issues and about the duties and responsibilities of various police officials on poll day with reference to security at polling station, patrolling of the catchments areas, tracking of areas identified as vulnerable, transportation of polled EVMs, sealing and guarding of strong rooms and the counting day arrangements.

9. CPF coordination

Whenever CPF are deployed in a district/constituency, a proper coordination has to be ensured so that the deployment of CPF becomes more effective and functional. Hence, a proper orientation needs to be given about the role of CPF vis-à-vis State police/local police and other coordination responsibilities.

10. Directory of electoral administration

A directory of key functionaries of the electoral administration both civil and police should be prepared indicating the names, designation, landline and mobile numbers so that coordination between civil authorities and the police authorities is ensured.

These instructions may be brought to the notice of all concerned for compliance.

Yours faithfully,

(SHANGARA RAM)
PRINCIPAL SECRETARY
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