



GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
OFFICE OF THE CHIEF ELECTORAL OFFICER, DELHI

Old St. Stephen's College Building,  
Kashmere Gate, Delhi - 110 006.  
Fax. Nos.23969611, 23963604

No.CEO/MCC/2013/201

Dated:- 04-10-13

To

Sh. Sharat Kumar Sinha  
Dy. Commissioner of Police  
Election Cell: PHQ, Delhi

Sub: Regarding Training of Police officers on conduct of Elections for the forthcoming Assembly Elections- Clarifications sought thereof.

Sir,

With reference to your letter No. 3437/Election Cell (AC-II)/PHQ dated New Delhi the 23/09/2013 on the subject cited above, in this regard, clarifications sought by your office on certain queries, are as below:-

Query raised by Police	Clarifications
1. How many flags can be displayed/host on a vehicle by a candidate or by his campaigners?	Only one flag or banner or poster or placard can be allowed provided it does not violate MV ACT and does not obstruct other road users. Vehicle should have RO's permission also
2. Who will accompany a handicapped/very old aged voter and up to what extend?	If the presiding officer is satisfied, then one companion with the blind/infirm/physically handicapped who is not below the age of 18 years under rule 49N, can be allowed to go to the voting compartment however no person shall be permitted to act as the companion of more than one elector at any polling station on the same day. Record of such voter should be kept by Presiding Officer in form 14A.
3. Who will remove the flags, posters hoardings/banners etc. from the private houses?	Concerned MCC team in association with civic agencies and police.
4. Whether the Police is authorized to verify a voter, who is going to cast the vote?	No. The work of verifying the voter is of the presiding office and polling party deputed for conducting the election at booth. The police officials are not to disallow any person to come for vote even if he /she is not carrying the voter I

	<p>card. There are several documents which are allowed by the Election Commission besides the Voter I Card / Voter Slip to identify the voter by the presiding officer. However general law and order situation out side the polling booth to be maintained by the police officials</p>
<p>5. How and what action will be taken by the Police against a dummy candidate, if complaint is received? Or not received.</p>	<p>Dummy candidates usually misuse the permissions given for vehicles to them.</p> <p>In suspected cases the field functionary should record the campaigns by the dummy candidates and check if the campaigning material of another candidate is being carried out in his or his agent's vehicle. Same is photographed/videographed and statements of witness taken.</p> <p>Vehicle permission given to dummy candidates to be withdrawn by the Returning Officer . The expenditure is booked against the candidate in whose favour the dummy candidate was campaigning</p> <p><b>Further action under 171 (H) of IPC to be taken by the Police for unauthorized campaigning/ incurring election expenditure without permission of the candidate</b></p>
<p>6. What is demarcation of polling station for polling agents set-up? Who will do this exercise?</p>	<p>The question is not clear but if it is for setting up of a candidates election booth, then Candidate's election booths with one table and two chairs without shamiyana or tentage with one banner of 3 ft x 1.5 feet beyond 200 mtr of the Polling Station that too with permission from local authority are allowed . No canvassing allowed within 100 metres of a PS as per section 130 of the RP Act 1951</p> <p>Demarcation exercise of the peripheries by MCD/NDMC/PWD in association with Returning Officer and police</p> <p>If question is about the seating arrangement of polling agent inside the polling booth then such arrangement is made by the Presiding Officer in a manner that the polling agent can see the face of voter coming to vote but not able to see the casting of vote by a voter . The preference in seating arrangement is first given to agents of National recognized party, then those parties who have been allowed to use this reserved symbol, then to registered party followed by agents of independent candidate.</p>



<p>7. If presiding officer does not make any complaint but quarrel/scuffle took place between polling agents or there is any possibility of a quarrel inside the polling booth, then what will be the role of Police?</p>	<p>Presiding Officer is duty bound to inform the police and Action to be take action as per various provisions of IPC and RP Act 1951</p>
<p>8. How many times a candidate can visit within polling premises/booths &amp; what will be duration of this stay?</p>	<p>No ban. However, it should not cause any obstruction to voters.</p>
<p>9. How many times a polling agent can be replaced by a reliever? Also clarify time of relieving and frequency of snacks etc. to polling booth for polling agent?</p>	<p>For every Polling Agent, there may be maximum of two relief agents . But only one person can be inside the polling station at one point of time. Regarding number of times a Polling Agent can be replaced by his reliever is not given. However Polling agents can not be relieved after 3 PM. The polling agent will not be allowed to return at the polling centre if he is relieved after 3.00 PM and he will also not be allowed to take outside the copy of electoral roll as well as voter slip.</p> <p>It is to be ensured by the Presiding Officer that the poling agent has to be the registered voter of the same polling station and should have valid photo identity card</p>
<p>10. Whether a person can wear cap/wrist band bearing party name on the date of polling for election campaigning?</p>	<p>Yes can wear on poll day but canvassing in any form is not allowed within 100 meters of the polling station as per section 130 of the RP Act 1951</p>
<p>11. If a Juvenile involves in campaigning on the poll day wearing with particular T. Shirt/cap etc., what will be the course of action against him by the Police? Whether section 171 (a) is applicable against them or otherwise?</p>	<p>No canvassing by an individual within 100 metres of the polling station allowed on poll day 171 (A) IPC is not applicable to the situation described above. However efforts to be made to check the source of T.shirt for taking action against the candidate relating to expenditure accounting. Juvenile Act provisions have to be seen against such situation</p>
<p>12. Describe the role of Police in monitoring of election expenditure of a contesting candidate of election. How will police assess the expenditure of the candidate?</p>	<p>Police has to deploy the personnel in Flying Squad Team (FST), Static Surveillance Team(SST) and in Video Surveillance Team(VST) as per the ECI instructions.</p> <p>Further the Police has to ensure the protection and security of all expenditure team</p> <p>To compile the report of all FST and SST on daily basis by the Addl. CP and forward to State Level Nodal Officer of Delhi Police who will compile the reports of all districts AND FORWARD TO ECI WITH A COPY TO CEO , DELHI AS PER ANNEXURE 8, 8 A And 9 of Expenditure Monitoring instructions by fax</p> <p>State level Nodal Police Office will provide training to all Police personnel engaged in</p>



	FST/SST and VST.  To coordinate with other enforcement agencies like Income Tax , Airport Authority Directorate of Enforcement and Delhi Excise Department . Police is duty bound to seize large amount of unaccounted cash during cheeking by SST .
13. How can Police differentiate between expenditure incurred by a political party or by candidate?	No role for police. This is to be done by Expenditure Monitoring teams in each assembly under the supervision of DEO/ RO/ Expenditure Observer
14. If a vehicle carrying food packets does not have valid permission then whether police can cease the vehicle with food packets or otherwise. Further what will be the disposal of food in police custody?	Needs permission from Returning Officer. Otherwise it will be seized and action of incurring unauthorized expenditure (section 171(H)
15. The names of all polling agents of contesting candidates should be conveyed to police authorities by which their criminal record could be verified. Whether such person may be a election agent or otherwise?	The Returning Officer shall appoint the polling agents on the request of the contesting candidates. Simply having criminal record does not become ground for disqualification for an election agent unless convicted. The qualification provision for election agent are same as those for the candidate.
16. Model Code of Conduct (MCC) is effective from the date of announcement of election but there is a need of notification while taking legal action under the provisions of RPA in which notification is required then how police can initiate the action?	No notification is required for enforcing Model Code of Conduct . It comes into force on the date of announcement of election by the ECI. This has the endorsement of Hon'ble Supreme Court too.
17. Whether a voter can wear a cap having slogan thereon "MAIN ANNA HOON "or "MAIN AAM AADMI HOON "on the date of polling?	Yes. Individual person can without becoming the part of meeting and procession. But no canvassing allowed within 100 metres of the polling station on the poll day . No procession and meetings for campaign allowed during period of 48 hours ending with hours fixed for conclusion of poll as per section 126 of the RP Act 1951.
18. Is it necessary to get permission for "Dhol or "Nagara" during procession likewise loudspeaker?	No. but it should not be cause of public nuisance and disturbing the peace.
19. Whether a candidate can spend the allowed cash amount of Rs. 20,000/- in break to different parties (item suppliers) or otherwise?	Amount upto Rs 20,000/ to any person/entity for any item of expenditure can be paid in cash during entire period of election but withdrawal for such payments has to be made from the candidates bank account opened for the purpose of election .
20. What kind of action is required to be taken against a person carrying flag having emblem of a particular party during election and polling day?	No action in case of individual. If in rally/procession, the authorization of campaigning should be seen and if not authorized then action under 171 (H). And expenditure to be booked against the party/ candidate.



21. If a candidate is weighing with coins then what will be the role of the police?	Police will bring this to the notice of RO as this will be receipt of the candidate's fund. If it is more than 10 Lakh to be informed to Income Tax (investigation)
22. In case major mishap took place inside the polling booth like fire, murder etc. and presiding officer or his subordinates not in a position to inform/call police, in such state of position whether police can enter inside the polling booth or otherwise?	Over all law and order situation responsibility lies with the Police in such situation inside the PS when PO is unable to act
23. Whether umbrella is allowed along with the table of political party installed outside the Polling booth or otherwise?	Not banned. But shamiana/tentage and elaborate arrangements not allowed within 200 metres of the polling station .
24. If police receives any MCC violation complaint, then procedure to be followed by the police?	To be brought to notice of MCC Flying squad immediately who has members from the police also. Control Room numbers and complaint cell numbers and contact numbers of FST/ SST/ Video Surveillance Team and of Returning Officer/ DEOs must be known for initiating immediate response.

Further it is advised to go through the latest instruction of ECI and provisions of various Acts.

*ou*

Yours faithfully  
S.S.  
 4.10.13  
 (SATNAM SINGH)  
 OSD (MCC)



राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार

कार्यालय, मुख्य चुनाव अधिकारी, दिल्ली

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
OFFICE OF THE CHIEF ELECTORAL OFFICER, DELHI

पुराना सेंट स्टीफन कॉलेज भवन,  
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Old St. Stephen's College Building,  
Kashmere Gate, Delhi-110006  
Fax Nos. 3910663, 3963604, 3981513

No:CEO/MCC/102(5)/2013/392-44

Date:17<sup>th</sup> October, 2013

1. DEOs of all 09 Districts of Delhi

**Sub: General Election to Legislative Assembly of NCT of Delhi, 2013 –  
Important clarifications related to Model Code of Conduct - reg.**

Sir / Madam,

With reference to Election Commission of India letter no.437/DL-LA/ 2013/NS-II, Dated 17<sup>th</sup> October, 2013, and other prevailing guidelines, as issued from time to time, the following clarifications are issued on various issues highlighted from time to time by political parties:-

1. Wearing and distribution of caps, small badges, stickers etc. with party name and symbol is not prohibited. However, the cost incurred shall be accounted for in the expenditure of the party.
2. Putting up of banners / posters at homes of volunteers / supporters on private property even with the permission of the owner shall continue to be **prohibited** under Delhi Prevention of Defacement of Property Act, 2007.
3. There is no objection to assembly / meeting of party workers / volunteers wearing caps or party badges subject to provision of Section 130 of Representation of People's Act, 1951 (i.e. canvassing not allowed on the day of Poll within 100 meters of polling station). However, distribution of t-shirts, shirts, sarees, trousers etc. with party name / logo / symbol / photo etc. and their wearing shall amount to bribery and is prohibited.
4. There is no ban on putting up small stickers on vehicles of volunteers on owner's volition. However, the cost incurred shall be accounted for in the expenditure of the party.
5. As long as the stay order issued by Hon'ble High Court of Delhi on 19<sup>th</sup> June, 2013 in Writ Petition (Civil) No.3990 /2013 continues to be in operation, there is no restriction on putting posters on the back-side on auto-rickshaws. However, the publicity charge realized by auto-rickshaw owners for display of such posters will have to be borne and shown by the party in its account. If it is contended that auto-rickshaw owners are displaying such posters voluntarily and without raising any



By Fax/Speed Post**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/DL-LA/2013/NS-II

Dated: 17<sup>th</sup> October, 2013.

To

The Chief Electoral Officer,  
N.C.T. of Delhi,  
Old St. Stephen's College Building,  
Kashmeri Gate,  
Delhi.

Subject: General Election to the Legislative Assembly of N.C.T. of Delhi, 2013 –  
Clarification under Model Code of Conduct – reg.

Sir,

I am directed to refer to your letter No. CEO/MCC/2013/46051-54, dated 6<sup>th</sup> October, 2013, and e-mail reference dated 10-10-13 received from Shri Bipul Dey of Aam Aadmi Party on the subject cited and to state the following on the issues raised therein-

1. Wearing of Caps with party name and symbol is not prohibited subject to clarification given below at (3), however, the cost incurred shall be accounted for in the expenditure of the party.
2. The Transport Department Govt. of Delhi had issued notice no. DC(ARU)/TPT/2013-14/5770 dated 6<sup>th</sup> June, 2013, drawing the attention of owners of public service vehicles, which include auto-rickshaws, to Rule 71 of Delhi Motor Vehicles Rules, 1993, which prohibits display of any types of advertising materials on public service vehicle. The Hon'ble High Court of Delhi had, vide its interim order dated 19-6-2013, in Writ Petition (Civil) No. 3990/2013 (Satish Saluja and Ors vs Govt. of NCT of Delhi) stayed the above referred order dated 06-06-2013 of the State department of Govt. of Delhi. If that stay Order still continues to be in operation, there is no restriction on putting posters on the backside of auto-rickshaws. However, the publicity charges realised by the auto-rickshaw owners for display of such posters will have to be borne and shown by the party in its expenditure account. If it is contended that the autorikshaws owners are displaying such posters voluntarily and without raising any charge, a notional campaign expenditure at the rate to be intimated by the CEO, NCT of Delhi will have to be shown by the party in its expenditure accounts.
3. Putting up banners/posters at home of volunteers/ supporters on private property is prohibited under Delhi Prevention of Defacement of Property Act, 2007.

209/080 (MCC)  
18/10/2013

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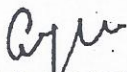
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OSD (MCC)

4. There is no objection to assembly/meeting of party workers/volunteers wearing caps or party badges subject to provisions of Section 130 of Representation of People Act, 1951 (i.e., canvassing is not allowed on the day of poll within 100 meters of the polling station). However, distribution of T-shirts and their wearing may amount to bribery and is prohibited.
5. There is no ban on putting up small stickers on vehicles of volunteers, on owners' volition. However, the cost incurred shall be accounted for in the expenditure of the party.

Yours faithfully,

  
(KUMAR RAJEEV)  
UNDER SECRETARY