



सत्यमेव जयते

## STATE ELECTION COMMISSION, KARNATAKA

Sub: Action to be taken on receiving complaints on Model Code violations during elections to Local Bodies-reg.

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WHEREAS, the power of superintendence, direction and the conduct of all elections to all the Panchayats and the Municipalities in the State of Karnataka is vested in the State Election Commission under the provisions of Article 243-K and Article 243-ZA of the Constitution of India.

WHEREAS, the State Election Commission has observed that offences relating to elections are prescribed under Chapter IX-A of Indian Penal Code, containing Sec.171-B (Bribery), Sec.171-C (Undue Influence at Elections), Sec.171-D (Personation at Elections), Sec.171-G (False statement in connection with an election), Sec.171-H (Illegal payments in connection with an election) and Sec.171-I (Failure to keep election accounts). The aforementioned offences are 'Non-Cognizable' in nature and therefore, the police officers cannot register the complaint or register an FIR and / or investigate the same without the order of a Magistrate having power to try such case or commit the case for trial, as contemplated under Sec.155(2) of the Code of Criminal Procedure, 1973.

WHEREAS, it has come to the notice and information of the State Election Commission that during the conduct of elections to Panchayats and Municipalities, wherever the returning officers observe any offences being committed in relation to elections, the said returning officers have been lodging / filing complaints before the jurisdictional station house officers / police stations, complaining of offences being committed by various persons and which fall within the offences prescribed under Chapter IX-A of Indian Penal Code, containing Sec.171-A to 171-I.

WHEREAS, the State Election Commission has considered the matter in detail and has thought it fit that appropriate steps are initiated with immediate effect so as to ensure that that the complaints relating to commission of offences relating to elections, as described under the aforesaid sections, are taken to its logical conclusion by ensuring that the officers deputed on election duties such as the Returning Officers and / or Assistant Returning Officers and the police officers follow the due procedure of Law as contemplated under the provisions of Code of Criminal Procedure, 1908 and as per the law laid down by the Hon'ble High Court of Karnataka in various judgments, in relation to registering of complaints, investigation thereof, and all further proceedings, relating to commission of electoral offences.

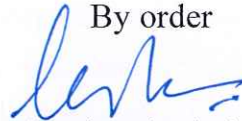
WHEREAS, a meeting was convened and conducted on 28/06/2016 under the chairmanship of the State Election Commissioner along with the officials of the Police Department and the legal advisors to discuss the steps to be taken in this regard. After due deliberation, now, therefore, in exercise of powers conferred under Article 243-K and Article 243-ZA of the Constitution of India, the State Election Commission has passed the following order:

**ORDER NO. SEC 10 MISC 2016, DATED 29<sup>th</sup> JUNE 2016**

All the Deputy Commissioners of the State / District Electoral Officers are hereby directed to henceforth take the following steps, as set out hereunder:

- (1) To compulsorily educate the Returning Officers and / or Assistant Returning Officers and / or any other official delegated with election duties, officiating in all the elections to Panchayats and Municipalities, during their training programme, about the manner & procedure in filing complaints, wherever found necessary, in relation to the election offences.
- (2) To issue instructions and directions to all the Returning Officers and / or Assistant Returning Officers and / or any other official delegated with election duties, officiating in all the elections to Panchayats and Municipalities, wherever such Returning Officers and / or Assistant Returning Officers and / or any other official delegated with election duties observe and find the commission of offences relating to elections as prescribed under Chapter IX-A of Indian Penal Code, containing Sec.171-B (Bribery), Sec.171-C (Undue Influence at Elections), Sec.171-D (Personation at Elections), Sec.171-G (False statement in connection with an election), Sec.171-H (Illegal payments in connection with an election) and Sec.171-I (Failure to keep election accounts), to file the appropriate complaints in writing before the Jurisdictional Magistrate as contemplated under Sec.155(2) of the Code of Criminal Procedure, 1973 and to send a copy of the complaint to the concerned jurisdictional police officers / Station House Officers to pursue the matter by obtaining permission from Jurisdictional Magistrate to commence investigation.
- (3) To ensure the strict compliance of the above instructions and directions without failure.

By order



(R.Chandrashekar)

Under Secretary,

State Election Commission.

To

1. All the Deputy Commissioners
2. The D.G & I.G.P., Karnataka, Nrupatunga Road, Bengaluru
3. Superintendents of Police of all districts.



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**STATE ELECTION COMMISSION, KARNATAKA**

No.SEC/10/MISC/2016

No.8, 1<sup>st</sup> Floor, K.S.C.M.F. Building  
(Annex), Cunningham Road,  
Bengaluru-560 052. Dated: 06-07-2016.

**CORRIGENDUM**

In para 2 of the operating portion of the order No. SEC 10 MISC 2016, dated 29<sup>th</sup> June, 2016 the words **“and to send a copy of the complaint to the concerned jurisdictional police officers / Station House Officers to pursue the matter by obtaining permission from Jurisdictional Magistrate to commence investigation”** shall be deemed to have been omitted.

By order

(R.Chandrashekar)

Under Secretary,  
State Election Commission.

To

1. All the Deputy Commissioners
2. The D.G & I.G.P., Karnataka, Nrupatunga Road, Bengaluru
3. Superintendents of Police of all districts.