

ELECTION COMMISSION OF INDIA

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To

The Chief Electoral Officers
Of all States/UTs.

Sub.- Feedback about “Dummy Candidates”-measures to be taken in this regard.

Sir/Madam,

I am directed to say that the Election Commission has received feedback during recent elections that ‘Dummy Candidates’ are being set up by various political parties and candidates in order to hoodwink the ceiling on election expenditure and to further the interest of the party candidate.

There is no mention about “dummy candidate” in the electoral law. Any candidate who is validly nominated and chooses to remain in fray is a candidate and there can not be any distinction between “serious candidate” and “dummy candidate”. But the fact remains that the practice of setting up of dummy candidates exists here and there. As per the feedbacks, the dummy candidates are normally set up for the following reasons:

1. The vehicle permission taken in the name of dummy candidate is actually used for the campaign of some other candidate in order to hoodwink the expenditure ceiling.
2. On the poll day, the vehicles permitted for the dummy candidate and his election agent and others are actually used for some other candidate.
3. The polling agents and counting agents of the dummy candidate actually function as the agents of the another candidate and thereby disturb the level playing field at the polling station on the poll day and in the counting center on the day of counting.

All the above amount to abuse of the legal provision of electoral law and the Commission's instructions and directions aimed at providing additional facilities to candidates to carry out their electoral campaign more effectively and affect the level playing field. A vigilant election machinery can always come to know about the so called "dummy candidate" within the first few days of the election/campaign process.

Whenever such information is received, the electoral administration should alert all the field functionaries, and a video recording of campaigning by such suspected dummy candidates should be done.

During a recent election, election officials while checking the campaign vehicles of a candidate found the campaign material of another candidate being carried in the vehicle. This gave a clear indication of the fact that the candidate actually was working as a dummy of other candidate. In such cases, evidence should be clearly collected by using video camera, recording of statements of witnesses, etc. After that a notice shall be issued to the candidate and simultaneously vehicles permitted for the campaign of such 'dummy candidate' and their actual use should be reviewed. In this process, the observer should also play a definite role. Once the misuse of vehicles is established, the review by RO may result in withdrawal of the campaign vehicles permitted for the campaigning of concerned candidate for he may not be requiring those vehicles as he is not serious about his own candidature. Whenever such action is taken that should be given wide publicity so that the fact that the particular candidate was canvassing for another candidate is put on public domain. The RO shall keep this also in mind while giving permission of vehicles to be used by such dummy candidates on the poll day.

The law permits each candidate to have one polling agent and two relieving agents on the poll day. Appointment of polling agents by the dummy candidates should also be tracked, extra precautions should be taken by deploying micro observer and installing video camera etc., at the polling stations concerned. Likewise, a close watch should be kept on the activities of counting agents of such dummy candidates in the counting centers.

Apart from keeping an eye on the plying of vehicles given for the campaign purpose and on the poll day, immediate action under Section 171 H of Indian Penal Code shall also be initiated against those dummy candidates by filing cases under that Section. Increasing of expenditure in

any manner without the authorization of the candidate is an offence under Section 171 H.

The RO/observer should issue notice to the candidate in whose favour the dummy candidate was found to be operating asking him to include the expenditure incurred by dummy candidate into his election expenditure. All these correspondences, notices etc. should be put in public domain so that the aggrieved persons, can make use of these documents in case of election petition to prove the point of electoral offence/corrupt practice.

This instruction should be brought to the notice of all concerned. The DEOs/ROs should also make it clear in the meetings of political parties/candidates about this misuse and inform them about the follow up action which would be taken in this regard. This matter should be given wide publicity so that the public will become aware of this and feel encouraged to provide information in case of any candidate campaigning for another candidate.

Yours faithfully,

(SUMIT MUKHERJEE)