

By Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 61/Complaints/AP-LS/2012/EEPS

Date: 19th July, 2012

To

The Chief Electoral Officers of
All States/UTs.

Subject:

Collection of information from banks regarding suspicious transactions during election process under Article -324 of the Constitution - regarding

Sir,

ACFO
List
D.E.O
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re J. Singh
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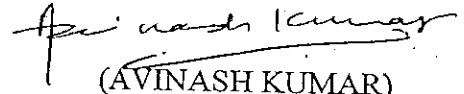
With reference to the suggestions of Indian Banks' Association vide letter no. LEGAL/5946, dated 6th June, 2012 (copy enclosed), I am directed to state that in order to maintain purity of election process, the District Election Officers (DEOs) shall call for the following information from the Banks regarding suspicious cash transactions made through the banks during the election process:

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- (i) Unusual and suspicious cash withdrawal or deposit of cash in a bank account exceeding Rs. 1 lakh during the process of election, without any such instance of deposit or withdrawal during the last two months.
- (ii) Unusual transfer of amount by RTGS from one bank account to the accounts of several persons in a district/constituency during the election process without any precedent of such transfer.
- (iii) Any deposit of cash or withdrawal of cash exceeding Rs. 1 lakh from bank account of candidates or spouse or his dependants, as mentioned in the affidavit filed by candidates which is available in CEO's website.
- (iv) Any withdrawal of cash and deposit of cash exceeding Rs. 1 lakh in the account of the political party during the election process.
- (v) Any other suspicious cash transactions, which might be used for bribing the electors.


The above information shall be processed by the DEOs and wherever it is suspected that the cash may be used for bribing of electors, then Flying Squad may be asked to take necessary action, after due verification. However, if the amount of cash deposit or withdrawal is more than Rs.10 lakh, then such information shall be passed on to the Nodal Officer of the Income Tax Department, for taking necessary action under the Income Tax laws.

Yours faithfully,


(AVINASH KUMAR)
UNDER SECRETARY

Copy to:

Shri K Ramakrishnan, Chief Executive, Indian Banks Association
World Trade Centre Complex, Centre 1, 6th Floor, Cuffee Parade,
Mumbai-400005, with request to inform all banks for compliance during
election process.


(AVINASH KUMAR)
UNDER SECRETARY

d/c



Indian Banks' Association

CHIEF EXECUTIVE

No. LEGAL/5946

June 6, 2012.

Shri S K Rudola
Secretary
Election Commission of India
Nirvahan Sadan
Ashoka Road
New Delhi 110 001

Dear Sir,

Disclosure of information on the transactions in the account of
Customers by Banks to the District Election Officer

Please refer to your letter No.61/Complaints/AP-I.S/2012/EEPS/268 dated 4th April, 2012 in regard to the above matter.

In view of the clarifications issued by the Election Commission, we had placed this matter before the Managing Committee of the IBA for considering whether member banks should be advised about powers of the District Election Officers to seek information from the banks. The Managing Committee was of the view that to facilitate full cooperation with the District Election Officers by the branches of commercial banks in the matter of monitoring entire election process including expenditure monitoring, the Election Commission may be requested to consider whether District Election Officers may be advised to observe the following norms:

- i) While calling for information from the branches of banks, District Election Officers may specifically quote the directive / guidelines of the Election Commission in terms of which the information is called for from the banks; and
- ii) The District Election Officers may ensure that the information called for is not general information which is in the nature of roving or fishing enquiry but is restricted in respect of candidates contesting the election, the political parties to which the candidate belongs and the office bearers or other persons working for the candidate

We shall be grateful if the Election Commission considers our suggestion as stated above, so that we shall advise the member banks about the powers of the District Election Officers who call for such information. We shall also be grateful if a copy of the relevant directives / guidelines issued by the Election Commission under Article 324 of the Constitution of India be forwarded to us so that the same can be circulated amongst the members of IBA.

Yours faithfully,


K RAMAKRISHNAN

for