

**(BY CAMP BAG/BY FAX)**

**ELECTION COMMISSION OF INDIA**  
**Nirvachan Sadan, Ashoka Road, New Delhi-110001**

No.76/2007/JS-II

Dated: 10<sup>th</sup> April, 2004.

To

The Chief Electoral Officers of  
all the States & Union Territories.

Sub:- Expenditure to be incurred on barricades and rostrums etc.

Sir/Madam,

I am directed to refer to Commission's letter No. 437/6/OR/95/MCS/1158 dated 29<sup>th</sup> March, 1996 read with Commission's order No. 437/6/ES/0025/94/MCS dated 21<sup>st</sup> October, 1994 (reproduced as item No. 133 in the Compendium of Instructions, 2004) wherein it has been laid down that expenditure incurred on security arrangements like barricading/rostrums etc. in connection with the campaigning by any political leader or candidate shall be borne by the concerned political party. The Commission has received queries to the effect whether the expenditure on construction of rostrums/barricades will be charged to the political party or to the account of the individual candidate or a group of candidates belonging to the political party who are present on the occasion of a meeting where "learders" of the political party participate.

2. The guiding principles to distinguish between the expenditure incurred by the political party and the expenditure incurred by the candidates were enunciated by the Supreme Court in *Kanwar Lal Gupta v Amar Nath Chawla* (AIR 1975 SC 308) wherein the Apex Court has observed: "**when the political party sponsoring a candidate incures expenditure in connection with his election as distinguished from**

**expenditure on general party propaganda, and the candidate knowingly takes advantage of it and participates in the programme or activity and fails to disavow the expenditure or consents to it or acquiesces in it, it would be reasonable to infer, say in special circumstances, that he authorized the political party to incur such expenditure and he cannot escape the rigours of the ceiling by saying that he has not incurred the expense, but his political party has done so.”**

3. With the amendment to Section 77 of the Representation of People Act, 1951 only the expenses on account of travel of leaders of the political parties covered under explanation 2 below Section 77 will be exempted from being included in the account of election expenses of the candidate. All other expenses-incurred/authorized by the political parties, other associations, body of persons/individuals-are required to be included in the account for the candidate.

4. The Commission has considered the matter carefully and keeping in view the provisions of law has directed as follows:-

- (i) The expenses on construction of barricades/rostrums etc. when done initially by the government agencies on account of security considerations on behalf of the party/organizers are to be booked as expenditure of a candidate in whose constituency the said meeting takes place or to a group of candidates who are present at the time when the leader of a political party address such a meeting. In cases where there are more than one candidate of the political party present at the time of the said meeting of the “leader”, the expenditure will be apportioned equally amongst all and the District Election Officer of the district where such a meeting takes

place shall obtain the final costs from the concerned government agencies within three days of the event and intimate to the candidates their respective share of expenditure. This information will also be intimated to the Returning Officer/District Election Officer of the Constituency/District to which the other candidates belong.

- (ii) Where such construction of rostrums/barricades are done on account of security considerations by the candidate(s) or the political party or the organizers from their own funds amount will be reflected in the accounts of the concerned candidate or a group of candidates present in the meeting of the “leader”. These accounts will be duly verified by the Election Observer or the Designated Officer appointed for scrutiny of the accounts.

5. The Commission has further directed that in all cases where the constructions of barricades/rostrums are being done by government agencies the candidate/political party/organizer will deposit the estimated cost of barricades/rostrum in advance.

6. For expenditure already incurred on such items between the date of notification issued for the first and second phases of the current general elections, the concerned DEOs shall immediately take action as per para 4 above and inform all candidates concerned.

Yours faithfully,

(K.F. WILFRED)  
SECRETARY

Copy to :- All Observers(through the Chief Electoral Officer)