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सत्यमेव जयते

# **MODEL CODE OF CONDUCT IMPORTANT INSTRUCTIONS FOR USE OF OFFICERS**

**Chief Electoral Officer  
Gujarat State**



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**A**

**GENERAL**



## **INSTRUCTION SI. No. 1**

Election Commission's letter No. 464/INST/2007-PLN-I Dated: 07.01.07 addressed to The Chief Secretaries and the Chief Electoral Officers of all States and Union Territories.

### **Subject: CODE OF CONDUCT – DOs & 'DON'T's**

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

#### **On Welfare schemes and governmental works:**

1. Announcement of new projects or programme or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favour of the party in power is prohibited.
2. These restrictions apply equally to new schemes and also ongoing schemes. But it does not mean that in the case of national, regional and State utility schemes, which have already been brought up to the stage of completion, their utilization or functioning in public interest should be stopped or delayed. The coming into force of the Model Code of Conduct cannot be given as an excuse for not commissioning such schemes or allowing them to remain idle. At the same time, it should be ensured that the commissioning of such schemes is done by civil authority and without associating political functionaries and without any fanfare or ceremonies whatever, so that no impression is given or created that such commissioning has been done with a view to influencing the electorate in favour of the ruling party. If in doubt, a clarification should be obtained from Chief Electoral Officer/Election Commission of India.
3. It is further clarified that simply because a budget provision has been made for any particular scheme or the scheme has been sanctioned earlier or a reference to the scheme was made in the address of the Governor or the budget speech of the Minister it does not automatically mean that such schemes can be announced or inaugurated or otherwise taken up after the announcement of elections while the Model Code of conduct is in operation, since they will clearly be intended to influence the voters. Such actions if undertaken will be considered a violation of the model code of conduct.
4. No fresh sanctions for governmental schemes should be made. Review by political executive (Ministers etc.) and processing of beneficiary oriented schemes, even if ongoing, should be stopped till completion of elections. No fresh release of funds on welfare schemes and works should be made or contract for works awarded in any part of the state where election is in progress without prior permission of the Commission. This includes works under the Member of Parliament (including Rajya Sabha members) Local Area Development fund or MLAs / MLCs Local Area Development Fund, if any such scheme is in operation in the state.
5. No work shall start in respect of which even if work orders have been issued before the model code came into effect, if the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue.
6. There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.
7. Commission does not refuse approval for schemes undertaken for tackling emergencies or unforeseen calamities like providing relief to people suffering from drought, floods, pestilences, other natural calamities or welfare measures for the aged, infirm etc. In these

matters, however, prior approval of the Commission should be taken and all ostentatious functions should be strictly avoided and no impression should be given or allowed to be created that such welfare measures or relief and rehabilitation works are being undertaken by the Government in office so as to influence the electors in favour of the party in power which at the same time will adversely affect the prospects of the other parties.

**On Transfers and posting of officials:**

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

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

**On Misuse of Official Machinery:**

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

- Central and State Governments,
- Public Undertakings of the Central and State Government,
- Joint Sector Undertakings of Central and State Government,
- Local Bodies, Municipal Corporations, Municipalities,
- Marketing Boards (by whatever name known),
- Cooperative Societies,
- Autonomous District Councils, or
- Any other body in which public funds, howsoever small a portion of the total, are invested, and also



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

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

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

It must be clearly brought to the notice of candidates and political parties that the list of Dos' and Donts' is only illustrative and not exhaustive and is not intended to substitute or modify other

detailed directions/instructions on the above subjects, which must be strictly observed and followed.

### **DO'S'**

- (1) On-going programmes, which actually started in the field before the announcement of elections may continue.
- (2) Relief and rehabilitation measures to the people in areas affected by floods, drought, pestilence, and other natural calamities, can commence and continue.
- (3) Grant of cash or medical facilities to terminally or critically ill persons can continue with appropriate approvals.
- (4) Public places like maidans must be available impartially to all parties/contesting candidates for holding election meetings. So also use of helipads must be available impartially to all parties/contesting candidates, to ensure a level playing field.
- (5) Criticism of other political parties and candidates should relate to their policies, programme, past record and work.
- (6) The right of every individual for peaceful and undisturbed home life should be fully safeguarded.
- (7) The local police authorities should be fully informed of the venue and time of the proposed meetings well in time and all necessary permissions taken.
- (8) If there are any restrictive or prohibitory orders in force in the place of the proposed meeting, they shall be fully respected. Exemption, if necessary, must be applied for and obtained well in time.
- (9) Permission must be obtained for the use of loudspeakers or any other such facilities for the proposed meetings.
- (10) The assistance of the police should be obtained in dealing with persons disturbing meetings or otherwise creating disorder.
- (11) The time and place of the starting of any procession, the route to be followed and the time and place at which the procession will terminate should be settled in advance and advance permissions obtained from the police authorities.
- (12) The existence of any restrictive orders in force in the localities through which the procession has to pass should be ascertained and fully complied with. So also all traffic regulations and other restrictions.
- (13) The passage of the procession must be without hindrance to traffic.
- (14) Cooperation should be extended to all election officials at all times to ensure peaceful and orderly poll.
- (15) All Workers must display badges or identity cards.
- (16) Unofficial identity slips issued to voters shall be on plain (white) paper and not contain any symbol, name of the candidate or name of the party.
- (17) Restrictions on plying of vehicles during the campaign period and on poll day shall be fully obeyed.
- (18) (Except voters, candidates and their election/polling agents), only persons with a specific valid authority letter from the Election Commission can enter any polling booth. No

functionary however highly placed (e.g. Chief Minister, Minister, MP or MLA etc) is exempt from this condition.

- (19) Any complaint or problem regarding the conduct of elections shall be brought to the notice of the observer appointed by the Commission/Returning Officer/Zonal/Sector Magistrate/Election Commission of India.
- (20) Directions/orders/instructions of the Election Commission, the Returning Officer, and the District Election Officer shall be obeyed in all matters related to various aspects of election.
- (21) Do leave the constituency after the campaign period is over if you are not a voter or a candidate or candidate's election agent from that constituency.

#### **DON'Ts**

- (1) Any and all advertisements at the cost of the public exchequer regarding achievements of the party/Government in power is prohibited.
- (2) No Minister shall enter any polling station or the place of counting, unless he or she is a candidate or as a voter only for voting.
- (3) Official work should not at all be mixed with campaigning/electioneering.
- (4) No inducement, financial or otherwise, shall be offered to the voter.
- (5) Caste/communal feelings of the electors shall not be appealed to.
- (6) No activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes, communities or religious or linguistic groups shall be attempted.
- (7) No aspect of the private life, not connected with the public activities, of the leaders or workers of other parties shall be permitted to be criticized.
- (8) Other parties or their workers shall not be criticized based on unverified allegations or on distortions.
- (9) Temples, Mosques, Churches, Gurudwaras or any place of worship shall not be used as places for election propaganda, including speeches, posters, music etc., on electioneering.
- (10) Activities which are corrupt practices or electoral offences such as bribery, undue influence, intimidation of voters, personation, canvassing within 100 meters of a polling station, holding of public meetings during the period of 48 hours ending with the hour fixed for the close of the poll and conveyance of voters to and from polling stations are prohibited.
- (11) Demonstrations or picketing before the houses of individuals by way of protesting against their opinion or activities shall not be resorted to.
- (12) Subject to the local laws, no one can make use of any individual's land, building, compound wall, vehicles etc. for erecting flag staffs, putting up banners, pasting notices or writing slogans etc. without specific permission of the owner (to be shown to and deposited with the District Election Officer).
- (13) No disturbances shall be created in public meetings or processions organized by other political parties or candidates.
- (14) Processions along places at which another party is holding meetings shall not be undertaken.
- (15) Processionists shall not carry any articles, which are capable of being misused as missiles or weapons.
- (16) Posters issued by other parties and candidates shall not be removed or defaced.

- (17) Posters, flags, symbols or any other propaganda material shall not be displayed in the place being used on the day of poll for distribution of identity slips or near polling booths.
- (18) Loudspeakers whether static or mounted on moving vehicles shall not be used either before 6 a.m. or after 10a.m. and without the prior written permission of the authorities concerned.
- (19) Loudspeakers shall also not be used at public meetings and processions without the prior written permission of the authorities concerned. Normally, such meetings/processions will not be allowed to continue beyond 10.00 p.m. in the night and will be further subject to the local laws, local perceptions of the security arrangements of the area and other relevant considerations like weather conditions, festival season, examination period, etc.
- (20) No liquor should be distributed during elections.
- (21) On the day of the poll, no person who has been assessed to be having a security threat and therefore given official security shall enter the vicinity of a polling station premise (within 100 meters) with his security personnel. Further, on the day of the poll no such person shall move around in a constituency with his security personnel. If the person provided with official security happens to be a voter also, then he or she shall restrict his / her movement - accompanied by security personnel, to voting only.
- (22) No person who has been assessed to be having a security threat and therefore provided official security or who has private security guards for himself, shall be appointed as an election agent or polling agent or counting agent.

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

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

## INSTRUCTION SL. NO. 2

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

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

Sir,

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

1. All Model Code of Conduct related directions shall be issued only by the Commission. The Cabinet Secretariat or any other government agency should reiterate and disseminate the directions of the Commission for compliance.
2. RBI may continue to take decisions unhindered on monetary policy issues.
3. After the Model Code of Conduct comes into effect, the Ministry of Finance will need to take prior approval of the Commission on any policy announcements, fiscal measures, taxation related issues and such other financial relief. Similarly, other Ministries/Departments will need to take prior approval of the Commission before announcing any relief/benefit.
4. The following types of existing works can be continued by the government agencies without reference to the Election Commission after the Model Code of Conduct comes into force:
  - a. Work-Projects that have actually started on the ground after obtaining all necessary sanctions;
  - b. Beneficiary-projects where specific beneficiaries by name have been identified before coming of the Model Code of Conduct into force;
  - c. Registered beneficiaries of NREGA may be covered under existing projects. New projects under NREGA that may be mandated under the provisions of the Act may be taken up only if it is for the already registered beneficiaries and the project is already listed in the approved and sanctioned shelf of projects for which funds are also already earmarked.
5. There shall be no bar to release of funds for the completed portion of any work subject to observance of laid down procedures and concurrence of finance department.
6. The following type of new works (whether beneficiary or work oriented) that fulfill all the following conditions before Model Code of Conduct comes into effect, can be taken up under intimation to the Commission-
  - a. Full funding has been tied up.
  - b. Administrative, technical and financial sanctions have been obtained
  - c. Tender has been floated, evaluated and awarded and
  - d. There is contractual obligation to start and end the work within a given time frame and failing which there is an obligation to impose penalty on the contractor.
  - e. In case of any of the above conditions not being met in such cases prior approval of the Commission shall be sought and obtained.

7. Global tenders already floated, can be evaluated and finalized where any time limits are specified for such purpose.
8. Tenders other than global tenders, that are already floated may be evaluated but not finalized without prior approval of the Commission. If they are not already floated, they shall not be floated without prior approval of the Commission.
9. Commission invariably takes a humanitarian view on the work that are necessitated due to man-made or natural calamities.
  - a. Ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the persons affected at the current rates/scales of assistance presently in force, under intimation to the Commission. No change in the extant and prescribed scales of payments, however, shall be made in the existing rates/scales without prior permission of the Commission.
  - b. Payment directly to the hospitals from CM's/PM's Relief Fund, in lieu of direct cash payment to individual patients (beneficiaries) will be permissible without reference to the Commission.
  - c. Emergent relief works and measures that are aimed to mitigate the hardships, directly and solely, of the persons affected in a disaster may be taken up under intimation to the Commission.
  - d. However, new works that may be necessitated by way of preventive measures to mitigate the likely effects of natural disasters like repair of embankments, water channels etc. can be taken up only with prior permission of the Commission.
  - e. Also, an area shall not be declared drought/flood affected or any such calamity affected without prior approval of the Commission. The extent of area already declared to be calamity-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.

## **INSTRUCTION SI. No. 34**

ECI letter No. 437/6/INST/2009-CC&BE dated 23<sup>rd</sup> February 2009 addressed to the Chief Secretaries and Chief Electoral Officers of all States and UTs

**Subject: Publication of advertisements in connection with occasions like World Habitat Day, Pulse Polio/HIV awareness campaigns and celebrations of various 'Diwas' like Independence Day, Republic Day, Gandhi Jayanti, State Formation days.**

The Commission receives various references from the Ministries/Departments seeking clearance for the publication of advertisements on the occasions of World Habitat Day. Pulse Polio Immunization/HIV awareness campaigns during the run-up to General/Bye-elections to the Lok Sabha/State Legislative Assemblies when the model code of conduct is in force.

Objecting to the publication of advertisement on important social issues is never intended by the Commission. It only wants to ensure that the party in power does not misuse the Government machinery in the garb of spreading a social message which is against the spirit of providing a level playing field and so violate the spirit of free and fair election. Election Commission of India has therefore, taken a clear stand that there will be no objection to the release of such advertisements if they do not contain the photograph or political message of any Minister/political dignitary and do not highlight the achievements of the party which may influence the voters and induce them to vote in their favour.

Different important historical days like Independence Day, Republic Day, Gandhi Jayanti, Shivaji Jayanti and State Formation Days are celebrated with much fanfare which are attended to by Central/State Ministers who, at time, make it a platform for gaining political advantage by highlighting the achievements of the party in power or their political functionaries contesting the elections. The Commission has taken a serious note of this and decided that while the Ministers can participate in such celebrations the theme of their speeches should be confined only to the historical background, deeds and achievements of the historical figures and they must take utmost care not to make any political speech converting the forum into a platform for political campaign.

For similar reasons, there will be a complete ban on celebrations like "xxx years/days in power" during this period as such occasions are virtually utilized to highlight the achievement of the party in power.



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

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

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

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

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

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

- (1) All instructions of the Commission issued regulating the implementation of the schemes of MNREGA, extending relief and starting works in case of Natural Calamities , Drought, Flood, Drinking Water, Digging of Bore-wells, Fodder, Agricultural inputs & input subsidies to farmers, New Developmental Work (whether beneficiary or work oriented) including work under MPLAD, MLA and MLC LAD Scheme, Announcement and commencement of New Projects, Programme, Concessions, Financial Grants, Defacement of Property, Use of Govt. Property, Concessions, Financial Grants, Defacement of Property, Use of Govt. Property for campaign purpose, etc. shall now be applicable only in respect of the areas falling in the Assembly constituency(s)/ Parliamentary constituency going for bye-election and NOT to the entire district (s) in which such constituency is situated.**
- (2) However, all other existing instructions of the Commission on Model Code of Conduct on matters like Tours of Ministers, Vehicles, Advertisements use of Govt. Guest Houses, and all prevailing Commission's instructions other than those mentioned in Para (1), transfer of officers etc. shall continue to remain applicable to the entire district(s) in which the constituency having the bye-election is situated.**

This may be brought to the notice of all concerned.

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

## **INSTRUCTION SI. No. 37**

Election Commission's letter No. 437/6/INST/2013-CC&BE dated 25.06.2013 addressed to the Cabinet Secretary, Govt. of India, Chief Secretaries and Chief Electoral Officers of all States and UTs,

### **Subject: Model Code of Conduct- Publication of advertisements by Central/State Governments during bye-elections to Lok Sabha/State Legislative Assembly-regarding**

As you are aware, the Model Code of Conduct applies in the entire country in the case of a Lok Sabha general election and in the State concerned during a general election to the Legislative Assembly of any State. In the case of bye-elections, the applicability of Model Code of Conduct is restricted to the area of the Constituencies going to poll except certain provisions such as tours of Ministers, Advertisements, use of Govt. Guest Houses, transfer of officers etc which apply in the entire District in which the bye-election constituency fall (please refer to the Commission's letter No. 437/6/INST/2012-CC&BE dated 26.04.2012.)

2. It is seen that the Governments both at the Centre and in the States publish advertisements of various kinds, including advertisements on the accomplishments and achievements. Such advertisements are often released on special occasions such as the Republic Day, Independence Day, Birthdays of prominent leaders, Anniversary of Govt. etc. On occasions, there would be bye-elections in progress when such advertisements are published and the issue of Model Code of Conduct comes into question then. It is not technically possible to block such advertisements, especially in the print media in the specific areas covered under the Model Code of Conduct during bye-elections while publishing it.

3. The Commission has considered this issue. Taking into account all aspects of the matter, the Commission has directed that the release/publishing of advertisements at the cost of public exchequer during the period of operation of the Model Code of Conduct in connection with **bye-elections** will be regulated as follows:-

*(i) Advertisement of general nature in connection with specific occasions of importance may be published. However, such publishing shall be restricted to the dates coinciding with the special occasion only, and it shall not be published on other days. The advertisement shall not bear photographs of any Minister and other political personalities.*

*(ii) No advertisement having any specific/pointed reference or connotation to the areas covered by the bye-election constituencies shall be released /published on any date during this period.*

4. It may be noted that these instructions apply only in relation to **bye-elections**. At general elections, the prohibition on advertisements at the cost of public exchequer shall continue to be strictly enforced.

5. These guidelines may be taken note of and also brought to the notice of all authorities concerned for compliance in future.

**B**

**BRIEFING  
TO CM/HM  
BY POLICE  
OFFICERS**



### **INSTRUCTION SI. No. 38**

Election Commission's letter No. 437/6/2004-PLN III, dated 30.12.2004 addressed to the Cabinet Secretary, Govt. of India, the Chief Secretaries to the Governments of All States & Union Territories and the Chief Electoral Officers of All States & Union Territories

**Subject: Model Code of Conduct-Ban on Video Conferencing- Regarding**

I am directed to refer to Commission's letter no. 437/6/96/PLN-III dated 17<sup>th</sup> January, 1996 (Copy Enclosed) and to state that the Commission has considered the issue of video conferencing after the announcement of elections between the Chief Minister of the States, Ministers and other political functionaries of the Union and State Governments and the officials and decided that no video conferencing should take place between the Chief Ministers of the States, Ministers and other political functionaries of the Union and State Governments and the officials individually or collectively, after the announcement of elections and from the date from which Model Code of Conduct comes into force in a state or the constituency.

The receipt of the letter may kindly be acknowledged.

**INSTRUCTION SI. No. 86**

**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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No.464/MT-HP/2009

Dated : 8<sup>th</sup> April, 2009

To

The Chief Secretary to the  
Government of all States/Union Territories

The Chief Electoral Officers of  
all States/ Union Territories

**Subject :- Police briefing for Chief Minister and Home Minister- regarding**

Sir,

Instances have come to the notice of the Commission that in some States there is a practice of routine daily briefing of the Chief Minister/Home Minister by the Director General of Police or Intelligence Wing of Police. A question has arisen whether such daily briefings in routine manner by the police officials to the Chief Minister should continue once the elections are announced.

2. The Commission has considered the matter. The Commission has reiterated that various directions/instructions issued by it relating to the code of conduct for officials are intended to ensure free and fair election and in no way should the same be taken as causing any obstruction to security arrangements of the State Government.

3. The Commission advises that security briefings of Chief Minister or Home Minister when considered essential, should be undertaken by the Home Secretary or the Chief Secretary who, in turn, should be briefed by the police agencies. 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.

4. The Commission has further directed that the Director General of Police, looking after election related work may be advised not to take press conference and if press briefing is considered necessary, it should be done by issuing press release, as far as possible.

5. Directions issued in this regard by you may be endorsed to the Commission.

Yours faithfully,

**(STANDHOPE  
YUHLUNG)  
SECRETARY**

**INSTRUCTION SI. No. 84**

**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/INST/2009/CC&BE

Dated :26<sup>th</sup> April, 2009

To

1. The Chief Secretaries of all States and UTs
2. The Chief Electoral Officers of all States and UTs

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

Ref : Commission's letter No. 464/MT-HP/2009 dated 8<sup>th</sup> April, 2009

Sir,

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 instructions 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 governmental machinery for political purposes. 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.

3. This may be brought to the notice of all concerned.

Yours faithfully,

(K. AJAYA KUMAR)

SECRETARY





**C**

**VARIOUS  
GOVT.  
SCHEMES/  
PROGRAMMES**



### **INSTRUCTION SI. No. 63**

Election Commission's letter No. 576/17/84 dated 09.11.1984 to (1) The Cabinet Secretary, Government of India, Cabinet Secretariat, New Delhi. (2) The Chief Secretaries to the Government of all States and Union Territories. (3) The Secretary to the Government of India, Ministry of Home Affairs, New Delhi, and (4) all Chief Electoral Officers.

#### **Subject: Payments out of the discretionary funds on the eve of General Elections or Bye-Elections**

I am directed to State that the Supreme Court in Civil Appeal No. 1632 (NCE) of 1967 (Ghasi Ram Vs. Dal Singh and Others) had observed as follows:-

"Although we have held in this case that the action of the first respondent cannot be characterised as not innocent, we are constrained to say that the attitude of Government is far from laudable, Election is something which must be conducted fairly. To arrange to spend money on the eve of elections in different constituencies, although for general public good, if when all is said and done is evil practice, even if it may not be corrupt practice. The dividing line between an evil practice and corrupt practice is a very thin one. It should be understood that energy to do public good should be used not on the eve of elections but much earlier and that even slight evidence might change this evil practice into corrupt practice. Payments from discretionary grants on the eve of elections should be avoided."

The Commission had earlier recommended to the Central and State Governments to issue necessary instructions so that ministers and other authorities do not sanction grants/payments out of the discretionary funds on eve of elections. The "Model Code of Conduct for the guidance of Political Parties, candidates and Governments" evolved by the Commission also inter alia is designed to discourage such grants/payments.

The Central/State/Union Territory Government must have either issued suitable instructions or been following certain wholesome conventions in this regard.

It is requested that these instructions or conventions may be observed both in letter and spirit at all elections - General or Bye-elections.

2. The Commission may please be informed of the action taken in the matter.
3. The earlier communication of the Commission in its letter No. 576/17/79 at the 10th October, 1979 may be treated as superseded.
4. The receipt of this letter may be acknowledged.

## **INSTRUCTION SI. No. 24**

Election Commission's letter No. 437/6/16/2004, dated 09.03.2004 addressed to the Secretary to the govt. of India. Ministry of Rural Development Department of Rural Development, New Delhi-110001

### **Subject: - Model Code of Conduct.**

I am directed to refer to your letter no. PS/JS (RL)/04-216 dated 24-2-2004 and to state that after taking into consideration all relevant factors, the Commission has decided that:-

- (1) The work which has already been started on ground may be continued
- (2) No fresh work shall be started till the completion of the elections and
- (3) Tenders are not to be finalized during the period of elections.

## **COPY**

S. VIJAY KUMAR  
JOINT SECRETARY

Ministry of Rural Development,  
Government of India,  
Deptt. of Rural Development  
Krishi Bhawan, New Delhi - 110001.

D.O. No. PS/JS(RC)/04-216

February 24, 2004.

### **Subject : - Model Code of Conduct and continuation of programme activities under PMGSY**

Please refer to the Ministry's D.O. letter No. 17015/1/2004-GC dated 13<sup>th</sup> February, 2004 addressed to you. As you are aware the Pradhan Mantri Gram Sadak Yojana (PMGSY) is a Centrally Sponsored Scheme for providing rural connectivity. Copy of the PMGSY Guidelines is enclosed herewith. The main features include the following:

- The proposals for the road works are cleared by the State Level Standing Committee headed by the Chief Secretary. Detailed Project Reports (DPRs) are checked by independent State Technical Agencies such as IITs, RECs etc.
  - Proposals of the State are considered by the Inter-Ministerial Empowered Committee chaired by Secretary, Ministry of Rural Development and Adviser (Transport), Planning Commission, representative of Ministry of Road Transport & Highways and Director, CRRI, etc. are members of the Committee.
  - After clearance, the works are put to open tender by the State Government according to the Standard Bidding Document for PMGSY and works are to be completed within a period of 9 months.
2. The stages of execution commencing with the clearance by the Ministry to the Annual Proposals comprises:
- Issue of Notices Inviting Tenders, specifying date and time of closing of receipts of bids and opening of tenders as per Standard Bidding Document provisions
  - Finalisation on the basis of lowest qualifying bid and award of work
  - Issue of Work Orders after Contract agreement.
  - Re-tendering in case of inadequate response

Decisions for the purpose are taken at the level of the Programme Implementation Unit (PIU) or the Executing Agency/Department as per pattern of the State.

3. Some State Governments have queried whether the PMGSY Scheme will be affected by the Model Code of Conduct to be brought into force by the Election commission of India. In this connection, it may be pointed out that the process of election of the road works qualifying under the PMGSY criteria and preparation of DPRs is a well regulated and time consuming process and proposals coming to the Empowered Committee are accordingly those which have been put through a systematic procedure starting many months earlier. The Empowered Committee is an official inter-Ministerial Committee. The PMGSY is a regular Centrally Sponsored Programme and the works have to be tendered and awarded in such a way that the earth work and Water bound Macadam (WBM) needs to be completed before the end of the monsoon for proper results. As an abundant precaution, the State Governments have been advised not to refer any matters relating to tendering and award of works for decision of the political executive, elected representative (if that was the practice) during the period of the Model Code of Conduct.

Accordingly, the Election Commission may kindly confirm that execution of annual PMGSY proposals of States cleared before coming into force of the Model Code of Conduct may be continued as per the PMGSY Guidelines (subject to such conditions that the Election Commission of India may like to lay down) so that the earth work and WBM is completed before the end of the monsoon. Needless to add, there will be no inaugurations, announcements, laying of foundation stones etc. by public figures/individuals during the period that the Model Code of Conduct is in force.

With regards,

Yours sincerely,

Sd./-

(S. Vijay Kumar)

Shri A.N. Jha  
Deputy Election Commissioner  
Election Commission of India  
NEW DELHI

## **INSTRUCTION SI. No. 25**

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 29<sup>th</sup> 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.

## **INSTRUCTION SI. No. 27**

Election Commissioner's letter No. 437/6/16/2003/PLN-III, dated 01.04.2004 addressed to Smt. Asha Swarup, Joint Secretary (SGSY), Krishi Bhawan, New Delhi-110 001.

### **Subject : Clarification regarding implementation of Rural Development Programmes.**

I am directed to refer to the meeting you had in the Commission on 27<sup>th</sup> March, 2004 regarding implementation of various rural development programmes. In view of the Model Code of Conduct in force till the completion of elections, the Commission has directed the following: -

- (i) Sampoorna Grameen Rozgar Yojana (SGRY): - Continuing works in Progress under SGRY may be continued and funds earmarked for such works can be released. In case of any Panchayat where all on going works have been completed and there is a requirement for taking up NEW wage employment works and where funds released directly to the Panchayats from the Ministry of Rural Development are available, new works can be started from approved annual action plan for 2003-04 with the prior consent of the District Collector / District Election Officer. From other funds, no new works should be started.
- (ii) Indira Awas Yojana (IAY): - Beneficiaries who have been sanctioned housing scheme under IAY and have started work, will be assisted as per norms. No new constructions will be taken up or fresh beneficiaries sanctioned assistance till the elections are over.
- (iii) Swaranjayanti Gram Swarozgar Yojana (SGSY): - Under SGSY, only those help groups which have received part of their subsidy / grant will be provided the balance installments. No fresh individual beneficiaries or SHGs will be given financial assistance till the elections are over.

### **INSTRUCTION SI. No. 30**

Election Commission's letter No. 437/6/2004-PLN III, dated 26.08.2004 addressed to the Cabinet Secretary Government of India, the Secretary to the Government of India, Department of Programme Implementation and the Chief Secretaries/Chief Electoral Officers to the Governments of Arunachal Pradesh, Assam, Andhra Pradesh, Bihar, Goa, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Maharashtra, Manipur, Madhya Pradesh, Nagaland, Punjab, Rajasthan, Uttar Pradesh, West Bengal and NCT of Delhi.

#### **Subject : Release of funds under MPs'/MLAs' Local Area Development Scheme.**

I am directed to refer to the Commission's Press Note dated 24 August, 2004 where the Commission had announced the operation of the Model Code of Conduct for the Guidance of the Political Parties and Candidates.

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 the elections are 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 may be started for which the work order had been issued \_ before the issue of this letter but the work has actually not started in the field. These can be started after the completion of election process. However, if the work has actually started, this can continue.
- c) There should be no bar to the release of payments for completed work subject to the full satisfaction of the concerned officials.



### **INSTRUCTION SI. No. 39**

Election Commission's letter No. 437/6/33/2004/PLN-III, dated 31.12.2004 addressed to the Secretary to the Government of India, Ministry of Road Transport and Highways

**Subject: General Election to State Legislative Assemblies of Bihar, Jharkhand and Haryana, 2005 - applicability of Model Code of Conduct - reg.**

I am directed to refer to your letter No. RW/NH-12014/33/2003/BR/NH-3 dated 28<sup>th</sup> December, 2004 and to state that the Commission has considered the matter carefully and has decided that the sanctions for routine maintenance and repair of damaged stretches of National Highways may continue. However, no fresh sanctions may be issued or no new work initiated even if sanctioned for improvement/development of existing stretches of National Highways as provided in Ministry's Annual Plan till the Model Code of Conduct is applicable in the states going to the polls.

## **INSTRUCTION SI. No. 40**

Election Commission's letter No.437/6/2006 PLN-III (Vol.III), dated 16.03.2006 addressed to Dr. Renuka Viswanathan, Secretary to the Govt. of India, Ministry of Rural Development, Dept. of Rural Development, New Delhi and copy to the Chief Electoral Officers of all States and Union Territories for appropriate action

### **Subject: Implementation of National Rural Employment Guarantee Act (NREGA) - Application of Model Code of Conduct - Regarding**

I am directed to refer to your D.O. letter No.28012/11/05-06-NREGA dated 7<sup>th</sup> March 2006 on the above mentioned subject and to state that the Commission has reconsidered the matter and decided now as under:-

1. The Ministry of Rural Development shall not increase the number of districts in which NREGA is being implemented after announcement of elections in any State/UT.
2. The job card holder will be provided employment, if they demand work, after announcement of elections in the ongoing works.
3. In case no employment can be provided in ongoing works, the competent Authority may start new work(s) from the shelf of projects that has been approved and inform the fact to concerned District Election Officer (DEO). No new work shall be started by the Competent Authority till such time employment can be given in ongoing works. In case no shelf of project is available or all works available on shelf have been exhausted then concerned Competent Authority shall make a reference to the Commission for approval through the concerned DEO. The Competent Authority shall also furnish a certificate to DEO to the effect that the new work has been sanctioned as no employment can be given to the job card holder in the ongoing work. Responsibility for following these instructions shall lie with the Authority sanctioning new work.
4. The Commission's instruction communicated vide its letter of even No dated 7<sup>th</sup> February,2006 shall now stand withdrawn.

## **INSTRUCTION SI. No. 65**

Election Commission's letter no. 437/7/2004-PLN III dated 29.02.2004 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 and State Legislative Assemblies of Andhra Pradesh, Karnataka, Orissa and Sikkim - Release of funds under MPs' /MLAs' Local Areas Development Scheme**

I am directed to refer to the Commission's Press Note dated 29<sup>th</sup> February, 2004 where the Commission had announced the operation of the Model Code of Conduct for the Guidance of the Political Parties and Candidates.

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

- i. No fresh release of funds under the Member of Parliament (including nominated members of Rajya Sabha ) Local Areas Development fund shall be made in any part of the country till the completion of election process. Similarly, no fresh release of funds under the MLAs'/MLCs' Local Areas Development Fund shall be made, if any, such scheme is in operation, till the completion of election process.
- ii. No Work may be started for which the work order had been issued before the issue of this letter but the work has actually not started in the field. These can be started after the completion of election process.
- iii. However, if the work has actually started, this can continue.

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

**ELECTION COMMISSION OF INDIA**

**NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110001**

**No. 437/6/1/2012-CC&BE (MCC & MPLAD)**

**24<sup>th</sup> April, 2012**

To

1. The Cabinet Secretary  
Government of India  
Rashtrapati Bhawan  
New Delhi.
2. The Secretary to the Government of India  
Department of Programme Implementation  
Sardar Patel Bhawan  
New Delhi.
3. The Chief Secretaries to  
Government of Andhra Pradesh, Goa, Jharkhand, Kerala, Madhya Pradesh,  
Maharashtra, Tamil Nadu, Tripura, Uttar Pradesh & West Bengal.
4. The Chief Electoral Officers of  
Andhra Pradesh, Goa, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Tamil Nadu,  
Tripura, Uttar Pradesh & West Bengal.

**Subject : Release of funds under MP's/MLA's Local Area Development Scheme**

Sir,

I am directed to refer to the Commission's Press Notes both dated 24<sup>th</sup> April, 2012 (available on the Commission's web-site : - <http://eci.nic.in/>), as per which the Commission has announced the operation of the Model Code of Conduct for the guidance of the political Parties and Candidates.

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 MLA's/MLC's Local Area Development funds shall be made, if any such scheme is in operation, till the completion of election process.
- b) No work shall start in respect of which work orders have been issued before the issue of this letter but the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue.
- c) There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.

Yours faithfully,

(K. Ajay Kumar)

Principal Secretary

**D**

# **POSTING OF OFFICERS**



## **INSTRUCTION SI. No. 29**

Election Commission's letter No. 437/6/1/2004-PLN III, dated 11.08.2004 addressed to the Chief Secretary to the Government of Maharashtra and the Chief Electoral Officer of Maharashtra.

### **Subject : General Election to the Maharashtra Legislative Assembly- Posting of officers- Judgment of Maharashtra Administrative Tribunal Mumbai, Aurangabad Bench- Regarding**

Kindly refer to Commission's letter of even no. Dated 5th August 2004 (Enclosed for ready reference) whereby Commission has issued exhaustive guidelines to ensure that those officers, who are connected with the conduct of elections in the State, do not serve in their home districts as well as the officers who have worked for four years or more in same district be transferred out in the interest of free and fair General Elections to Maharashtra Legislative Assembly. In this connection, I am directed to invite your attention towards Maharashtra Administrative Tribunal Mumbai, Aurangabad Bench order dated 22-06-2004. in OA No. 222 of 2004 in the matter of Ramchandra Bapurao Pawar Vs State of Maharashtra and Ors. In the aforesaid O.A the Election Commission of India was impleaded as respondent no. 3. Though the said O.A has been dismissed, the Hon'ble Tribunal has made certain observations at para 11 of its order dated 26.6.2004 which are as under:-

*"The elections of the Parliament admittedly were declared somewhere in the month of January or February 2004 and the Election Commission adopted a particular policy, as far as the postings and transfers of the Government employee at a particular station. Exhaustive guidelines were issued by him on 11.02.2004 enumerating specifically therein that, all the officers who are connected with conduct of the election and who are having the hometown, where they are posted, or the officer who completed tenure of four years at the station , shall be transferred from the station. The Election Commission and the executives of the State Govt. were under obligation to implement this scheme faithfully and sincerely. I however, feel it was nothing but for a farce to lay down particular guidelines, so as to transfer particular employee under the garb of such scheme and to retain the others in whom the vested interest was involved. The best example made out by the applicant is of Shri D.M. Borude- the Deputy Collector (E.G.S.). He was belonging to Ahmednagar district. His post of Deputy Collector of the E.G.S. was already notified as an Assistant Returning Officer. The Collector, Ahmednagar made a proposal to transfer him on 26.3.2004. He however, was retained at the station for the unknown reason. The applicant further made out the instances of S/Sh. Dangde, Lavande, Jare etc. and alleged that all of them are resident of Ahmednagar district. Shri Lavande was working as Deputy District Election Officer. Despite it, they were not displaced from the station. This is a reason as to why I use the word 'farce' in adopting a particular policy by the Election Commission. The policy was adopted with a view to implement it, looking to the faces and not otherwise. As a matter of fact, the Election Commission is an autonomous authority. He decided to achieve the fair results of the elections. He had admitted the policy to transfer the officers, who are posted in the hometown or who completed tenure of four years. The said policy however, was not sincerely implemented, or that, some element who were malafide played mischief and made incorrect proposal. I feel that the Election Commission, who is an autonomous authority, shall see that his subordinate officers and especially the executives do not take the disadvantage of the situation under the grab of the elections. If the Election Commissioner tolerates and ignores such instances, the mischievous and mala fide elements would abuse their powers, may be for extraneous consideration, and the officers having no approach would be the sufferers and victim. I would be justified to propose to the Election Commission to consider the aspect with some seriousness and shall take appropriate action in the matter."*

The Commission has taken a serious view of the way its instructions have been misused and desires the State Administration and the Chief Electoral Officer should be more vigilant to ensure that such lapses do not occur in future.

## **INSTRUCTION SI. No. 11**

Election Commission's letter No.437/6/2006/PLN- III, Dated : 06<sup>th</sup> November, 2006 addressed to The Chief Secretaries to all States and Union Territories & The Chief Electoral Officers of all States and Union Territories.

### **Subject: General Elections/Bye-elections to the Lok Sabha/Legislative Assemblies of the States/UTs Posting of Officers – Regarding.**

The Commission has, in the past, issued various instructions on transfer/posting of officers for conduct of free and fair elections. These instructions have now been consolidated for the convenience of all concerned, which are as under :-

(i) The Commission has followed the consistent policy to ensure that officers, who are connected with the conduct of elections in the States, do not serve in their home districts or places where they have served for long and decided that no officer connected with elections, directly or indirectly, should be allowed to continue in the present district of posting.

(a) If she/he is posted in her/his home district.

(b) If she/he has completed three years in that district during last four years.

(ii) These instructions will not only cover officers appointed for specific election duties like District Election Officers, Returning Officers and Assistant Returning Officers but also other district level officers like Additional District Magistrates, Deputy Collectors, Sub-Divisional Magistrates, Tehsildars, Block Development Officers. As far as officers in the Police Department are concerned, these instructions shall be applicable to range IGs, DIGs, SSPs, SPs and Sub-Divisional Heads of Police, Inspectors, Sub-Inspectors, Sergeant Majors or equivalent who are responsible for deployment of force in the district at election time.

(iii) The Commission has desired that a detailed review may, therefore, be undertaken before every election in all districts and all such officers should be posted out of their home districts or district where they have completed a tenure of three years out of last four years. While moving officers, who have completed three years in a district out of last four years, care should be taken so that they are not posted to their home districts. While calculating the period of three years, promotion to a post within the district is to be counted. While carrying out this review it must be borne in mind that these instructions do not apply to officers posted at the State headquarters.

(iv) The Commission also desires that the officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in any election or election related work or who were transferred under the orders of the Commission previously may not be assigned any election related duty(ies).

(v) The Commission further desires that no officer/official against whom a criminal case is pending in any court of law, be associated with the election work or election related duty.

(vi) The Commission in the past has received complaints that while the State Government transfers officials in above categories in pursuance to the directions issued by the Commission, the individuals try to circumvent the objective by entering on leave and physically not moving out of the district from which they stand transferred. The Commission has viewed this seriously and desires that all such officials who stand transferred in pursuance to the instructions referred to above shall be asked to move physically out of the districts from which they stand transferred immediately on receipt of transfer orders.

(vii) The Commission's policy may be implemented prior to the formal announcement of the elections in order to ensure that the State Governments take necessary steps to transfer the



officers/officials falling in the categories specified above early. If steps are taken immediately then large-scale dislocation of officers after the announcement of election shall not be necessary.

(viii) Further, while implementing the above directions, the Commission desires that the Chief Electoral Officer of the State shall be consulted while posting the new persons in place of present incumbents who stand transferred as per this policy of the Commission. The copies of the transfer orders issued under these directions shall be given to the Chief Electoral Officers concerned without fail.

(ix) The transfer orders in respect of officers/officials who are engaged in the electoral rolls revision work shall be implemented only after final publication of electoral rolls. (See Commission's instructions No.437/6/2006-PLN-III(Vol.IV) dated 19th December, 2005 & 437/6/2006-PLN-III Vol.I dated 17th April, 2006).

(x) The police officials covered under the above instructions are those who are at present posted in the field or in police lines. The police officials who are posted in functional departments like computerization, special branch, training, etc. are not covered under these instructions. (See Commission's instructions No.PS/AK/2005 dated 14th January, 2006)

(xi) The Police Officers of the level of Sub-Inspectors should not be posted in their home Assembly Constituencies.

(xii) The Police Officers of the level of Sub-Inspectors should be transferred out of their police Sub-divisions if they have completed tenure of three years during last four years in that sub-division.

(xiii) The Police Officers of the level of Sub-Inspectors shall be transferred out of the district only if they cannot be continued there on the basis of criteria (xi) and (xii). (See Commission's letter No.437/6/2006-PLN-III(Vol.IV) dated 4th February, 2006)

(xiv) Any officer who is due to retire within coming six months will be exempted from the purview of the above-mentioned directions of the Commission. Further such officers may not be engaged for performing elections duties during the elections. (See Commission's instruction No.437/6/2006-PLN-III (Vol.IV), dated 20th February, 2006)

(xv) It is further clarified that all the officials of the States/UTs who are on extension of service or re-employed in different capacities will not be associated with any election related work except those with the Office of CEOs. (See Commission's instructions No.437/6/2006-PLN-III (Vol.IV) dated 6th March, 2006)

(xvi) For Union Territory of Pondicherry which has different territorial region like Mahe, Yanam, Karaikal and Pondicherry each territorial region may be considered as a separate unit for transfer in place of district, which means that an officer concerned under these instructions(a) should not be allowed to continue in his home region and (b) be transferred out of his present region, if he has completed a tenure of 3 years during last four years in that region. (See Election Commission's instruction No.437/6/2006-PLN-III Vol.IV dated 20th January, 2006)

(xvii) So far as Kolkata Police is concerned the transfers may be effected considering territorial divisions as unit in place of districts.

(xviii) For the personnel posted in Darjeeling District of West Bengal, the transfers are to be made by considering the sub-divisions as units in place of districts. (See Commission's instructions No.437/6/2006-PLN-III, dated 29.12.2005)

2. The above instructions may be brought to the notice of all concerned for compliance and receipt of this letter kindly be acknowledged.

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

No.437/6/2006-PLN III (Vol-IV)

Date:22<sup>nd</sup> November, 2006.

To

1. The Chief Secretaries to the Government of all States and Union Territories
2. The Chief Electoral Officers of All States and Union Territories

Sub : Bye-Elections to the Parliamentary Constituency/Legislative Assemblies of the States/UT – posting of officers - regarding. ...

Sir,

The Commission, in the interest of free and fair elections, has followed the consistent policy to ensure that officers, who are connected with the conduct of elections in the States, do not serve in their home districts or places where they have served for long.

2. The Commission on the lines of instructions issued earlier has decided that no officer connected with elections whether General or Bye-Elections, directly or indirectly, should be allowed to continue in the present district of posting :-

- (i) if she/he is posted in her/his home district.
- (ii) if she/he has completed three years in that district during last four years.

3. These instructions will not only cover officers appointed for specific election duties like District Election Officers, Returning Officers and Assistant Returning Officers but also other district level officers like Additional District Magistrates, Deputy Collectors, Sub-Divisional Magistrates, Tehsildars, Block Development Officers. As far as officers in the Police Department are concerned, these instructions shall be applicable to range IGs, DIGs, SSPs, SPs and Sub-Divisional Heads of Police, Inspectors, Sub-Inspectors, Sergeant Majors or equivalent who are responsible for deployment of force in the district at election time.

4. The Commission has desired that a detailed review, may, therefore, be undertaken in all districts and all such officers should be posted out of their home districts or districts where they have completed a tenure of three years out of last four years, immediately. While moving officers, who have completed three years in a district out of last four years, care should be taken so that they are not posted to their home districts. While calculating the period of three years, promotion to a post within the district is to be counted. While carrying out this review it must be borne in mind that these instructions do not apply to officers posted at the State headquarters.

5. The Commission also desires that the officers / officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in any election or election related work or who were transferred under the orders of the Commission previously may not be assigned any election related duty(ies).

6. The Commission further desires that no officers / official against whom a criminal case is pending in any court of law, be associated with the election work or election related duty.

7. The Commission in the past has received complaints that while the State Government transfers officials in above categories in pursuance to the directions issued by the Commission, the individuals try to circumvent the objective by entering on leave and physically not moving out of the district from which they stand transferred. The Commission has viewed this seriously and desires that all such officials who stand transferred in pursuance to the instructions referred to above shall be asked to move physically out of the districts from which they stand transferred immediately on receipt of transfer orders.

8. Normally, bye election is held to fill up a casual vacancy within a period of six month from the date of occurrence of vacancy excepting a situation beyond control of the Commission. Hence, it would be advisable if the State Government initiates steps for implementation of these guideline immediately after occurrence of a casual vacancy in a constituency with respect to the district in which such constituency is partly or wholly comprised so that last moment dislocation of officers can be avoided.

9. Further, while implementing the above directions, the Commission desires that the Chief Electoral Officer of the State shall be consulted while posting the new persons in place of present incumbents who stand transferred as per this policy of the Commission. The copies of the transfer orders issued under these directions shall be given to the Chief Electoral Officers concerned without fail.

10. Details of action taken may be intimated to the Commission for its information.

11. The above standing instructions will be applicable scrupulously in all the bye elections to the Parliamentary/Legislative Assemblies of the States/UT that will be held from time to time.

Yours faithfully,  
(A. K.MAJUMDAR)  
SECRETARY

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

Date : 9<sup>th</sup> January, 2014

To

1. The Chief Secretaries to  
all the States and Union Territories
2. The Chief Electoral Officers of  
all the States and Union Territories

**Subject : General Election to House of the People (Lok Sabha), 2014- Transfer /Posting of Officers - regarding**

Sir/Madam,

As you might be aware that the General Election to the House of the People (Lok Sabha), 2014 is to be held shortly. The Commission, in its task of conducting free and fair elections has followed the consistent policy to ensure that officers, who are connected with the conduct of elections in the States, do not serve in their home districts or places where they served for long and decided that **no officer connected with elections, directly or indirectly, should be allowed to continue in the present district of posting :-**

**(a) If she/he is posted in her/his home district.**

**(b) If she/he has completed three years in that district during last four years or would be completing 3 years on or before 31.05.2014**

It has been observed that the cut off date prescribed by the Commission has not been scrupulously followed by some State Governments. The Commission has therefore stressed that all the State Governments should strictly follow the cut off date prescribed for calculating the three year period. Accordingly the 3 year period may be reckoned backwards from 31.05.2014.

(ii) These instructions cover not only officers appointed for specific election duties like District Election Officers, Deputy District Election Officer, Returning Officers and Assistant Returning Officers but also other district officers like Additional District Magistrate, Deputy Collectors, Sub-Divisional Magistrates, Tehsildars, Block Development Officers or any other officer proposed to be deployed for election work.

As far as officers in the Police Department are concerned, these instructions shall be applicable to the Range IGs, DIGs, Commandants of State Armed Police, SSP, SPs, Add;/ SPs. Sub-Divisional Head of Police, Inspectors or equivalent ranks who are responsible for deployment of police force in the district at election time. The police officials who are posted in functional departments like computerization; special branch, training, etc. are not covered under these instructions. Apart from these, the Police Officers of the level of Sub-Inspectors should not be posted in their home Assembly Constituencies. The Police Officers of the level of Sub-Inspectors should be transferred not only out of their police Sub-divisions but also out of the Assembly Constituency if they have completed a tenure of three years during last four years in that sub division or would be completing 3 years on or before 31.05.2014.

(iii) The Commission further desires that a detailed review may, therefore, be undertaken in all districts, and all such officers be posted out of their home districts or out of the district where they

have completed or will complete, on the aforesaid date, tenure of three years out of the last four years, immediately. While moving such officers, care should be taken that they are not posted to their home districts. While calculating the period of three years, promotion to a post within the district is to be counted. While carrying out this review it must be borne in mind that these instructions do not apply to officers posted in the State headquarters of the department concerned.

(iv) The Commission also desires that the officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in any election or elections related work in the past, shall not be assigned any election related duty.

(v) the Commission further desires that no officer/official against whom a criminal case is pending in any Court of Law be associated with the election work or election related duty.

(vi) The Commission has in the past received complaints that while the State Government transfers officials in the above categories in pursuance of the direction issued by the Commission, the individuals try to circumvent the objective by proceeding on leave and physically not moving out of the district from which they stand transferred. The Commission has viewed this seriously and desires that all such officials who stand transferred in pursuance of the instructions referred to above shall be asked to move physically out of the district from which they stand transferred immediately on receipt of the transfer orders.

(vii) Further, while implementing the above directions, the Commission desires that the Chief Electoral Officer of all the States/UTs shall invariably be consulted while posting the new persons in place of present incumbents who stand transferred as per this policy of the Commission. The copies of the transfer orders issued under these directions shall be given to the Chief Electoral Officer concerned without fail.

(viii) The transfer orders in respect of officers/officials, who are engaged in the electoral rolls revision work, if any, shall be implemented only after final publication of the electoral rolls, in consultation with the Chief Electoral Officer.

(ix) Any officer who is due to retire within coming six months will be exempted from the purview of the above-mentioned directions of the Commission. Further officers falling in category (home/3+criteria if they are due to retire within 6 months) shall not be engaged for performing elections duties during the elections.

(x) It is further clarified that all the officials of the States/UTs who are on extension of service or re-employed in different capacities will not be associated with any election related work except those with the Office of the Chief Electoral Officers.

2. Details of the action taken may be intimated to the Commission for its information immediately and in any case not later than 15.02.2014.

3. It has been observed in the past that during the General Election, numerous references are received from various States seeking clarification with reference to the applicability of transfer order to individual cases. The Commission directs that all these issues should be handled at the Chief Electoral Officer's level. Only when it is absolutely necessary, individual references should be forwarded to the Commission after considering all aspects at the Chief Electoral Officer's level with his/her specific recommendations.

4. The above instructions may be brought to the notice of all concerned for compliance

Yours faithfully.

(K. Ajaya Kumar)  
Principal Secretary

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

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

Date:21<sup>st</sup> February, 2014.

To

1. The Chief Secretaries to all the States and Union Territories
2. The Chief Electoral Officers of all the States and Union Territories

Sub : General Election to the House of the People (Lok Sabha)-2014-  
Transfer/postings of officers – clarification - regarding. ...

Sir/Madam,

I am directed to refer to this office letter of even number dated 9<sup>th</sup> January, 2014 on the subject cited and to state that some State Governments have brought to the Commission's notice that the expression in the opening para of the said letter, namely, "no officer connected with elections, **directly or indirectly** should be allowed to continue in the present district of posting" is causing difficulty in the matter of implementation in so far as the officers **indirectly** connected with elections are concerned as that would involve transfer of a large number of officers. They have therefore pleaded for the reconsideration of the said instruction. The matter has been considered by the Commission. Taking into account the views expressed by the State Governments, the Commission has decided to amend the said clause as "no officer connected **directly** with the election should be allowed to continue in the present district of posting." However, if prima facie any complaint is received with regard to officials who are **indirectly** connected with elections, Commission shall take appropriate action against such officials. It is clarified that officers appointed as **Sector Officers**, though directly involved in election duties **will not be covered under these instructions** as their duties are such that they are deployed in field duties where their knowledge of the area/terrain is crucial to their effective performance and therefore they will continue to be deployed in the present area/terrain. The CEO, DEO and RO should, however, keep a close watch on such officers during the election period to ensure that their performance is strictly impartial.

Yours faithfully,

(K.AJAYA KUMAR)  
PRINCIPAL SECRETARY

Copy to all DECs/DGs/Pr.Secys/Secretaries.

**E**

**DISPLAY OF  
ADVERTISEMENTS**





## **INSTRUCTION SI. No. 22**

Election Commission's letter No. 437/6/2004-PLN III, dated 08.03.2004 addressed to the Cabinet Secretary, Govt. of India, the Secretary, Ministry of information and Broadcasting, Govt. of India, the Chief Secretaries to the Govt. of all States and Union Territories and copies to Chief Electoral Officers of all States and Union Territories

### **Subject: Display of advertisements and hoardings at the cost of public exchequer.**

It has come to the notice of the Commission that a number of hoardings depicting the achievements of the party in power are being displayed by the Union and the States/UT Governments at the cost of public exchequer Your attention is invited to sub-para (iv) of para VII - Party in Power- of the Model Code of Conduct for the Guidance of Political Parties and Candidates which is as under:-

The party in power whether at the Centre or in the States/UTs 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-(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.'

With the announcement of the schedule of elections to Lok Sabha and the legislative Assemblies of Andhra Pradesh, Karnataka, Orissa and Sikkim on 29<sup>th</sup> February 2004 the Model Code of Conduct came into force immediately. The continuing display of such hoardings and advertisements at the cost of public exchequer, even if such Hoardings, advertisements or posters were displayed prior to the date of announcement of elections, constitutes a violation of the Model Code of Conduct as it provides an undue advantage to the party in power and has the effect of influencing the voters in favour of the party in power.

The Commission directs that all such hoardings, advertisements, etc. on display shall be removed forthwith by the concerned authorities and a compliance report furnished to the Commission

The Commission has also directed that no advertisements should be issued in the newspapers and other media including electronic media at the cost of public exchequer during the election period and the misuse of 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 should be scrupulously avoided.

All Ministries/Departments/Offices of the Central Government and the State Governments may be informed of this directive of the Commission for immediate compliance.

## **INSTRUCTION SI. No. 48**

Election Commission's letter No.509/75/2004/JS-I, dated 15.04.2004 addressed to the Chief Electoral Officers of all the States / Union Territories.

**Subject: - Supreme Court's Order dated 13<sup>th</sup> April, 2004 relating to advertisements of political nature on TV Channel and cable networks.**

I am directed to enclose herewith a copy of the order dated 15<sup>th</sup> April, 2004, passed by the Commission in pursuance of the Order dated 13<sup>th</sup> April, 2004. of the Hon'ble Supreme Court in SLP ( C ) No. 6679 of 2004 (Ministry of Information and Broadcasting Vs. M/s. Gemini TV Pvt. Ltd. and others).

2. It may be noted that the Commission has directed that for pre-viewing, scrutinizing and certifying advertisements to be telecast over TV channels and cable networks by any registered political party or by any group or organization / association, having headquarters in NCT of Delhi, the Chief Electoral Officer, Delhi is to constitute a Committee as directed in paragraph 6 (i) of the Order. Similarly, the Chief Electoral Officers of other States / Union Territories will constitute Committees for dealing with applications by political parties and other associations / groups with headquarters in their States / Union Territories, as per paragraph 6 (iii). Vide paragraph 6 (v) of the Order, the Returning Officer of every Parliamentary Constituency have been declared as Designated Officer for previewing, scrutinizing and certifying advertisements by individual candidates contesting election from the constituency concerned. For the candidates contesting the current general election to the Legislative Assemblies of Andhra Pradesh, Karnataka, Orissa and Sikkim and the bye-elections in some States, the Returning Officer of the Parliamentary Constituency comprising the Assembly Constituency concerned will entertain applications for certification of advertisements.
3. The Chief Electoral Officers of all States / Union Territories are also required to constitute further a Committee to attend to complaints / grievances in regard to the decision of the Committees Designated Officers on the application for certification of advertisements.
4. Each application for certification is to be submitted before the Committee concerned or the Designated Officer concerned in a statement as per the format prescribed in Annexure-A appended to the Order. The certificate for telecast for an advertisement is to be given by the Committee / Designated Officer in the format as given in Annexure-B appended to the Order. The applicants are required to submit two copies of the proposed advertisements in electronic form alongwith an attested transcript thereof.
5. A proper record in a register should be maintained for all applications received for certification. Each application should be serially numbered and the serial numbers should also be indicated on the two copies in electronic form and the receiving officer should affix his signature on the electronic copy. After issue of certificate, one electronic copy of the advertisement as certified for telecast, should be retained by the Committee / Designated Officer.
6. All Chief Electoral Officers may take immediate action for acquiring, by hiring or purchase, necessary equipments / infrastructure, such as television, VCR, VCD, etc. that may be required for the purpose of previewing and scrutinizing of advertisements by the Committees and Designated Officer in their State / Union Territory. Any purchase made are to be in accordance with the rates and procedures approved by the State Governments for similar items.
7. The Commission's order may be given wide publicity and this may be specifically brought to the notice of all District Election Officers / District Magistrates, Returning Officers, TV Channels, cable operators and political parties in the State / Union Territory.
8. Kindly acknowledge receipt.

### **INSTRUCTION SL. No. 33**

Election Commission's letter No. 437/6/28/2004/PLN-III, dated 29.09.2004 addressed to the Secretary to the Government of India, Ministry of Urban Development & Poverty Alleviation, Department of Urban Development & Poverty Alleviation

**Subject: Placing of advertisement on the World Habitat Day in the National Dailies on 4<sup>th</sup> October, 2004.**

I am directed to refer to your letter No.1706-D/Dir (UPA), dated 28<sup>th</sup> September, 2004 on the above subject and to inform you that the fife Commission has no objection to the release of the advertisements subject to the following conditions:-

- (i) The advertisement should not contain any photograph of the concerned Minister
- (ii) Any reference to a political party or parties as alliance should be avoided;
- (iii) It should not be published in the dailies being published from the cities of Mumbai and Kolkata.

### **INSTRUCTION SL.No.26**

Election Commission's letter No.437/6/Misc/2004-PLN III, dated 8.10.2004 addressed to the Secretary to the Govt. of India, Department of family welfare, M/o Health & Family welfare.

**Subject :- Advertisement for Pulse Polio campaign – clarification- regarding.**

I am directed to refer to your D.O. letter No. J-130/10/2004/IEC dated 7<sup>th</sup> October, 2004 addressed to the Deputy election Commissioner and to state that the Commission has no objection to the release of the advertisement as per sample enclosed with the letter referred to above. However the photographs of the Political leaders may be avoided in the advertisement if it is being issued in the states going for bye-elections.

## **INSTRUCTION SI. No. 36**

Election Commission's letter No. 437/6/2004-PLN III, dated 24.12.2004 addressed to the Chief Secretaries/Chief Electoral Officers of Bihar & Jharkhand

**Subject: - Display of advertisements and hoardings at the cost of public exchequer.**

It has come to the notice of the Commission that a number of hoardings depicting the achievements of the party in power are displayed during the run up to the elections by the State Government/Union Government at the cost of public exchequer. Your attention is invited to sub-para (iv) of para VII - 'Party in Power'- of the Model Code of Conduct for the Guidance of Political Parties and Candidates which is as under: -

"The party in power whether at the Centre or in the States/UTs 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-

(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."

2. With the announcement of the schedule of elections to the Legislative Assemblies of Bihar, Haryana and Jharkhand on 17<sup>th</sup> December, 2004, the Model Code of Conduct came into force immediately. The continuing display of such hoardings and advertisements at the cost of public exchequer, even if such hoardings, advertisements or posters were displayed prior to the date of announcement of elections, constitutes a violation of the Model Code of Conduct as it provides an undue advantage to the party in power and has the effect of influencing the voters in favour of the party in power.

3. The Commission has directed that those 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 the 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 eulogise himself or itself or enhance his/its own or any political leader's personal image. Such hoardings, etc. undoubtedly amount to their individual/party election campaign at public cost.

4. The Commission has also directed that no advertisements should hereafter be issued in the newspapers and other media, including electronic media, at the cost of public exchequer during the election period and the misuse of 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 should be scrupulously avoided.

5. All Departments/Offices of the State Government may be informed of this directive of the Commission for immediate compliance.

6. The receipt of this letter may be acknowledged.

## **INSTRUCTION SI. No. 56**

Election Commission's letter No. 3/9/2007/JS-II Dated: 3<sup>rd</sup> August, 2007 addressed to the Chief Electoral Officers of all States and Union Territories.

**Subject: Election related advertisements in newspapers and other print media – election campaign-regarding.**

I am directed to invite attention to the provisions of Section 126 of the Representation of the People Act, 1951 reproduced below :-

“Section - 126 Prohibition of public meetings during period of forty – eight hours ending with hour fixed for conclusion of poll –

- (1) no person shall –
    - (a) convene, hold or attend, join or address any public meeting or procession in connection with an election; or
    - (b) display to the public any election matter by means of cinematograph, television or other similar apparatus.
    - (c) Propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in the polling area.
  - (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.
  - (3) In this section, the expression “election matter” means any matter intended or calculated to influence or affect the result of an election.”
2. Queries have been raised from some States whether broadcasting of election related matter over Radio could be done during the aforesaid period of 48 hours.
  3. Clause (b) of sub-section(1) of Section 126 prohibits display of election matter through T.V. or similar apparatus. It is clarified that radio would be treated as ‘other similar apparatus’ for this purpose and hence broadcasting /propagating any election matter through Radio would be covered under clause (b) and would not be permissible during the period of 48 hours mentioned in the said section.
  4. This may be brought to the notice of all concerned in your State including all political parties in the State, for removal of doubt, if any, on this aspect.
  5. Acknowledge receipt of this letter.

## **INSTRUCTION SI. 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.

Copy to:

The Principal Secretary /Secretaries/Under Secretaries for follow up action.

## **INSTRUCTION SI. No. 61**

Election Commission's letter No. 3/7/2008/JS-II Dated: 7<sup>th</sup> October, 2008 addressed to the Secretary, Govt. of India, Chief Secretaries and the Chief Electoral Officers of All States and Union Territories

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

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.

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 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 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.

#### **DEFACEMENT 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).

#### DEFACEMENT 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 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.

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

**Annexure-1****Defacement of Properties – Law**

SL. No.	Name of State/UT	Name of Act/Rule	Extent of applicability
1	Andhra Pradesh	The Andhra Pradesh Prevention of Disfigurement of Open Places and Prohibition of Obscene and Objectionable Posters and Advertisements Act, 1997.	It extends to the entire State.
2	Arunachal Pradesh	The Arunachal Pradesh Prevention of Disfigurement of Property Act, 1997.	It extends to the entire State.
3	Bihar	The Bihar Pradesh Prevention of Disfigurement Property Act, 1997.	It extends to the entire State.
4	Chhattisgarh	No separate law/Act framed by the Sate. But the Madhya Pradesh Sampatti Virupan Nivaran Adhiniyam. 1994 is applicable in the state.	It extends to the entire State.
5	Goa	The Goa Prevention of Defacement of Property Act, 1988 as amended vide Act of 1992 and 2001.	It extends to the entire State.
6	Haryana	The Haryana Prevention of Defacement of Property Act, 1989 as amended vide Act of 1996.	It extends to the entire State.
7	Himachal Pradesh	The Himachal Pradesh Open Places (Prevention of Disfigurement) Act, 1985.	It extends to the entire State and come into force in the areas comprised in theMunicipal Corporation of Shimla at once and shall come into force in the remaining part of the State on such date as the State Govt. may by notification, appoint.
8	Jharkhand	No separate law/Act but the Bihar Prevention of Defacement of Property Act, 1985 is applicable in the state.	It extends to the entire State.
9	Jammu & Kashmir	The Jammu & Kashmir Prevention of Defacement of Property Act No. XIX of 1985.	It extends to the entire State.
10	Karnataka	The Karnataka Open places (Prevention of Disfigurement) Act, 1981 as amended vide Act of 1983.	It extends to Banglore, Mysore, Hubli, Dharwar, Mangalore and Belgaun constituted or continued under the Karnataka Municipal Corporation Act - 1976, or under any other law on 5.5.81 and come into force in the Municipalities, notified areas, sanitary Boards, constituted or continued under the Karnataka Municipalities Act -1964, or under any other law, or in any other local area, on such date, as the State Govt. may by notification appoint.

SL. No.	Name of State/UT	Name of Act/Rule	Extent of applicability
11	Madhya Pradesh	The Madhya Pradesh Sampatti Virupan Nivaran Adhiniyam, 1994.	It extends to the entire State.
12	Maharashtra	Maharashtra Act No. VIII of 1995 – regarding Prevention of Defacement of Property	Nothing is specifically mentioned about the extent of applicability.
13	Mizoram	The Mizoram Prevention of Defacement of Property Act, 1995.	It extends to the entire State.
14	Nagaland	The Nagaland Prevention of Defacement of Property Act, 1985.	It extends to the notified areas constituted under the Assam Tribal Areas (Administration of Town Committee) regulation 1950, or in any other local area or areas, on such date, as the State Govt. may by notification may appoint.
15.	Punjab	The Punjab Prevention of Defacement of Property Act, 1998.	It extends to the entire State.
16.	Sikkim	The Sikkim Prevention of Defacement of Property Act, 1988.	It extends to the entire State.
17.	Tamil Nadu	The Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, as amended vide Act of 1992	It extends to the entire State.
18.	Tripura	The Tripura Prevention of Defacement of Property Act, 1976 in conjunction with Tripura (Prevention of Defacement of Property) Amendment Bill, 1998 now in force in the State.	It extends to the entire State and shall apply in the first instance to municipal limits of Agartala Town, but the State Govt. may from time to time by notification in the official Gazette, apply to such other local areas or areas as may be specified in the notification.
19.	Uttarakhand	The Uttaranchal Prevention of Defacement of Public Property Act, 2003.	It extends to the entire State.
20.	Andaman & Nicobar	The Andaman & Nicobar Islands Prevention of Defacement of Property Regulation, 1987.	It extends to the entire Union Territory of the Andaman and Nicobar Islands.
21	Chandigarh UT	The West Bengal Prevention of Defacement of Property Act, 1976 has been made applicable in Chandigarh UT.	It extends to the entire State.
22	Delhi	The West Bengal Prevention of Defacement of Property Act, 1976 was made applicable in Delhi. (A separate act is under consideration).	<b>It extends to the entire State.</b>
23	Pondicherry	The Pondicherry Open Places (Prevention of Disfigurement) Act, 2000.	It extends to whole of the Union Territory of the Pondicherry.

**States in which there is no specific Law on the subject of**

**Prevention of Defacement of Property**

Sl. No.	Name of State/UT	
1.	Assam	No law/Act
2.	Gujarat	No law/Act
3.	Kerala	No law/Act
4.	Manipur	No law/Act
5.	Meghalaya	No law/Act
6.	Orissa	No law/Act
7.	Rajasthan	No specific law on the subject but there is a provision in Section 198 of Rajasthan Municipalities Act, 1959 that without the consent of the owner or occupier and in case of Municipal property, without the permission in writing of the board, affixing any poster, bill, placard or other paper or means of advertisement is punishable with fine which may extend to twenty rupees.
8.	Uttar Pradesh	No law/Act
9.	West Bengal	The earlier West Bengal Prevention of Defacement of Property Act, 1976.(West Bengal Act XXI of 1976). This Act has since been repealed.
10.	Dadra & N. Haveli	No law/Act
11.	Daman and Diu	No law/Act
12.	Lakshdweep	No law/Act

**Annexure-2**

**Statement showing the details of wall-writings / posters / hoardings / banners, etc. displayed by Shri / Smt. / Ms. \_\_\_\_\_, contesting candidate in \_\_\_\_\_ Parliamentary Constituency / Assembly Constituency**

Name of the Village / Town /Locality \_\_\_\_\_

S.No.	Name and address of the owner of the private property from whom written permission has been obtained	Details of Wall – Writing or Hoardings or Banners or Poster (Size of wall writing/ hoarding / banner / poster shall be indicated	Expenditure incurred or likely to be incurred on the wall-writing / hoarding / banner / posters, etc. (Rs.)
			<b>Total</b>

**INSTRUCTION SI. No. 65**

**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/ER/2009/SDR

Dated : 20th March, 2009

To

The Chief Electoral Officer of  
All States/Union Territories.

**Subject : Advertisement of political nature on TV channels, cable network and Radio.**

Sir/Madam,

In continuation of the letter of even number, dated 18th March, 2009, the Commission gives the following further clarifications in the matter of applications for certification of political advertisements on TV channels/cable networks/Radio:

(i) If the Central Office of any of the National Parties or the State Parties with headquarters in Delhi seeks certification of same advertisement in multiple languages (Hindi/English and in regional languages), the advertisement material in each of the languages alongwith certified transcripts should be submitted to the

committee in the office of the CEO, Delhi. In addition, in such cases, the applicant

should also submit a duly sworn affidavit stating, as is done in the Courts, that the

regional language version of the advertisement is a true translation of the advertisement in Hindi/English and the applicant will be responsible for any mistake therein.

(ii) If the Central Office of any of the National Parties or the State Parties with headquarters in Delhi wishes to seek certification of advertisement in any regional

language (without there being any Hindi/English version of the advertisement), the

application seeking certification will have to be submitted to the committee in the office of the CEO of the State concerned (i.e. the State to which the regional language pertains).

(iii) Any advertisement certified for telecast/broadcast by the committee in the office of the CEO, Delhi, on application from the Central Office of the National Parties and the State Parties with headquarters in Delhi, will be valid for telecast/broadcast throughout India in all States and UTs. No separate certification would be required in such cases from the committees in other States. However, the parties should submit a copy of the certificate obtained from the committee in Delhi to the Chief Electoral Officer of the State in which such advertisements are proposed to be telecast/broadcast. The copy should be submitted with a declaration that the same is a true copy of the certificate issued from the committee in Delhi and this should be submitted to the CEO in the State concerned before the advertisement is telecast/broadcast.

2. The above clarifications may be brought to the notice of all authorities in the State. A copy of this should be given to the screening committee functioning for this purpose in the office of the CEO.

Yours faithfully,

**(K.F. WILFRED)**  
**SECRETARY**

**Copy to:-**

All recognized National parties and Samajwadi Party, J&K National Panthers Party, Janata Dal (Secular) and Janata Dal (United). Lok Jan Shakti Party and All India Forward Bloc.

**INSTRUCTION SI. No.99**

**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.437/6/INST/2008-CC&BE      Dated : 1st April, 2009.

To

1. The Cabinet Secretary,  
Cabinet Secretariat,  
Rashtrabhati Bhawan,  
New Delhi.
2. The Chief Secretary to the Governments of  
all States / Union Territories.
3. The Chief Electoral Officers of  
all States / Union Territories.

**Subject:-      Display the photographs/calendars, etc. of national leaders and prominent personalities in the government offices/ premises – clarification regarding.**

Sir,

I am directed to invite a reference to the Commission letter of even number dated 28th March, 2009, on the above subject, and to state that the underlying intention of the Commission's instruction was that the photographs and images of the political functionaries, who have deep influence on the minds of electors and many of whom are still active in public life and may even be contesting the current general elections, should not be displayed in the government buildings and premises as that would have the effect of disturbing the level playing field vis-à-vis the political functionaries of other parties and candidates. In view of the inputs received, the Commission had issued the above instructions. In the meanwhile, certain doubts have been raised and clarification has been sought about the removal of the images of some national leaders, poets and prominent historical personalities of the past. In this regard, the Commission would like to state that

the abovementioned underlying purpose of the instruction needs to be fully appreciated while being acted upon. It is clarified that while the 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, and the President of India and the Governors. It is further clarified that in case of any doubt in this regard regarding removal of any photograph or images, the issue may be referred to the Chief Electoral Officer of the State/Union Territory concerned before taking action in the matter.

Yours faithfully,

(K. AJAY KUMAR)  
SECRETARY

## **INSTRUCTION SI. No. 23**

ECI letter No.437/6/INST/2008-CC&BE Dated: 13<sup>th</sup> April, 2009 addressed to the Chief Secretaries and Chief Electoral Officers of all States and UTs

**Subject: Applicability of Model Code of Conduct - Display of advertisements and hoardings at the cost of public exchequer**

It has come to the notice of the Commission that a number of hoardings depicting the achievements of the party in power are being displayed by the Union and the States/UT Governments at the cost of public exchequer Your attention is invited to sub-para (iv) of para VII - Party in Power- of the Model Code of Conduct for the Guidance of Political Parties and Candidates which is as under:-

*“The party in power whether at the Centre or in the States/UTs 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-(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.”*

With the announcement of the schedule of General Elections to Lok Sabha and to the Legislative Assemblies of various States on 2<sup>nd</sup> March, 2009, the Model Code of Conduct came into force immediately. The continuing display of such hoardings and advertisements at the cost of public exchequer, even if such Hoardings, advertisements or posters were displayed prior to the date of announcement of elections, constitutes a violation of the Model Code of Conduct as it provides an undue advantage to the party in power and has the effect of influencing the voters in favour of the party in power.

The Commission directs that all such hoardings, advertisements, etc. on display at the cost of Public exchequer shall be removed forthwith by the authorities concerned and a compliance report furnished to the Commission.

The Commission has also directed that no advertisements should be issued in the newspapers and other media including electronic media at the cost of public exchequer during the election period and the misuse of 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 should be scrupulously avoided.

All Ministries/Departments/Offices of the Central Government and the State Governments may be informed of this directive of the Commission for immediate compliance.



**ELECTION COMMISSION OF INDIA**

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

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No.437/6/INST/2012-CC&BE

Date:18<sup>th</sup> 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. 24<sup>th</sup> December, 2011. The Commission has decided to reiterate its instructions issued vide its letter no.3/7/2008/JS-II dated 7<sup>th</sup> October 2008 (copy enclosed) contained in Para 5 under the heading 'DEFACEMENT 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, buntings, 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 171H of IPC would be attracted and would have to be followed. Section 171H of the IPC stipulates that whoever without the general or special authority in writing of a candidates 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 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. BHAR)

SECRETARY

## **INSTRUCTION SI. No. 37**

Election Commission's letter No. 437/6/INST/2013-CC&BE dated 25.06.2013 addressed to the Cabinet Secretary, Govt. of India, Chief Secretaries and Chief Electoral Officers of all States and UTs,

**Subject: Model Code of Conduct- Publication of advertisements by Central/State Governments during bye-elections to Lok Sabha/State Legislative Assembly-regarding**

As you are aware, the Model Code of Conduct applies in the entire country in the case of a Lok Sabha general election and in the State concerned during a general election to the Legislative Assembly of any State. In the case of bye-elections, the applicability of Model Code of Conduct is restricted to the area of the Constituencies going to poll except certain provisions such as tours of Ministers, Advertisements, use of Govt. Guest Houses, transfer of officers etc which apply in the entire District in which the bye-election constituency fall (please refer to the Commission's letter No. 437/6/INST/2012-CC&BE dated 26.04.2012.)

2. It is seen that the Governments both at the Centre and in the States publish advertisements of various kinds, including advertisements on the accomplishments and achievements. Such advertisements are often released on special occasions such as the Republic Day, Independence Day, Birthdays of prominent leaders, Anniversary of Govt. etc. On occasions, there would be bye-elections in progress when such advertisements are published and the issue of Model Code of Conduct comes into question then. It is not technically possible to block such advertisements, especially in the print media in the specific areas covered under the Model Code of Conduct during bye-elections while publishing it.

3. The Commission has considered this issue. Taking into account all aspects of the matter, the Commission has directed that the release/publishing of advertisements at the cost of public exchequer during the period of operation of the Model Code of Conduct in connection with **bye-elections** will be regulated as follows:-

*(i) Advertisement of general nature in connection with specific occasions of importance may be published. However, such publishing shall be restricted to the dates coinciding with the special occasion only, and it shall not be published on other days. The advertisement shall not bear photographs of any Minister and other political personalities.*

*(ii) No advertisement having any specific/pointed reference or connotation to the areas covered by the bye-election constituencies shall be released /published on any date during this period.*

4. It may be noted that these instructions apply only in relation to **bye-elections**. At general elections, the prohibition on advertisements at the cost of public exchequer shall continue to be strictly enforced.

5. These guidelines may be taken note of and also brought to the notice of all authorities concerned for compliance in future.

**F**

**TOURS OF  
MINISTERS**



## INSTRUCTION SI. No. 66

Election Commission's letter No. 437/6/ES0025/94/MCS dated 21.10.1994 addressed to Chief Secretaries and CEOs of all States and UTs.

### Subject: Election period-tours of ministers

The Commission vide its letter No. 437/6/93-PS-II dated 31 st December, 1993 had reiterated the total and absolute ban on the use of official vehicles for campaigning, electioneering or election related travel during elections and had directed that there will be total ban on the use of any vehicles for any purpose connected with the election by any political party, the candidate or any other person connected with election.

2. The Commission vide its letter No. 437/6/94 dated 2nd February, 1994 had invited attention to the circular letter No. 10/17/89-M&G dated 1 st November, 1989 from the Ministry of Home Affairs on the tour of ministers in connection with the election campaign and had observed that those instructions were flouted with impunity and had therefore issued further instructions without, in any way overriding, modifying or affecting the instructions of the Ministry of Home Affairs dated 1 st November, 1989 referred to above.

3. The Supreme Court in its order dated 29th April, 1994 in a writ petition (Civil) No. 312 of 1994(State of Tamil Nadu versus Chief Election Commissioner and others) seeking exemption in the case of Chief Minister of Tamil Nadu had directed as follows :

*"While we are conscious of the effort being made by the Election Commission to ensure cleanliness of the electoral process and for the protection and ensuring of free and fair polls, we are afraid, the Election Commission cannot, as it seeks to do here, put out of consideration the security requirements of certain political personalities who might, in view of extremist and terrorist activities and threats to their lives, require security of a high order. To confine the security to only the Prime Minister of the country, as the Election Commission has done, and to deny, as the communication dated 31 st March, 1994 seeks to do, to all other may not reflect a proper perception and appreciation of the problem. At all events, the Election Commission will have to take note of the statutory provisions. However, we should make one aspect clear. Having regard to the responsibilities and obligation of the Election Commission to ensuring purity of the electoral process, it is open to the Election Commission, if it has material to doubt that the assessments of the security requirement made by the Director of the Tamil Nadu Special Security Group under the status are so manifestly and unduly excessive as to amount to promotion indirectly, of partisan electoral interests, to bring such matter to the notice of the State Government for appropriate corrective steps."*

4. The Cabinet Secretariat in its letter No. 10/22/094-ES dated 3/5 May, 1994 had issued instructions that under the provisions of the Special Protection Group Act, 1988 protection is provided for proximate security of the following :

- (i) The Prime Minister and the members of his immediate family;
- (ii) Any former Prime Minister or the members of his immediate family for a period of 5 years from the date on which the former Prime Minister ceases to hold the office of Prime Minister.

5. In the light of the above order of the Supreme Court the Commission had substituted paragraph 3 of its letter No. 437/6/93/PS-II dated 31 st December, 1993 vide para 6 of letter of even number dated 8th May, 1994 to say that "the Commission has decided that para 3 of its above referred circular letter No. 437/6/93-P-II dated 31 st December, 1993 will stand substituted by the following :-

3(A)The only exceptions from the prohibitions mentioned in para 2 above will be the Prime Minister and other political personalities who might, in view of extremist and terrorist activities

and threats to their lives, require security of a high order and whose security requirements are governed by any statutory provisions made by Parliament or the State Legislature in this behalf.

3(B) The Commission would like to make it clear that having regard to its responsibilities and obligations to ensuring purity of the electoral process, the Commission, if it has material to doubt that the assessments of the security requirements made by the authorities under the above referred special enactments or any other special instructions of the Government are so manifestly or unduly excessive as to amount to promotion, indirectly, of partisan electoral interests, bring such matter to the notice of the Central Government and/or, as the case may be, the State Government for appropriate corrective steps.

3(C) For achieving this, 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."

6 It was further clarified by the Commission in its letter No. 437/6/94 dated 14th May, 1994 that all State Governments and the Union Territory Administration are requested to adhere strictly to the orders of the Supreme Court. Further, orders relating to security of the individuals issued under statutory powers or other powers must be fully honored.

7. The Commission has further directed that when such individuals visit State/Constituency for electioneering and election related work, the expenditure incurred on security arrangements like barricading/ rostrums etc. shall be borne by the concerned political parties.

## **INSTRUCTION SI. No. 67**

Election Commission's letter No. 437/6/96/PLN-III/, dated 17.01.1996 to addressed to the Chief Secretary (All States & Union Territories) Repeat The Chief Electoral Officers (All States & Union Territories)

### **Subject: General Elections - Tours of Ministers**

I am directed to state that the Ministry of Home Affairs, Government of India vide their Circular No. 10/17/89-M & G, dated November 1,1989 have reproduced the summary of their instructions on the tour of Ministers in connection with the election campaign. These instructions inter alia lay down some specific formalities to be observed separately for official and private tours of the Ministers of Government of India during the period of electioneering particularly in the context of the fact that such tours generally overlap. A copy of the abovementioned circular of the Ministry of Home Affairs dated November 1,1989 is enclosed at Annexure I.

2. The Commission has been keenly watching the observance of the aforesaid instructions of the Ministry of Home Affairs by the Ministers both of Central Government and of the Government of State in which elections are held, as well as some other neighboring and other States whose Ministers pay visits to the States having elections during the period of electioneering. The Commission is constrained to observe that not only the spirit and letter of the aforesaid instructions of the Ministry of Home Affairs are vague, equivocal and permissive in nature, they are flouted with impunity and misused with flagrant disregard to the image of impartiality which persons in high public office must cultivate and preserve during the period of election in order to maintain the purity of the election process and insulate the free right of franchise to be exercised by the voters from the manipulative tactics of the privileged ruling party both at Centre and in the State Governments.

3. During the elections superintended by the Commission in recent years the Commission has been at pains to observe that the Ministers in their capacity as Members of the ruling party at the Centre and in some States misused the government owned machinery including guest houses, and such like official infrastructures for the ostensible purpose of official visits for monitoring Government programmes with the covert intention of participating in the election campaign of their parties. Such Ministers are understandably accompanied, on the above described "official" visits, by functionaries of their political parties. No departmental officials are reported to be accompanying the Ministers on which visits and meetings as a result of which even semblance of an official visit is not maintained.

4. The Commission also observes with serious objection that local officers of the district administration and State Government who have also to perform statutory and other functions related to the conduct of elections are perforce made to attend on such Ministers in the name of administrative and security arrangements which further casts a suspicion on the much needed independence an impartiality of the election related officers.

5. In the above circumstances, the Commission in exercise of the plenary powers vested in it by virtue of Article 324 of the Constitution and all other powers enabling it in this behalf, has decided to issue its own directions in the interest of fair and free poll.

6. These instructions of the Commission do not in any way over-ride, modify or are affected by the instructions of the Ministry of Home Affairs, Government of India No. 10/17/89-M&G dated 1 st November, 1989 referred to above. The Commission directs in supersession of its earlier instructions, as follows:-

- 6.1 Henceforth no Minister either of Central or State Government shall undertake an official visit of any constituency from which elections have been announced by the Commission during the period commencing with the announcement of the elections upto the end of the election process.

- 6.2 The Commission also directs that no Minister will summon any election related officer of the constituency or the State in which any elections have been announced, to a place or office or guest house outside the aforesaid constituency for any official discussions during the period of elections commencing with the announcement of the elections from such constituency and ending with the completion of election process.
- 6.3 The only exception to these instructions will be when a Minister, in his capacity as incharge of the concerned department, or a Chief Minister undertakes an official visit to a constituency, or summons any election related officers of this constituency to a place outside the constituency, in connection with failure of law and order or a natural calamity or any such emergency which requires personal presence of such Ministers/Chief Ministers for the specific purpose of supervising review/salvage/relief and such like purpose.

7. It is clarified that the Ministers are entitled to use their official vehicles in there headquarters from their place of residence to their office for official work provided that such commuting is not combined with any electioneering or any political activity.

8. Any violation of these instructions will be viewed as gross infringement not only of the Model code of Conduct but also of the authority of the Commission to promulgate such directions as it considers necessary to ensure peaceful, fair and free poll reflective of the true choice of the people, and will be visited with grave consequences as considered appropriate by the Commission on the merits of the specific circumstances.



**Govt. of India**  
**Ministry of Home Affairs**  
Office Memorandum

**Subject: General Election to Lok Sabha Tours of Minister in Connection with election campaign**

*The undersigned is directed to say that whenever elections to the Lok Sabha are held, questions are invariably raised in Parliament about the tours undertaken by the Ministers in connection with the election campaign. In reply, as a general policy it has always been made clear that according to existing instructions, tours in connections with election campaign are not to be treated as official tours and that the services of Government officials cannot be utilized for party of election work. The Ministry of Home Affairs have been issuing instructions regarding tours of ministers for non official purposes, including election tours from time to time. These instructions had been summarized and a copy thereof was laid on the Table of the Lok Sabha on 31 st July, 1970. As the general election to the Lok Sabha are due to be held in November, 1989 a copy of the summary of these instructions is enclosed with the request that its contents may be brought to the notice of the Ministers.*

*Instructions regarding the tours of Minister for non-official purposes including election tours, are contained in several communications issued and reissued from time to time.*

**General Instructions:**

(1) *Until a Minister demits office he is in charge of public affairs and accordingly even while on tours, whether for official or private purposes, he must continue to discharge the responsibilities as Minister Hence,*

*(a) he can take with him the minimum personal staff needed for this purpose and such staff is entitled to draw travelling and daily allowance under the rules; and*

*(b) when he visits any place, the district officers must arrange for normal courtesies and security.*

(2) *A Minister may claim travelling and daily allowance only in respect of tours undertaken for official purposes i.e. tours, actually necessitated by duties which he could not perform, at headquarters. If an official tour is combined with private business of the Minister, which includes party work, and he has to undertake any additional journey for this purpose, he is not entitled to any travelling allowance for the additional journey. If a Minister while on official tour devotes any day of his halt exclusively for private business he is not entitled to day allowance for that day.*

**Special instructions regarding election tours:**

(3) *Whenever a Minister decides that meeting which is going to be addressed by him as an election meeting he should ask for arrangements to be made on his behalf non-officially and not by Government Servants. During the election tours Government meetings would be rare and normally public meetings should be considered election meetings and all expenses except those relating to maintenance of law and order, borne privately.*

(4) *The role of officials at election meetings should be confined to maintaining law and order and affording normal protection to Ministers.*

(5) *No travelling expenses or daily allowance should be charged by Ministers for journeys, which have for their main purpose election campaign. It would be presumed that for some weeks prior to the poll, the activities of Ministers on tour are much more concerned with elections than with their official duties.*

*(6) A journey undertaken by a Minister for filing nomination papers and subsequent tours to his constituency should be regarded as being for election purposes.*

*(7) If a Minister who has proceeded to his constituency for election purposes at his own expenses, has to proceed to some other place on duty, he may draw travelling allowance limited to the amount admissible from his headquarters to the other place and back to headquarters. If he had to return to headquarters from his own constituency in public interest by interrupting his election work, he may only claim the return air or railway fare. Public interest shall naturally include attendance at all Cabinet Sub- Committee meetings. Other meetings or conferences at headquarters should be avoided as far as possible.*

*(8) Where a Minister has been provided with a car exclusively at the expenses of the State, the car should not be used for election purposes. Even where a car is provided by the State but the Minister is given an allowance for maintenance of the vehicle, it is not desirable to use such vehicle for election purposes.*

## **INSTRUCTION SI. No. 17**

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.

## **INSTRUCTION SI. No. 71**

Election Commission's letter No. 437/6/7/2004/PLN-III, dated 28.12.2004 addressed to Shri V.N. Mathur, Secretary, Railway board, Ministry of Railways Rail Bhawan, New Delhi

### **Subject: Tours of Union Minister of Railways**

Please refer to your letter no. 2004/G/32/1 dated 25.12.2004 seeking clarifications on following points.

1. When Hon'ble Minister of Railways is required to return from Patna to his Headquarters at Delhi for attending matters relating to the Railway Budget or attend Cabinet Meetings and Meetings of the Sub-Committees of the Cabinet; can his visits to Delhi be treated as official;
2. Whether the Hon'ble Minister of Railways can make an official visit from Patna (where he is doing political campaign) to Kolkata for attending various railway programmes in West Bengal. Whether such a journey from Patna to Kolkata and the visit of the Minister to various places in West Bengal by a Helicopter for attending railways functions can be treated as official.
3. Whether Hon'ble Minister of Railways can avail of his Identity Card/Privileges of Air Journeys as a Member of Parliament and as Union Minister for undertaking train/air journeys for going to Patna for political work and return to Headquarters at Delhi.

The Commission has considered the matter and issues raised are clarified as follows.

1. The Hon'ble Minister while in Patna for political campaign cannot come officially from Patna to New Delhi for attending the meetings relating to railway budget or Cabinet meetings or the meetings of the Sub- Committee of the Cabinet.
2. The Hon'ble Minister cannot combine his political or personal visit to Patna with official visit to Kolkata or elsewhere, even if, he pays the money for the entire trip himself. The Hon'ble Minister will have to return to his Headquarters to start the official journey. Under no circumstances, political or personal visits of the Ministers of the Union or State Government to the State of Bihar or Jharkhand or Haryana can be combined with official visits to any other place in India.
3. The Hon'ble Minister can avail of normal privileges of free railway / air pass as available to Members of Parliament, but he is not entitled to take benefit of privileges as Union Minister for Railways for train/air journeys for going to Patna and returning to Headquarters at Delhi.

## **INSTRUCTION SI. No. 70**

Election Commission's letter No. 437/6/2007-PLN-III Dated : 23<sup>rd</sup> 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: - Tours of Ministers - General Elections**

**Reference :-** 1. Commission's Letter No. 437/6/96/PLN-III dated 17.01.1996  
2. Commission's Letter No 437/6/99-PLN-III dated 15.07.1999  
3. Commission's Letter No 437/6/4/2003-PLN-III dated 12.06.2003

I am directed to state that Ministers may be undertaking visits to the State(s) where election is being held or have been announced and the provisions of Model Code of Conduct are in force, in connection with electioneering. The Commission, in order to ensure a level playing field which is a precondition for free and fair elections, has issued instructions from time to time governing such tours of ministers and has prescribed certain guidelines to ensure that the official machinery is in no way engaged in any election related work by such touring dignitaries. These have been upheld by the Supreme Court of India in the case of Narendra Kumar Gaur vs. Election Commission of India in Writ Petition No. 339 of 1999 on 16.08.99.

2. The Commission's instructions contained in the letters mentioned at the reference above have been consolidated for the sake of convenience in the following paragraphs :-

(1) If a Minister of the Union is traveling from his/her headquarters to a poll bound state/district on purely official business, which cannot be avoided in public interest, then a letter certifying to this effect should be sent from the Secretary of the department/ministry concerned of the Government of India, to the Chief Secretary of the state which the Minister intends to visit, with a copy to the Commission. On receipt of such information from the Secretary that the Union Minister is proposing a purely official visit and no political activity of any kind is envisaged during such tour, the Chief Secretary may provide the Union Minister with a Government vehicle and accommodation and extend other usual courtesies for his official trip. While doing so, the Chief Electoral Officer of the State, who is entrusted with the task of monitoring of electoral activity in the State, including the implementation of the Model Code of Conduct, shall be alerted in advance by the Chief Secretary. The Commission will keep watch on such arrangements in consultation with its Chief Electoral Officer. It is hoped that the Union Ministers will avoid making official visits to their home States, Constituency state and particularly to the constituencies from where they are contesting elections while it is open for them to make private visits (See ECI instruction No. 437/6/99 – PLN III dated 15.07.99)

(2) The Commission also directs that –

(i) No minister of State Government shall undertake an official visit to any constituency for which elections have been announced by the Commission during the period commencing with announcement of the elections upto end of the election process.

(ii) Minister will not summon any election related officer of the constituency or the State in which any elections have been announced, to a place or office or guest house inside or outside the aforesaid constituency for any official discussions during the period of elections commencing with the announcement of the elections from such constituency and ending with the completion of election process.

(iii) The only exception to these instructions will be when a Minister, in his capacity as in charge of the department concerned, or a Chief Minister undertakes an official visit to a constituency, or summons any election related officers of the constituency to a place outside the constituency, in connection with failure of law and order or occurrence of a natural calamity or any such emergency which requires personal presence of such Ministers/Chief Ministers for the

specific purpose of supervision review/salvage/relief and other similar purposes. (See ECI instruction No. 437/6/96/PLN III – dated 17.01.96)

(3) It is clarified that the Ministers are entitled to use their official vehicles in their headquarters from their place of residence to their office for official work provided that such commuting is not combined with any electioneering or any political activity which would include a visit to party office even if it were enroute. No pilot car(s) or car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind making his presence conspicuous shall be used by any Minister during his/her electioneering visits, even if the State administration has granted him a security cover requiring presence of armed personnel to accompany him on such visit. (See ECI instruction No. 437/6/96/PLN III – dated 17.01.96)

(4) During **bye elections** from any constituencies, either Parliamentary or Assemblies, the following restrictions will be applicable with regard to the tours of Ministers subject to exceptions mentioned above in para 2(iii) covering situations of grave emergency:-

- (i) All Ministers, whether Central or State, shall not combine in any manner their official tours with election work after the announcement of the bye elections. They shall return to their headquarters on completion of their official tours. All and any visits to the district(s) where bye-election is being held and where Model Code of Conduct is, therefore, in force, have to be completely private in nature and such private visits should begin and end at the Minister's headquarters.
- (ii) In case where a Minister traveling on official work transits through the district(s) where the bye-election is being held en route to any other district on official visit, he/she shall not halt in the district(s) where Model Code of Conduct is in force and shall not attend to any political work.
- (iii) No official of any rank of the district(s) where the bye-election is being held, shall be called to attend any meeting by any Minister in any district, that is to say, even in other districts where election is not being held.
- (iv) Any official who meets the Minister on his private visit to the constituency where elections are being held shall be guilty of misconduct under the relevant service rules; and if he happens to be an official mentioned in Section 129 (1) of the Representation of People Act, 1951, he shall also be additionally considered to have violated the statutory provisions of that Section and liable to penal action provided thereunder.
- (v) No pilot car(s) or car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind making his presence conspicuous shall be used by any Minister during his/her private visit to the constituency where a bye election is under way even if the State administration has granted him a security cover requiring presence of armed guards to accompany him on such visit. (See ECI instruction No. 437/6/4/2003 – PLN III dated 12.06.03)

(5) The Commission further directs that the Chief Electoral Officer of the State who is entrusted with the task of monitoring of electoral activities in the State including the implementation of Model Code of Conduct shall be kept informed in advance by the District Election Officer of any visit proposed to be undertaken by any Minister of the State Govt. or any Central Minister to the district where bye-election is being held and the Chief Electoral Officer shall forthwith communicate the same to the Election Commission. (See ECI instruction No. 437/6/4/2003 – PLN III dated 12.06.03)

3. Any violation of these instructions will be viewed as gross infringement not only of the Model code of Conduct but also of the authority of the Commission to promulgate such directions as it considers necessary to ensure peaceful, fair and free poll reflective of the true choice of the people, and will be visited with such action as considered appropriate by the Commission on the merits of the specific circumstances.

## **INSTRUCTION SI. No. 89**

### **ELECTION COMMISSION OF INDIA**

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

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**No.437/6/INST/2008-CC&BE**

**Dated: 21<sup>st</sup> April, 2009**

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: Model Code of Conduct- Tours of Chairmen and Members of Commissions like the National Commission for Scheduled Castes, etc – regarding.**

Sir,

I am directed to state that on a reference from the National Commission for Scheduled Castes, this Commission had issued instructions on the subject vide its letter No. 437/6/2007-PLN-III (Vol. V) dated 3.12.2007( copy enclosed). There has been subsequent reference from the National Economically Backward Classes Commission on the subject. The Election Commission has considered the issue raised by that Commission. Taking into account all aspects of the matter, the Commission has now decided to issue the following instructions in the matter, which will be applicable to Chairmen and Members of various Commissions like the National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Minorities, National Commission for Backward Classes , National Commission for Economically Backward Classes , etc , during the elections.

**2. The Election Commission is aware of the fact that the various Commissions like, the National Commission for Scheduled Castes/Scheduled Tribes, National Economically Backward Classes Commission, National Commission for Minorities etc. are entrusted with certain responsibilities connected with the welfare of the respective communities. In this context, the Commission would like to stress that during enforcement of the Model Code of Conduct, unless it becomes unavoidable in an emergent situation, the official visits of the Members of the said Commissions to the States going to polls may be deferred. In case of any emergency which calls for an immediate field visit and review by the Members of the Commissions mentioned above which cannot be avoided or deferred in public interest, a programme for their visit can be made under intimation to the Chief Electoral Officer of the State concerned. However, the Secretary of the said Commissions must take enough precaution that the visit is kept totally official and no political activity is undertaken by the Chairmen/Members during their visit. In such a situation, the Secretary of the Commissions should furnish a certificate to the Commission to the above effect before the visit is undertaken. A copy of the said certificate shall also be endorsed to the Chief Secretary as well as the Chief Electoral Officer of the State/UT where the visit is being undertaken.**

**3. It is further clarified that, during such visits, the Chairmen/Members should not meet any Ministers/Politicians and they should also not hold public hearings or meet the public. Their meetings etc should be only with the Government officials.**

4. The above instructions would be applicable *mutatis mutandis* to similar Commissions established by the State Governments.

5. This may be brought to the notice of all concerned Ministries/Departments/ Commissions like National Commission for Scheduled Castes/Scheduled Tribes, National Economically Backward Classes Commission, National Commission for Backward Classes, National Commission for Minorities etc. immediately.

Yours faithfully,

**(K. N. BHAR)**

**UNDER SECRETARY**



## **INSTRUCTION SL. NO. 72**

ECI letter No.437/6/INST/2011-CC&BE dated 24<sup>th</sup> March, 2011 addressed to the Cabinet Secretary, New Delhi, Chief Secretaries of all States and UTs and Chief Electoral Officers of all States and UTs

### **Subject:- Tours of Chief Ministers- reg**

I am directed to state that according to Commission's existing instructions on the subject cited, the personal staff of the Chief Ministers or other Ministers shall not be allowed to accompany them during their private tours during the period of Model Code of Conduct.

2. The matter has been reconsidered by the Commission. It has been decided that during the Model Code period, one member of personal staff of the Chief Ministers of States/Union Territories may be allowed to accompany them on personal/private tour. However, such personal staff shall not take part in any political activity or assist the Chief Minister in his political work.

3. This may be brought to the notice of all concerned.

## **INSTRUCTION SL. NO. 73**

ECI letter No.437/6/INST/2011-CC&BE Dated: 01<sup>st</sup> April, 2011 addressed to the Cabinet Secretary, New Delhi, Chief Secretaries of all States and UTs and Chief Electoral Officers of all States and UTs

### **Subject:- Tours of Chief Ministers- reg**

In partial modification of the Commission's instructions contained in Para (2) of its letter of even number dated 24<sup>th</sup> March, 2011, regarding the tours of Chief Ministers, the Commission has decided that during the Model Code period, one member of personal staff of Chief Minister of the State/Union Territory, who has been allowed to accompany him on personal/private tour should be a **non-gazetted** officer. Further, as already instructed, such personal staff shall not take part in any political activity or assist the Chief Minister in his political work.

The Commission has also decided that these instructions will be applicable also in the case of the Prime Minister/Union Cabinet Ministers.

## **INSTRUCTION SL. NO. 74**

ECI letter No.437/6/INST/2011-CC&BE dated 27<sup>th</sup> April, 2011 addressed to the Cabinet Secretary, New Delhi, Chief Secretaries of all States and UTs and Chief Electoral Officers of all States and UTs

### **Subject:- Tours of Chief Ministers and Ministers of Union govt.- reg**

In partial modification of Commission's Instruction No.437/6/INST/2011-CC&BE, dated 01<sup>st</sup> April, 2011, the Commission has decided that the **restriction regarding personal staff members who can accompany on personal/private tours shall not apply to the Prime Minister.**



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## **INSTRUCTION SI. No. 81**

Election Commission's letter No. 4/2001/J.S.II dated 30.03.2001, addressed the Chief Electoral Officers of all States and Union Territories.

### **Subject: Prevention of misuse of official vehicles during elections - Clarification**

I am directed to invite your attention to the Commission's Order No. 437/6/96/PLN-III. dated 15<sup>th</sup> January, 1996 on the above subject, reproduced at p.p. 171 -173 of the Commission's Compendium of Instructions. 1998.

2. The Commission had directed in the above Order that the restrictions on the use of official vehicles for campaigning, electioneering or election related travel are applicable in the case of the Speaker, the Deputy Speaker of Lok Sabha and the Deputy Chairman of Rajya Sabha at the time of General Elections to the Lok Sabha.
3. In Order to ensure free and fair poll and maintain the purity of election process, the Commission has directed that the restrictions on the use of official vehicles for campaigning, electioneering or election related travel as enumerated in the Commission's Order dated 15<sup>th</sup> January, 1996 will be equally applicable in the case of Speaker and Deputy Speaker of the State Legislative Assembly at the time of General Election to any State Assembly irrespective of whether the Speaker and/or the Deputy Speaker of the Legislative Assembly is a contesting candidate or not at the General Election to the State Assembly.
4. This should be brought to the notice of all concerned including the units of all recognized National and State Parties in your State.
5. This disposes of Message No. 2243/2001 -1, dated 16<sup>th</sup> March, 2001 from Chief Electoral Officer, Tamil Nadu.
6. The receipt of this letter may kindly be acknowledged immediately.

## **INSTRUCTION SI. No. 28**

Election Commission's letter No. 437/6/2004/PLN-III, dated 08.05.2004 addressed to the Chief Secretary / Chief Electoral Officers of all States/Union Territories.

**Subject - General Election to Lok Sabha 2004 reasonable restrictions on movement of vehicles to ensure free and fair elections--clarification regarding.**

I am directed to state that a doubt has arisen if the restrictions on plying of vehicles as contained in the Commission's Order number 437/6/96/ PLN-III dated 16th January 1996 apply to two wheelers, like, motorcycles and scooters also and during which period they apply.

It is clarified that in the interest of free and fair elections, these instructions apply in respect of all two wheeler, like, motorcycles and scooters (except bicycles) also, and should be made applicable for a period of 24 hours before the time fixed for closure of poll and till the completion of poll. These restrictions would not, however, apply to any Govt. servant on duty or in case where such two-wheeler is being used to transport a patient or old/infirm persons. In addition to the persons specified in para 8 of the aforesaid order

Receipt of the order may please be acknowledged.

## **INSTRUCTION SI. No. 51**

Election Commission's letter No. 464/INST/2006/PLN-I, dated 17.03.2006 addressed to the Chief Electoral Officers of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry

**Subject: General Elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry – Permits for vehicles - regarding**

**The Commission has desired that vehicle permits may be issued to leaders of recognized national and state political parties and leaders of registered un-recognized political parties (whose travel expenses are exempt under Section 77 of Representation of People Act) by name as per the following format:-**

General Election to the Legislative Assembly of \_\_\_\_\_, 2006

S. No. of Permit :

Name of Political Party :

Name of Leader :

*Note: 1. This vehicle permit is valid only for the vehicle in which leader himself is travelling for the purpose of General Election to \_\_\_\_\_ Legislative Assembly of \_\_\_\_\_, 2006.*

*2. The leader in whose name this permit is issued shall ensure that this permit is not misused by any other functionary. Responsibility for misuse shall lie with the leader in whose name this permit is issued.*

Kindly take necessary action for issuing these permits to leaders of various political parties whose names have been furnished to you within the period prescribed under Explanation 2 under Section 77(1) of the Representation of People Act.

These permits may be laminated and handed over to the President/Secretary of the concerned party under proper acknowledgment.

## **INSTRUCTION SI. No. 44**

Election Commission's letter No. 437/6/2006-PLN-III Dated: 23rd 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: Prevention of misuse of vehicles during elections.**

The Commission has, in the past, issued various instructions from time to time regarding applicability of Model Code of Conduct on prevention of misuse of vehicles during elections. For convenience of all concerned, these instructions have now been consolidated for observance during the period when the Model Code of Conduct is in force. These instructions regarding restrictions on misuse of vehicles during elections have been issued under Article 324 of the Constitution and all other powers enabling the Commission in this behalf.

#### **During Polls :**

- (i) Section 123(5) of the Representation of the People Act, 1951 provides that the hiring or procuring or use of vehicles by a candidate or 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' for the purposes of the Act. Such a 'corrupt practice' attracts penalty and is punishable with fine, which may extend to five hundred rupees under section 133 of the Representation of the People Act, 1951. (See Election Commission's instruction no. 437/6/96-PLN-III dated 16.01.1996)
- (ii) 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) One vehicle for use of his election agent for entire 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 C:\Documents and Settings\Administrator\Desktop\23 nov 2007\00\_9\_MCC\_-\_Entitlement\_of\_vehicles.doc 2 the Parliamentary Constituency. (See Election Commission's instruction no. 437/6/2006-PLN-III dated 20.11.06).
- (iii) For an election to the State Legislative Assembly, on the date of poll in that 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.

(See Election Commission's instruction no. 437/6/96-PLN-III dated 24.03.2007)
- (iv) The permits for the vehicles indicated above will be issued by the District Magistrate/ Returning Officer. The candidates are required to register their vehicles with the

authorities concerned and display the permits issued by the authorities on the windscreen 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. (See Election Commission's instruction no. 437/6/96-PLN-III dated 16.01.1996).

- (v) 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, auto 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. (See Election Commission's instruction no. 437/6/2006-PLN-III dated 20.11.2006).
- (vi) These instructions on plying vehicles will be applicable on all two wheelers like motorcycles and scooters (except bicycles) 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. These restrictions would not, however, apply to any Govt. servant on duty or in case where such vehicle is being used to transport a patient or old/infirm persons. (See Election Commission's instruction no. 437/6/2004-PLN-III dated 08.05.2004).
- (vii) 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. (See Election Commission's instruction no. 437/6/96-PLN-III dated 16.01.1996).
- (viii) There is, however, 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 plied 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;
  - (e) Taxis, three wheeler scooters, rickshaws etc. for going to airports, railway stations, inter state bus stands, hospitals for journeys which cannot be avoided;
  - (f) Private vehicles used by sick or disabled persons for their own use. (See Election Commission's instruction no. 437/6/96-PLN-III dated 16.01.1996).

**During Filing Of Nominations:**

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. (See ECI instruction No. 464/INST/2007/PLN-I dated 09.02. 2007).



### **During Period of Electioneering**

- (ix) It has been experienced that during the period of electioneering private vehicles are used by the candidates, their agents and party leaders and supporters for carting the supporters of a candidate within the constituency and on many occasions anti-social elements with muscle power are openly paraded to instill a sense of fear in the minds of the electorate, so that they either vote in favour of particular party/candidate or abstain from voting altogether. These vehicles are also used sometimes to smuggle illicit arms and ammunition with a view to creating disturbances during elections. In order to curb such undesirable/illegal activities, 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. (See Election Commission's instruction no. 437/6/96-PLN-III dated 16.01.1996)
- (x) So as to ensure free, fair and peaceful elections, the District Administration shall launch such drive for checking the vehicles immediately upon the announcement of the elections and shall continue the drive till the completion of the process of elections.  
(See Election Commission's instruction no. 437/6/96-PLN-III dated 16.01.1996)
- (xi) Cars/vehicles being used for electioneering purposes shall, under no circumstances, be allowed to move in convoys of more than three vehicles from the date of notification till the completion of election process in any constituency. All bigger convoys shall be broken up, even if they are carrying any minister of Central or State Govt. This shall, however, be subject to any security instructions issued in respect of any such individual. In other words the convoy shall not in any case exceed three vehicles of any person plus the security vehicles allowed in view of the security gradation of that particular person. (See Election Commission's instruction no. 437/6/97-PLN-III dated 18.03.97). Such broken up convoys must have a distance of at least 200 meters between them. (See ECI instruction no. 464/UP-LA/2007 dated 05.04.2007).
- (xii) If any person moves in a convoy of vehicles exceeding the limits prescribed above, in spite of the convoy having been broken, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by flouting the Commission's directions till the process of election is completed.
- (xiii) In case the mode of road transport is to be availed of by leaders of political parties availing the benefit of clause (a) of explanation given under Sec. 77 (1) of R. P. Act, 1951, the permit 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 person concerned who will display it 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 candidates. (See ECI instruction no. 464/UP-LA/2007 dated 05.04.2007).

- (xiv) 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 23.06.2006 and 14.02.2007 of the Allahabad High Court in writ petition No. 3648 (MB) of 2006. (See ECI instruction no. 464/UP-LA/2007 dated 05.04.2007).
- (xv) From the date of notification of the election till the completion of election process in any constituency, the district administration shall keep a close watch on the vehicles used by the contesting candidates, persons accompanying the contesting candidates and other party leaders and ensure that the Commission's instructions are not abused.  
(See Election Commission's instruction no. 437/6/97-PLN-III dated 18.03.97)
- (xvi) The contesting candidates be asked to get the details of all the vehicles that they are using in the election campaign lodged with the District Election Officer or such other officer(s) as may be specifically authorized by the District Election Officer in this behalf before the campaigning commences. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidate or his agent well before the actual deployment of the vehicles. While conveying the details of the vehicles that are being deployed for election campaign the details of the areas, tehsil(s) in which the vehicle would operate, should also be conveyed. (See Election Commission's instruction no. 437/6/97-PLN-III dated 18.03.97).
- (xvii) The details so obtained should be conveyed by District Election Officer to the Election Expenditure Observers. 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. Any vehicle that has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorized 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. (See Election Commission's instruction no. 437/6/97-PLN-III dated 18.03.97).
- (xviii) 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. (See Election Commission's instruction no. 437/6/2006-PLN-III (vol-ix) dated 12.07.2006).
- (2) The above instructions may be brought to the notice of all concerned for strict compliance.

## **INSTRUCTION SI. No. 84**

Election Commissions letter No. 437/6/2008/CC&BE Dated : 19th October,2008 addressed to the Chief Electoral Officers of (1) Chhattisgarh, Raipur, (2) Jammu & Kashmir, Jammu, (3) Madhya Pradesh, Bhopal, (4) Mizoram, Aizwal, (5) NCT of Delhi, Delhi, (6) Rajasthan, Jaipur.

**Subject: General Election to the Legislative of Assemblies, 2008 - Use of official vehicle by the functionaries of the various Boards/Commissions etc.- regarding.**

It has been brought to the notice of the Commission that the vehicles provided by the State Government to non-official functionaries viz. Chairman, Dy. Chairman, President, Vice President, Commissioners etc. of the various autonomous organizations are likely to be misused during the electioneering. The provisions of the Model Code Conduct and various instructions issued from time to time prohibits the use of official vehicle for the purpose of electioneering to ensure a level playing field among the parties and candidates in the fray.

The Commission, after taking into account all relevant factors, has decided that the functionaries of all the autonomous organizations may be instructed to use the official vehicle only for commuting between office and residence and to attend any official meeting within the Head Quarters itself. The District Administration may be advised to keep strict vigil on the movement of such vehicle and any vehicle found being misused may be confiscated forthwith.

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

## **INSTRUCTION SI. No. 52**

Election Commission's letter No. 437/6/INST/2008-CC&BE Dated : 31<sup>st</sup> October, 2008 addressed to the Chief Secretaries and the Chief Electoral Officers of all States and Union Territories.

**Subject : Use of Road Transport by party campaigners availing the benefit to clause (a) of explanation given under Section 77 (1) of the Representation of the People Act, 1951 – regarding**

I am directed to refer to Commission's instruction issued vide its letter no. 437/6/2007/Vol.-IV-PLN-III dated 16<sup>th</sup> October, 2007 and instruction issued vide letter No. 3/7/2008/JS-III dated 7<sup>th</sup> October, 2008 and to state that the Commission has already modified the guidelines on use of vehicles in convoy and use of flags and stickers on vehicles. Consequently, the former instruction stated above is modified and superseded by this instruction regarding number of vehicles to be allowed to go in a caravan on the road during the period of election campaign by leader(s) who have availed of the benefit of clause (A) of the explanation given under section 77(1) of the Representation of the People Act, 1951. **The restriction on number of vehicles in a convoy has been withdrawn, however, vehicles in the convoy have to confirm to the condition as mentioned in the later instruction referred above.**

In case the mode of road transport is to be availed of political parties availing the benefit of clause (a) of explanation given under Sec. 77(1) of Representation of the People Act, 1951, the permit 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 person concerned who will display it prominently on the windscreen of the vehicle being used by him/her in any area. The permits so issued by the Chief electoral Officer will be of distinctly different colours from the permits to be issued by the District Election Officers/Returning Officers for candidates.

**(iii) If the vehicle so permitted in item (ii) above is also occupied by any other person than the leader referred to in item (ii), in that case, the 50% expenditure of the same shall be booked in the expenditure of concerned party contesting candidate from that constituency.**

(iv) 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 23.06.2006 and 14.02.2007 of the Allahabad High Court in writ petition No. 3648 (MB) of 2006 a copy whereof has been enclosed herewith. Respective District Election Officers shall ensure that expenditure incurred on such vehicles is proportionately distributed against the expenditure of the contesting candidates of the party in the areas/constituencies where the Van/Vehicles has been used.

This may be brought to the notice of all Political parties and all election related Officers immediately.

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

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No.437/INST/2009/CC&BE

Date:25<sup>th</sup> March, 2009.

To  
The Chief Electoral Officers of  
All States / Union Territories

**Sub : Use of vehicles for election campaign-Bullet-proof vehicles provided for security reasons-clarification.**

Sir / Madam,

Please refer to the Commission's letter No.437/6/2007/PLN-III, dated 24<sup>th</sup> October, 2007 on the above subject. In the said letter, it has been mentioned that in the case of persons provided with Z-plus security cover and allotted bullet-proof vehicle in view of security considerations, would be permitted to use such state owned bullet-proof vehicle during the period of operation of Model Code of Conduct. It has also been mentioned therein that the cost of propulsion of such bullet-proof vehicles will be borne by the Government.

The Commission has re-considered the above issue. On such re-consideration, the Commission has decided that while the political functionaries provided with bullet-proof vehicles on security considerations may continue to use the bullet-proof vehicle during the period of operation of Model Code of Conduct, the cost of propulsion of such vehicles should be borne by the person concerned when it is used for non-official purposes during such period. If the person is a leader of political party in terms of Explanations 1 and 2 under Section-77(I) of the Representation of the People Act, 1951, the expenditure on propulsion of the vehicle may be borne by the political party concerned for any journey referred to in the said Section-77(I). In no case, the expenditure will be borne by the government in such cases.

These instructions may be brought to the notice of the election authorities and other authorities concerned in the State and also to the notice of all political parties based in your State including the State units of recognized political parties.

Yours faithfully,

(K.AJAY KUMAR)  
SECRETARY

Copy to :-All recognized National and State political parties.

## **INSTRUCTION SL. NO. 75**

ECI letter No.437/6/INST/2010-CC&BE dated 07<sup>th</sup> June, 2010 addressed to the Secretary to the Govt. of India, Ministry of Home Affairs (PM Division), Jaisalmer House, New Delhi

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**Subject: Use of Bullet Proof Vehicles by SPG Protectees (other than Prime Minister) for election campaign – regarding.**

I am directed to refer to your letters Nos. VI-23014/61/2010-VS dated 16<sup>th</sup> March, 2010 and 7<sup>th</sup> April, 2010 on the subject cited and to clarify, as follows the points raised in para 3 thereof :-

- (i) It is confirmed that the SPG protectees are covered under the instructions contained in Commission's letter No. 437/INST/2009 –CC&BE dated 25.03.2009;
- (ii) If the use of spare multiple vehicles has been prescribed in the case of the SPG Protectee by the security authorities due to security reasons, the same may be allowed at Govt. cost (except the vehicle used by the SPG Protectee)
- (iii) There may be no objection to the personal staff of the SPG Protectee accompanying the said Protectee in the B.R.car as the cost of propulsion of such bullet proof vehicle is to be paid by the Protectee or his political party where such SPG Protectee is a person covered by Section 77(1) of the Representation of the People Act 1951 (i.e. leader of the political party concerned who is called a star campaigner for the party). If any other political dignitary is allowed to accompany the SPG protectee, if the situation so warrants, then 50% of the cost of propulsion shall be booked in the election expenditure of the Party candidate from the particular Constituency concerned as already clarified in Commission's letter No. 437/6/INST/2008-CC&BE dated 31<sup>st</sup> October, 2008. However, it is further clarified that if such companion is also a star campaigner under the said Section 77(1), no such apportionment of expenditure shall be called for.

## ELECTION COMMISSION OF INDIA

Nirvachan Sadan , Ashoka Road, New Delhi-110001

No.437/6/INST/2010-CC&BE

Dated 5<sup>th</sup> October,2010

To,

The Chief electoral Officers of all the states and UTs

Subject :- Prevention of misuse of vehicles during elections – regarding.

Sir,

I am directed to refer to the Commission's current instructions on the subject cited vide its letter No. 437/6/INST/2008-CC&BE dated 28<sup>th</sup> March,2009, wherein it was conveyed that the commission had decided that there will be no restriction to the number of vehicles moving in a convoy during model code period.

During the conference of Chief Electoral Officers held in Srinagar in J & K in June 2010, there have been requests that the above decision may be reviewed and some kind of a restriction should be introduced on the number of vehicles moving in a convoy during the model code period. In the light of the discussions held in the said conference, the matter was reviewed by the Commission. **The commission has now decided that during the model code period, the vehicles of political parties and candidate moving in a convoy shall not have more than ten vehicles excluding the security vehicles, if any , provided to the candidates, leaders of political parties etc. in that convoy.** The District Election Officer may take advance information from the organizers about the number of vehicles and their identity which are proposed to move in the convoy so as to ensure proper monitoring. This may be brought to the notice of all concerned for strict implementation.

Yours faithfully,

Sd-

(K. AHAYAKUMAR)

SECRETARY

**INSTRUCTION SI. No. 93**

**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/BR-LA/2010

Dated 16<sup>th</sup> October, 2010

To

The Chief Electoral Officer

Bihar, Patna

**Subject:- General elections to Bihar Assembly- permission for vehicles - reg.**

Sir,

I am directed to say that during the recent visit of the Commission to Bihar, the political parties informed the Commission that their leaders are not given permission to use vehicles for their visit within the District. The matter was considered by the Commission. It has been decided that if any recognized National/State political party applies for permission of vehicles to be used by their office bearers/leaders for their visit within the District , permission may be given in such cases. However, the expenditure on this account shall be booked/distributed in the election expenses of the party's candidate(s), of the Assembly Constituency in the District where they visited. This may be brought to the notice of all concerned for compliance.

Yours faithfully,

(HARBANS SINGH)  
UNDER SECRETARY



## INSTRUCTION SI. No.106

### ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/BR-LA/2010

Dated 22<sup>nd</sup> October, 2010

To

The Chief Electoral Officer  
Bihar, Patna

Subject:- General elections to Bihar Legislative Assembly 2010 - request of Political Parties for vehicle permission for transporting publicity material –regarding-

Sir,

The Commission has decided that if any political party makes a request to the Chief Electoral Officer for grant of vehicle permission for distribution of their publicity material to their various party offices in the State, the Chief Electoral Officer may grant permission for such vehicles. However, the concerned political party (the applicant) will have to specify the name of the District, 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 he will 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 apportioned equally among the candidates of the party contesting from the Assembly Constituencies for which vehicle permit has been sought.

Yours faithfully,

(HARBANS SINGH)  
UNDER SECRETARY

## INSTRUCTION SI. No. 87

ECI letter No. 464/INST/2011-EPS dated 23<sup>rd</sup> March, 2011 addressed to the Chief Electoral officers of Assam, West Bengal, Kerala, Tamil Nadu and Puducherry

**Subject: General elections to the State Leg. Assemblies- request of political parties for vehicle permission for transporting publicity materials- reg.**

The Commission has decided that if a political party makes a request to the Chief Electoral Officer for grant of vehicle permission for distribution of their publicity material to their various party offices in the State, the Chief Electoral Officer may grant permission for such vehicles. However, the concerned political party (the applicant) will have to specify the name of the District, 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 he will 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 apportioned equally among the candidates of the party contesting from the Assembly Constituencies for which vehicle permission has been sought.**

## **INSTRUCTION SI. No. 86**

ECI letter No. 464/INST/2011-EPS dated 23rd March 2011 addressed to the Chief Electoral officers of Assam, West Bengal, Kerala, Tamil Nadu and Puducherry

**Subject: General elections to the Leg. Assemblies of the above States- permission to fly party flags of parties having alliance or seat sharing in the elections- reg**

I am directed to say that during the recent visit of the Commission to Bihar, the Political Parties have requested the Commission that their candidates may be allowed to put on their campaign vehicles the flags of such political parties with whom they are having electoral alliance or seat sharing. The matter has been considered by the Commission. It has been decided that if any political party(ies) having electoral alliance or seat sharing, who apply(ies) with full detail thereof, for the display on their campaign vehicles of the flags of such parties with whom they are having such alliance/seat sharing, they may be given such permission. The use of flags on the vehicles will however be subject to the provisions of the Motor Vehicles Act.

This may be brought to the notice of all concerned including all the political parties concerned.

**H**

**USE OF GUEST  
HOUSE**



## **INSTRUCTION SI. No. 10**

Election Commission's letter No.437/6/98-PLN-III dated 08.01.1998 addressed to Chief Secretaries, Resident Commissioners and CEOs of all the States and UTs.

**Subject:Restrictions on use of Government Guest Houses, Bhawans and State Sadans for holding of political parties meeting regarding election purposes.**

The Commission has taken note of utilization of various State Guest Houses, Bhawans and Sadans at Delhi for election related activities by some of the political parties. These include holding of party meeting press conference and consultations. The Commission after taking all factors into account has decided that no part of such premises are utilized for any political activities of the kind already mentioned. The Resident Commissioners and Liaison Officers of all States and Union Territories at Delhi are hereby instructed to ensure that no violation in this regard is made.

There are, however, no restrictions for use of Bhawans for genuine requirements accommodation of officers and other visitors including political functionaries purely for purposes of their official tour to Delhi. The Resident/Liaison Commissioners are also advised that allocation of rooms should be done in a fair and equitable manner and that it would be improper to provide entire floors and large blocks for exclusive use and for extended period by political functionaries and parties.

Kindly acknowledge the receipt.

## **INSTRUCTION SI. No. 16**

Election Commission's letter No. 437/6/38/2004-PLN-III, dated 06.04.2004 addressed to the Chief Secretaries to all the States and Union Territories and Chief Electoral Officers of all the States and Union Territories.

**Subject: - Model Code of Conduct-Use of Rest Houses, Dak Bungalows and other Government accommodation.**

The Commission has received representations regarding implementation of the provisions on allotment and use of rest houses, *Dak* bungalows and other Government accommodations in a non-uniform manner in violation of the model code of conduct in different States and Union Territories.

The Commission after considering various issues involved and taking into account all relevant factors has decided that the relevant provision of model code of conduct should be implemented in letter and spirit and the available accommodation should be allotted in a fair and equitable manner. The relevant portions are as below:

### **Item VII. Party in Power:**

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

It shall be ensured that no functionary can use the Circuit House, Dak bungalow to set up campaign office as the Circuit Houses/Dak bungalows are only for temporary stay (boarding and lodging) during transit of such functionaries.

The Commission has further directed that:

- (i) Even casual meeting by Members of political parties inside the premises of the Government owned guesthouse etc. are not permitted and any violation of this shall be deemed to be a violation of the Model Code of Conduct.
- (ii) Only the vehicle carrying the person allotted accommodation in the guest house and not more than two other vehicles, if used by the person, will be permitted inside the compound of the Guest House,
- (iii) Rooms should not be made available for more than 48 hours to any single individual.

However, 48 hours before the close of poll in any particular area, there will be freeze on such allocations till completion of poll or re-poll. The Commission directs that the Chief Electoral Officers will oversee strict and impartial implementation of these guidelines.

## **INSTRUCTION SI. No. 41**

Election Commission's letter No. 437/6/2006-PLN-III (Vol. II) Dated: 1<sup>st</sup> 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.

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Government Central Press, Gandhinagar.