

**Election Department**, Government of Himachal Pradesh  
38-SDA Complex, Kasumpti, Shimla-9

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**No: 3-4/2016-ELN**

**Dated:**

**9<sup>th</sup> March, 2017.**

From:

Chief Electoral Officer,  
Himachal Pradesh.

To

1. The Chief Secretary to the Government of Himachal Pradesh, Shimla-171002.
2. The Addl. Chief Secretaries, Government of Himachal Pradesh Shimla-171002.
3. The Principal Advisor to the Hon'ble Chief Minister, Himachal Pradesh, Shimla-171002.
4. All Administrative Secretaries to the Government of Himachal Pradesh, Shimla-171002.
5. All Heads of Departments, Stationed at Shimla.
6. Divisional Commissioner, Mandi.
7. The Deputy Commissioner Hamirpur.

Subject:- Bye-Elections-2017 to 36-Bhoranj(SC) Assembly Constituency - Enforcement of Model Code of Conduct-reg.

Sir/Madam,

The Election Commission of India has announced the election schedule for Bye-Elections-2017 to 36-Bhoranj(SC) Assembly Constituency of Himachal Pradesh, on 9<sup>th</sup> March, 2017. In this connection, I am to send herewith copies of Press Note No.ECI/PN//2017, dated 9<sup>th</sup> March, 2017, issued by the Election Commission of India. With this announcement, the provisions of the Model Code of Conduct for the guidance of political parties and candidates will come into force in the whole district of Hamirpur with immediate effect. The provisions of Model Code of Conduct will remain into force till the completion of election process.


You are, therefore, requested to ensure strict compliance of provisions of Model Code of Conduct and also other standing instructions, directions, orders etc. of Election Commission of India, circulated to all by this office from time to time.

....2...

A copy of Model Code of Conduct issued by the Election Commission of India and Commission's letter No. 464/INST/2007-PLN-I, dated 7.1.2007 regarding DOs & DONT's and letter No. 437/6/2009-CC&BE, dated 5<sup>th</sup> March, 2009 and letter No. 437/6/INST/2012/CC&BE, dated 26<sup>th</sup> April, 2012 are also sent herewith for your reference and necessary action please. You are therefore, requested to adhere to the Commission's instructions accordingly.

Please acknowledge receipt along with enclosures.

Yours faithfully



(Narinder Chauhan)  
Chief Electoral Officer,  
Himachal Pradesh.

Encl.: As Above.

**Endst.No.3-4/2016-ELN,**

**Dated:Shimla-171009, 9<sup>th</sup> March, 2017.**

Copy along with a copy Commission's aforesaid Press Note is forwarded to:-

1. The Secretary to the Hon'ble Governor, Himachal Pradesh, Shimla-2.
2. Private Secretaries to the Hon'ble Cabinet Ministers, Himachal Pradesh Government, Shimla.
3. The Secretary, Vidhan Sabha for information of Hon'ble Speaker & Deputy Speaker, Himachal Pradesh Vidhan Sabha.
4. The Chairman/Managing Director of all Boards/Corporation/Undertaking, Himachal Pradesh.
5. The Vice Chancellor, Himachal Pradesh University, Summer Hill, Shimla-5/ Dr. Y.S. Parmar Horticulture and Forestry University, Nauni, Solan/Chaudhary Sarvan Kumar Agriculture University, Palampur.
6. All Hon'ble Members of Parliament/MLAs Himachal Pradesh.
7. The Chairman, Zila Parishad, Hamirpur.
8. The Director, Information and Public Relations, Himachal Pradesh, Shimla-2.
9. The Returning/ Assistant Returning Officers for 36-Bhoranj(SC) Assembly Constituency in district Hamirpur, HP.
10. All recognized and unrecognized Political Parties, Himachal Pradesh.
11. All Heads of Departments/Offices of Central Government, Himachal Pradesh.
12. The Station Directors, AIR/Doordarshan, Shimla/Hamirpur.

Encl: As Above.



Chief Electoral Officer,  
Himachal Pradesh.

Copy to:-

1. Section-I/Section-II/Computer Cell/SVEEP Cell/Store/Complaint/Clarification & Permission/L & O/E.Roll/Polling Stations Seats and Private Secretary to CEO and Nodal Officer for Media/EEM for information and necessary action.
2. File No. 3-5/2017-ELN



# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/ /2017

Dated: 9<sup>th</sup> March, 2017

## PRESS NOTE

**Subject :** *Schedule for bye-elections to fill clear vacancy in Parliamentary Constituencies of Kerala and Jammu & Kashmir and State Legislative Assemblies of Assam, Himachal Pradesh, Madhya Pradesh, West Bengal, Rajasthan, Karnataka, Tamil Nadu, Jharkhand, NCT of Delhi and Sikkim - Regarding.*

- I. There are following clear vacancies in Parliamentary constituencies and State Legislative Assemblies of various States, which need to be filled up:

Sl. No.	State	Parliamentary Constituency No. & Name
1	Jammu & Kashmir	2 - Srinagar PC
		3 - Anantnag PC
2	Kerala	6 - Malappuram PC

Sl. No.	State	Assembly Constituency No. & Name
1	Assam	113 - Dhemaji (ST) AC
2	Himachal Pradesh	36 - Bhoranj (SC) AC
3	Madhya Pradesh	09 - Ater AC
		89 - Bandhavgarh (ST) AC
4	West Bengal	216 - Kanthi Dakshin AC
5	Rajasthan	79 - Dholpur AC
6	Karnataka	214 - Nanjangud (SC) AC
		224 - Gundlupet AC
7	Tamil Nadu	11 - Dr.Radhakrishnan Nagar AC
8	Jharkhand	04 - Litipara (ST) AC
9	Sikkim	28 - Upper Burtuk AC
10	NCT of Delhi	27 - Rajouri Garden AC

- II. After taking into consideration various factors like, climatic conditions, major festivals, prevailing law & order electoral rolls, availability of central police force etc., the Commission has decided to hold bye-elections to fill these vacancies. Schedule for holding bye-elections in Assembly Constituencies of **Assam, Himachal Pradesh, Madhya Pradesh, West Bengal, Rajasthan, Karnataka, Jharkhand and NCT of Delhi** is as under:-

<b>Poll Events</b>	<b>Schedule</b>
Date of Issue of Gazette Notification	14.03.2017 (TUE)
Last Date of Nomination	21.03.2017 (TUE)
Date for Scrutiny of Nomination	22.03.2017 (WED)
Last Date of Withdrawal of candidatures	24.03.2017 (FRI)
<b>Date of Poll</b>	<b>09.04.2017 (SUN)</b>
Date of Counting	13.04.2017 (THU)
Date before which election shall be completed	15.04.2017 (SAT)

- III. Schedule of holding bye-election in Parliamentary Constituency of **Kerala** and Assembly Constituencies of **Tamil Nadu and Sikkim** is as under:

<b>Poll Events</b>	<b>Schedule for Kerala</b>	<b>Schedule for Tamil Nadu and Sikkim</b>
Date of Issue of Gazette Notification	16.03.2017 (THU)	16.03.2017 (THU)
Last Date of Nomination	23.03.2017 (THU)	23.03.2017 (THU)
Date for Scrutiny of Nomination	24.03.2017 (FRI)	24.03.2017 (FRI)
Last Date of Withdrawal of candidatures	27.03.2017 (MON)	27.03.2017 (MON)
<b>Date of Poll</b>	<b>12.04.2017 (WED)</b>	<b>12.04.2017 (WED)</b>
Date of Counting	17.04.2017 (MON)	15.04.2017 (SAT)
Date before which election shall be completed	18.04.2017 (TUE)	17.04.2017 (MON)



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IV. Schedule for holding bye-election in Parliamentary Constituencies of **Jammu & Kashmir** is as under:

<b>Poll Events</b>	<b>Phase-1 (2-Srinagar PC)</b>	<b>Phase-2 (3 - Anantnag PC)</b>
Date of Issue of Gazette Notification	14.03.2017 (TUE)	17.03.2017 (FRI)
Last Date of Nomination	21.03.2017 (TUE)	24.03.2017 (FRI)
Date for Scrutiny of Nomination	22.03.2017 (WED)	27.03.2017 (MON)
Last Date of Withdrawal of candidatures	24.03.2017 (FRI)	29.03.2017 (WED)
<b>Date of Poll</b>	<b>09.04.2017 (SUN)</b>	<b>12.04.2017 (WED)</b>
Date of Counting	15.04.2017 (SAT)	
Date before which election shall be completed	16.04.2017 (SUN)	

V. **ELECTORAL ROLL**

The Electoral Roll with reference to 01.01.2017 has been finally published on 05.01.2017 in respect of West Bengal, Sikkim and Tamil Nadu, on 10.01.2017 in respect of Himachal Pradesh, Madhya Pradesh, Jammu & Kashmir, NCT of Delhi and Karnataka, on 16.01.2017 in respect of Rajasthan and Jharkhand and in respect of Assam and Kerala the electoral roll was published on 20.01.2017 and 14.01.2017 respectively:

VI. **ELECTRONIC VOTING MACHINES (EVMs)**

The Commission has decided to use EVMs in the bye-elections in all the polling stations. Adequate numbers of EVMs have been made available and all steps have been taken to ensure that the polls are conducted smoothly with the help of these machines.

VII. **IDENTIFICATION OF VOTERS**

In consonance with the past practice, the Commission has decided that the voter's identification shall be mandatory in the aforementioned bye- elections at the time of poll. Electoral Photo Identity Cards (EPIC) shall be the main document of

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identification of a voter. However, in order to ensure that no voter is deprived of his/her franchise, if his/her name figures in the Electoral Rolls, separate instructions will be issued to allow additional documents for identification of voters at the time of poll in the said bye-elections.

VIII. **MODEL CODE OF CONDUCT**

The Model Code of Conduct shall come into force with immediate effect in the district(s) in which the whole or any part of the Parliamentary/Assembly Constituencies going for bye-elections is included, subject to partial modification as issued vide Commission's instruction No. 437/INST/2012/CC&BE, dated 26<sup>th</sup> April, 2012 (available on the Commission's website). The Model Code of Conduct shall be applicable to all candidates, political parties and the State Governments concerned. The Model Code of Conduct shall also be applicable to the Union Government for the States concerned.

  
**(SUMIT MUKHERJEE)**  
**SECRETARY**

# **ELECTION COMMISSION OF INDIA**

## **MODEL CODE OF CONDUCT FOR THE GUIDANCE OF POLITICAL PARTIES AND CANDIDATES**

### **I. General Conduct**

(1) No party or candidate shall include in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.

(2) Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided.

(3) There shall be no appeal to caste or communal feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda.

(4) All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters, impersonation of voters, canvassing within 100 meters of polling stations, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.

(5) The right of every individual for peaceful and undisturbed home-life shall be respected, however much the political parties or candidates may resent his political opinions or activities. Organizing demonstrations or picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.

(6) No political party or candidate shall permit its or his followers to make use of any individual's land, building, compound wall etc., without his permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans etc.

(7) Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organized by other parties. Workers or sympathisers of one political party shall not create disturbances at public meetings organized by another political party by putting questions orally or in writing or by distributing leaflets of their own party. Processions shall not be taken out by one



party along places at which meetings are held by another party. Posters issued by one party shall not be removed by workers of another party.

## **II. Meetings**

(1) The party or candidate shall inform the local police authorities of the venue and time any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.

(2) A Party or candidate shall ascertain in advance if there is any restrictive or prohibitory order in force in the place proposed for the meeting if such orders exist, they shall be followed strictly. If any exemption is required from such orders, it shall be applied for and obtained well in time.

(3) If permission or license is to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, the party or candidate shall apply to the authority concerned well in advance and obtain such permission or license.

(4) Organizers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder. Organizers themselves shall not take action against such persons.

## **III. Procession**

(1) A Party or candidate organizing a procession shall decide before hand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinarily be no deviation from the programme.

(2) The organizers shall give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary arrangement.

(3) The organizers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions unless exempted specially by the competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.

(4) The organizers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organized in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held up traffic could be allowed by stages thus avoiding heavy traffic congestion.

(5) Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.



6) If two or more political parties or candidates propose to take processions over the same route or parts thereof at about the same time, the organizers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic. The assistance of the local police shall be availed of for arriving at a satisfactory arrangement. For this purpose the parties shall contact the police at the earliest opportunity.

(7) The political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying articles which may be put to misuse by undesirable elements especially in moments of excitement.

(8) The carrying of effigies purporting to represent member of other political parties or their leaders, burning such effigies in public and such other forms demonstration shall not be countenanced by any political party or candidate.

#### **IV. Polling Day**

All Political parties and candidates shall –

(i) co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction.

(ii) supply to their authorized workers suitable badges or identity cards.

(iii) agree that the identity slip supplied by them to voters shall be on plain (white) paper and shall not contain any symbol, name of the candidate or the name of the party;

(iv) refrain from serving or distributing liquor on polling day and during the forty eight hours preceding it.

(v) not allow unnecessary crowd to be collected near the camps set up by the political parties and candidates near the polling booths so as to avoid Confrontation and tension among workers and sympathizers of the parties and the candidate.

(vi) ensure that the candidate's camps shall be simple. They shall not display any posters, flags, symbols or any other propaganda material. No eatable shall be served or crowd allowed at the camps and

(vii) co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

#### **V. Polling Booth**

Excepting the voters, no one without a valid pass from the Election Commission shall enter the polling booths.

## **VI. Observers**

The Election Commission is appointing Observers. If the candidates or their agents have any specific complaint or problem regarding the conduct of elections they may bring the same to the notice of the Observer.

## **VII. Party in Power**

The party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular –

(i) (a) The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work.

(b) Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;

(ii) Public places such as maidens etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolized by itself. Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;

(iii) Rest houses, dark bungalows or other Government accommodation shall not be monopolized by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premises appertaining thereto) as a campaign office or for holding any public meeting for the purposes of election propaganda;

(iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided.

(v) Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission; and

(vi) From the time elections are announced by Commission, Ministers and other authorities shall not –

(a) announce any financial grants in any form or promises thereof; or

(b) (except civil servants) lay foundation stones etc. of projects or schemes of any kind; or

(c) make any promise of construction of roads, provision of drinking water



facilities etc.; or

(d) make any ad-hoc appointments in Government, Public Undertakings etc. which may have the effect of influencing the voters in favor of the party in power.

**Note :** The Commission shall announce the date of any election which shall be a date ordinarily not more than three weeks prior to the date on which the notification is likely to be issued in respect of such elections.

(vii) Ministers of Central or State Government shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorized agent.

### **VIII Guidelines on Election Manifestos**

1. The Supreme Court in its judgment dated 5th July 2013 in SLP(C) No. 21455 of 2008 ( S. Subramaniam Balaji Vs Govt. of Tamil Nadu and Others) has directed the Election Commission to frame guidelines with regard to the contents of election manifestos in consultation with all the recognized political parties. The guiding principles which will lead to framing of such guidelines are quoted below from the judgment:-

- (i) "Although, the law is obvious that the promises in the election manifesto cannot be construed as 'corrupt practice' under Section 123 of RP Act, the reality cannot be ruled out that distribution of freebies of any kind, undoubtedly, influences all people. It shakes the root of free and fair elections to a large degree".
- (ii) "The Election Commission, in order to ensure level playing field between the contesting parties and candidates in elections and also in order to see that the purity of the election process does not get vitiated, as in past been issuing instructions under the Model Code of Conduct. The fountainhead of the powers under which the Commission issues these orders is Article 324 of the Constitution which mandates the Commission to hold free and fair elections."
- (iii) "We are mindful of the fact that generally political parties release their election manifesto before the announcement of election date, in that scenario, strictly speaking, the Election Commission will not have the authority to regulate any act which is done before the announcement of the date. Nevertheless, an exception can be made in this regard as the purpose of election manifesto is directly associated with the election process".

2. Upon receiving the above directions of the Hon'ble Supreme Court, the Election Commission held a meeting with the recognized National and State Political Parties for consultation with them in the matter and took note of their conflicting views in the matter.

During consultations, while some political parties supported the issuance of such guidelines, others were of the view that it is their right and duty towards voters to make such offers and promises in manifestos in a healthy democratic polity. While the Commission agrees in principle with the point of view that framing of manifestos is the right of the political parties, it cannot overlook the undesirable impact of some of the promises and offers on the conduct of free and fair elections and maintaining level playing field for all political parties and candidates.

3. The Constitution under Article 324 mandates the Election Commission, to conduct elections inter alia to the Parliament and the State Legislatures. Having due regard to the above directions of the Supreme Court and after consultation with the Political Parties, the Commission, in the interest of free and fair elections, hereby directs that Political Parties and Candidates while releasing election manifestos for any election to the Parliament or State Legislatures, shall adhere to the following guidelines :-

(i) The election manifesto shall not contain anything repugnant to the ideals and principles enshrined in the Constitution and further that it shall be consistent with the letter and spirit of other provisions of Model Code of Conduct.

(ii) The Directive Principles of State Policy enshrined in the Constitution enjoin upon the State to frame various welfare measures for the citizens and therefore there can be no objection to the promise of such welfare measures in election manifestos. However, political parties should avoid making those promises which are likely to vitiate the purity of the election process or exert undue influence on the voters in exercising their franchise.

(iii) In the interest of transparency, level playing field and credibility of promises, it is expected that manifestos also reflect the rationale for the promises and broadly indicate the ways and means to meet the financial requirements for it. Trust of voters should be sought only on those promises which are possible to be fulfilled.



# भारत निर्वाचन आयोग

राजनैतिक दलों और अभ्यर्थियों के मार्गदर्शन के लिये  
आदर्श आचार संहिता

## I. साधारण आचरण

(1) किसी दल या अभ्यर्थी को ऐसा कोई कार्य नहीं करना चाहिये, जो विभिन्न जातियों और धार्मिक या भाषायी समुदायों के बीच विद्यमान मतभेदों को बढ़ाये या घृणा की भावना उत्पन्न करें या तनाव पैदा करे ।

(2) जब अन्य राजनैतिक दलों की आलोचना की जाये, तो वह उनकी नीतियों और कार्यक्रम, पूर्व रिकार्ड और कार्य तक ही सीमित होनी चाहिये । यह भी आवश्यक है कि व्यक्तिगत जीवन के ऐसे सभी पहलुओं की आलोचना नहीं की जानी चाहिये, जिनका संबंध अन्य दलों के नेताओं या कार्यकर्त्ताओं के सार्वजनिक क्रियाकलाप से न हो । दलों या उनके कार्यकर्त्ताओं के बारे में कोई ऐसी आलोचना नहीं की जानी चाहिये, जो ऐसे आरोपों पर जिनकी सत्यता स्थापित न हुई हो या जो तोड़-मरोड़कर कही गई बातों पर आधारित हों ।

(3) मत प्राप्त करने के लिये जातीय या साम्प्रदायिक भावनाओं की दुहाई नहीं दी जानी चाहिये । मस्जिदों, गिरजाघरों, मंदिरों या पूजा के अन्य स्थानों का निर्वाचन प्रचार के मंच के रूप में प्रयोग नहीं किया जाना चाहिये ।

(4) सभी दलों और अभ्यर्थियों को ऐसे सभी कार्यों से ईमानदारी के साथ बचना चाहिये, जो निर्वाचन विधि के अधीन 'भ्रष्ट आचरण' और अपराध हैं जैसे कि मतदाताओं को रिश्वत देना, मतदाताओं को डराना/धमकाना, मतदाताओं का प्रतिरूपण, मतदान केन्द्र के 100 मीटर के भीतर मत याचना करना, मतदान की समाप्ति के लिये नियत समय को खत्म होने वाली 48 घंटे की अवधि के दौरान सार्वजनिक सभाएं करना और मतदाताओं को वाहन से मतदान केन्द्रों तक ले जाना और वहां से वापस लाना ।

(5) सभी राजनैतिक दलों या अभ्यर्थियों को इस बात का प्रयास करना चाहिये कि वे प्रत्येक व्यक्ति के शांतिपूर्ण और विघ्नरहित घरेलू जिन्दगी के अधिकार का आदर करें चाहे वे उसके राजनैतिक विचारों या कार्यों के कितने ही विरुद्ध क्यों न हों । व्यक्तियों के विचारों या कार्यों का विरोध करने के लिये उनके घरों के सामने प्रदर्शन करने या धरना देने के तरीकों का सहारा किसी भी परिस्थिति में नहीं लेना चाहिये ।

(6) किसी भी राजनैतिक दल या अभ्यर्थी को ध्वजदण्ड बनाने, ध्वज टांगने, सूचनाएं चिपकाने, नारे लिखने आदि के लिये किसी भी व्यक्ति को भूमि, भवन, अहाते, दीवार आदि का उसकी अनुमति के बिना उपयोग करने की अनुमति अपने अनुयायियों को नहीं देनी चाहिये ।

(7) राजनैतिक दलों और अभ्यर्थियों को यह सुनिश्चित करना चाहिये कि उनके समर्थक अन्य दलों द्वारा आयोजित सभाओं-जुलूसों आदि में बाधाये उत्पन्न न करें या उन्हें भंग न करें । एक राजनैतिक दल के कार्यकर्त्ताओं या शुभचिंतकों को दूसरे राजनैतिक दल द्वारा आयोजित सार्वजनिक सभाओं में मौखिक रूप से या लिखित रूप से प्रश्न पूछकर या अपने दल के परचे वितरित करके गड़बड़ी पैदा नहीं करनी चाहिये । किसी दल द्वारा जुलूस उन स्थानों से होकर नहीं ले जाना चाहिये, जिन स्थानों पर दूसरे दल द्वारा सभाएं की जा रही हों । एक दल द्वारा लगाए गये पोस्टर दूसरे दल के कार्यकर्त्ताओं द्वारा हटाये नहीं जाने चाहिये ।

## II. सभाएं

- (1) दल या अभ्यर्थी को किसी प्रस्तावित सभा के स्थान और समय के बारे में स्थानीय प्राधिकारियों को उपयुक्त समय पर सूचना दे देनी चाहिये ताकि वे यातायात को नियंत्रित करने और शांति तथा व्यवस्था बनाये रखने के लिये आवश्यक इंतजाम कर सकें ।
- (2) दल या अभ्यर्थी को उस दशा में पहले ही यह सुनिश्चित कर लेना चाहिये कि उस स्थान पर जहां सभा करने का प्रस्ताव है, कोई निर्बन्धात्मक या प्रतिबन्धात्मक आदेश लागू तो नहीं है यदि ऐसे आदेश लागू हों तो उनका कड़ाई के साथ पालन किया जाना चाहिये । यदि ऐसे आदेशों से कोई छूट अपेक्षित हो तो उसके लिये समय से आवेदन करना चाहिये और छूट प्राप्त कर लेनी चाहिये ।
- (3) यदि किसी प्रस्तावित सभा के संबंध में लाउडस्पीकरों के उपयोग या किसी अन्य सुविधा के लिये अनुज्ञा या अनुज्ञप्ति प्राप्त करनी हो तो दल या अभ्यर्थी को सम्बद्ध प्राधिकारी के पास काफी पहले ही से आवेदन करना चाहिये और ऐसी अनुज्ञा या अनुज्ञप्ति प्राप्त कर लेनी चाहिये ।
- (4) किसी सभा के आयोजकों के लिये यह अनिवार्य है कि वे सभा में विघ्न डालने वाले या अन्यथा अव्यवस्था फैलाने का प्रयत्न करने वाले व्यक्तियों से निपटने के लिये ड्यूटी पर तैनात पुलिस की सहायता प्राप्त करें । आयोजकों को चाहिये कि वे स्वयं ऐसे व्यक्तियों के विरुद्ध कोई कार्रवाई न करें ।

## III. जुलूस

- (1) जुलूस का आयोजन करने वाले दल या अभ्यर्थी को पहले ही यह बात तय कर लेनी चाहिये कि जुलूस किस समय और किस स्थान से शुरू होगा, किस मार्ग से होकर जायेगा और किस समय और किस स्थान पर समाप्त होगा । सामान्यतः कार्यक्रम में कोई फेरबदल नहीं होनी चाहिये ।
- (2) आयोजकों को चाहिये कि वे कार्यक्रम के बारे में स्थानीय पुलिस प्राधिकारियों को पहले से सूचना दे दें, ताकि वे आवश्यक प्रबंध कर सकें ।
- (3) आयोजकों को यह पता कर लेना चाहिये कि जिन इलाकों से होकर जुलूस गुजरता है, उनमें कोई निर्बन्धात्मक आदेश तो लागू नहीं है और जब तक सक्षम प्राधिकारी द्वारा विशेष रूप से छूट न दे दी जाये, उन निर्बन्धनों की पालना करना चाहिये ।
- (4) आयोजकों को जुलूस का आयोजन ऐसे ढंग से करना चाहिये, जिससे कि यातायात में कोई रूकावट या बाधा उत्पन्न किये बिना जुलूस का निकलना संभव हो सके । यदि जुलूस बहुत लम्बा है तो उसे उपयुक्त लम्बाई वाले टुकड़ों में संगठित किया जाना चाहिये, ताकि सुविधाजनक अन्तरालों पर विशेषकर उन स्थानों पर जहां जुलूस को चौराहों से होकर गुजरना है, रूके हुए यातायात के लिये समय-समय पर रास्ता दिया जा सके और इस प्रकार भारी यातायात के जमाव से बचा जा सके ।
- (5) जुलूसों की व्यवस्था ऐसी होने चाहिये कि जहां तक हो सके उन्हें सड़क की दायीं ओर रखा जाये और ड्यूटी पर तैनात पुलिस के निर्देश और सलाह का कड़ाई के साथ पालन किया जाना चाहिये ।
- (6) यदि दो या अधिक राजनैतिक दलों या अभ्यर्थियों ने लगभग उसी समय पर उसी रास्ते से या उसके भाग से जुलूस निकालने का प्रस्ताव किया है तो, आयोजकों को चाहिये कि वे समय से काफी पूर्व



आपस में सम्पर्क स्थापित करें और ऐसी योजना बनाएं, जिससे कि जुलूसों में टकराव न हो या यातायात को बाधा न पहुंचे । स्थानीय पुलिस की सहायता संतोषजनक इंतजाम करने के लिये सदा उपलब्ध होगी । इस प्रयोजन के लिये दलों को यथाशीघ्र पुलिस से सम्पर्क स्थापित करना चाहिये ।

(7) जुलूस में शामिल लोगों द्वारा ऐसी चीजें लेकर चलने के विषय में जिनका अवांछनीय तत्वों द्वारा, विशेष रूप से उत्तेजना के क्षणों में दुरुपयोग किया जा सकता है, राजनैतिक दलों या अभ्यर्थियों को उन पर अधिक से अधिक नियंत्रण रखना चाहिये ।

(8) किसी भी राजनैतिक दल या अभ्यर्थी को अन्य राजनैतिक दलों के सदस्यों या उनके नेताओं के पुतले लेकर चलने, उनको सार्वजनिक स्थान में जलाने और इसी प्रकार के अन्य प्रदर्शनों का समर्थन नहीं करना चाहिये ।

#### IV. मतदान दिवस

सभी राजनैतिक दलों और अभ्यर्थियों को चाहिये कि वे :-

(i) यह सुनिश्चित करने के लिये कि मतदान शांतिपूर्वक और सुव्यवस्थित ढंग से हों और मतदाताओं को इस बात की पूरी स्वतंत्रता हो कि वे बिना किसी परेशानी या बाधा के अपने मताधिकार का प्रयोग कर सकें, निर्वाचन कर्तव्य पर लगे हुए अधिकारियों के साथ सहयोग करें ।

(ii) अपने प्राधिकृत कार्यकर्ताओं को उपयुक्त बिल्ले या पहचान पत्र दें ।

(iii) इस बात से सहमत हों कि मतदाताओं को उनके द्वारा दी गई पहचान पर्चियां सादे (सफेद) कागज पर होंगी और उन पर कोई प्रतीक, अभ्यर्थी का नाम या दल का नाम नहीं होगा ।

(iv) मतदान के दिन और उसके पूर्व के 48 घंटों के दौरान किसी को शराब पेश या वितरित न करें ।

(v) राजनैतिक दलों और अभ्यर्थियों द्वारा मतदान केन्द्रों के निकट लगाये गये कैम्पों के नजदीक अनावश्यक भीड़ इकट्ठी न होने दें, जिससे दलों और अभ्यर्थियों के कार्यकर्ताओं और शुभचिन्तकों में आपस में मुकाबला और तनाव न होने पाये ।

(vi) यह सुनिश्चित करें कि अभ्यर्थियों के कैम्प साधारण हों । उन पर कोई पोस्टर, झण्डे, प्रतीक या कोई अन्य प्रचार सामग्री प्रदर्शित न की जाये । कैम्पों में खाद्य पदार्थ पेश न किये जाये और भीड़ न लगाई जाये ।

(vii) मतदान के दिन वाहन चलाने पर लगाये जाने वाले निर्बन्धनों का पालन करने में प्राधिकारियों के साथ सहयोग करें और वाहनों के लिये परमिट प्राप्त कर लें और उन्हें उन वाहनों पर ऐसे लगा दें जिससे ये साफ-साफ दिखाई देते रहें ।

## V. मतदान केन्द्र

मतदाताओं के सिवाय कोई भी व्यक्ति निर्वाचन आयोग द्वारा दिये गये विधिमान्य पास के बिना मतदान केन्द्रों में प्रवेश नहीं करेगा ।

## VI. प्रेक्षक

निर्वाचन आयोग प्रेक्षक नियुक्त कर रहा है । यदि निर्वाचनों के संचालन के संबंध में अभ्यर्थियों या उनके अभिकर्ताओं को कोई विशिष्ट शिकायत या समस्या हो तो वे उसकी सूचना प्रेक्षक को दे सकते हैं ।

## VII. सत्ताधारी दल

सत्ताधारी दल को, चाहे वे केन्द्र में हो या संबंधित राज्य या राज्यों में हों, यह सुनिश्चित करना चाहिये कि यह शिकायत करने का कोई मौका न दिया जाये कि उस दल ने अपने निर्वाचन अभियान के प्रयोजनों के लिये अपने सरकारी पद का प्रयोग किया है और विशेष रूप से :-

(i) (क) मंत्रियों को अपने शासकीय दौरों को, निर्वाचन से संबंधित प्रचार के साथ नहीं जोड़ना चाहिये और निर्वाचन के दौरान प्रचार करते हुए शासकीय मशीनरी अथवा कार्मिकों का प्रयोग नहीं करना चाहिये;

(ख) सरकारी विमानों, गाड़ियों सहित सरकारी वाहनों, मशीनरी और कार्मिकों का सत्ताधारी दल के हित को बढ़ावा देने के लिये प्रयोग नहीं किया जायेगा;

(ii) सत्ताधारी दल को चाहिये कि वह सार्वजनिक स्थान जैसे मैदान इत्यादि पर निर्वाचन सभाएं आयोजित करने और निर्वाचन के संबंध में हवाई उड़ानों के लिये हैलीपेडों का इस्तेमाल करने के लिये अपना एकाधिकार न जमाएं । ऐसे स्थानों का प्रयोग दूसरे दलों और अभ्यर्थियों को भी उन्हीं शर्तों पर करने दिया जाये, जिन शर्तों पर सत्ताधारी दल उनका प्रयोग करता है ।

(iii) सत्ताधारी दल या उसके अभ्यर्थियों का विश्रामगृहों, डाक बंगलों या अन्य सरकारी आवासों पर एकाधिकार नहीं होगा और ऐसे आवासों का प्रयोग निष्पक्ष तरीके से करने के लिये अन्य दलों और अभ्यर्थियों को भी अनुमति होगी लेकिन दल या अभ्यर्थी ऐसे आवासों का (इनके साथ संलग्न परिसरों सहित) प्रचार कार्यालय के रूप में या निर्वाचन प्रचार के लिये कोई सार्वजनिक सभा करने की दृष्टि से प्रयोग नहीं करेगा या प्रयोग करने की अनुमति नहीं दी जायेगी ।

(iv) निर्वाचन अवधि के दौरान सत्ताधारी दल के हितों को अग्रसर करने की दृष्टि से उनकी उपलब्धियां दिखाने के उद्देश्य से राजनैतिक समाचारों तथा प्रचार की पक्षपातपूर्ण ख्याति के लिये सरकारी खर्च से समाचार पत्रों में या अन्य माध्यमों से ऐसे विज्ञापनों का जारी किया जाना, सरकारी जन माध्यमों का दुरुपयोग ईमानदारी से बिल्कुल बन्द होना चाहिये ।

(v) मंत्रियों और अन्य प्राधिकारियों को उस समय जब से निर्वाचन आयोग द्वारा निर्वाचन घोषित किये जाते हैं, विवेकाधीन निधि में से अनुदानों/अदायगियों की स्वीकृति नहीं देनी चाहिये ।



(vi) मंत्री और अन्य प्राधिकारी, उस समय से जब से निर्वाचन आयोग द्वारा निर्वाचन घोषित किये जाते हैं :-

- (क) किसी भी रूप में कोई भी वित्तीय मंजूरी या वचन देने की घोषणा नहीं करेंगे; अथवा
- (ख) (लोक सेवकों को छोड़कर) किसी प्रकार की परियोजनाओं अथवा स्कीमों के लिये आधारशिलाएं आदि नहीं रखेंगे; या
- (ग) सड़कों के निर्माण का कोई वचन नहीं देंगे, पीने के पानी की सुविधाएं नहीं देंगे आदि या
- (घ) शासन, सार्वजनिक उपकरणों आदि में ऐसी कोई भी तदर्थ नियुक्ति न की जाये जिससे सत्ताधारी दल के हित में मतदाता प्रभावित हों ।

टिप्पणी :-आयोग किसी भी निर्वाचन की तारीख की घोषणा इस प्रकार करेगा, जो ऐसे निर्वाचनों के बारे में जारी होने वाली अधिसूचना की तारीख से सामान्यतः तीन सप्ताह से अधिक नहीं होगी ।

(vii) केन्द्रीय या राज्य सरकार के मंत्री, अभ्यर्थी या मतदाता अथवा प्राधिकृत अभिकर्ता की अपनी हैसियत को छोड़कर किसी भी मतदान केन्द्र या गणना स्थल में प्रवेश नहीं करेंगे ।

(viii) निर्वाचन घोषणापत्रों पर दिशा-निर्देश

1. उच्चतम न्यायालय ने 2008 (एस. सुब्रिमणियम बालाजी बनाम तमिलनाडु सरकार एवं अन्य) की विशेष अनुमति याचिका (सिविल) संख्या 21455 में दिनांक 05 जुलाई, 2013 को अपने निर्णय में यह निर्देश दिया था कि भारत निर्वाचन आयोग सभी मान्यता प्राप्त राजनैतिक दलों के परामर्श से निर्वाचन घोषणापत्रों की विषय-वस्तु के संबंध में दिशा-निर्देश तैयार करे । निर्णय में उल्लिखित वे मार्गदर्शक सिद्धांत जो ऐसे दिशा-निर्देशों को बनाने में सहायक होंगे, नीचे दिए गए हैं :-

(i) यद्यपि, विधि निश्चित रूप से स्पष्ट है कि लोक प्रतिनिधित्व अधिनियम की धारा 123 के अधीन निर्वाचन घोषणापत्र का 'भ्रष्ट प्रथा' के रूप में अर्थ नहीं लगाया जा सकता है, परंतु इस वास्तविकता से भी इंकार नहीं किया जा सकता है कि किसी भी प्रकार के मुफ्त उपहारों का वितरण, निस्संदेह लोगों को प्रभावित करता है । बहुत हद तक, यह स्वतंत्र और निष्पक्ष निर्वाचनों की जड़ें ही हिला देता है ।

(ii) निर्वाचन आयोग, निर्वाचनों में निर्वाचन लड़ने वाले दलों तथा अभ्यर्थियों को एक समान अवसर सुनिश्चित कराने के प्रयोजनार्थ और यह जानने के लिए कि कहीं निर्वाचन प्रक्रिया की शुचिता विगत की भांति दूषित तो नहीं हो रही है, आदर्श आचार संहिता के अधीन अनुदेश जारी करता रहता है । संविधान का अनुच्छेद 324 उन शक्तियों का ऐसा स्रोत है, जिसके अधीन आयोग इन अनुदेशों को जारी करता है तथा जो आयोग को स्वतंत्र एवं निष्पक्ष निर्वाचनों को संचालित कराने का अधिदेश देता है ।

(iii) हम इस वास्तविकता से परिचित हैं कि सामान्यतः राजनैतिक दल अपना निर्वाचन घोषणापत्र निर्वाचन की तारीख की घोषणा से पहले जारी करते हैं । स्पष्ट कहा जाए तो, उस परिदृश्य में, भारत निर्वाचन आयोग के पास ऐसे किसी कार्य को विनियमित करने का कोई अधिकार नहीं है जो निर्वाचनों की तारीख की घोषणा से पहले किया गया हो । हालांकि, निर्वाचन घोषणापत्र का सीधा संबंध निर्वाचन प्रक्रिया से होता है, अतः इस संबंध में अपवाद बनाया जा सकता है ।

2. माननीय उच्चतम न्यायालय से उपर्युक्त निदेश प्राप्त करने पर भारत निर्वाचन आयोग ने इस मामले में परामर्श करने के लिए मान्यता प्राप्त राष्ट्रीय तथा राज्यीय राजनैतिक दलों के साथ बैठक आयोजित की और इस मामले में उनके परस्पर-विरोधी विचारों को नोट कर लिया ।

विचार-विमर्श के दौरान, जबकि कुछ राजनैतिक दलों ने ऐसे दिशा-निर्देशों को जारी करने का समर्थन किया, वहीं कुछ लोगों का विचार था कि बेहतर लोकतांत्रिक राज्य-व्यवस्था में घोषणापत्रों में मतदाताओं को ऐसे प्रस्ताव देना तथा वायदे करना उनका अधिकार है । जबकि, आयोग सैद्धांतिक रूप से इस विचार से सहमत है कि घोषणापत्र तैयार करना राजनैतिक दलों का अधिकार है, परंतु स्वतंत्र तथा निष्पक्ष निर्वाचनों के संचालन और सभी राष्ट्रीय दलों तथा अभ्यर्थियों को एक समान अवसर प्रदान करने की भावना को बनाए रखने में, कुछेक वायदों और प्रस्तावों के अवांछित प्रभाव को अनदेखा नहीं किया जा सकता ।

3. संविधान का अनुच्छेद 324 निर्वाचन आयोग को, अन्य बातों के साथ-साथ, संसद तथा राज्य विधान मंडलों में निर्वाचन कराने का अधिदेश देता है । माननीय उच्चतम न्यायालय के उपर्युक्त निदेशों को ध्यान में रखते हुए तथा राजनैतिक दलों के साथ परामर्श करने के उपरान्त, स्वतंत्र और निष्पक्ष निर्वाचनों के हित में, आयोग एतद्वारा यह निदेश देता है कि संसद या राज्य विधान मंडलों के किसी भी निर्वाचन के लिए निर्वाचन घोषणापत्र जारी करते समय राजनैतिक दल और अभ्यर्थी निम्नलिखित दिशा-निर्देशों का अनुसरण करेंगे :-

(i) निर्वाचन घोषणा पत्र में ऐसी कोई बात नहीं होगी जो संविधान में दिए गए सिद्धांतों और आदर्शों के प्रतिकूल हो और इसके अलावा यह आदर्श आचार संहिता के अन्य प्रावधानों में निहित भावना के अनुरूप होगी ।

(ii) संविधान में अधिष्ठापित राज्य के नीति निदेशक तत्व, राज्य को यह आदेश देते हैं कि राज्य नागरिकों के लिए विभिन्न कल्याण संबंधी उपायों की रचना करे तथा इसलिए निर्वाचन घोषणापत्रों में ऐसे कल्याण संबंधी उपायों के वायदों पर कोई आपत्ति नहीं हो सकती है । तथापि, राजनैतिक दलों को ऐसे वायदे करने से बचना चाहिए जो निर्वाचन प्रक्रिया की शुचिता को दूषित करें या मतदाताओं पर उनके मताधिकार के प्रयोग में कोई अनुचित प्रभाव डालें ।

(iii) पारदर्शिता, एक समान अवसर प्रदान करने तथा वायदों की विश्वसनीयता हेतु यह अपेक्षा की जाती है कि घोषणापत्रों में वायदों के मूलाधार पर भी विचार किया जाना चाहिए और इस प्रयोजनार्थ वित्तीय अपेक्षाओं को पूरा करने के साधनों का व्यापक रूप से उल्लेख किया जाना चाहिए । मतदाताओं का विश्वास ऐसे वायदों पर मांगा जाना चाहिए जिन्हें पूरा करना संभव हो सके ।



Fax/Speed post/Special Messenger

# **ELECTION COMMISSION OF INDIA**

**Nirvachan Sadan, Ashoka Road, New Delhi-110001**

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464/INST/2007-PLN-I

Dated: 07.01.07

To,

**Chief Secretary, of States and UTs**

**Chief Electoral Officer of States and UTs**

**SUB: -                      CODE OF CONDUCT – DO's & 'DONT's**

The Commission has issued various instructions on observance of code of conduct from time to time. Important aspects of the code of conduct are reiterated below:

**On Welfare schemes and governmental works:**

1. **Announcement of new projects or programme or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favour of the party in power is prohibited.**
2. These restrictions apply equally to new schemes and also ongoing schemes. But it does not mean that in the case of national, regional and State utility schemes, which have already been brought up to the stage of completion, their utilization or functioning in public interest should be stopped or delayed. The coming into force of the Model Code of Conduct cannot be given as an excuse for not commissioning such schemes or allowing them to remain idle. At the same time, it should be ensured that the commissioning of such schemes is done by civil authority and without associating political functionaries and without any fanfare or ceremonies whatever, so that no impression is given or created that such commissioning has been done with a view to influencing the electorate in favour of the ruling party. If in doubt, a clarification should be obtained from Chief Electoral Officer/Election Commission of India.
3. It is further clarified that simply because a budget provision has been made for any particular scheme or the scheme has been sanctioned earlier or a reference to the scheme was made in the address of the Governor or the budget speech of the Minister it does not automatically mean that such schemes can be announced or inaugurated or otherwise taken up after the announcement of elections while the

Model Code of conduct is in operation, since they will clearly be intended to influence the voters. Such actions if undertaken will be considered a violation of the model code of conduct.

4. **No fresh sanctions for governmental schemes should be made. Review by political executive (Ministers etc.) and processing of beneficiary oriented schemes, even if ongoing, should be stopped till completion of elections. No fresh release of funds on welfare schemes and works should be made or contract for works awarded in any part of the state where election is in progress without prior permission of the Commission. This includes works under the Member of Parliament (including Rajya Sabha members) Local Area Development fund or MLAs / MLCs Local Area Development Fund, if any such scheme is in operation in the state.**
5. **No work shall start in respect of which even if work orders have been issued before the model code came into effect, if the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue.**
6. There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.
7. Commission does not refuse approval for schemes undertaken for tackling emergencies or unforeseen calamities like providing relief to people suffering from drought, floods, pestilences, other natural calamities or welfare measures for the aged, infirm etc. In these matters, however, prior approval of the Commission should be taken and all ostentatious functions should be strictly avoided and no impression should be given or allowed to be created that such welfare measures or relief and rehabilitation works are being undertaken by the Government in office so as to influence the electors in favour of the party in power which at the same time will adversely affect the prospects of the other parties.

**On Transfers and posting of officials:**

**The Commission directs that there shall be a total ban on the transfer of all officers/officials connected with the conduct of the election. These include but are not restricted to: -**

- (i) The Chief Electoral Officer and Additional/Joint/Deputy Chief Electoral Officers;
- (ii) Divisional Commissioners;



- (iii) The District Election Officers, Returning Officers, Assistant Returning Officers and other Revenue Officers connected with the Conduct of Elections;
- (iv) Officers of the Police Department connected with the management of elections like range IGs and DIGs, Senior Superintendents of Police and Superintendents of Police, Sub-divisional level Police Officers like Deputy Superintendents of Police and other Police officers who are deputed to the Commission under section 28A of the Representation of the People Act, 1951;
- (v) Other officers drafted for election works like sector and zonal officers, Transport cell, EVM cell, Poll material procurement & distribution cell, Training cell, Printing Cell etc. Senior officers, who have a role in the management of election in the State, are also covered by this direction.
- (vi) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till the time when model code came into effect should not be given effect to without obtaining specific permission from the Commission.
- (vii) This ban shall be effective till the completion of the election process.
- (viii) In those cases where transfer of an officer is considered necessary on account of administrative exigencies, the State Government may, with full justification, approach the Commission for prior clearance.
- (ix) **No appointments or promotions in Government / Public Undertakings shall be made during this period, without prior clearance of the Commission.**

**On Misuse of Official Machinery:**

**1. Official vehicles cannot be used for electioneering work. 'Official Vehicles' include all vehicles belonging to the -**

- o Central Government,
- o State Government,
- o Public Undertakings of the Central and State Government,
- o Joint Sector Undertakings of Central and State Government,
- o Local Bodies, Municipal Corporations, Municipalities,
- o Marketing Boards (by whatever name known),
- o Cooperative Societies,
- o Autonomous District Councils, or
- o Any other body in which public funds, howsoever small a portion of the total, are invested, and also
- o Vehicles belonging to the Ministry of Defense and the Central Police Organizations under the Ministry of Home Affairs and State Governments.



- 2. It is open for a minister of the Union or State to make private visits using his or her private vehicle(s). For such private visits, the official personal staff of the ministers shall not accompany them. However, if a Minister is traveling in some emergent situation, out of his HQ on purely official business, which cannot be avoided in public interest, then a letter certifying to this effect should be sent from the Secretary concerned of the Department to the Chief Secretary of the state where the Minister intends to visit, with a copy to the Commission. During such tour, the Chief Secretary may provide the Minister with Government vehicle and accommodation and other usual courtesies for his official trip. However, immediately preceding or during or in continuation of such an official tour, no minister can carry out or combine any election campaign or political activity. The Commission will keep watch on such arrangements in due consultation with its Chief Electoral Officer.**
- 3. No Minister, whether of union or state, will summon any election related officer of the constituency or the State, for any official discussions during the period of elections commencing with the announcement of the elections. Only exception will be when a Minister, in his capacity as in charge of the department concerned, or a Chief Minister undertakes an official visit to a constituency, in connection with failure of law and order or a natural calamity or any such emergency which requires personal presence of such Ministers/Chief Ministers for the specific purpose of supervising review/salvage/relief and such like purpose.**
- 4. Ministers are entitled to use their official vehicles only for commuting from their official residence to their office for official work provided that such commuting is not combined with any electioneering or any political activity.**
- 5. Ministers, whether of the Union or State, shall not combine in any manner their official tours with election work.**
- 6. Whether on a private or official visit, no pilot car(s) or car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind shall be used by any political functionary, even if the State administration has granted him a security cover requiring presence of armed guards to accompany him on such visit. This is applicable whether the vehicle is government owned or private owned.**
- 7. Any official who meets the Minister on his private visit to the constituency where elections are being held shall be guilty of misconduct under the relevant service rules; and if he happens to be an official mentioned in Section 129 (1) of the Representation of People Act, 1951, he shall also**



be additionally considered to have violated the statutory provisions of that Section and liable to penal action provided thereunder.

**OTHER 'DOS AND DON'TS' FOR THE GUIDANCE OF THE CANDIDATES AND POLITICAL PARTIES TO BE OBSERVED FROM THE ANNOUNCEMENT OF AN ELECTION AND UNTIL THE COMPLETION OF THE PROCESS OF ELECTION.**

The Commission has drawn up a list of 'dos' and 'don'ts' to be followed by candidates and political parties after the announcement of elections and till the completion of the process of elections. The Commission has directed that this be given the widest possible publicity and its contents brought to the knowledge of all candidates and political parties including in the official language of the State.

**It must be clearly brought to the notice of candidates and political parties that the list of 'Dos' and 'Donts' is only illustrative and not exhaustive and is not intended to substitute or modify other detailed directions/instructions on the above subjects, which must be strictly observed and followed.**

**DO'S'**

- (1) **Ongoing programmes, which actually started in the field before the announcement of elections may continue.**
- (2) Relief and rehabilitation measures to the people in areas affected by floods, drought, pestilence, and other natural calamities, can commence and continue.
- (3) Grant of cash or medical facilities to terminally or critically ill persons can continue with appropriate approvals.
- (4) Public places like maidans must be available impartially to all parties/contesting candidates for holding election meetings. So also use of helipads must be available impartially to all parties/contesting candidates, to ensure a level playing field.
- (5) Criticism of other political parties and candidates should relate to their policies, programme, past record and work.
- (6) The right of every individual for peaceful and undisturbed home life should be fully safeguarded.
- (7) **The local police authorities should be fully informed of the venue and time of the proposed meetings well in time and all necessary permissions taken.**
- (8) If there are any restrictive or prohibitory orders in force in the place of the proposed meeting, they shall be fully respected. Exemption, if necessary, must be applied for and obtained well in time.
- (9) **Permission must be obtained for the use of loudspeakers or any other such facilities for the proposed meetings.**

- (10) The assistance of the police should be obtained in dealing with persons disturbing meetings or otherwise creating disorder.
- (11) **The time and place of the starting of any procession, the route to be followed and the time and place at which the procession will terminate should be settled in advance and advance permissions obtained from the police authorities.**
- (12) The existence of any restrictive orders in force in the localities through which the procession has to pass should be ascertained and fully complied with. So also all traffic regulations and other restrictions.
- (13) The passage of the procession must be without hindrance to traffic.
- (14) Cooperation should be extended to all election officials at all times to ensure peaceful and orderly poll.
- (15) All Workers must display badges or identity cards.
- (16) Unofficial identity slips issued to voters shall be on plain (white) paper and not contain any symbol, name of the candidate or name of the party.
- (17) Restrictions on plying of vehicles during the campaign period and on poll day shall be fully obeyed.
- (18) (Except voters, candidates and their election/polling agents), only persons with a specific valid authority letter from the Election Commission can enter any polling booth. No functionary however highly placed (e.g. Chief Minister, Minister, MP or MLA etc) is exempt from this condition.
- (19) Any complaint or problem regarding the conduct of elections shall be brought to the notice of the observer appointed by the Commission/Returning Officer/Zonal/Sector Magistrate/Election Commission of India.
- (20) Directions/orders/instructions of the Election Commission, the Returning Officer, and the District Election Officer shall be obeyed in all matters related to various aspects of election.
- (21) Do not leave the constituency after the campaign period is over if you are not a voter or a candidate or candidate's election agent from that constituency.

### **DON'Ts**

- (1) Any and all advertisements at the cost of the public exchequer regarding achievements of the party/Government in power as prohibited.
- (2) **No Minister shall enter any polling station or the place of counting, unless he or she is a candidate or as a voter only for voting.**
- (3) **Official work should not at all be mixed with campaigning/electioneering.**
- (4) No inducement, financial or otherwise, shall be offered to the voter.
- (5) Caste/communal feelings of the electors shall not be appealed to.



- (6) No activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes, communities or religious or linguistic groups shall be attempted.
- (7) No aspect of the private life, not connected with the public activities, of the leaders or workers of other parties shall be permitted to be criticized.
- (8) Other parties or their workers shall not be criticized based on unverified allegations or on distortions.
- (9) Temples, mosques, churches, gurudwaras or any place of worship shall not be used as places for election propaganda, including speeches, posters, music etc., on electioneering.
- (10) Activities which are corrupt practices or electoral offences such as bribery, undue influence, intimidation of voters, personation, canvassing within 100 meters of a polling station, holding of public meetings during the period of 48 hours ending with the hour fixed for the close of the poll and conveyance of voters to and from polling stations are prohibited.
- (11) Demonstrations or picketing before the houses of individuals by way of protesting against their opinion or activities shall not be resorted to.
- (12) **Subject to the local laws, no one can make use of any individual's land, building, compound wall, vehicles etc. for erecting flag staffs, putting up banners, pasting notices or writing slogans etc. without specific permission of the owner (to be shown to and deposited with the District Election Officer).**
- (13) No disturbances shall be created in public meetings or processions organised by other political parties or candidates.
- (14) **Processions along places at which another party is holding meetings shall not be undertaken.**
- (15) Processionists shall not carry any articles, which are capable of being misused as missiles or weapons.
- (16) Posters issued by other parties and candidates shall not be removed or defaced.
- (17) Posters, flags, symbols or any other propaganda material shall not be displayed in the place being used on the day of poll for distribution of identity slips or near polling booths.
- (18) Loudspeakers whether static or mounted on moving vehicles shall not be used either before 6 a.m. or after 10a.m. and without the prior written permission of the authorities concerned.

- (19) Loudspeakers shall also not be used at public meetings and processions without the prior written permission of the authorities concerned. Normally, such meetings/processions will not be allowed to continue beyond 10.00 p.m. in the night and will be further subject to the local laws, local perceptions of the security arrangements of the area and other relevant considerations like weather conditions, festival season, examination period, etc.
- (20) No liquor should be distributed during elections.
- (21) On the day of the poll, no person who has been assessed to be having a security threat and therefore given official security shall enter the vicinity of a polling station premise (within 100 meters) with his security personnel. Further, on the day of the poll no such person shall move around in a constituency with his security personnel. If the person provided with official security happens to be a voter also, then he or she shall restrict his / her movement - accompanied by security personnel, to voting only.
- (22) No person who has been assessed to be having a security threat and therefore provided official security or who has private security guards for himself, shall be appointed as an election agent or polling agent or counting agent.

**NOTE:** The above list of Do's' and Don'ts' is only illustrative and not exhaustive and is not intended to substitute any other detailed orders, directions/instructions on the above subjects, which must be strictly observed and followed.

The clarification/approval of the Election Commission of India/Chief Electoral Officer of your State should be obtained in cases of doubt.

Please acknowledge the receipt of this letter.

Your's faithfully,

Sd/-  
(Jai Priye Prakash)  
Deputy Election Commissioner



## **INSTRUCTION SL. NO. 2**

ECI letter No. 437/6/2009-CC&BE dated 5<sup>th</sup> March, 2009 addressed to the Cabinet Secretary, Govt. of India and the Chief Secretaries and Chief Electoral Officers of all States and UTs.

**Sub: General Elections – Enforcement of the Model Code of Conduct - reg.**

Sir,

I am directed to state that the Commission has considered various aspects in the context of the Model Code of Conduct during General Elections and decided to issue the following Guidelines regarding implementation/processing of the various projects, schemes, rural development programmes etc. by the Central/State Governments :-

1. All Model Code of Conduct related directions shall be issued only by the Commission. The Cabinet Secretariat or any other government agency should reiterate and disseminate the directions of the Commission for compliance.
2. RBI may continue to take decisions unhindered on monetary policy issues.
3. After the Model Code of Conduct comes into effect, the Ministry of Finance will need to take prior approval of the Commission on any policy announcements, fiscal measures, taxation related issues and such other financial relief. Similarly, other Ministries/Departments will need to take prior approval of the Commission before announcing any relief/benefit.
4. The following types of existing works can be continued by the government agencies without reference to the Election Commission after the Model Code of Conduct comes into force:
  - a. Work-Projects that have actually started on the ground after obtaining all necessary sanctions;
  - b. Beneficiary-projects where specific beneficiaries by name have been identified before coming of the Model Code of Conduct into force;
  - c. Registered beneficiaries of NREGA may be covered under existing projects. New projects under NREGA that may be mandated under the provisions of the

Act may be taken up only if it is for the already registered beneficiaries and the project is already listed in the approved and sanctioned shelf of projects for which funds are also already earmarked.

5. There shall be no bar to release of funds for the completed portion of any work subject to observance of laid down procedures and concurrence of finance department.
6. The following type of new works (whether beneficiary or work oriented) that fulfill all the following conditions before Model Code of Conduct comes into effect, can be taken up under intimation to the Commission-
  - a. Full funding has been tied up.
  - b. Administrative, technical and financial sanctions have been obtained
  - c. Tender has been floated, evaluated and awarded and
  - d. There is contractual obligation to start and end the work within a given time frame and failing which there is an obligation to impose penalty on the contractor.
  - e. In case of any of the above conditions not being met in such cases prior approval of the Commission shall be sought and obtained.
7. Global tenders already floated, can be evaluated and finalized where any time limits are specified for such purpose.
8. Tenders other than global tenders, that are already floated may be evaluated but not finalized without prior approval of the Commission. If they are not already floated, they shall not be floated without prior approval of the Commission.
9. Commission invariably takes a humanitarian view on the work that are necessitated due to man-made or natural calamities.
  - a. Ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the persons affected at the current rates/scales of assistance presently in force, under intimation to the Commission. No change in the extant and prescribed scales of payments, however, shall be made in the existing rates/scales without prior permission of the Commission.



- b. Payment directly to the hospitals from CM's/PM's Relief Fund, in lieu of direct cash payment to individual patients (beneficiaries) will be permissible without reference to the Commission.
  - c. Emergent relief works and measures that are aimed to mitigate the hardships, directly and solely, of the persons affected in a disaster may be taken up under intimation to the Commission.
  - d. However, new works that may be necessitated by way of preventive measures to mitigate the likely effects of natural disasters like repair of embankments, water channels etc. can be taken up only with prior permission of the Commission.
  - e. Also, an area shall not be declared drought/flood affected or any such calamity affected without prior approval of the Commission. The extent of area already declared to be calamity-affected cannot be expanded without prior approval of the Commission.
  - f. Similarly, any selective assistance to a group of persons from the PM's or the CM's Relief Fund will require prior approval of the Commission.
10. The following type of activities will require prior permission of the Commission:
- a. New works and project cannot be taken up from discretionary funds of whatever nature. Discretionary fund, in this context, includes funds, which are provided for in the budget in a generic manner and for which no identified and sanctioned project exists prior to Model Code of Conduct coming into effect.
  - b. Proposals for revival of sick PSUs, governmental take over of enterprises etc. (or any policy decision on similar lines) cannot be taken up.
  - c. Fresh auctions of liquor vends etc. cannot be held even if the annual auction time falls within the Model Code of Conduct period. Where necessary, the government should make interim arrangements as provided in their respective laws.
  - d. Area of operation of any existing project/scheme/programme can not be extended or expanded.

- e. No land allocation shall be made by the government to any entity, whether individual or an enterprise.
  - f. Signing a MOU or an agreement where the government is a party will also require prior clearance by the Commission.
11. Regular recruitment/appointment or promotion through the UPSC, State Public Service Commissions or the Staff Selection Commission or any other statutory authority can continue. Recruitments through non-statutory bodies, will require prior clearance of the Commission.
  12. While starting any work (including any relief work) or developmental activity no formal function shall be held involving any political functionary. As a matter of good practice, normal functions and publicity even with the presence of official functionaries should be kept to the minimum.
  13. Where works are to be undertaken or functions are to be held in fulfillment of international commitments, prior concurrence of the Commission shall be taken.
  14. All Government of India references to the Election Commission of India shall be made preferably through the Cabinet Secretariat. In so far as reference from State Governments are concerned, the same shall be made to the Election Commission of India through the Chief Electoral Officer (CEO) of the state concerned.

This may be brought to the notice of all concern authorities.



## **INSTRUCTION SL. NO. 2**

ECI letter No. 437/6/2009-CC&BE dated 5<sup>th</sup> March, 2009 addressed to the Cabinet Secretary, Govt. of India and the Chief Secretaries and Chief Electoral Officers of all States and UTs.

**Sub: General Elections – Enforcement of the Model Code of Conduct - reg.**

Sir,

I am directed to state that the Commission has considered various aspects in the context of the Model Code of Conduct during General Elections and decided to issue to following Guidelines regarding implementation/processing of the various projects, schemes, rural development programmers etc. by the Central/State Governments :-

1. All Model Code of Conduct related directions shall be issued only by the Commission. The Cabinet Secretariat or any other government agency should reiterate and disseminate the directions of the Commission for compliance.
2. RBI may continue to take decisions unhindered on monetary policy issues.
3. After the Model Code of Conduct comes into effect, the Ministry of Finance will need to take prior approval of the Commission on any policy announcements, fiscal measures, taxation related issues and such other financial relief. Similarly, other Ministries/Departments will need to take prior approval of the Commission before announcing any relief/benefit.
4. The following types of existing works can be continued by the government agencies without reference to the Election Commission after the Model Code of Conduct comes into force:
  - a. Work-Projects that have actually started on the ground after obtaining all necessary sanctions;
  - b. Beneficiary-projects where specific beneficiaries by name have been identified before coming of the Model Code of Conduct into force;
  - c. Registered beneficiaries of NREGA may be covered under existing projects. New projects under NREGA that may be mandated under the provisions of the

Act may be taken up only if it is for the already registered beneficiaries and the project is already listed in the approved and sanctioned shelf of projects for which funds are also already earmarked.

5. There shall be no bar to release of funds for the completed portion of any work subject to observance of laid down procedures and concurrence of finance department.
6. The following type of new works (whether beneficiary or work oriented) that fulfill all the following conditions before Model Code of Conduct comes into effect, can be taken up under intimation to the Commission-
  - a. Full funding has been tied up.
  - b. Administrative, technical and financial sanctions have been obtained
  - c. Tender has been floated, evaluated and awarded and
  - d. There is contractual obligation to start and end the work within a given time frame and failing which there is an obligation to impose penalty on the contractor.
  - e. In case of any of the above conditions not being met in such cases prior approval of the Commission shall be sought and obtained.
7. Global tenders already floated, can be evaluated and finalized where any time limits are specified for such purpose.
8. Tenders other than global tenders, that are already floated may be evaluated but not finalized without prior approval of the Commission. If they are not already floated, they shall not be floated without prior approval of the Commission.
9. Commission invariably takes a humanitarian view on the work that are necessitated due to man-made or natural calamities.
  - a. Ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the persons affected at the current rates/scales of assistance presently in force, under intimation to the Commission. No change in the extant and prescribed scales of payments, however, shall be made in the existing rates/scales without prior permission of the Commission.



## **INSTRUCTION SL. NO. 6**

ECI letter No. 437/6/INST/2012/CC&BE dated 26<sup>th</sup> April, 2012 addressed to the Cabinet Secretary, Govt. of India, Chief Secretaries and Chief Electoral Officers of Andhra Pradesh, Goa, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal

**Subject:-** Bye-elections to the Lok Sabha/State Legislatives Assemblies – Instructions on enforcement of Model Code of Conduct – regarding.

I am directed to state that the Commission has announced, vide Press Note dated 24<sup>th</sup> April, 2012, bye-elections from certain Parliamentary and Assembly Constituencies in various States. The Commission in that Press Note has issued instructions for enforcement of various provisions of the Model Code of Conduct in its entirety with the stipulation that such provisions of Model Code of Conduct will be enforceable in the district (s) in which the Assembly/Parliamentary Constituency is situated.

Many State Administrations have requested the Commission to reconsider the issue of enforcement of Model Code of Conduct in the entire district during bye-election as it affects the developmental works in entire district, whereas only a part of the district may be involved in the election process.

The Commission, after taking into consideration all relevant factors in this regards, has decided, on experimental basis, that for the bye-elections announced vide Press Note, dated 24/4/2012, following instructions, in partial modification of the earlier instructions, shall be followed with regard to Model Code of Conduct:-

- (1) All instructions of the Commission issued regulating the implementation of the schemes of MNREGA, extending relief and starting works in case of Natural Calamities , Drought, Flood, Drinking Water, Digging of Bore-wells, Fodder, Agricultural inputs & input subsidies to farmers, New Developmental Work (whether beneficiary or work oriented) including work under MPLAD, MLA and MLC LAD Scheme, Announcement and commencement of New Projects,

Programme, Concessions, Financial Grants, Defacement of Property, Use of Govt. Property, Concessions, Financial Grants, Defacement of Property, Use of Govt. Property for campaign purpose, etc. shall now be applicable only in respect of the areas falling in the Assembly constituency(s)/Parliamentary constituency going for bye-election and NOT to the entire district (s) in which such constituency is situated.

- (2) However, all other existing instructions of the Commission on Model Code of Conduct on matters like Tours of Ministers, Vehicles, Advertisements use of Govt. Guest Houses, and all prevailing Commission's instructions other than those mentioned in Para (1), transfer of officers etc. shall continue to remain applicable to the entire district(s) in which the constituency having the bye-election is situated.

This may be brought to the notice of all concerned.

Copy to the President/General Secretaries of all recognized political parties.