

By Fax/Camp Bag

## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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ANUJ JAIPURIAR  
UNDER SECRETARY

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No. 464/GJ-LA/2007

Dated: 26<sup>TH</sup> November, 2007

To

The Chief Electoral Officer,  
Gujarat,  
Gandhinagar.

Sub. - General Election to the Gujarat Legislative Assembly 2007 –  
**Prohibition of misuse of Short Message Services (SMSs)** -  
Regarding..

Sir,

I am directed to state that it has been brought to the notice of the Commission that certain objectionable messages on Short Message Services (SMSs) are being transmitted by some persons to vested interests in the ensuing elections, violating the provisions of election law, model code of conduct and the Commission's directions/instructions issued in this behalf. By the aforesaid acts, the atmosphere for free, fair and peaceful elections process may get vitiated.

2. The Commission has considered the matter and has issued the following directions: -

- (i) For objectionable SMSs, which are violating the provisions of election law, model code of conduct and the Commission's directions/instructions issued in this behalf, the Police Authorities should advertise special mobile numbers on which the receiver of such SMS can forward the said SMS (alongwith the number of the sender of the objectionable SMS). The Police Authorities should initiate appropriate inquiry and trace back the original sender of such SMS and take appropriate action under the relevant provisions of the Indian Penal Code, Representation of the People Act 1951, the Conduct of Election Rules, 1961, instructions/directions issued thereunder by the Commission and any other law applicable in the case.

- (ii) Bulk SMS(es) transmitted during the campaign period as an alternative electioneering, as and when noticed by RO or DEO will be brought to the notice of CEO, who in term, will find out the cost involved from the Service Provided and apportion it to the candidate or candidates concerned as the case may be.
- (iii) There shall be prohibition of transmitting bulk SMSs of political nature for a period of 48 hours ending with the hour fixed for conclusion of poll.

3. This shall be brought to the notice of all concerned immediately including Mobile Service Providers in the State and given wide publicity. A copy of this letter shall also be handed over to all Observers through the District Election Officers.

4. The receipt of this letter may please be acknowledged with the confirmation that the relevant instructions have been issued to all the concerned officers. A copy of instructions/directions so issued in this behalf may also be endorsed to the Commission for its information and record.

Yours faithfully,

(ANUJ JAIPURIAR)