

# **ELECTION COMMISSION OF INDIA**

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

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**SUMIT MUKHERJEE**

Tel No. 23717590

**UNDER SECRETARY**

Fax No. 23717590

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**No. 464/INST/2008/EPS**

**Dated:** 21<sup>st</sup> January, 2009

To

The Chief Electoral Officers of  
All States/UTs.

**Subject: January 11, 2005 of the Hon'ble Supreme Court in Civil Appeal No.9228 of 2003 - (Janak Singh Vs. Ram Das Rai and others) - reg.**

Sir/Madam,

I am directed to say that the Hon'ble Supreme Court in its Judgement cited above has given certain suggestions/directions in the matter of conduct of free and fair election.

The Commission has considered the matter and has directed that the following measures shall be taken at the current general election in your State:-

**1.CPF personnel to keep a watch on the proceedings in the polling Stations**

In the polling stations where CPF personnel have been deployed, one of the CPF personnel shall be stationed at the entrance of the polling station in such a manner that he can have an unrestricted view of the polling procedure in the polling station.

**2. Videography at the polling station**

The Commission has already issued instructions for videography of critical events of the election process and also at hypersensitive and sensitive polling stations to the extent possible. However, videography of proceedings inside the polling stations was not permitted as per the earlier instructions. In deference to the suggestion of the Hon'ble Supreme Court, the Commission directs that

videography of the poll proceedings may be carried out inside the polling stations also. However, considering the practical difficulties in covering all polling stations, the Commission has decided that such videography may be done in only those polling stations where the observer considers it necessary. However, proper care shall be taken to ensure that while doing the videography, the same does not violate the secrecy of vote. No photography/videography shall, however, be allowed by the media persons or by any other unauthorized persons inside the polling station, to maintain general order and secrecy of vote. The videography of all other critical events of electoral process shall continue to be done.

3. **Utilization of Election Funds**

The Chief Electoral Officers should keep a strict and close watch over the election expenditure by their office and by the District Election Officers/Returning Officers and other authorities concerned, to ensure that election funds are not utilized for purposes other than for the conduct of elections.

4. **Conduct of Observers**

The Commission has already instructed the Observers at the time of briefing, not to accept lavish hospitality offered by the State Administration. The Hon'ble Supreme Court has now also directed that the Observers should not accept undue hospitality of the State. This may be brought to the notice of all authorities concerned and all Observers in the State for strict compliance.

Kindly acknowledge receipt and intimate action being taken.

Yours faithfully

**(SUMIT MUKHERJEE)**