

**Elections / Most Urgent**

**TELANGANA STATE ELECTION COMMISSION**

**1<sup>st</sup> Floor, DTCP Building, Opp: PTI Building, A.C. Guards, Hyderabad – 500 004.**

**ORDER**

**Order No.1163/TSEC-L/2020**

**Dated:25.09.2020**

Sub:- TSEC-Elections – Ordinary elections to Greater Hyderabad Municipal Corporation – Constitution of Flying Squad (FS) and Static Surveillance Team (SST) – Instructions issued.

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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

And Whereas, all forms of criminal offences such as intimidation, threat, undue influence and bribing during elections 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 intimidation of electors by threat; and

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 17 of GHMC Act, 1955.

Now, therefore for the purpose of maintaining purity of elections, in connection with the polls to Greater Hyderabad Municipal Corporation, the State Election Commission hereby issues the following Standard Operating Procedure for Constituting Flying Squads, Static Surveillance Teams and Check Posts, for keeping vigil against 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 area of GHMC during election process:

**Flying Squad (FS)**

1. There shall be one or more Flying Squads (FS) in each Circle of GHMC depending upon area of the Circle. 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 (MCoC) violations and related complaints; (b) attend to all complaints of threat, intimidation, movement of antisocial elements, liquor, arms and ammunition and large sums 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 work on 24/7 basis during this 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, Call Centre, Returning Officer concerned, Commissioner & EA, GHMC, Expenditure Observer and General Observer. The Commissioner & EA, GHMC 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 anti social elements or arms and ammunition is received, the FS shall reach the spot immediately. In cases where incriminating evidence is found, 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. A formal complaint shall be lodged in the concerned police station and the seized materials shall be deposited therewith without any delay. No seizure of cash shall take place without having any incriminating evidence. The entire proceeding shall be video recorded. The formal complaint/F.I.R. shall be filed against (i) the persons, giving/taking 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 Returning Officer concerned for public display and be sent to the Commissioner & EA, GHMC and General Observer.

5. The FS shall send a Daily Acton Taken report in respect of items of seizure of bribe or cash to the Superintendent of Police/Commissioner of Police/Deputy Commissioners of Police as the case may be in a format as per Annexure - D, with a copy to Returning Officer concerned along with the Daily extract of all the complaints to Returning Officer in the format as given in Annexure-C.

6. 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 or Dial "100", 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 orders to avoid duplication of seizure or action taken reports.

7. 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 giving or taking any bribe”.

### **Static Surveillance Team (SST)**

1. There shall be one or more Static Surveillance Teams (SST) in each Circle of GHMC depending upon area of the Circle with one magistrate and three or four police personnel in each team who shall be manning the check post in shifts, round the clock.
2. This team(s) shall put check post(s) at vantage point(s) at the borders of the Circle so as to 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 SST shall send Daily Activity report to the Superintendent of Police / Commissioner of Police/ Deputy Commissioner of Police as the case may be with copy to Returning Officer concerned in a format as per Annexure–E, on the same day.
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 Returning Officer 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 Commissioner & EA, GHMC that, any member of the public can obtain a copy of the DVD/video record by depositing Rs.300/.
5. Wherever Check Posts are set up at the borders of the Circle or at any other place by any agency, for any purpose, then the nearest SST shall be made part of such team, to avoid duplication of checking in the area and reporting has to be done by the SST.
6. The SSTs shall be controlled by the Commissioner & EA, GHMC and Superintendent of Police / Commissioner of Police/ Deputy Commissioner of Police in consultation with Election Observer and the mechanism shall be strengthened in last 72 Hours before the poll, particularly in vulnerable areas.
7. During checking, if any vehicle carrying a candidate, his agent, or party worker or posters or election materials is found with cash exceeding Rs.50,000/- or any drugs, liquor, arms or gift items which are valued at more than Rs.10,000/-, or any other illicit articles that are likely to be used as electoral inducement 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 concerned. It should be borne in the mind of the SST that they are not authorized to cause inconvenience or seize cash or other valuables in circumstances other than those mentioned earlier especially when there is no incriminating evidence of its probable abuse in elections. In any case, 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, a declaration in the format (Annexure-A) shall be obtained from the person.**
  - 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. In all cases where cash above Rs.50,000 is found but without any incriminating evidence as to its possible abuse in elections the same should be allowed to be carried after obtaining a declaration to that effect (Annexure-A).
9. 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.
10. The Commissioner & EA, GHMC/Dy. Commissioners of GHMC and the Superintendent of Police / Commissioner of Police/ Deputy Commissioner of Police shall ensure that the teams are properly constituted, trained and accounted for. The Nodal Officer at the Police Headquarters shall ensure that proper training and sensitization of the police force in this regard is done.
11. The seized materials including cash if any shall be deposited in the Police Station having jurisdiction over the area for necessary further action in prosecuting the offenders in Courts.
12. A receipt (Annexure-B) should be issued to the person from whom any seizure is made under this order. The receipt should contain details of items seized, their probable value and the further course of action proposed to be taken for safe custody of the items before their final disposal i.e., release to the owner or confiscation as per relevant law or rules if any.

13. 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. EA concerned in the GHMC (All the Zonal Commissioners of GHMC were designated as Dy. Election Authorities). 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.

14. The seized amount shall be disposed of in such manner as directed by the Court.

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

16. 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.

The Commissioner of Police/Deputy Commissioner of Police/ Superintendent of Police after receiving the reports in Annexure – C & D from the FS, in Annexure – E from SSTs shall consolidate them in Annexure – F and send it to the Nodal Officer at the Police Headquarters.

The Nodal Officer at the Police Headquarters shall compile all such reports from the Commissioner of Police/Deputy Commissioner of Police/ Superintendent of Police and send consolidated report in Annexure – G on the next day by fax / e-mail to the Commission.

These instructions shall scrupulously be followed.

**(BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)**

**Sd/- N. JAYASIMHA REDDY  
SECRETARY (FAC)**

To

The Commissioner & Election Authority, GHMC.

The Commissioners of Police of Hyderabad, Cyberabad and Rachakonda.

The Superintendents of Police, Sangareddy.

All the Deputy Commissioners and Assistant Election Authorities of GHMC.

All the Zonal Commissioners and Deputy Election Authorities of GHMC.

The Collectors of Hyderabad, Medchal Malkajgiri, Ranga Reddy and Sangareddy Districts and Additional Election Authorities of GHMC.

RDOs Deputy Election Authorities of GHMC.

All the Dy. Commissioners (Excise & Prohibition).

All the SHOs through concerned CPs/Superintendents.

Copy to: DGP, Telangana / Addl.DG (L&O) / IG (L&O) / DIG.

Copy to: All the Election Observers.

**// Attested //**

**Joint Director**

*S. Subramani*



**ANNEXURE - A**

**TELANGANA STATE ELECTION COMMISSION  
Ordinary / Casual Elections, 20\_\_ to GHMC  
..... Circle**

**DECLARATION FORMAT  
(By the person carrying cash)**

**Place of the incident :**

**Date & Time :**

1.	Name and full address of the Person/ Persons carrying the cash (copy of ID proof to be enclosed)	
2.	Whether the cash is carried for personal (or) business purpose.	
3.	If business purpose, Details of firm with address	
4.	Amount of cash being carried in Rs.	
5.	Its source	
6.	Purpose for which the cash is being carried	

I do hereby declare that the above information is true to the best of my knowledge and I further declare that this amount shall not be used for other than the purpose mentioned above.

**SIGNATURE OF THE PERSON  
CARRYING CASH**

In my presence

Date :

Time :

Signature of I/C Officer of SST / FS team  
Name & Designation:



**ANNEXURE - B**

**TELANGANA STATE ELECTION COMMISSION  
Ordinary / Casual Elections, 20\_\_ to GHMC  
Receipt for Seizure of cash / other Items  
(By the SST / FS)**

Name of the person(s) from whom seizure is made :  
Name and Designation of I/C Officer  
of the Surveillance Team / Flying Squad making the seizure:  
Place of seizure :  
Name of the Circle :

S.No	Cash / Other items Seized by SST /FS	Approximate Value in Rs.	Name & Designation of the authority to whom seized cash / items are handed over	Remarks (if any)

**For Redressal of Grievance / Complaint, Please contact the Appellate Authority shown below:**

Name :  
Designation :  
Address :  
Phone No. :

Date :  
Time :

Signature of I/C Officer of the SST/FS  
(with Seal)

To,  
Sri/Smt/Kum \_\_\_\_\_  
Address \_\_\_\_\_

Signature of the person from whom seizure is made :  
(Acknowledgement)



## ANNEXURE - C

### Complaints Registered against abuse of money power & muscle power

Name of the Sub-Division & District.....  
Name of the Circle in GHMC.....  
Name and Designation of the Magistrate.....  
Name and Designation of the Police Officer.....

1	2	3	4	5	6	7	8	9
S. No.	Date	Time	Name of complainant	Party affiliation, if any of the complainant	Complaint against (Name)	Party affiliation, of the offender if any	Brief description of MCC violation	Action Taken Report

Signature :  
Name & Designation of the :  
Officer in Charge of  
Flying Squads

To,  
The SP/CP,  
..... District/Commissionerate.

Copy to the Returning Officer concerned.

Note:

1. The Officer in charge of the Flying Squads will submit the report for each Flying Squad in this format to the SP/ CP, Commissioner & EA, GHMC and Election Observer.
2. The SP/CP will send the report in Annexure – F to the Nodal Officer in State HQ after compiling the data.
3. The Nodal Officer of State Police HQ will compile the data for the GHMC and send the report in Annexure – G to the State Election Commission.



**ANNEXURE - D**

**Action Taken Report on the complaints against abuse of money power and muscle power on the date .....**

**Name of the Sub-Division & District.....**  
**Name of the Circle in GHMC.....**  
**Name and Designation of the Magistrate.....**  
**Name and Designation of the Police Officer.....**

**A. DETAILED REPORT**

1	2	3	4	5	6	7	8	9	10	11
Sl. No.	Time	Nature of the complaint/ information	Name of the person against whom complaint / information is received	Cash/ other items found	Cash seized	worth of other items seized	FIRs filed	Name of candidate or party with which links found	Name and designation of the authority to whom seized cash/ items are handed over	Remarks (if any)
1										
2										
3										

**B. SUMMARY REPORT (CUMULATIVE)**

Date:

	Description	Till Yesterday (Cumulative)	Today (Daily)	Till date (Cumulative)	Remarks
1	Total amount of cash seized by Flying Squad				
2	Total worth of other items seized by Flying Squad (approximate value)				
3	Number of complaints of cash/other items, received till to date				
4	Number of complaints, verified till to date				
5	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 Squads**

**To,**  
**The SP/CP,**  
**..... District/Commissionerate.**

**Copy to the Returning Officer concerned.**

Note:

1. The Officer in charge of the Flying Squads will submit the report for each Flying Squad in this format to the SP/CP with copy to RO, Commissioner & EA, GHMC and Election Observer.
2. The SP/CP will send the report in Annexure – F to the Nodal Officer in State HQ after compiling the data for their area. While complying, they shall also add the cash/other items seized by authorities other than Flying Squads.
3. The Nodal Officer of State Police HQ will compile the data for the GHMC and send the report in Annexure – G to the State Election Commission.



## ANNEXURE - E

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

**Place of Check Post .....**

**Name and Designation of the Magistrate.....**

**Name of the Circle in GHMC .....**

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

### **A. DETAILED REPORT**

S. No.	Date	Time	Name and address of persons searched at the Check Post	Cash / Other items seized	FIR filed	Name of candidate or party having links	Name and designation of Authority to whom cash, goods seized goods are handed over after seizure	Remarks
1	2	3	4	5	6	7	8	9
1								
2								
3								

### **B. SUMMARY REPORT (CUMULATIVE)**

Description		Till Yesterday (Cumulative)	On the date	Till date (Cumulative)	Remarks
A.	Total amount of cash seized by SST				
B.	Total amount of other items seized by SST (approximate value)				
C.	No. of FIRs lodged				

**Signature :  
Name & Designation of the :  
Officer in Charge of Static :  
Surveillance Team**

To,  
The SP/CP,

..... District/Commissionerate.

**Copy to the Returning Officer concerned.**

Note:

1. The Officer in charge of the SST will submit the report for each SST in this format to the SP/CP with copy to RO, Commissioner & EA, GHMC and Election Observer.
2. The SP/CP will send the report in Annexure – F to the Nodal Officer in State HQ after compiling the data for their area.
3. The Nodal Officer of State Police HQ will compile the data for the GHMC and send the report in Annexure – G to the State Election Commission.



## ANNEXURE - F

(ULB wise consolidated report to be sent by SP/CP to Nodal Officer in the State Head Quarters)

Name of the District/Police Commissionerate.....

Name of the Circle in GHMC .....

Date .....

### A. DAILY REPORT

	Cash and other items seized				No. of cases including MCC in which			
	Cash seized	Worth of other items seized	Party / Candidate links found	Total complaints received	FIRs filed	Action taken	Pending	Remarks
Flying Squads								
Static Surveillance Teams								
Other agency								
Total								

### B. SUMMARY REPORT (CUMULATIVE)

(Progressive figures including the date of report)

	Cash seized	Worth of other items seized	Party / Candidate links found	No. of cases including MCC in which				Remarks
				Total complaints received	FIRs filed	Action taken	pending	
Flying Squads								
Static Surveillance Teams								
Other agency								
Total								

Signature :  
Name & Designation of:  
the SP/CP

To,  
The Nodal Officer,  
State Head Quarters.

Copy to:  
The Commissioner & EA, GHMC.  
The Election Observer concerned

Note:

The Nodal Officer of State Police HQ to consolidate the reports and submit consolidated report of all the Circles in GHMC in Annexure – G to the State Election Commission.



## ANNEXURE - G

(District wise consolidated report to be sent by Election Authority, GHMC to SEC)

### A. DAILY REPORT

Sl. No.	Name of the Circle in GHMC	No. of Wards going to polls	Cash and other items seized				No. of cases including MCC in which			
			Cash seized	Worth of other items seized	Party / Candidate links found	Complaints filed during the day	FIRs filed	No of cases Action taken	No of cases Pending	Remarks

### B. SUMMARY REPORT (CUMULATIVE)

(Progressive figures including the date of report)

Sl. No.	Name of the Circle in GHMC	Cash and other items seized				No. of cases including MCC in which			
		Cash seized	Worth of other items seized	Party / Candidate links found	Complaints filed so far	FIRs filed so far	Action taken so far (No. of cases)	Pending as on today (No. of cases)	Remarks if any

Signature \_\_\_\_\_ :  
Name & Designation of:  
the Nodal Officer

To,  
The Secretary,  
Telangana State Election Commission.

