

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

TEL: 011-23052246
Fax 011-23052001
Website: www.eci.gov.in

निर्वाचनसदन
अशोकरोड, नई दिल्ली-110001
NirvachanSadan
Ashoka Road, New Delhi-110001

No. 464/INST/2022/EPS

Dated: 8th February, 2023

To

The Chief Electoral Officers,
all States/UTs

Subject: Requisition of vehicles, premises etc. during conduct of elections to Lok Sabha, Legislative Assemblies, Legislative Councils, election to President of India and Vice-President of India and Bye Elections - reg.

Reference:

Commission's Instructions on requisition of vehicles and premises:

1. No. 458/84 dated 06.11.1984
2. No.464/INST/2008-EPS dated 26.12.2008
3. No.576/26/2004/PLN-I/136C/1361 dated 26.03.2004
4. No.437/6/INST/2013-CC&BE dated 20.09.2013
5. No.4/98/J.S.II dated 10.03.1998
6. No.464/INST/2022/EPS dated 01.07.2022

Govt. of India's Instructions on requisition of Vehicles and Premises:

7. Finance Ministry's OM No. 64(7)-Ins.1/98 dated 24.02.1998
8. M/o Law & Justice O.M. No. G. 27031 (6)/ 87-B & A dated 12.11.1986
9. M/o Law & Justice O.M. No.G. 27031 (6)/ 87-B & A dated 17.12.1987

Madam/Sir,

During conduct of elections in the State, there is additional requirement of premises and vehicles etc. for various purposes. To meet this additional requirement, Section 160 of the Representation of the People Act, 1951 empowers the State Government to requisition premises or any vehicle or vessel in connection with elections.

1. Legal Provisions

Sections 160 to 167 of the Representation of the People Act, 1951 contain various legal provisions related to requisition.

Under section 160 of the Representation of the People Act, 1951, the State Governments are empowered to requisition premises or any vehicle or vessel in connection with an election in that State. The word "premises" means any land, building or part of the building and includes a hut, shed or other structure or any part thereof;

"Vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise.

Section 160 of R. P. Act, 1951: Requisitioning of premises, vehicles, etc., for election purposes:

"(1) If it appears to the State Government that in connection with an election held within the State—

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling station, for counting, for the storage of ballot boxes, voting machines (including voter verifiable paper audit trail) and poll related material after a poll has been taken, accommodation for security forces and polling personnel ;
or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the Government may by order in writing requisition such premises, or such vehicle, vessel or animal.

Provided that such premises shall be requisitioned after the issuance of the notification by the Election Commission under

section 30 for such election till the date notified under clause(e) thereof

Provided further that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election."

Section 161 of R. P. Act, 1951: Payment of Compensation-

(1) Whenever in pursuance of section 160 the State Government requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:

- (i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;
- (ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change

Section 166 of R. P. Act, 1951: Delegation of functions of the State Government with regard to requisitioning

The State Government may, by notification in the Official Gazette, direct that any powers conferred or any duty imposed on that Government by any of the provisions of sections 160 to 165 shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

Section 167 of R. P. Act, 1951: Penalty for contravention of any order regarding requisitioning

If any person contravenes any order made under section 160 or section 162, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

2. Payment of Charges

(i) For Requisition of Vehicles under the jurisdiction of Central Govt

In case of requisition of vehicles from Central Govt. offices as well as autonomous/statutory bodies and Public Sector Undertakings under the jurisdiction of the Central Govt., no hire charges may be preferred whenever their vehicles are requisitioned by the concerned State Government or Union Territory Administration. However, cost of petrol, oil and minor repairs during the period of requisition would be borne by the concerned State Government (Ministry of Law and Justice (Legislative Department), (Budget and Accounts Unit) O.M. NO.G. 27031(6)/87-B&A dated 17.12.1987.

(ii) For Requisition of Transport Vehicles (Private):

The State Government shall compensate the owner of the vehicle determined on the basis of the fares or rates prevailing in the locality for the hire of such a vehicle. Rates for the requisitioning of vehicles to be revised from time to time taking into account the escalation of costs and payment to owners of vehicles should be made immediately after completion of election.

(iii) Payment of Charges for Requisition of Premises

No charges/rent, etc., shall be paid, if any Central/State Government buildings or premises are requisitioned for the purpose of elections (Ministry of Law and Justice (Legislative Department) (Budget and Accounts unit) O.M No.G.27031(6)/87-B & A dated 12.11.1986.

For requisition of private premises, payment of compensation will be done as per provisions of Section 161 of R. P. Act, 1951.

3. Vehicles to be avoided from Requisition:

Vehicles of UPSC and the vehicles of educational institutions which are specifically meant for carrying the students from their residence to educational institution will be requisitioned for election duty only in unavoidable circumstances and as a last resort.

4. Vehicles to be exempted:

Vehicles of World Health Organisation, UNICEF and all the organisations of UN, All India Radio, Doordarshan, Forest Department (Wild life sanctuaries, National sanctuaries and National Games Park) will not be requisitioned for election duty. No vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate should be requisitioned (Section 160(1) proviso of R.P Act, 1951).

**5. Payment of compensation in case of accident/damage/loss-
Liability of Insurance:**

In this regard, the Commission's letter No.4/98/J.S-II dated 10.03.1998 may be referred to wherein, order of Ministry of Law enclose herewith a copy of O.M. No.64 (7)-Ins.I/9 dated 24.2.98 of Ministry of Finance, Department of Economic Affairs which can be read as under:

"The matter has been examined in consultation with General Insurance Corporation of India. The following three situations may arise in respect of private vehicles requisitioned for election duty:

(1) The vehicles so requisitioned may have been comprehensively insured, which is not compulsory.

(2) The insurance cover may be against third party risk only, which is compulsory.

(3) The vehicle may be uninsured in breach of provisions of section 146 of Motor vehicles Act.

It may be pointed out that while revising the Motor Tariff in the year 1990, the standard exclusion regarding insurance company liability during the period of requisition or commandeering by the Government for any purpose has been deleted from; the insurance policy and thus there is no need for the endorsement on the policy during the period of requisition. The Motor insurance policy which may be in force in respect of vehicles requisitioned for election duty need not be amended and only a notice to the concerned insurance company by the insured for the vehicle to the effect that the vehicle has been requisitioned will suffice.

As regards vehicles falling under category (3) above, the Election Commission may ascertain the insurance status of the vehicles before election."

The abovesaid instructions regarding requisition of premises, vehicles etc. are being issued by revising, consolidating and in supersession of all previous instructions issued by the Commission. These instructions shall be brought to the notice of all concerned for strict compliance during elections to Lok Sabha, Legislative Assemblies, Legislative Councils, elections to the President of India & Vice-President of India and Bye-elections.

Yours faithfully,



**(AJAY KUMAR VERMA)
SECRETARY**

INSTRUCTION SI. NO. 91

Election Commission's letter No. 4/98/J.S.II dated 10.03.1998 addressed to CEOs of all States and UTs.

Subject: General Elections to Lok Sabha, 1998 - requisition of vehicles - Payment of Compensation in case of accident - Liability of insurance - regarding

I am directed to invite your attention to Section 160 of the Representation of the People Act, 1951, which inter-alia provides for requisitioning of vehicles, etc., for election purposes, and Section 161 of the said Act which provides for payment of compensation. Under these, there is no provision for compensation in respect of such vehicles under requisition, in case of accident, loss or damage during the period of requisition.

2. The matter was brought to the notice of Govt. of India, Ministry of Law and Justice (Legislative Department) for its clarification. In reply, the Ministry of Law and Justice has forwarded a copy of O.M. No. 64(7)Ins.I/98, dated 24th February, 1998 of Ministry of Finance, which is self-explanatory. I am to forward a copy of Ministry of Law & Justice letter No. 7(2)/98-Leg.II, dated 2nd March, 1998, together with a copy of Ministry of Finance, Department of Economic Affairs, Insurance Division, O.M. dated 24th February, 1998, referred to above.

3. The instructions/directions contained in the above quoted O.M. dated 2.3.98 of the Ministry of Finance are of standing nature and may be brought to the notice of all District Election Officers and other concerned authorities for their information and necessary action.

No. 7 (2)/98-Leg. II
Government of India
Ministry of Law and Justice
Legislative Department New Delhi
2nd March, 1998

To
The Secretary,
Election Commission of India,
Nirvachan Sadan,
Ashok Road, New Delhi

Subject: General Election to Lok Sabha 1998 and certain Legislative Assemblies, 1998 -Requisition of Vehicle Payment of compensation in case of accident-Liability of insurance

Sir,

I am directed to refer to the Commission's letter No.4-98-JS-II/1 35 dated the 8th January, 1998 on the above subject and to enclose herewith a copy of O.M. No.

Yours faithfully

(Dr. D.B. Singh)

Under Secretary to the Govt. of India

Tel: 3359014

No. 64 (7) - Ins. 1/98
Government of India, Ministry of Finance
Department of Economic Affairs Insurance Division
Lok Nayak Bhavan, Khan Market, New Delhi.

OFFICE MEMORANDUM

Dated - 24th Feb'98

Subject: General Election to Lok Sabha, 1998 and certain Legislative Assemblies, 1998 -Requisition of Vehicles - Payment of Compensation in case of accident - Liability of Insurance

The undersigned is directed to refer to the correspondence on the above subject resting with the OM. No. 7(2)/98-Leg.II dated 27th January, 1998 from the Ministry of Law.

The matter has been examined in consultation with General Insurance Corporation of India. The following three situations may arise in respect of private vehicles requisitioned for election duty :

- (1) The vehicles so requisitioned may have been comprehensively insured, which is not compulsory.
- (2) The insurance cover may be against third party risk only, which is compulsory.
- (3) The vehicle may be uninsured in breach of provisions of section 146 of Motor vehicles Act.

It may be pointed out that while revising the Motor Tariff in the year 1990, the standard exclusion regarding insurance company's liability during the period of requisition or commandeering by the Government for any purpose has been deleted from; the insurance policy and thus there is no need for the endorsement on the policy during the period of requisition. The Motor insurance policy which may be in force in respect of vehicles requisitioned for election duty need not be amended and only a notice to the concerned insurance company by the insured for the vehicle to the effect that the vehicle has been requisitioned will suffice.

As regards vehicles falling under category (3) above, the Election Commission may ascertain the insurance status of the vehicles before election.

(Dr. D.C. Srivastava)

DIRECTOR to Ministry of Law and Justice

(Dr. D.B. Singh Under Secretary),

Legislative Department.

Shastri Bhavan, New Delhi