

# Model Code of Conduct- LS Elections 2009

[For DEOs/ ROs etc.]

## 1. General Conduct

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

(2) *Criticism of other political parties*, when made, shall be confined to their policies and programme, past record and work.

Parties and Candidates shall refrain from *criticism of all aspects of private life*, not connected with the public activities of the leaders or workers of other parties.

Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided.

(3) There shall be *no appeal to caste or communal feelings* for securing votes.

Mosques, Churches, Temples or other *places of worship shall not be used as forum for election propaganda.*

(4) All parties and candidates shall *avoid* scrupulously all activities which are “*corrupt practices*” and *offences under the election law*, such as:

bribing of voters, intimidation of voters, impersonation of voters, canvassing within 100 meters of polling stations, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and transport and conveyance of voters to and from polling station.

(5) The *right of every individual for peaceful and undisturbed home-life* shall be respected, however much the political parties or candidates may resent his political opinions or activities.

*Organising demonstrations or picketing* before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.

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

(7) *Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organised by other parties.*

*Workers or sympathisers of one political party shall not create disturbances at public meetings organised by another political party by putting questions orally or in writing or by distributing leaflets of their own party.*

*Processions shall not be taken out by one party along places at which meetings are held by another party*

*Posters issued by one party shall not be removed by workers of another party.*

## II. Meetings

(1) Party/ candidate shall *inform* local police of *venue and time* of proposed *meeting* in time so as to enable *police* to make necessary arrangements for controlling traffic & maintaining peace and order.

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

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

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

- *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
- Local police authorities should be fully informed of the venue and time of the proposed meetings well in time and all *necessary permissions taken.*

## III. Processions

(1) Party/ candidate organizing a procession shall decide beforehand time & place of starting of the procession, route to be followed and time & place at which the procession will terminate & there shall ordinarily be no deviation from the programme.

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

(3) The organisers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions unless exempted specially by the competent authority.

*Any traffic regulations or restrictions shall also be carefully adhered to.*

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

(5) .....

(6) If two or more political parties/ candidates propose to take *processions over the same route* or parts thereof at about the same time, the *organisers shall establish*

*contact in advance* and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic.

Assistance of local police shall be availed of for which purpose parties shall contact the police.

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

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

- 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.
- 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.
- So also all *traffic regulations* and other restrictions.
- The passage of the procession must be without hindrance to traffic.
- 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.
- The assistance of the police should be obtained in dealing with persons disturbing meetings or otherwise creating disorder.
- *Permission must be obtained for the use of loudspeakers* or any other such facilities for the proposed meetings- loudspeakers shall not be used at public meetings and processions without prior written permission of authorities concerned.
- *Loudspeakers* whether static or mounted on moving vehicles shall not be used either before 6 a.m. or after 10 p.m. and without the prior written permission of the authorities concerned.
- Posters issued by other parties and candidates shall not be removed or defaced.
- 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.

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

All Political parties and candidates shall –

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

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

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

(iv) refrain from serving or distributing *liquor* on polling day and during the 24 hours preceding it;

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

(vi) ensure that the *candidate's camps* shall be simple

They shall *not display any posters, flags, symbols or any other propaganda material*

*No eatable* shall be served or *crowd* allowed at the camps; &

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

### **Candidate's election booth**

- Polling Agents should be informed that voter facilitation counters/ pandals of political parties can be set up only beyond 200 m of the polling station with only two persons manning each.
- No representative of a political party should sit in the periphery of 200 m. for helping the voters.
- Contesting candidates are allowed to set up *election booths* near the polling station, but beyond 200 meters from the polling station, to help the electors locate their names in the e. roll
- Candidates are allowed to provide only 1 table and 2 chairs for use of their agents and workers for the distribution of unofficial identity slips to voters *beyond a distance of 200 meters from the polling station* with an umbrella or a piece of tarpaulin over their head to protect them from the sun/ rain. No crowd is allowed to collect around such tables
- *Voters' slips issued by political parties should be white in colour and should not contain any symbol or political sentences*
- **Persons nominated by political parties to man such booths** must be voters in the same Polling Station area & must possess EPIC which should be produced when so required by the Observer/ Sector Magistrate
- No person with criminal antecedents should be put on the job by the political parties/ candidates

- Local Police should keep a watch over the movement of such persons

### **Ban on canvassing within 100 m. of Polling Station**

- Canvassing within 100 meters of the polling station is an offence under the election law
- Any person, who does so, can be arrested without warrant by the police and may be prosecuted under section 130 of the Representation of the People Act, 1951
- Transporting of voters and canvassing within 100 m of the Polling Station is an offence. All private vehicles should be left at a distance of 100 m from the PS.

**Note:** As voter facilitation counters/ pandals of political parties can be set up only beyond 200 m of the polling station & no representative of a political party should sit in the periphery of 200 m. for helping the voters & contesting candidates are allowed to set up *election booths* only beyond 200 metres from the polling station (to help the electors locate their names in the e. roll), it follows that no canvassing can be done within 200 m. of the polling station.

### **V. Polling Booth**

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

### **VI. Observers**

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

### **VII. Party in Power**

The *party in power* shall ensure that no cause is given for any complaint that it has used its *official position for the purposes of its election campaign* and in particular -

(i) (a) *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) *Govt. transport* including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;

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

(iii) Rest houses, dark bungalows or other *Government accommodation shall not be monopolized* by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premises

appertaining thereto) *as a campaign office or for holding any public meeting for the purposes of election propaganda;*

(iv) Issue of *advertisements at cost of public exchequer* in 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.

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

## **Code of Conduct- DOs & DONTs**

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.

[Compendium of Instructions on Conduct of Elections & Guidelines of the Commission in letter no. 437/6/2009-CC & BE dated 5<sup>th</sup> of March 2009]

### **On schemes and works**

*1. Announcement of new projects or programme or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favour of the party in power is prohibited.*

These restrictions apply equally to new schemes and also ongoing schemes.

*No fresh sanctions for governmental schemes* should be made.

New works & 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 & for which no identified & sanctioned project exists prior to the Model Code of Conduct coming into force. [Guidelines of the Commission in letter no. 437/6/2009-CC & BE dated 5<sup>th</sup> of March 2009]

*Simply because a scheme has been sanctioned earlier or a reference was made in the address of the Governor/ budget speech of the Minister, it does not mean that such schemes can be taken up* when the Model Code of conduct is in operation

*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*

This includes works under MP (including Rajya Sabha members) Local Area Development (LAD) fund or MLAs / MLCs LAD Fund.

2. *However, in case of schemes, which have already been brought up to the stage of completion, their functioning in public interest need not be stopped or delayed.*

The *commissioning* of such schemes can be 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 ruling party.

3. Review by political executive (Ministers etc.) and processing of beneficiary oriented schemes, even if ongoing, should be stopped till completion of elections.

4. *No work shall start* in respect of which even if work orders have been issued earlier, *if* the work has actually not started in the field. These works can start only after the completion of election process.

The following types of existing works can be continued by the governmental agencies [ECI's Ir. No. 437/6/2009-CC & BE dated 5<sup>th</sup> of March 2009]:

(a) Work-projects that have actually started on the ground after obtaining all necessary sanctions can be continued.

(b) Beneficiary projects where specific beneficiaries by name have been identified before coming into force of the Model Code

© Registered beneficiaries of NREGA may be covered under the existing projects. New projects under NREGA that may be mandated under the provisions of the Act may be taken up only if it for the already registered beneficiaries and the project is listed in the approved & sanctioned shelf of projects for which funds are also already earmarked.

5. There shall be no bar to the release of funds for the completed portion of any work subject to observance of laid down procedures and concurrence of Finance Department.

6. The following types of new works (whether beneficiary or work oriented) that ***fulfill all the following conditions*** before the 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 & financial sanctions have been obtained

© Tender has been floated, evaluated & awarded and

(d) There is a contractual obligation to start & end the work within a given time frame & 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 & obtained.

[ECI's Ir. No. 437/6/2009-CC & BE dated 5<sup>th</sup> of March 2009]

7. Global tenders already floated can be evaluated & finalized where any time limits are specified for such purpose.

8. Tenders other than global tenders, that are already floated may be evaluated but not finalized without prior approval of the Commission. If they are not already floated, they shall not be floated without prior approval of the Commission.

[ECI's Ir. No. 437/6/2009-CC & BE dated 5<sup>th</sup> of March 2009]

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. [ECI's Ir. No. 437/6/2009-CC & BE dated 5<sup>th</sup> of March 2009]

Area of operation of any existing project/ scheme/ programme cannot be extended or expanded. [ECI's Ir. No. 437/6/2009-CC & BE dated 5<sup>th</sup> of March 2009]

No **land allocation** shall be made by the government to any entity, whether individual or an enterprise. [ECI's Ir. No. 437/6/2009-CC & BE dated 5<sup>th</sup> of March 2009]

Signing a **MOU or an agreement** where the government is a party will also require prior clearance by the Commission. [ECI's Ir. No. 437/6/2009-CC & BE dated 5<sup>th</sup> of March 2009]

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. [ECI's Ir. No. 437/6/2009-CC & BE dated 5<sup>th</sup> of March 2009]

### **Relief measures**

(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 extent & prescribed scales of payments, however, shall be made in the existing rates/ scales without prior permission of the Commission.

(b) Payments directly to the hospitals from CM's/ PM's Relief Fund, in lieu of direct cash payment to the individual patients (beneficiaries) will be permissible without reference to the Commission.

© Emergent relief works & measures that are aimed to mitigate the hardships, directly & 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.

[ECI's Ir. No. 437/6/2009-CC & BE dated 5<sup>th</sup> of March 2009]

### **Advertisements at cost of public exchequer**

- Any and all advertisements at the cost of the public exchequer regarding achievements of the party/ Govt. in power is prohibited.

### **On transfers and posting of officials, recruitment**

- There shall be a *total ban on transfer* of all officers/ officials connected with the conduct of the election till the completion of the election process.
- 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.
- *No appointments or promotions in Government / Public Undertakings shall be made* during this period, without prior clearance of the Commission.
- 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. [ECI's Ir. No. 437/6/2009-CC & BE dated 5<sup>th</sup> of March 2009]

### **Tours of Ministers**

- If a *Minister of the Union* is travelling 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 Secy. concerned of the Deptt. of GOI to Chief Secy. of the State* where the Minister intends to visit, with a copy to the Commission. During such tour, the Chief Secy. may provide the Minister with *Govt. vehicle and accommodation* and other usual courtesies for his official trip

[ECI's Ir. No. 437/6/2006-PLN-III dt. 23rd Nov. 2007]

- No *Min. of State Govt.* shall undertake an official visit to any Constituency during the election period. [Only *exception* will be when a Minister, in his capacity as in charge of the deptt. concerned, or a CM 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.]
- 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

[Official work should not at all be mixed with campaigning/ electioneering]

- The Commission will keep watch on such arrangements in due consultation with the CEO.
- *No Minister will summon any election related officer of the constituency or the State, for any official discussions during the pd. of elections commencing with the announcement of the elections.*
- *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 ROP Act, 1951, he shall also be additionally considered to have violated the statutory provisions of that Section and liable to penal action provided thereunder.*
- 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.*
- *No accommodation will be provided to any Min., MP, MLA or political functionary in any Govt. or Public Sector Undertaking Guest House as these are required to accommodate election related officials & Observers- only exception being those provided security by Govt. in 'Z' scale*

[ECI's Ir. No. 437/6/2006-PLN-III dt. 14th March '06 & Apr. 1, '06]

- Official vehicles cannot be used for electioneering work  
[‘Official Vehicles‘ include all vehicles belonging to Government, Public Sector or Joint Sector Undertakings, Local Bodies, Municipal Corporations, Municipalities, Mktg. Boards, Coop. Societies, Autonomous Distt. Councils, or any other body in which public funds, howsoever small, are invested.]
- 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*
- During electioneering, *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 State administration has granted him a security cover*

[This is applicable whether the vehicle is government owned or private owned]

- Functionaries of autonomous organisations should not use official vehicles for party purposes

[ECI's Ir. No. 437/6/2008/ CC & BE dt. Oct. 19, 2008]

- Any vehicle being misused can be confiscated

### **Prevention of misuse of Vehicles**

- There are restrictions on use & plying of vehicles during the *campaign period and on poll day* which should be fully obeyed

- Election Commission has issued instructions regarding restrictions on use and plying of vehicles during elections under Article 324 of the Constitution

[consolidated in ECI's Ir. No. 437/6/2006-PLN-III dt 23th Nov '07]

### **Restrictions on use of Vehicles- during filing of nominations**

- Maximum no. of vehicles that will be allowed to come within 100 m. of RO/ ARO's Office at the time of filing of nominations shall be 3.

### **Vehicles during electioneering**

- It has been experienced that during the pd. 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 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 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, the administration shall *impound such vehicles* and not 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
- 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 elections.
- ***To regulate the plying of vehicles, all vehicles to be allowed should have permits to be issued by the RO, i.e., all vehicles for campaign purpose must ply only with prior approval of RO and display the permit issued in original (not photocopy) prominently on the windscreen***

[ECI's Ir. No. 437/6/2006-PLN-III dt 16th March '07]

- Candidates and political parties should not be allowed to take photocopies of the permits issued and misuse them
- Permit issued should be of sufficient dimension so that it could be seen from a distance

- Permit must bear the number of the vehicle and name of candidate in whose favour it is issued
- A list of permits issued to various candidates for plying vehicles for campaign purpose should be immediately given to all Observers and if any addition is done in the list, the same again should be furnished to the Observers
- *The responsibility for enforcing these instructions shall lie with the COP of the city/ SP of the concerned District*
- Cars/ vehicles being used for electioneering purposes, shall *not be allowed to move in convoys of more than 3 vehicles* from date of notification till completion of election process
- *All bigger convoys shall be broken up*, even if they are carrying any Minister. This shall, however, be subject to any security instructions issued in respect of any such individual
- In other words, the convoy shall not in any case exceed 3 vehicles of any person plus security vehicles allowed in view of the security gradation of that particular person.
- Such broken up convoys must have a *distance of at least 300 m.* between them

#### **Vehicles for Star Campaigners**

- For National & State leaders of political parties availing themselves of the benefit of clause (a) of Explanation under Section 77(1) of R.P. Act 1951, the permit will be issued centrally by the CEO against the name of the person concerned who will have to display it prominently on the windscreen of the vehicle used by him
- Such requests have to be made to the ECI & the CEO within 7 days of the date of notification of the election

#### **Video Vans**

- In case of *Video-vans* etc. to be used by a political party across States, before any permission is given, it should be ensured by CEO that such use of vehicle is in accordance with MV Act

[ECI's Ir. no. 464/UP-LA/ 2007 dt. 05.04.2007]

#### **Details of vehicles to be lodged with DEO/ RO**

- The contesting candidates should be asked to get *details of all vehicles* to be used in election campaign *lodged with DEO* or officer(s) authorised by him before the campaigning commences.
- Any further deployment of any additional vehicle can take place only after notice is given by candidate or his Agent well before actual deployment of the vehicles

- While conveying the details of the vehicles that are being deployed for election campaign the details of the areas in which the vehicle would operate, should also be conveyed.
- The details so obtained should be conveyed by DEO to the Election Observers.

### **Unauthorised use of Vehicles**

- *Any vehicle that has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorised campaigning for the candidate and may attract penal provisions of Chapter IX A of the IPC and shall therefore be immediately taken out of the campaigning exercise*

### **Prevention of misuse of Vehicles- during Poll**

(i) Section 123(5) of the ROP Act, 1951 provides that the *hiring or procuring or use of vehicles* by a candidate or his agent or by any other person with the consent of the candidate or his election agent for the *free conveyance of the voters to and fro from the polling station shall be a 'corrupt practice'* for the purposes of the Act

Such a 'corrupt practice' attracts penalty and is punishable with fine, which may extend to Rs. 500 under section 133 of ROP Act, 1951

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

- (a) 1 vehicle for his own use in respect of the entire constituency;
- (b) 1 vehicle for use of his election agent for entire constituency;
- (c) In addn., 1 vehicle for use of his election agent or workers or party workers, as the case may be, in each of the AC segments comprised in the PC

- *Permits for the vehicles indicated above will be issued by the DM/ RO*

- *Candidates have to register their vehicles with the authorities concerned & display the permits issued by the authorities on the wind-screen of the vehicles*

- *No other vehicles shall be allowed to be used by the leaders of the political parties incl. ministers, workers, agents and sympathizers of any candidate*

- *No exception shall be made, irrespective of the status of the candidate*

- *Candidate/ Agent/ Party workers/ workers will be allowed to use only 4/ 3/ 2 wheeler vehicles, i.e., cars, taxies, auto rickshaws, rickshaws & 2 wheelers*

- *In the 4 wheel vehicles, not more than 5 persons incl. driver will be allowed to move on the day of the poll*

- *No other person will be allowed on the day of the poll to use the vehicle allotted for candidate's or his election agent's use*

- *Instructions on plying of vehicles shall be made applicable for a period of 24 hours before the time fixed for closure of poll & till its completion*

- Restrictions would not apply to any Govt. servant on duty or for transport of patient or old/ infirm persons

- *Penal action*, both under the provisions of the R.P Act, 1951 and Chapter IX A of IPC, shall be taken against anyone offending the above directions, in addition to action under the MV Act

- All *vehicles* being used in violation of these directions shall be *confiscated*

- For *genuine bonafide use for purposes other than election*, the following types of vehicles shall also be allowed to be plied on the day of poll:

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

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

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

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

- (e) Taxis, three wheeler scooters, rickshaws etc. for going to *airports, railway stations, inter state bus stands, hospitals* for journeys which cannot be avoided;

- (f) Private vehicles used by *sick or disabled persons* for their own use

### **Restrictions on workers, movement of Ministers/ persons provided security cover/ personnel**

- All Workers must display badges or identity cards

- 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.

- Except voters, candidates and their election/ polling agents, only persons with a specific valid authority letter from ECI can enter any polling booth. No functionary however highly placed is exempt from this

[No Minister shall enter any PS or the place of counting, unless he or she is a candidate or as a voter only for voting.]

- 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.

- 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.

### **Restrictions on presence of political functionaries in Constituency after campaign period is over**

- Under Section 126 of ROP Act, 1951, the campaign comes to an end 48 hrs. before the hour fixed for close of poll

- As the presence of *political functionaries/ party workers etc. brought from outside and who are not electors in the Constituency* may undermine the atmosphere for free & fair poll, the Commission has directed that such persons *shall leave the Constituency as soon as the campaign pd. is over*

- For this, electoral machinery (including Police) should take measures which would include *inter alia*:

- Checking of kalyan mandapams/ community halls/ lodges & guest houses

- Setting up of Check-posts on the border & tracking vehicular movement from outside the Constituency

- Verification of identity of people/ groups to ascertain whether they are electors

[Commission's Ir. No. 464/ INST/2007-PLN-I dt. 12th Oct. 2007]

### **Corrupt Practices/ Electoral Offences**

- *No inducement*, financial or otherwise, shall be offered to the voter & *no liquor* should be distributed during elections

- *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*

### **Defacement of Property**

#### **I- Defacement of public places**

- No wall writing, pasting of posters/ papers or defacement in any other form, or erecting/ displaying of cutouts, hoardings, banners flags, etc. shall be permitted on any *Government premise* (incl. civil structures therein).

- According to “The Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959”, ‘*public places*’ means any place (including a road, street or way, whether a thoroughfare or not and a landing place) to which the public are granted access or have a right to resort, over which they have a right to pass.

- “*Place open to Public view*” includes any private place or building, monument, statue, post, wall, fence, tree or other thing or contrivance visible to a person

being in, or passing along, any public place. [Sec. 2 read with explanation under (c) & (d) of the Act.]

- Section 4A(1) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 provides that *no person shall –*
  - a) *affix to or inscribe or exhibits on, any place open to public view, any poster or any effigy, or any bill, notice, document, paper or other thing containing any words, signs or visible representations; or*
  - b) *put up or fix any thatty board or board supported on, or attached to, any post, pole standard, framework or other support wholly or in part upon or over any land, building, wall or structure*
- However, sub-section (2) of Section 4A of the same Act provides that notwithstanding anything contained in sub-section (1), COP in the city of Madras, Madurai or Coimbatore and the Collector of districts concerned in other local areas, *may grant permission to any person on any special occasion, to put up or fix any thatty board on poles or standards in such places*, subject to such conditions and for such period, as may be specified in such permission
- The “local area” has been defined as the area within a Municipal Corporation or any Municipality

## **II Defacement of private places**

- According to the provisions of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, *places open to public view (under section 2 of the Act), include even a private place/ building, visible to a person being in or passing along, any public place.*
- *As such no wall writing, pasting of poster, etc., is permissible even with consent of the owner in such places.*
- *ECI has categorically stated that if the local law does not expressly permit, the same shall not be resorted to under any circumstances, even on the pretext of having obtained the consent of the owner of the property*

## **III. Display of banners, flags etc., by the political parties/ candidates/ agents on their own property**

- Subject to any restrictions under any local law or any court orders in force, the *political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags, cut-outs, on their own property*, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else
- If such display of banners, flags etc. aims to solicit vote for any particular candidate, then the provisions of Section 171H of IPC would be attracted and would have to be followed



[Section 171H of IPC stipulates that *whoever without the general or special authority in writing of a candidate incurs or authorises expenses* on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to Rs. 500. Provided that if any person having incurred any such expenses not exceeding the amount of Rs. 10 without authority obtains within 10 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.]

- In Tamil Nadu, in regard to display of banners, flags etc., by political parties / candidates / agents on their own property, the position set out in I [on Defacement of public places] & II [on Defacement of private places] above is applicable here also.

#### **IV. Defacement of halls / auditoriums and other public properties**

- In the case of Halls/ Auditoriums/ Meeting venues owned/ controlled by the Government/ local authorities/ PSUs/ Cooperatives, political meetings are generally not permitted.

#### **Removal of defacement**

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

#### **V. Defacement of vehicles**

- On commercial vehicles, display of any flag, sticker etc. shall not be permitted, unless such vehicle is a vehicle validly used for election campaign *after obtaining the requisite permit from the District Election Officer/ Returning Officer and the display thereof in original on the wind screen.*
- *External modification of vehicles* including fitting of Loudspeaker thereon, would be subject to the provisions of the MV Act/ Rules and any other Local Act/Rules.
- *Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.*

- As per the Tamil Nadu Open Places (Prevention of Disfigurement) Amendment Act, 1994, *no person shall -*

(a) *affix to, or inscribe or exhibit on any motor vehicle, any poster or any effigy or any bill, notice, document, paper or other thing containing any words, signs or visible representations or*

(b) *put up or fix any thatty board or board supported on, or attached to, any post, pole, standard, framework or other support wholly or in any part upon or over any motor vehicle;*

- Provided that nothing contained in this sub-section shall apply to any poster or advertisement or thatty board of the State Government, on any motor vehicle
- Wall writing/ pasting of posters, etc. is prohibited in Govt. premises. Such activities cannot be allowed in motor vehicles used for road transport service run and operated by STUs. Hence, pasting or affixing or inscribing or exhibiting any poster or any bill or notice on any private or Government vehicle is prohibited.

### **Other campaign related items**

- Subject to accounting of expenditure, the following may be permitted:
  - (a) In processions and rallies etc., flags, banners, cutouts etc. can be carried *subject to local laws and prohibitory orders;*
  - (b) In such procession, wearing of party/ candidate supplied special accessories like cap, mask, scarf etc. may be permitted. However, supply of main apparels like saree, shirt, etc. by party/ candidate is not permitted
  - (c) *Educational institutions including their grounds shall not be used for political campaigns and rallies*

### **Ads of political nature on TV Channels, Cable Networks or Radio**

- Every registered National and State, political party and every contesting candidate *proposing to issue an advertisement on TV channel &/ or Cable network/ Radio will have to apply* not later than 3 days prior to the date of the proposed commencement of the telecast/ broadcast of such advertisement
- In case of any other person or unregistered political parties, they will have to apply not later than 7 days prior to the date of the telecast/ broadcast.
- *Such application shall be accompanied by 2 copies of the proposed ad. in electronic form along with a duly attested transcript thereof*
- While disposing of such applications, it will be open to direct deletion/ modification of any part of the advertisement
- *The application for certification shall contain following details:*
  - (a) The cost of production of the advertisement;

(b) The approx. cost of proposed telecast/ broadcast of such ad. on a TV channel or cable network/ Radio with the break-up of number of insertions and rate proposed to be charged for each such insertion;

(c) It shall also contain a statement whether the advertisement inserted is for the benefit of the prospects of the election of a candidate(s)/ parties;

(d) If the advertisement is issued by any person other than a political party or a candidate, that person shall state on oath that it is not for the benefit of the political party or a candidate and that the said ad. has not been sponsored or commissioned or paid for by any political party or a candidate; &

(e) A statement that all the payments shall be made by way of cheque or demand draft

- A Committee has been constituted at the State level comprising the following persons to deal with applications by political parties/ organizations as follows:

- a) Joint CEO - Chairperson.

- b) RO of a Parliamentary Constituency (Collector, Chennai)

- c) One expert being an officer not below the rank of Class-1 officer to be requisitioned from the Min. of I & B [Asth. Stn. Director, Doordarshan/ AIR]

- *At distt. Level, RO is the designated officer to deal with the applications*

- *To entertain complaints/ grievances of any political party or candidate or any other person in regard to the decision to grant or refuse certification of an advertisement, the following Committee has been constituted:*

- (i) CEO - Chairperson

- (ii) An Observer appointed by ECI [till such time as the Observer is appointed or another officer included, the Committee will meet as a 2-member Committee]

- (iii) One expert to be co-opted by the Committee [Assth. Stn. Director, Doordarshan/ Stn. Director, AIR]