

NO VOTER TO BE LEFT BEHIND

Welcome to the Learning Module for S.P.

Session 8

(Reference Session)

Election Offences & Criminal Offences

Laws relating to Election Offences

- Indian Penal Code
- Representation of People Act, 1951
- CrPC
- Special & Local Acts

Indian Penal Code

Cognizable Offences

Cognizable offences

- (i) **171-D.** Impersonation at elections.
- (ii) **171-F.** Punishment for personation at an election.

Indian Penal Code

Non- Cognizable offences

- (i) **171-B.** Bribery .
 - (ii) **171-E.** Punishment for bribery.
 - (iii) **171-C.** Undue influence at elections.
 - (iv) **171-F.** Punishment for undue influence at an election.
 - (v) **171-G.** False statement in connection with an election.
 - (vi) **171-H.** Illegal payments in connection with an election.
 - (vii) **171-I.** Failure to keep election accounts.
 - (viii) **505. {1}(b)** with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or
- (d) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community;

RP Act, 1951

Section 123-Corrupt Practices list

- (i) Bribery
- (ii) Undue influence
- (iii) Appeal on ground for religion, race, cast etc.,.
- (iv) Promoting hatred between different classes
- (v) Propagating / glorification of Sati
- (vi) False statement in relation to personnel collector/ conduct of any candidate.
- (vii) Use of vehicles for conveyance of Electors.
- (viii) Incurring expenditure in contravention of Sec. 77
- (ix) Taking assistance of Govt. Servants.
- (x) Booth capturing.

Cognizable Offences under RP Act 1951

- (i) **125.** Promoting enmity between classes in connection with election.
- (ii) **127.** Disturbances at election meetings.
- (iii) **129.** Officers, etc., at elections not to act for candidates or to influence voting.
- (iv) **130.** Prohibition of canvassing in or near polling station.
- (v) **132.** Penalty for misconduct at the polling station.
- (vi) **134.** Breaches of official duty in connection with election.
- (vii) **134B.** Prohibition of going armed to or near a polling station.
- (viii) **135.** Removal of ballot papers from polling station to be an offence.
- (ix) **135A.** Offence of booth capturing.
- (x) **136.** Other offences and penalties therefore.

Non-Cognizable Offences under RP Act 1951

- (i) **125A.** Penalty for filing false affidavit, etc.
- (ii) **126.** Prohibition of public meetings during period of forty—eight hours ending with hour fixed for conclusion of poll.
- (iii) **127A.** Restrictions on the printing of pamphlets, posters, etc.
- (iv) **128.** Maintenance of Secrecy of voting.
- (v) **131.** Penalty for disorderly conduct in or near polling stations.
- (vi) **132A.** Penalty for failure to observe procedure for voting.
- (vii) **133.** Penalty for illegal hiring or procuring of conveyance at elections.
- (viii) **134-A.** Penalty for Government servants for acting as election agent, polling agent or counting agent.
- (ix) **135B.** Grant of paid holiday to employees on the day of poll.
- (x) **135-C.** Liquor not to be sold, given or distributed on polling day.

Conduct of Election Rules, 1961

- (i) Rule-49-G Facilities for woman electors.
- (ii) Rule-49-H Identification of electors
- (iii) Rule-49-I Facilities for public servants on election duty
- (iv) Rule-49-J Challenging of Identity
- (v) Rule-49-K Safeguards against personation
- (vi) Rule-49-L Procedure for voting by voting machines
- (vii) Rule-49-M Maintenance of secrecy of voting by electors within the polling station and voting procedure
- (viii) Rule-49-N Recording of votes of blind or infirm electors
- (ix) Rule-49-P Tendered votes

CrPC

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- (i) Sec-20 Executive Magistrates
- (ii) Sec-21 Special Executive Magistrates
- (iii) Sec-22 Local jurisdiction of Executive Magistrates
- (iv) Sec-23 Subordination of Executive Magistrates
- (v) Sec-41 When police may arrest without warrant
- (vi) Sec- 42 Arrest on refusal to give name and residence
- (vii) Sec-57 Person arrested not to be detained more than Twenty Four hours.
- (viii) Sec-58 Police to report apprehensions
- (ix) Sec-100 Person in charge of closed place to allow search

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- (x) Sec-102 Power of police officer to seize certain property
- (xi) Sec-103 Magistrate may direct search in his presence
- (xii) Sec-106 Securing for keeping the peace on conviction
- (xiii) Sec-107 Security for keeping the peace in other cases
- (xiv) Sec-108 Security for good behaviour from person disseminating
seditious matters

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- (xv) Sec-109 Security for good behaviour from suspected person
- (xvi) Sec-110 Security for good behaviours from habitual offenders
- (xvii) Sec-116 Inquiry as to truth of information
- (xviii) Sec-121 Power to reject securities
- (xix) Sec-122 Imprisonment in default of security
- (xx) Sec-123 Power to release persons imprisoned for failing to give security

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- (xxi) Sec-124 Security for unexpired period of bond
- (xxii) Sec-129 Dispersal of assembly by use of civil force.
- (xxiii) Sec-130 Use of armed forces to disperse assembly
- (xxiv) Sec-131 Power of certain armed force officers to disperse assembly
- (xxv) Sec-133 Conditional order for removal of nuisance
- (xxvi) Sec-144 Power to issue order in urgent cases of nuisance or apprehended danger

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| (xxvii) | Sec-144-A | Power to prohibit arms in procession or mass drill or mass training with arms |
| (xxviii) | Sec-149 | Police to prevent cognizable offences |
| (xxix) | Sec 150 | Information of design to commit cognizable offence |
| (xxx) | Sec-151 | Arrest to prevent the Commission of Cognizable offences. |
| (xxxi) | Sec-154 | Information in cognizable cases. |

Other important Acts and Laws

- Gujarat Police Act
- Motor Vehicle Act, 1988
- The Arms Act, 1959
- The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989
- The Religious Institutions (Prevention of Misuse) Act, 1988

Thank You

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