

राजस्थान राज्य पथ परिवहन निगम
परिवहन मार्ग, मुख्यालय, जयपुर

यू.ओ.नोट

विषय:-आगामी लोकसभा आम चुनाव, 2024 आदर्श आचार संहिता के प्रावधानों की पालना बाबत।

प्रसंग:-मुख्य निर्वाचन अधिकारी, राजस्थान, जयपुर के पत्र क्रमांक एफ 3(1) (9)प्रथम/निर्वा/2024/1277 दिनांक 13.02.2024, 1278 दिनांक 13.02.2024, 1280 दिनांक 13-02-2024 एवं 1281 दिनांक 13.02.2024 के संबंध में।

उपरोक्त प्रासंगिक विषयान्तर्गत निवेदन है कि मुख्य निर्वाचन अधिकारी राजस्थान सरकार से लोकसभा आम चुनाव 2024 आदर्श आचार संहिता के प्रावधानों की पालना बाबत प्राप्त पत्र की छायाप्रति संलग्न कर आवश्यक कार्यवाही हेतु प्रेषित की जा रही है।

अतःकृपया आदर्श आचार संहिता प्रभाव में रहने के दौरान आयोग के दिशा निर्देशों की पालना कराने का श्रम करावें।

संलग्न:- उपरोक्तानुसार।

(राहुल जैन)
उप महा प्रबंधक (कार्मिक)

कार्यकारी निदेशक (याता/विधि/यांत्रिक)
वित्तीय सलाहकार,
अधीक्षण अभियन्ता (निर्माण),
उप महा प्रबंधक (प्रशासन/आई.टी./सांख्यिकी),
कार्यकारी प्रबंधक (),
राजस्थान परिवहन निगम, मुख्यालय, जयपुर।
यू.ओ.नोट क्रमांक:-00808/मु./प्रशा./सामा./2024/45
दिनांक:- 20/2/24

I.T./351
21/02/24

Signature valid

RajKaj Ref
5696709



Digitally signed by Rahul Jain
Designation: Deputy General
Manager
Date: 2024.02.21 14:45 IST
Reason: Approved

राजस्थान सरकार
निर्वाचन विभाग

①

एफ 3.1(9)प्रथम/निर्वा/2024/ 1277

जयपुर, दिनांक: 13-2-24

प्रेषक : मुख्य निर्वाचन अधिकारी
राजस्थान, जयपुर।

प्रेषित : मुख्य सचिव
राजस्थान सरकार
जयपुर।

समस्त अतिरिक्त मुख्य सचिव/प्रमुख शासन
सचिव/ शासन सचिव
राजस्थान सरकार

: महानिदेशक, पुलिस
राजस्थान, जयपुर।

समस्त अध्यक्ष/प्रबन्ध निदेशक/निदेशक/सचिव
बोर्ड/आयोग/निगम राजस्थान
समस्त संभागीय आयुक्त, राजस्थान।

समस्त संभागीय आयुक्त,
राजस्थान।

समस्त जिला निर्वाचन अधिकारी
(कलक्टर्स) राजस्थान।

विषय : लोकसभा आम चुनाव, 2024 —नई योजनाओं की घोषणा— वित्तीय एवं
प्रशासनिक मामलों पर प्रतिबंध के संबंध में।

महोदय,

विषयान्तर्गत निवेदन है कि लोकसभा आम चुनाव, 2024 निकट भविष्य में सम्पन्न होने है। आगामी लोकसभा आम चुनाव के कार्यक्रम की घोषणा के साथ ही आदर्श आचार संहिता प्रभावी हो जायेगी, जो निर्वाचन प्रक्रिया की समाप्ति तक प्रभावी रहेगी। चुनाव कार्यक्रम की घोषणा की सूचना भारत निर्वाचन आयोग की राजकीय वेबसाईट पर उपलब्ध रहेगी साथ ही आपको विभाग द्वारा सूचना दे दी जायेगी तथा मीडिया के माध्यम से भी इसकी सार्वजनिक जानकारी हो जायेगी।

आदर्श आचार संहिता के प्रभावी रहने के दौरान भारत निर्वाचन आयोग के पत्रांक 437/6/2009-CC&BE दिनांक 05.03.2009, पत्रांक 437/6/23/2004 PLN. III दिनांक 11.03.2004 एवं 437/6/1/2014-CC&BE दिनांक 05.03.2014 में नई योजनाओं की घोषणा एवं वित्तीय और प्रशासनिक मामलों पर प्रतिबंध के संबंध में दिशा निर्देश प्रदान किये गये हैं, साथ ही भारत निर्वाचन आयोग की Manual on Model Code of Conduct, March 2019 पुस्तिका के अध्याय-05 में निर्वाचन की घोषणा पर आदर्श आचार संहिता के तहत नई योजनाओं/परियोजनाओं की घोषणा पर तथा साथ ही नई राहत देने पर भी रोक है। आयोग ने निर्देश दिया है कि मंत्री एवं अन्य प्राधिकारियों द्वारा किसी भी रूप में किसी भी वित्तीय अनुदान की घोषणा नहीं करेंगे, उनके बोलचाल नहीं करेंगे, किसी भी प्रकार की परियोजनाओं या योजनाओं की आधारशिला आदि नहीं रखेंगे, निशुल्क अथवा रियायती पट्टा जारी एवं संपत्ति नहीं करेंगे एवं किसी भी संस्था अथवा व्यक्ति को भूमि आवंटन नहीं करेंगे, सड़कों के निर्माण, पेयजल की सुविधा आदि का कोई वायदा नहीं करेंगे, जिनका उद्देश्य सत्ताधारी दल के पक्ष में मतदाताओं को प्रभावित करना हो आदि के संबंध में आयोग द्वारा विस्तृत दिशा-निर्देश दिये गये हैं, जिनकी प्रति संलग्न कर प्रेषित की जा रही है।

Dum(P)

m/m

15/2/24

EO(P)

19/2/24

AD (JAP)

JAP (JAP)

19/2/24

19/2/24

19/2/24

19/2/24

(1)

आदर्श आचार संहिता प्रभाव में रहने के दौरान उक्त निर्देशों की पालना सुनिश्चित करावें। साथ ही समस्त प्रशासनिक विभागों से भी यह अपेक्षा है कि वे अपने प्रशासनिक नियन्त्रणाधीन गठित समस्त बोर्ड, आयोग, निगम आदि निकायों में भी इन निर्देशों की पालना सुनिश्चित कराते हुए सभी संबंधित को तदनुसार निर्देशित करावें।

संलग्न : उपरोक्तानुसार

भवदीय,

(प्रवीण गुप्ता)

मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

एफ 3.(1)(9)प्रथम/निर्वा/2024/ 1277

जयपुर, दिनांक: 13-2-24

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित हैं।

1. संयुक्त मुख्य निर्वाचन अधिकारी (आई.टी.), निर्वाचन विभाग को पत्र की प्रति विभाग की वेबसाईट पर अपलोड कराने हेतु प्रेषित हैं।

उप मुख्य निर्वाचन अधिकारी
राजस्थान, जयपुर।

CHAPTER 5

ANNOUNCEMENT OF NEW SCHEMES- RESTRICTION ON FINANCIAL & ADMINISTRATIVE MATTERS

Main topics discussed in the Chapter:-

- Consolidated Guidelines
- Presentation of Annual Budget
- Announcement of Financial Grants/Concessions/Relief/ Subsidy Payment out of Discretionary Funds & MP/ MLA LADS
- Permission to Regular Financial Matters of Statutory Requirement
- Waiving Off of Recoveries and Bad Debts by State Government Financial Institutions
- Restriction on Ad Hoc Appointments
- Instances of Restriction on Other Administrative Decisions

5.1 Introduction

5.1.1 Model Code restricts announcement of new schemes/projects and also grant of new reliefs after the announcement of elections. The Election Commission has directed that ministers and other authorities shall not-

- ✓ announce any financial grants, in any form, or,
- ✓ make promises thereof, or,
- ✓ 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.,

which have the effect of influencing voters in favour of the party in power.

5.1.2 In 1993, the Election Commission cancelled all together a bye-election to Haryana State Assembly from Kalka Assembly constituency on the ground of announcement of certain new development schemes by the then Chief Minister of the State, in violation of Model Code. Almost simultaneously, the Election Commission also cancelled a bye-election from Ranipet Assembly Constituency in Tamil Nadu, where also, the then Chief Minister of the State announced certain new projects, in breach of Model Code.

- 5.1.3 The Election Commission has instructed the Chief Electoral Officers of States to obtain, within 72 hours of announcement of elections, list of all those works which have already been started on ground and also list of fresh work not started so far, for referencing, in case of validating any complaint on violation of Model Code.
- 5.1.4 These Model Code restrictions apply equally to new schemes and also ongoing schemes. But enforcement of Model Code cannot be given as an excuse for not commissioning of the public utility schemes which are at the stage of completion or for allowing them to remain idle. Commissioning of such schemes can be done by civil authorities without any fanfare or ceremonies and without associating political functionaries, though the political functionaries may attend the functions as ordinary participants. In a bye-election in Kerala in March-April 1994, on the Election Commission's directions, the new railway line between Thrissur and Guruvayoor in Kerala, which was scheduled to be inaugurated by the Prime Minister, was commissioned by the officials of the railways and state government. Similarly, during general election to Karnataka State Assembly in 2018, a reference was received from Ministry of Defence that the Defence Minister was proposed to grace a function at a Bangalore plant as Chief Guest and to hand over first metro train set to Chairman, Kolkata Metro Rail Corporation. The Election Commission directed to the Ministry to invite a civil servant as chief guest in the function and do the honours, with other standard conditions.
- 5.1.5 Where the funds are needed to make payments for the completed work, the release of such funds is not objected to. For instance, during the general election to the Karnataka legislative assembly in 2013, Union Ministry of Micro, Small and Medium Enterprises was allowed to release the margin money subsidy of Rs 26 crores to the Government of Karnataka under the Prime Minister's Employment Guarantee Programme as per the scheme guidelines, but without any publicity being given to such release of funds. Likewise, the Central government was permitted to release the remaining grant of Rs 15 crores to that state government under 'One Time Additional Central Assistance for Annual Plan 2012-13' without any publicity.

5.2 Consolidated Guidelines

5.2.1 During general elections to the House of the People and certain State Legislative Assemblies in 2009, on request from some State Governments for relaxation in instructions on humanitarian ground, the Election Commission revisited its existing instructions and issued consolidated guidelines with modifications or clarifications, wherever necessary, on 5 March 2009 (**Annexure VI**). These guidelines are as detailed below:

Financial matters

- (i) Model Code related directions shall be issued only by the Election Commission.
- (ii) The Cabinet Secretariat or any other government agency should reiterate and disseminate the directions of the Election Commission for compliance.
- (iii) All references from Government of India to the Election Commission shall be made preferably through the Cabinet Secretariat.
- (iv) In so far as reference from State Governments are concerned, the same shall be made to the Election Commission through the Chief Electoral Officer of the State concerned after getting cleared from the Screening Committee.
- (v) Reserve Bank of India may continue to take decisions unhindered on monetary policy issues.
- (vi) Ministry of Finance will need to take prior approval of the Election Commission on any policy announcements, fiscal measures, taxation related issues and such other financial relief. Similarly, other ministries and departments will need to take prior approval of the Election Commission before announcing any relief or benefit.
- (vii) The following types of existing works can be continued by the government agencies **without reference to the Election Commission:**

- (a) work-projects that have actually started on the ground after obtaining all necessary sanctions;
 - (b) beneficiary-projects where specific beneficiaries have been identified, by name, before coming of Model Code into force;
 - (c) registered beneficiaries of MNREGA may be covered under existing projects. New projects under MNREGA that may be mandated under the provisions of the Act may be taken up only if it is for the already registered beneficiaries and the project is already listed in the approved and sanctioned shelf of projects for which funds are also already earmarked.
 - (d) there shall be no bar to release of funds for the completed portion of any work subject to observance of laid down procedures and concurrence of Finance Department.
 - (e) payments directly to the hospitals from Chief Minister's Relief Fund/Prime Minister's Relief Fund, in lieu of direct cash payment to individual patients (beneficiaries), will be permissible without reference to the Election Commission;
- (viii) Following types of new works (whether beneficiary or work oriented) can be taken up **under intimation to the Election Commission only if they fulfill the given conditions before Model Code comes into effect** (in case of any of the conditions not being met, prior approval of the Election Commission shall be obtained).
- (a) full funding has been tied up;
 - (b) administrative, technical and financial sanctions have been obtained;
 - (c) tender has been floated, evaluated and awarded;
 - (d) in case there is contractual obligation to start and end the work within a given time frame and failing which there is an obligation to impose penalty on the contractor; and
 - (e) emergency relief works and measures that are aimed at

mitigating the hardships, directly and solely, of the persons affected in a disaster may be taken up under intimation to the Election Commission;

(ix) The following types of activities will require **prior permission of the Election Commission:**

- (a) new works and projects cannot be taken up from discretionary funds of whatever nature. (Discretionary fund, in this context, includes funds, which are provided for in the budget in a generic manner and for which no identified and sanctioned project exists prior to Model Code coming into effect)
- (b) proposals for revival of sick public sector undertakings, governmental takeover of enterprises, etc. (or any policy decision on similar lines) cannot be taken up
- (c) fresh auctions of liquor vends, etc., cannot be held even if the annual auction time falls within Model Code period. Where necessary, the government should make interim arrangements as provided in its respective laws;
- (d) area of operation of any existing project or scheme or programme cannot be extended or expanded;
- (e) no land allocation shall be made by the government to any entity, whether individual or an enterprise; and
- (f) signing an MOU or an agreement where the government is a party will also require prior clearance by the Election Commission.
- (g) tenders other than global tenders, if already floated may be evaluated but not finalized. If these are not floated, shall not be floated without prior permission of the Election Commission.
- (h) where works are to be undertaken or functions are to be held in fulfillment of international commitments, prior concurrence of the Election Commission shall be taken.

- (i) ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the persons affected at the current rates or scales of assistance presently in force, under intimation to the Election Commission. No change in the extant and prescribed scales of payments, however, shall be made in the existing rates or scales without prior permission of the Election Commission;
- (j) however, new works that may be necessitated by way of preventive measures to mitigate the likely effects of natural disasters, like repair of embankments, water channels etc. can be taken up only with prior permission of the Election Commission;
- (k) also, an area shall not be declared drought or flood affected or any such calamity affected without prior approval of the Election Commission. The extent of area already declared to be calamity-affected cannot be expanded without prior approval of the Election Commission; and
- (l) similarly, any selective assistance to a group of persons from the Chief Minister's Relief Fund/Prime Minister's Relief Fund will require prior approval of the Election Commission.
- (x) Global tenders already floated, can be evaluated and finalized where any time limits are specified for such purpose. Tenders other than global tenders, that are already floated may be evaluated but not finalized without prior approval of the Election Commission. If they are not already floated, they shall not be floated without prior approval of the Election Commission.
- (xi) While starting any work (including any relief work) or development activity, no formal function shall be held involving any political functionary. As a matter of good practice, normal functions and publicity even with the presence of official functionaries should be kept to the minimum.
- (xii) Regular recruitment or appointment or promotion through

the UPSC, State Public Service Commissions or Staff Selection Commission or any other statutory authority can continue. Recruitments through non-statutory bodies will require prior clearance of the Election Commission.

- 5.2.2 In subsequent General elections, these guidelines are being reiterated and issued with necessary additions/clarifications.

5.3 Presentation of Annual Budget

- 5.3.1 As per the established practice in the country, union budget for a fiscal year is presented to the Parliament in the month of February. The Election Commission, in deference to the State Legislatures, and having regard to convention and propriety, has not laid down any precept or prescribed a course of action for presentation of annual budgets, though an advisory was issued to all states at the time of 2009 general elections (Annexure VII).
- 5.3.2 In absence of clear and specific guidelines on this issue, different views have been taken during different elections. At several occasions in the past, presentation of annual budget was deferred. In January 2000, the Election Commission announced the programme for the general elections to the legislative assemblies of Bihar and Odisha. A session of the Bihar Legislative Assembly had already been called before the announcement of elections and that session was scheduled to commence on 10 January 2000. During that session, state budget was to be presented. However, the state government decided overnight not to present the budget or seek the vote-on-account in that session. Even the customary address of the Governor of the State to be made on the inaugural day of the session was substantially pruned down, so as to avoid any mentioning of the state government's achievements during the previous year or announcement of any new schemes or welfare measures in the coming year.
- 5.3.3 In some cases, State Governments and even the Parliament, instead of presenting full budget, sought only a vote on account for 3-4 months.
- 5.3.4 During general elections to Legislative Assemblies of Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh in January-March 2017, the Election Commission allowed the Union government to present budget

with the direction that no state specific schemes shall be announced in the national budget which may have the effect of influencing the electors of the five poll going states in favour of the ruling party(ies) and in the budget speech, the Government's achievements in respect of said five states will not be highlighted in any manner. It was also expected from the government that the advice given by the Election Commission in that letter No.437/6/INST/2009-CC&BE dated 9th March, 2009 will also be duly kept in view by the government at the time of the presentation of the budget (**Annexure VII**). During general elections to State Assemblies of Meghalaya, Nagaland and Tripura in 2018, the Election Commission allowed the presentation of union budget and related programme on AIR.

5.4 **Announcement of Financial Grants/Concessions/Relief/Subsidy**

5.4.1 The Election Commission invariably takes a humanitarian view on the works that are necessitated due to man made and natural calamities. It does not refuse approval for schemes undertaken for tackling emergencies or for 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 Election 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.

5.4.2 The Election Commission has directed (**Annexure VI**) that:

- (i) Ex-gratia payments and gratuitous relief in aftermath of a disaster can be given directly to the persons affected, at the current rates/scales of assistance presently in force, under intimation to the Election Commission. No change in the extant and prescribed scales of payments, however, shall be made in the existing rates/scales without prior permission of the Election Commission.
- (ii) The Election Commission has no objection to release of PM's/CM's Relief Fund for the medical treatments, provided selection

of beneficiaries/patients are done by the concerned Government officials/head of the concerned private hospitals. Payment directly to the hospitals from CM's/PM's Relief Fund, in lieu of direct cash payment to individual patients (beneficiaries) will be permissible without reference to the Election Commission.

- (iii) Emergent relief works and measures that are aimed to mitigate the hardships, directly and solely, of the persons affected in a disaster may be taken up under intimation to the Election Commission.
- (iv) However, new works that may be necessitated by way of preventive measures to mitigate the likely effects of natural disasters, like repair of embankments, water channels etc. can be taken up only with prior permission of the Election Commission.
- (v) Also, an area shall not be declared drought/flood affected or any such calamity affected without prior approval of the Election Commission. The extent of area already declared to be calamity-affected cannot be expanded without prior approval of the Election Commission.
- (vi) Similarly, any selective assistance to a group of persons from the Prime Minister's/Chief Minister's Relief Fund will require prior approval of the Election Commission.
- (vii) Ministers and other authorities shall not sanction grants/payments out of discretionary funds.

5.4.3 Implementation of relief work in drought affected areas:- During 2004 general elections, the Election Commission approved the following modalities of implementing relief work in areas which have been declared as "drought affected" (**Annexure VIII**):-

- (i) The drought relief works by way of immediate relief measures to be taken up by the State Governments shall only be in the areas which have been declared as "drought affected" within the parameters laid down under the guidelines for managing of Calamity Relief Fund by the Central Government. No new areas are to be added to the existing list of such "drought affected" areas after the announcement of elections. Addition of any additional

area/village will only be subject to obtaining prior concurrence of the Election Commission after following due procedure for seeking assistance under the Calamity Relief Fund/ National Relief Fund specified by the Government of India for operation of such funds.

- (ii) To provide immediate relief in the areas declared as drought affected, the Election Commission approved the following measures on provisional basis:-
 - (a) Provision of drinking water by way of water tankers.
 - (b) Digging of bore-wells as well as dug-wells in scarcity areas on account of drying of the existing bore-wells/dug-wells.
 - (c) Provision of rice/wheat at prescribed rates for distribution among the destitute without support and who cannot go for work as per mechanism already prescribed in the Calamity Relief Fund Scheme.
 - (d) Provision of fodder for cattle.
 - (e) New works on wage employment (Food for work etc.) where such existing works have been completed.
- (iii) No minister of the Government or a political functionary will be associated in the management of the drought relief operations in any capacity, supervisory or otherwise.
- (iv) The entire relief operation would be taken up by the Division, District and Taluka/sub-District Administration without involving elected representatives and/or non-officials at any level.

5.5 Payment out of Discretionary Funds & MP/MLA LADS

- 5.5.1 The constitutional validity of the members of Parliament Local Area Development (MPLAD) Scheme was questioned before the Supreme Court in *Bhim Singh v Union of India and Ors.* It was contended that the scheme gave unfair advantage to sitting members of Parliament in as much as they could utilize the funds available to them to induce voters in their favour. However, the Supreme Court rejected the contention and

observed that spending from the MPLAD fund is subject to provisions of the Representation of the People's Act, 1951 and regulations of the Election Commission. In this connection, the Election Commission has instructed that no new schemes shall be sanctioned under the MPLAD scheme during the period Model Code is in force. Even where some sanction under the scheme has already been granted but the work has not commenced on ground at the time of coming into force of the Model Code, such work shall not be taken up and executed till completion of the election.

5.5.2 Release of funds under the MPLAD Schemes will be subject to the following restrictions (**Annexure IX**):-

- (i) No fresh release of funds under MPLAD (including Rajya Sabha members) 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' LAD Fund shall be made, if any such scheme is in operation, till completion of election process.
- (ii) No work shall start in respect of which work orders have been issued before the period Model Code comes in operation but the work has actually not started in the field. These works can start only after completion of election process. However, if a work has actually started, that can continue.
- (iii) There shall be no bar to the release of payments for completed work(s) subject to full satisfaction of the concerned officials.
- (iv) 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.

5.6 Permission to Regular Financial Matters of Statutory Requirement

The Election Commission allowed revision of wages rates under MGNREGA during general election to Karnataka State Assembly 2018 with subject to the standard conditions, as it is an annual feature and does not involve any new policy. Similarly, issue of notification on recommendation of Committee on GST Council meeting was permitted as the said financial matter was of statutory requirement with all India bearing. Likewise, the Election Commission also

permitted increase of EPF credit rate and reduction in rate of administrative charges payable by employer under EPF scheme.

5.7 Waiving Off of Recoveries and Bad Debts by State Government Financial Institutions

The Election Commission has taken a view that financial institutions funded, partly or wholly, by the State Governments should not take recourse to writing off loans advanced to any individual, company, firm, etc. during the period when Model Code is in force, without the prior concurrence of the Election Commission. Similarly, the financial limits that these institutions have to adhere to while granting or extending loans should not be enhanced by issuing of loans indiscriminately to beneficiaries during Model Code period.

Administrative Matters

5.8 Restriction on Ad Hoc Appointments

- 5.8.1 Model Code envisages that during the period of its operation, no ad hoc appointments in government, public undertakings, etc. shall be made, which may have the effect of influencing the voters in favour of the party in power.
- 5.8.2 The policy of the Election Commission, has been that it does not object to the appointments/regular recruitment/promotions made on the results or recommendations of the Union or State Public Service Commissions, Staff Selection Commission or other such statutory bodies or regular promotions on the recommendations of departmental promotion committees. But in certain cases, even regular appointments being made in the normal course on the basis of due selection by the authorities concerned have been deferred till after the completion of elections.
- 5.8.3 Recruitment through non-statutory bodies will require prior clearance of the Election Commission. Normally, wherever the Election Commission considers that the matter is not of extreme urgency and could wait till the completion of the election process, it advises the government to defer such appointments for the time being. Some of the important proposals of appointments so deferred by the Election Commission

during elections held in past years was:-

- (i) reconstitution of the Delhi Urban Art Commission,
- (ii) reconstitution of the National Board for Wildlife,
- (iii) restructuring of the Brahmaputra Board into the Brahmaputra River Basin Authority,
- (iv) nomination of private individuals as chairmen of the governing councils of four new National Institutes of Design,
- (v) appointment of member in the National Commission For Scheduled Tribes,
- (vi) appointment of the Chairman, Central Board of Film Certification,
- (vii) appointment of advisory panel members in the Regional Centres of CBFC and
- (ix) nomination of three non-official members of the Central Silk Board.

5.9 Instances of Restriction on Other Administrative Decisions

- 5.9.1 The Election Commission did not permit modification of lists of 'other backward classes (OBC)' and such other special categories of people by some of the state governments at the time of the general election to the House of the People in 1998, as that could be construed and perceived as being done with a view to influencing certain sections of the electorate and providing unfair advantage to the ruling parties.
- 5.9.2 Similarly, the setting up of the National Commission for Welfare of Socially and Economically Backward Sections among Religious and Linguistic Minorities by the Central Government in October 2004 when general elections were in progress to some state legislative assemblies, was considered by the Election Commission as violation of Model Code.
- 5.9.3 Likewise, the Election Commission did not accept proposals of the governments of Madhya Pradesh and Haryana for creation of some new districts on the eve of the general elections to the state legislative assemblies in 2003 and 2005, respectively.

ANNEXURE- VI**(CHAPTER – 5 ANNOUNCEMENT OF NEW SCHEMES- RESTRICTION ON FINANCIAL & ADMINISTRATIVE MATTERS)**

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

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

Sir,

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

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

registered beneficiaries and the project is already listed in the approved and sanctioned shelf of projects for which funds are also already earmarked.

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

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

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

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

ANNEXURE- VII

(CHAPTER – 5 ANNOUNCEMENT OF NEW SCHEMES- RESTRICTION ON FINANCIAL & ADMINISTRATIVE MATTERS)

ECI letter No.437/6/INST/2009-CC&BE dated 9th March, 2009 addressed to the Chief Secretaries and Chief Electoral Officers of all States and UTs

Subject: General Election to the Lok Sabha-2009-Presentation of Budgets- Model Code of Conduct – reg.

As you are aware, the General Election to the Lok Sabha, 2009 has been announced by the Commission and Model Code of Conduct has come into force w.e.f. 2nd March, 2009. The Commission has received many references from various States in respect of the introduction of the Budget for the year 2009-10.

2. The Commission would like to point out the prevalent convention that is followed in most of the States is that instead of presenting full budget, only a vote on account is taken for 3-4 months in cases where a General Election is imminent or when the process of General Election has been announced and the Model Code of Conduct is in operation. It contributes to a healthy democratic practice.
3. The Commission, in deference to the State Legislatures, and having regard to such a convention and propriety, would not like to lay down a precept or prescribe a course of action. However, it would advise, in the case of States that are going for Assembly polls, that a vote on account should be taken.
4. The above instructions may be brought to the notice of all concerned and the receipt of this letter may please be acknowledged.

ANNEXURE- VIII

(CHAPTER - 5 ANNOUNCEMENT OF NEW SCHEMES- RESTRICTION ON FINANCIAL & ADMINISTRATIVE MATTERS)

Election Commission's letter No. 437/6/23/2004 PLN.III, dated 11.03.2004 addressed to the Chief Secretaries of Andhra Pradesh, Karnataka, Maharashtra, Tamil Nadu & Jharkhand.

Subject: General Elections 2004 - Implementation of drought relief work -regarding.

The Commission has been receiving various representations from the State Governments regarding the modalities of implementing relief work in areas which have been declared as "drought affected" in the respective States. The Commission after taking into account all relevant factors, directs the following :-

- (i) The drought relief works by way of immediate relief measures to be taken up by the State Governments shall only be in the areas which have been declared as "drought affected" within the parameters laid down under the guidelines for managing of Calamity Relief Fund by the Central Government. No new areas are to be added to the existing list of such "drought affected" areas after the announcement of elections on February 29th 2004. Addition of any additional area/village will only be subject to obtaining prior concurrence of the Commission after following the due procedure laid down for seeking assistance under the Calamity Relief Fund/ National Relief Fund laid down by the Government of India for operation of such funds.
- (ii) To provide immediate relief in the areas declared as drought affected, the Commission has provisionally approved the following measures:-
 - (a) Provision of drinking water by way of water tankers.
 - (b) Digging of bore-wells as well as dug-wells in scarcity areas on account of drying of the existing bore-wells/dug-wells.
 - (c) Provision of rice/wheat at prescribed rates for distribution among the destitute without support and who cannot go for work as per mechanism already prescribed in the Calamity Relief Fund Scheme.
 - (d) Provision of fodder for cattle.
 - (e) New works on wage employment (Food for work etc.) where such existing

works have been completed.

- (iii) No minister of the Government or a political functionary will be associated in the management of the drought relief operations in any capacity, supervisory or otherwise, during period of operation of the model code of conduct.
- (iv) The entire relief operation would be taken up by the Division, District and Taluka/sub-District Administration without involving elected representatives and/or non-officials at any level.

Kindly ensure compliance of the directions of the Commission and acknowledge.

ANNEXURE- IX

(CHAPTER – 5 ANNOUNCEMENT OF NEW SCHEMES- RESTRICTION ON FINANCIAL & ADMINISTRATIVE MATTERS)

Election Commission's letter no. 437/6/1/2014-CC&BE dated 05.03.2014 addressed to The Cabinet Secretary, The Secretary Department of Programme Implementation and the Chief Secretaries/Chief Electoral Officers of all States and Union Territories

Subject: General Elections to Lok Sabha 2014 and State Legislative Assemblies of Andhra Pradesh, Odisha and Sikkim - Release of funds under MPs' /MLAs' Local Areas Development Scheme

I am directed to refer to the Commission's Press Note No. ECI/PN/10/2014, dated 5th March, 2014 (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 Election to Lok Sabha and to the Legislative Assemblies of the States of Andhra Pradesh, Odisha and Sikkim including certain bye-elections.

2. The Commission has considered the release of funds under the Member of Parliament Local Area Development Schemes and has decided that-
 - 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.

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

राजस्थान सरकार
निर्वाचन विभाग

जयपुर, दिनांक: 13-2-24

एफ 3.1(1)(9)प्रथम/निर्वा/2024/ 1278

प्रेषक : मुख्य निर्वाचन अधिकारी

राजस्थान, जयपुर।

प्रेषित : मुख्य सचिव

राजस्थान सरकार

जयपुर।

समस्त अतिरिक्त मुख्य सचिव/प्रमुख शासन
सचिव/ शासन सचिव
राजस्थान सरकार

: आयुक्त एवं विशिष्ट शासन सचिव,
सूचना प्रौद्योगिकी एवं संचार विभाग,
राजस्थान, जयपुर।

समस्त अध्यक्ष/प्रबन्ध
निदेशक/निदेशक/सचिव
बोर्ड/आयोग/निगम, राजस्थान

: राज्य सूचना विज्ञान अधिकारी,
(NIC) सचिवालय, जयपुर।

विषय : लोकसभा आम चुनाव, 2024 — सरकारी वेबसाइट/सरकारी
भवनों/विज्ञापनों पर फोटो एवं संदेश प्रदर्शन के संबंध में।

महोदय,

विषयान्तर्गत निवेदन है कि लोकसभा आम चुनाव, 2024 निकट भविष्य में सम्पन्न होने है। आगामी लोकसभा आम चुनाव के कार्यक्रम की घोषणा के साथ ही आदर्श आचार संहिता प्रभावी हो जायेगी, जो निर्वाचन प्रक्रिया की समाप्ति तक प्रभावी रहेगी। चुनाव कार्यक्रम की घोषणा की सूचना भारत निर्वाचन आयोग की राजकीय वेबसाइट पर उपलब्ध रहेगी साथ ही आपको विभाग द्वारा सूचना दे दी जायेगी तथा मीडिया के माध्यम से भी इसकी सार्वजनिक जानकारी हो जायेगी।

आदर्श आचार संहिता के प्रभावी रहने के दौरान भारत निर्वाचन आयोग ने अपने पत्रांक 437/6/INST/2014/CC&BE दिनांक 20.03.2014 एवं पत्रांक 437/6/2007(INST) PLN-III दिनांक 21.11.2007 के द्वारा सरकारी वेबसाइटों से राजनेताओं/मंत्रियों के सभी संदर्भों को हटाने से संबंधित अनुदेश प्रदान किये गये हैं। साथ ही भारत निर्वाचन आयोग की Manual on Model Code of Conduct, March 2019 पुस्तिका अध्याय 9, जिसमें सरकारी वेबसाइट/सरकारी भवनों/विज्ञापनों पर फोटो एवं संदेश प्रदर्शन, पानी के टैंकर, एम्बुलेन्स, वाहनों आदि पर नाम, फोटो एवं संदेश तथा MP LAD /MLA LAD योजनान्तर्गत प्रदत्त विभिन्न कार्ड, बिजली व अन्य बिल, किसी योजनान्तर्गत वितरित किये जाने वाले खाद्य पैकिट एवं इसी प्रकार की अन्य सामग्रियों/वस्तुओं पर विभिन्न राजनेताओं के फोटो या नाम हटाये जाने के संबंध में विस्तृत दिशा-निर्देश दिये गये हैं, जिनकी प्रति संलग्न कर प्रेषित की जा रही है। साथ ही यह भी आवश्यक रूप से सुनिश्चित किया जाना आवश्यक है कि राजकोष या लोक निधि से व्यय करके अखबारों अथवा मिडिया माध्यमों पर कोई विज्ञापन प्रकाशित नहीं किया जायेगा, जिससे किसी सत्ताधारी राजनैतिक दल का प्रचार हो।

(2)

आदर्श आचार संहिता प्रभाव में रहने के दौरान आयोग के उक्त निर्देशों की पालना सुनिश्चित करावें। साथ ही समस्त प्रशासनिक विभागों से भी यह अपेक्षा है कि वे अपने विभाग के नियन्त्रणाधीन गठित समस्त बोर्ड, आयोग, निगम आदि निकायों में भी इन निर्देशों की पालना हेतु समस्त संबंधित को तदनुसार निर्देशित करावें।

संलग्न : उपरोक्तानुसार

भवदीय,

(प्रवीण गुप्ता)

मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

एफ 3.1)(9)प्रथम/निर्वा/2024/ 1278

जयपुर, दिनांक: 13-2-24

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित हैं:-

1. जिला निर्वाचन अधिकारी (कलक्टर्स) राजस्थान।
2. संयुक्त मुख्य निर्वाचन अधिकारी (आई.टी.), निर्वाचन विभाग को पत्र की प्रति विभाग की वेबसाईट पर अपलोड कराने हेतु प्रेषित हैं।

13/2/24
उप मुख्य निर्वाचन अधिकारी
राजस्थान, जयपुर।

3

INSTRUCTION Sl.No.19

ECI letter No. 437/6/INST/2014/CC&BE, dated 20.03.2014 addressed to the Cabinet Secretary, Chief Secretaries and Chief Electoral Officers of all States and UTs.

Subject: Instructions relating to deletion of all references on politicians/Ministers on the official website during election period of General/Bye-election to the Lok Sabha and State Legislative Assemblies -reg.

I am directed to state that the Commission vide its letter No. 437/6/2007 (INST)-PLN-III, dated 21st November, 2007, issued instructions to deletion of all references on politicians/Ministers on the official website during election period of General/Bye-elections to the Lok Sabha and State Legislative Assemblies.

It has come to the notice of the Commission that the aforesaid instructions of the Commission are not being followed by Central and State Governments during election period. It is clearly mentioned in clause VII (iv) of Model Code of Conduct for guidance of Political parties and candidate:-

"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 purpose of its election campaign and in particular

(iv) Issues 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."

The Commission has considered the question of various references currently available in the Ministerial office website and in the State Government websites pertaining to several Department and Government Organization highlighting their achievements but eulogizing the same as personal achievements of Politicians/Ministers.

The Commission has decided that during the period when Model Code of Conduct is in force in connection with General Election to the Lok Sabha/State Legislative Assemblies currently going on, all references of Ministers, Politicians or Political Parties available on such Central/State Government's official website, shall be removed.

The above instruction of the Commission may kindly be communicated to all concerned for strict compliance.

5
INSTR. NO. SL No. 42

Election Commission's letter No. 437/6/2007(INST)-PLN-III Dated : 21st November, 2007 addressed to The Cabinet Secretary Government of India, the Chief Secretaries and the Chief Electoral Officers of all States and Union Territories.

Subject: Instructions relating to deletion of all references on politicians/Ministers on the official website during election period of General / Bye-Elections to the Lok Sabha and State Legislative Assemblies - regarding.

I am directed to state that the Commission has considered the question of various references currently available in the State Government websites/Ministerial official websites pertaining to several Department and Govt. Organization highlighting their achievements but eulogizing the same as personal achievements of Politicians / Ministers. The Commission has decided that during the period when model code of conduct is in force in connection with general election to the Lok Sabha /State Legislative Assemblies, all references to Ministers, Politicians or Political Parties available on such State Government /Central Government 's official websites, shall be taken off/ purged of. During bye-elections, these instructions may be confined to only those Politicians/Ministers, etc. who themselves become candidates at such bye- elections.

This may kindly be brought to the notice of all concerned for strict compliance.

Kindly acknowledge receipt.

CHAPTER 9

DISPLAY OF PHOTO/MESSAGE ON OFFICIAL WEBSITE/GOVT. BUILDINGS ADVERTISEMENTS

Main topics discussed in the Chapter:-

- Display of Photo/Message on Official Website
- Display of Photo/Message in Government Buildings
- Display of Photo/Message on Govt. Advt./Hoardings
- Whether Names/Photos can be Displayed on Mobile Objects Funded under MP/MLA LAD
- Display of Photos on Beneficiary Cards/Electric bills/Construction Site Plaques etc-
- Whether Images of National Leaders/Poets/Prominent Personalities of the Past can be Displayed
- Restriction on Use of Photographs of Defence Personnel

9.1 Introduction

The Election Commission has observed that official websites of Ministers and their offices/organizations, which carry material on personal achievements of the Ministers in their political/public life, continue to display the same during election period. It amounts to violation of Model Code provisions. The Election Commission has issued directives to regulate this type of political advertisements.

9.2 Display of Photo/Message on Official Website

9.2.1 The Election Commission has instructed that partisan coverage of ministers highlighting and eulogizing their personal achievements on various official websites of Govt. Departments and social media, in order to furthering the prospects of party in power should be scrupulously avoided during the period Model Code is in force.

9.2.2 Similarly, all references of Ministers, politicians or political parties available on Central/State Government's official website, shall be taken off/purged, of/covered/hidden/removed. The Chief Electoral Officers shall take immediate action to remove/hide photographs of any political functionary from official websites of state department (Annexure- XII).

During bye-elections, these instructions may be confined to only those politicians/ministers, etc. who themselves become candidates at such bye- elections.

- 9.2.3 In 2017, the Election Commission received a complaint that images of the Prime Minister and Minister of Housing & Urban Poverty Allevation were being displayed on website of Pradhan Mantri Awas Yojana, being completed in Uttar Pradesh. The Election Commission having considered the issue held that depiction of photographs of the Prime Minister and Ministers, as aforesaid, is in violation of Model Code and hence asked to remove such photographs immediately from the official website 'pmaymis.gov.in'.

9.3 Display of Photo/Message in Government Buildings

The Election Commission has also instructed that during Model Code period photographs of Prime Minister, Chief Ministers, ministers and other political functionaries many of whom are still active in public life and may be contesting elections should not be displayed in government buildings/premises as that would have the effect of disturbing the level playing field vis-à-vis the political functionaries of other parties and candidates.

9.4 Display of Photo/Message on Government Advertisements/Hoardings

The Election Commission has directed that "hoardings, advertisements, etc., put up by the Government which purport to give general information or convey general messages to the masses on family planning, social welfare schemes etc. may be allowed to be displayed. However, all those hoardings, advertisements, etc. which seek or purport to project achievements of any living political functionaries or political party and which carry their photos or name or party symbol should be removed forthwith as no political functionary or political party can use public resources and incur or authorize expenditure from public exchequer to eulogize himself or itself or enhance his/its own or any other political leader's personal image. Such hoardings, etc. undoubtedly amount to their individual/party election campaign at public cost.

9.5 Whether Names/Photographs can be Displayed on Mobile Objects Funded under MP/MLA LAD

The Election Commission has been receiving complaints that names of MPs/MLAs painted on mobile objects like water tanks, ambulances etc. funded under MPLAD/MLALAD schemes are moving on various places in election going States. The Election Commission has considered the matter and directed that the names of MPs/MLAs etc. appearing on such moving vehicles etc. should be covered suitably during the election period as such vehicles moving from one place to another may be considered as a form of election campaign in favour of the MP/MLA etc. concerned.

9.6 Display of Photos on Beneficiary Cards/Electric Bills/Construction Site Plaques etc-

9.6.1 The Election Commission has issued clarification in the matter as follows:-

- (i) Beneficiary cards distributed to beneficiaries, construction site plaques etc. erected during the enforcement of Model Code shall not contain photographs/messages of Chief Ministers, Ministers and other political functionaries. However, no interference is called for in respect of photos of political functionaries on beneficiary cards, construction site plaques etc. that are distributed/erected prior to the announcement of election.
- (ii) Similarly, electricity bills, water bills etc. to be generated after the enforcement of Model Code should not contain any photographs or messages/symbols of political functionaries/parties.

9.6.2 During 2017 general election to Goa State Assembly, the Election Commission received a complaint that hoardings with photographs of Prime Minister were displayed at petrol-pumps. The Election Commission issued necessary direction to remove the photographs. Likewise, on the basis of a news item appeared in print media, the Election Commission ordered to stop distribution of certificates displaying photograph of Prime Minister by oil companies to LPG gas consumers who had surrendered gas subsidy, in Uttarakhand during 2017 general election to the State Assembly.

9.7 Whether Images of National Leaders/Poets/Prominent Personalities of the Past can be Displayed

The Election Commission has clarified that while photographs of Prime Minister, Chief Ministers, Ministers and other political functionaries should not be displayed, this instruction, however, is not applicable with regard to the images of national leaders, poets, and prominent historical personalities of the past, or images of the President of India and the Governors and these may continue to be so displayed. A reference was received from DAVP in 2013— whether on the occasion of the death anniversary of former Prime Minister Smt. Indira Gandhi and the birth anniversary of Sardar Vallabhbhai Patel, their photograph and messages could be published in the advertisements. The Election Commission decided that there may be no objection to the publication of photographs and message related to the departed political leaders except those leaders who have passed away in the recent past.

9.8 Restriction on Use of Photographs of Defence Personnel

- 9.8.1 Ministry of Defence brought to the notice of the Election Commission that photographs of Defence personnel were being used by some political parties, their leaders and candidates in advertisements as part of their election propaganda and requested the Election Commission to issue suitable instruction in this regard.
- 9.8.2 The Election Commission maintained that photographs of Chief of Army Staff or any other Defence personnel or photographs of functions of Defence forces should not be associated with or used in advertisement/propaganda/campaigning or in any other manner in connection with elections by political parties and candidates. The Election Commission, accordingly, called upon all the political parties to advise their candidates/leaders to desist from displaying photographs of Defence personnel or functions involving them in advertisements, or otherwise, as part of their election propaganda/campaigning.

राजस्थान सरकार
निर्वाचन विभाग

एफ 3.1(9)प्रथम/निर्वा/2024/ 12.80

जयपुर, दिनांक: 13.2.24 ①

प्रेषक : मुख्य निर्वाचन अधिकारी
राजस्थान, जयपुर।

प्रेषित :

मुख्य सचिव
राजस्थान सरकार
जयपुर।

समस्त अतिरिक्त मुख्य सचिव/प्रमुख शासन
सचिव/ शासन सचिव
राजस्थान सरकार

: महानिदेशक, पुलिस
राजस्थान, जयपुर।

समस्त अध्यक्ष/प्रबन्ध निदेशक/निदेशक/सचिव
बोर्ड/आयोग/निगम राजस्थान
समस्त संभागीय आयुक्त, राजस्थान।

समस्त संभागीय आयुक्त,
राजस्थान।

समस्त जिला निर्वाचन अधिकारी
(कलक्टर्स) राजस्थान

विषय:- आगामी लोकसभा आम चुनाव, 2024 - आदर्श आचार संहिता एवं
सरकारी अधिकारी/कर्मचारीगणों के संबंध में।

प्रसंग:- भारत निर्वाचन आयोग के निर्देशों की पालना में 437/6/INST/2008-
CC&BE दिनांक 19.03.2009, 437/6/INST/2014/CC&BE दिनांक 18.
03.2014, 437/6/2006-PLN-III(Vol.II) दिनांक 01.04.2006, 437/6/98-
PLN-III दिनांक 23.01.1998 एवं 437/6/INST-2009/CC&BE दिनांक
26.04.2009

महोदय,

विषयान्तर्गत निवेदन है कि लोकसभा आम चुनाव, 2024 निकट भविष्य में सम्पन्न होने है। आगामी लोकसभा आम चुनाव के कार्यक्रम की घोषणा के साथ ही आदर्श आचार संहिता प्रभावी हो जायेगी, जो निर्वाचन प्रक्रिया की समाप्ति तक प्रभावी रहेगी। चुनाव कार्यक्रम की घोषणा की सूचना भारत निर्वाचन आयोग की राजकीय वेबसाईट पर उपलब्ध रहेगी साथ ही आपको विभाग द्वारा सूचना दे दी जायेगी तथा मीडिया के माध्यम से भी इसकी सार्वजनिक जानकारी हो जायेगी।

भारत निर्वाचन आयोग ने अपने प्रासंगिक पत्रों के द्वारा आदर्श आचार संहिता के प्रभावी रहने के दौरान राजकीय अधिकारी/कर्मचारीगणों के संबंध में निर्देश दिये गये है, जिनकी प्रति संलग्न कर प्रेषित की जा रही है।

आदर्श आचार संहिता प्रभाव में रहने के दौरान आयोग के उक्त निर्देशों की पालना सुनिश्चित करावे। साथ ही समस्त प्रशासनिक विभागों से भी यह अपेक्षा है कि वे अपने विभाग के नियन्त्रणाधीन गठित समस्त बोर्ड, आयोग, निगम आदि निकायों में भी इन निर्देशों की पालना हेतु समस्त संबंधित को तदनुसार निर्देशित करावे।

संलग्न:- उपरोक्तानुसार

भवदीय,

(प्रवीण गुप्ता)
मुख्य निर्वाचन अधिकारी
राजस्थान, जयपुर

ADG(GAP)/GAP(general)

19/2/24

Gen Section

19.2.24



INSTRUCTION SL. No. 8

ECI letter No. 437/6/INST/2008-CC&BE dated: 19th March, 2009 addressed to the Cabinet Secretary, Govt. of India, Chief Secretaries and Chief Electoral Officers of all States and UTs.

Sub: Applicability of Model Code of Conduct to Commissions, Corporations, Committees, etc

I am directed to state that the Commission has decided to clarify that the provisions of Model Code of Conduct apply to all organizations/committees, corporations/commissions etc, funded wholly or partially by the Central Govt. or any State Govt. like the Commonwealth Games Organizing Committee, DDA, Electricity Regulatory Commissions, Jal Boards, Transport Corporations, any other development authority etc. Any action in contravention of the provisions contained in the Model Code of Conduct for the political parties and candidates including any publication of its advertisements by them highlighting their achievements or announcing new subsidies, tariffs or schemes would attract the provisions of the Model Code of Conduct and tantamount to violation of the same.

30

INSTRUCTION SL.No.94

ECI letter No. 437/6/INST/2014/CC&BE, dated 18.03.2014 addressed to the Chief Secretaries and Chief Electoral Officers of all States and UTs.

Subject: Model Code of Conduct- Ban on Video Conferencing-reg.

I am directed to invite reference to the Commission's letter No. 437/6/2004- PLN III, dated 30-12-2004, on the above subject. In the said letter, it was directed that during the period of operation of MCC, no video-conferencing shall take place between the Chief Minister/ Ministers/ political functionaries of the Union and State Govts. with the officials.

2. The Commission has re-considered the matter in the light of certain requests to permit video-conferencing to assess/monitor situation in the event of natural calamity. The Commission has decided that in the immediate aftermath of any calamity of significant scale/magnitude, if video-conferencing is considered essential, then Chief Minister or Minister concerned may hold one video-conferencing with the officials concerned subject to the following conditions:-
 - (i) The CEO of the State shall be approached by the Department concerned and approval of the CEO should be obtained before holding the VC. For any subsequent VC, permission from the Commission shall be obtained;
 - (ii) Only the Collector/District Magistrate and senior officials in charge of the relief in connection with the natural calamity of the area concerned alone shall be called to attend the video-conferencing;
 - (iii) No issue other than rescue/relief and other aspects connected to the calamity shall be discussed in the VC;
 - (iv) No publicity whatsoever shall be given for the VC, either before or after the VC,
 - (v) The VC should not be open to media;
 - (vi) An Audio/Video recording of the proceedings of the VC shall be maintained by the Department concerned and a copy of the same given to the CEO;
 - (vii) No announcement or promise of any grant, assistance in cash or kind, and no statement of political nature or announcement capable of influencing the electors shall be made through the VC.
 - (viii) A representative of the CEO will be present during the VC.
3. It may be noted that the above exception is only in the immediate aftermath of a calamity of significant scale/magnitude, and the ban on video-conferencing by Ministers and political functionaries with the officials during the period of operation of MCC will continue to apply as generic principle.
4. These instructions may be brought to the notice of the State Govt. and all election officials in the State.

④
INSTRUCTION SL. No. 97

Election Commission's letter No. 437/6/2006-PLN-III (Vol. II) Dated: 1st April 2006 addressed to The Cabinet Secretary Government of India, the Chief Secretaries and the Chief Electoral Officers of all States and Union Territories.

Sub: Allotment of Govt. Guest House - reg.

Kindly refer to the instructions of the Commission issued as per letter no. 437/6/2006-PLN-III (Vol. II) dated 14th March 2006 stating that no accommodation will be provided to any Minister of the Central or State Government, Members of Parliament or Members of Legislative Assemblies or political functionaries in any Government Guest House / Rest House / Guest House of any Public Sector Undertaking of the Central or State Government in the States where elections have been announced or are taking place as these are required to accommodate election related officials and observers.

The Commission has now received representations from various States Governments and political functionaries requesting that these restrictions may be relaxed keeping in view the security concerns of various political leaders.

The Commission has further considered the issue in the light of the requests received and decided that henceforth accommodation in Government Guest houses / Rest houses or Guest Houses of Public Sector Undertakings of the Centre or State Government in the States (or the districts) where elections have been announced or are taking place can be given to the political functionaries who are provided security by the State in Z scale or above or equivalent by various State Government under provisions of their laws, on equitable basis. This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or observers. Some political functionaries shall not carry out any political activity while staying in the Government Guest Houses / Rest Houses or Guest Houses of Public Sector Undertakings as mentioned above.

INSTRUCTION SL. No. 123

5

Election Commission's letter No.437/6/98-PLN-III dated 23.01.1998 addressed to CEOs of all States and UTs.

Subject: Restrictions on tours /leave of the officers whose spouses are active in political arena

It has come to the notice of the Commission that there are several instances of officers belonging to the Indian Administrative Service, Indian Police Service and other State Government Senior officials whose spouses are active in the political arena either as candidates in elections or as active members of political parties.

The Commission in the interest of free and fair poll, directs that in all such cases the concerned officers should not leave their Headquarters either on leave or on tour till the elections are complete in all respects.

If for some reason they are required to leave their Headquarters then specific written permission of the Chief Secretary has to be obtained before they leave their Headquarters during the election period who should ensure that such officers do not get involved in any way with the political activities of their spouses.

Receipt of this letter may kindly be acknowledged.

①

⑥

⑬

INSTRUCTION SLNo.130

ECI letter No. 437/6/INST-2009/CC&BE, dated 26.04.2009 addressed to the Chief Secretaries and Chief Electoral Officers of all States and Union Territories.

Subject: General Election, 2009-Model Code of Conduct-briefing of CM/HM by police officers-reg.

I am directed to state that the Commission has issued instructions to the effect that security briefings of Chief Minister or the Home Ministers when considered essential should be undertaken by the Home Secretary or the Chief Secretary, who in turn should be briefed by the police agencies. The instruction further state that in case where police agency's/official's presence is considered essential, the Chief Secretary/Home Secretary may require the police agency/official to be present in such briefings.

2. The spirit behind the Commission's instruction is to safeguard a free, fair and transparent election and provide a level playing field to all political parties as also to ensure that there is no scope for public complaints that the political executive/government of the day is misusing the government machinery for political purpose. It is reiterated that these instructions should, however, not be construed as any restriction to any security related activity of the law and order enforcing agencies. Therefore, in situations where it is so warranted, the law and order enforcing agencies should not take the plea of ECI instructions for any inaction or delay in action to be taken by them. Whatever is required under the circumstances, including informing the political executives by the DGP and taking directions from them, should be undertaken by the police agencies in the bonafide performance of their duty or exercise of their authority.

This may be brought to the notice of all concerned.

राजस्थान सरकार
निर्वाचन विभाग

एफ 3.1(9)प्रथम./निर्वा/2024/ 1281

जयपुर, दिनांक: 13/2/24

प्रेषक : मुख्य निर्वाचन अधिकारी
राजस्थान, जयपुर।

प्रेषित : मुख्य सचिव
राजस्थान सरकार
जयपुर।

समस्त अतिरिक्त मुख्य सचिव/प्रमुख शासन सचिव/
शासन सचिव
राजस्थान सरकार

: अध्यक्ष एवं प्रबन्ध निदेशक
जयपुर मेट्रो रेल कॉर्पोरेशन लि0
जयपुर।

अध्यक्ष एवं प्रबन्ध निदेशक
राजस्थान राज्य विद्युत उत्पादन/प्रसारण नि0 लि0,
राजस्थान, जयपुर।

: राज्य सूचना विज्ञान अधिकारी
सचिवालय, जयपुर।

समस्त संभागीय आयुक्त,
राजस्थान।

विषय : लोकसभा आम चुनाव, 2024 आदर्श आचार संहिता के प्रावधानों की पालना
बावत।

प्रसंग : भारत निर्वाचन आयोग के पत्र क्रमांक 437/6/1/ECI/INST/FUNCT/MCC/2019
दिनांक 10 मार्च, 2019, 437/6/INST/2015-CCS दिनांक 29 दिसम्बर 2015,
437/6/INST/2012-CC&BE दिनांक 18 जनवरी, 2012, 3/7/2008 JS-II दिनांक
7 अक्टूबर, 2008, 437/6/1/2014-CC&BE दिनांक 5 मार्च, 2014,
437/6/INST/2014-CC&BE दिनांक 20 मार्च, 2014 एवं 464/INST/2014/EPS
दिनांक 10 अप्रैल 2014.

धूम (P) महोदय,

mjm

13/2/24

10(P)

13/2/24

701(GAD)
10 (General)

Gen. Secy

13/2/24

उपरोक्त विषयान्तर्गत निवेदन है कि लोकसभा आम चुनाव, 2024 निकट भविष्य में सम्पन्न होने
है। आगामी लोकसभा आम चुनाव के कार्यक्रम की घोषणा के साथ ही आदर्श आचार संहिता प्रभावी हो
जायेगी, जो निर्वाचन प्रक्रिया की समाप्ति तक प्रभावी रहेगी। आचार संहिता प्रभाव में रहने के दौरान
भारत निर्वाचन आयोग ने निम्नलिखित निर्देशों प्रदान किये गये हैं:-

1. सम्पत्ति का विरूपण: आयोग के प्रासंगिक पत्र दिनांक 07.10.2008, 18.01.2012 एवं 29.12.2015
(प्रतियों संलग्न) में दिये गये दिशानिर्देशों के अनुसार सम्पत्ति के विरूपण के रोकथाम का प्रावधान
है। आयोग ने अपने अनुदेशों का सख्ती से अनुपालन सुनिश्चित करने तथा समयबद्ध कार्यवाही
करने के लिए निम्नलिखित निर्देश दिये हैं:-

a. सरकारी सम्पत्ति का विरूपण:- सरकारी सम्पत्ति पर सभी प्रकार के दीवार लेखन, पोस्टर/पेपर
या किसी अन्य रूप में विरूपण, कटआउट/होर्डिंग, बैनर, झंडा आदि को निर्वाचन की घोषणा
से 24 घण्टे के भीतर हटा दिये जायेंगे। संलग्न-प्रपत्र-1

b. सार्वजनिक सम्पत्ति का विरूपण तथा सार्वजनिक स्थान का दुरुपयोग: सार्वजनिक सम्पत्ति तथा
सार्वजनिक स्थान जैसे रेलवे स्टेशन, बस अड्डा, हवाई अड्डा, पुल, रोडवेज, सरकारी बस,
बिजली/टेलीफोन का खंभा, स्थानीय निकाय का भवन आदि में दीवार लेखन/पोस्टर/पेपर
के रूप में सभी अप्राधिकृत राजनीतिक विज्ञापन या किसी अन्य रूप में विरूपण, कटआउट/
होर्डिंग, बैनर, झंडा आदि को आयोग द्वारा निर्वाचनों की घोषणा से 48 घंटे के भीतर हटा दिए
जाएंगे। संलग्न-प्रपत्र-2

निजी सम्पत्ति का विरूपण: निजी सम्पत्ति पर प्रदर्शित सभी अप्राधिकृत राजनीतिक विज्ञापनों
तथा स्थानीय विधि एवं न्यायालय के निर्देशों, यदि कोई हो, के अधीन सभी विज्ञापन आयोग
द्वारा निर्वाचनों की घोषणा से 72 घंटे के भीतर हटा दिए जाएंगे। संलग्न-प्रपत्र-3

2. राजकीय वाहनों का दुरुपयोग: आयोग के पत्र 464/INST/2014/EPS दिनांक 10 अप्रैल, 2014 (प्रति संलग्न) के द्वारा राजकीय वाहनों के दुरुपयोग के संबंध में विस्तृत दिशा निर्देश दिये गये हैं। किसी राजनैतिक दल अभ्यर्थी या निर्वाचन से जुड़े किसी अन्य व्यक्ति द्वारा निर्वाचन के दौरान प्रचार करने, निर्वाचन प्रचार सम्बन्धी कार्य या निर्वाचन सम्बन्धित यात्रा करने के लिए सरकारी वाहन के प्रयोग पर पूरी तरह से प्रतिबन्ध होगा। आयोग के सम्बन्धित दिशा-निर्देशों की पालना निर्वाचनों की घोषणा के 24 घण्टे के भीतर आवश्यक कार्यवाही सुनिश्चित करेंगे। संलग्न-प्रपत्र-1
3. सरकारी राजकोष की लागत पर विज्ञापन: भारत निर्वाचन आयोग के प्रासंगिक पत्र दिनांक 5 मार्च, 2014 (प्रति संलग्न) द्वारा यह निर्देश दिये गये हैं कि निर्वाचनों की घोषणा के तुरन्त बाद राजकोष से सरकार की उपलब्धियों बाबत प्रिन्ट, इलेक्ट्रॉनिक मीडिया एवं सोशल मीडिया में कोई भी विज्ञापन जारी नहीं किये जायें। यदि कोई विज्ञापन पूर्व में प्रकाशन हेतु जारी कर दिया है तो उसे प्रकाशित होने से तत्काल रोका जाये।
4. विभिन्न विभागों की अधिकारिक वेबसाइट्स पर फोटो एवं सन्देश: विभिन्न विभागों की वेबसाइट्स से मंत्री/राजनैतिक व्यक्तियों के सर्वर/फोटो हटाये जाने के संबंध में आयोग के निर्देश क्रमांक 437/6/INST/2014-CC&BE दिनांक 20 मार्च, 2014 (प्रति संलग्न) के अनुदेश में यह प्रावधान है निर्वाचनों की घोषणा के तुरन्त बाद से केन्द्र/राज्य सरकार की अधिकारिक वेब साइट पर उपलब्ध मंत्रियों, राजनीतिज्ञों या राजनैतिक दलों के सभी संदर्भों, फोटो को तत्काल प्रभाव से हटाकर पालना सुनिश्चित करेंगे।
5. विकास एवं निर्माण कार्यों से संबंधित गतिविधियाँ: आदर्श आचार संहिता प्रभाव में आ जाने के कारण कोई भी नवीन कार्य प्रारम्भ नहीं हो सकता है, और साथ ही किसी भी योजना में कोई नया लाभार्थी नहीं जोड़ा जा सकता है। आपके विभाग द्वारा पूर्व से चल रहे कार्यों एवं नवीन स्वीकृत कार्य जो अभी प्रारम्भ नहीं हुए हैं, की सूची निर्वाचन कार्यक्रम की घोषणा के 72 घण्टे की अवधि में इस विभाग को प्रेषित करावें तथा स्थानीय स्तर पर संबंधित जिले के जिला निर्वाचन अधिकारी (कलक्टर) को उपलब्ध करावें। संलग्न-प्रपत्र-4

आयोग के दिशा-निर्देशों के अनुसार निर्धारित समयावधि में कार्यवाही कर पालना रिपोर्ट इस विभाग को तथा जिला स्तर पर जिले के जिला निर्वाचन अधिकारी (कलक्टर) को उपलब्ध करावें। आयोग के उक्त निर्देशों से आप अपने विभाग के माननीय मंत्री/राज्य मंत्री/संसदीय सचिव को पालना हेतु अवगत करावें, साथ ही अपने अधीनस्थ विभागों/स्थानीय निकायों/सार्वजनिक उपक्रमों से भी आयोग के निर्देशों की पालना कराया जाना सुनिश्चित करावें।

संलग्न : उपरोक्तानुसार

भवदीय,

(प्रवीण गुप्ता)

मुख्य निर्वाचन अधिकारी
राजस्थान, जयपुर।

एफ 3.1(9)प्रथम/निर्वा/2024/1281

जयपुर, दिनांक: 13.2.24

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित हैं।

1. समस्त जिला निर्वाचन अधिकारी (कलक्टर), राजस्थान को प्रतिलिपि प्रेषित कर निवेदन है कि चुनाव कार्यक्रम की घोषणा के बाद आयोग के निर्देशों की पालना कराते हुए आयोग द्वारा दी गई निर्धारित अवधि में पालना रिपोर्ट प्राप्त करें और इस विभाग को भी प्रेषित करावें।
2. संयुक्त मुख्य निर्वाचन अधिकारी (आई.टी.), निर्वाचन विभाग को पत्र की प्रति विभाग की वेबसाइट पर अपलोड कराने हेतु प्रेषित हैं।

उप मुख्य निर्वाचन अधिकारी
राजस्थान, जयपुर।

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

By Spl. Messenger/mail

No. 437/6/1/EC/INST/UNCI/MCC/2019

Dated: 10th March, 2019

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi
2. The Chief Secretaries of all States and
Chief Secretaries/Administrators of Union Territories
3. The Chief Electoral Officers of
all States and Union Territories

Subject: Immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Elections to House of the People (Lok Sabha), 2019 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections regarding.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Election to House of the People (Lok Sabha), 2019 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections. Operation of 'MODEL CODE OF CONDUCT' comes into effect with the announcement of elections by the Commission. In view of the general elections, the Commission has given following directions for effective enforcement of provisions of MCC:

1. **Defacement of Property:** ECI instructions contained in letters, No. 437/6/INST/2015-CCS, dated 29th December, 2015, No. 437/6/INST/2012-CC&BE dated 18th January, 2012 and No. 3/7/2008 JS-II dated 7th October, 2008 provide for prevention of defacement of property. The Commission has directed to ensure strict compliance of its instructions and to take time bound action as prescribed below:-

4

(a) **Defacement of Government property**- For this purpose a Government premise would include any Government office and the campus wherein the office building is situated. All wall writing, posters/papers or defacement in any other form, cutout/hoardings, banners, flags etc. on Government property shall be removed within 24 hours from the announcement of elections.

(b) **Defacement of public property and misuse of public space**- All unauthorized political advertisement, in the form of wall writing/posters/papers or defacement in any other form, cutout/hoardings, banners flags etc. at public property and in public space like railway station, bus stands, Airports, railway Bridges, Roadways Govt. Buses, Electric/Telephone poles, municipal/local bodies' buildings etc., shall be removed within 48 hours from the announcement of elections by the Commission.

(c) **Defacement of private property**- All unauthorized political advertisement displayed at private property and subject to local law and court's directions, if any, shall be removed within 72 hours from the announcement of elections by the Commission.

2. **Misuse of official vehicle**- The ECI's Consolidated instructions contained in letter No. 464/INST/2014/EPS, dated 10th April 2014, among other things, provides that there shall be a total ban on use of official vehicle by any political party, candidate or any other person connected with election (except officials performing any election related official duty) for campaigning, electioneering or election related travel during elections (subject to certain exception mentioned therein). The expression official vehicle means and shall include, any vehicle used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise and will include trucks, lorries, tempos, jeeps, cars, auto rickshaws, e-rickshaws, buses, belonging to Central Government, State Government/UT Administrations, public undertakings of Central/State Government, joint sector undertakings of Central/State Government, local bodies, municipal corporations, marketing boards, cooperative societies or any other body in which public funds, however small a portion of the total, are invested. The CEOs/DEOs shall take necessary action for compliance of ECI instructions within 24 hours of the announcement of the elections.

3. **Advertisement at the cost of public exchequer**- ECI instructions contained in letters, No. 437/6/1/2014-CC&BE, dated 5th March, 2014 provides that 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

particular, round the clock personnel should be deployed in the control room and their duty roster must be issued to avoid any evasion or confusion.

8. **IT Application:** All IT applications including official website and social media shall be operational with the announcement.
9. **Dissemination of information for Awareness of Voters and political parties:** Publicity or major election activity would be given through CEO/DEO/RO. For this purpose, all necessary information shall be disseminated through radio, tv, cinema, Government channel to display voter education material.
10. **Active cooperation from Educational Institution and Civil Societies:** Cooperation can be sought from educational institution and civil societies for giving wide publicity to the election related information to the general public and other stakeholders.
11. **Media Centre:** Effort should be made for awareness among the voters, political parties and other stakeholder through media center about election system including use of EVM/VVPAT.
12. **MCMC/DEMC:** ECI instruction contained in letter no. 491/MCMC/2014/Communication dated 24th March, 2014 provides that all registered political parties will approach the Media Certification and Monitoring Committees (MCMC) at District and State level, as the case may be, for pre-certification of their political advertisements proposed to be issued on electronic media. The Commission has directed to ensure strict compliance of its instructions contained in above said letter.
13. **Control Room:** The 24x7 control room at district level must be activated immediately and sufficient deployment of manpower and other logistics be ensured by the DEO/CEO. A control room with complaint Monitoring Centre would also be set up at ECI Secretariat during the entire election process.

Yours faithfully


(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY

2

with a view to furthering the prospects of the party in power shall be scrupulously avoided. No advertisements shall be issued in electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. If any advertisement has already been released for telecast/broadcast or publication in the print media, it must be ensured that the telecast/broadcast of such ads on electronic media is stopped forthwith and that no such ad is published in any newspapers, magazines, etc. i.e. in print media, from the date of announcement and it should be immediately withdrawn. The CEOs/DEOs has to take immediate action to remove/stop any advertisement in the print/electronic media showing the achievements of the Government soon after the announcement of elections.

4. **Photograph of political functionary at official website:** ECI instruction contained in letter No. 437/6/INST/2014-CC&BE dated 20th March, 2014 provides that all references of Ministers, Politicians or political parties available on central/state Government's official website shall be removed. The CEOs have to take immediate action to remove/hide the photographs of any political functionary from official websites of state department.

5. **Development/construction related activities:** within 72 hours of announcement of elections, the CEO/DEO shall obtain the following list of works for reference in case of validating any complaint on violation of MCC:

- (i) List of work which has already been started on ground
- (ii) List of fresh work which has not started on ground.

6. **Activities for Expenditure Monitoring and enforcement of MCC:** Flying Squad, FST, video team, intensive checking for liquor/Cash/Contra banned drugs, flying squads of excise department to check illicit trafficking of Drug/Narcotics to be immediately activated after announcement.

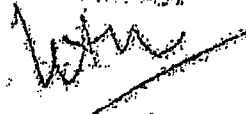
7. **Complaint Monitoring System:** The poll going states shall have a complaint redressal mechanism based on website and call center. The toll free number of call center is 1950. Complaints can be registered by making calls to the toll free call center numbers or on the web site. Complainants will also be informed of the action taken by SMS and by the call center. Complainants can also see the details of the action taken on their complaints. This system should be operational within 24 hours of the announcement. All complaint should be dealt with promptly and properly. The 24x7 control Room at the district level must be activated and sufficient deployment of manpower and other logistics be ensured in

8
①

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."

It is requested that appropriate instructions be issued to all concerned to ensure that the above directions are complied with and to ensure that instances of display of political advertisements in any form do not occur in the premises of PSUs in any election in future.

Yours faithfully,



(K. AJAY KUMAR)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

K. AJAYA KUMAR

PRINCIPAL SECRETARY

No. 437/6/INST/2015-CCS

Dated: 29th December, 2015

To

1. The Cabinet Secretary,
Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries of
All the States and Union Territories.
3. The Chief Electoral Officers of
All the States and Union Territories.

Subject: Banning use of building/civil structures owned by Public Sector Undertakings (PSUs) for political advertisement during period of Model Code of Conduct - regarding.

Sir/Madam,

I am directed to invite a reference to the Commission's circular letter No. 3/7/2008-ES-II, dated 7th October, 2008, wherein it has, inter alia, directed that there shall be no display of election posters, hoardings, banners, etc., in any Government premises or civil structures. It has come to the notice of the Commission that political parties have been displaying/pasting their posters, banners, etc., at the buildings/civil structures and/or premises owned by the Govt. and Public Sector Undertakings (PSUs) during election periods as part of their election campaign. It is clarified that buildings and premises of PSUs shall also be treated at par with Govt. premises for the purpose of displaying political ads during election period. The Commission has directed that no political advertisements shall be displayed/pasted at the buildings/civil structures owned by Public Sector Undertakings (PSUs) or in their premises during the period Model Code of Conduct is in force.

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, PSUs may be instructed to add a para in their commercial agreements with commercial agencies/companies while providing space on lease to the

By Fax/Speed Post/Camp Bag/5 States

ELECTION COMMISSION OF INDIA

Constitutional Body, Ashoka Road, New Delhi-110001

No. 43764/NST/2012-CC&BF

Dated: 18th January 2012

To

- 1) The Cabinet Secretary
Cabinet Secretariat
Rashtrapati Bhawan, New Delhi
- 2) The Chief Secretaries of
All States and Union Territories
- 3) The Chief Electoral Officers of
All States and Union Territories

Subject: Prevention of defacement of property and other campaign related items
revised instructions - regarding.

Sir/Madam,

I am directed to state that on the announcement of the General Elections to the Legislative Assemblies of the States of Goa, Manipur, Punjab, Uttar Pradesh and Uttarakhand, the provisions of Model Code of Conduct have come into force w.e.f. 24th December, 2011. The Commission has decided to reiterate its instructions issued vide its letter no. 3/7/2008/JS-I dated 7th October, 2008 (copy enclosed) contained in Para 5 under the heading "DEFACTION OF PRIVATE PLACES", as under:-

Sub-para (d) "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, bunting, flags, cut-outs, on their 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. If such display of banners, flags etc. aims to solicit vote for any particular candidate, then the provisions of Section 171B of IPC would be attracted and would have to be followed. Section 171B of the IPC stipulates that whoever without the general or special authority in writing of a candidate incurs or authorizes expenses on account of the holding of any public meeting or upon any advertisement, circular or publication, or in any other way

16

whatsoever for the purpose of promoting or procuring the election of such candidates shall be punished with fine which may extend to five hundred rupees. Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

Yours faithfully



(K.N. BHARI)
SECRETARY

(11)

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/7/2008/JS-II

Dated: 7th October, 2008

To

1. The Secretary to the
Government of India
Ministry of Home Affairs
New Delhi-110001.
2. The Chief Secretaries of
All States and Union Territories.
3. The Chief Electoral Officers of
All States and Union Territories.

Sub: Prevention of defacement of property and other campaign related items - revised instructions regarding.

Sir,

I am directed to invite a reference to the Commission's letter No. 3/7/2007/JS-II, dated 16th October, 2007 regarding prevention of defacement of property in connection with election campaign.

2. In the past, the Commission has suggested the enactment of special laws by state governments for dealing with defacement of properties effectively. Some states have enacted special legislations to govern and regulate defacement of property, while the other states have legislation that either only cover specific areas, like municipalities etc, or have no legislation at all. A tabular statement on respective positions obtaining in the states in this respect based on the information available in the Commission is enclosed in the schedule appended to this circular (marked as Annexure-1). Since a uniform law throughout the country is not available, what is enforceable differs from state to state. Keeping in view the forthcoming general election to the Lok Sabha due in 2009, it has become necessary to lay down, for smooth conduct of campaign during elections and for clear understanding of all authorities who have the responsibility for the implementation at the field level as also of the observers who are deputed to oversee the elections in different states/constituencies, a comprehensive set of guidelines with respect to defacement of property.

12

3. After considering all aspects of the matter in depth, the Commission has, in supersession of the earlier instructions, laid down the following directions, to be followed by political parties, candidates, individuals and organizations etc. during the election period:

DEFACEMENT OF PUBLIC PLACES

4. (a) No wall writing, pasting of posters/papers or defacement in any other form, or erecting/displaying of cutouts, hoardings, banners flags etc. shall be permitted on any Government premise (including civil structures therein). For this purpose a Government premise would include any Govt. office and the campus wherein the office building is situated.

(b) If the local law expressly permits or provides for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, political advertisement, etc., in any public place, (as against a Govt. premise) on payment or otherwise, this may be allowed strictly in accordance with the relevant provisions of the law and subject to Court orders, if any on this subject. It should be ensured that any such place is not dominated/monopolized by any particular party(ies) or candidate(s). All parties and candidates should be provided equal opportunity in this regard.

(c) If there is a specifically earmarked place provided for displaying advertisements in a public place, e.g. bill boards, hoardings etc. and if such space is already let out to any agency for further allocation to individual clients, the District Election Officer through the municipal authority concerned, if any, should ensure that all political parties and candidates get equitable opportunity to have access to such advertisement space for election related advertisements during the election period.

DEFACEMENT OF PRIVATE PLACES

5. (a) In the States where there is no local law on the subject, and subject to the restrictions under the law where there is a law, temporary and easily removable advertisement materials, such as flags and banners, may be put up in private premises with the voluntary permission of the occupant. The permission should be an act of free will and not extracted by any pressure or threat. Such banner or flag should not create any nuisance to others. Photo-copy of the voluntary permission in writing obtained in this connection should be submitted to the

16

Returning Officer within 3 days of putting up the flags and banners in such cases in the manner prescribed in sub-para(c) below.

(b) If the local law does not expressly permit wall writing, pasting of posters, and similar other permanent/semi-permanent defacement which is not easily removable, the same shall not be resorted to under any circumstances, even on the pretext of having obtained the consent of the owner of the property. This will also apply in the states where there is no local law on the subject of prevention of defacement of property.

(c) Where the local law expressly permits wall writings and pasting of posters, putting up hoardings, banners, etc. on private premises with the owner's permission, the contesting candidates or the political parties concerned shall obtain prior written permission from the owner of the property and submit photocopies of the same within 3 days to the Returning Officer or an officer designated by him for the purpose, together with a statement in the enclosed proforma (marked as Annexure-2). The statement in such cases and in the cases mentioned in sub-para (a) above should clearly mention therein the name and address of the owner of the property from whom such permission has been obtained together with expenditure incurred or likely to be incurred for the purpose. Nothing inflammatory or likely to incite disaffection amongst communities shall be permissible in such writings/display. The expenditure incurred in this mode on specific campaign of candidate(s) shall be added to the election expenditure made by the candidate. Expenditure incurred on exclusive campaign for a party without indicating any candidate shall not be added to candidates expenditure. The contesting candidate shall furnish such information village/locality/town-wise, to the Returning Officer, or the authorized officer within 3 days of obtaining the requisite permission, for easy checking by the Returning Officer or the Election Observer or any officer connected with the conduct of elections.

(d) 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. If such display of banners, flags etc. aims to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed. Section 171H of

14

the IPC stipulates that whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees: Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

DEFAACEMENT OF HALLS/AUDITORIUMS AND OTHER PUBLIC PROPERTIES

6. In the case of Halls/Auditoriums/Meeting venues owned/controlled by the Government/ local authorities/PSUs/Cooperatives, if the law/guidelines governing their use do not preclude political meetings therein, there is no objection to it. 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.

7. If any political party/association/candidate/person indulges in defacement of any property in violation of the local law, if any, or the above instructions, the Returning Officer/ District Election Officer shall issue notice to the offender for removing the defacement forthwith. If the political party/association/candidate/person does not respond promptly, the district authorities may take action to remove the defacement, and the expenses incurred in the process shall be recovered from the political party/association/candidate/person responsible for the defacement. Further, the amount also shall be added to the election expenditure of the candidate concerned, and action should also be initiated to prosecute the offender under the provisions of the relevant law (under the law relating to prevention of defacement, if any, or under the provisions of the general law for causing willful damage to the property of others).

(13)

By Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/2014-CC&BE

Dated: 5th March 2014

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the Governments of
all States and Union Territories
3. The Chief Electoral Officers of:-
all States and Union Territories

Sub: Application of Model Code of Conduct - General Election to Lok Sabha - 2014 and simultaneous elections to State Legislative Assemblies in the States of Andhra Pradesh, Odisha and Sikkim and certain bye-elections- reg.

Sir,

I am directed to state that the Commission has announced the schedule for holding General Elections to Lok Sabha and to the Legislative Assemblies of the States of Andhra Pradesh, Orissa and Sikkim including certain bye-elections to the Legislative Assemblies of some States (Press Note No. ECI/PN/10/2014, dated 5th March 2014 available at Commission's web-site - www.eci.gov.in).

2. With this announcement, the provisions of the Model Code of Conduct for the guidance of the Political Parties and Candidates have come into force with immediate effect and will be in force till the completion of the General Elections. This may be brought to the notice of the Central / State Governments, all Ministries/Departments and all other offices of the Union Government and the State Government of the State.

3. Your particular attention is drawn to the provisions of Model Code of Conduct for the guidance of Political Parties and Candidates and various instructions issued by the Commission, which, inter-alia, state that 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:-

16

- (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 monopolised 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, dak bungalows or other Government accommodation where elections have been announced or are taking place can be given to the political functionaries who are provided security by the State in Z scale or above or equivalent by various State Governments or the Central Government under provisions of their laws, on equitable basis. This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or Observers. Such political functionaries shall not carry out any political activity while staying in the Government Guest Houses/Rest Houses or other Government accommodation etc.;
 - (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.
4. As will be observed from Para 3 (Clause IV) above, no advertisements shall be issued in electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. If any advertisement has already been released for telecast/broadcast or publication in the print media, it must be ensured that the telecast/broadcast of such ads on

2017

INSTRUCTION SL NO. 18

ECI letter No. 437/6/INST/2014/CC&BE, dated 20.03.2014 addressed to the Cabinet Secretary, Chief Secretaries and Chief Electoral Officers of all States and UT's.

Subject: Instructions relating to deletion of all references on politicians/Ministers on the official website during election period of General/Bye-election to the Lok Sabha and State Legislative Assemblies-reg.

I am directed to state that the Commission vide its letter No. 437/6/2007 (INST)-PLN-III, dated 21st November, 2007, issued instructions to deletion of all references on politicians/Ministers on the official website during election period of General/Bye-elections to the Lok Sabha and State Legislative Assemblies.

It has come to the notice of the Commission that the aforesaid instructions of the Commission are not being followed by Central and State Governments during election period. It is clearly mentioned in clause VII (iv) of Model Code of Conduct for guidance of Political parties and candidate-

"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 purpose of its election campaign and in particular

(iv) Issues 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."

The Commission has considered the question of various references currently available in the Ministerial office website and in the State Government websites pertaining to several Department and Government Organization highlighting their achievements but eulogizing the same as personal achievements of Politicians/Ministers.

The Commission has decided that during the period when Model Code of Conduct is in force in connection with General Election to the Lok Sabha/State Legislative Assemblies currently going on, all references of Ministers, Politicians or Political Parties available on such Central/State Government's official website, shall be removed.

The above instruction of the Commission may kindly be communicated to all concerned for strict compliance.

5. The instruction of the Commission contained in its letter No.437/6/2009-CCBE dated 5th March, 2009 is available on the Commission's web-site "<http://eci.nic.in/>" under the heading 'Election Laws and ECI - Instructions' for your information and necessary action.

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 Election;
- iv) Officers of the Police;

v) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till date should not be given effect to without obtaining specific permission from the Commission in this regard;

vi) This ban shall be effective till the completion of the election. The Commission further directs that the State Governments should refrain from making transfers of senior officers who have a role in the management of election in the State;

vii) In those cases where transfer of an officer is necessary on account of administrative exigencies, the concerned State Government may with full justification approach the Commission for prior clearance..

7. The receipt of the letter may kindly be acknowledged.

Yours faithfully,

(K. ALAY EUMAR)
PRINCIPAL SECRETARY

20

By Fax/Speed post/Camp Bag

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/INST/2014-CC&BE

Dated: 20th March, 2014

To

- 1) The Cabinet Secretary
Cabinet Secretariat,
Rashtrapati Bhawan, New Delhi.
- 2) The Chief Secretaries of
All States and Union Territories
- 3) The Chief Electoral Officers of
All States and Union Territories

Subject: General Elections - Enforcement of Model Code of Conduct - Regarding.
Sir/Madam,

I am directed to state that the Commission has been receiving references seeking clarification of the applicability of Model Code of Conduct from various Ministries/Departments/PSUs etc. The Commission vides its letter No. 437/6/2009-CC&BE, dated 5th March, 2009 issued guidelines regarding implementation/processing of the various projects, schemes, rural development programmes etc. by the Central/State Governments. In item No. 14 of the said guidelines, it was clearly mentioned that "All Government of India references to the Election Commission of India shall be made preferably through the Cabinet Secretariat. In so far as reference from State Governments is concerned, the same shall be made to the Election Commission of India through the Chief Electoral Officer (CEO) of the state concerned.

Inspite of the above guidelines, the references from Central Governments are being directly received in the Commission without routing through the Cabinet Secretariat. Further, Departments, Sub-Departments, Public Sector Undertakings, Autonomous Bodies of the Ministry/Department are also forwarding references to the Election Commission directly. As a result innumerable references are pouring in, including those cases which have no urgency and which can wait till elections are over.

DEFAACEMENT OF VEHICLES

8. (a) In private vehicles, subject to the provisions of the Motor Vehicles Act, Rules thereunder and subject to court orders in force, if any, flags and stickers may be put on the vehicles by the owner of the vehicle on his own volition, in such a manner that they do not cause any inconvenience or distraction to other road users. If such display of flags and stickers aims to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed.

(b) On commercial vehicles, display of any flag, sticker etc. shall not be permitted, unless such vehicle is a vehicle validly used for election campaign after obtaining the requisite permit from the District Election Officer/Returning Officer and the display thereof in original on the wind screen.

(c) External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules and any 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.

OTHER CAMPAIGN RELATED ITEMS

9. Subject to accounting for the expenditure, the following may be permitted:-

(a) In processions and rallies etc., flags, banners, cutouts etc. can be carried subject to local laws and prohibitory orders in force.

(b) In such procession, wearing of party/candidate supplied special accessories like cap, mask, scarf etc. may be permitted. However, supply of main apparels like saree, shirt, etc. by party/candidate is not permitted.

(c) Educational institutions including their grounds (whether Govt. aided, private or Govt.) shall not be used for political campaigns and rallies.

10. The Chief Electoral Officers are requested to bring the directions of the Commission to the notice of the District Election Officers, Returning Officers and all other election related

22

authorities, and all political parties in the State, including State units of recognized National and State parties, and all registered un-recognized parties based in the State, and also the contesting candidates (at the time of elections) for information and compliance.

11. Please acknowledge receipt of this letter. The Chief Electoral Officers may kindly confirm that action as required above has been taken.

Yours faithfully,

(K. F. WILFRED)
SECRETARY

ELECTION COMMISSION OF INDIA

NIRVACHAN SABHA, ASHOKA ROAD, NEW DELHI-110001

No. 464/INST/2014/EPS

Dated: 10th April, 2014

To /
The Chief Electoral Officers
of all States / Union Territories

Sub: General Election to the Lok Sabha, 2014 - Consolidated Instructions on use of vehicles during elections - regarding.
Sir/Madam,

With a view to ensuring level playing field for all candidates and other stake holders and further to check the vitiating role of money and misuse of official machinery, the Commission has issued in the past a number of instructions on the above cited subject. For sake of clarity and easy reference, the same have been consolidated and are being re-issued for compliance and guidance during all General/Bye elections to the Lok Sabha/State Legislative Assemblies and all Biennial/Bye elections from Graduates and Teachers' constituencies of Legislative Councils.

Period of applicability

2. These instructions shall come into effect from the date of announcement of elections till the completion of elections.

Meaning of 'Official vehicle'

3. The expression 'official vehicle' means and shall include any vehicles used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise and will include trucks, lorries, tempos, jeeps, cars, auto rickshaws, e-rickshaws, buses, belonging to the (i) Central Government, (ii) State Government/UT Administrations, (iii) Public Undertakings of the Central and State Governments, (iv) Joint Sector Undertakings of Central and State Governments, (v) Local Bodies, (vi) Municipal Corporations, (vii) Municipalities, (viii) Marketing Boards (by whatever name known), (ix) Co-operative Societies, (x) Autonomous District Councils or any other body in which public funds, howsoever small a portion of the total, are invested and also include those belonging to the Ministry of Defence and the Central Public Organisations under the Ministry of Home Affairs and State Governments.

Directions of ECI

4. The Commission directs that, subject to exceptions mentioned herein, there shall be a total and absolute ban on the use of official vehicles for campaigning, electioneering or election-related travel during elections. There shall be a total prohibition on the use of any vehicles such as helicopters, aircrafts, (except as regulated by the Commission's order on the subject), cars, jeeps, automobiles, boats, hovercrafts, etc., belonging to the (i) Central Government, (ii) State Government/UT Administration, (iii) Public undertakings of the Central and State Governments, (iv) Joint sector undertakings of the Central and State Governments, (v) Local bodies, (vi) Marketing Boards, (vii) Co-operative Societies, (viii)

(24)

Autonomous District Councils or any other body in which public funds, howsoever small portion of the total, are invested for any purpose connected with the elections, by any political party, candidate or any other person connected with election (except officials performing any election related official duty).

5. The Commission further directs that the District Administration shall keep a close watch to find out if any official vehicle belonging to any authority specified in the preceding Para is being used for electioneering purposes. In case it is so, the District Magistrate shall forthwith requisition or cause to be requisitioned such vehicles, after following due procedure for election work, under Section 160 of the Representation of the People Act, 1951 and such requisitioned vehicles shall not be released until after the completion of the process of elections.

Clarifications

6. It is clarified that the ban on the use of vehicles will equally apply to the vehicles in or from any States not going to the polls but whose vehicles are attempted to be used for campaign either openly or clandestinely in any other State going to poll. The Chief Secretary of each State/Union Territory/the Secretary to the Government of India in the concerned Department as the case may be, will be personally responsible for any misuse of any vehicle under Ministry/Department or of any of the public sector or joint sector undertakings or Autonomous Bodies or attached offices under that Ministry/Department. The officers under whose charge such vehicles are entrusted will also be equally responsible for any violation.

7. It is further clarified that the use of such vehicles belonging to any of these authorities by anyone, including Ministers of the Central or a State Government, even on payment basis, for campaigning or on tours connected with elections but with the alleged and bogusly certified purpose of official work in their capacity as Ministers is totally prohibited.

Exception

8. The only exception from the prohibition will be the Prime Minister and other political personalities who might in view of extremist and terrorist activities and threat to their lives require security of a high order and whose security requirements are governed by any statutory provisions made by the Parliament or the State Legislature in this behalf.

9. The above restrictions shall also not apply in the case of the President and Vice-President of India, Speaker and Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha and such other dignitaries visiting the State from other States. However, it is further clarified that in the case of Speaker and Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha these restrictions will be applicable at the time of General Elections to the Lok Sabha but not during LA election. It is also clarified again that such exceptions shall not be made in respect of any Ministers of the Union or any State Government.

10.(a) The Commission would like to make it clear that if it has any material to doubt that the assessment of security requirements made by the authorities under Special Protection Group Act, 1988 or any other special enactment/instruction of the Government have been

18. Any vehicle used for campaigning without due authorization/permit by the aforesaid officers shall be deemed to be unauthorisedly campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately taken out of the campaigning exercise.

19. The vehicles employed for election campaign as per intimation given by the candidates or their election agents to the District Administration should not be requisitioned by the administration.

20. For availing the benefit of clause (a) of explanation (1) given under Sec. 77 (1) of R. P. Act, 1951 by the leaders of the political parties, i.e., star campaigners, the permission for the mode of road transport will be issued centrally by the Chief Electoral Officer, irrespective of whether the same vehicle is to be used by any leader for election campaigning throughout the State or different vehicles are to be used by such party leaders in different areas. The permit will be issued against the name of the star campaigner concerned and shall need to be displayed prominently on the windscreen of the vehicle being used by him/her in any area. The permits so issued by the CEO will be of distinctly different colour from the permits to be issued by the DEOs/ROs for other campaign vehicles of candidates.

21. On receipt of a request from a recognized political party, the DEO would issue permit for one vehicle to be used by the district level office bearer of a recognized party (other than the star campaigner) for their visit to multiple ACs within the district for electioneering purposes. The permit should be issued indicating the number of the vehicle, the name of political leader and the period for which issued and should be of different colour so that it can easily be identified. An attested copy shall be pasted on wind screen and original be kept with the driver for checking by police or other authorities. The expenditure in this regard shall be booked against the political party and not the candidates.

22. The CEO may issue permits for vehicles that can move throughout the State for use of office bearers of recognized political parties for electioneering purposes only. For the States having more than 100 Assembly Constituencies, the CEO may issue permits for a maximum of five vehicles and for remaining States/UTs, for a maximum of three vehicles to a recognised political party. The expenditure on these vehicles shall be incurred by the political party and not by the candidate.

23. If any political party makes a request to the Chief Electoral Officer for grant of vehicle permission for distribution of publicity material to their various party offices in the State, the Chief Electoral Officer may grant permission for one vehicle for a recognized political party (National/State). However, the concerned political party (the applicant) will have to specify the names of the Districts, the route map and the dates for which the vehicle will be required for the above purpose. For such vehicles, the CEO may issue permission, but ensure that such vehicles will also be subjected to normal checks and they will not be used for election campaigning. The expenditure on account of such vehicle shall be incurred by the political party and not by the candidate.

manifestly or unduly excessive with the intention of promoting indirectly the electoral interests of any particular party or candidate, the Commission will bring the matter to the notice of the concerned Government for immediate and appropriate corrective steps.

10.(b) For this purpose, the Commission may call for any information from the Central Government or the State Government concerned with regard to the assessment of the security requirements made in respect of any such personality. Such information shall be furnished to the Commission by the concerned Government forthwith.

Restraint on convey of vehicles

11. The Commission further directs that cars/vehicles shall, under no circumstances, be allowed to move in convoys of more than ten vehicles, excluding the security vehicles. All bigger convoys exceeding 10 (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.

12. If any person moves in a convey of vehicles exceeding the limits prescribed above, in spite of the convey having been broken, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by following the Commission's directions till the process of election is completed.

Duration of Nominations:

13. The maximum number of vehicles that will be allowed to come within the periphery of 100 meters of Returning Officers/Assistant Returning Officers office shall be three.

Use of vehicles for electioneering purpose

14. There is no limit on vehicles, which a candidate may use for electioneering purposes.

15. But before the campaigning commences, he shall have to furnish the details of such vehicles and the areas in which they would be used for campaign purposes to the District Election Officer or such other officer(s) as may be specifically authorised by the District Election Officer in this behalf, who after necessary scrutiny would issue a permit. The original copy (not the photo copy) of permit should be displayed on the wind screen of the vehicle. Needless to mention that the permit should be of such dimension, that it can easily be seen from a distance. Permit must contain the number of the vehicle, date of issue of permit, name of candidate and the area (where it shall be used for campaigning).

16. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidate or his/her agent and permits obtained for the same, before the actual deployment of the vehicles.

17. The details so obtained should be conveyed by District Election Officer to the Election Expenditure Observer, so that they can check that the expenditure in this regard is correctly included in the expenditure account of the candidate.

24. In case of Video - Vans, etc. to be used by a political party for campaign across the States, before any permission to use Video-Vans for campaign is given, it should be ensured by Chief Electoral Officer that such use of vehicle is in accordance with the Motor Vehicle Act. Attention in this context is invited to the judgments dated 23.05.2006 and 14.02.2007 of the Allahabad High Court in Writ Petition No. 3648 (MB) of 2006 (copies enclosed).

Clarification

25. A cycle rickshaw is also a vehicle as defined in Section 160 of Representation of People Act, 1951, which may be used for election campaign. If it is being used, then a candidate has to account for its expenditure in his account of election expenses. To ensure this, the candidate should give details of such rickshaws being used for his election campaign and, if the rickshaw does not have any Municipal registration/permit for its identification, the rickshaw driver may be given a permit in his personal name by the Returning Officer which the rickshaw driver should carry on his person while using that rickshaw for campaign purposes. However, rickshaws being used for normal purposes of carrying passengers in ordinary course etc. may be exempted, if they are displaying only one poster showing the name or party symbol of a candidate, presuming they are doing so on their own free will.

Use of vehicles on poll day

26. Section 123(4) of the Representation of the People Act, 1951 provides that the hiring or procuring or use of vehicles by a candidate/his agent or by any other person with the consent of the candidate or his election agent for the free conveyance of the voters to and fro from the polling station shall be a corrupt practice and it is also an electoral offence punishable under section 133, with fine which may extend to five hundred rupees.

27. With a view to placing effective curbs on this practice, the Commission issues the following directions:

(A) For an election to the House of the People, each contesting candidate, on the day of poll, will be entitled to:

- (a) One vehicle for his own use in respect of the entire constituency.
- (b) In addition, one vehicle for use of his election agent in the Parliamentary Constituency.
- (c) In addition, one vehicle for use of his election agent or workers or party workers, as the case may be, in each of the assembly segments comprised in the Parliamentary Constituency.

(B) For an election to the State Legislative Assembly, on the date of poll in each Constituency each contesting candidate is entitled to:

- (a) One vehicle for his own use.
- (b) One vehicle for the use of his election agent.
- (c) In addition, one vehicle for use of his workers or party workers.

28

Clarification

28. It is clarified that henceforth, 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, and rickshaws, rickshaws and two wheelers. In these four wheel vehicles not more than 5 persons including driver will be allowed to move on the day of poll. It is further clarified that on the day of poll no other person will be allowed to use the vehicle allotted for candidate's or his election agent's use. However, the candidate or his election agent may be accompanied in his car by other persons subject to 5 including driver.

29. The permits for the vehicles indicated above will be issued by the District Magistrate/Returning Officer. The candidates must furnish particulars of their vehicle to be used on poll day to DEO/RO concerned and shall display the permits issued on the wind screen of the vehicles. No other vehicles shall be allowed to be used by the leaders of the political parties including Ministers, workers, agents and sympathizers of any candidate. No exception shall be made, irrespective of the status of the candidate.

Meaning of vehicle

30. The aforementioned restrictions shall apply to all vehicles propelled by mechanical power or otherwise, including but not restricted to taxis, private cars, trucks, tractors with or without trailers, auto-rickshaws, e-rickshaws, scooters, mini buses, station wagons etc, also, and shall be made applicable for a period of 24 hours before the time fixed for closure of poll and till the completion of poll.

31. Penal action, both under the provisions of the R.P. Act, 1951 and Chapter IX-A of the Indian Penal Code shall be taken against anyone offending the above directions, in addition to action under the Motor Vehicles Act. All vehicles being used in violation of these directions shall be confiscated.

Exception

32. There is no intention on the part of the Commission to put a complete ban on all vehicular traffic on the polling day and thereby create difficulties or cause harassment to the public. For genuine bonafide use for purposes other than election, the following types of vehicles shall also be allowed to be plying on the day of poll and there will be no exception:

(a) Private vehicles being used by the owners for their private use, not connected with elections;

(b) Private vehicles being used by owners either for themselves or for members of their own family for going to the polling booth to exercise their franchise, but not going anywhere within a radius of 200 meters of a polling station;

(c) Vehicles used for essential services namely hospital vans, ambulance, milk vans, water tankers, electricity emergency duty vans, police on duty, officers on election duty;

(d) Public transport carriages like buses plying between fixed termini and on fixed routes;

- (c) Taxis, three wheeler scooters, rickshaws etc. for going to airports, railway stations, inter state bus stands, hospitals for journeys which cannot be avoided.
- (d) Private vehicles used by sick or disabled persons for their own use.
- (e) Vehicles being used by the Govt. officers on duty to reach their duty point.

33. During the period of electioneering, with a view to checking misuse of private vehicles by the candidates/ their agents and party leaders and/or party supporters for carting anti-social elements so as to instill a sense of fear in the minds of the electorate and/or to smuggle illicit arms and ammunition etc. with a view to creating disturbances during elections, the Commission further directs that the District Administration shall keep a close watch on the vehicles used by persons accompanying the contesting candidates and their party's leaders for any possible mischief including criminal activities like carrying of illegal arms and weapons. If any of these vehicles, either of a party or a private owner, is found to be involved in any such act or for carting anti-social elements with a view to intimidating or creating terror in the mind of the electorate, it shall be the duty of the local administration to impound such vehicles and not to release them till the process of elections is completed. In addition, criminal action against the owner, the occupant(s) and the candidate/political party which is involved in such illegal activities shall also be taken as per law.

Please inform all concerned and ensure compliance.

Yours faithfully,

(SUMIT MUKHERJEE)
SECRETARY

E-mail - smukherjee@eccl.gov.in