

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

MUNICIPAL AND PANCHAYAT ELECTIONS



STATE ELECTION COMMISSION HIMACHAL PRADESH
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राज्य निर्वाचन आयोग हिमाचल प्रदेश

STATE ELECTION COMMISSION HIMACHAL PRADESH

No. SEC- 16-29/2001- dated the October, 2015

MODEL CODE OF CONDUCT

Whereas it is considered appropriate, desirable and necessary in the interest of free, fair, smooth, orderly and peaceful conduct of elections to the Panchayati Raj Institution and Municipalities in the State of Himachal Pradesh to formulate and issue a Model Code of Conduct for guidance and compliance by all concerned;

Now, therefore, in exercise of the powers vested in it under Articles 243 K and 243 ZA of the Constitution of India, Section 160 of the Himachal Pradesh Panchayati Raj Act, 1994 Section 281 of the Himachal Pradesh Municipal Act, 1994, Section 9 of the HP Municipal Corporation Act, 1994 and all other powers enabling it in this behalf; the State Election Commission Himachal Pradesh makes and hereby notifies the following model code of conduct, for the guidance and compliance of political parties and candidates in respect of elections to Panchayati Raj Institutions and Urban Local Bodies.

This is issued in supercession of all earlier notifications issued by the State Election Commission in this behalf:-

1. Short title.- 1.1 (a) This code shall be called the Himachal Pradesh Panchayats and Municipalities Model Code of conduct, 2015.

(b) This Code shall apply to the elections of Panchayati Raj Institutions and Municipalities in the State of Himachal Pradesh as defined under constitution of India.

2. Commencement.- 2.1 This Code shall, unless otherwise directed by the Commission, come in to force and be applicable on and from the date on which the Commission publishes the election programme;

Provided that the Commission may enforce different provisions of this code on different dates.

Provided further that the Commission may enforce this code in different parts of the State on different dates.

2.2 The Code or any of its paragraphs which have become effective and applicable shall continue to be effective and applicable till the election process is completed

3. Definition.-3.1 Unless a contrary intention appears from the context, the following words and expressions shall have the meanings assigned to them hereunder:

- (a) "Act" means the Himachal Pradesh Panchayati Raj Act, 1994, The Himachal Pradesh Municipal Act, 1994 and the Himachal Pradesh Municipal Corporation Act, 1994 as the case may be;
- (b) "Candidate" means a candidate for election to Panchayats and municipalities as the case may be.
- (c) "Chairman" means a Chairman (and includes a Vice-Chairman) of a company or a board substantially owned or controlled by the Government;
- (d) "Code" means the Himachal Pradesh Panchayats and Municipal Model Code of Conduct, 2015;
- (e) "Commission" means the State Election Commission of Himachal Pradesh;
- (f) "Corporation" means the Municipal Corporation of Shimla declared and constitute under the Act;
- (g) "Councillor" means a Councillor elected under the Act;
- (h) "Deputy Commissioner" means the Deputy Commissioner of District and includes Additional Deputy Commissioner appointed to perform all or any of the functions of the Deputy Commissioner under the Act;
- (i) "Election personnel" means the Deputy Commissioner, District Election Officer (Panchayat), District Election Officer (Municipalities), Returning Officer,

Assistant Returning officer, Presiding officer, polling Officer, counting staff and any person appointed to perform any duty in connection with election.

- (j) "Government" means the Government of the State;
- (k) "Mayor" means Mayor of the Corporation and also includes the Deputy Mayor.
- (l) "Media" means any mode of information / communication which includes print media, electronic media, social media including modern IT tools;
- (m) "Minister" means a minister of the State and include the Chief Minister, a Minister of State and a Deputy Minister;
- (n) "Municipality" means an institution of self government constituted under the HP Municipal Act, 1994 or the HP Municipal Corporation Act, 1994, which may be a Nagar Panchayat or a Municipal Council or a Municipal Corporation.
- (o) "office bearer" includes the President and the Vice-President of a Municipality, the Pradhan and Up-Pradhan of a Gram Panchayat. The Chairman and Vice-Chairman of a Panchayat Samiti or a Zila Parishad and the Member of a municipality or a Panchayat and also includes the Mayor, Deputy Mayor and the Councillors of the Corporation;
- (p) "Panchayat" means a Gram Panchayat and includes a Panchayat Samit and a Zila Parishad constituted under the Himachal Pradesh Panchayat Raj Act,1994;
- (q) "Parliamentary Secretary" means a Parliamentary Secretary of the State and includes a Chief Parliamentary Secretary;
- (r) "Party" means a group or association of person , Whether registered or not, whether recognized or not, and includes a 'political party' which means an association of body of individual citizen of India registered as such with the Election Commission of India;
- (s) "Polling Officer" means a person appointed to conduct or to assist in the conduct of election to the Panchayats and Municipalities;
- (t) "Presiding Officer" Means a persons appointed as Presiding Officer for Conduct of election to the Panchayats and Municipalities and includes a person including a Polling Officer authorised to perform all or any of the functions of the presiding Officer;
- (u) "Public Servant" includes a Government servant and an employee of the Municipality or a Panchayat or a body Corporate substantially owned or Controlled by the Government ;
- (v) "Returning Officer" Means an Officer appointed to perform the duties of a Returning Officer in connection with the election to the Panchayat or a Municipality and includes an Assistant Returning Officer while discharging the duties of a Returning Officer for conduct of elections;
- (w) "State" means the State of Himachal Pradesh;

3.2 The words and expressions, not defined hereinabove, shall have the meaning assignment to then in the relevant Act and the rules made there under.

4. Canvassing and Public Harmony:

4.1 No Party or candidate shall indulge in any activity which may aggravate existing differences, create mutual hatred or cause tension between different group of people on the basis of religion, race, caste, creed, community, language, residence or sex.

4.2 There shall be no appeal on the basis of religion, race, caste, community, and language for securing votes for a candidate including oneself or for not voting for a particular candidate.

4.3 No Place of worship such as temples, mosques, churches etc. shall be used as a forum for election propaganda.

4.4 No criticism of any aspect of the private life of a candidate which is not connected with his public life or activities shall be made, nor any allegation shall be made which is based on unverified facts or incidents . In other words, while reasonable criticism of the political ideology or public conduct of a candidate is permissible, a false statement of fact affecting the individual beneath the public man should be avoided.

4.5 Criticism of a party, when made, shall be confined to its policies and programmes, past record and work and all shall not be based on unverified allegations

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

4.7 All parties and candidates shall avoid scrupulously all activities which are corrupt practices or electoral offences under the relevant provisions of the relevant Act. These include, interalia, (a) bribery (b) undue influence (c) appeal on the basis of religion , race, caste, community or language (d) promoting enmity or hatred between or among different class or citizen on grounds of religion, race, caste, community or language (e) arranging free conveyance for carrying voters to and from a polling station (f) obtaining assistance of the employee of the Central or State Govt. or of a local authority. Proof of commission of a corrupt practice may render a candidate liable to be disqualified.

5. Use of Posters, Flags, Banners, Hoarding & Media etc:

5.1 No Party or Candidate shall permit its or his members, supporters or followers to use any private or public property for erecting flag-staff, pasting notices, posters or

slogans, etc. or suspending banners without permission of the owner or manager or the person in possession of the property concerned. Any violation of this clause will attract the provisions of the Himachal Pradesh Open Places (Prevention of Disfigurement) Act, 1985.

5.2 No candidate or his workers shall remove or deface the flags flown or posters pasted by another candidate or party.

5.3 No candidate be allowed to use election material made up of Plastic during election campaign.

5.4 It should be mandatory for the contesting candidates to remove and dispose-off all posters, banners flags etc within a week of the announcement of result.

5.5 No candidate or Party shall carry or allow its supporters or workers to carry the effigy of another candidate or party leader or other prominent person in a procession or burn such effigy in the public place.

5.6 No party or candidate shall use loudspeakers without obtaining necessary permission from the authority authorised in this behalf under law/existing practice. The loudspeaker shall be used only between 9.00 A.M. to 7.00 P.M or the shorter time as the competent authority might order.

5.7 Loudspeakers/high voice devices shall not be allowed near Schools & Hospitals during campaign.

5.8 Posting obnoxious campaign material on social media or on modern information technology tools shall not be allowed.

5.9 No candidate should get published any news in print or electronic media etc. which amounts to paid news.

6 Meetings:

6.1 The Party or candidate shall inform the local police authorities of the venue and time of any proposed public meeting or a rally well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining order.

6.2 No candidate or party shall hold public meetings or rallies or take out processions without prior permission of the competent authorities. They should ascertain in advance whether there are any prohibitory order or traffic restrictions. It should be ensured that processions of different candidate or parties are on different timings, routes, and venue.

6.3 Election meetings or processions of a rival candidate or party shall not be disturbed by a candidate or party or his /its workers or supporters.

6.4 While granting permission for organizing an election meeting rally at a public place, no distinction should be made between different candidates or parties. In case more than one candidate or party requests for holding meetings at the same venue on the same date and time, the permission should be granted to such candidate or party who had applied first. Other candidate or parties may be granted permission to hold meeting in the order in which they applied in point of time and they should be persuaded to hold such meetings at other place or time.

6.5 All meetings organized during election should be treated as election meetings and no money of the Government or a local body should be spent on them.

7. Co-operation with polling personnel:

7.1 Every candidate and party shall cooperate with the election personnel in holding a peaceful and orderly poll and with those charged with the maintenance of law and order to ensure proper and peaceful environment before, during and after the poll.

7.2 Polling personnel should not stay in any of the premises or avail any facility of any of the contesting candidate or their relatives. They should also not take any courtesy offer by any contesting candidate or their relatives.

Explanation.-In this paragraph, the expression "during the poll" means the period between the publication of the Election programme and till the election process is completed.

8. Election Expenses:

8.1 No contesting candidate shall incur expenditure in connection with his election in excess of the following limits prescribed under relevant election rules:-

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|------------------------------|-----------------|
| 1. Member Zila Parishad | = Rs. 1, 00,000 |
| 2. Member, Municipal Council | = Rs. 75,000 |
| 5. Member, Nagar Panchayat | = Rs. 50,000 |

8.2 The contesting candidate shall maintain day to day expenditure record in the prescribed performa and shall get counter signature of RO/ARO on weekly basis.

8.3 Every such candidate shall, as required under the relevant law, within thirty days of the announcement of election result, submit a true account of election expenditure in the prescribed form to the authority specified for the purpose.

9. Government machinery:

9.1 (a) A public servant shall remain neutral / impartial during the elections.

(b) he shall not indulge in any election campaign, activity or work for or against any contesting candidate or party .

9.2 If family members of a public servant are contesting candidates in the elections, the public servant shall not proceed on leave and leave the headquarters till the election process is over.

9.3. No public servant should organize, address, finance or take active part in any election meeting. This, however, does not preclude the discharge of official duties by those charged with the maintenance of public order and management of traffic.

9.4 A public servant shall not accompany a Minister, Member of Parliament or Member of Legislative Assembly of the State or participate in any programme organized at an individual's house which such a dignitary may attend during his election tour.

9.5 Use of rest houses, circuit houses and other Government accommodation should be permitted to all the candidates and parties on the same terms and conditions of which it is permissible for the Party in power. These should normally be permitted to be used for short period and on first come –first serve basis without allowing any one to monopolise the facility. However, no candidate or party should be allowed to use such building or its precincts for the purpose of election propaganda/storage of election related articles.

10. Party in power:

10.1 if a Minister / Parliamentary Secretary /Chairman / Member of parliament / Member of Legislative Assembly of the State undertakes a tour of any area where elections are scheduled to be held, such tour shall be deemed to be an election tour and no Govt. servant except those who are deployed for security, law and order and traffic management shall accompany the Minister / Parliamentary Secretary / Chairman / Member of Parliament / Member of Legislative Assembly. No Govt. vehicle or any other facility shall be made available for such tour.

10.2 No vehicles belonging to Govt. or public undertaking or cooperative societies or any other institutions receiving grants shall be provided to any Minister / Parliamentary Secretary / Chairman / Member of Parliament / Member of Legislative Assembly or a candidate for canvassing in election in any manner from the date on which the election programme is published .

10.3 A Minister / Parliamentary Secretary / Chairman / Member of parliament / Member of Legislative Assembly of the State shall not combine his official visit with electioneering work and shall not make use of official machinery and personnel or other Government resources including Government vehicles for furtherance of interest of any candidate.

10.4 Issue of advertisements / hoardings at the cost of public exchequer in newspaper and other media during the election period partisan coverage intended to further the prospects of the party in power shall be scrupulously avoided.

11. Granting or providing benefits:

11.1 The State Govt. / Minister / Parliament Secretary / Member of Parliament / Legislative Assembly / Chairman / Mayor /Deputy Mayor/ Councillors of the Corporation / Office bearers of Panchayats and Municipalities and other authorities-

- (a) shall not sanction or provide any financial grants in the areas where elections are scheduled to be held.
- (b) announce any new scheme;
- (c) shall not sanction or announce or promise any scheme;

- (d) shall not lay foundation stone of or inaugurate and any new scheme or project or promise construction of any road, water supply scheme or other such public facility ;
- (e) No new work shall be started till the completion of election process
- (f) No tenders etc. shall be finalised during the election process
- (g) shall not make any appointment of any nature including one on adhoc/ contract/ daily rated basis;
- (h) shall not select new beneficiaries for assistance from public funds; and
- (i) shall not transfer / promote personnel.

“12. Organizational Status Quo:

12.1 The structural, classification or area of the Panchayats and Municipalities shall not be altered after the issue of Notification by the State Election Commission enforcing this clause, till the election process is over”.

13. Before, during and after the poll:

13.1 No candidate or party shall hold public meeting or take out processions during the period of forty eight hours ending with the hour fixed for the conclusion of poll.

13.2 The identity slip given to voters should be on plain (white) paper and shall not contain any symbol or name of the candidate, Only the name of the voter, his / her father's / husband 's name, ward number, polling booth number and serial number of the voter in the electoral roll could be written on the identity slip.

13.3 No one shall enter any polling station or place of counting without a pass issued by the Returning Officer except in his capacity as a candidate or a voter intending to cast vote or an authorized agent.

13.4 No candidate’s camp shall be set up with in distance of 100 meters from the polling station. Even where more than one polling station has been set in the same premises, there shall be only one such camp of a candidate for such group of polling stations beyond a distance of hundred meters from such premises.

13.5 No person shall : (a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood a megaphone or a loudspeaker;

(b) act in a disorderly manner in or near the polling station resulting in interference with the work of the polling officers on duty.

13.6 No one will obstruct or prevent, by using physical force otherwise, a voter from entering a polling station or casting his vote.

13.7 Any person who fails to obey the lawful directions of the election personal shall be liable to be removed from the poling station by the police.

13.8 Any person who fraudulently or forcibly takes a ballot paper out of the polling station will be liable to be proceeded against.

14. Assistance:

14.1 Candidates or their election agents may, when necessary, give specific complaint or report difficulties regarding the conduct of elections to the Returning officer or to the Observers, if any, appointed by the Commission.

14.2 It would be in the interest of the candidate to ensure compliance with the Code, otherwise he may, if elected, render himself liable to be disqualified or be unseated on an election petition in the event of the breach of a legal provision .

15. Consequence of violation:

15.1 The violation of most of these provisions constitutes corrupt practice or an electoral offence which may disqualify the person violating this code or he may be prosecuted in a court of law or both.