

By Fax/Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/ECI/INST/FUNCT/MCC/2017

Dated: 4th January, 2017

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Secretary to the Government of India,
Department of Programme Implementation,
Sardar Patel Bhawan,
New Delhi.
3. The Chief Secretaries to the Government of :-
(i) Goa, Panaji;
(ii) Manipur, Imphal;
(iii) Punjab, Chandigarh;
(iv) Uttarakhand, Dehradun;
(v) Uttar Pradesh, Lucknow.
4. The Chief Electoral Officers of :-
(i) Goa, Panaji;
(ii) Manipur, Imphal;
(iii) Punjab, Chandigarh;
(iv) Uttarakhand, Dehradun;
(v) Uttar Pradesh, Lucknow.

Subject: General Elections to the Legislative Assemblies of Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh, 2017- Release of funds under MPs'/MLAs' Local Area Development Scheme.

Sir,

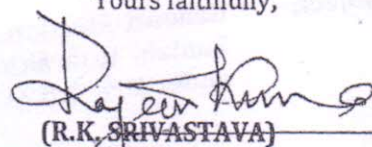
I am directed to refer to the Commission's Press Note No. ECI/PN/1/2017, dated 4th January, 2017 (Press Note available at Commission's web-site - www.eci.gov.in) as per which the Commission has announced the enforcement of the Model Code of Conduct for the guidance of the Political Parties and Candidates,

consequent on the announcement of General Elections to the Legislative Assemblies of Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh, 2017.

2. The Commission has instructed that the release of funds under the Member of Parliament Local Area Development Schemes will be subject to the following restrictions:-

- a) No fresh release of funds under the Member of Parliament (including Rajya Sabha members) Local Area Development fund shall be made in any part of the country where election is in progress. Similarly no fresh release of funds under the MLAs'/ MLCs' Local Area Development Fund shall be made, if any such scheme is in operation, till the completion of election process.
- b) No work shall start in respect of which work orders have been issued before the issue of this letter but 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.
- c) There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.
- d) Where schemes have been cleared and funds are provided or released and materials procured and reached the site such scheme may be executed as per programme.

Yours faithfully,



(R.K. SRIVASTAVA)

SR. PRINCIPAL SECRETARY

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

योजना भवन, प्रथम तल, सचिवालय परिसर 4-सुभाष रोड़, देहरादून -248001

Email ID- ceo_uttaranchal@eci.gov.in
election09@gmail.com

फोन न० (0135) - 2712055, 2713551
फैक्स न० (0135) - 2713724, 2712014

संख्या- 43 /XXV - 39 / 2016 देहरादून : दिनांक 05 जनवरी, 2017

सेवा में,

IMPORTANT-URGENT

समस्त जिलाधिकारी एवं
जिला निर्वाचन अधिकारी
उत्तराखण्ड।

विषय:- विधान सभा सामान्य निर्वाचन-2017, प्रचार-प्रसार के संबंध में आयोग के
दिशा-निर्देशों का प्रेषण।

महोदय,

उपरोक्त विषयक भारत निर्वाचन आयोग के पत्र संख्या-437/6/Campaign/ECI/INST/FUNCT / MCC-2016 दिनांक 04 जनवरी, 2017 (प्रति संलग्न) का संदर्भ ग्रहण करने का कष्ट करें, जिसमें आयोग द्वारा विधान सभा सामान्य निर्वाचन के दौरान राजनैतिक दलों/निर्वाचन लड़ने वाले अभ्यर्थियों के द्वारा किए जाने वाले प्रचार-प्रसार के माध्यमों यथा वीडियो वैन, बाईक के प्रयोग, रोड़ रो, नामनिर्देशन के समय वाहनों का प्रयोग, मतदान के दिन वाहनों का प्रयोग, झण्डे का प्रयोग, अस्थायी प्रचार कार्यालय, सिंगल विण्डो सिस्टम, रेलवे, बस स्टेशन, एयरपोर्ट आदि के Space प्रयोग के संबंध में विस्तृत दिशा-निर्देश निर्गत किए गए हैं।

अतः आयोग के उक्त दिशा-निर्देशों का कड़ाई से अनुपालन सुनिश्चित किए जाने हेतु सभी संबंधितों को निर्देशित करते हुए आयोग के निर्देशों की प्रति समस्त रिटर्निंग/सहायक रिटर्निंग आफिसरों, राजनैतिक दलों, निर्वाचन लड़ने वाले अभ्यर्थियों को उपलब्ध कराने के साथ-साथ इसका सभी आवश्यक माध्यमों से व्यापक प्रचार-प्रसार भी सुनिश्चित करवाएं।

संलग्नक-यथोपरि।

भवदीय

(राधा रतूड़ी)

प्रमुख सचिव एवं
मुख्य निर्वाचन अधिकारी।

संख्या- 43 /XXV - 39 / 2016, तद दिनांकित।

प्रतिलिपि:- निम्नलिखित को भारत निर्वाचन आयोग के उक्त संदर्भित पत्र की प्रति सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- पुलिस महानिदेशक, उत्तराखण्ड देहरादून।
- 2- पुलिस महानिरीक्षक, अपराध एवं कानून व्यवस्था (नोडल आफिसर) उत्तराखण्ड।
- 3- निजी सचिव, मा. मुख्यमंत्री/मा. समस्त मंत्रीगण, उत्तराखण्ड।
- 4- प्रदेश अध्यक्ष/मंत्री/सचिव, मान्यता प्राप्त राष्ट्रीय राजनैतिक दल उत्तराखण्ड।
- 5- श्री नितिन उपाध्याय, उप निदेशक, सूचना (नोडल आफिसर) को आयोग के उक्त संदर्भित पत्र की प्रति सहित इस आशय से प्रेषित कि उक्त निर्देशों का सर्व साधारण की जानकारी प्रिसनोट के रूप में निशुल्क प्रकाशन करवाने का कष्ट करें।

(राधा रतूड़ी)

प्रमुख सचिव एवं
मुख्य निर्वाचन अधिकारी।



भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

No.437/6/Campaign/ECI/INST/FUNCT/MCC-2016

Dated: 4th January, 2017

To,

The Chief Electoral Officers
of All States/Union Territories.

Subject: General/Bye Elections to the Lok Sabha/Legislative Assemblies- instructions on election campaigns - Regarding.

Sir/Madam,

With a view to maintain the election campaign in line with statutory provisions and to avoid clashes and conflicts between stakeholders i.e. political parties or their supporters and also to ensure peace and order during the campaign period, the Commission has issued, in the past, a number of instructions. The Commission has decided to issue the following instructions* -

1. Video-vans

The Commission's instructions, contained in letter No.464/INST/2014/EPS dated 10th April 2014, provide that the permission for video-vans etc. to be used by a political party for campaign across the State would be given by the CEO taking in view the provisions of the Motor Vehicle Act and also the judgments dated 23.06.2006 and 14.02.2007 of the Allahabad High Court in Writ Petition No. 3648 (MB) of 2006.

The Commission reiterates the above and directs further that-

- I. *The permission to use Video-Vans for campaign purpose can be granted at Chief Electoral Officer level only. Transport Nodal Officer must submit certificate to the Chief Electoral Officer that the video van is in conformity with the Motor Vehicle Act*
- II. *The contents of material for election publicity on the video-van shall be pre-certified from MCMCs. The video van of the political party should be used to propagate its programme and policies to seek votes. Votes or support for of any particular candidate should not be solicited. However, if it is used for seeking votes/support for a candidate/candidates then expenditure of video van shall be accounted for by such candidate/candidates appropriately. Expenditure observers to closely monitor this.*

**Additional/New instructions are shown in italics*

Tel : 011-23052205-18 Fax: 011-23052223-25 Website : www.eci.nic.in

III. Any party/candidate seeking permission to use video vans from Chief Electoral Officer should first obtain necessary permission/no objection certificate from the Competent Authority under the Motor Vehicle Act. This certification is required to ensure the conformity with the Motor Vehicle Act/relevant provisions of law and Court orders, if any on this subject for plying of video-vans on the road.

IV. Though there is no restriction on the number of video vans which can be used in a campaign, but the expenditure for it shall be duly included in the Election Expenditure Account of the party, to be submitted to ECI after election.

V. Route of video vans to be used for publicity/campaigning should be informed to local administration/District Election Officer in advance. In case of violation, the permissions for video van may be withdrawn, after due notice, by CEO.

2. Use of Bike - The Commission, having considered inputs that there is a need to regulate the use of bikes for electioneering purposes, issues the following instructions.

- (i) Bike is a two wheeler and its use shall be restricted only for campaign purpose. Number of bikes may be restricted as per convoy rules of vehicles (as provided in ECI's instructions in letter No.464/INST/2014/EPS dated 10th April 2014), which inter-alia provides that cars/vehicles shall, under no circumstances, be allowed to move in convoy of more than ten vehicles, excluding the security vehicles. All bigger convoys exceeding ten vehicles shall be broken up, even if they are carrying any Minister of Central or State Government or any other person. This shall, however, be subject to any security instructions issued in respect of any such individual. If any person moves in a convoy of vehicles exceeding the limits prescribed above, in spite of the convoy having been broken, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by flouting the Commission's directions, till the process of election is completed.
- (ii) Use of Bikes, other than those permitted to campaign purpose, would be regulated under the prohibitory order, viz. Sec 144 Cr PC.
- (iii) Only one flag (of maximum dimension of 2x1 ft.) shall be permitted on one bike.
- (iv) Length of Pole/stick for carrying flag shall not be more than 3 feet.

3. Road Shows -The ECI's instruction in letter No.464/INST/2014/EPS, dated 10th April 2014, inter alia, provides for a total and absolute ban on the use of official vehicle for campaigning, electioneering or election related travel during elections. It also provides that car/vehicles shall not

be allowed to move in convoys of more than ten vehicles (excluding security vehicles) and all bigger convoys shall be broken even if they are carrying any Minister of Centre/State Government or any other person, subject to any security instructions issued in respect of any such individual.

The Commission, after considering the fact that there is a need to regulate road shows to avoid any inconvenience to the general public/commuters during road shows, issues the following instructions-

- a. *Prior permission for road shows shall be taken from the Competent Authority.*
 - b. *In order to avoid inconvenience to general public, as far as possible, road shows, subject to court orders and local laws, should be permitted only on holidays and during non-peak hours on routes other than that having big hospitals, trauma centers, blood banks and heavily crowded markets.*
 - c. *Number of vehicles and persons joining for road show shall be intimated in advance.*
 - d. *The road show shall not cover more than half the road width to ensure safety of the general public.*
 - e. *The convoy of vehicles being used in road show shall be broken after every 10 vehicles and a gap of 200 meters would be maintained.*
 - f. *Safety of public and persons in the road show shall be ensured. Bursting of fire crackers and carrying of fire arms shall not be permitted at all.*
 - g. *The maximum size of banner that may be used would be 6x4 feet.*
 - h. *Loudspeakers can be used as per existing ECI's instruction and subject to Local Laws and Court orders on this subject.*
 - i. *Display of animals in road shows is totally banned. Children, particularly school children in uniform, should not take part in road shows*
 - j. *Only one flag with prior permission can be used by the party supporters in road shows. The maximum dimension of the flag would be 3x2 feet.*
4. Movement of vehicle during nomination- The ECI's instructions in letter No.464/INST/2014 /EPS dated 10.4.14, inter alia, provides that only three vehicles will be allowed, within the periphery of 100 meters of RO's office at the time of nomination. It is now directed that this periphery of 100 meters should be clearly demarcated by RO/DEO. It is also directed that only one door shall be kept open for entry of candidate+ 4 other authorized persons and all other doors should be closed. A CCTV camera should be placed at the entry door to record actual time of entry.

5. Use of vehicle on poll day-The ECI's instructions in letter No.464/INST/2014 /EPS dated 10.4.14, inter alia, provide for restrain on unlawful use of vehicles on poll day by candidates/his agent or by any other person with the consent of the candidate or his election agent. For the purpose of restrictions imposed by said instructions it is clarified that the vehicle *would mean all vehicles propelled by mechanical power or otherwise.*
6. Use of Loudspeakers in processions and election meetings- The Commission's instructions contained in its letter number 3/8/2000/JS-II dated 26.12.2000, inter alia, provides for written, prior approval of the competent authority. A public address system or loudspeaker or any sound amplifier, whether flitted on vehicles of any kind whatsoever, or in static position, used for public meetings for electioneering purpose, shall not be used at night between 10.00 p.m. and 6.00 a.m, subject to the local laws/court orders/any order of state Pollution Control Boards. Local perceptions of the security arrangements of the area and other relevant considerations like weather conditions, festival season, examination period, etc should also be considered. Provisions of the Motor Vehicles Act/Rules shall be made applicable to any vehicle in which loud speaker is mounted. The driver of the vehicle must carry the permission letter to show checking squads/observers or any other officer. All loudspeaker being used beyond the hours as prescribed above, shall be confiscated along with all the apparatus connected with the use of these loudspeakers. All steps should be taken to check noise pollution and disturbance of public peace and tranquility.

The Commission has further directed that it should be ensured by the concerned authorities of State pollution Control Boards that decibels of the sound generated by loud speakers/amplifiers doesn't exceed the permissible limit as fixed under relevant law/guidelines. DEO shall monitor this by putting in place suitable mechanism.

7. Use of flags -

The ECI's instructions contained in letter No.3/7/2008-JSII dated 7.10.2008, inter alia provides that subject to any restrictions under any local law or any court orders in force, the political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags, cut-outs, on their own property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else. Also, if such display of banners, flags etc. aims to solicit vote for any particular candidate, then, under section 171 H of IPC, general or special authority in writing of candidate is necessary.

The Commission has now clarified that there should be only three number of flags of a party /candidate to be used at party workers' /supporters' residence and at party offices. In case, some person wants to display flags of more than one party or candidate, then it shall be restricted to only one flag of each party/candidate. Display of flags would be subject to Local Law and court orders, if any.

As far as the use of banners, flags etc on vehicles, it shall be regulated as below-

- a. No spot/focus/flashing/search lights and hooters shall be put on any campaign vehicle.*
- b. Chief Electoral Officer shall ensure that all the provisions of local law, Court's directions and Motor Vehicle Act are uniformly applied throughout the State.*
- c. No person shall put any flag or banner or sticker of big size on any vehicle except with prior permission of the Competent Authority subject to the relevant provisions of law and Court direction/orders if any on the subject.*
- d. The maximum number and size of flags/banners by a party or candidate will be as follows-*
 - i. Two wheelers - one flag of maximum size 2x1 ft. No sticker or banners will be allowed.*
 - ii. Three wheelers, four wheelers, e-Rickshaws - No sticker or banners will be allowed. Only one flag of maximum size 3x2 ft.*
 - iii. It is clarified that if a political party is having a pre- poll alliance/seat sharing arrangement with another party then campaign vehicle of a candidate/political party may display one flag each of such parties.*
- e. Simultaneous plying of number of vehicles on road including e-Rickshaws to be limited to 10 and if it exceeds the limit of 10 vehicles then the convoy shall be broken after every 10 vehicles.*

8. Temporary Campaign Offices- The ECI's existing instructions in letter No.437/6/2007(INST) - PLNIII, dated 12th November 2007, inter alia, provide that no such office will be opened by way of any encroachment either of public or private property. or in any religious places or campus of such religious places or contiguous to any educational institution/hospital or within 200 meters of an existing polling station. Such offices can display only one party flag and banner with party symbols/ photographs. The size of banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner/ hoarding etc.; then the lower size prescribed by local law shall prevail. The Expenditure Observer should closely monitor to ensure that expenditure on it is properly booked in the account of candidate.

9. Single window system - In this connection attention is drawn to ECI's instructions in letter No.464/INST/2014-EPS, dated 20th March 2014. The Commission has now directed that all application seeking permissions under under IT platform 'Suvidha' shall have to be disposed off within 24 hours.
10. Use of space in Railway Stations, Bus Stands, Airports, Bridges-Railway and Roadways, Govt. Buses, Govt. and Public buildings, Electric and Telephone Poles, Municipal / local bodies' buildings, space and assets for political advertisement.

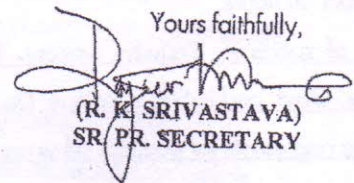
ECI's instructions No.437/6/INST/2015-CCS, dated 29th December 2015 forbids any display of election posters, hoardings, banners, etc., in any Government/PSU premises even if it is a commercial space. The commercial spaces of Govt. and Public Sector Undertakings (PSUs) during election periods cannot be used for displaying political advertisements. The above instruction further clarifies that In case there is no specific provision in the by-laws of PSUs or in their agreements with the advertisement agencies to whom they let out space for advertisement for prohibiting display of political advertisement, the PSUs may be instructed to add a Para in their commercial agreements with commercial agencies/companies while providing space on lease to the advertisement agency for placing commercial advertisements that *"No political advertisement shall be displayed/pasted at the space provided on lease for commercial advertisement like airports, railway stations, Inter State/Local Bus Stands, Govt. transportation post offices, Government hospitals/dispensaries etc. (except on main highways, main roads etc.) during the period of Model Code of Conduct. If there is any political advertisement in the provided space, the same shall be removed immediately on enforcement of the Model Code of Conduct."*

In the case of Halls/Auditoriums/Meeting venues owned/controlled by the Government/ local authorities/PSUs/Cooperatives, ECI instruction number 3/7/2008 dated 7.10.2008, inter alia, provides that if the law/guidelines governing their use do not preclude political meetings therein, there is no objection to it but, it shall be ensured that the allocation is done on equitable basis and that there is no monopolization by any political party or candidates. In such venues, displaying of banners, buntings, flags, cut-outs, may be permitted during the period of meetings subject to any restrictions under the law/guidelines in force. Such banners, flags, etc. shall be got removed by the party/individual who used the premises immediately after conclusion of the meeting, and in any case within a reasonable period after the meeting is over. Permanent/semi-permanent defacement such as wall writing/pasting of posters etc. shall not be permitted in such premises. *The Commission*

reiterates the aforesaid instructions. The ECI Observers shall closely monitor compliance and will specifically mention it in their reports to ECI.

Kindly inform all concerned and give due publicity and ensure compliance in letter and spirit.

Yours faithfully,



(R. K. SRIVASTAVA)
SR. PR. SECRETARY

ELECTION COMMISSION OF INDIA

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

1. 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. Organising 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 organised by other parties. Workers or sympathisers of one political party shall not create disturbances at public meetings organised 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) Organisers 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. Organisers 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 ordinary be on deviation from the programme.
- (2) The organisers shall give advance intimation to the local police authorities of the programme so as to enable the letter to make necessary arrangement.

(3) The organisers 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 organisers 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 organised 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 organisers 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 fourty 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 .The 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 maidans 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 favour 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 authorised agent.

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 बाधाएं 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 प्रतिबंधात्मक 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 रुकावट 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, रुके 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 कार्यकर्त्ताओं 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 कार्यकर्त्ताओं 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 उपक्रमों 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 निदेश 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 इन 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 मतधिकार 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 जिन्हे पूरा करना संभव हो सके ।

FREQUENTLY ASKED QUESTIONS (FAQs)

MODEL CODE OF CONDUCT

Q. 1. What is the Model Code of Conduct?

Ans. The Model Code of Conduct for guidance of political parties and candidates is a set of norms which has been evolved with the consensus of political parties who have consented to abide by the principles embodied in the said code and also binds them to respect and observe it in its letter and spirit.

Q. 2. What is the role of Election Commission in the matter?

Ans. The Election Commission ensures its observance by political party(ies) in power, including ruling parties at the Centre and in the States and contesting candidates in the discharge of its constitutional duties for conducting the free, fair and peaceful elections to the Parliament and the State Legislatures under Article 324 of the Constitution of India. It is also ensured that official machinery for the electoral purposes is not misused. Further, it is also ensured that electoral offences, malpractices and corrupt practices such as impersonation, bribing and inducement of voters, threat and intimidation to the voters are prevented by all means. In case of violation, appropriate measures are taken.

Q. 3. From which date the Model Code of Conduct is enforced and operational upto which date?

Ans. The Model Code of Conduct is enforced from the date of announcement of election schedule by the Election Commission and is operational till the process of elections are completed.

Q. 4. What is applicability of code during general elections and bye-elections?

Ans.

- a. During general elections to House of People (Lok Sabha), the code is applicable throughout the country.
- b. During general elections to the Legislative Assembly (Vidhan Sabha), the code is applicable in the entire State.
- c. During bye-elections, the code is applicable in the entire district or districts in which the constituency falls.

- Q 5. What are the salient features of the Model Code of Conduct?**
Ans. The salient features of the Model Code of Conduct lay down how political parties, contesting candidates and party(s) in power should conduct themselves during the process of elections i.e. on their general conduct during electioneering, holding meetings and processions, poll day activities and functioning of the party in power etc.

ON OFFICIAL MACHINERY

- Q 6. Whether a Minister can combine his official visit with electioneering work?**

Ans. No
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.

- Q 7. Whether Govt. transport can be used for electioneering work?**

Ans. No
No transport including official air-crafts, vehicles etc. shall be used for furtherance of the interest of any party or a candidate.

- Q 8. Whether Govt. can make transfers and postings of officials who are related to election work?**

Ans. There shall be a total ban on the transfer and posting of all officers/officials directly or indirectly connected with the conduct of the election. If any transfer or posting of an officer is considered necessary, prior approval of the Commission shall be obtained.

- Q 9. Suppose an officer related to election work has been transferred by the Govt. before enforcement of model code of conduct and has not taken over charge at new place. Can such officer take over charge of office at new place after announcement of the code?**

Ans. No
Status-quo-ante shall be maintained.

Q. 10. Whether a Minister of Union or State can summon any election related officer of the constituency or the State for any official discussion during the period of elections?

Ans. No Minister, whether of Union or State, can summon any election related officer of the constituency or the State for any official discussions anywhere.

If Union Minister is traveling out of Delhi on purely official business, which cannot be avoided in public interest, then a letter certifying to this effect should be sent from the concerned Secretary of the Ministry/Department to the Chief Secretary of the concerned State, with a copy to the Election Commission.

Q. 11. Can an official meet the minister on his private visit to the Constituency where elections are being held?

Ans. No

Any official who meets the Minister on his private visit to the constituency 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.

Q. 12. Whether Ministers are entitled for official vehicle during the election?

Ans. 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.

Q. 13. Whether Ministers or any other political functionaries can use pilot car with beacon lights affixed with siren?

Ans. Minister or any other political functionary is not allowed during election period, to use pilot car or car with beacon lights of any colour or car affixed with sirens of any kind whether on private or official visit, even if the State administration has granted him a security cover requiring presence of armed guards to accompany him on such visit. This prohibition is applicable whether the vehicle is government owned or private owned.

14. Suppose there is a visit of President / Vice President at any place in the State. Is a Minister allowed to use VIP Car with other protocol?

Yes

The Minister may leave with VIP car and other protocol from his headquarters to the place of visit of President/ Vice President and return to his headquarters without attending any other function/meeting with any other political functionary. This restriction shall be applicable from the time he leaves the Headquarters and till he reaches back the headquarters.

15. Suppose a vehicle has been provided to Minister by the State and the Minister is given an allowance for maintenance of such vehicle. Can it be used by the Minister for election purposes?

Where a vehicle is provided by the State or the Minister is given an allowance for maintenance of the vehicle, he cannot use such vehicle for election.

16. Whether facility of official vehicles can be withdrawn from those ministers who violate the provisions of Model Code of conduct?

Yes

The Chief Electoral Officer shall also recover the cost of propulsion from the ministers who may misuse their official position.

17. Whether there is any restriction or visits of members of National Commission for Schedule Castes or any other similar National/State Commissions?

It is advised that all official visits of Members of such Commissions shall be deferred, unless any such visit becomes unavoidable in an emergent situation, till the completion of election exercise to avoid any misunderstanding that may arise in any quarters.

18. Whether members of Finance Commission of Govt. of India can visit State(s)?

Yes

Provided neither the press briefings nor press notes would be issued, highlighting the achievements of the State or otherwise.

Q. 19. Whether Chief Minister and other Ministers can attend New Year Day function (of the State), which is a State function?

Ans. No

Only Chief Secretary and other officials may participate and no political person including Chief Minister or Minister may participate in such function where Govt. funds are used.

Q. 20. Whether a Chief Minister/Minister/Speaker can attend a "State Day" function of a State?

Ans.

There is no objection provided that he does not make any political speech on the occasion and the function is to be conducted only by Govt. officials. No advertisement depicting the photograph of Chief Minister/Minister/Speaker shall be released.

Q. 21. Whether Governor/Chief Minister/Ministers can participate and address the Convocation function of University or Institute?

Ans.

Governor may participate and address the Convocation. Chief Minister or Ministers may be advised not to participate and address the Convocation.

Q. 22. Whether "Iftar Party" or any other similar party can be hosted at the residence of political functionaries, the expenses of which will be borne by State exchequer?

Ans.

No

However any individual is free by to host any such party in his personal capacity and at his personal expense.

Q. 23. Is there any restriction on address of Governor in the Assembly Session (budget)?

Ans.

No

ON WELFARE SCHEMES, GOVERNMENT WORKS ETC.

Q. 24. Is there any restriction on issue of advertisement at the cost of public exchequer regarding achievements with a view to furthering the prospects of the party in power?

Ans.

Yes

The advertisement regarding achievements of the party at the cost of public exchequer in the print and electronic media and the misuse of official mass media during the period of election is prohibited.

Q 25. Whether hoardings/advertisements etc. depicting the achievements of the party(s) in power at Centre/State Governments at the cost of public exchequer can be continued?

Ans. No

All such hoardings, advertisements etc. on display shall be removed forthwith by the concerned authorities. Further, no advertisements should be issued in the newspapers and other media including electronic media at the cost of public exchequer.

Q 26. Whether a Minister or any other authority can sanction grants/ payments out of discretionary funds?

Ans. No

Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced.

Q 27. Whether money can be withdrawn from treasury against the sanctioned amount from the discretionary funds of Ministers to prepare draft in the names of beneficiaries which may be disbursed after process of election is completed?

Ans. The funds may either be kept in "Personal Ledger Account" of the concerned Department or the release may be deferred till the completion of elections.

Q 28. Suppose work order has been issued in respect of a scheme or a programme. Can it be started after announcement of election programme?

Ans. Work shall not be started in respect of which work order has been issued before announcement of election but the work has actually not started in the field. If a work has actually started in the field that can be continued.

Q 29. Whether fresh release of funds under MPs/MLAs/MLCs Local Area Development Fund of any scheme can be made?

Ans. No

Fresh release of funds under MPs/MLAs/MLCs Local Area Development Fund of any scheme shall not be made in any area where election is in progress, till the completion of the election process.

Q. 30. There are various rural development programmes/schemes of Central government like Indira Awas Yojana, Sampoorna Grameen Rozgar Yojana, Swarnajayanti Gram Swarozgar Yojana, National Food for Work programme, National Rural Employment Guarantee Act. Are there any guidelines for implementation of these schemes/programmes?

Ans. Yes

Following guidelines shall be followed in respect of each scheme/programme as enumerated below:-

a) Indira Awas Yojana (IAY)

Beneficiaries, who have been sanctioned housing scheme under IAY and have started work, will be assisted as per norms. No new constructions will be taken up or fresh beneficiaries sanctioned assistance till the elections are over.

(b) Sampoorna Grameen Rozgar Yojana (SGRY)

Continuing works in progress may be continued and funds earmarked for such works can be released. In case of any Panchayat where all ongoing works have been completed and there is a requirement for taking up new wage employment works and where funds released directly to the Panchayats from the Ministry of Rural Development are available, new works can be started from approved annual action plan for the current year with the prior consent of the District Election Officer. From other funds, no new works shall be started.

c) Swarnajayanti Gram Swarozgar Yojana (SGSY)

Only those help groups which have received part of their subsidy/grant will be provided the balance installments. No fresh individual beneficiaries or SHGs will be given financial assistance till the elections are over.

(d) National Food for Work Programme(NFWP)

There is no objection for continuance of old works and sanction of new works in those districts where no elections have been announced. In those districts where elections have been announced and are in progress, only those works may be undertaken that have already started physically on ground, provided outstanding advance given for implementation of such works at a given time shall not exceed the amount equivalent to work for 45 days.

e) National Employment Rural Guarantee Act (NERGA)

The Ministry of Rural Development shall not increase the number of districts in which it is being implemented after announcement of elections. The job card holders will be provided employment in the ongoing work, if they demand work, after announcement of elections. In case no employment can be provided in ongoing works, the competent authority may start new work(s) from the shelf of projects that has been approved and inform the fact to concerned District Election Officer (DEO). No new work shall be started by the competent authority till such time employment can be given in ongoing works. In case no shelf of project is available or all works available on shelf have been exhausted, then the concerned competent authority shall make a reference to the Commission for approval through the concerned DEO. The competent authority shall also furnish a certificate to DEO to the effect that the new work has been sanctioned as no employment can be given to the job card holder in the ongoing work.

Q. 31. Whether a Minister or any other authority can announce any financial grants in any form or promises thereof or lay foundation stones etc. of projects or schemes of any kinds etc.?

Ans.

No

Ministers and other authorities shall not announce any financial grants in any form or promises thereof; or (except civil servants) lay foundation stones etc. of projects or schemes of any kind; or make any promise of construction of roads, provision of drinking water facilities etc. or make any ad-hoc appointments in Government, Public Undertakings etc.

In such case, senior Govt. Officer may lay foundation stone etc. without involving any political functionary.

Q. 32. A budget provision has been made for a particular scheme or the scheme has been sanctioned earlier. Can such scheme be announced or inaugurated?

Ans.

No

Inauguration/announcement of such scheme is prohibited during election period.

Q. 33. Whether ongoing beneficiary scheme can be continued?

Ans.

No

The processing of beneficiary oriented scheme, even if ongoing, shall be suspended during election period. Further, no fresh release of funds on welfare schemes and works should be made.

Q. 34. Suppose work order has already been issued for a scheme. Can work be started in respect of such scheme?

Ans. No work shall be started in respect of which even if work orders have already been issued, if the work has actually not started in the field. Work can start only after the completion of election process. However, if a work has actually started, that can be continued.

Q. 35. Is there any bar to release of payments for completed work?

Ans. There shall be no bar to the release of payments for completed work subject to the full satisfaction of the concerned officials.

Q. 36. How the Govt. may meet the emergency situation or unforeseen calamities, when there are restrictions for announcing welfare measures?

Ans. 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., Govt. may do so after obtaining prior approval of the Commission and all ostentatious functions shall be strictly avoided and no impression shall be given or allowed to be created that such welfare measures or relief and rehabilitation works are being undertaken by the Government in office with any ulterior motive.

Q. 37. Whether financial institutions funded, partially or wholly by the Governments can write off loans advanced to any individual, company, firm, etc.?

Ans. No
The financial institutions funded, partially or wholly by the Governments shall not take recourse to writing off loans advanced to any individual, company, firm, etc. Also, financial limits of such institutions, while granting or extending loans, should not be enhanced by issuing of loans indiscriminately to beneficiaries.

Q. 38. Whether tenders, auctions etc. relating to matters such as liquor vends, Tendu leaves and other such cases can be processed?

Ans. No
Processing of such cases should be deferred till the completion of election process in the concerned areas and the Govt. may make interim arrangements where unavoidably necessary.

Q 39. Suppose contract for Toll Tax is expiring at the end of financial year (31st March of the year), for which auction date has already been proposed/advertised. Whether auction can be held for awarding the contract?

Ans. Yes
Provided the contract is supervised by the Commissioner/Divisional Commissioner or some other senior District Officer directly answerable to the Commissioner/Divisional Commissioner and there is no change in the earlier policy or auction procedure.

Q 40. Whether meeting of Municipal Corporation, Nagar Panchayat, Town Area Committee, etc. can be convened to review the revenue collection and preparing draft annual budget etc?

Ans. Yes
Provided that at such meetings only the matters of routine nature relating to day-to-day administration may be taken up and not the matters relating to its policies and programmes.

Q 41. Whether function regarding "Stop TB" programme can be held which may be inaugurated by a political functionary and whether an advertisement on "World TB Day" can be released and published?

Ans. There is no objection provided —
i. during the inauguration ceremony, no political speeches are made,
ii. no advertisement with photographs of PM and / or any Minister is issued, and
iii. advertisements and speeches are confined to the subject of combating and eradication of TB only.

Q. 42. Whether political functionaries can participate in the celebration of "Sadbhavna Diwas" which is celebrated through out the country?

Ans. The Central Ministers / Chief Minister / Ministers in the States and other political functionaries can participate in the celebration of "Sadbhavna Diwas" subject to condition that the "theme" of their speeches should be confined only to the promotion of harmony among the people' and no political speech should be made. Messages, if any, issued in the name of Minister should be confined to the theme of national integration only and should carry no photograph of the concerned Minister.

Q. 43. Whether State-level functions can be held for observance of Martyrdom of Martyrs which may be presided/attended to by Chief Minister / Minister?

Ans. Yes

Provided that the speeches of the Chief Minister and other Ministers should restrict to the Martyrdom of the Martyrs and praising them. No political speech or speech enumerating or referring to the achievements of the Government or party in power should be made.

Q. 44. Whether birthday celebration of Shri Babu Jagjivan Ram and Dr. B.R. Ambedkar which falls on 5th April and 14th April respectively as a State function may be conducted?

Ans. Yes

Provided it is not used as an occasion for political campaign or highlighting public achievements of the Govt. and also there is no ostentation and no political functionary addresses such meetings. The above restriction shall be equally applicable in all such other functions.

Q. 45. Whether Kavi Sammelan, Mushiaras or other cultural functions can be organized in connection with the Independence Day/Republic Day celebration and whether political functionaries can attend the same?

Ans. Yes

The Central Ministers / Chief Minister / Ministers in the States and other political functionaries can attend the programme. However, it will be ensured that no political speeches highlighting the achievements of the party in power are made on the occasions.

Q 46. Whether films can be telecast on the occasions of birth and death anniversaries / ceremony anniversaries of prominent leaders in which VVIPs/VIPs may likely to feature?

Ans. May not be telecast, in case the coverage involves VVIPs/VIPs.

Q 47. Whether media campaign can be made for effective implementation of statutory warnings, etc. on sale of cigarettes and other tobacco products?

Ans. Yes

Provided that photos/messages of political personalities etc. shall not be associated with the campaign.

Q 48. Whether political advertisements can be printed on back side of the bus-ticket of Govt. owned buses?

Ans. No

Q 49. Whether Govt. can release convicted criminals on parole after following due procedures?

Ans. If the Govt. feels that the release of any convict on parole is absolutely essential for certain compelling reasons, in that case Govt. shall consult the Chief Electoral Officer before granting parole.

Q 50. Whether minimum support price of wheat and other agricultural products can be determined?

Ans. A reference in the matter shall be made to the Election Commission.

Q 51. Whether the Government can proceed and act upon the following indicative illustrative list of items, which is not exhaustive, without obtaining clearance/approval from the Election Commission?

- (i) ✓ Extension of term of an official for further period except officials related to conduct of elections,
- (ii) Enhancement of minimum penalty in case of ticket less travel,
- (iii) Sanctioning of grants to consumer co-ordination council from consumer welfare fund to organize a conference on world consumer rights day,
- (iv) Issuing advertisement regarding pulse polio immunization programme,
- (v) Seeking financial assistance from National Calamity Contingency Fund for drought relief measure-deputing of Inter-Ministerial team of officers to visit concerned State,
- (vi) Request of the State Govt. for transportation of water and fodder by Rail in areas declared drought affected,
- (vii) ✓ Promotion of officials by convening DPC and filling regular posts falling due to retirement, deputation, etc.,
- (viii) ✓ Appointment of persons on compassionate grounds in pursuance of Court's orders,
- (ix) Celebration of "May-Day",
- (x) ✓ Providing additional charge of office of one officer to another one,

- (xi) To call and finalize tenders of routine, repair maintenance, strengthening and upgradation public utilities being run by the local authorities,
- (xii) Replacement/repair or damaged water supply distribution pipes,
- (xiii) To issue work order of construction of public facilities and public toilets on BOT basis in pursuance of Court's directions,
- (xiv) To conduct the election of college students union,
- (xv) Clearance of unauthorized structure/land as per orders of Court,
- (xvi) Release of advertisement for activities relating to control of HIV/AIDS,
- (xvii) Release of advertisement to create awareness about important provisions of labour laws,
- (xviii) Purchase of uniform clothes and equipments for Police and awarding of Tender thereof,
- (xix) Commencement of desilting of drain/cattle ponds
- (xx) Grant of financial upgradation under assured career progression scheme to employees,
- (xxi) Calling of tenders for work to control mosquitoes
- (xxii) Transfer/posting of doctors,
- (xxiii) To shift criminals from one jail to other jail in pursuance of Court's orders,
- (xxiv) To form Committee for stock of chemical fertilizer for Kharif and Rabi crops ,
- (xxv) To purchase medicine and equipments for hospitals for which grants have already been sanctioned and tenders for which were already called for.
- (xxvi) Recruitment rally to enroll youth into the Army,

Ans.

Yes

Provided that no impression is given or created that the same has been done with a view to influencing the electorate in favour of ruling party. Further, in the case of advertisements, photo of Minister/political functionary should not be contained therein.

52. Whether the Government can proceed and act upon the following indicative illustrative list of items, which is not exhaustive, without obtaining clearance from the Commission?

- (i) Issuing sanction orders to out of turn PCO/Telephone connections and to nominate members to various Telephone Advisory Committees which were ordered by the minister before the elections.
- (ii) Issue of appointment order to a person as a part time non-official Director on the board of PSU after Cabinet's approval.
- (iii) Fixing of tariff for Major Port Trusts by Tariff Authority for major ports.
- (iv) Sanctioning of grants From Consumer Welfare fund to eligible voluntary consumer organizations as per guidelines.
- (v) Implementation of SEZ rules and regulations
- (vi) Publication of a booklet titled "Year of Achievement of the Department" highlighting the salient achievement of the Department,
- (vii) Anganwadi Karyakartri Bima Yojana, an insurance scheme under the LIC's social security group scheme for anganwadi workers and helpers,
- (viii) Appointment of Central Govt. nominees to the General Council as well as Executive Committee of National Council for Teachers Education,
- (ix) Recruitment drive only for wards of serving/retired service personnel as a welfare measures for troops.
- (x) Issue of advertisements in newspapers and video & audio spots on generic advertisement of processed food,
- (xi) Issue of Notification for setting up a new Promotion Council for pharmaceutical sector,
- (xii) Appointment of a person as a Sr. Consultant from a Private Company as Head of the internal system group to review the ongoing projects and E-

Ans. No
The processing of aforesaid items may be deferred till the completion of elections.

Q. 53. Whether State Govt. can seek clarification/clearance/approval in respect of any proposal directly from the Election Commission?

Ans. No
Any proposal from State Govt. for seeking clarification/clearance/approval from the Election Commission should only be routed through Chief Electoral Officer, who will make his recommendation or otherwise in the matter.

ELECTION CAMPAIGN

Q. 54. What are the main guidelines for political parties/candidates while making election campaign?

Ans. During the election campaign, no party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic. Further, 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.

Q. 55. Are there any restrictions in using religious places for election propaganda?

Ans. Yes
Religious places like Temple, Mosque, Church, Gurudwara or other places of worship shall not be used as forum for election propaganda. Further, there shall be no appeal to caste or communal feelings for securing votes.

Q. 56. Can a candidate go to the office of Returning Officer for filing a nomination with a procession?

Ans. No
The maximum number of vehicles that will be allowed to come within the periphery of 100 mtrs. of Returning Officer's office has been restricted to 3 and maximum number of persons that will be allowed to enter the office of Returning Officer has been limited to 5 (including the candidate).

Q 57. How many persons are allowed at the time of scrutiny of nominations by the Returning Officer?

Ans. The candidate, his election agent, one Proposer and one other person (who can be an advocate) duly authorized in writing by the candidate, but no other person, may attend at the time fixed for scrutiny of nominations by Returning Officer.

(Refer: Sec. 36 (1) of Representation of People Act, 1951)

Q 58. Are there any guidelines regarding use of vehicles by ministers/political functionaries/candidates, who have been provided security cover by the State?

Ans. Yes

In respect of persons covered by security, the use of State owned one bullet proof vehicle for the particular person (PP) will be permitted in all cases where the security agencies, including the intelligence authorities, have prescribed such use. The use of multiple cars in the name of stand-by should not be permitted unless so specifically prescribed by security authorities. The cost of propulsion of such bullet proof vehicles where such use of bullet proof vehicles is specified will be borne by the particular person. The number of vehicles to accompany the carcade including pilots, escorts etc. will be strictly in accordance with the instructions laid down by the security authorities and shall not exceed them under any circumstances. The cost of propulsion of all such vehicles, whether owned by Government or hired vehicles, will be met by the State Government.

The restrictions do not apply to the Prime Minister whose security requirements are governed by the Government's Blue Book.

Q 59. Whether there is any restriction for plying of vehicles for electioneering purposes?

Ans. Candidate can ply any number of vehicles (all mechanized/motorized vehicles including two-wheelers) for the purpose of election campaign but he has to seek prior approval of the Returning Officer for plying such vehicles and must display permit issued by Returning Officer in original (not photocopy) prominently on the windscreen of the Vehicle. The permit must bear the number of the vehicle and name of the candidate in whose favour it is issued.

- Q. 60. Whether a vehicle for which permission has been taken for election campaign in the name of a candidate, can be used for election campaign by another candidate?**
- Ans.** No
Use of such vehicle for election campaign by another candidate shall invite action under section 171H of Indian Penal Code.
- Q. 61. Can a vehicle be used for electioneering purposes without getting permit from the District Election Officer/Returning Officer?**
- Ans.** No
Such vehicle shall be deemed to be unauthorized for campaigning by the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately out of the campaigning exercise and shall not be used for further campaign.
- Q. 62. Whether there is any restriction on use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies?**
- Ans.** Use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies is not allowed.
- Q. 63. Is external fitting/modification allowed in the vehicles used for campaigning?**
- Ans.** External modification of vehicles including fitting of loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules as well as other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc. can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.
- Q. 64. Is there any restriction or use of rest houses, dak bungalows or other Govt. accommodation for campaign office or for holding any public meeting for the purpose of election propaganda?**

Ans. Yes

Rest houses, dak bungalows or other Govt. accommodation shall not be monopolized by the party in power or its candidates and such accommodation shall be allowed to use by other parties and candidates but no party or candidate shall be allowed to use as campaign office.

Further, it shall be ensured that –

- (i) no functionary can use the Circuit House, Dak bungalow to set up campaign office as the Circuit Houses/Dak bungalows are only for temporary stay (boarding and lodging) during transit of such functionaries,
- (ii) even casual meeting by Members of political parties inside the premises of the Government owned guesthouse etc. are not permitted and any violation of this shall be deemed to be a violation of the Model Code of Conduct,
- (iii) only the vehicle carrying the person allotted accommodation in the guest house and not more than two other vehicles, if used by the person, will be permitted inside the compound of the Guest House,
- (iv) rooms should not be made available for more than 48 hours to any single individual, and
- (v) 48 hours before the close of poll in any particular area, there will be freeze on such allocations till completion of poll or re-poll.

Q. 65. Are there any conditions for getting Govt aircraft/helicopters (including Public Sector Undertakings) by political parties/candidates?

Ans. Yes

While allowing the chartering of Govt. aircrafts/helicopters to political parties/candidates or private companies etc., the following conditions should be followed:-

i There should be no discrimination between the ruling party on the one hand and the other parties and contesting candidates on the other.

ii The payment will be made by the political parties or the contesting candidates and proper record maintained.

iii The rates and terms and conditions should be uniform for all.

iv The actual allotment should be made on the first-come first-served basis. For this purpose, the date and time of receipt of the application should be noted down by the authorized receiving authority.

v In the rare case when both the date and time of two or more applicants is the same, the allotment will be decided by draw of lots.

vi No individual, firm, party or candidate will be allowed to charter the aircraft/helicopter for more than three days at a time.

Q. 66. Is there any restriction on displaying poster, placard, banner, flag etc of the party concerned or the candidate on a public property?

Ans. Candidate may display poster, placard, banner, flag etc of the party concerned or the candidate on a public property subject to provisions of local law and prohibitory orders in force. For details, refer Commission's instructions No.3/7/2008/JS-II, dated 7.10.2008.

Q. 67. If local law/bye-laws permit wall writings and pasting of posters, putting up hoardings, banners etc. on private premises/properties, is it necessary to obtain prior written permission from the owner of the premises/properties?

Ans. Yes

Candidate is required to obtain prior written permission from the owner of the properties/premises and photocopy(ies) of such permission should be submitted within 3 days to the Returning Officer or an officer designated by him for the purpose.

Q 68. Is there any restriction on displaying/carrying poster/ placard/ banner/flag of the party concerned or of the candidate on the vehicle during the procession?

Ans. Candidate may display /carry one poster/placard/banner/flag of Candidate's party/or his own on vehicle during the procession subject to conformity with the provisions of Motor Vehicle Act and any other local laws/bye-laws.

Q 69. Whether there is any ban on use of plastic sheets for making use of posters/banners during the election campaign?

Ans. The political parties and candidates should try to avoid the use of plastic/polythene for preparation of posters, banners etc. in the interest of environmental protection.

Q 70. Is there any restriction on the printing of pamphlets, posters etc?

Ans. Yes
Candidate shall not print or publish, or cause to be printed or published any election pamphlet or poster which does not bear on its face names and addresses of the printer and the publisher thereof.

(Refer : Section 127A of Representation of 1951)

Q 71. Whether there is any restriction on air dropping of leaflets/pamphlets by the Political parties/candidates?

Ans. No
Provided that all the expenses in this regard have been booked against the election expenses of the candidate, on whose behalf the leaflets/pamphlets are being dropped.

Q 72. Is wearing of special accessories like cap, mask, scarf etc. of a candidate permitted during the campaigning?

Ans. Yes, provided they are accounted for in the election expenses of the candidate concerned. However supply and distribution of main apparels like saree, shirt, etc. by party/candidate is not permitted as it may amount to bribery of voters.

Q 73. Whether dummy ballot units of EVM can be prepared by the candidate for the purpose of educating the voters?

Ans. Yes
The dummy ballot units may be made of wooden, plastic or ply board boxes, half the size of the official ballot units and may be painted brown, yellow or grey.

Q. 74. Whether there is restriction to display to the public any election matter by means of cinematograph, television or other similar apparatus?

Ans. Yes

Candidate can not display to the public any election matter by means of cinematograph, television or other similar apparatus during the period of 48 hours ending with the hour fixed for the conclusion of poll.

(Refer: Sec. 126 of Representation of People Act, 1951)

Q. 75. Whether a candidate can print and distribute the diary/calendar/sticker depicting his image or image of Gods/ deities etc.

Ans. No

This will amount to bribery under section 171E of Indian Penal Code.

Q. 76. Whether distribution of printed "Stepney Covers" or other similar material containing symbol of party/candidate or without depicting it, is a violation?

Ans. Yes

In case, it is established that such material have been distributed, a complaint may be filed before the area Magistrate by District Administration against the distribution of the said material under section 171 B of the IPC.

Q. 77. Are there conditions/guidelines for setting up and operating of Temporary Offices by Party or candidate?

Ans. Yes

Such offices can not be opened by way of any encroachment either on public or private property/ in any religious places or campus of such religious places/ contiguous to any educational institution / hospital / within 200 meters of an existing polling station. Further, such offices can display only one party flag and banner with party symbol/photographs and the size of the banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc., then the lower size prescribed by local law shall prevail.

Q 78. Is there any restriction on the presence of political functionaries in a constituency after campaign period is over?

Ans. Yes

After the closure of campaign period (starting from 48 Hrs. before closure of poll), political functionaries etc. who have come from outside the constituency and who are not voters of the constituency should not continue to remain present in the constituency. Such functionaries should leave the constituency immediately after campaign period is over. This will not apply in the case of candidate or his election agent even if they are not voters in the constituency.

Q 79. Is such restriction applicable in the case of office bearer of a political party who is in-charge of election in the State?

Ans. Yes

However, such restriction is not insisted upon during the general elections to Lok Sabha/State Assembly only in respect of the office bearer who is in-charge of the State during the election period. Such office bearer shall declare his place of stay in the State Headquarters and his movement during the period in question shall remain confined normally between his party office and place of his stay. **The above restrictions will be applicable to all other functionaries in all elections.**

Q 80. Whether there is any restriction for holding public meeting or taking out processions?

Ans. Yes.

Prior written permission should be obtained from the concerned police authorities for holding of a meeting at any public or private place and for taking out processions.

Q 81. Whether loudspeakers can be used for public meetings or for processions or for general propaganda without obtaining permission from Police authorities?

Ans. No.

Prior written permission should be obtained from the concerned police authorities for using loudspeakers.

Q. 82. Whether there is any time limit for using loudspeakers?

Ans. Yes.

Loudspeaker can not be used at night between 10.00 P.M. and 6.00 A.M.

Q. 83. What is the deadline after which no public meetings and processions can be taken out?

Ans. Public meetings cannot be held after 10 PM and before 6.00 AM. Further, Candidate can not hold public meetings and processions during the period of 48 hours ending with the hour fixed for the conclusion of poll. Suppose, poll day is 15th July and hours of poll are from 8.00A.M to 5.00 P.M., then the public meetings and processions shall be closed at 5.00 P.M on the 13th July.
(Refer: Sec. 126 of Representation of People Act, 1951)

Q. 84. Whether there are any guidelines for political parties/candidates for issue of unofficial identity slips to voters?

Ans. Yes.

The unofficial identity slip, on white paper, shall contain only the particulars of the voter i.e. name, Serial number of voter, part No. in the electoral roll, s.no. and name of Polling Station and date of Poll. It should not contain the name of candidate, his photograph and symbol.

Q. 85. Is there any restriction on appointment of a Minister/M.P./M.L.A/M.L.C or any other person who is under security cover as an Election Agent/Polling Agent/Counting Agent?

Ans. Yes

A candidate cannot appoint a Minister/M.P./ MLA/MLC or any other person who is under security cover, as an election/polling agent/counting agent, as his personal security shall be jeopardized with such appointment, because his security personnel will not under any circumstances be permitted to accompany him into the 100 meter perimeter of polling stations described as the "Polling Station Neighborhood" and within the polling booth and campus of counting centre and within the counting centre. Also any person having security cover will not be allowed to surrender his security cover to act as such agent of a candidate.

Q 86. Is a candidate allowed to appoint persons as polling agents from anywhere?

Ans. No

Such person who is appointed by the candidate as a polling agent must be an ordinarily resident and elector of the concerned polling station area only and not from outside the concerned polling area. Such person must also have Elector's Photo Identity Card.

However, in the case of polling stations exclusively manned by the women polling personnel, the restriction of resident of same polling area shall not be applied for.

Q 87. Who is the authority to issue permits to Star Campaigners (Leaders) of the Political Parties who avail benefit under Section 77(1) of R.P Act, 1951?

Ans.

In case the mode of road transport is to be availed of by Star Campaigners (Leaders) of political, the permit will be issued centrally by the Chief Electoral Officer. If such party applies for issue of permit for the same vehicle to be used by any leader for election campaigning throughout the State, the same may be issued for such vehicle centrally by the Chief Electoral Officer, which will be prominently displayed on windscreen of such vehicle(s) to be used by concerned leader(s). If different vehicles are to be used by such party leaders in different areas, then the permit can be issued against the name of the person concerned who will display it prominently on the windscreen of the vehicle being used by such leader.

Q 88. Whether Opinion poll or Exit poll can be conducted, published, publicized or disseminated at any time?

Ans. No

The result of any opinion poll or exit poll conducted shall not be published, publicized or disseminated in any manner by print, electronic or any other media, at any time-

(a) during the period of 48 hours ending with the hour fixed for closing of poll in an election held in a single phase; and

(b) in a multi-phased election, and in the case of elections in difference States announced simultaneously, at any time during the period starting from 48 hours before the hour fixed for closing of poll in the first phase of the election and till the poll is concluded in all the phases in all States.

Q. 89. Whether there is any restriction for transmitting Short Messages Service (SMSs)?

Ans. Yes

Transmitting objectionable messages on SMSs during election is prohibited. For objectionable SMSs which may violate the law and ECI instructions issued in this behalf, the police authorities shall advertise special mobile numbers on which the receiver of such SMS can forward the said SMS with the mobile number of sender. The police authorities shall take action under the law.

POLL DAY

Q. 90. Are there any guidelines for setting up of election booth by candidate/political parties near polling station on the day of poll?

Ans. Election booth can be set up beyond a distance of 200 meters from the polling stations, only with 1 table and 2 chairs with an umbrella or a piece of tarpaulin or cloth to protect the two occupants. Only one banner (3 x 41^{1/2} feet) can be displayed showing the name of the candidate/ party / election symbol at the booth. However, two election booths can be set up, if more than two polling stations have been set up in a building

Q. 91. Is it necessary to obtain written permission of the concerned Government authorities or local authorities for setting up of election booth?

Ans. Yes

It is necessary to obtain the written permission of the Government authorities concerned or local authorities before setting up of such booths. Written permission must be available with the persons manning the booth for production before the police /election authorities concerned on demand.

Q. 92. Is there any restriction of canvassing in or near polling station?

Ans. Yes

Canvassing for votes etc. within a distance of one hundred meters of polling station is prohibited on the day of poll.
(Refer : Section 130 of Representation of 1951)

93. Whether the use of mobile phone is allowed in the polling station?

No person is allowed to either carry or use mobile phones, cordless phones, wireless sets etc. in 100 meter perimeter of the polling stations described as the "polling station neighborhood" and within the polling booth.

Only Observer/Micro Observer, Presiding Officer and security personnel are allowed to carry mobile phone but they will keep their mobile phones in silent mode.

94. Is there any restriction of going armed to or near polling station?

Yes

No person is allowed to go armed with arms as defined in Arms Act 1959 of any kind within the neighborhood of a polling station on the day of poll.

(Refer: Section 134B of Representation of 1951)

95. How many vehicles a candidate is entitled for on the day of poll?

(i) For an election to the House of the People, a candidate will be entitled to:

(a) One vehicle for candidate's own use in respect of the entire constituency.
One vehicle for use of candidate's election agent for entire constituency.

(b) In addition, one vehicle for use of candidate's workers or party workers, as the case may be, in each of the assembly segments comprised in the Parliamentary Constituency.

(ii) For an election to the State Legislative Assembly, a candidate will be entitled to:

(a) One vehicle for candidate's own use

(b) One vehicle for use of candidate's election agent

(c) In addition, one vehicle for use of candidate's workers or party workers.

96. If the candidate is absent from the constituency on the day of poll, can the vehicle allotted in his name be used by any other person?

No

Vehicle allotted for candidate's use is not allowed to be used by any other person.

Q. 97. Can any type of entitled vehicle be used on the day of poll?

Ans. No

The candidate or his agent or party workers or workers will be allowed to use only four/three/two wheeler vehicles i.e. cars (of all types), taxis, auto rickshaws, rickshaws and two wheelers. In these vehicles not more than five persons including drivers are allowed to move on the day of poll.

Q. 98. Whether Political Party/Candidate can make arrangements for transporting voter to and from Polling Station?

Ans. No.

Any arrangement, direct or indirect, to carry any voter to or from polling station by any kind of vehicle used for transport is a criminal offence.

(Refer: Sec. 133 of Representation of People Act, 1951)

Q. 99. Whether there are restrictions on plying of Govt./private vehicles on the poll day?

Ans. No

Public transport like buses, minibuses are allowed to ply but it should be ensured that they are not used clandestinely for the conveyance of voters. Further, private cars, taxis carrying passengers to places other than polling booths like hospitals, airports, railway stations, bus stands, friends and relations houses, clubs, and restaurants will be allowed on the road. But they should not be allowed to come clandestinely near the polling areas for the conveyance of voters.

Q. 100. Can a leader of Political party use private fixed-wing aircraft and helicopters for the purposes of supervising and monitoring the polling and counting process on the day of poll and counting?

Ans. No

Leader of a political party is not allowed to use private fixed-wing aircraft and helicopters for the purposes of supervising and monitoring the polling and counting process on the day of poll and counting.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

INST/2007-PLN-I

Dated: 07.01.07

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.

DOS

- (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 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