

## **CHAPTER - L**

### **MAINTENANCE OF LAW AND ORDER DURING THE TIME OF ELECTION PROCESS**

2151. The Police Department shall take all steps to ensure free and fair Elections by maintaining Law and Order during the Election Process.

2152. The Instructions/ Guidelines issued by the Chief Election Commission of India from time to time under Article 324 of the constitution should be strictly observed.

2153. The provisions and instructions contained in the following Acts & Rules shall be borne in mind, while dealing with election matters / cases.

- (1). The Indian Penal Code, 1860
- (2). The Arms Act, 1959
- (3). The Representation of Peoples Act, 1951 and Amended Act, 2002
- (4). The Pondicherry Open Places (Prevention of Disfigurement) Act, 2000.
- (5). The Prevention of Damages to Public Properties Act, 1984.
- (6). The Police (Pondicherry Amendment) Act, 1966
- (7). The Motor Vehicles Act, 1989 and Amendments, 1992.
- (8). The Pondicherry Sound Amplifier and Loud speaker Licensing Rules, 1967.
- (9). The Pondicherry meetings, Assemblies and processions (Regulation) Rules, 1951.
- (10). The Pondicherry meetings, Assemblies and Processions (Regulations) (Amendment) Rules, 1970.
- (11). The Central Civil Services Conduct Rules, 1964.

### **2154. GUIDELINES ISSUED BY THE CHIEF ELECTION COMMISSION AND MODEL CODE TO BE OBSERVED BY POLITICAL PARTIES AND CANDIDATES**

#### **(A). GENERAL CONDUCT**

- (1). No party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.

- (2). Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on frivolous allegations or distortion shall be avoided.
- (3). There shall be no appeal to caste or communal feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda.
- (4). All parties and candidates shall avoid scrupulously all activities which are "Corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters, impersonation of voters, canvassing within 100 meters of polling stations, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.
- (5). The right of every individual for peaceful and undisturbed home-life shall be respected, however much the political parties or candidates may resent his political opinions or activities. Organizing demonstrations or picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.
- (6). No political party or candidate shall permit its or his followers to make use of any individual's land, building, compound wall etc., without his permission, for erecting flag-staffs, suspending banners, pasting notices, writing slogans, etc.
- (7). Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organized by other parties. Workers or sympathizers of one political party shall not create disturbances at public meetings organized by another political party by putting questions orally or in writing or by distributing leaflets of their own party. Processions shall not be taken out by one party along places at which meetings are being held by other parties. Posters issued by one party shall not be removed by workers of another party.

**(B). MEETINGS**

- (1). The party or candidate shall inform the local police authorities of the venue and time any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.
- (2). A party or candidate shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting. If such orders exist, they shall be followed strictly. If any exemption is required from such orders, it shall be applied for and obtained well in time.

- (3). If permission or license is to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, the party or candidate shall apply to the authority concerned well in advance and obtain such permission or license.
- (4). Organizers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder. Organizers themselves shall not take action against such persons.

**(C). PROCESSION**

- (1). A Party or candidate organizing a procession shall decide beforehand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinarily be no deviation from the programme.
- (2). The organizers shall give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary arrangements.
- (3). The organizers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions unless exempted specially by the competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.
- (4). The organizers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organized in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held up traffic could be allowed by stages thus avoiding heavy traffic congestion.
- (5). Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.
- (6). If two or more political parties or candidates propose to take processions over the same route or parts thereof at about the same time, the organizers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic. The assistance of the local police shall be availed of for arriving at a satisfactory arrangement. For this purpose the parties shall contact the Police at the earliest opportunity.

- (7). The political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying articles which may be put to misuse by undesirable elements especially in moments of excitement.
- (8). The carrying of effigies purporting to represent members of other political parties or their leaders, burning such effigies in public and such other forms demonstration shall not be countenanced by any political party or candidate.

**(D). POLLING DAY.**

**All political parties and candidates shall –**

- (1). Co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;
- (2). Supply to their authorized workers suitable badges or identity cards;
- (3). Agree that the identity slips supplied by them to voters shall be on plain (white) paper and shall not contain any symbol, name of the candidate or the name of the party;
- (4). Refrain from serving or distributing liquor on polling day and during the twenty-four hours preceding it;
- (5). Not allow unnecessary crowd to be collected near the camps set up by the political parties and candidates near the polling stations so as to avoid confrontation and tension among workers and sympathizers of the parties and the candidate;
- (6). Ensure that the candidate's camps shall be simple. They shall not display any posters, flags, symbols or any other propaganda materials. No eatables shall be served or crowd allowed at the camps; and
- (7). Co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

**(E). POLLING STATIONS**

Excepting the voters, no one without a valid pass from the Election Commission shall enter the polling stations.

**(F). BSERVERS**

The Election Commission is appointing Observers. If the candidates or their agents have any specific complaint or problem regarding the conduct of elections they may bring the same to the notice of the Observer.

## **(G). PARTY IN POWER**

The party in power whether at the Centre or in the State or states concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular-

- (1)(a). The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work;
- (b). Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;
- (2). Public places such as maidans, etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolized by itself. Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;
- (3). Rest houses, dock bungalows or other Government accommodation shall not be monopolised by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidates shall use or be allowed to use such accommodation (including premises appertaining thereto) as a campaign office or for holding any public meeting for the purposes of election propaganda;
- (4). Rest houses, dock bungalows or other Government accommodation shall not be monopolized by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidates shall use or be allowed to use such accommodation (including premises appertaining thereto ) as a campaign office or for holding any public meeting for the purposes of election propaganda;
- (5). Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission; and
- (6). From the time elections are announced by the Commission, Ministers and other authorities shall not-
  - (a). announce any financial grants in any form or promises thereof; or
  - (b). (except civil servants) lay foundation stones etc. of projects or schemes of any kind; or

- (c). make any promise of construction of roads, provision of drinking water facilities etc.; or
- (d). make any adhoc appointments in Government, Public Undertakings etc. Which may have the effect of influencing the voters in favour of the party in power.
- (e). Ministers of Central or State Government shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorized agent.

**2155. RULE 5. OF THE CENTRAL CIVIL SERVICES CONDUCT RULES 1964 – TAKING PARTY IN POLITICS AND ELECTIONS**

- (1). No Government servant shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.
- (2). It shall be the duty of every Government servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where a Government servant is unable to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government.
- (3). If any question arises whether a party is a political party or whether any organization takes part in politics or whether any movement or activity falls within the scope of sub-rule (2), the decision of the Government thereon shall be final.
- (4). No Government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in an election to any Legislature or Local Authority:

**Provided that –**

- (i) Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;
- (ii) A Government servant shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assits in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

## **EXPLANATION**

2156. The display by a government servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

2157. According to Government of India's decisions, it shall also be remembered that the Government servant of the Police Official shall.

- (a). not participate in political rallies and party meetings held privately,
- (b). not act as polling agent counting agent,
- (c). not choose to propose or second the nomination of a candidate at an election ,  
and
- (d). maintain political neutrality.

### **Note:-**

Failure of the above will entail also penal action under action 134- A of the representations of people's Act, 1951.

## **2158. OFFENCES RELATING TO ELECTIONS UNDER THE INDIAN PENAL CODE**

<b>Sections of IPC</b>	<b>Provisions</b>	<b>Cognizable OR Non-cognizable</b>	<b>Punishment provided</b>
153-A	Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language etc. and doing acts prejudicial to maintenance of harmony. Offence committed in place of worship	Cognizable	3 years or with fine or with both.  5 years with fine
171(B)	Bribery (defined)	Non- cognizable	Upto one year with fine or without fine
171(E)	(Penal)	Non-cognizable	Or without fine
171(C)	Undue influence at Election (defined)	-	Upto one year with fine or without fine
171(F)	(Penal)	Non- cognizable	
171(D)	Personating at Election (defined)	-	Upto one year with fine or without fine
171(F)	(Penal)	Cognizable	
171(G)	False Statement in connection with Election	Non-Cognizable	Punishment with fine
171(H)	Il legal payment in connection with Election	Non-Cognizable	Fine upto Rs.500
171(I)	Failure to keep Election Accounts.	Non-Cognizable	Fine upto Rs.500

2159. **OFFENCES UNDER THE ARMS ACT**

<b>Sl No</b>	<b>Section</b>	<b>Provisions</b>	<b>Whether cognizable offence</b>	<b>Penalty</b>
1.	25(1)(a)	Manufactures sells, transfers converts, repairs, Tests or exposes or offers or possess any arms or ammunitions	Cognizable	Not less than 3 years upto 7 years with fine
2.	(b)	Shortens the barrel	Cognizable	Not less than 3 years upto 7 years with fine
3.	(d)	Brings into or takes out of India	Cognizable	Not less than 3 years upto 7 years with fine
4.	(1-A)	Acquires or carries prohibited arms	Cognizable	Not less than 5 years upto 10 years with fine
5.	(1AA)	Manufactures, possess or sells, etc., any prohibited arms	Cognizable	Not less than 7 years upto life with fine
6.	(1AAA)	Contravening notification under section 24-A -124-B	Cognizable	Not less than 3 years upto 7 years with fine
7.	1B	Contravention of S.3	Cognizable	Not less than one year upto 3 years with fine
8.	1B (a),(b),(c), (d),(e), (f),(g),(h)	Contravention of the provisions	Cognizable	Not less than one year upto 3 years with fine
9.	1 (c)	Committing any offence in disturbed areas	Cognizable	Not less than 3 years upto 7 years with fine
10.	27 (1)	Using Arms in contravention of section 5	Cognizable	3 years upto 7 years with fine
11.	(2)	Using prohibited arms	Cognizable	Not less than 3 years upto life with fine
12.	(3)	Using Arms in contravention Section 7 causing death	Cognizable	Death

2160. **OFFENCES UNDER THE REPRESENTATION OF PEOPLE ACT, 1951**

Sl. No.	Section	Provisions	Whether cognizable	Punishment
1.	(1)	(2)	(3)	(4)
2.	123	Corrupt practices	Definition	133 is Penal Section
3.	125	Promoting enmity between classes in connection with election.	Non- Cognizable	3 years with or without fine
4.	125-A	Filing false affidavit	Non- Cognizable	6 months with or without fine.
5.	126	Prohibition of Public meetings on the day preceding the election day and on the election day.	Non- Cognizable	2 years with or without fine.
6.	127(1)	Disturbances at election meetings	Cognizable	6 months with or without fine upto Rs.2,000
7.	128	Maintenance of Secrecy of voting	Non- Cognizable	3 months with or without fine.
8.	129	Act of officers at election influencing voters for candidates	Cognizable	6 months with or without fine
9.	130	Prohibition within 100 mts. from polling station	Cognizable	Fine Rs.200-250
10.	131	Penalty for misconduct disorderly conduct in or near polling stations.	Non- Cognizable	On receipt of complaint from Presiding Officer it is cognizable.
11.	132(3)	Penalty for misconduct at the polling station	Cognizable	Complaint to be from Presiding
12.	132 A	Failure to observe procedure in Voting	Non- Cognizable	Cancellation of Vote
13.	133	Penalty for illegal hiring or procuring of conveyance at election	Non- Cognizable	3 months with or without fine.
14.	134	Breaches of official duties in connection with elections	Cognizable	Fine which may extend to Rs.500.
15.	134A	Penalty for Government servants to act as election /polling/counting agents	Non- Cognizable	3 months with or without fine
16.	134B	Prohibition of being armed to or near Polling Station	Cognizable	2 years with or without fine
17.	135	Removal of ballot papers from polling station	Cognizable	1 year with or without fine

18.	135A	Offence of booth capturing	Cognizable	3-5 years with or without fine
19.	135 C	Liquor not to be sold/given/distributed on polling station	Non- Cognizable	6 months with or without fine upto Rs.2,000
20.	136(2)	Other offences and penalties	Cognizable	6 months with fine or with both

**2161. OFFENCES UNDER PONDICHERRY OPEN PLACES (PREVENTION OF DISFIGUREMENT) ACT, 2000**

**Sec. 2 Definitions**

- (a). **Advertisement:** An effigy/any bill/notice/document/paper or other things containing any words, signs or visible representations.
- (b). **Defacement:** Impairing or interfering with the appearance of beauty/ damaging/disfiguring spoils or injuring in any other way.
- (c). **Objectionable advertisement includes the following:-**
- (i). Incite any person to commit murder or offences involving violence.
- (ii). Seduce any member or any of the armed forces of the union or of the police forces from the allegiance or duty.
- (iii). Incite any section of citizens of India to indulge in acts of violence against any other sections.
- (iv). Deliberately intended to outrage the religious feelings of any class.
- (v). Indecent or is scurrilous acts intended for blackmail.
- (d). **Place open to public view:** Any private place or Building or monument or Statue or Post or Wall or Fence or Anything visible to any person passing the way.
- (e). **Public place:** Any place including a road, street or way or landing place.

**Sec.3 : Any objectionable advertisement or any advertisement:**

No persons shall affix any objectionable advertisement or inscribe exhibit on any place open to public view without “Written consent of the owner or occupier or person” in-charge of the management of the party.

**Sec.5 : Penalty for disfigurement by objectionable advertisement:**

One year or fine upto Rs.1,000 or both.

**Sec.6: Penalty for unauthorized disfigurement by advertisement:**

Three months or fine upto Rs.200 or both.

**Sec.7: Penalty for contravention of notification issued under section 4:**

Six months or fine upto Rs.1,000 or with both.

Sec. 8: Punishment for Abettor

Sec.9: Burden of proof lies on the offender.

Sec.10: All Offences under the Act are Cognizable

Sec.11: (i) Power of Govt. to erase writings, etc.

**(ii) Expenses to be borne by the Party.**

**6. OFFENCES UNDER THE PREVENTION OF DAMAGE TO PUBLIC PROPERTY ACT,1984**

**Section – 3:**

**Mischief (causing damage) to public property:**

- (1). whoever commits mischief by doing any act in respect of any public property, other than public property of the nature referred to in sub-section (2) shall be punished with imprisonment for a term which may extend to five years and with fine.
- (2). Whoever commits mischief by doing any act in respect of any public property being:
  - (a). any building, installation or other property used in connection with the production, distribution or supply of water, light, power or energy;
  - (b). any oil installations;
  - (c). any sewage works;
  - (d). any mine or factory;
  - (e). any means of public transportation or of telecommunications, or any building, installation or other property used in connection therewith, shall be punished with rigorous imprisonment for a term which shall not be less than six months, but which may extend to five years and with fine;  
Provided that the court may, for reasons to be recorded in its judgment, award a sentence of imprisonment for a term of less than six months.

**Section – 4:**

**Mischief (causing damage) to public property by fire or explosive substances:**

Whoever commits an offence under sub-section(1) or sub-section (2) of section 3 of this Act by fire or explosives substances shall be punished with rigorous imprisonment for a term which shall not be less than one year, but which may extend to ten years and with fine.

**Note:**

The offences under this Act are cognizable

2162. **OFFENCES UNDER THE POLICE (PONDICHERRY AMENDMENT ) ACT 1966**

Section -34 (B) (vii)

Cognizable – Affixing bill or defacing walls

- (a). Without consent of the owner
- (b). Affixes or causes to be affixed
- (c). Any bill or notice or document or paper or other thing
- (d). Upon any public place/building/monument/statue/effigy/post/wall/fence/tree or erection therein disfigures, writes upon or other marks or causes to be defaced, disfigured or written upon.

**Note:**

The above offences are cognizable

2163. **OFFENCES UNDER THE MOTOR VEHICLE ACT, 1988**

<b>Section</b>	<b>Offences</b>
Section 56 r/w 192	Using the private four wheelers(Car, Jeep, etc.) meant for personal use as tourist taxis.
Section 113 r/w 194	Carrying more persons than the capacity in the vehicle which is earmarked for the candidate and his agent.
Section 39 r/w 192	Vehicle used by the candidate and is found not possessing RC.
Section 56 r/w 192	The goods vehicle is found used for conveyance of passengers.
Section 207	Impounding of vehicles

**2164. ACTION UNDER THE PONDICHERY SOUND AMPLIFIER AND LOUD SPEAKER LICENSING RULES, 1967**

- (a). In case of any violation, the apparatus should be seized
- (b). In case of violation by mounting the loudspeaker on vehicles, the vehicles can also be confiscated.
- (c). The police should ensure that the rules for using loud speakers are impartially implemented.

**USE OF LOUDSPEAKERS**

2165. The use of loudspeaker for the electioneering campaign from fixed rostrums as well as mounted on vehicles has been causing serious noise pollution and great disturbance to the peace and tranquility of the general public.

2166. The Election Commission has been seized of this offence and has issued various guidelines to this effect.

- (i) The use of loudspeaker for electioneering purpose during the entire election period shall be permitted only between 06.00 hours and 22.00 hours (and 23.00 hours in rural areas)
- (ii) For the purpose of any meeting/procession prior specific written permission shall be obtained from the concerned authorities who prior to granting permission, should satisfy that the peace and tranquility of the general public is not disturbed.
- (iii) The registration numbers of all vehicles on which the loudspeakers are mounted shall be indicated while granting permission for the use of loudspeakers.

**VI. LIST OF OFFENCES IN RESPECT OF WHICH A PERSON CONVICTED IS DISQUALIFIED TO CONTEST IN ELECTIONS.**

SL. No	NATURE OF OFFENCE	DISQUALIFICATION PERIOD
1.	Promoting enmity between different groups on grounds of religion, the race, place of birth residence, language, etc., Commission of act prejudicial to maintenance of harmony, organization / participation in any exercise/drill or similar activity intended to be used as criminal force or violence against members of religious, racial, linguistic or regional group case or community (See 153A – IPC).	Six years from the date of conviction.

2.	Bribery (Section 173E – IPC)	Six years from the date of conviction.
3.	Undue influence or personation in election. (Section 171 – IPC)	Six years from the date of conviction.
4.	Rape (Section 376 – IPC)	Six years from the date of conviction.
5.	Cruelty towards women (Section 498A – IPC)	Six years from the date of conviction.
7.	Untouchability and enforcement of disability arising there from PCR Act 1955.	Six years from the date of conviction.
8.	Importing / Exporting prohibited goods (Section 11 of Customs Act 1962)	Six years from the date of conviction.
9.	Membership in unlawful Association dealing with funds of unlawful association, contravention of order made in respect of a notified place (Section 10 to 12 of Unlawful Activities Prevention Act, 1967)	Six years from the date of conviction.
10.	Offences under foreign Exchange Regulation Act 1973	Six years from the date of conviction.
11.	Offences under Narcotic Drugs and Psychotropic Substances Act, 1985.	Six years from the date of conviction.
12.	Disruptive Act Section 3 of Terrorist and Disruptive Activities (Prevention) Act, 1987.	Six years from the date of conviction.
13.	Contravention of provisions of Sections 3 to 6 of the Religious Institutions (Prevention of Misuse) Act, 1988.	Six years from the date of conviction.
14.	Electoral offences such as promotion of enmity between classes connected with election, removal of ballot papers from polling station, booth capturing, defacing nomination paper. (Section 125, 135, 135A and 136 of Representation of people Act, 1951).	Six years from the date of conviction.
15.	Conversion of place of worship Section 6 of Places of Worship (Special Provisions) Act 1991.	Six years from the date of conviction.
16.	Insulting National Flag or constitution of India or prevention of singing of National Anthem (Section 2 and 3 of Prevention of Insult to National Honour Act, 1971).	Six years from the date of conviction.
17.	Hoarding, profiteering and adulteration of food or drugs (Relevant Act).	Six years from the date of conviction.
18.	Contravention of Provision of Dowry Prohibition Act, 1961	Six years from the date of conviction.
19.	Contravention of Provisions of Sati (Prevention ) Act, 1987.	Six years from the date of conviction.
20.	Convicting under any other offence and imprisonment for not less than 2 years.	Six years from the date of conviction.
21.	In respect of sitting MP, MLA disqualification takes effects after expiry of three months from conviction or after disposal by court of appeal / revision petition in any field.	Six years from the date of conviction.

2167. **SPECIAL MEASURES**

(A). The following special measures should be ensured:-

- (1). No VIP has got any right to enter any polling station or a counting center on the basis of his status or office.
- (2). The entry into the polling stations is allowed for.
  - (i). Voters assigned to the Polling Station.
  - (ii). Polling Officers,
  - (iii). Each candidate, his election agent and one polling agent,
  - (iv). Persons authorized by the Commission,
  - (v). Public servants on duty in connection with the election,
  - (vi). Observers appointed by the Election Commission,
  - (vii). The child in arms accompanying a voter,
  - (viii). A person accompanying a blind or an infirm voter who cannot move without help, and
  - (ix). Such other persons appointed for the purpose of identifying voters or otherwise assisting the presiding officer.

(B). The Police can, on intimation to the polling authorities, initiate action against such offenders under section 131,132 of the Representation of the People's Act, 1951.

(C). The Police should ensure that no candidates set up their agents near the polling station for distributing poll slips to any voter within a radius of 200 meters of polling station.

(D). The Election Commission has emphasized the need for enforcing the following measures to prevent booth capturing:

- (i). If the Police detects any breach regarding the entry within a radius of 200 meters and if the agent concerned does not have written instructions, Police will take action under section 130 of the People's Representation Act, 1951.
- (ii). Sensitive areas should be identified based on the past history, information regarding abnormal law and order condition, nature of contest, political rivalry, number of scheduled caste electorates and number of history sheeters, constituency wise to tackle any problem.

- (iii). In case of any violation or commission of any offence under the provisions of the Representations of the People's Act, Police shall take appropriate action immediately.

### **SALE OF LIQUOR**

2168. In order to create and preserve an atmosphere conducive to the holding of peaceful, free and fair elections, the Election Commission of India has directed the State Government to declare 'dry days; which includes-

- (a). the period of two days before the polling day;
- (b). the polling day;
- (c). the day before the counting day(s);
- (d). the counting day(s).

### **If necessary, Government may also consider notifying –**

- (e). the day after the poll; and
- (f). the day immediately after counting as the 'dry days'.

2169. No liquor shop, hotel, restaurant, club and other establishment selling / serving liquor shall be permitted to sell/serve liquor to any one whatsoever on the above "dry days". Non proprietary club, star hotels, restaurants and hotel running by any one, even if they are issued different categories of licenses for possession and supply of liquor should also not be permitted to serve liquor on these days. The storage of liquors by individuals shall be curtailed during the above period and the restrictions provided in the Excise Laws on the storage of liquor in unlicensed premises shall be vigorously enforced. Liquor which is found to be illegally stored, or is being illegally transported in the District during the said period should be seized, so that there are no chances of clandestine movement of liquor.

### **MAINTENANCE OF LAW AND ORDER**

2170. The maintenance of law and order during the elections is a focal point to ensure peaceful polling for which the following shall be done in a systematic and regular manner.

- (i) No new arms licence will be issued.
- (ii) Police shall conduct periodical raids to unearth unlicensed and illegal arms. They shall also check the licensed explosive shops / premises.
- (iii) A list of sensitive Constituencies should be prepared and special watches and arrangements should be made.
- (iv) A list of rowdy, undesirable elements, mischief mongers, et., should be prepared and preventive action initiated, under Section 107, 110 & 116 Cr.P.C.

- (v) Special raids should be conducted against antisocial elements and boot-leggers.
- (vi) All licensed Fire Arms shall be deposited in Police Stations

### **GUIDELINES ON SECURITY OF VIPS DURING ELECTIONS**

(Instructions of the Government of India, Ministry of Home Affairs vide letter No. No.VI.23014/200/97-GPA-III, dated 26.12.1997)

2171. Threat to the security of national leaders has increased sharply on account of the activities of terrorists and other hostile elements. Acquisition by these elements of powerful weapons and sophisticated improvised explosive devices like radio operated bombs, time bombs, vehicle bombs, human bombs, etc. and their constant attempts to gain entry into the vicinity of VIP by using subterfuges like subversion and infiltration has increased the danger further. While, the police and security agencies have the direct responsibility to provide protective crowd control and other necessary security arrangements, there are others linked with the VIP's programmes who also have a role in the overall arrangements. The latter include organizers of VIP's programmes, leaders of political parties and political workers etc., concerned with the visit. It is said that a chain is as strong as its weakest link. Hence, any weakness in any component involved with VIP's programme is likely to render the whole arrangement vulnerable and the security system fragile. This is a vital aspect of VIP security and needs to be understood by all those involved with the programme.

2172. The following points indicate the areas and items, where the assistance and cooperation of organizers and political workers to the police are extremely important and which should be entered wholeheartedly;

- (i) The general perception in members of political parties that they have no role or responsibility in the security arrangements for their leaders in their public gatherings is not correct. Political parties and organizers of VIP's programmes have a very important role to perform in the successful completion of the function and the security of the dignitary.
- (ii) The role of the organizers of VIP's programmes and functions and of political leaders and workers is to cooperate and coordinate with the police so as to facilitate the work of the police and not create any impediment which would hamper the security arrangements.
- (iii) The organizers of VIP's functions should establish early liaison with the police and inform them about the VIP's programme as soon as the idea of the visit is broached. They should inform the State DGP/CP/District SP while drafting programme for the VIP's visit. Advice tendered by the security Agencies should be kept in view before the draft programme is finalized and sent for approval of the VIP.
- (iv) Once the programme is finalized, last minute changes should be avoided as adequate security may not be feasible at short notice.

- (v) The political party of the organizers concerned with the programme/function of the VIP should nominate functionary who would liaise and coordinate with the police force. Interaction of the police force with that person should be sufficient compliance of the requirement of liaison by the police. This arrangement should be in writing to avoid any future controversy.
- (vi) The number of dignitaries who would receive and see off the VIP at the airport or point of arrival / departure should be finalized in advance in consultation with the security agencies, the number being kept to the minimum as per the security requirements.
- (vii) The number of persons invited to welcome the VIP at the airport / helipad should also not be unduly large. Such invitees should be issued with invitation passes by name in consultation with the police authorities. They should be accommodated in a separate place away from the point of VIP aircraft /helicopter landing.
- (viii) The number of dignitaries to be seated on the rostrum/dais with the VIP should be kept to the minimum and settled in advance in consultation with the police.
- (ix) There should not be any crowding by the party workers / supporters around the VIP or behind the rostrum / dais at the public meeting or function of the VIP. Such melee could cause confusion making the task of infiltration by undesirable elements easier.
- (x) The venue of the VIP function and its approach should be carefully selected in consultation with security agencies well in time. This will enable the authorities to ensure appropriate security arrangements at the place of function as well as enroute.
- (xi) In order to ensure that mischief-makers are not able to exploit the occasion of VIP's visit/function, advice and suggestions of the police/security authorities with regard to the venue, points of entrance and exit for the VIP, adequacy of the enclosure for accommodating the anticipated number of invitees; location of the rostrum, seating arrangements for the VIP's entourage and guests, alighting point for the VIP and others, car park, arrangements for catering, lighting, fire fighting, etc., should all be given due consideration.
- (xii) If any part of the arrangement regarding VIP's visit is to be made by the organizers, it should be completed in time also taking the advice and suggestions of security authorities into consideration.

- (xiii) List containing particulars of persons to be employed for various duties at the function like electricians, agency arranging the sound system equipment, caterers, etc., should be furnished to the local police for verification and to ensure their reliability. Any person not considered suitable by the police for such duties or to gain access in the vicinity of the VIP should be excluded.
- (xiv) Organizers should depute leaders/senior party functionaries to be present amongst the party workers who come to greet the VIP to identify the party-workers as also to keep discipline among them. Boisterousness or over-enthusiasm on such occasion can be exploited by mischief mongers posing threat to the VIP security. The arrangements proposed to be made by the security agencies for the party workers should be given due consideration.
- (xv) Presentation of garlands/bouquets/towels, etc., to the VIP should be restricted to the minimum number; names of those nominated / selected to present garlands/bouquets/towels should be furnished to the police in advance for necessary security checks. All these persons should be identified by designated party leaders/senior workers and they should be frisked and searched, and the items carried by them including garland, bouquets, towels, etc., for presentation carefully checked. They party workers should be dissuaded from the practice of throwing garlands or bouquets at the VIP.
- (xvi) In case invitation cards are being issued for VIP's function, these should be serially numbered, issued by name, be made non-transferable and sent through reliable delivery system. Organisers should consult the police so that certain security instructions could be incorporated on the reverse of the card for compliance.

**“ POLITICAL PARTIES AND ORGANIZERS OF VIP PROGRAMME HAVE A VERY IMPORTANT ROLE TO PLAY IN ENSURING IMPLEMENTATION OF SECURITY MEASURES FOR ANY VIP. THE FOLLOWING ARE SOME DO'S AND DONT'S WHICH MAY KINDLY BE KEPT IN VIEW ”.**

2173. **DO'S**

- (a). Please co-operate and maintain close co-ordination with the local police so as to facilitate their work.
- (b). Organizers may please inform the police as soon as the tentative programme of VIP is finalized. The Sate DGP/CP/District SPs may also be consulted while drafting the VIP programme.
- (c). Political party/organizers may nominate a functionary to liaise with the police. The police may be apprised of the name of the functionary so nominated.
- (d). Number of dignitaries who will be receiving / seeing off the VIP at the Airport /Railway Station may be finalized in consultation with the security agencies.

Invitation cards to such persons may be issued in consultation with the police. The number of such persons should be restricted to the barest minimum keeping the security requirements in view. They should be accommodated in a separate enclosure away from the point of landing / VVIP aircraft / helicopter.

- (e). Venue for VIP functions may be selected in consultation with the security agencies.
- (f). Names of personnel connected with the works at the venue may be furnished to the police for local verification .
- (g). Amongst these receiving/seeing off/greeting the VVIP/ VIP/leaders/senior party functionaries should be present to identify the party workers.
- (h). Make effective use of the media including use of PA system and distribution of leaflets exhorting the audience at VIP functions to educate them for orderly behaviour at public functions.

2174. **DON'T'S**

- (a). Do not create any impediments for the security personnel. They are performing duties for ensuring the safety of VIPs.
- (b). Do not object to garlands, bouquets, etc., being checked by the security personnel. These items coming in close vicinity of the VIP should be restricted to the minimum.
- (c). Do not allow crowding around the VIP or in the rostrum. Besides security considerations, such crowding also affect the safety of the structure.
- (d). Avoid late night and road-side meetings. This will help the security agencies in effective implementation of guidelines.
- (e). Do not ignore the advice of police on any security related matters.
- (f). Do not appeal to the crowd to jump over security barriers.
- (g). Do not make last minute changes in the programme after the finalization of security arrangements.
- (h). Do not insist on visiting venues/places not considered safe by security agencies.

## **Note**

After the announcement of the Election Schedule, the Senior Superintendents of Police, Puducherry and Karaikal and Superintendents of Police in charge of Mahe & Yanam will hold a joint meeting of Revenue and the Police with representatives of all political parties and the Independent candidates and brief them of the above matters.

### 2175. **CODE OF CONDUCT FOR POLICE**

(Ministry of Home Affairs, Letter No.VI.24021/97/84-GPA/dated 4-7-85 addressed to all States/Uts. And CPOs.)

- (1). The Police must bear faithful allegiance to the Constitution of India and respect and uphold the rights of the citizens as guaranteed by it.
- (2). The police should not question the propriety or necessity of any law duly enacted. They should enforce the law firmly and impartially, without fear of favour, malice or vindictiveness.
- (3). The police should recognize and respect the limitations of their powers and functions. They should not usurp or even seem to usurp the functions of the judiciary and sit in judgment on cases to avenge individuals and punish the guilty.
- (4). In securing the observances of law or in maintaining order, the police should as far as practicable, use the methods of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used.
- (5). The duty of the police is to prevent crime and disorder and the police must recognize that the test of their efficiency is the absence of both and not the visible evidence of police action in dealing with them.
- (6). The police must recognize that they are members of the public, with the only difference that in the interest of the society and on its behalf they are employed to give full time attention to duties which are normally incumbent on every citizen to perform.
- (7). The police should realize that the efficient performance of their duties will be dependent on the extent of ready cooperation that they receive from the public. This, in turn, will depend on their ability to secure public approval of their conduct and actions and to earn and retain public respect and confidence.
- (8). The police should always keep the welfare of the people in mind and be sympathetic and considerate towards them. They should always be ready to offer individuals service and friendship and render necessary assistance to all without regard to their wealth or social standing.

- (9). The police should always place duty before self, should remain calm in the face of danger, scan of ridicule and should be ready to sacrifice their lives in protecting those of others.
- (10). The police should always be courteous and well-mannered, they should be dependable and impartial; they should possess dignity and courage; and should cultivate character and the trust of the people.
- (11). Integrity of the highest order is the fundamental basis of the prestige of the police. Recognizing this, the police must keep their private lives scrupulously clean, develop self-restraint and truthful and honest in thought and deed. In both personal and official life, so that the public may regard them as exemplary citizens.
- (12). The police recognize that their full utility to the State is best ensured only by maintaining a high standard discipline, faithful performance of duties in accordance with law and implicit obedience to the lawful directions of commanding ranks and absolute loyalty to the force and by keeping themselves in a state of constant training and preparedness.
- (12 A). As member of a secular, democratic state the Police should strive communally to rise above personal prejudices and promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women and disadvantaged segments of the society.

**Note**

The Police Department, while preparing the election scheme shall incorporate the above materials along with any instructions to be issued by the Chief Election Commission and the Government of India from time to time.

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