

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

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

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संख्या-1475 /XXV - 07/ 2024 देहरादून : दिनांक 19 मार्च, 2024

सेवा में,



- 1- समस्त अपर मुख्य सचिव/प्रमुख सचिव/सचिव उत्तराखण्ड शासन।
- 2- पुलिस महानिदेशक, उत्तराखण्ड।
- 3- समस्त विभागाध्यक्ष, उत्तराखण्ड।
- 4- आयुक्त, गढ़वाल/कुमायूँ मण्डल उत्तराखण्ड।
- 5- समस्त जिलाधिकारी, उत्तराखण्ड।

विषय:- लोक सभा सामान्य निर्वाचन-2024, आदर्श आचार संहिता के दृष्टिगत विभिन्न प्रकरणों पर भारत निर्वाचन आयोग की अनुमति प्राप्त किए जाने हेतु प्रकरण को मुख्य सचिव महोदया की अध्यक्षता में गठित अनुवीक्षण समिति के माध्यम से प्रस्तुत किए जाने के संबंध में।

महोदय/महोदया,

उपरोक्त विषयक मुझे निवेदन सहित अवगत कराने के निदेश प्राप्त हुए हैं कि, दिनांक 16 मार्च, 2024 को भारत निर्वाचन आयोग द्वारा लोक सभा सामान्य निर्वाचन के लिए निर्वाचन कार्यक्रम की घोषणा के साथ ही सम्पूर्ण देश में चुनाव की आदर्श आचार संहिता प्रभावी हो चुकी है। आयोग के दिशा-निर्देशों के अनुसार आदर्श आचार संहिता के दौरान विभिन्न प्रकरणों पर आयोग की अनुमति प्राप्त किए जाने हेतु संदर्भित किए जाने से पूर्व ऐसे किसी भी प्रकरण को विभागीय अपर मुख्य सचिव/प्रमुख सचिव/सचिव के माध्यम से, मुख्य सचिव महोदया की अध्यक्षता में गठित राज्य स्तरीय अनुवीक्षण समिति (Screening Committee) के समक्ष प्रस्तुत किया जाएगा और अनुवीक्षण समिति द्वारा प्रकरण का परीक्षण कर आयोग के तद् विषयक दिशा-निर्देशों के अनुसार मुख्य निर्वाचन अधिकारी के माध्यम से आयोग के अनुमोदन हेतु संदर्भित किया जाएगा।

2- भारत निर्वाचन आयोग के पत्र संख्या-437/6/1/INST/ECI/FUNCT/MCC/2024 दिनांक 16 मार्च, 2024 के अनुसरण में गठित राज्य स्तरीय अनुवीक्षण समिति के कार्यालय ज्ञाप संख्या-1432 दिनांक 18 मार्च, 2024 की प्रति (आयोग के संदर्भित पत्र सहित) सुलभ संदर्भ हेतु संलग्न प्रेषित है।

3- उपरोक्त के अतिरिक्त आदर्श संहिता के संदर्भ में भारत निर्वाचन आयोग के विभिन्न दिशा-निर्देशों की प्रति ANNEXURE-A में अंकित विवरण के अनुसार सुलभ संदर्भ हेतु संलग्न प्रेषित है।

अतः अनुरोध है कि, लोक सभा सामान्य निर्वाचन के दौरान आदर्श आचार संहिता के परिपेक्ष्य में विभागीय विभिन्न प्रकरणों पर आयोग की अनुमति प्राप्त किए जाने हेतु प्रकरण को विधिवत मुख्य सचिव महोदया की अध्यक्षता में गठित राज्य स्तरीय अनुवीक्षण समिति (Screening Committee) के माध्यम से ही प्रस्तुत किए जाने हेतु संबंधितों को निर्देशित करने का कष्ट करें।

संलग्नक-यथोक्त।

भवदीय

(मस्तू दास)

सहायक मुख्य निर्वाचन अधिकारी
उत्तराखण्ड।

ANNEXURE-A

ECI INSTRUCTIONS REGARDING MCC-2024

S.No	ECI LETTER NO	Subject	Date	Page No
1.	1432/XXV-07/2024	कार्यालय ज्ञाप (Screening Committee)	18.03.2024	01
2.	437/6/1/INST/ECI/FUNCT/MCC/2024	Screening Committee-	16.03.2024	2-4
3.	437/6/1/INST/ECI/FUNCT/MCC/2024	Immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Elections to House of the People	16.03.2024	4-7
4.	437/6/1/INST/ECI/FUNCT/MCC/2024	Application of Model Code of Conduct	16.03.2024	8-11
5.	437/6/1/INST/ECI/FUNCT/MCC/2024	Release of funds under MPs'/MLAs' Local Area Development Scheme	16.03.2024	12-13
6.	437/6/INST/ECI/FUNCT/MCC/2024 (MCC ENFORCEMENT)	Enforcement of the Model Code of Conduct- Do's and Don'ts	02 January 2024	14-35
7.	437/6/INST/ECI/FUNCT/MCC/2024 (Vehicles)	Model Code of Conduct- Instruction- use of vehicles during elections.	02 January 2024	36-43
8.	437/6/INST/ECI/FUNCT/MCC/2024 (CAMPAIGN)	Model Code of Conduct- Instruction- Election Campaign.	02 January 2024	44-56
9.	437/6/INST/ECI/FUNCT/MCC/2024 (ADVERTISEMENT)	Model Code of Conduct- Publication of Advertisement.	02 January 2024	57-62
10.	437/6/INST/ECI/FUNCT/MCC/2024 (TOUR OF MINISTERS)	Model Code of Conduct- Instruction- Tour of Ministers during Election period-	02 January 2024	63-69
11.	437/6/INST/ECI/FUNCT/MCC/2024 (IMPORTANT DAYS)	Model Code of Conduct- Instruction- Celebration of Important Days.	02 January 2024	70-72
12.	464/L&O/2023/EPS (Use of Veh.)	Use of Vehicles During Election by Political Parties and Candidates.	26 June 2023	73-83
13.	464/INST/EPS/2023/ L&O	Measure related to Law & Order for conduct of peaceful, free and fair Election.	08 June, 2023	84-111
14. Compendium of instructions on Model Code of Conduct 2024 available on ECI website (eci.gov.in)				

ELE-ELE/COND(LS)/7/2024-ELECT-1-Election Department

उत्तराखण्ड शासन

निर्वाचन विभाग

संख्या : 1432/XXV-07/2024

दिनांक : 18 मार्च, 2024

I/200089/2024

कार्यालय ज्ञाप

भारत निर्वाचन आयोग के पत्र संख्या-437/6/1/INST/ECI/FUNCT/MCC//2024 दिनांक 16 मार्च, 2024 के आलोक में लोक सभा के सामान्य निर्वाचन, 2024 के सम्पादनार्थ निर्वाचन के दौरान आदर्श आचार संहिता संबंधी विभिन्न प्रकरणों के निस्तारण एवं आयोग को संदर्भित किये जाने हेतु निम्नानुसार अनुवीक्षण समिति (Screening Committee) गठित की जाती है-

क-	मुख्य सचिव	-	अध्यक्ष।
ख-	विभागीय अपर मुख्य सचिव/प्रमुख सचिव/सचिव/अपर सचिव (जिस विभाग से संबंधित प्रकरण पर आदर्श आचार संहिता के संबंध में मार्गदर्शन अपेक्षित हो)	-	सदस्य।
ग-	सचिव, सामान्य प्रशासन (समन्वयक विभाग)	-	सदस्य।

2- उक्त के संबंध में आयोग द्वारा यह भी निर्देशित किया गया है कि, आदर्श आचार संहिता से सम्बन्धित किसी भी प्रकरण/प्रस्ताव पर आयोग की अनुमति प्राप्त किये जाने के लिए प्रकरण को आयोग को प्रेषित किये जाने के पूर्व उक्तानुसार गठित अनुवीक्षण समिति आयोग के तद्विषयक दिशा-निर्देशों के आलोक में प्रकरण/प्रस्ताव का भली-भाँति परीक्षण करेगी और परीक्षणोपरान्त यह सुनिश्चित करेगी कि प्रकरण की अविलम्बता क्या है, इसके लिए मतदान/निर्वाचन की समाप्ति तक प्रतीक्षा क्यों नहीं की जा सकती है। स्क्रीनिंग कमेटी द्वारा स्वीकृत प्रस्तावों को पूर्ण विवरण/आवश्यकता पर एक नोट/स्पष्ट अभिमत को मुख्य निर्वाचन अधिकारी के माध्यम से आयोग के मार्गदर्शन/अनुमोदन हेतु सन्दर्भित किया जायेगा।

Signed by Radha Raturi

Date: 18-03-2024 11:11:05

(राधा रतूड़ी)
मुख्य सचिव।

संख्या : 1432/XXV-07/2024 तददिनांकित।

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

1. प्रधान सचिव, भारत निर्वाचन आयोग, निर्वाचन सदन, अशोक रोड़, नई दिल्ली
2. निम्नलिखित को उक्तानुसार सूचनार्थ एवं इस आशय से प्रेषित कि आयोग के आदर्श आचार संहिता मार्गदर्शी सिद्धान्तों/दिशा-निर्देशों के अनुसार पत्रावलियां/सन्दर्भ सीधे मुख्य निर्वाचन अधिकारी कार्यालय को प्रेषित न किए जायं बल्कि यदि कोई आवश्यक हो तो उक्तानुसार प्रकरण केवल विभागीय अपर मुख्य सचिव/प्रमुख सचिव/सचिव के माध्यम से ही स्क्रीनिंग कमेटी को संदर्भित करने का कष्ट करें। कृपया इस संबंध में अधीनस्थ विभागों को भी यथोचित निर्देश निर्गत करने का कष्ट करें।
 - i. अपर मुख्य सचिव, उत्तराखण्ड शासन।
 - ii. समस्त प्रमुख सचिव/सचिव, उत्तराखण्ड शासन।
 - iii. मुख्य निर्वाचन अधिकारी, उत्तराखण्ड।
 - iv. पुलिस महानिदेशक, उत्तराखण्ड।
 - v. आयुक्त, गढ़वाल/कुमायूँ मण्डल, उत्तराखण्ड।
 - vi. समस्त विभागाध्यक्ष, उत्तराखण्ड।
 - vii. समस्त जिलाधिकारी एवं जिला निर्वाचन अधिकारी, उत्तराखण्ड।

Signed by Dilip Jawalkar

Date: 18-03-2024 11:27:30

(दिलीप जावलकर)
सचिव।

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/INST/ECI/FUNCT/MCC/2024

Dated: 16th March, 2024

To

The Chief Secretaries of all States and
Chief Secretaries/Administrators of Union Territories.

Subject: General Elections to House of the People (Lok Sabha), 2024 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections- Screening Committee- regarding.

Sir/Madam,

I am directed to state that the Commission has issued detailed guidelines and instructions on regulation and enforcement of various aspects of the Model Code of Conduct (MCC) during election time. A number of proposals relating to MCC are being received in the Commission from Chief Electoral Officers and sometimes from the concerned departments directly. The Commission has decided that a Screening Committee headed by Chief Secretary of the State shall be constituted with following composition -

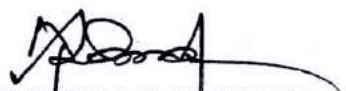
- | | | |
|-------|--|----------|
| (i) | Chief Secretary | Chairman |
| (ii) | Secretary/Pr. Secretary of the department(s)
to which the proposal relates. | Member |
| (iii) | Secretary/Pr. Secretary of the General Administration/Coordination
department of the State. | Member |

2. The Committee shall examine each proposal, before sending it to the Commission, through the Chief Electoral Officer concerned, in the light of the Commission's existing instructions/clarifications available in the form of Manual on Model Code of Conduct/Compendium of instructions on Model Code of Conduct/instructions available on the Commission's website. The proposals cleared by the Screening Committee shall be submitted to the Chief Electoral Officer along with full details and a note on urgency, i.e. why the proposal can't wait till completion of poll/election. The Chief Electoral Officer shall forward only such proposal(s) that are cleared by the aforesaid Screening Committee, to the Commission along with his/her comments immediately. Hence, all departments of the State may be advised not to forward any reference directly to the Commission. Further, no department of the State Govt./Union Territory Administrator shall send original file to the CEO's office but only a self-contained reference be sent through the Screening Committee.

3. Accordingly, the Commission has directed that the aforesaid Screening Committee shall be constituted and operationalized immediately in all the States and Union Territories. A copy of the order constituting the Screening Committee shall be sent to the Commission latest by 3 pm of **22nd March, 2024**. The CEO shall provide a copy of Manual on Model Code of Conduct, Compendium of Instructions on Model Code of Conduct and relevant Model Code of Conduct instructions to the Screening Committee.

4. Further, it may be noted that the Commission takes reasonable time to dispose of a reference, therefore last minute references should be avoided.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY

By Spl. Messenger/mail

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/INST/ECI/FUNCT/MCC/2024

Dated: 16th March, 2024

To

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

Subject: Immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Elections to House of the People (Lok Sabha), 2024 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections-regarding.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Election to House of the People (Lok Sabha), 2024 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections, operation of 'MODEL CODE OF CONDUCT' comes into effect with the announcement of elections by the Commission. In view of the elections, the Commission has given following directions for effective enforcement of provisions of MCC:-

1. **Defacement of Property-** ECI instructions contained in letter No. 3/7/2023-SDR, dated 12th October, 2023, provide for prevention of defacement of property. The Commission has directed to ensure strict compliance of its instruction and to take time bound action as prescribed below-
 - (a) **Defacement of Government property-** For this purpose a Government premise would include any Government office and the campus wherein the office building, compound and establishment are situated. All wall- writing, posters/papers or defacement in any

other form, including cutout/hoardings, banners, flags etc, on Government property shall be removed **within 24 hours** from the announcement of elections by the Election Commission.

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

(c) **Defacement of private property-** Subject to any local law and Court's direction, all unauthorized political advertisement displayed at private property shall be removed **within 72 hours** from the announcement of elections by the Election Commission.

2. **Misuse of official vehicle-** The ECI's Consolidated instructions contained in letter No. 464/L&O/2023/EPS(Use of Veh.), dated 26th June, 2023, among other things, provides that **there shall be a total ban on use of official vehicle by any political party, candidate or any other person connected with election (except officials performing any election related official duty) for campaigning, electioneering or election related travel during elections (subject to certain exception mentioned therein).** The expression 'official vehicle' means and shall include, any vehicle used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise and will include trucks, lorries, tempos, jeeps, cars, auto rickshaws, e-rickshaws, buses, belonging to Central Government, State Government/UT Administrations, public undertakings of Central/State Government, Joint sector undertakings of Central/State Government, local bodies, municipal corporations, marketing boards, cooperative societies or any other body in which public funds, however small a portion of the total, are invested. **The CEOs/DEOs shall take necessary action for compliance of ECI instructions within 24 hours of the announcement of the elections.**

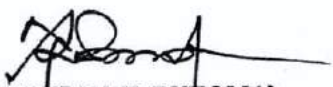
3. **Advertisement at the cost of public exchequer-** ECI instructions contained in letter No. 437/6/INST/ECI/FUNCT/MCC/2024(ADVERTISEMENTS), dated 2nd January, 2024 provides that at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided. No advertisements shall be issued in

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

4. **Photograph of political functionary at official website-** ECI instruction contained in letter No. 437/6/INST/ECI/FUNCT/MCC/2024(MCC ENFORCEMENT) dated 2nd January, 2024 provides that all references of Ministers, Politicians or political parties available on central/state Government's official website shall be removed. The CEOs have to take immediate action to remove/hide the photographs of any political functionary from official websites of state department.
5. **Development/construction related activities- within 72 hours** of announcement of elections, the CEO/DEO shall obtain the following list of works for reference in case of validating any complaint on violation of MCC:
 - (i) List of work which has already been started on ground.
 - (ii) List of fresh work which has not started on ground.
6. **Activities for Expenditure Monitoring and enforcement of MCC-** Flying squad, FST, video team, intensive checking for liquor/Cash/Contra banned drugs, flying squads of excise department to check illicit trafficking of Drug/Narcotics to be immediately activated after announcement.
7. **Complaint Monitoring System-** The poll going states shall have a complaint redressal mechanism based on website and call center. The toll free number of call center is 1950. Complaints can be registered by making calls to the toll free call center numbers or on the website. Complainants will also be informed of the action taken by SMS and by the call center. Complainants can also see the details of the action taken on their complaints. This system should be operational within 24 hours of the announcement. All complaints should be dealt promptly and properly. The 24x7 control Room at the district level must be activated and sufficient deployment of manpower and other logistics be ensured in particular, round the clock personnel should be deployed in the control room and their duty roster must be issued to avoid any evasion or confusion.

8. **IT Application-** All IT applications including official website and social media shall be **operational with the announcement.**
9. **Dissemination of information for Awareness of Voters and political parties.** Publicity of major election activity would be given through CEO/DEO/RO. For this purpose, all necessary information shall be disseminated through radio, tv, cinema, government channel to display voter education material.
10. **Active cooperation from Educational Institutions and Civil Societies-** Cooperation can be sought from educational institutions and civil societies for giving wide publicity to the election related information to the general public and other stakeholders.
11. **Media Centre-** Efforts should be made for awareness among the voters, political parties and other stakeholder through media center about election system including use of EVM/VVPAT.
12. **MCMC/DEMC-** ECI instruction contained in letter no. 491/MCMC/5/2023/Communication dated 24th August, 2023 provides that all registered political parties will approach the Media Certification and Monitoring Committees (MCMC) at District and State level, as the case may be, for pre-certification of their political advertisements proposed to be issued on electronic media. The Commission has directed to ensure strict compliance of its instructions contained in above said letter.
13. **Control Room-** The 24x7 control room at district level must be activated immediately and sufficient deployment of manpower and other logistics be ensured by the DEO/CEO. A control room with complaint Monitoring Centre would also be set up at ECI Secretariat during the entire election process.

Yours faithfully


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY

By Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/INST/ECI/FUNCT/MCC/2024

Dated: 16th March, 2024

To

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

Sub: Application of Model Code of Conduct – General Elections to House of the People (Lok Sabha), 2024 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim, and certain bye-elections - reg.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Elections to Lok Sabha and to the Legislative Assemblies of the States of **Andhra Pradesh, Arunachal Pradesh, Orissa and Sikkim and certain bye-elections** (Press Notes No. ECI/PN/23/2024, and No. ECI/PN/24/2024 both dated 16th March, 2024, available at the Commission's website – www.eci.gov.in).

2. With this announcement, the provisions of the Model Code of Conduct for the guidance of the Political Parties and Candidates **have come into force with immediate effect and will be in force till the completion of the General Elections and bye-elections, mentioned above.** This may be brought to the notice of the Central and all State Governments/Union Territory Administrations, all Ministries/Departments/Offices of the Union Government and the State Governments/Union Territory Administrations. A copy of instructions issued by you to this effect, may be sent to the Commission for its information and record.

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

State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purpose of its election campaign and in particular:-

- (i) (a) The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work;
- (b) Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;
- (ii) Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolised by the party in power. Other parties and candidates shall be allowed the use of such places and facilities, on the same terms and conditions, on which they are used by the party in power;
- (iii) Rest houses, dak bungalows or other Government accommodations in the States/Union Territories where elections have been announced or are taking place can be given to the political functionaries who are provided security by the State in 'Z' scale or above or equivalent by various State Governments or the Central Government under provisions of their laws, on equitable basis. This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or the Commission's Observers. Such political functionaries shall not carry out any political activity while staying in the Government Guest Houses/Rest Houses or other Government accommodation etc.;
- (iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided;
- (v) Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time, elections are announced by the Commission; and
- (vi) From the time, elections are announced by Commission, Ministers and other authorities shall not –
 - (a) announce any financial grants, in any form or promises thereof; or
 - (b) (except civil servants) lay foundation stones etc. of projects or schemes of any kind;
 - or
 - (c) make any promise of construction of roads, provision of drinking water facilities etc.; or

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

4. As will be observed from Para 3{Clause iv} above, no advertisement shall be issued in electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. If any advertisement has already been released for telecast/broadcast or publication in the print media, it must be ensured that the telecast/broadcast of such ads on electronic media is stopped forthwith and that no such ad is published in any newspapers, magazines, etc., i.e. in print media, from today itself and it should be immediately withdrawn.

5. The instruction of the Commission contained in its letter No.437/6/INST/ECI/FUNCT/MCC/2024(MCC ENFORCEMENT) dated 2nd January, 2024 is available on the Commission's website at path -"<https://www.eci.gov.in/issue-details-page/instructions>" for your information and necessary action. The Commission's all other relevant instructions, 'Manual on Model Code of Conduct' and 'Compendium of Instructions on Model Code of Conduct' are also available on the Commission's website for your guidance.

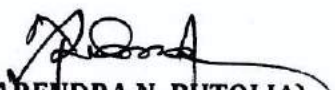
6. The Commission further directs that there shall be a total ban on the transfer of all officers/officials connected with the conduct of the election. These include but are not restricted to: -

- 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 election;
- iv) Officers of the Police Department connected with the management of election, like range IGs and DIGs, Senior Superintendents of Police and Superintendents of Police, Sub-Divisional 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) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till date should not be given effect to without obtaining specific permission from the Commission in this regard;

- vi) This ban shall be effective till the completion of the election. The Commission further directs that the State Governments should refrain from making transfers of senior officers who have a role in the management of election in the State;
- vii) In those cases where transfer of an officer is necessary on account of administrative exigencies, the concerned State Government may with full justification approach the Commission for prior clearance.

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

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY

By Speed Post/E-mail

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.437/6/1/INST/ECI/FUNCT/MCC/2024

Dated: 16th March, 2024

To

1. **The Cabinet Secretary,**
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. **The Secretary to the Government of India,**
Department of Programme Implementation,
Sardar Patel Bhawan,
New Delhi.
3. **The Chief Secretaries to the Governments of all States and
Chief Secretaries/Administrators of Union Territories.**
4. **The Chief Electoral Officers of
all States and Union Territories.**

**Subject: General Elections to House of the People (Lok Sabha), 2024 and State
Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha
and Sikkim and certain bye-elections - Release of funds under
MPs'/MLAs' Local Area Development Scheme - regarding.**

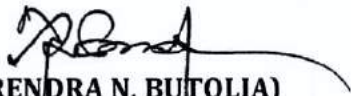
Sir/Madam,

I am directed to refer to the Commission's Press Notes No. ECI/PN/23/2024, and No. ECI/PN/24/2024, both dated 16th March, 2024 (Press Notes available at Commission's web-site - www.eci.gov.in) as per which the Commission has announced the enforcement of the Model Code of Conduct for the guidance of the Political Parties and Candidates, consequent on the announcement of General Election to Lok Sabha and to the Legislative Assemblies of the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections.

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

- a) No fresh release of funds under the Member of Parliament (including Rajya Sabha members) Local Area Development fund shall be made in any part of the country where election is in progress. Similarly no fresh release of funds under the MLAs'/ MLCs' Local Area Development Fund shall be made, if any such scheme is in operation, till the completion of election process.
- b) No work shall start in respect of which work orders have been issued before the issue of this letter but the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue.
- c) There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.
- d) Where schemes have been cleared and funds are provided or released and materials procured and reached the site such scheme may be executed as per programme.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY

By Speed Post/E-Mail



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/INST/ECI/FUNCT/MCC/2024(MCC ENFORCEMENT)

Dated: 2nd January, 2024

To,

- (i) The Chief Secretaries
of all States and Union Territories.
- (ii) The Chief Electoral Officers
of all States and Union Territories.

Subject:- Enforcement of the Model Code of Conduct – Do's and Don'ts – regarding

Reference: Commission's instructions:

- (i) No. 437/6/2009-CC&BE, dated 05.03.2009
- (ii) No. 437/6/16/2004, dated 09.03.2004
- (iii) No. 464/INST/2007-PLN-I, dated 07.01.07
- (iv) No. 437/6/INST/2008-CC&BE, dated 19.03.2009
- (v) No. 437/6/INST-2008/CC&BE, dated 01.04.2009
- (vi) No. 437/6/INST/2011-CC&BE, dated 05.04.2011
- (vii) No. 437/6/2011/CC&BE, dated 11.10.2011
- (viii) No. 437/6/1/INST/2013-CC&BE, dated 13.11.2013
- (ix) No. 437/6/INST/2014/CC&BE, dated 14.03.2014
- (x) No. 437/6/INST/2014/CC&BE, dated 20.03.2014
- (xi) No. 437/6/ES023/94 MCS, dated 04.10.1994
- (xii) No. 437/6/93 J.S. II, dated 31.12.1993
- (xiii) No. 434/6/PLN-II, dated 22.03.1996
- (xiv) No. 437/6/2002-PLN-III, dated 25.01.2002
- (xv) No. 437/6/23/2004 PLN.III, dated 11.03.2004
- (xvi) No. 437/6/INST/2009-CC&BE, dated 09.03.2009
- (xvii) No. 437/6/2009/CC&BE, dated 24.03.2009
- (xviii) No. 437/6/INST-2009/CC&BE, dated 26.04.2009
- (xix) No. 437/6/INST-2012/CC&BE, dated 21.01.2012
- (xx) No. 437/6/1/2014/CC&BE, dated 29.03.2014
- (xxi) No. 437/6/2007(INST)-PLN-III, dated 21.11.2007
- (xxii) No. 437/6/2004-PLN III, dated 30.12.2004
- (xxiii) No. 437/6/INST/2014/CC&BE, dated 18.03.2014
- (xxiv) No. 437/6/38/2004-PLN-III, dated 06.04.2004
- (xxv) No. 437/6/2006-PLN-III (Vol. II) dated: 01.04.2006, and
- (xxvi) No. 437/6/98-PLN-III dated 08.01.1998

Madam/Sir,

Model Code of Conduct comes into operation right from the time and day, the Election Commission issues the schedule of elections. The Commission has issued various instructions and clarifications on observance of code of conduct from time to time vide letters listed above. Following are the consolidated instructions in supersession of all the existing instructions in reference:

I. Applicability of Model Code of Conduct:

A. Duration of Application

- (i) In the case of general elections to the Lok Sabha/State Legislative Assemblies, the Model Code of Conduct which comes into force on the date of announcement of election schedule by the Election Commission, will cease to be in operation once the *Due Constitution Notification* constituting the new House(s) concerned is issued by the Commission, irrespective of the date(s) before which the election is to be completed as mentioned in the election notifications.
- (ii) In the case of bye-elections to the Lok Sabha/State Legislative Assemblies, the Model Code of Conduct will cease to be in operation immediately after the formal declaration of the result of the bye-election by the Returning Officer concerned.
- (iii) In the case of all elections to the Legislative Councils of States, where the Model Code of Conduct is made applicable, it shall cease to be in operation on the declaration of result of election by the Returning Officer concerned.

B. Extent of Application

- (i) At the time of a general election to the House of the People or to a State Legislative Assembly, Model Code of Conduct applies throughout India or, the state concerned, as the case may be.
- (ii) At the time of a bye-election, MCC would be enforced in the entire district(s) covering the Constituency going for bye-election(s). However, if a constituency is comprised in State Capital/Metropolitan Cities/Municipal Corporations, then Model Code of Conduct would be applicable in the area of concerned Constituency only and for any district in which Corporation/ Metropolitan City/Municipal Corporation is located, MCC would be enforced in the particular Assembly Constituency Segment only and not in the whole of the district. For the district(s) with number of polling stations less than 10% of the total polling stations of the constituency concerned, the instructions would be applicable only in the

area under jurisdiction of those polling stations. However, it must be ensured that the other instructions regarding deployment of staff, etc., are strictly observed in all districts irrespective of number of polling stations situated therein.

C. Who are Covered under Model Code of Conduct

- (i) The provisions of Model Code of Conduct apply to all organizations/committees, corporations/commissions etc., funded wholly or partially by the Central Govt. or any State Govt. like the Commonwealth Games Organizing Committee, DDA, Electricity Regulatory Commissions, Jal Boards, Transport Corporations, any other development authority etc.
- (ii) The general provisions of Model Code of Conduct are applicable to all persons, including those who intend to be a candidate in an election, from the date of announcement of elections by the Commission. Election expenditure by the candidate shall be counted from the date he files his nomination papers. However, it is clarified that expenditure on material which may have been produced before filing of nomination if used after filing of nomination by the candidate shall be included in the election expenditure of the candidate.

II. Welfare schemes and governmental works

1. Announcement of new projects or programmes 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.
8. The names of MPs/MLAs etc. appearing on moving vehicles like water tanks, ambulances etc. funded under MPLAD schemes should be covered suitably during the election period as such vehicles moving from one place to another may be considered as a form of election campaign in favour of the MP/MLA etc. concerned.

9. 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.
10. RBI may continue to take decisions unhindered on monetary policy issues.
11. 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.
12. All Government of India references to the Election Commission of India shall be made preferably through the Cabinet Secretariat. In so far as references 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.
13. 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 MGNREGA may be covered under existing projects. New projects under MGNREGA 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.
14. 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.
15. 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.
16. Global tenders already floated, can be evaluated and finalized where any time limits are specified for such purpose.
17. 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.
18. Commission invariably takes a humanitarian view on the work that are necessitated due to man-made or natural calamities.
- a. Ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the persons affected at the current rates/scales of assistance presently in force, under intimation to the Commission. No change in the extant and prescribed scales of payments, however, shall be made in the existing rates/scales without prior permission of the Commission.
 - b. Payment directly to the hospitals from CM's/PM's Relief Fund, in lieu of direct cash payment to individual patients (beneficiaries) will be permissible without reference to the Commission.
 - c. Emergent relief works and measures that are aimed to mitigate the hardships, directly and solely, of the persons affected in a disaster may be taken up under intimation to the Commission.
 - d. However, new works that may be necessitated by way of preventive measures to mitigate the likely effects of natural disasters like repair of embankments, water channels etc. can be taken up only with prior permission of the Commission.
 - e. Also, an area shall not be declared drought/flood affected or any such calamity affected without prior approval of the Commission. The extent of area already declared to be calamity-affected cannot be expanded without prior approval of the Commission.
 - f. Similarly, any selective assistance to a group of persons from the PM's or the CM's Relief Fund will require prior approval of the Commission.

19. The medical assistance under PM's/CM's Relief Fund for various treatment/operation, like heart surgery, kidney transplantation, cancer treatment etc. which are time bound in nature and can't be postponed without endangering patient's health may be released, provided selection of beneficiaries/patients are done by the concerned Government Officials/Head of the concerned Private Hospitals.
20. The process required for the decision on the power tariff may be continued by the State Electricity Regulatory Commission. However, tariff award shall be made only on the completion of poll in the relevant State, i.e. after the poll date/dates in that State.
21. 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 takeover of enterprises etc. (or any policy decision on similar lines) cannot be taken up.
 - c. Fresh auctions of liquor vends etc. cannot be held even if the annual auction time falls within 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 cannot 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.
22. 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.
23. 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.

24. 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.

III. Implementation of drought relief work

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. 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.

IV. On Transfers and posting of officials

(1) No officer connected directly with elections shall be allowed to continue in the present district (revenue 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 (4) years or would be completing 3 years. The three years period shall be reckoned backwards from last day of the month of end of the term of Legislative Assembly of the State. While calculating the period of three years, promotion to a post within the district is to be counted.

(2) Applicability

2.1 District Officers: - These instructions shall cover not only officers appointed for specific election duties like DEOs, Dy. DEOs, RO/AROs, EROs/AEROs, officers appointed as nodal officers of any specific election works but also district officers like ADMs, SDMs, Dy. Collector/Joint Collector, Tehsildar, Block Development Officers or any other officer of equal rank directly deployed for election works.

2.2 Officers other than District Officers: - These instructions shall also cover the officers deputed in Municipal Corporations and Development Authorities, etc.

2.3 Police Officers: - These instructions shall be applicable to the police department officers such as Range ADGs/IGs, DIGs, Commandants of State Armed Police, SSPs, SPs, Addl. SPs, Sub-Divisional Head of Police, SHOs, Inspectors, Sub-Inspector, RIs / Sergeant Majors or equivalent ranks, who are responsible for security arrangement or deployment of police forces 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. Following shall be followed:

(i) The Police Sub-Inspectors and above should not be posted in their home district.

(ii) If a Police Sub-Inspector has completed or would be completing a tenure of 3 years out of four years on or before the cutoff date in a police sub-division, then he should be transferred out to a police sub-division which does not fall in the same AC. If that is not possible due to small size of district, then he/she should be transferred out of the district.

2.4 Prohibition and Excise Officers: - Further, these instructions shall also be applicable to the officers of the Prohibition and Excise Department of the State of the rank of Sub-Inspector and above.

(3) Ban on transfer/posting of election related officers-

During the period of implementation of Model Code of Conduct, 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.

V. On Misuse of Official Machinery

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

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

8. 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 of Ministers, Politicians or Political Parties available on Central/State Government's official website highlighting their achievements but eulogizing the same as personal achievements of Politicians/Ministers shall be taken off/purged off. During bye-elections, these instructions may be confined to only those Politicians/Ministers, etc. who themselves become candidates at such bye-elections.

VI. Display of the photographs, calendars etc. of national leaders and prominent personalities in the government offices/premises, etc.

1. The photographs and images of the political functionaries, who 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.
2. 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. 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.

VII. Meeting of Local Bodies – Panchayats, Municipalities, etc.

1. A Writ Petition No. 4766(W) of 2011 (Shri Sujit Roy Vs the State of West Bengal & Others) was filed before the Hon'ble High Court of Calcutta seeking a declaration that no meeting of the Councilors of Kulti Municipality should be held during the period when Model Code of Conduct is in force.
2. The Hon'ble High Court, vide its order dated 11.03.2011, dismissed this Petition with the observation that the question would be for the Commission to decide and further directed that copy of the order be communicated to the Commission. Accordingly, a copy of the order of the Hon'ble High Court was referred to the Commission.
3. The Commission, after considering the matter, decided that there would be no objection on its part to the holding of the statutory meetings, which cannot be avoided by the Municipalities and Panchayats and other local bodies, subject to the condition that no new policy decisions and announcements shall be made in such meetings till the elections are over and only the decisions related to routine day-to-day management issues, and on emergency issues may be taken in such meetings.

VIII. Briefing of CM/HM by police officers

1. The security briefings of Chief Minister or the 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 in such briefings.
2. The spirit behind the Commission's instruction is to safeguard a free, fair and transparent election and provide a level playing field to all political parties as also to ensure that there is no scope for public complaints that the political executive/government of the day is misusing the government machinery for political purpose. 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.

IX. Misuse of free travel passes

1. Instances have come to the notice of the Commission where the free passes issued by the Railways and the Government Airlines have been misused to travel to and from the States/ constituencies/areas having the elections. Issue of such passes enabled the holders to travel round the country free of cost and participate in election related activities and thus attempt to vitiate the holding of free and fair elections.
2. The Commission has decided that such activities should be stopped. Accordingly, the Commission has directed that in future no golden passes, free passes, concessional passes or any other types of passes be issued or allowed to be used for travel to and from the states/constituencies/area going to the polls during general elections/bye-elections. This ban will apply from the date of announcement of the general election/bye-election till the declaration of results.
3. No one shall be exempted from the ambit of the aforesaid ban. The only exception will be in the case of tour operators and travel agents.

X. Permission for allotment of liquor vends/finalization of wholesale liquors sale /major auctions relating to Tendu leaves, etc.

1. Each State has enacted a separated State Excise Laws governing the allotment of liquor vends. From the references received in the Commission, it is observed that varying models exist in different States for the sale of liquor through the venders. In some States/UTs the State Govt. itself sells liquor through the outlets of the State-run corporation/undertaking. In some other States, supplies liquor to the retail venders who are selected on the basis of applications by the Excise Department. There are also States where liquor contracts are awarded either at the State level or at the district level directly to the liquor vendors through the system of tenders or by draw of lots on the price fixed by the Govt.
2. The contracts are annually awarded for the financial year. Some of the State Excise laws contain an enabling provision for extension by the Government of the contract for some period beyond the close of the financial year, whereas in some others, no such enabling provision is made in the existing law.
3. In view of the above position, the Commission has directed that the following procedure may be followed in the matter of allotment of liquor vends, during the period of operation of the Model Code of Conduct –

- (i) Where the extant Excise Laws of a State empower the State Govt. or the authorities thereunder to make an interim arrangement beyond the current financial year, pending arrangement, such interim arrangement may be made with the concerned contractor/vendors on the existing terms and conditions.
 - (ii) Where no such enabling provision is available in the existing Excise Laws, the State Govt. may go ahead with the normal practice followed in the previous years strictly in accordance with the existing laws for the grant of new licenses/contracts for the ensuing financial year.
4. In all cases where major auctions etc. are to be held relating to matters such as tendu leaves and other such cases, they should be put off till the last date of completion of elections in the concerned areas and the State Government should make interim arrangements where unavoidably necessary.

XI. Presentation of Budgets

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

XII. Waiving off of recoveries and bad debts by State Government financial institutions during election period.

1. State Government institutions of several types are nowadays engaged in commercial and banking activities. The Supreme Court has observed in Kirpal Singh Vs Uttam Singh (AIR 1986 SC 300) that 'Nowadays the activities of the State are so manifold and prolific that the State has been forced, in the interests of better management and administration and in order to further the Directive Principles of State Policy, to set up various Corporations which are but mere instrumentalities of the State'. The Supreme Court has further observed in Satrucharla Chandrasekhar Vs Vyricherla Pradeep Kumar (AIR 1992 SC 1959) that the incorporation of a body corporate may suggest that it is independent of the government, but that would not be conclusive of the fact, as, sometimes, the

form may be that of body incorporate independent of the government, but, in substance, it may just be an alter ego of the government. Accordingly, several State Government financial institutions are undertaking commercial and banking activities, like, granting loans, rescheduling the recovery of loans and, in many cases, writing off bad loans or defaulted loans. Whereas this normal activity of such State Government institutions may go on during non-election period these activities when the election process is underway, sometimes, get vitiated and are looked upon with suspicion by political parties, candidates and general public. It cannot be gainsaid that the party in power which wields considerable influence over the government of the day and which is also contesting the elections to get back to power, can get bad or defaulted loans to be written off, giving rise to allegations that the person or the business house whose loan is being written off makes contributions to the party, offers to help them in their election campaign. There could also be the other abuse of a flurry of loaning activities of a populist nature aimed to garner votes, which would, in the long run, affect the health of the loaning institution itself.

2. Keeping the above ground position and the realities of the situation in view, the Commission is of the considered view that all financial institutions funded, partly or wholly, by the State Governments should not take recourse to writing off loans advanced to any individual, company, firm, etc. during the period when the Model Code of Conduct is in force, without the prior concurrence of the Commission. Similarly, the financial limits that these institutions have to adhere to while granting or extending loans should not be enhanced by issuing of loans indiscriminately to beneficiaries when the Model Code of Conduct is in force.

XIII. Ban on Video Conferencing

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.

However, in the immediate aftermath of any calamity of significant scale/magnitude, if video-conferencing is considered essential, then Chief Minister or Minister concerned may hold one video-conferencing with the officials concerned subject to the following conditions: -

- (i) The CEO of the State shall be approached by the Department concerned and approval of the CEO should be obtained before holding the VC. For any subsequent VC, permission from the Commission shall be obtained;

- (ii) Only the Collector/District Magistrate and senior officials in charge of the relief in connection with the natural calamity of the area concerned alone shall be called to attend the video-conferencing;
- (iii) No issue other than rescue/relief and other aspects connected to the calamity shall be discussed in the VC;
- (iv) No publicity whatsoever shall be given for the VC, either before or after the VC,
- (v) The VC should not be open to media;
- (vi) An Audio/Video recording of the proceedings of the VC shall be maintained by the Department concerned and a copy of the same given to the CEO;
- (vii) No announcement or promise of any grant, assistance in cash or kind, and no statement of political nature or announcement capable of influencing the electors shall be made through the VC.
- (viii) A representative of the CEO will be present during the VC.

XIV. Use of Rest Houses, Dak Bungalows and other Government accommodation

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.

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 Governments under provisions of their laws, on equitable basis. This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or observers. Such political functionaries shall not carry out any political activity while staying in the Government Guest Houses / Rest Houses or Guest Houses of Public Sector Undertakings as mentioned above.

XV. Restrictions on use of Government Guest Houses, Bhawans and State Sadans located at Delhi 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 is 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 for 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.

XVI. Other Do's 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 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 10p.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.

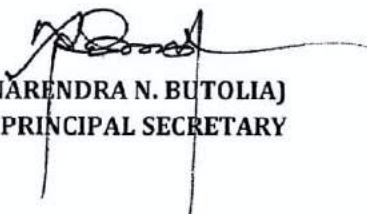
- (21) On the day of the poll, no person who has been assessed to be having a security threat and therefore given official security shall enter the vicinity of a polling station premise (within 100 meters) with his security personnel. Further, on the day of the poll no such person shall move around in 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 case of doubt.

The above instructions of the Commission shall be brought to notice of all concerned for strict compliance. Please acknowledge the receipt of this letter.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY

By Speed Post/E-Mail



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/INST/ECI/FUNCT/MCC/2024 (Vehicles)

Dated: 2nd January, 2024

To,

- (i) The Chief Secretaries
of all States and Union Territories.
- (ii) The Chief Electoral Officers
of all States and Union Territories.

Subject: -Model Code of Conduct – Instruction- Use of vehicles during elections – Regarding.

Reference: Commission's instructions:

- (i) No. 437/6/94/MCS-Vol V, dated 20.10.1994
- (ii) No. 437/6/98-PLN-III, dated 18.08.1999
- (iii) No. 4/2001/J.S.II, dated 30.03.2001
- (iv) No. 4/2001/JS-II, dated 08.05.2001
- (v) No. 437/6/2006-PLN-III, dated 23.11.2007
- (vi) No. 437/6/2008/CC&BE, dated 19.10.2008
- (vii) No. 437/6/1/2008-CC&BE, dated 24.10.2008
- (viii) No. 437/6/INST/2008-CC&BE, dated 31.10.2008
- (ix) No. 437/6/INST/2008-CC&BE, dated 28.03.2009
- (x) No. 437/6/INST/2008-CC&BE, dated 09.04.2009
- (xi) No. 437/6/INST/2010-CC&BE, dated 05.10.2010
- (xii) No. 464/INST/2011-EPS, dated 23.03.2011
- (xiii) No. 464/INST/2011-EPS, dated 23.03.2011
- (xiv) No. 464/INST/2011-EPS, dated 23.03.2011, and
- (xv) No. 464/INST/2011-EPS, dated 23.03.2011

Madam/Sir,

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 in supersession of all the instructions listed above, 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.

I. **Ban on use of official vehicles**

- (1) Subject to exceptions mentioned herein, there shall be a total and absolute ban on the use of official vehicles for campaigning, electioneering or election related travel during elections. Such vehicles include helicopters, aircrafts, cars, jeeps, automobiles, goods carriers, e-vehicles or e-rickshaws, two wheelers, boats, hovercrafts, etc., except as regulated by the Commission's order on the subject, owned or hired or controlled by the Central and State Governments, Central Public Sector Organizations, Public Sector Undertakings and Joint Sector Undertakings of the Central and State Governments, Local Authorities and Local Bodies, 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. The functionaries of all the autonomous organizations viz. Chairman, Dy. Chairman, President, Vice President, Commissioners etc. may be instructed to use the official vehicle provided to them by the State Government only for commuting between office and residence and to attend any official meeting within the Head Quarters itself.
- (2) 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 and also 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.
- (3) The District Administration shall keep a close watch to find out if any such official vehicle is being used for campaigning, electioneering or election related travel purpose. In such cases, the District Magistrate shall, forthwith, requisition or cause to be requisitioned such vehicles, after following due procedure, for election work, under Section 160 of the Representation of the People Act, 1951 and such requisitioned vehicles shall not be released until the completion of the process of elections.
- (4) The ban on the use of official vehicles will equally apply to vehicles in or from any States not going to the polls but whose official vehicles are attempted to be used for campaign, either openly or clandestinely, in any other State going to poll. The Chief Secretary of each State/Union Territory or the Secretary to the Government of India in the concerned

Department or Ministry, as the case may be, shall ensure that there is no misuse of any such vehicles. The officers under whose charge such vehicles are entrusted will be personally responsible for any violation. The use of such vehicles belonging to any of these authorities by anyone, including Ministers of the Central or a State Government, even on payment basis, for campaigning or on tours connected with elections, in the guise of, official work in their capacity as Ministers is totally prohibited.

(5) The only exception from the above prohibition will be the Prime Minister and other political personalities, who might, in view of extremist and terrorist activities and threat to their lives, require security of a high order and whose security requirements are governed by statutory provisions made by the Parliament or the State Legislature in this behalf. These restrictions shall also not be applicable in case of the Hon'ble President and Vice President of India, Speaker and Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha and other such dignitaries visiting the State from other States. It is clarified here that in the case of Speaker and Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha, these restrictions will be applicable at the time of General Elections to the Lok Sabha but not during Legislative Assembly Elections. However, such exceptions shall not be available in respect of any Ministers of the Union or any State Government.

II. Prevention of misuse of vehicles during period of Electioneering

(1) 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 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.

- (2) 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.
- (3) Cars/vehicles being used for electioneering purposes shall, under no circumstances, be allowed to move in convoys of more than ten vehicles, excluding the security vehicles. 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. Such broken up convoys must have a distance of at least 100 meters between them.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.

- (8) 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.
- (9) 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.
- (10) 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.

III. Use of Aircraft / Helicopter by Political Parties

- (1) During the election process there is a complete ban on use of aircraft by political functionaries including Chief Minister and Ministers. The only exemption is for the Prime Minister in office.
- (2) Other political functionaries including Chief Ministers may, if required, hire private aircrafts and use them for their political campaign and other election related activities.
- (3) Full records of all non-scheduled flights through privately owned aircrafts should be maintained by the appropriate authorities as required under law and relevant rules. Details like passenger manifests, exact times of departure and arrival of aircrafts at various places

need to be maintained. Commission may seek information on these details to verify complaints which are received from time to time.

- (4) The Political Functionaries/Political parties using helicopters/aircraft, for election campaign and other purposes should intimate three days in advance, regarding their itinerary and the details of persons who will travel and the materials that will be carried in the helicopter/aircrafts. The District Administration/District Election officers should maintain a log book and enter the details of the helicopters/aircraft which landed and took off in their Districts and the purpose for which they landed and the persons who were in the said aircraft/helicopter and also indicate whether the aircraft/helicopter had taken permission for landing. The District Election officers shall send daily report about the arrival and departure of such helicopters/aircrafts to the Chief Electoral Officer, concerned and endorse a copy to the Commission.
- (5) No leader of a political party shall use private fixed-wing aircraft and helicopters for the purposes of supervising and monitoring the polling and counting process on the days of poll and counting as it will amount to interfere in the performance of the functions of the Election Commission as most of the leaders of all political parties have been categorized under various security grading and if they move from constituency to constituency on the days of polling and counting, adequate security precautions will have to be taken and security covers provided to each of them. The Director General of Civil Aviation shall keep the above directions of the Commission in view and shall not permit the flights of private fixed-wing aircraft and helicopters for the movement of leaders of political parties for the above purpose on the days of poll and counting, except with the prior permission of the Election Commission in the case of any emergencies.
- (6) A candidate who has been declared as leader by a Political Party for the purposes of Explanation to Section 77(1), cannot not considered to be a leader of his political party **in his own constituency** within the meaning of Explanation (1) to section 77(1), whatever may be his standing in relation to other candidates of his party in the other constituencies. In his own constituency(ies), he is a candidate first. Thus, whatever expenditure he incurs on his own travel within his constituency(ies), on his travel whether by helicopter/aircraft or by any other means of transport, the same has to be accounted for within his overall limit of maximum expenditure prescribed for his constituency. When he goes out of his constituency to the other constituency as a star campaigner, the expenditure on his travel

from his constituency to the other constituency would fall within the exempted category under Explanation (1) to section 77(1), and so also his travel expenditure from the other constituency to his own constituency when he comes back for his own campaign would be so exempted. But once he reaches his constituency and travels within the said constituency, his expenditure on such travel within his constituency would be liable to be accounted for by him.

IV. Vehicle permit for district officer bearers of recognized political party

- (1) If any political party applies for permission for vehicles to be used by their district level office bearers/leaders (other than star campaigners) for their visit to multiple Assembly Constituencies within the District for electioneering purposes, necessary permission should be given by the DEO of the District concerned.
- (2) In such cases, the permit shall be in the name of the person, while also mentioning the registration No. of the vehicle. The expenditure on this vehicle shall be booked/distributed in the election expenses of the party's candidate(s) of the district where they have visited. This permit should not be used for travel in other districts.
- (3) The permit should be issued indicating the name of the political leader, the (regn.) No. of the vehicle and also the period for which issued. The permit may be issued on a paper of a colour different from those used for issuing permits to candidates and star campaigners, so that it can be easily recognized. An attested copy of the permit shall be prominently displayed on wind screen of the vehicle and the original be kept by the person for checking by police or any other authorities. The surveillance teams should also be informed in the matter.

V. Use of Road Transport by Party Campaigners availing benefit to clause (a) of explanation given under Section 77(1) of the RP Act, 1951

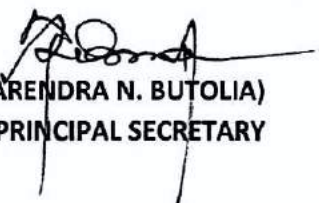
- 1) In case the mode of road transport is to be availed by political parties availing the benefit of clause (a) of explanation given under Sec. 77(1) of Representation of the People Act, 1951, the permit will be issued centrally by the Chief Electoral Officer irrespective of whether the same vehicle 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.

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

The above instructions of the Commission shall be brought to notice of all concerned for strict compliance.

Yours faithfully,



(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY



By Speed Post/E-Mail

भारतनिर्वाचनआयोगसचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/INST/ECI/FUNCT/MCC/2024 (CAMPAIGN)

Dated: 2nd January, 2024

To,

- (i) The Chief Secretaries
of all States and Union Territories.
- (ii) The Chief Electoral Officers
of all States and Union Territories.

Subject: -Model Code of Conduct – Instruction- Election Campaign – Regarding.

Reference: Commission's instructions:

- (i) No. 3/8//2000 J.S.II, dated 26.12.2000
- (ii) No. 464/INST/2007-PLN-I, dated 12.10.2007
- (iii) No. 464/INST/2009-EPS, dated 18.03.2009
- (iv) No. 437/6/2009-CC&BE, dated 15.09.2009
- (v) No. 437/6/INST/2013/CC&BE, dated 28.11.2013
- (vi) No. 437/6/INST/2013/CC&BE, dated 04.12.2013
- (vii) No. 437/6/INST/2014-CC&BE, dated 26.04.2014
- (viii) No. 437/INST/2015-CCS, dated 17.09.2015
- (ix) No. 437/6/INST/2015-CCS, dated 09.10.2015
- (x) No. 437/6/Campaign/ECI/INST/FUNCT/MCC-2016, dated 04.01.2017
- (xi) No. 437/6/2017(Policy), dated. 10.01.2017
- (xii) No. 437/6/2017 (policy), dated 25.02.2017
- (xiii) No. 437/6/INST/2016-CCS, dated: 24.05.2017
- (xiv) No. 437/6/INST/2016-CCS, dated: 24.05.2017
- (xv) No. 437/6/INST/2016-CCS, dated: 24.05.2017
- (xvi) No. 437/6/2007(INST)-PLN-III, dated 12.11.2007
- (xvii) No. 464/GJ-LA/2007, dated 26.11.2007
- (xviii) No. 464/INST/2014-EPS, dated 9.04.2014
- (xix) No. 437/6/INST/2019/MCC, dated 09.03.2019
- (xx) No. 437/6/INST/2019/MCC, dated 19.03.2019
- (xxi) No. 437/6/INST/2019/MCC, dated 05.04.2019
- (xxii) No. 437/6/INST/2019/MCC, dated 29.04.2019
- (xxiii) No. 437/6/INST/2020/MCC, dated 29.01.2020
- (xxiv) No. 437/6/INST/2008-CC&BE, dated 18.02.2009, and
- (xxv) No. 437/6/INST/ECI/LET/FUNCT/MCC/2022, dated 22.01.2022

Madam/Sir,

With a view to maintain the election campaign in line with statutory provisions and to avoid clashes and conflicts between stakeholders i.e. political parties or their supporters and also to ensure peace and order during the campaign period, the Commission has issued, in the past, a number of instructions. Following are the consolidated instructions in supersession of all the instructions issued vide letters listed above:

1. Use of Bike

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

- (i) Bike is a two-wheeler and its use shall be restricted only for campaign purpose. Number of bikes may be restricted as per convoy rules of vehicle, which inter-alia provides that cars/vehicles shall, under no circumstances, be allowed to move in convoy of more than ten vehicles excluding the security vehicles. All bigger convoys exceeding ten vehicles shall be broken up, even if they are carrying any minister of central or state government or any other person. This shall, however, be subject to any security instructions issued in respect of any such individual. If any person moves in a convoy of vehicles exceeding the limits prescribed above, in spite of the convoy having been broken, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by flouting the Commission's directions, till the process of election is completed.
- (ii) Use of Bikes, other than those permitted to campaign purpose, would be regulated under the prohibitory order, viz. Sec 144 CrPC.
- (iii) Only one flag (of maximum dimension of 1 ft by ½ ft) shall be permitted on one bike.
- (iv) Length of pole/stick for carrying flag shall not be more than 3 feet.

2. Road Shows

There is a total and absolute ban on the use of official vehicle for campaigning, electioneering or election related travel during elections. It also provides that car/vehicles shall not be allowed to move in convoys of more than ten vehicles (excluding security vehicles) and all bigger convoys shall be broken even if they are carrying any Minister of Centre/State Government or any other person, subject to any security instructions issued in respect of any such individual. The Commission, after

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

- a. Prior permission for road shows shall be taken from the Competent Authority.
- b. In order to avoid inconvenience to general public, as far as possible, road shows, subject to court orders and local laws, should be permitted only on holidays and during no-peak hours on routes other than that having big hospitals, trauma centers, blood banks and heavily crowded markets.
- c. Number of vehicles and persons joining for road show shall be intimated in advance.
- d. The road show shall not cover more than half the road width to ensure safety of the general public.
- e. The convoy of vehicles being used in road show shall be broken after every 10 vehicles and a gap of 100 meters would be maintained.
- f. Safety of public and persons in the road show shall be ensured. Bursting of fire crackers and carrying of fire arms shall not be permitted at all.
- g. The maximum size of banner to be carried with hand would be 6x4 feet.
- h. Loudspeakers can be used as per existing ECI's instruction and subject to Local Laws and Court orders on this subject.
- i. Display of animals in road shows is totally banned. Children, particularly school children in uniform, should not take part in road shows.
- j. Only one flag of the size 1 ft X ½ ft with permission of the RO concerned would be allowed on campaign vehicles in a road show.

3. Use of Loudspeakers in processions and election meetings

(i) A public address system or loudspeaker or any sound amplifier, whether fitted on vehicles of any kind whatsoever, or in static position, used for public meetings for electioneering purposes, shall not be used at night between 10.00 p.m. and 6.00 a.m. subject to the local law/court orders/any order of state pollution control board. Local perceptions of the security arrangements of the area and other relevant considerations like weather conditions, festival season, examination period, etc. should also be considered.

(ii) All loudspeakers whether used for general propaganda or for public meetings or procession, and whether used on moving vehicles or otherwise, shall be used during the restricted hours only mentioned above and never beyond.

(iii) All loudspeaker being used beyond the hours as prescribed above, shall be confiscated along with all the apparatus connected with the use of these loudspeakers.

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

(v) All political parties, candidates and any other persons using any loudspeakers on moving vehicles including but not restricted to trucks, tempos, cars, taxis, vans, three-wheeler scooters, cycle rickshaws, etc. shall intimate the registration identification number of those vehicles to the authorities granting permission to use the loudspeakers and such registration identification numbers of the vehicles shall be indicated on the permits granted by the authorities concerned.

(vi) Any vehicle on which a loudspeaker is used without the said written permit shall be confiscated forthwith along with the loudspeaker and all the apparatus used along with it.

(vii) All political parties, candidates and even other person using a loudspeaker either on a moving vehicle or at a fixed place shall intimate -

(1) the Returning Officer of the Constituency, and

(2) local Police authorities, in writing, the full details of the permits obtained by them before using any of those loudspeakers. In the case of mobile loudspeakers, the registration identification numbers of the vehicles shall also be registered by them with the Returning Officer and the local Police authorities.

(viii) It shall be the responsibility of the State Government authorities granting permits for use of loudspeakers and the local Police authorities to strictly enforce that no loudspeaker is used by anyone in violation of any of the above directions.

(ix) No loudspeakers fitted on vehicles of any kind or in any other manner whatsoever shall be permitted to be used during the period of 48 hours ending with the hour fixed for the conclusion of the poll in any polling area. Even after the close of poll proper law and order is required to be maintained till completion of election after the declaration of result. Use of loudspeakers is generally regarded as source of public nuisance and can often give rise to tension in a politically charged atmosphere. The District Administrations should, therefore, consider any

application for permission to use loudspeakers after the aforesaid prohibitory period of 48 hours, on merit of each application and keeping in view the need to maintain proper law and order till the completion of election.

4. Use of flags

(i) Subject to any restrictions under any local law or any court orders in force, the political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags, cut-outs, on their own property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else. Also, if such display of banners, flags etc. aims to solicit vote for any particular candidate, then, under section 171 H of IPC, general or special authority in writing of candidate is necessary. The Commission has now clarified that there should be only three number of flags of a party/candidate to be used at party workers'/supporter' residence and at party offices. In case, some person wants to display flags of more than one party or candidate, then it shall be restricted to only one flag of each party/candidate. Display of flags would be subject to Local law and court orders, if any.

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

- a. NO spot/focus/flashing/search lights and hooters shall be put on any campaign vehicle.
- b. Chief Electoral Officer shall ensure that all the provisions of local law, Court's directions and Motor Vehicle Act are uniformly applied throughout the State.
- c. No person shall put any flag or banner or sticker of big size on any vehicle except with prior permission of the competent authority subject to the relevant provisions of law and Court direction/orders if any on the subject.
- d. The maximum number and size of flags/banners by a party or candidate will be as follows-
 - I. Two wheelers – one flag of maximum size 1ft X 1/2 ft. No banner will be allowed. 1 or 2 small stickers of appropriate size may be permitted on each vehicle.
 - II. Three wheelers, four wheelers, e-Rickshaws- No banner will be allowed. Only one flag of maximum size 1ft X 1/2 ft. 1 or 2 small stickers of appropriate size may be permitted on each vehicle.
 - III. It is clarified that if a political party is having a pre- poll alliance/seat sharing arrangement with another party then campaign vehicle of a candidate/political party may display one flag each of such parties.

- e. Simultaneous plying of number of vehicles on road including e-Rickshaws to be limited to 10 and if it exceeds the limit of 10 vehicles then the convoy shall be broken after every 10 vehicles.
- f. While using flags, or stickers on any vehicle, due care shall be taken that visibility of any of the driver (of the concerned vehicle or any other vehicle on road), passengers from front or rear view is not hampered in anyway.

(iii) Further, it is the bounden duty of the authorities concerned to ensure proper use of National Flag in the rallies and to ensure strict compliance and observation of the provisions of the Flag Code and the provisions of Emblem and names (Prevention of Improper Use) Act, 1950 and the Prevention of Insults to National Honour Act, 1971.

5. Temporary Campaign Office

The candidates of various parties including independent candidates set up and operate temporary offices for the purpose of local campaign. The Commission, after taking into consideration all relevant factors, has prescribed the following guidelines to be followed in this regard:-

- (i) No such office will be opened by way of any encroachment either of public or private property.
- (ii) No such offices will be opened in any religious places or campus of such religious places.
- (iii) No such offices will be opened contiguous to any educational institution/ hospital.
- (iv) No Such offices will be opened within 200 meters of an existing polling station.
- (v) Such offices can display only one party flag and banner with party symbols/photographs.
- (vi) The size of the banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc.; then the lower size prescribed by local law shall prevail.
- (vii) The expenditure observer should closely monitor to ensure that expenditure, on it is properly booked in the account of candidate.

6. Associating defence personnel/forces with electoral campaign

The Armed Forces of a nation are the guardian of its frontiers, security and the political system. They are apolitical and neutral stakeholders in a modern democracy. It is therefore necessary that the political parties and leaders exercise great caution while making any reference to the Armed forces in their political campaigns. The Commission is of the view that:

- (i) Photographs of Chief of Army Staff or any other defence personnel and photographs of functions of Defence forces should not be associated with or used in any manner in advertisement/propaganda/campaigning or in any other manner in connection with elections by Political Parties and candidates.
- (ii) The political parties/candidates are further advised that their campaigners/candidates should desist, as part of their election campaigning, from indulging in any political propaganda involving activities of the Defence forces.

7. Prohibition of misuse of Short Message Services (SMSs)

(i) Sometimes, certain objectionable messages on Short Message Services (SMSs) are being transmitted by some persons with vested interests in the ensuing election, violating the provisions of election law, model code of conduct and the Commission's directions/instructions issued in this behalf. By the aforesaid acts, the atmosphere for free, fair and peaceful elections process may get vitiated. In this regard, the Commission has issued the following directions:

(a) For objectionable SMSs, which are violating the provisions of election law, model code of conduct and the commission's direction/instruction issued in this behalf, the Police Authorities should advertise special mobile number on which the receiver of such SMS can forward the said SMS (along with the number of the sender of the objectionable SMS). The Police authorities should initiate appropriate inquiry and trace back the original sender of such SMS and take appropriate action under the relevant provisions of the Indian Penal Code, Representation of the People Act 1951, the Conduct of Election Rules, 1961, instructions/direction issued there under by the Commission and any other law applicable in the case.

(b) Bulk SMS (es) transmitted during the campaign period as an alternative electioneering, as and when noticed by RO or DEO will be brought to the notice of CEO, who in turn, will find out the cost involved from the Service Provider and apportion it to the candidate or candidates concerned as the case may be.

(c) There shall be prohibition of transmitting bulk SMSs of political nature for a period of 48 hours ending with the hour fixed for conclusion of poll.

(ii) This shall be brought to the notice of all concerned immediately including Mobile Service Providers in the State and given wide publicity. A copy of this letter shall also be handed over to all Observers through the District Election Officers.

8. Wearing of political party's Name/ Symbol/ Badges/ Signs/ slogan inside the Polling Station

The Section 130 of Representation of the People Act, 1951 inter-alia provides that no person shall canvass for votes or exhibit any notice or signs relating to the election within the polling station on the day of poll. In view of the above, it is further clarified that wearables like caps, shawl etc. with political party's name, symbol or slogan are not allowed inside the polling stations on the poll day. However, plain cap without any symbol or slogan is not prohibited. This may be adhered to in the counting centers on the counting day also.

9. Election related campaign activities undertaken by persons other than political parties and candidates

The Commission, has laid down the following guidelines to be observed in the matter of election related campaigns by organizations and persons other than political parties/candidates, during the period when Model Code of Conduct is in operation in connection with an election:

(i) They should not invoke, in any manner, religion or religious grounds in any manner, or any activities likely to create disharmony among different classes or groups of people, in their campaign. Such activities/ statements are prohibited being offences under various provisions of the law, like, section 125 of the Representation of the People Act, 1951 sections 153A, 153B, 171C, 295A, 505(2) of the Indian Penal Code and Religious Institutions (Prevention of Misuse) Act, 1988.

(ii) They should not indulge in any activities or make any statements that would amount to attack on personal life of any person or statements that may be malicious or offending decency and morality.

[When persons and organizations seek permission to hold public programmes, they should be asked to give a declaration/undertaking to abide by the above guidelines.]

(iii) The public programmes of such persons and organizations should be closely monitored through videography. If anyone indulges in violation of the above guidelines' the state and district authorities concerned with the maintenance of proper law and order should take appropriate remedial and penal actions expeditiously in all such cases. Further, the District Administration shall ensure that such persons who violated the undertaking are not granted any permission to hold any further programmes during the period of that election.

(iv) If the programmes involve incurring expense and amounts to directly promoting the electoral prospects of any particular candidate or candidates, prior special authority from the candidate

concerned for incurring the expense shall be obtained in writing, as required under Section 171H of the IPC, and such authorization should be submitted to the District Election officer within 48 hours. Any violation should result in action for prosecuting the person concerned.

10. Restrictions on presence of political functionaries in a Constituency after the campaign period is over

Under Section 126 of the Representation of the People Act, 1951, in the period of 48 hours ending with the hour fixed for the close of poll, the campaign will come to an end. During the course of campaign, the political parties mobilize their supporters, including from outside the constituency of poll, in order to bolster that campaign. In view of the fact that on the closure of campaign period, no campaign can take place within the constituency, presence of political functionaries/party workers/procession functionaries/campaign functionaries etc., who have been brought from outside the constituency and who are not voters of the constituency, should not continue to remain present in the constituency as their continued presence after campaign ends may undermine the atmosphere for free and fair poll.

(i) The district election administration/police administration shall ensure that all such functionaries leave the constituency immediately after the campaign period is over. This shall be brought to the notice of all political parties, candidates and their agents in order them to comply.

(ii) The Commission further directs that in order to ensure that the above instruction is carried out, the election administration/police may take all necessary measures which may include:

- a) Checking of kalian mandapams/ community halls etc., where such people are kept housed and find out whether the outsiders have been accommodated in these premises.
- b) Verification of lodges and guesthouses to keep a track of the list of occupants.
- c) Set up check-posts in the constituency borders and track the vehicular movement from outside the constituency.
- d) Verify the identity of the people/group of people in order to find out whether they are voters or not and establish their identity.
- e) This may be brought to the notice of all concerned and ensure strict compliance. Action taken in the matter may be informed to the Commission

(iii) In case some political functionary seeks exemption on medical grounds:

- a) The DEO concerned, in consultation with CEO, would constitute a Medical Board for health check-up of the political functionary seeking exemption. The Medical Board shall, after

medical examination of the patient and his/her medical history, will give report whether the condition of the patient (political leader) is such that he can't move or be shifted under medical attendance out of the constituency in an ambulance or vehicle.

- b) The exemption would only be considered by the ECI after consideration of report of the Medical Board received through CEO concerned.
- c) Such political functionary to whom exemption has been granted may be allowed to stay in the constituency subject to the condition that this is in no manner be used for any political/election related activities in any way. To ensure this, a video surveillance team shall be deployed at all the entrances of place of stay headed by a magistrate with suitable police personnel to be deployed, till completion of poll. Expenditure incurred for such stay should be duly accounted for in Election Expenditure accounts of the contesting candidates for that constituency.

11. Use of School Grounds for campaign purpose during election Process

The school and college grounds may be used for political meetings provided: -

- i) schools and colleges academic calendar are not disturbed under any circumstances.
- ii) the School/College Management has no objection for this purpose and prior permission for such campaigning is obtained from the school/college Management as well as Sub Divisional Officer.
- iii) such permission is granted on first-come-first served basis and no political party is allowed to monopolize the use of those grounds.
- iv) any violation in the allotment of school/college grounds for political meetings will be viewed seriously by the Commission. The accountability in this regard lies with the Sub Divisional Officer, and
- v) the Political Parties and candidates and campaigners shall take care to ensure that the above norms are not violated.
- vi) the ground should be returned to the authority concerned, without any damage or with the requisite compensation for the damage caused, if any. The political party/parties restoring back the campaign ground to the concerned school/college authority should be responsible for the payment of such compensation, if any.

The above instructions would apply to all States/UTs except Punjab and Haryana where there is express prohibition of the Punjab & Haryana High Court in the matter.

12. Maintenance of High Standards during Election Campaign

(i) The Commission duly recognizes the fundamental right of freedom of speech and expression under Article 19(1)(a) of the Constitution guaranteed to citizens of India, but it also needs to be pointed out that such right to freedom of speech and expression is not absolute and is to be exercised in such a manner that it does not transcend, inter alia, the boundaries of decency and morality or disturb public order or amount to defamation or give incitement to an offence as ordained in clause (2) of that Article 19. The Model Code of Conduct aims and seeks to achieve that very objective by its various provisions.

(ii) Hon'ble Supreme Court, in the matter of Gadakh Yashwantrao Kankarrao Vs ES BalasahebVikhe Patil (AIR 1994 SC 678) observed that:

“the duty of the top echelons of leadership at the state and national levels of all political parties is to set the trend for giving the needed information to the electorate by adopting desirable standards so that it percolates to the lower levels and provides a congenial atmosphere for a free and fair poll. A contrary trend of speeches by the top leaders tends to degenerate the election campaign as it descends to the lower levels and at time promotes even violence leading to criminalization of politics. The growth of this unhealthy trend is a cause for serious concern for the proper functioning of the democracy and it is the duty of the top leaders of all political parties to reverse this trend to enable movement of the functioning of democracy in the proper direction.”

(iii) The Hon'ble Apex Court has also expressed its deep concern in the matter of mixing religion and caste with election campaign, vide its Order dated 02.01.2017 in Civil Appeal No. 37 of 1992 (Abhiram SinghVs C.D. Commachen) and with civil appeal no. 8339 of 1995.

In view of above, the Commission's has directed that:

- a. No appeal shall be made on basis of caste/communal feelings of the electors.
- b. No activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes/communities/religious/linguistic groups, shall be attempted.
- c. No aspect of the private life, not connected with the public activities, of the leaders or workers of other parties is to be criticized.
- d. Criticism of other parties or their workers on basis of unverified allegations or on distortions shall be avoided.

- e. No temples/mosques/churches/gurudwaras or any place of worship is to be used for election propaganda, including speeches, posters, music etc., or electioneering.
- f. The candidates/campaigners/political leaders are to desist from displaying photograph of defence personnel or photograph of functions involving defence personnel in advertisement, or otherwise as part of their election propaganda/campaigning. They are also advised to desist from indulging in any political propaganda involving activities of defence forces.
- g. The political leaders need to ensure that nothing in their statements may be construed as mixing of religion and caste, etc., with their election campaigns.
- h. The political parties and candidates should refrain from any deeds/action/utterances/otherwise that may be construed as being repugnant to honour and dignity of women.

(iv) Sometimes, such statements are being made from a place which is not in the state where MCC is in force due to elections. In this electronic age, when a statement is made by a political functionary, it doesn't remain confined to the audience or place where it is made but instantly travels through TV, social media or print media even to those places/states where election is going on. It undoubtedly has the pernicious effect of influencing the minds of voters of the poll bound state. The far-reaching implications of the statements made thus, disturb the level playing field and often adversely affect the peace, tranquility and harmony of the poll bound areas. The leaders should desist from making such statements which are against not only the words but also the spirit of law and the MCC, even at places where elections are not being held since it will have an undesirable impact on the mind of electors of the poll bound states/areas. The spirit of the Model Code of Conduct is not just avoidance of direct violation. It definitely also prohibits attempts to vitiate the electoral space through suggestive or indirect statements or innuendoes.

13. Campaign by Star Campaigners

In context of violation of Model Code of Conduct by star campaigners, the following actions are required to be taken on the part of the Chief Electoral Officers/District Election Officers/Returning Officers/Observers: -

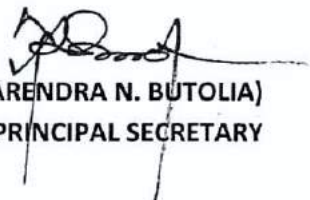
- (i) For clarity and uniformity, the Commission has decided that in future, in cases involving violation of Model Code of Conduct or any provision of law by any candidate duly set up by the party, or by the leaders of political parties whose names have been communicated by the party to the Election Commission/Chief Electoral Officer in terms of Explanations 1 & 2 under sub-section (1) of Section 77 of Representation of the People Act, 1951, if notice is

issued to any such leader, or any candidate of the political party, a notice will also be issued to the political party concerned. It may be noted that leaders are nominated by the political parties under the aforesaid Explanation Clauses 'for propagating programme of the political party'. Therefore, it would only be reasonable and logical to hold the political party concerned responsible for any act of omission or commission by such leaders. In this context, attention of political parties is also invited to the provisions of paragraph 16A of the Election Symbols (Reservation and Allotment) Order, 1968.

- (ii) The campaign by the leaders specified under Section 77(1) [star campaigners] should be meticulously tracked. Any violation by Star Campaigner observed by the District Election Officers and Returning Officers in their respective district/constituency, shall immediately be brought to the notice of the Chief Electoral Officer for taking appropriate guidance/approval. The Chief Electoral Officer shall report the action taken to the Commission for immediate follow up action so that the action receives required visibility.
- (iii) The Chief Electoral Officers and District Election Officers shall maintain a party-wise register to track the instances of violations being committed by various candidates and campaigners of various political parties. This should be a sort of daily register indicating names of the candidate, campaigner and political party. Brief description of violation, date of violation, follow up action taken and the order passed by any election official/the Commission, if any.
- (iv) The above document (violation index) should also to be put in public domain so that interested parties including the media can pick up the input and this may work as a deterrence for the candidates and political parties against indulging in any violation.

The above instructions of the Commission shall be brought to notice of all concerned for strict compliance.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY



By Speed Post/E-Mail

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/INST/ECI/FUNCT/MCC/2024(ADVERTISEMENTS)

Dated: 2nd January, 2024

To,

- (i) The Chief Secretaries
of all States and Union Territories.
- (ii) The Chief Electoral Officers
of all States and Union Territories.

Subject: -Model Code of Conduct – Publication of Advertisements – Regarding.

Reference: Commission's instructions:

- (i) No. 437/6/28/2004/PLN-III, dated 29.09.2004
- (ii) No. 437/6/2004-PLN III, dated 24.12.2004
- (iii) No. 3/9/2007/JS-II, dated: 03.08.2007
- (iv) No. 437/6/INST/2009-CC&BE, dated 23.02.2009
- (v) No. 437/6/INST/2008-CC&BE, dated 13.04.2009
- (vi) No. 437/6/CG/2013/CC&BE, dated 09.10.2013
- (vii) No. 437/6/CG/2013/CC&BE, dated 17.10.2013
- (viii) No. 437/6/CG/2013-CC&BE, dated 30.10.2013
- (ix) No. 437/6/1/2014/CC&BE, dated 01.04.2014
- (x) No. 437/6/ ECI/INST/FUNCT/MCC-2017, dated 06.01.2017
- (xi) No. 437/6/1/ECI/INST/FUNCT/MCC/2021, dated 13.03.2021
- (xii) No. 437/6/INST/2014/CC&BE, dated 11.09.2014, and
- (xiii) No. 437/6/INST/2015-CCS, dated 29.12. 2015

Madam/Sir,

The Commission has issued various instructions from time to time on Publication of Advertisements during the period of enforcement of Model Code of Conduct. Following are the consolidated instructions in supersession of all the instructions issued vide letters listed above:

I. Advertisements at the cost of Public Exchequer

- (a) Sub-para (iv) of para VII - 'Party in Power'- of the Model Code of Conduct for the Guidance of Political Parties and Candidates provides that: -

"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."

(b) 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 eulogize 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. Accordingly, the photos of political leaders in such advertisement should be removed/covered suitably. 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.

(c) 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.

II. Use of space in Railway Stations, Bus Stands, Airport, Bridges-Railway and Roadways, Govt. Buses, Govt. and public buildings, Electric and telephone poles, Municipal/local bodies' buildings, space and assets for political advertisement

(i) Display of election posters, hoardings, banners, etc., in any Government/PSU premises is not permitted even if it is a commercial space. The Commercial spaces of Govt and Public Sector Undertakings (PSUs) during election periods cannot be used for displaying political advertisements.

(ii) In case there is no specific provision in the by-laws of PSUs, or in their agreements with the advertisement agencies to whom they let out space for advertisement for prohibiting display of political advertisement, the PSUs may be instructed to add a para in their commercial agreements with commercial agencies/companies while providing space on lease to the advertisement agency for placing commercial advertisements that "No political advertisement shall be displayed/pasted at the space provided on lease for commercial advertisement like airport, railway stations, inter state/local bus stands, Govt. transportation, post offices, Government hospitals/dispensaries etc. (except on main highways, main roads etc.) during the period of Model Code of Conduct . If there is any political advertisement in the provided space, the same shall be removed immediately on enforcement of the Model Code of Conduct."

(iii) 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 but, it shall be ensured that the allocation is done on equitable basis and that there is no monopolization by any political party or candidates. In such venues, displaying of banners, buntings, flags, cut-outs, may be permitted during the period of meetings subject to any restrictions under the law/guidelines in force. Such banners, flags, etc. shall be got removed by the party/individual who used the premises immediately after conclusion of the meeting, and in any case within a reasonable period after the meeting is over. Permanent/semi-permanent defacement such as wall writing/pasting of poster etc. shall not be permitted in such premises. The ECI Observers shall closely monitor compliance, and will specifically mention it in their reports to ECI.

III. Broadcasting of election related matter over Radio during period of forty – eight hours ending with hour fixed for conclusion of poll

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.

IV. 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, etc.

(i) 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, etc. 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.

(ii) 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.

(iii) 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.

(iv) The Aadhaar related publicity can be done which has the objective to give information about Aadhaar Card to the general masses. Any publicity highlighting the achievements of the scheme or Authority or Government will not be allowed to be made.

(v) On the occasion of Birth/Death Anniversaries of political leaders, photographs and messages related to departed political leaders except those leaders who passed away in recent past, may be published in the advertisements in this regard.

V. Display of Photos of Political Functionaries on beneficiary cards, electric bills, construction site plaques etc.

(i) Beneficiary cards distributed to beneficiaries, constructions site plaques etc. erected during the enforcement of Model Code of Conduct shall not contain photographs, messages of Chief Ministers, Ministers and other political functionaries. However, no interference is called for in respect of photos of political functionaries on beneficiary cards, construction site plaques etc. that are distributed/erected prior to the enforcement of model code of conduct.

(ii) The electricity bills, water bills, boarding passes, vaccination certificates, etc. to be generated after the enforcement of Model Code of Conduct should not contain any photographs or messages/symbols of political functionaries/parties.

(iii) Similarly, the fertilizer bags, paper cups or any other merchandise to be used in the areas where Model Code of Conduct is enforced, should not contain any photographs or messages/symbols of political functionaries/parties.

VI. Publication of any advertisements of Central Government in the newspapers of non-poll going States having circulation in poll going States

(i) It has been observed that certain advertisements highlighting welfare schemes and achievements of the Central Government and State Governments are published by some non-poll going State Governments, in the editions of newspapers in the States where elections are going on. The Commission considers this to be a violation of the spirits of the Model Code of Conduct.

(ii) The Commission has directed that all such advertisements, issued by non-poll going State Governments during the Model Code of Conduct period shall be forwarded to the Commission for clearance before they are sent for publication in newspapers having edition or having circulation in the poll bound States.

(iii) If any violation of the above instructions come to the notice of the Election Commission, the Secretary/Director of Information & Public Relations of the concerned State government shall directly be held responsible for such lapse.

VII. Equitable opportunity to have access to advertisement spaces for election related advertisement

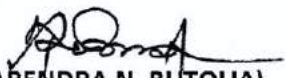
(i) If the local law expressly permits or provides for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, political advertisement, etc., in any public place, (as against a

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.

(ii) 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.

The above instructions of the Commission shall be brought to the notice of all concerned for strict compliance.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY



By Speed Post/E-Mail

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/INST/ECI/FUNCT/MCC/2024 (Tour of Ministers)

Dated: 2nd January, 2024

To,

- (i) The Chief Secretaries
of all States and Union Territories.
- (ii) The Chief Electoral Officers
of all States and Union Territories.
- (iii) President/Chairperson/General Secretaries
of all recognized National and State Political Parties.

Subject: -Model Code of Conduct – Instruction- Tour of Ministers during Election period – Regarding.

Reference: Commission's instructions:

- (i) No. 437/6/96/PLN-III/, dated 17.01.1996
- (ii) No.437/6/2007-PLN-III, dated 23.11.2007
- (iii) No.437/6/INST/2010-CC&BE, dated 07.06.2010
- (iv) No.437/6/INST/2011-CC&BE, dated 24.03.2011
- (v) No.437/6/INST/2011-CC&BE, dated 01.04.2011
- (vi) No.437/6/INST/2010-CC&BE/Vol.II, dated 05.04.2011
- (vii) No.437/INST/2009/CC&BE, dated 25.03.2009
- (viii) No.437/6/INST/2011-CC&BE, dated 27.04.2011
- (ix) No.437/6/CG/2014-CC&BE, dated 07.10.2014
- (x) No. 437/6/MISC/2015-CC, dated 19.06.2015
- (xi) No. 437/6/GUJ/98-PLN-III, dated 16.01.1998
- (xii) No. 437/6/INST/2008-CC&BE, dated 21.04.2009
- (xiii) No. 437/6/CG/LA-Multi/ECI/LET/FUNCT/MCC/2018, dated 22.11.2018
- (xiv) No. 437/6/ECI/INST/FUNCT/MCC/2021, dated 14.03.2021
- (xv) No. 437/6/INST/2009-CC&BE dated 25.10.2009
- (xvi) No.437/INST/2009/CC&BE, dated 25.03.2009, and
- (xvii) No. 437/6/2007/PLN.III, dated: 24.10.2007

Madam/Sir,

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. The Commission's instructions in this regard in suppression of all the instructions issued vide letters listed above have been consolidated below for the sake of convenience: -

I. Tours of Ministers

- (1) No minister of Central or 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 up to end of the election process.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.
- (6) During **bye elections** from any constituencies, either Parliamentary or Assemblies, the following restrictions will be applicable with regard to the tours of Ministers:-
- (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)
- (7) 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 communicate the same to the Election Commission.
- (8) During the Model Code period, one member of personal staff (**non-gazetted officer**) 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. These instructions will be applicable also in the case of the Union Cabinet Ministers except Prime Minister.
- (9) During such visit, all Ministers both Union and State and all other leaders of political parties will be allowed security as per the threat perceptions assessed by official agencies and other professional agencies. The expenditure on the bullet proof cars and all other cars used by these individuals will be borne by the individuals concerned/political party concerned. However, expenditure on the security staff will be borne by the State Government/UT Administration concerned

II. **Tours of Prime Minister for Election Campaign**

- (1) The restriction regarding personal staff members who can accompany on personal/private tours shall not apply to the Prime Minister.
- (2) The Prime Minister has been exempted from the operation of the model code of conduct provision pertaining to the combining of official visit with electioneering visit.
- (3) In regard to the construction of helipad during election tours of the Prime Minister, the State Administrations can be requested to undertake construction of helipads. However, the expenses

incurred on the construction of such helipads will be borne by the political party concerned in accordance with the Commission's instructions related to charging of expenditure for star campaigners.

- (4) In view of the concerns raised by the security agencies, official staff of Doordarshan may be deployed for operation and transportation of teleprompter equipments to assist the Prime Minister in delivery of election speeches. However, it should be ensured that the said services by Doordarshan shall be made available on the terms and conditions stipulated by the Ministry of Information & broadcasting for providing such services.

III. Tours of Chairmen and Members of Commissions like the National Commission for Scheduled Castes, National Commission for Minorities, National Commission for Backward Classes, National Commission for Economically Backward Classes, etc.

- (1) 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.
- (2) 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) A programme for their visit can be made under intimation to the Chief Electoral Officer of the State concerned.
 - (b) 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.
 - (c) 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.
 - (d) 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.

- (3) The above instructions would be applicable *mutatis mutandis* to similar Commissions established by the State Governments.

IV. Adherence to prescribed security protocols during the MCC period

- (1) At some occasions, the Star Campaigners do not adhere to the security protocols laid down by the security agencies and exposing themselves to security risk during the campaign. Attention has also been drawn that the safety provisions as prescribed in the Motor Vehicle Act, 1988 (as amended) (e.g. applying seat belt etc.) are also not being followed in some cases thereby violating the existing statutory provisions punishable under law.
- (2) Commission has, time and again, emphasized on the safety and security of all candidates during campaign specifically the use of bullet proof car by the persons provided with Z+ security cover as prescribed by the Ministry of Home Affairs, Government of India. Star campaigners, who have been provided with security cover by the security agencies, must adhere to the security protocols laid down to avoid any security breach which may expose them to risk. Also, all Candidates including Star Campaigners must follow the safety instructions during the use of any vehicle including helicopter etc. as prescribed under the relevant laws to avoid any mishap or accident, which may endanger the life and property of individual(s) and/or public at large.

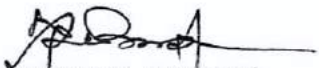
V. Use of vehicles for election campaign—Bullet-proof vehicles provided for security reasons — instructions

- (1) 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. The cost of propulsion of such bullet-proof vehicles will 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 the Explanations 1 and 2 under Section-77(1) 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(1). In no case, the expenditure will be borne by the government in such cases.
- (2) There would be no objection, if any other person, including any political functionary or candidate, travels along with a Z+ category political functionary, who has been provided with bullet proof vehicle and for which payment is being made by him or his party.

- (3) If the political functionary provided with bullet proof car is a 'Star Campaigner' in terms of Explanation (2) to Section 77(1) of the Representation of the People Act, 1951, the expenditure on the use of bullet proof car would not be deemed to be expenditure incurred or authorized by any candidate.
- (4) If such political functionary is, however, not a Star campaigner, the expenditure on use of bullet proof car would be included in the account(s) of the candidate(s) in relation to whose election campaign such car is used.
- (5) The SPG Protectees (**other than Prime Minister**) are also covered under these instructions, further subjected to the following conditions:-
- (a) 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).
- (b) There may be no objection to the personal staff of the SPG Protectee accompanying the said Protectee in the B.P. 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. 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.

The above instructions of the Commission shall be brought to notice of all concerned for strict compliance.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY



By Speed Post/E-Mail

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/INST/ECI/FUNCT/MCC/2024 (IMPORTANT DAYS)

Dated: 2nd January, 2024

To,

- (i) The Chief Secretaries
of all States and Union Territories.
- (ii) The Chief Electoral Officers
of all States and Union Territories.

Subject: -Model Code of Conduct – Instruction- Celebration of Important Days – Regarding.

Reference: Commission's instructions:

- (i) No. 437/6/98-PLN-III, dated 10.01.1998
- (ii) No. ECI/GE98-437/6/BR/98-PLN-III, dated 27.01.1998
- (iii) No. 437/6/99-PLN-III, dated 28.07.1999
- (iv) No. 437/6/99-PLN-III, dated 16.08.1999
- (v) No. 437/6/2004/PLN-III, dated 28.09.2004, and
- (vi) No. 437/6/INST/2012-CC&BE, dated 24th January 2012

Madam/Sir,

The Commission has issued, in the past, a number of instructions in regard to celebration of important days during the period of enforcement of Model Code of Conduct. Following are the consolidated instructions in supersession of all the instructions issued vide letters listed above:

I. Celebration of Independence Day/Republic Day - attendance of political functionaries

(i) There is no objection to Central Ministers/Chief Ministers/Ministers in the States to do the honours in the main Republic Day/Independence Day functions at various locations subject to the condition that in their speeches, they should confine themselves to extolling the achievements of the Martyrs in securing freedom of the country, glory of the Indian State and so on. Under no circumstances, they should become a platform for political campaign.

(ii) In view of the fact that Republic Day celebrations will come during the election process and that the Central Ministers, Chief Ministers and Ministers in the States belong to political parties and

alliances and may even be the candidates, the Commission, purely in the interest of ensuring a level playing field, directs that no Central Minister/Chief Minister/Minister or any other political functionary in the States/Ex-MPs shall do the honours at any such function at any location of within their home district or constituency or from where he or she is a contesting candidate or intends to contest. The Prime Minister and Chief Minister may however do so from the National Capital and State headquarters during Independence Day as per long standing conventions. Further, the dignitaries who will hoist the National Flag at the functions may travel directly to that place from the place of election campaign, if any. The travel expenditure for this purpose may be borne by the State Government concerned. They do not need to travel between these places via headquarter.

(iii) The Commission has no objection to organisation of Kavi Sammelan, Mushairas or other cultural functions organised in connection with the celebrations and being attended by the Central Ministers, Chief Ministers, Ministers in the States and other political functionaries. However, utmost care should be taken to ensure that no political speeches are made on the occasion.

(iv) The investiture ceremonies at the National and State level and distribution of Tamra Patras to freedom fighters, etc. should be done according to the existing conventions.

II. Celebration of Sadbhavana Diwas/Gandhi Jayanti - participation of political functionaries

(i) Central Ministers/Chief Ministers/Ministers in the States can participate in the Celebration of *Sadbhavana Diwas/Gandhi Jayanti* subject to the condition that the theme of their speeches should be confined only to the Promotion of harmony among the people and extolling deeds and achievement of Mahatma Gandhi and utmost care should be taken to ensure that no political speeches highlighting the achievements of party in power are made on the occasion. Under no circumstances, it should become a platform for political campaign.

(ii) Messages, if any, issued in the name of Ministers, should be confined to the theme of National Integration and Mahatma Gandhi only and should carry no photograph of the concerned Minister.

III. Hosting of Iftar Party

The Commission is of the view that any entertainment at State cost on a religious occasion would not be correct and specially during the continuance of the election process. However, any

individual is free by all means to host any such party in his personal capacity and meeting the expense with his or her personal account on their own.

The above instructions of the Commission shall be brought to notice of all concerned for strict compliance.

Yours faithfully,



(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY



भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

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निर्वाचन सदन
अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan
Ashoka Road, New Delhi-110001
Dated: 26th June, 2023

No.464/L&O/2023/EPS(Use of Veh.)

To

The Chief Electoral Officers of
all States/UTs

**Subject: USE OF VEHICLE DURING ELECTIONS BY POLITICAL
PARTIES AND CANDIDATES DURING ELECTION PERIOD-
REGARDING.**

Reference: Commission's Instructions on the subject:

- (i) No.464/INST/2006/PLN-I dated 17.03.2006
- (ii) No.464/BR-LA/2010 dated 16.10.2010
- (iii) No.464/BR-LA/2010 dated 22.10.2010
- (iv) No.464/INST/2011/EPS dated 23.03.2011
- (v) No.464/INST/2011/EPS dated 23.03.2011
- (vi) No.464/INST/2011/EPS dated 28.03.2011
- (vii) No.464/INST/2011/EPS dated 28.03.2011
- (viii) No.464/INST/2013/EPS dated 08.10.2013
- (ix) No.464/INST/2013/EPS dated 11.11.2013
- (x) No.464/INST/2014/EPS dated 20.03.2014
- (xi) No.464/INST/2014/EPS dated 03.04.2014
- (xii) No.464/INST/2014/EPS dated 10.04.2014
- (xiii) No. 464/INST/2014/EPS dated 19.09.2014
- (xiv) No.464/INST/2015/EPS dated 30.09.2015
- (xv) No.470/INST/2018-EPS dated 18.11.2018

Madam/Sir,

All political parties and candidates contesting election use various kinds of vehicles for their election campaigns. In order to regulate use of vehicles by political parties and candidates to ensure level playing field amongst all contesting political parties and candidates, it is essential to issue detailed guidelines on use of vehicles, owned or hired or controlled by the Governments or its PSUs or any local authorities, which are termed as 'official vehicles' here, during the election period. It is also essential that use of private vehicles used by political parties and candidates are regulated during election

Page 1 of 11

period to control use of money power.

Section 160 of Representation of the People Act 1951 has definition of "vehicle", although in a different context of requisition of vehicles by election authorities, and provides a benchmark for reference.

Following are the consolidated instructions, in supersession of the Commission's instructions under reference, on the use of vehicles by political parties and candidates during election period:

1. Ban on use of official vehicles:

(a). Subject to exceptions mentioned herein, there shall be a total and absolute ban on the use of *official vehicles* for campaigning, electioneering or election related travel during elections. Such vehicles include helicopters, aircrafts, cars, jeeps, automobiles, goods carriers, e-vehicles or e-rickshaws, two wheelers, boats, hovercrafts, etc., except as regulated by the Commission's order on the subject, owned or hired or controlled by the Central and State Governments, Central Public Sector Organizations, Public Sector Undertakings and Joint Sector Undertakings of the Central and State Governments, Local Authorities and Local Bodies, 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.

(b). The District Administration shall keep a close watch to find out if any such official vehicle is being used for campaigning, electioneering or election related travel purpose. In such cases, the District Magistrate shall, forthwith, requisition or cause to be requisitioned such vehicles, after following due procedure, for election work, under Section 160 of the Representation of the People Act, 1951 and such requisitioned vehicles shall not be released until the completion of the process of elections.

(c). The ban on the use of official vehicles will equally apply to vehicles in or from any States not going to the polls but whose *official vehicles* are attempted to be used for campaign, either openly or clandestinely, in any other State going to poll. The Chief Secretary of each State/Union Territory or the Secretary to the Government of India in the concerned Department or Ministry,

2

as the case may be, shall ensure that there is no misuse of any such vehicles. The officers under whose charge such vehicles are entrusted will be personally responsible for any violation.

The use of such vehicles belonging to any of these authorities by anyone, including Ministers of the Central or a State Government, even on payment basis, for campaigning or on tours connected with elections, in the guise of, official work in their capacity as Ministers is totally prohibited.

(d). The only exception from the above prohibition will be the Prime Minister and other political personalities, who might, in view of extremist and terrorist activities and threat to their lives, require security of a high order and whose security requirements are governed by statutory provisions made by the Parliament or the State Legislature in this behalf. These restrictions shall also not be applicable in case of the Hon'ble President and Vice President of India, Speaker and Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha and other such dignitaries visiting the State from other States. It is clarified here that in the case of Speaker and Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha, these restrictions **will be applicable at the time of General Elections to the Lok Sabha but not during Legislative Assembly Elections**. However, such exceptions shall not be available in respect of any Ministers of the Union or any State Government.

2. Review or assessment of security cover:

It is clarified that if there is any material to doubt that the assessment of security requirements made by the authorities under Special Protection Group Act, 1988 or any other special enactment/instruction of the appropriate Governments have been manifestly or unduly excessive with the intention of promoting indirectly the electoral interests of a particular political party or candidates, the Commission shall bring the matter to the notice of the concerned Government for immediate and appropriate corrective steps.

The Commission may also 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.

3. Issue of permits for vehicles by DEO:

(a) There is no limit on number of vehicles a candidate may use for campaigning or electioneering purpose. The candidate has to furnish *following* details, before the campaigning commences, to the District Election Officer or such other officer(s) as may be specifically authorized by the District Election Officer in his behalf, who after necessary scrutiny would issue permits for every vehicle:

i) Details of vehicles such as registration details, fitness certificates, name and particulars of the owners and drivers.

ii) Areas in which vehicles would be used for campaigning purposes;

The original copy (*not the photo copy*) of permit shall be displayed on the wind screen of the vehicle. The copy of the permit should be of such dimension which can easily be seen from a distance. Permit must contain the vehicle number, date of issue of permit, name of candidate and area where it shall be used for campaigning. Such vehicles shall be subject to checks by any competent authorities or FST, SST etc.

(b) Vehicles can only be used after obtaining necessary permits for every such vehicle, as above, by the candidate or his/her election agent.

(c) Details of vehicles used for campaigning or electioneering purpose by candidates shall be conveyed to Election Expenditure Observers by District Election Officer to check whether the expenditure in this regard has been included in the expenditure account of the candidates.

(d) Any vehicle used for campaigning without due authorization or permit shall be deemed unauthorized for campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code (*Offences Relating to Elections*) and shall therefore be immediately taken out of the campaigning exercise.

(e) The vehicles duly deployed for election campaign as per intimation given by the candidates or their election agents to District Administration should not be requisitioned by the administration.

(f) On request of a recognized political party, the DEO shall issue permit



for one vehicle to be used by the district level office bearer of a recognized political party (other than the star campaigner) for their visit to multiple ACs within the district for electioneering purposes. The permit should be issued indicating the vehicle number, the name of political party, name of district, route map, date wise movement plan and the period for which it is issued and should be of different color so that it can easily be identified. An attested copy shall be pasted on wind screen and original be kept with the driver for checking by police or other competent authorities or FST, SST etc. The expenditure in this regard shall be booked against the political party and not in the election expense account of the candidate(s). It is clarified that this provision will be applicable in case of any by-election in a constituency.

(g) The District Administration shall keep a close watch and prevent the misuse of private vehicles by candidates, their agents, political party leaders or supporters. This misuse may include transporting anti-social elements with the intent to instill fear among the electorate or smuggling illicit arms and ammunition to create disturbances. If any of these vehicles, either of a political party or candidates or a private owner, are found to be involved in any such act, 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, legal action in accordance with the law shall be taken against the owner, occupant(s) and the candidate/political party involved in such unlawful acts.

4. Issue of permits for vehicles by CEO-

The Chief Electoral Officer may issue permits for vehicles that can move throughout the State for use of officer bearers of recognized political parties for distribution of campaign material in following manner:

- (a) If any recognized political party makes a request to CEO for grant of vehicle permission for distribution of publicity material to their various party offices in the State, the CEO may grant permission for number of vehicles equal to Number of Assembly Constituencies in the State divided by 25 (Twenty-five) or Number of Parliamentary Constituencies in the State divided by 3 (Three), as the case may be,

rounded off to the nearest integer. It is clarified that this provision will not be applicable in case of any by-election.

- (b) The recognized political party (the applicant) will have to furnish the details regarding the names of the districts, the route map and details of the vehicles, name of the driver, fitness certificate, date-wise movement plan of the vehicle etc. For such vehicles, the CEO may issue permission, but ensure that such vehicles will also be subject to normal checks by competent authorities, police, check-posts, FST, SST etc. and these vehicles will not be used for election campaigning in anyway. The expenditure on account of such vehicles shall be incurred by the political party and not by the candidates.
- (c) For any permission to be issued by CEO for use of Video Vans for campaigning by political parties, the compliance of the following guidelines shall be ensured (*Order dated 23rd June 2006 and 14th February 2007 of the Allahabad High Court in Writ Petition 3648 (MB) of 2006*):
- (i) The permission to use Video Vans for campaign purpose can be granted at Chief Electoral Officer level only.
 - (ii) Any political party/candidate seeking permission to use video vans from Chief Electoral Office should first obtain necessary permissions/no objection certificates from the Competent Authority under the relevant Motor Vehicle Act. This certification is required to ensure the conformity with the Motor Vehicle Act/relevant provisions of law and Court orders, if any, on this subject for plying of Video Vans on the road.
 - (iii) The contents of material for election publicity on the Video Van shall be pre-certified from MCMCs. The video van of the political party should be used to campaign based on its program and policies. Votes or support for any particular candidate should not be solicited. However, if it is used for seeking votes/support for a candidate/candidate then expenditure of video van shall be accounted for by such candidate/candidates appropriately. Expenditure Observers to closely monitor this.
 - (iv) Though there is no restriction on the number of Video Vans which can be used in campaigning, but the expenditure

incurred shall be duly included in the election expenditure account of the political party, to be submitted to the Commission, as provided, subject to condition in point (iii).

- (v) Route of Video Vans to be used for publicity/campaigning should be informed to local administration/District Election Officer in advance to ensure equitable use of campaign sites or public places. In case of violation, the permissions for Video Van may be withdrawn, after due notice, by CEO.

- (d) For availing the benefit of clause (a) of explanation (1) of Section 77 (1) of Representation of the People Act 1951 by the leaders of the political parties (i.e., **star campaigners**), the permission for the mode of road transport will be issued centrally by the Chief Electoral Officer, irrespective of whether the same vehicle is to be used by the *star campaigner* for election campaigning throughout the State or different vehicles are to be used by such *star campaigner* in different areas. The permit will be issued against the name of the *star campaigner* concerned and shall be displayed prominently on the windscreen of the vehicle being used by him/her in any area. The permits so issued by the CEO will be of distinctly different color from the permits to be issued by the CEO, DEO or any competent authorities for other campaign vehicles of candidates.

5. Restriction on number of vehicles to be used during different phases of election:

I. When vehicles are moving in convoy:

- (a) The Commission directs that cars/vehicles shall, under no circumstances, be allowed to move in convoys of more than *ten vehicles*, excluding the security vehicles. All bigger convoys exceeding ten vehicles shall be broken up, even if, they are carrying any Minister of Central or State Government or any other person subject to any security instructions issued in respect of any such individual. Further, the convoy of vehicles being used in road show shall be broken after every 10 vehicles and a gap of 100 meters would be maintained.



(b) Even when a convoy of vehicles is adhering to the regulations stated in sub para (a) above, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by flouting *any* directions of the Commission, till the process of election is completed.

II. During Filing of Nominations:

The maximum of three vehicles shall be allowed to come within the periphery of 100 meters of offices of Returning Officers/Assistant Returning Officers. This periphery of 100 meters should be clearly demarcated by RO/DEO.

III. Use of vehicles on poll day:

- (a) Section 123(5) of the Representation of the People Act 1951 provides that hiring or procuring or use of vehicles by a candidate/his agent or by any other person with the consent of the candidate or his election agent to provide free conveyance to the voters for the polling station shall be a 'corrupt practice' and it is also an electoral offence punishable under Section 133 of the Representation of the People Act 1951.
- (b) The Commission has issued the following directions to curb such malpractices effectively:
- (I) For an *election to Lok Sabha*, each contesting candidate, on the day of poll, will be entitled to:
- (i) One vehicle for his own use in respect of entire PC;
 - (ii) One vehicle for use of his election agent in respect of PC; and
 - (iii) One vehicle for use of his election agent or workers or party workers, as the case may be, in every assembly segment comprised in the PC.
- (II) For an *election to the State Legislative Assembly*, on the day of poll each contesting candidate is entitled to:
- (i) One vehicle for his own use;
 - (ii) One vehicle for use of his election agent in respect of



AC; and

(iii) One vehicle for use of his election agent or workers

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

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

- i) Private vehicles being used by the owners for their private use, not connected with elections;
- ii) 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 any Polling Stations;
- iii) Vehicles used for essential services namely hospital vans, ambulances, milk vans, water tankers, electricity emergency duty vans, police on duty, officer on election duty etc.;
- iv) public transport carriages like buses playing between fixed terminals and on fixed routes;
- v) Taxis, three-wheeler scooters, rickshaws etc. for going to airports, railway stations, inter-state bus stands, hospitals for journey which cannot be avoided;

Page 9 of 11



vi) Private vehicles used by sick or disabled persons for their own use;

vii) Vehicles being used by the Govt. officers on duty to reach their duty point.

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

6. Use of vehicles not propelled by mechanical power:

A cycle rickshaw, horse drawn carriages, bullock carts etc. are capable of being used for election campaigning; hence, the candidate has to account for its expenditure in his/her account of election expenses. The candidate shall give details of such vehicles being used for his/her election campaign and, if such vehicles do not have any municipal registration/permit for its identification, the drivers/ owners may be given a permit in their personal names by the Returning Officer which the drivers/ owners should carry on their person while using such vehicles for campaign purposes.

7. Display of vehicles:

Display of flag, stickers, posters etc. on commercial vehicles shall not be permitted unless such vehicle is a vehicle being validly used for election campaign after obtaining the requisite permit from the specified authority.

8. Responsibility to comply with all Laws:

Candidates or leaders of Political Parties shall have responsibility to follow all the guidelines or directions issued by competent authority under the Motor Vehicles Act for all such vehicles against which permission is given to use during election period. Penal action, under the provisions of the Representation of the People Act 1951, Chapter IX A of the Indian Penal Code, Motor Vehicles Act etc., shall be taken against anyone offending the above

directions.

9. Compliance of Model Code of Conduct to be ensured:

All provisions of the Model Code of Conduct, issued by the Commission, pertaining to use of official vehicles, use of air assets, use of private vehicles, exemptions and all connected issues shall be complied, if not already covered in this instruction for compliance, by the political parties and candidates, as the case may be.

10. Permits to be expeditiously issued:


District Election Officer shall ensure that permits to use vehicles during elections are issued expeditiously and hassle-free manner, preferably, on the same day of the submission of the applications by political parties and candidates, provided all the required documents are submitted along with the applications. If applications are submitted after 6:00 pm on the day, it shall be ensured that permits are issued on the next day.

11. Suvidha Portal:

This Portal allows the candidates, political parties or any representatives of the candidates to apply online for the permission *inter alia* for vehicles, meetings, rallies, loudspeakers, venue etc. through SUVIDHA Portal <https://suvidha.eci.gov.in/> and they may track their application status through the same portal.

This is for compliance by all concerned.

Yours faithfully


26/06/2023

(SANJEEV KUMAR PRASAD)
SECRETARY



By Email/ Speed Post

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

No.464/INST/EPS/2023/L&O

Dated: 8th June, 2023

To

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

Subject: Measures related to Law & Order for conduct of peaceful, free and fair General/Bye elections – Consolidated Instruction – regarding.

Reference: Commission's Instructions on Law & Order related issues and to ensure conduct of free and fair elections:

- (i) No.464/96-L&O/PLN-I dated 17.01.1996
- (ii) No.464/96-L&O/PLN-I dated 13.03.1996
- (iii) No.476/3/98-JS-II dated 14.02.1998
- (iv) No.437/GE-99/PLN-III/MCC dated 28.07.1999
- (v) No.464/L&O/99-PLN-I dated 18.08.1999
- (vi) No.576/14/99-PLN-I dated 21.08.1999
- (vii) No.464/INST/2006/PLN-I dated 20.04.2006
- (viii) No.464/L&O/2007/PLN-I dated 08.01.2007
- (ix) No.464/INST/2007-PLN-I dated 08.01.2007
- (x) No.464/INST/2007-PLN-I dated 12.10.2007
- (xi) No.464/INST/2008/PLN-I dated 27.02.2008
- (xii) No.464/GJ-LA/2007 dated 19.11.2007
- (xiii) No.464/GJ-LA/2007 dated 26.11.2007
- (xiv) No.464/INST/2008/EPS dated 05.11.2008
- (xv) No.464/L&O/2008/EPS dated 12.11.2008
- (xvi) No.464/INST/2009/EPS dated 09.01.2009
- (xvii) No.464/INST/2009/EPS dated 24.03.2009
- (xviii) No.464/INST/2009-EPS dated 08.04.2009
- (xix) No.464/INST/2009/EPS dated 01.09.2009
- (xx) No.464/UP/2011/EPS dated 30.12.2011
- (xxi) No.470/INST/2014-EPS dated 15.05.2014
- (xxii) No.464/INST/2019/EPS dated 21.05.2019

Madam/Sir,

Election Commission of India is vested with the superintendence, direction and control of, inter alia, the conduct of all elections to the Parliament and to the Legislature of every State under

Page 1 of 12

clause (1) of Article 324 of the Constitution of India. The Commission is well aware of the existence of money and muscle power and its ill impact on election process. It has always been the endeavor of the Commission to take a number of strict enforcement measures over and above the purview of normal law and order arrangements, for amplifying the efforts and strengthen administrative systems for peaceful, free, fair and transparent elections.

In view of above and in supersession of all the previous instructions issued by the Commission under reference, a revised consolidated instruction is being issued in the matter related to preventive law and order actions for strict compliance by all concerned.

A. PREVENTIVE LAW AND ORDER ACTIONS:

(i) The DEO and SP shall initiate preventive measures to ensure that intimidation/ obstruction does not happen during elections. Confidence-building measures such as guarding of vulnerable locations, area domination etc. point patrolling, undertaking visits to meet vulnerable communities, tracking should be initiated to bolster the voters' confidence about the arrangements for free and fair poll. CAPF, in combination with State Police, shall be extensively used for patrolling and confidence building activities before poll day and for safeguarding polling stations and material on poll day and post poll duration.

(ii) Vulnerability Mapping exercise shall be initiated and continuously carried out as provided in the relevant Manual on the subject. The police should identify and keep track of the vulnerable locations, voters in those locations and persons causing vulnerability and take prophylactic measures in the context of holding peaceful elections.

(iii) A special drive shall be launched by every Superintendents of Police/ Commissioners of Police 6 (six) months prior to the probable date of elections (*as an estimate take date and month of the poll day of the last relevant General Election*) to:

(a) Compile a list of all such persons indulged in electoral offences



like booth capturing, intimidation, impersonation in each police station of each and every constituency during the past Parliamentary and State Assembly elections.

- (b) Compile a list of history sheeters, declared absconders, fugitive criminals in each police station falling in each and every Parliamentary/Assembly Constituency
- (c) Effect the service of all pending warrants in each police station of each and every Parliamentary/Assembly Constituency promptly and monitor regularly.
- (d) Expedite the investigation and prosecution of all electoral offences registered in previous elections in each police station of each and every Parliamentary and Assembly Constituency and a fortnightly report be made available to the District Election Officers concerned and shall be forwarded to the Commission as and when asked for.
- (e) Compile a list of persons reported to have indulged in the offences under SC and ST (Prevention of Atrocities) Act, 1989 during past elections and initiate actions as required.

The above activities shall be reviewed **weekly** at SP/CP level for initiation of preventive measures for a conducive environment during elections.

B. BAN ON SALE OF LIQUOR:

- (i). Section 135C of Representation of the People Act, 1951 provides that no spirituous, fermented or intoxicating liquor or other substances of like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, private or public, within a polling area during the period of 48 hours ending with the hour fixed for conclusion of poll for any election in the polling area. Therefore, 'Dry Day' shall be declared and notified under relevant State Laws for the stipulated period for the poll areas.
- (ii) The day on which counting of votes is to be taken up, shall also be



declared 'Dry Day'. For the purpose of declaring DRY DAY on day of counting, State Excise Department shall issue comprehensive instructions regarding dry day on day of counting (up to completion of counting of votes and declaration of result) using its appropriate powers, mentioning specific relevant provisions in its Acts/Rules. State Governments need to issue comprehensive instructions to all concerned authorities to take appropriate legal measures to ensure strict compliance of the said provision.

(iii) Special drives shall be launched to keep a check on inter-State flow of illicit liquor and unearth illicit liquor making factories and all restrictions provided in State Excise Law or any other Laws on the storage of liquor in unlicensed premises shall be vigorously enforced. In such drive, all relevant law enforcement agencies shall initiate coordinated efforts.

C. BAN ON CARRYING OF LICENSED ARMS -

(i). Prohibitory orders under section 144 of the Criminal Procedure Code, 1973 shall be issued banning the carrying of licensed arms as soon as an election is announced and such ban should be made effective till the declaration of results.

(ii). The authorities shall conduct a 100% scrutiny of licences of arms and ammunition shops with a view to ensuring that the records of their stocks are kept up-to-date. Their antecedents, recent involvement in irregularities, variation in business transactions and political leanings, if any, warrant a close checking and monitoring during the days of active electioneering.

D. BAN ON ISSUE OF LICENSE OF ARMS-

Issue of license for arms should be prohibited during the period commencing with the date of announcement of elections. This ban will continue to be operative till the completion of the election as notified.

E. SEIZURE OF UNLICENSED ARMS AND AMMUNITIONS-

A special drive shall be launched to unearth and seize unlicensed arms and ammunition. A very thorough regular search and seizure by the State



Police of unlicensed arms and places of indigenous manufacturer of arms and ammunition or underground arms factories shall be carried out and persons involved shall be arrested according to the legal provisions. While unearthing and seizure of unlicensed weapons is a normal ongoing responsibility of the police, it shall be vigorously intensified during the election period. Inter-State and Intra-State movements of trucks and commercial vehicles shall be strictly checked with a view to preventing smuggling of arms, ammunition and anti-social elements. Close inter-state coordination shall be established, as required.

F. DEPOSIT OF LICENSED ARMS-

(i). Immediately after the announcement of elections, District Magistrates shall make a detailed and individual review and assessment, in accordance with the prevalent State laws, of all license holders so that licensed arms in those cases **where they consider it essential are impounded in order to ensure maintenance of law and order** and conduct of free and fair elections. The cases which may need *inter alia* special review are:

- (a) Arms licence of persons released on bail,
- (b) Arms licence of persons having a history of criminal offences, and
- (c) Arms licence of persons previously involved in rioting at any time but especially during the election period.
- (d) Arms license of persons involved in election offences of any kind;

(ii). The Hon'ble High Court of Bombay in CWP No.835 of 2009 (Sh Govind Vs. Vikram Kumar, Distt Magistrate & Others) vide order dated 10th July 2009 had laid down procedure for review and assessment of all license holders, which needs to be followed scrupulously, as follows:

- (a) There shall be a Screening Committee in every District and in every Police Commissionerate area. In the District, the Screening Committee shall consist of the District Magistrate and the Superintendent of Police. In the Commissionerate area, it shall consist of the Commissioner of Police and Joint/Additional Commissioner of Police (Administration).



(b) The Screening Committee shall commence the work of screening of all arms licenses from the day of announcement of election by the Election Commission and it shall complete the exercise of screening, as far as possible, before the date of issue of notification of elections.

(c) Cases of all licence holders as mentioned in above para-F(i) shall also be placed before the Screening Committee.

(d) On receipt of report from the Screening Committee, the licensing authority shall issue notice before the last date fixed for withdrawal of candidature to the individual license holder for depositing his arms and inform to the license holder that failure to deposit the arms as directed would result in prosecution under Section 188 of the Indian Penal Code.

(e) The licence holders, thereafter, shall deposit their arms forthwith and in any case within a period of seven days from the date of receipt of the notice.

(f) The decision taken by the Screening Committee shall be final.

(g) Any licence holder who fails to deposit arms within the period specified above shall be liable for prosecution under Section 188 of the Indian Penal Code.

(iii). The District Administration or Commissioner of Police shall ensure fool proof arrangements for keeping the deposited firearms in safe custody. Proper receipt must be given to the licence holders depositing their firearms. District Administration or the Commissionerate of Police shall ensure that all firearms deposited are returned to the licence holders immediately after one week of the date of declaration of results.

(iv). Sportsmen who are the members of National Rifle Association, at different levels and have to participate in various sporting events in which they use their rifles, will be exempted from these restrictions. This ban shall also not be applicable to those communities who are entitled to display weapons by long standing law, custom and usage. This shall, however, not prevent the District Administration to impound weapons of



any person, even from such communities, if they are found to be indulging in violence or posing a threat to the maintenance of law and order and peaceful conduct of elections. In such cases also, the seized firearms shall remain impounded till one week after the declaration of results.

G. TRANSPORTATION OF ARMS AND AMMUNITIONS:

(i). Strict vigil shall be maintained by police, thorough checking of lorries, light vehicles and all other vehicles, preferably by setting up equipped check posts, from the day of announcement of elections to ensure that no undesirable elements or arms and ammunition are being transported into the constituency from outside and to apprehend them and take appropriate action under law if they are doing so.

(ii). Such checking of vehicles shall continue till the completion of the counting of votes and the declaration of results.

(iii). It is clarified that Commission has not banned supply of arms and ammunitions from one State to other. However, such transfers should only be on the basis of valid papers, including 'No Objection Certificates' from the respective District Magistrates/ Commissioners of Police, as applicable in laws. The state authorities supplying the consignment of arms and ammunition shall inform the concerned authorities of the States wherein the supplies of arms and ammunitions are sent so as to take advance action for remitting the consignment to the actual consignee.

H. DISPLAY OF ARMS:

Display of arms in procession in support of a candidate during campaign period is tantamount to threat and intimidation to voters at elections. The Commission directs that no individual or group of persons can be allowed to display arms during a procession or any meeting in support of a candidate, under any circumstances. All meetings/processions for campaigning activity should be videographed for surveillance purpose and *inter alia* detect any violations of this direction.



I. ENTRY OF PERSONS WITH SPECIAL SECURITY COVER IN POLLING STATIONS/COUNTING CENTRES:

The CPT (Close Protection Team) with arms will follow the protectee to the door of the polling booth or the counting hall as the case may be, thereafter, only one Personal Security Officer with concealed firearms will accompany the protectee inside the polling booth and will locate himself so as to provide requisite cover to the Protectee without interfering with the proceedings, in any way, inside the polling station.

J. PROHIBITION ON MISUSE OF SHORT MESSAGE SERVICES (SMSs) AND OTHER SOCIAL MEDIA PLATFORMS:

The Commission is aware of the fact that persons with vested interests may transmit objectionable messages through SMSs or **other Social Media platforms** which may vitiate the process of elections by violating the election laws, model code of conduct and instructions issued by the Commission in the regard. To ensure that elections are conducted in free, fair and peaceful manner, the Commission has issued the following directions:

- (a) Police authorities should advertise special mobile numbers on which the receiver of such messages can forward the said messages along with the number of the sender(s). An appropriate inquiry shall be initiated by the police authorities and after tracing original sender of such messages, suitable action shall be taken under relevant provisions of Indian Penal Code, Representation of the People Act, 1951, Conduct of Election Rules, 1961, instructions/directions issued by the Commission and any other law applicable.
- (b) During 48 hours ending with the hour fixed for conclusion of poll, there shall be no transmission of bulk messages of political nature.
- (c) Bulk messages transmitted during campaign period will be brought to notice of CEO by Returning Officers or District Election Officers and the cost be apportioned to election expenditure of candidate(s) concerned.
- (d) Mobile Service Providers shall also be appropriately briefed and directed



about the sensitivities involved and legal provisions.

K. PREVENTION ON CARRYING OF MOBILE, SMART PHONES ETC WITHIN PROHIBITED AREA:

The Commission has prohibited carrying of mobile phones, smart phones, wireless sets etc. inside the polling stations on the day of poll and Counting Centres on the day of counting. However, Presiding Officers will be allowed to carry their phones in silent mode and use only for communication with Sector Officers, Returning Officers and Observers in case of necessity and exigency. These instructions will also not apply to the officers in charge of law and order, security personnel put on duty, Observers appointed by the Commission, election authorities and officers in charge of counting at Counting Centres.

L. RESTRICTION ON PRESENCE OF POLITICAL FUNCTIONARIES IN A CONSTITUENCY AFTER CAMPAIGN PERIOD IS OVER:

- (i). Under Section 126 of the Representation of the People Act, 1951, in the period of 48 hours ending with the hour fixed for the close of poll (*silence period*), the campaigning activities shall come to an end.
- (ii). During the course of campaign, political parties mobilize their supporters, including from outside the constituency, in order to bolster their campaign. In view of the fact of closure of campaign period, no campaign activities shall take place within the constituency in the last 48 hours, as specified. Political functionaries/party workers/procession functionaries/campaign functionaries etc., who have been brought from outside the constituency and who are not voters of the constituency, should not continue to remain present in the constituency as their continued presence, after end of the campaign period, may undermine or vitiate eco-system required for free and fair election.
- (iii). The Commission has directed that after the end of campaign period, the district administration/police administration shall ensure that all such functionaries leave the constituency immediately after the beginning of silence period. However, the said restriction may not be insisted upon



during the General Elections to Lok Sabha/State Legislative Assembly in respect of office bearer of Political Party who is in charge of the State. Such office bearer of the political party shall declare his place of stay in the State headquarters and his movement during the period in question shall remain confined normally between his party office and his place of stay.

(iv). Above mentioned directions on silence period shall be brought to the notice of all political parties, contesting candidates and their agents to comply with the directions.

(v). The Commission further directs that the district administration/police may take all necessary measures, to scrupulously implement this direction, which *inter alia* may include:

(a). Checking of marriage halls/ community halls etc., where such people are kept housed and find out whether any outsiders have been accommodated in these premises.

(b). Verification of hotels, lodges and guesthouses to keep a track of the list of occupants.

(c). Set up check posts in the constituency borders and track the vehicular movement from outside the constituency.

(d). Verify the identity of the people/group of people in order to find out whether they are voters or not and establish their identity.

M. VIGIL ON JAIL INMATES:

To eliminate any possibility of undue influence on peaceful, free and fair election from politically connected jail inmates, the Commission has directed that district administration shall take following measures:

(a) The District Magistrates shall regularly inspect the jails and ensure that the provisions of the Jail Manual are followed scrupulously.

(b) He shall submit a weekly report confirming that the inmates are not given access to cell phones etc. and that the provisions of the Jail Manual are followed scrupulously by the jail authorities in all respects, particularly the visits of outsiders to meet the jail inmates.



(c) Identified jail inmates should not be allowed to meet visitors every day to prevent them to hold virtual election meetings and discuss election related issues from inside the jails.

(d). The transfer of inmates during election process shall be monitored and, unless specific order of the competent court, the transfer of inmates shall not be done. In case of any such transfer needed for any justifiable reasons, prior information to the Chief Electoral Officer shall be given who in turn will seek the approval of the Commission.

N. ACTION TO BE TAKEN FOR ELECTORAL OFFENCES:

The following action *inter alia* shall be ensured:

(a) Identify critical polling stations and vulnerable areas, according to the various extant instructions and the Manuals on the subjects, that need special attention and appropriate measures be undertaken to prevent any untoward situation affecting free and fair conduct of election.

(b) Strict action shall be taken against any electoral offenders. A list of electoral offences is enclosed for easy reference (**Annexure-I**)

(c) Compile all the criminal cases lodged in the course of conduct of elections. The Commission has directed that the last date for launching of prosecution of all cases relating to electoral offences should be one month from the date of completion of elections. Close monitoring shall be done by District Election Officer and Superintendent of Police/ Commissioner of Police.

(d) The Commission has fixed the same period by which enquiries on complaints received or referred by the Commission, during the conduct of the elections, should be completed.

(e) No such case shall be withdrawn by the State Government without the prior concurrence of the Election Commission of India.

(f) Monthly report as enclosed in Proforma at **Annexure-II (Electoral Offences Report)** about the status of electoral offence cases in which FIRs have been lodged should be furnished to the Commission. Such Monthly



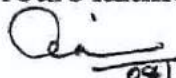
Report shall also be provided on Election Planning Portal by the Chief Electoral Officers.

O. LAW AND ORDER REPORT:

The Chief Secretary shall arrange, immediately after announcement of election till completion of election, for compilation of daily law & order report for each district in format prescribed at **Annexure-III (Law and Order Report-I)** and for its transmission to the Chief Electoral Officer. **District authorities should not send this report directly to the ECI.** The Chief Secretary shall also arrange for compilation of a consolidated report for the State in another format mentioned in **Annexure-IV (Law and Order Report-II)** by the Home Department. These reports should be sent to the Chief Electoral Officer, who in turn shall forward it with his/her comments to the Commission. Law and Order Report-II shall also be furnished by the chief Electoral Officer on Election Planning Portal for the specified period.

This instruction shall be brought to notice of all concerned for strict compliance.

Yours faithfully,


04/06/2023
(SANJEEV KUMAR PRASAD)
SECRETARY

ANNEXURE-I

Legal provisions regarding Electoral Offences/Corrupt Practices

Sl. No.	Brief Description of offence	Section/ Rules	Punishment
ELECTORAL OFFENCES CONCERNING MEETINGS:			
1	Promoting or attempting to promote on ground of religion, race, caste, community or language, feeling of enmity or hatred, between different classes of the citizens of India.	Sec 125 of the Representation of the People Act, 1951 and Section 153A of the IPC.	3 years imprisonment or fine or both.
2	Prohibition of public meetings during period of forty-eight hours ending with the hour fixed for the conclusion of the poll: - 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; or (c) propagate any election matter to 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.	Sec 126 of the Representation of the People Act, 1951	2 years imprisonment or fine or both.
3	Acting or inciting others to act in disorderly manner at a public meeting, for the purpose of disturbing the meeting.	Sec 127 of the Representation of the People Act, 1951.	6 months imprisonment or fine or both.

OFFENCES CONCERNING VEHICLES			
1	If any person illegally hires or procures any vehicle for the free conveyance of any elector other than the candidates himself, member of his family or his agent, to or from any polling station commits an offence.	Sec 133 of the Representation of the People Act, 1951.	3 months imprisonment and fine.
CONCERNING OFFICERS/PERSONS INVOLVED IN ELECTION DUTY			
1	Every officer, clerk, agent, or other person who performs any duty in connection with the recording or counting of votes at and election shall maintain the secrecy of the voting. Its violation constitutes an offence.	Sec 128 of the Representation of the People Act, 1951	3 months imprisonment or fine or both.
2	No official connected with conduct of elections shall do any act (other than giving of vote) for the furtherance of the prospects of election of any candidate.	Sec 129 of the Representation of the People Act, 1951.	6 months imprisonment or fine or both.
3	Breach of official duty, without reasonable cause, by any person involved in any duty in connection with an election	Sec 134 of the Representation of the People Act, 1951.	Fine up to Rs. 500/-.
4	Any person in the service of the Government acting as an election agent or a polling agent or a counting agent of a candidate at an election	Sec 134A of the Representation of the People Act, 1951.	3 months imprisonment or fine or both
AT OR NEAR POLLING STATION ON THE DATE(S) OF POLL			
1	Prohibition on the date(s) of poll of: - (a) canvassing in or near polling station; or (b) soliciting the vote of any elector; or (c) persuading any elector not to vote for any particular candidate; or (d) persuading any elector not to vote at the election; or (e) exhibiting any notice or sign (other than an official notice) relating to the election.	Sec 130 of the Representation of the People Act, 1951.	Fine upto Rs. 250/-.
2	Any person shouting in a disorderly manner or using loudspeakers, megaphones etc. so as to disturb the poll, in or around the polling station can be arrested and such apparatus seized by any	Sec 131 of the Representation of the People Act, 1951.	3 months imprisonment or fine or both

	police officer.		
3	Misconduct by any person in the polling station, or disobedience of lawful directions of the presiding officer may result in that person being removed from the polling station by any police officer on duty. Any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer can be arrested.	Sec 132 of the Representation of the People Act, 1951.	3 months imprisonment or fine or both
AGAINST CARRYING OF ARMS:			
1	No person, other than the Returning Officer, the presiding officer, any police officer or any other person appointed to maintain peace and order at the polling station who is on duty at the polling station, shall, on a polling day, go armed with arms. If he does so, he commits an offence.	Sec 134B of the Representation of the People Act, 1951.	2 years imprisonment or fine or both
AGAINST TAMPERING OF EVMS/BALLOT PAPERS			
1	If the Presiding officer of a polling station has reason to believe that any person has removed ballot paper or EVM out of polling station, such officer may arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer.	Sec 135 of the Representation of the People Act, 1951.	1 year imprisonment or fine or both.
2	Booth capturing is an offence. 'Booth capturing' includes – 1. seizure of a polling station or a place fixed for the poll by any person making polling authorities surrender the ballot papers or voting machines; 2. or allowing only his or their own supporters to exercise their right to vote and prevent/coerce others from free exercise of their right to vote; 3 seizures of a place for counting of votes.	Sec 135A of the Representation of the People Act, 1951.	3-5 years imprisonment and fine, if offence committed by a person in govt. service, and 1 to 3 years and fine for others.
3	If any person fraudulently defaces or fraudulently destroys any ballot paper or EVM or the official mark on any ballot paper or EVM or puts into any ballot box	Sec 136 of the Representation of the People Act, 1951.	2 years imprisonment or fine or both, if offence committed by any officer or clerk

	anything other than the ballot paper, or pastes any paper, tapes etc. on the symbol/names/ballot button of EVM for the purpose of the election commits an offence.		employed on election duty, and 6 months imprisonment or fine, for others.
AGAINST DENYING SOMEONE RIGHT TO VOTE:			
1	Non-granting of paid holiday to the employees entitled to vote on the date of the poll by the employer.	Sec 135B of Representation of the People Act, 1951.	Fine up to Rs. 500/-.
THREAT/INDUCEMENT OF VOTERS:			
1	Whoever forces or intimidates a member of SC/ST not to vote or to vote a particular candidate or to vote in a manner other than that provided by law commits an offence.	Sec 3(1) (vii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.	
2	<p>Bribery. — (1) Whoever—</p> <p>(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or</p> <p>(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery:</p> <p>Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.</p> <p>(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.</p> <p>(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.</p> <p>(2) Without prejudice to the generality of the provisions of sub-section (1),</p>	Sections 171B/171E of the Indian Penal Code.	1 year's imprisonment or fine or both.

	<p>whoever-</p> <p>(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or</p> <p>(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual pleasure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub section (1).</p> <p>(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.</p>		
3.	<p>Undue influence at election – (1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.</p> <p>(2) Without prejudice to the generality of the provisions of sub-section (1), whoever- (a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or</p> <p>(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual pleasure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub section (1).</p> <p>(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.</p>	Sections 171C/171F of the Indian Penal Code.	1 year imprisonment or fine or both
4	<p>Personation at elections. —Whoever at an election applies for a voting paper or</p>	Sections. 171D/171F of the Indian Penal	1 year's imprisonment or fine or both.

	<p>votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election:</p> <p>Provided that nothing in this section shall apply to a person who has been authorised to vote as proxy for an elector under any law for the time being in force in so far as he votes as a proxy for such elector.</p>	Code.	
5	<p>Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false in relation to the personal character or conduct of any candidate commits a crime.</p>	Sec 171G of the Indian Penal Code.	Fine
6	<p>Whoever without the general or special authority in writing of a candidate incurs or authorizes expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate.</p> <p>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.</p>	Sec 171H of the Indian Penal Code.	Punishment with a fine which may extend to five hundred rupees.
7	<p>Statements creating or promoting enmity, hatred or ill will between classes—</p> <p>Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to</p>	Sec.505(2) of the Indian Penal Code.	Imprisonment up to 5 years and fine.

	create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.		
8	Filing of false affidavit, or concealing any information in the affidavit filed by the candidate.	Section 125A of the Representation of the People Act, 1951.	Six months imprisonment or fine or both
9	False declaration in connection with preparation, revision or correction of electoral roll, or inclusion or exclusion of any entry in or from the electoral roll.	Section 31 of the Representation of the People Act, 1950.	1 year's imprisonment or fine or both
AGAINST HARMING A PUBLIC SERVANT ON DUTY:			
1	Whoever voluntarily causes simple or grievous hurt or assaults to deter a public servant from discharging his duty.	Section 332/333/353 of the Indian Penal Code	Imprisonment from 2 to 10 years and fine.
CONCERNING PAMPHLETS/POSTERS//HANDBILLS/ PLACARDS:			
1	Whoever prints or publishes any election pamphlets, poster, handbills or placards which does not bear on its face the name and the address of the printer and the publisher commits an offence.	Section 127A of the Representation of the People Act, 1951.	Six months imprisonment or fine up to Rs.2000/-or both

Corrupt Practices under RP Act, 1951

1	<p>123. Corrupt practices: —The following shall be deemed to be corrupt practices for the purposes of this Act: —</p> <p>(1) “Bribery” that is to say— (A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—</p> <p>(a) a person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at an election, or</p> <p>(b) an elector to vote or refrain from voting at an election, or as a reward to—</p> <p>(i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn]</p>
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	<p>his candidature; or</p> <p>(ii) an elector for having voted or refrained from voting;</p> <p>(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—</p> <p>(a) by a person for standing or not standing as, or for withdrawing or not withdrawing from being, a candidate; or</p> <p>(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.</p> <p>Explanation. —For the purposes of this clause the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bona fide incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.</p>
2	<p>(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right:</p> <p>Provided that— (a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—</p> <p>(i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or</p> <p>(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,</p> <p>shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;</p> <p>(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.</p>
3	<p>(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:</p> <p>Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause</p>

4	<p>(3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.</p>
5	<p>(3B) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.</p> <p>Explanation: —For the purposes of this clause, “sati” and “glorification” in relation to sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987 (3 of 1988)</p>
6	<p>(4) The publication by a candidate or his agent or by any other person with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate’s election</p>
7	<p>(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent or the use of such vehicle or vessel for the free conveyance of any elector (other than the candidate himself the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll: Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:</p> <p>Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.</p> <p>Explanation: —In this clause, the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise</p>
8	<p>(6) The incurring or authorising of expenditure in contravention of section 77.</p>

9	<p>(7) The obtaining or procuring or a betting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person whether or not in the service of the Government and belonging to any of the following classes, namely: —</p> <p>(a) gazetted officers;</p> <p>(b) stipendiary judges and magistrates;</p> <p>(c) members of the armed forces of the Union;</p> <p>(d) members of the police forces;</p> <p>(e) excise officers;</p> <p>(f) revenue officers other than village revenue officers known as lambardars malguzars, patels, desh mukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and</p> <p>(g) such other class of persons in the service of the Government as may be prescribed: Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election;</p> <p>(h) class of persons in the service of a local authority, university, government company or institution or concern or undertaking appointed or deputed by the Election Commission in connection with the conduct of elections</p>
10	<p>(8) Booth capturing by a candidate or his agent or other person.</p> <p>Explanation. — (1) In this section the expression "agent" includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.</p> <p>(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent of that candidate.</p> <p>(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof—</p> <p>(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and</p> <p>(ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service such person ceased to be in such</p>

service with effect from the said date.

(4) For the purposes of clause (8), "booth capturing" shall have the same meaning as in section 135A.

ANNEXURE-II

STATUS AS ON: / (Month) / (Year)

**ELECTORAL OFFENCE REPORT DURING GENERAL ELECTION/ BYE
ELECTION TO LEGISLATIVE ASSEMBLY OF / LOK SABHA (YEAR)**

(A separate report to be filed for each election)

District	Constituency (Name/Number)	Details of Offence (FIR)		Details of complaints	Date of filing of Charge Sheet/ Final Report to competent courts or any other status	Remarks
		Number/Date	Police Station			

ANNEXURE-III

LAW & ORDER REPORT-I

DAILY LAW & ORDER REPORT FOR DISTRICT FOR ELECTORAL EVENTS

(Report for a day should cover a period of 24 hours from 6:00 AM of that day to 6:00AM of next day)

District		State/UT				
Start Date for these Reports (Day 1)		Date	Month	Year		
Report for (.....) Day		Date	Month	Year		
Sr. No.	Items			Reporting Day	Cumulative from Start Date up to and including the Reporting Day	Remarks
1	No. of Unlicensed Arms/Explosive seized					
	(a)	Arms/Weapons				
	(b)	Cartridges/Explosives/Bombs (Quantity/Numbers)		(i) Cartridges		
				(ii) Explosives		
(iii) Bombs						
2	No. of illicit arms manufacturing centers raided and seizures made					
3	Licensed Arms		a. Total Licensed Arms			
			b. Deposited			
			c. Impounded			
			d. Cancelled and deposited			
			e. Exempted			
			f. Pending [a-(b+c+d+e)]			
4	No. of cases put up under preventive sections of CrPC					
	(a)	of which no. of persons bound over under Sec. 107, 108, 110 r/w 151 of CrPC, 1973				
	(b)	of which no. of persons bound down under Sec. 107, 108, 109, 110 r/w 116 (3) of CrPC,1973				
	(c)	No. of unserved notices against persons bound down under preventive sections of CrPC				
	(d)	No. of persons detained under NSA, PITNDPS or any other detention under local acts				

	(e)	No. of persons having licensed arms against (a+b+c)					
	(f)	No. of Licensed arms deposited against (d)					
5	Execution of non-bailable warrants	a.	Pending at the beginning of the day				
		b.	New NBWs received during the day				
		c.	Total No. of NBWs (a+b)				
		d.	No. of NBWs executed				
		e.	No. of NBWs returned to court unexecuted.				
		f.	No. of NBWs pending at the end of the day [c-(d+e)]				
6	Incidents of violence related to election (poll campaign, political rivalry, communal violence etc.)						
	a)	No. of incidents					
	b)	Total Death					
	c)	Total Injured					
	d)	Damage to property (in Rs. Lakh approx)					
7	No. of incidents occurred under The SCs and STs (Prevention of Atrocities) Act 1989 during election						
8	Information regarding Vulnerable Hamlets						
	a)	Number of Hamlets identified as Vulnerable					
	b)	Number of persons identified as probable source of trouble					
		Of which preventive action taken against	a.	107 with 151			
			b.	107 with 116 (3)			
			c.	109, 110			
d.			Others				
		Total					
9	No. of Nakas Operational	a) Inter-State					
		b) Intra-State					
10.	No. of operational	a) FST					
		b) SST					
		c) QRT					

Note: A separate Report on violent incidents related to elections in the DISTRICT shall be attached.

ANNEXURE-IV

LAW & ORDER REPORT-II

DAILY LAW & ORDER REPORT FOR STATE/UT FOR ELECTORAL EVENTS

(Report for a day should cover a period of 24 hours from 6:00 AM of that day to 6:00AM of next day)

State/UT						
Start Date for these Reports (Day 1)		Date	Month	Year		
Report for (.....) Day		Date	Month	Year		
Sr. No.	Items			Reporting Day	Cumulative from Start Date up to and including the Reporting Day	Remarks
1	No. of Unlicensed Arms/Explosive seized					
	(a)	Arms/Weapons				
	(b)	Cartridges/Explosives/Bombs (Quantity/Numbers)	(i) Cartridges			
			(ii) Explosives			
(iii) Bombs						
2	No. of illicit arms manufacturing centers raided and seizures made					
3	Licensed Arms		a. Total Licensed Arms			
			b. Deposited			
			c. Impounded			
			d. Cancelled and deposited			
			e. Exempted			
			f. Pending [a-(b+c+d+e)]			
4	No. of cases put up under preventive sections of CrPC					
	(a)	of which no. of persons bound over under Sec. 107, 108, 110 r/w 151 of CrPC, 1973				
	(b)	of which no. of persons bound down under Sec. 107, 108, 109, 110 r/w 116 (3) of CrPC, 1973				
	(c)	No. of unserved notices against persons bound down under preventive sections of CrPC				
	(d)	No. of persons detained under NSA, PITNDPS or any other detention under local acts				

	(e)	No. of persons having licensed arms against (a+b+c)				
	(f)	No. of Licensed arms deposited against (d)				
5	Execution of non-bailable warrants	a.	Pending at the beginning of the day			
		b.	New NBWs received during the day			
		c.	Total No. of NBWs (a+b)			
		d.	No. of NBWs executed			
		e.	No. of NBWs returned to court unexecuted.			
		f.	No. of NBWs pending at the end of the day [c-(d+e)]			
6	Incidents of violence related to election (poll campaign, political rivalry, communal violence etc.)					
	a)	No. of incidents				
	b)	Total Death				
	c)	Total Injured				
d)	Damage to property (in Rs. Lakh approx)					
7	No. of incidents occurred under The SCs and STs (Prevention of Atrocities) Act 1989 during election					
8	Information regarding Vulnerable Hamlets					
	a)	Number of Hamlets identified as Vulnerable				
	b)	Number of persons identified as probable source of trouble Of which preventive action taken against	a.	107 with 151		
			b.	107 with 116 (3)		
			c.	109, 110		
			d.	Others		
Total						
9	No. of Nakas Operational	a)	Inter-State			
		b)	Intra-State			
10.	No. of operational	a)	FST			
		b)	SST			
		c)	QRT			

Note: A separate Report on violent incidents related to elections in the State shall be attached.