

NO VOTER TO BE LEFT BEHIND

Welcome to the Learning Module for S.P.

Session 5

Model Code of Conduct (MCC)

# Learning Objectives of the Module

| Sr. No | Learning Objectives                           | Sr. No | Sub Learning Objectives   |
|--------|---|--------|---|
| 5      | To ensure compliance of Model Code of Conduct | 5.1    | To be able to explain the basics of Model Code of Conduct                           |
|        |   | 5.2    | To be able to explain the provisions relating to enforcement of MCC                 |
|        |   | 5.3    | To be able to list provisions for posting of officers & ban on transfer of officers |
|        |   | 5.4    | To be able to explain the provisions relating to campaigning                        |
|        |   | 5.5    | To be able to explain Model Code of Conduct for Tour of Ministers                   |
|        |   | 5.6    | To be able to explain MCC for use of Aircraft/Official Vehicles                     |

contd...

| Sr. No | Learning Objectives                           | Sr. No | Sub Learning Objectives   |
|--------|---|--------|---|
| 17     | To ensure compliance of Model Code of Conduct | 5.7    | To be able to explain Model Code of Conduct for Welfare Schemes                                     |
|        |   | 5.8    | To be able to enlist important instructions regarding restrictions on use of Govt. Guest Houses etc |
|        |   | 5.9    | To be able to explain Model Code of Conduct for publication of advertisements                       |
|        |   | 5.10   | To be able to explain important instructions regarding Celebration of important days                |

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## Sub Learning Objective 1

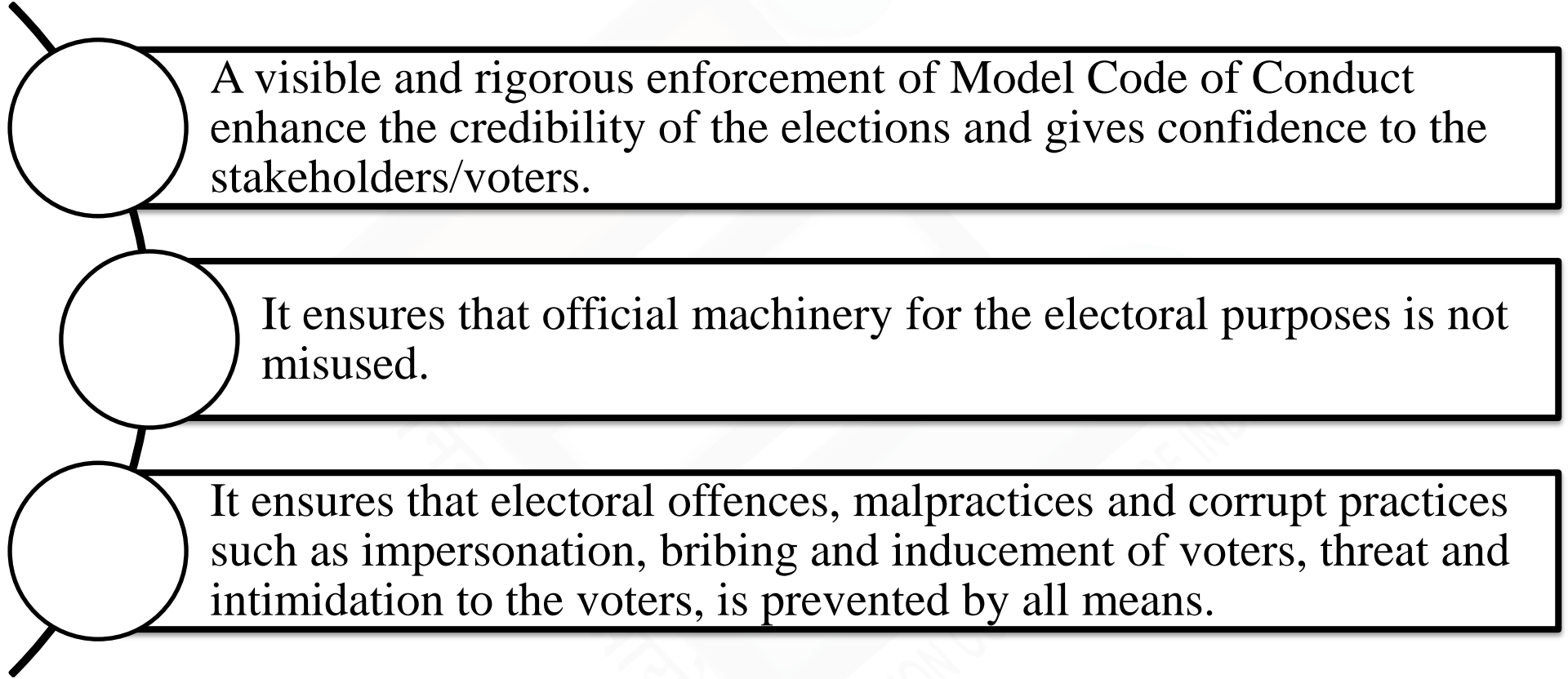
To be able to explain the  
basics of MCC

# Objective of MCC

MCC comes into operation from the day ECI announces the program for election in constituency

Developed for maintaining a healthy and peaceful atmosphere conducive to the conduct of smooth elections

# Understand the rationale behind MCC



A visible and rigorous enforcement of Model Code of Conduct enhance the credibility of the elections and gives confidence to the stakeholders/voters.

It ensures that official machinery for the electoral purposes is not misused.

It ensures that electoral offences, malpractices and corrupt practices such as impersonation, bribing and inducement of voters, threat and intimidation to the voters, is prevented by all means.

# MCC for the guidance of political parties and candidates

## General Conduct



- No party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic
- 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
- 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

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# MCC for the guidance of political parties and candidates

## General Conduct

Contd...

- 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 the transport and conveyance of voters to and from polling station

# MCC for the guidance of political parties and candidates

## General Conduct



Contd...

- 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
- Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organized by other parties. 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



# MCC for the guidance of political parties and candidates

## Meetings

The party or candidate shall inform the local police authorities of the venue and time any proposed meeting well in time

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 permission or license is to be obtained for the use of loudspeakers or any other facility the party or candidate shall apply to the authority concerned well in advance and obtain such permission or license

Organizers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder

# MCC for the guidance of political parties and candidates

## Procession

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A Party or candidate organizing a procession shall decide before hand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinary be no deviation from the programme

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The organizers shall give advance intimation to the local police authorities of the programme

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The organizers 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

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The organizers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic

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# MCC for the guidance of political parties and candidates

## Procession

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Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.

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If two or more political parties or candidates propose to take processions over the same route or parts thereof at about the same time, the organizers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic. For this purpose the parties shall contact the police at the earliest opportunity.

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The political parties or 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.

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Burning the effigies in public and such other forms demonstration shall not be countenanced by any political party or candidate.

# MCC for the guidance of political parties and candidates

## Polling Day

All Political parties and candidates shall –

- 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
- 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
- refrain from serving or distributing liquor on polling day and during the forty eight hours preceding it

contd...

contd...

- not allow unnecessary crowd to be gathered near the camps set up by the political parties and candidates near the polling booths
- 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
- 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

# MCC for the guidance of political parties and candidates

## Polling Booth

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

## Observers

- The 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

# MCC for the guidance of political parties and candidates

## Party in Power

The party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular –

- The Ministers shall not combine their official visit with electioneering work. And Government transport including official air-crafts, vehicles, machinery and personnel shall not be used
- Public places such as maidens etc., for holding election meetings, and use of helipads shall not be monopolized by itself.
- Rest houses, dak bungalows or other Government accommodation shall not be monopolized by the party in power or its candidates.
  - 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;

Contd...

# MCC for the guidance of political parties and candidates

## Party in Power

- 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
- Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission

contd...

# MCC for the guidance of political parties and candidates

## Party in Power

- From the time elections are announced by Commission, Ministers and other authorities shall not –
  - announce any financial grants in any form or promises thereof; or
  - (except civil servants) lay foundation stones etc. of projects or schemes of any kind; or
  - make any promise of construction of roads, provision of drinking water facilities etc.; or
  - 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.
- 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 authorized agent.

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## Sub Learning Objective 2

To be able to enlist and explain the relevant provisions of enforcement of MCC

## Model Code of Conduct

Election Commission's letter No. 437/6/16/2004, Dt. 09.03.2004

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



# Do's

## Code of Conduct-Do's and Don'ts

**Election Commission's letter No. 464/INST/2007-PLN-I, Dt. 07.01.07**

# &



# Don'ts

## Do's

Ongoing programs, which actually started in the field before the announcement of elections may continue

Relief and rehabilitation measures to the people in areas affected by floods, drought, pestilence, and other natural calamities, can commence and continue.

Grant of cash or medical facilities to terminally or critically ill persons can continue with appropriate approvals.

contd...

## Do's

Public places like maidans must be available impartially to all parties/contesting candidates for holding election meetings. Also use of helipads must be available impartially to all parties/contesting candidates, to ensure a level playing field.

Criticism of other political parties and candidates should relate to their policies, programme, past record and work.

contd...

## Do's

The right of every individual for peaceful and undisturbed home life should be fully safeguarded.

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.

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.

contd...

## Do's

Permission must be obtained for the use of loudspeakers or any other such facilities for the proposed meetings.

The assistance of the police should be obtained in dealing with persons disturbing meetings or otherwise creating disorder.

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.

contd...

## Do's

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.

The passage of the procession must be without hindrance to traffic.

Co-operation should be extended to all election officials at all times to ensure peaceful and orderly poll.

All workers must display badges or identity cards.

## Do's

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.

Restrictions on plying of vehicles during the campaign period and on poll day shall be fully obeyed.

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.

contd...

# Don'ts

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

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.

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

No inducement, financial or otherwise, shall be offered to the voter.

contd...

## Don'ts

Caste/communal feelings of the electors shall not be appealed to.

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.

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.

contd...

## Don'ts

Activities which are corrupt practices or electoral offences as per the law (bribery, undue influence, illegal meetings, etc.) are prohibited.

Demonstrations or picketing before the houses of individuals by way of protesting against their opinion or activities shall not be resorted to.

Other parties or their workers shall not be criticized based on unverified allegations or on distortions.

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.

contd...

## Don'ts

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

No disturbances shall be created in public meetings or processions organised by other political parties or candidates.

Processions along places at which another party is holding meetings shall not be undertaken.

contd...

# Don'ts

Processionists shall not carry any articles, which are capable of being misused as missiles or weapons

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.

contd...

## Don'ts

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.

# Enforcement of the Model Code of Conduct

(ECI Letter No. 437/6/2009/-CC&BE, Dt. 5.03.2009)

Ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the person affected

Payment directly to hospital and patients from CM/PM relief fund will be permissible


Emergency relief work can be taken up under intimation to the commission.

New work related to preventive measures to mitigate effect of natural disaster can be taken up by only prior permission of commission

Any selective assistance to a group of persons from the PM's or CM relief fund require prior permission of the commission

contd...

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Regular recruitment/appointment or promotion through UPSC, SPSC or Staff Selection Commission or other Statutory Authority can continue

No formal function shall be held involving political functionaries while starting any work (Including relief work)

# Display the photographs/calendars, etc of national leaders and prominent personalities in the government offices/premises-clarification

ECI letter No. 437/6/INST-2008/CC&BE, Dt. 01.04.2009

- Photographs of Prime Minister, Chief Ministers, Ministers and other political functionaries should not be displayed.
- This is not applicable with regard to the images of national leaders, poets, and prominent historical personalities of the past, and the President of India and the Governors.
- It is further clarified that in case of any doubt in this regard regarding removal of any photograph or images, the issue may be referred to the Chief Electoral Officer of the State/Union Territory concerned before taking action in the matter.

# MCC guidelines of political parties and candidates in connection with meeting of Municipalities

ECI letter No.437/6/INST/2011-CC&BE Dt.05.04.2011

Statutory meetings, which cannot be avoided by the Municipalities and Panchayats and other local bodies can be conveyed, 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.

## Deletion of all references on politicians/Ministers on official website (ECI Letter No. 437/6/INST/2014/CC&BE Dt. on 20.03.2014)

During the period when MCC is in force in connection with General Election to Lok Sabha/State Legislative Assemblies, all the references of Ministers, Politicians or Political Parties available on such Central/State Government's official websites shall be removed

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## Sub learning Objective 3

To be able to list provisions for  
Posting of Officers & ban on transfer of Officers

# Posting of Officers & ban on transfer of Officers



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 :

- The Chief Electoral Officer and Additional/Joint/Deputy Chief Electoral Officers, Divisional Commissioners;
- The District Election Officers, Returning Officers, Assistant Returning Officers and other Revenue Officers connected with the Conduct of Elections;
- 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;

# Posting of Officers & ban on transfer of Officers

NO VOTER TO BE LEFT BEHIND

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.

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 MCC came into effect should not be given effect to without obtaining specific permission from the Commission.

# Posting of Officers & ban on transfer of Officers

NO VOTER TO BE LEFT BEHIND

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 through CEO for prior clearance

No appointments or promotions in Government / Public Undertakings shall be made during this period, without prior clearance of the Commission.

# Posting of Officers

(ECI Instruction No. 437/6/1/2014-CC&BE on Dt. 9.1.2014)

No officer connected **directly** with elections should be allowed to continue in the present district of posting:

- If she/he is posted in her/his home district
- If she/he has completed 3 years in that district during the last 4 year

These instructions cover not only officers appointed for specific election duties like DEOs, DyDEOs, ROs and AROs but also other district officers like ADMs, Dy Collectors, SDMs, Tehsildars, BDOs or any other officer proposed to be deployed for election work

Contd...

## Police Department:

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

Contd...

While moving such officers, care should be taken that they are not posted to their home districts.

While calculating the period of three years, promotion to a post within the district is to be counted.

These instructions do not apply to officers posted in the State headquarters of the department concerned.

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

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

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The Commission desires that all such officials who stand transferred in pursuance of the instructions referred to above shall be asked to move physically out of the district from which they stand transferred immediately on receipt of the transfer orders.

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The CEO shall invariably be consulted while posting the new persons in place of present incumbents who stand transferred as per this policy of the Commission. The copies of the transfer orders issued shall be given to the CEO without fail.

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

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

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

NO VOTER TO BE LEFT BEHIND

## Sub Learning Objective 4

To be able to explain the relevant instructions regarding campaigning in regards to MCC

# Use of Loudspeakers for election campaigns

ECI letter No.3/8//2000 J.S.II Dt. 26.12.2000

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

(ECI letter No.3/8/2005/JS-II, Dt. 26.09.2005)

*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.*

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All political parties, candidates and any other persons using any loudspeakers on moving vehicles 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.

*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.*

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

ECI letter No. 464/INST/2007-PLN-I, Dt. 08.01.2007

Political functionaries / party workers / procession functionaries / campaign functionaries etc., who have been brought from outside the constituency and who are not voters of the AC, the district election administration / police administration shall ensure that all such functionaries leave the constituency immediately after the campaign period is over.

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ECI letter No.464/INST/2007-PLN-I Dt. 12.10.2007

The election administration /police may take all necessary measures which may include:

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.

Verification of lodges and guesthouses to keep a track of the list of occupants.

Set up check-posts in the constituency borders and track the vehicular movement from outside the constituency.

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

# Use of School Grounds for campaign purpose during election Process

ECI letter No. 464/INST/2009-EPS, Dt. 18.03.2009

The Commission has considered the issue and has decided to allow the use of school and college grounds for political meetings provided:

1. Schools and colleges academic calendar is not disturbed under any circumstances.
2. 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.
3. Such permission is granted on first-come-first served basis and no political party is allowed to monopolize the use of those grounds.
4. 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

# Display of Photos of Political Functionaries on beneficiary cards, electric bills, construction site plaques etc-clarification

ECI Letter No. 437/6/INST/2014/CC&BE Dt on 11.09.2014

Beneficiary cards distributed, construction site plaques etc. erected during enforcement of MCC shall not contain the photographs, messages etc. of CM, Ministers etc. However, no interference is called for that are distributed/erected prior to enforcement of model code of conduct

Electricity bill, water bill etc. to be generated after the enforcement of MCC should not contain any photos or messages/symbols of political functionaries etc.

NO VOTER TO BE LEFT BEHIND

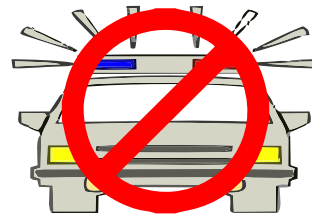
## Sub Learning Objective 5

To be able to explain Model Code of Conduct for  
Tour of Ministers



# MCC for Tour of Ministers

(ECI letter No 437/6/ES0025/94/MCS Dt. 21/10/1994)



NO VOTER TO BE LEFT BEHIND

- There is total and absolute ban on the use of official vehicle for campaigning, electioneering, or election related travel during elections.
- The only exceptions will be the Prime Minister and other political personalities who might, in view of extremist and terrorist activities and threats to their lives, require security of a high order and whose security requirements are governed by any statutory provisions made by Parliament or the State Legislature in this behalf

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

## MCC for Tour of Ministers

(ECI Letter No. 437/6/96/PLN-III Dt. 17/01/1996)

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No minister either of central or state government shall undertake an official visit of any constituency from which elections have been announced by ECI till end of election process

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No minister will summon any election related officer of constituency or state in which any elections have been announced, to a place or office, or guest house outside the aforesaid constituency for any official discussion during the period of elections

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# MCC for Tour of Ministers

(ECI Letter No. 437/6/7/2004/PLN-III, Dt. 28/12/2004)

Under no circumstances, political or personal visits of the ministers can be combined with official visits to any other place in India during General election and bye-election

# MCC for Tour of Ministers

## Exception to aforementioned instructions

(ECI Letter- 437/6/2007-PLN-III, Dt. 23/11/2007)

Minister travelling for official work should not halt in the constituency or district where model code of conduct is in force and shall not attend to any political work

**Exception:** Minister, in his capacity as in charge of the department concerned, or a Chief Minister undertakes an official can visit to a constituency or summons any election related officers of the constituency to place outside the constituency, in connection with failure of law and order or occurrence of a natural calamity which requires personal presence of such ministers for supervision/review/relief

# MCC for Tour of Ministers

ECI Letter No 437 /6 /38 /2004-PLN-III, Dt. 06/04/2004

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Even casual meeting by Members of political parties inside the premises of the Government owned guesthouse etc. are not permitted.

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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

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Rooms should not be made available for more than 48 hours to any single individual.

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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.

# MCC for Tour of Ministers

Some other important instructions of ECI

ECI letter No.437/6/INST/2008-CC&BE Dt. 18.02.2009

(Subject: Model Code of Conduct – Compliance in letter and spirit under Section 77 of RP Act, 1951– regarding)

ECI letter No.437/6/INST/2008-CC&BE Dt. 18.02.2009 addressed to all Recognized National and States Political Parties

(Subject: Model Code of Conduct – Compliance in letter and spirit– regarding)

ECI letter No.437/6/INST/2010-CC&BE Dt. 07.06.2010 addressed to the Secretary to the Govt. of India, Ministry of Home Affairs (PM Division)

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

ECI letter No.437/6/INST/2011-CC&BE Dt. 24.03.2011 addressed to the Cabinet Secretary, New Delhi, Chief Secretaries of all States and UTs and Chief Electoral Officers of all States and UTs

(Subject:- Tours of Chief Ministers- regarding)

# MCC for Tour of Ministers

Some other important instructions of ECI

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ECI letter No.437/6/INST/2011-CC&BE Dt. 01.04.2011 addressed to the Cabinet Secretary, New Delhi, Chief Secretaries of all States and UTs and Chief Electoral Officers of all States and UTs

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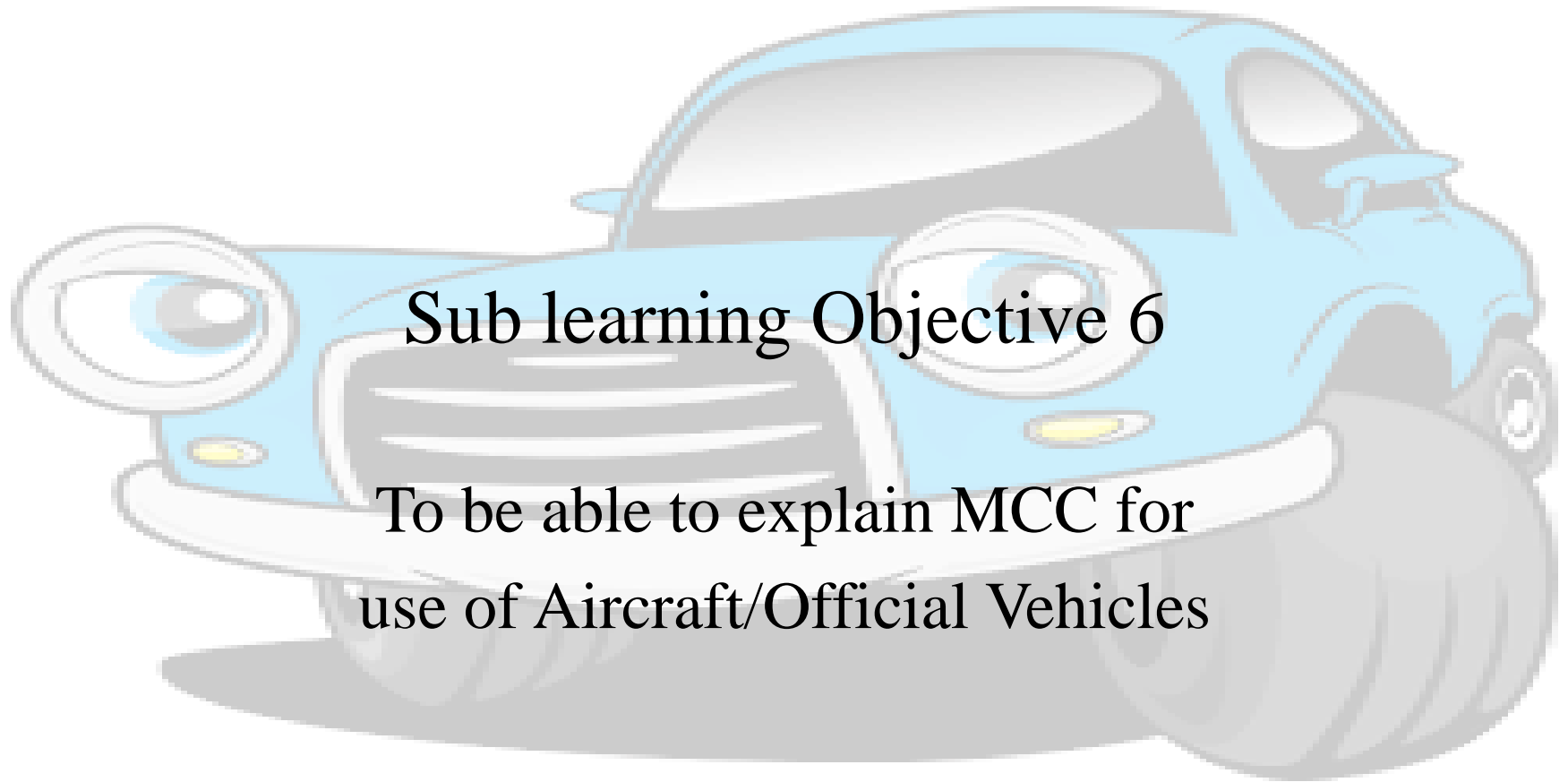
ECI letter No.437/6/INST/2010-CC&BE/Vol.II Dt. 05.04.2011 addressed to the Chief Secretaries and Chief Electoral officers of all States and UTs

(Subject:— Use of vehicles for election campaign—Bullet-proof vehicles provided for security reasons — instructions — regarding)

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ECI letter No.437/6/INST/2011-CC&BE Dt. 27.04.2011 addressed to the Cabinet Secretary, New Delhi, Chief Secretaries of all States and UTs and Chief Electoral Officers of all States and UTs

(Subject:- Tours of Chief Ministers and Ministers of Union govt.- regarding)



## Sub learning Objective 6

To be able to explain MCC for  
use of Aircraft/Official Vehicles

# Restriction on misuse of vehicles

ECI OrderNo. 437/6/96/PLN-III/, Dt.16.01.1996

Section 123(5) of the RPA, 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 for from the polling station shall be a 'corrupt practice' for the purposes of the Act.

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- For an election to the State Legislative Assembly, on the date of poll in that Constituency each contesting candidate is entitled to:
  - a. One vehicle for his own use
  - b. One vehicle in total for the use of his election agent or workers or his party workers, as the case may be, for the vehicles, indicated above.
- The permits for the vehicles indicated above will be issued by the District Magistrate/Returning Officer.

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contd...

- The aforementioned 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, auto-rickshaws, scooters, mini buses, station wagons etc.
- **Clarification** (ECI letter No. 437/6/2004/PLN-III, Dt. 08.05.2004)
  - these instructions apply in respect of all two wheelers, like, motorcycles and scooters (except bicycles) also, and should be made applicable for a period of 24 hours before the time fixed for closure of poll and till the completion of poll.

contd...

# Permits for Vehicles

(ECI letter No. 464/INST/2006/PLN-I, Dt. 17.03.2006)

Vehicle permits may be issued to leaders of recognized national and state political parties and leaders of registered un-recognized political parties (*whose travel expenses are exempted under Section 77 of RPA, 1951*)

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

S. No. of Permit :

Name of Political Party:

Name of Leader :

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

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

## MCC for Use of Aircraft /Official Vehicles

(Instruction Sl. No. 92, CoI-2011: EC Letter No. 437/6/2007/PLN.III, Dt. 24.10.2007)

Under the directives of the Government of India in the Ministry of Home Affairs, the persons provided with Z+ security cover are permitted the use of State owned one Bullet proof vehicle .

Consolidated Instructions on  
prevention of misuse of vehicles during elections  
ECI letter No. 437/6/2006-PLN-III Dt. 23.11.2007

**During Poll**

**Sec 123 (5) of RPA 1951**

- 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 voters to and fro from the PS shall be a corrupt practice.

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- For an election to State Legislative Assembly on the date of poll in that AC, each contesting candidate is entitled to:
  - One vehicle for his own use
  - One vehicle for the use of his election agent
  - In addition, one vehicle for use of his workers or party workers.
  - The permits for the vehicles indicated above will be issued by the District Magistrate/ Returning Officer.
- It is clarified that, henceforth, the candidate or his agent or party workers or workers will be allowed to use only four/three/two wheeler vehicles. In these four wheel vehicles not more than 5 persons including driver will be allowed to move on the day of poll. It is further clarified that on the day of poll no other person will be allowed to use the Vehicle allotted for candidate's or his election agent's use

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- These instructions on plying of vehicles will be applicable on all two wheelers like motorcycles and scooters (except bicycles) also and shall be made applicable for a period of 24 hours before the time fixed for closure of poll and till the completion of poll.

contd...

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- For bonafide use for purposes other than election, the following types of vehicles shall also be allowed to be plied on the day of poll and there will be no exception:
  - Private vehicles being used by the owners for their private use, not connected with elections
  - 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
  - Vehicles used for essential services namely hospital vans, ambulance, milk vans, water tankers, electricity emergency duty vans, police on duty, officers on election duty

contd...

contd...

- Public transport carriages like buses plying between fixed termini and on fixed routes
- Taxis, three wheeler scooters, rickshaws etc. for going to airports, railway stations, inter state bus stands, hospitals for journeys which cannot be avoided
- Private vehicles used by sick or disabled persons for their own use

contd...

contd...

### **During Filing of Nominations**

The maximum number of vehicles that will be allowed to come within the periphery of 100 meters of RO/ARO office shall be three.

contd...

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### **During Period of Electioneering**

- In case the mode of road transport is to be availed of by leaders of political parties availing the benefit of clause (a) of explanation given under Sec. 77 (1) of RP Act, 1951, the permit will be issued centrally by the CEO.
- The permit will be prominently displayed on the windscreen on vehicle.
- The permit issued by CEO will be of different color from those issued by DEOs/ROs

contd...

contd...

- The contesting candidates be asked to get the details of all the vehicles that they are using in the election campaign lodged with the DEO or such other officer(s) as may be specifically authorized by the DEO.
- The details so obtained should be conveyed by DEO to the Election Expenditure Observers.

## Use of official vehicles by the functionaries of the various Boards/Commissions etc

ECI letter No. 437/6/2008/CC&BE Dt. 19.10.2008

Functionaries of all the autonomous organizations may be instructed to use the official vehicle only for commuting between office and residence and to attend any official meeting within the HQ itself.

## Applicability of Model Code of Conduct

ECI letter No. 437/6/6/2004 Dt. 25.03.2004

Restrictions on the use of official vehicles are also made applicable in respect of the Speaker of the Lok Sabha, Deputy Speaker of the Lok Sabha and Deputy Chairperson of the Rajya Sabha **during General Elections to Lok Sabha**

# Prevention of misuse of official vehicles during elections

ECI letter No. 4/2001/J.S.II , Dt. 30.03.2001

The restrictions on the use of official vehicles for campaigning, electioneering or election related travel are enumerated in the Commission's Order dated 15th January, 1996

This will be equally applicable in the case of Speaker and Deputy Speaker of the State Legislative Assembly **at the time of General Election to any State Assembly irrespective**

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.

# Election Expenditure on travel by Lead Campaigners- use of helicopter for election campaign

ECI letter No. 437/6/1/2008- CC& BE Dt 24.10.2008

## Section 77(1) RPA 1951 (Explanation)

- Expenditure by leaders of a political party (star campaigners) on account of their travel by air or any other means of transport for propagating programme of a political party shall not be deemed to be expenditure in connection with the election incurred or authorized by a candidate of that political party.
- 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.**

# Prevention of misuse of vehicles during election

ECI No. 437/6/INST/2010-CC&BE Dt. 05.10.2010

During the model code period, the vehicles of political parties and candidates moving in a convoy shall not have more than ten vehicles excluding the security vehicles, if any, provided to the candidates, leaders of political parties etc. in that convoy.

## **Use of helicopters by candidates, political parties leaders etc for campaign purposes- maintenance of proper record thereof**

ECI letter No 464/INST/2011-EPS dated 23.03.2011

Political parties may be requested to 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.

DEOs should maintain a log book and enter

- the details of the helicopters/aircraft which landed and took off
- Purpose for which they landed
- Persons who were in the said aircraft/helicopter
- Indicate whether the aircraft/helicopter had taken permission for landing

The DEOs shall send daily report about the arrival and departure of such helicopters/aircrafts to the CEO.

# Vehicle permit for district officer bearers of recognized political party

ECI letter No. 464/INST/2011-EPS Dt. 23.03.2011

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.
- 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.

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- 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.

NO VOTER TO BE LEFT BEHIND

## Sub learning Objective 7

To be able to explain

Model Code of Conduct for Welfare Schemes

# **Release of funds under MPs' /MLAs' Local Areas Development Scheme**

ECI letter no. 437/6/1/2014-CC&BE Dt. 05.03.2014

- a. No fresh release of funds under the MP (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, 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.

# **Release of funds under MPs' /MLAs' Local Areas Development Scheme**

ECI letter no. 437/6/1/2014-CC&BE Dt. 23.04.2014

NO VOTER TO BE LEFT BEHIND

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.

# Code of Conduct–Dont's

ECI letter No. 464/INST/2007-PLN-I Dt. 07.01.07

No fresh sanctions of  
Government  
schemes

No review of  
schemes by political  
executive (Ministers  
etc.)

No fresh release of  
funds on welfare  
schemes

No contract for  
works

contd...

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

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

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Commission does not refuse approval for schemes for tackling

- Emergencies
- Unforeseen calamities
- Welfare measures for the aged, infirm etc.

In these matters, however, prior approval of the Commission should be taken.

contd...

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 favor of the party in power which at the same time will adversely affect the prospects of the other parties.

contd...

# Model Code of Conduct for Welfare Schemes

(ECI letter No.437/6/2002-PLN-III dated 25.01.2002)

Financial institutions funded, partially or wholly by the State Government should not take recourse in writing off loans, enhance financial limits by indiscriminate issuing of loans when MCC is in force.

No demolition / eviction drive can be carried out by any Government / civic agencies during the poll process.

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(ECI letter No. 437/6/3/2004- PLN-III Dt.19.02.2004)

In case such demolition is to be carried out as per order of the court of law the matter should be brought to the notice of commission first.

(ECI letter No.437/6/ 2004-PLN Dt.30.12.2004)

No Official Video Conferencing should take place between the Ministers and Union of State Government and other Political functionaries after announcement of Election.

## Sub Learning Objective 8

**To be able to enlist important instructions regarding  
restrictions on  
use of Govt. Guest Houses etc...**

# **Allotment of Govt. Guest House**

ECI letter No. 437/6/2006-PLN-III (Vol. II) Dt. 01.04.2006

- Accommodation in Government Guest houses / Rest houses or Guest Houses of PSU of the Centre or State Government in the States (or the districts) where elections have been announced or are taking place can be given to the political functionaries who are provided security by the State in Z scale or above or equivalent by various State Government under provisions of their laws, on equitable basis.
- This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or observers.
- Such political functionaries shall not carry out any political activity while staying there.

NO VOTER TO BE LEFT BEHIND

## Sub learning Objective 9

To be able to explain Model Code of Conduct for  
Publication of Advertisements

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

ECI letter No. 437/6/2004-PLN III, Dt. 08.03.2004 &  
ECI Letter No 437/6/INST/2008-CC&BE Dt. 13.04.2009

- All hoardings depicting the achievements of the party in power, advertisements, etc. displayed at the cost of public exchequer shall be removed forthwith by the concerned authorities and a compliance report furnished to the Commission.
- The Commission has also directed that no advertisements should be issued in the newspapers and other media including electronic media at the cost of public exchequer during the election period and the misuse of mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power should be scrupulously avoided

# Advertisements of political nature on TV channel and cable networks

SC Order in SLP (C) No. 6679 of 2004

ECI Letter No. 509/75/2004/JS-I, Dt. 15.04.2004

- Commission has directed that for previewing, scrutinizing and certifying advertisements to be telecast over TV Channels and cable networks by any registered political party or organization/association,
  - CEO of States to constitute Committees for dealing with applications.
  - The Returning Officer of every Parliamentary Constituency have been declared as Designated Officer for previewing, scrutinizing and certifying advertisements by individual candidates contesting election from the constituency concerned.
- The CEOs are also required to constitute further a Committee to attend to complaints / grievances in regard to the decision of the Committees Designated Officers on the application for certification of advertisements.

contd...

contd...

| Form       | Description  |
|------------|--|
| Annexure A | Application for certification to be submitted before the Committee concerned   |
| Annexure-B | The certificate for telecast for an advertisement to be given by the Committee |

After issue of certificate, one electronic copy of the advertisement as certified for telecast, should be retained by the Committee / Designated Officer.

# **Restrictions on the printing of pamphlets, posters, etc**

ECI letter No. 3/9/2004/J.S-II, Dt. 24.08.2004

Commissions guidelines in pursuance of sec 127A of RP Act,  
1951 ECI Order No. 3/9/(ES0G8)/94-JS-II dated 02.9.1994

- In the case of any advertisements/election matter for or against any political party or candidate in print media, during the election period, the name and address of the publisher should be given along with the matter/advertisement

## Restrictions of pamphlets and posters (Handbook of Media, 2014)

The printer shall furnish 4 copies of printed material, along with declaration of publisher, within 3 days of printing thereof in prescribed proforma to the DEOs

# **Election related advertisements in newspapers and other print media**

ECI letter No. 3/9/2007/JS-II Dt. 03.08.07

NO VOTER TO BE LEFT BEHIND

Section 126 (1) (b) 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.

# **Restrictions on the Printing of pamphlets, posters etc.**

ECI letter No. 3/9/2007/JS-II Dt 16.10.2007

The following points may be noted in respect of the advertisements that appear in the print media, especially newspapers, for and against particular political parties and candidates during election period :

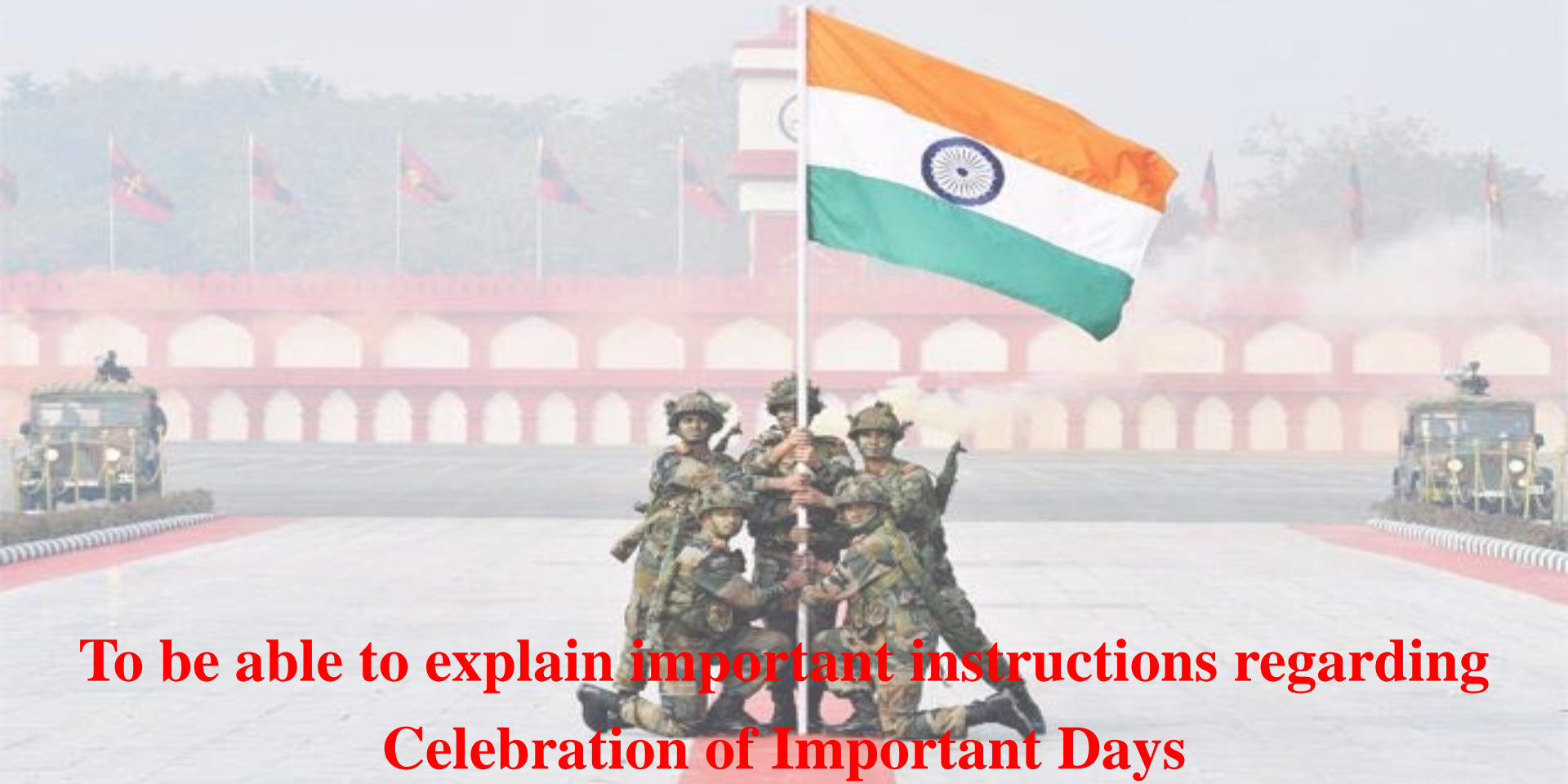
(a) In the case of advertisements, the source of which is traceable, the following action may be taken:-

- (i) if the advertisement is with the consent or knowledge of the candidate, it will be treated to have been authorized by the candidate(s) concerned and will be accounted for in the election expenses account of the candidate(s).
- (ii) if the advertisement is not with the authority from the candidate, then action may be taken for prosecution of the publisher for violation of Section 171 H of IPC.

contd...

(b) If the identity of the publisher is not indicated in the advertisement, then you may contact and get the information from the Newspaper concerned, and consider appropriate action, as above.

# Sub Learning Objective 10



**To be able to explain important instructions regarding  
Celebration of Important Days**

## **Attendance of Political Functionaries**

Celebration of Republic Day (ECI letter No. 437/6/98-PLN-III Dt. 10.01.1998)

Celebration of Independence Day (ECI letter No.437/6/99-PLN-III, Dt. 28.07.1999)

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.

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However, during election process, no Central Minister/Chief Minister/Minister or any other political functionary in the States/Ex-MPs shall do the honours at any Republic Day/Independence Day functions at any location of within their home district or constituency or from where he or she is a contesting candidate or intends to contest.

# **Celebration of Sadbhavana Diwas**

ECI Letter No.437/6/99-PLN-III, Dt. 16.08.1999

Central Ministers/Chief Ministers/Ministers in the States can participate in the Celebration of Sadbhavana Diwas

- Subject to the condition that the theme of their speeches should be confined only to the Promotion of harmony among the people' 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. Messages, if any, issued in the name of Ministers, should be confined to the theme of National Integration only and should carry no photograph of the concerned Minister

# **Celebration of Gandhi Jayanti**

ECI letter No. 437/6/2004/PLN-III, Dt. 28.09.2004

**Central Ministers / Chief Ministers / Ministers in the States can participate in the celebration of Gandhi Jayanti**

- Subject to the condition that the theme of their speeches should be confined only to the 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. Messages if any, issued in the name of Ministers should be confined to the theme of Mahatma Gandhi only and should carry no photograph of the concerned Minister.

# Thank You

NO VOTER TO BE LEFT BEHIND