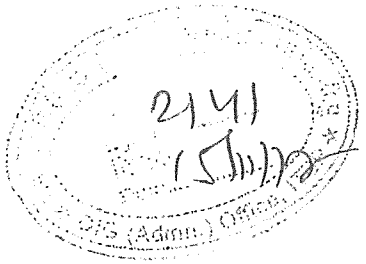


Ministry of Home Affairs
Police-II Division
(Pers-Coord)

1677
7/11/17



निदेशिका (आचार्य)
Inspector General (P-2)
I.D. No. 128/MHA/P-II/Pers-Coord/17/1494
15/11/17

North Block
New Delhi-110001

Sub:- Immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Election to the Legislative Assembly of Gujarat.

Enclosed please find herewith this Ministry O.M No. I-34020/2/2017-Coord-I dated 08.11.2017 enclosing thereafter O.M No. 1/41/1/2016-Cab dated 30.10.2017 received from Cabinet Secretariat alongwith copies of instructions of Election Commission of India on the subject cited above for necessary action, please

Encl: As above.

~~15/11/17~~

(Ashok Ranwa)
2IC (Air)
Telefax:-23092255

15/11/17

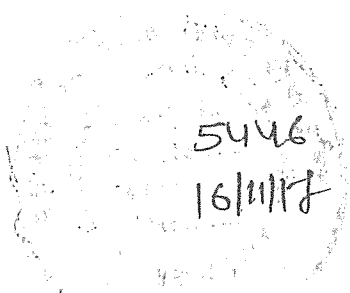
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Director(s) General:-BSF/CRPF/SSB/ITBP/CISF/NSG/AR(Through LoAR)
I.D No.128/MHA/P-II/Pers-Coord/17/1494

Nov 17

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16/11/17



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(18)

No.1-34020/2/2017-2001
Government of India/Ministry of Home Affairs
Ministry of Home Affairs/ Gini Mantralaya
(Coordination-I Section)

North Block, New Delhi

Dated the 8th November, 2017


OFFICE MEMORANDUM

Subject: Immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Election to the Legislative Assembly of Gujarat.

The undersigned is directed to enclose a copy of Cabinet Secretariat O.M. No.1/41/1/2016-Cab. dated 30.10.2017 regarding immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Election to the Legislative Assembly of Gujarat, enclosing therewith copies of instruction of Election Commission of India contained in letters No. 437/6/1/ECI/INST/FUNCT/MCC/2017/199 dated 25.10.2017 and No. 437/6/1/ECI/INST/FUNCT/MCC/2017/202 dated 25.10.2017.

2. It is requested that the contents of above letters may be disseminated to all concerned for strict compliance.

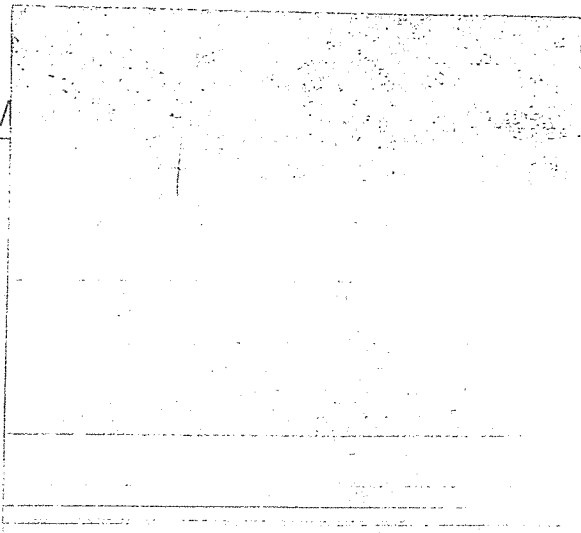
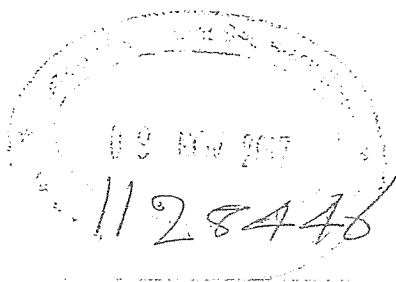
Encl: As above


(H. Kujur)

Consultant (Coord.-I)
Phone No. 23093856

To

1. AS(CS)/AS(UT)
2. All Joint Secretaries in M
3. RG&CCI



(68)
187

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/ECI/INST/FUNCT/MCC/2017 | 199

Dated: 25th October, 2017

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretary to the
Government of Gujarat,
Gandhinagar.
3. The Chief Electoral Officer,
Gujarat,
Gandhinagar.

Subject: Immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Election to the Legislative Assembly of Gujarat- regarding.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Election to Legislative Assembly of Gujarat, operation of 'MODEL CODE OF CONDUCT' comes into effect with the announcement of elections by the Commission. In view of the general election to the Legislative Assembly of Gujarat, the Commission has given following directions for effective enforcement of provisions of MCC:-

1. Defacement of Property- ECI instructions contained in letters, No. 437/6/INST/2015-CCS, dated 29th December, 2015, No. 437/6/INST/2012- CC&BE dated 18th January, 2012 and No. 3/7/2008 JS-II dated 7th October, 2008 , provide for prevention of defacement of property. The Commission has directed to ensure strict compliance of its instructions and to take time bound action as prescribed below-

(a) Defacement of Government property- For this purpose a Government premise would include any Government office and the campus wherein the office building is situated. All wall writing, posters/papers or defacement in any other form,

media is stopped forthwith and that no such ad is published in any newspapers, magazines, etc., i.e. in print media, from the date of announcement and it should be immediately withdrawn. The CEOs/DEOs has to take immediate action to remove/stop any advertisement , in the print/electronic media, showing the achievements of the Government soon after the announcement of elections.

4. Photograph of political functionary at official website- ECI instruction contained in letter No. 437/6/INST/2014-CC&BE dated 20th March, 2014 provides that all references of Ministers, Politicians or political parties available on central/state Government's official website, shall be removed. The CEOs have to take immediate action to remove/hide the photographs of any political functionary from official websites of state department.
5. Development/construction related activities- within 72 hours of announcement of elections, the CEO/DEO shall obtain the following list of works for reference in case of validating any complaint on violation of MCC:
 - (i) List of work which has already been started on ground.
 - (ii) List of fresh work which has not started on ground.
6. **Activities for Expenditure Monitoring and enforcement of MCC-** Flying squad, FST, video team, intensive checking for liquor/Cash/Contra banned drugs, flying squads of excise department to check illicit trafficking of Drug/Narcotics to be immediately activated after announcement.
7. **Complaint Monitoring System-** The poll going states shall have a complaint redressal mechanism based on website and call center. The toll free number of call center is 1950. Complaints can be registered by making calls to the toll free call center numbers or on the web site. Complainants will also be informed of the action taken by SMS and by the call center. Complainants can also see the details of the action taken on their complaints. This system should be operational within 24 hours of the announcement . All complaint should be dealt with promptly and properly. The 24x7 control Room at the district level must be activated and sufficient deployment of manpower and other logistics be ensured in particular; round the clock personnel should be deployed in the control room and their duty roaster must be issued to avoid any evasion or confusion.
8. **IT Application-** All IT applications including official website and social media shall be operational with the announcement.
9. **Dissemination of information for Awareness of Voters and political parties.** Publicity of major election activity would be given through CEO/DEO/RO. For this

72 / 188

ELECTRIC COMMISSION OF INDIA

Niryachar Sadan, /Astoka Road, New Delhi-110001

K. AJAYA KUMAR
PRINCIPAL SECRETARY

No. 437/5/INST/2015-CCS

Dated: 29th December, 2015.

To

1. The Cabinet Secretary,
Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries of
All the States and Union Territories.
3. The Chief Electoral Officers of
All the States and Union Territories.

Subject: Banning use of building/civil structures owned by Public Sector Undertakings(PSUs) for political advertisement during period of Model Code of Conduct - regarding.

Sir/Madam,

I am directed to invite a reference to the Commission's circular letter No.3/7/2008-JS-II, dated 7th October, 2008, wherein it has, inter alia, directed that there shall be no display of election posters, hoardings, banners, etc., in any Government premises or civil structures. It has come to the notice of the Commission that political parties have been displaying/pasting their posters, banners, etc., at the buildings/civil structures and/or premises owned by the Govt. and Public Sector Undertakings (PSUs) during election periods as part of their election campaign. It is clarified that buildings and premises of PSUs shall also be treated at par with Govt. premises for the purpose of displaying political ads during election period. The Commission has directed that no political advertisements shall be displayed/pasted at the buildings/civil structures owned by Public Sector Undertakings (PSUs) or in their premises during the period Model Code of Conduct is in force.

In case there is no specific provision in the by-laws of PSUs or in their agreements with the advertisement agencies to whom they let out space for advertisement for prohibiting display of political advertisement, PSUs may be instructed to add a para in their commercial agreements with commercial agencies/companies while providing space on lease to the

By Fax/Speed Post/Camp Bag(5 States)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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

Dated: 18th January, 2012

To

- 1) The Cabinet Secretary
Cabinet Secretariat
Rashtrapati Bhawan, New Delhi.
- 2) The Chief Secretaries of
All States and Union Territories
- 3) The Chief Electoral Officers of
All States and Union Territories

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

Sir/Madam,

I am directed to state that on the announcement of the General Elections to the Legislative Assemblies of the States of Goa, Manipur, Punjab, Uttar Pradesh and Uttarakhand, the provisions of Model Code of Conduct have come into force w.e.f. 24th December, 2011. The Commission has decided to reiterate its instructions issued vide its letter no. 3/7/2008/JS-II dated 7th October, 2008 (copy enclosed) contained in Para 5 under the heading 'DEFACEMENT OF PRIVATE PLACES', as under :-

Sub-para (d) "Subject to any restrictions under any local law or any court orders in force, the political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags, cut-outs, on their property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else. If such display of banners, flags etc. aims to solicit vote for any particular candidate, then the provisions of Section 171H of IPC would be attracted and would have to be followed. Section 171H of the IPC stipulates that whoever without the general or special authority in writing of a candidate incurs or authorizes expenses on account of the holding of any public meeting or upon any advertisement, circular or publication, or in any other way

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

No. 3/7/2008/JS-II

Dated: 7th October, 2008

To

1. The Secretary to the
Government of India
Ministry of Home Affairs
New Delhi-110001.
2. The Chief Secretaries of
All States and Union Territories.
3. The Chief Electoral Officers of
All States and Union Territories.

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

Sir,

I am directed to invite a reference to the Commission's letter No. 3/7/2007/JS-II, dated 16th October, 2007, regarding prevention of defacement of property in connection with election campaign.

2. In the past, the Commission has suggested the enactment of special laws by state governments for dealing with defacement of properties effectively. Some states have enacted special legislations to govern and regulate defacement of property, while the other states have legislation that either only cover specific areas, like municipalities etc, or have no legislation at all. A tabular statement on respective positions obtaining in the states in this respect based on the information available in the Commission is enclosed in the schedule appended to this circular (marked as Annexure-1). Since a uniform law throughout the country is not available, what is enforceable differs from state to state. Keeping in view the forthcoming general election to the Lok Sabha due in 2009, it has become necessary to lay down, for smooth conduct of campaign during elections and for clear understanding of all authorities who have the responsibility for the implementation at the field level as also of the observers who are deputed to oversee the elections in different states/constituencies, a comprehensive set of guidelines with respect to defacement of property.

(12) (13)

Returning Officer within 3 days of putting up the flags and banners in such cases in the manner prescribed in sub-para(c) below.

(b) If the local law does not expressly permit wall writing, pasting of posters, and similar other permanent/semi-permanent defacement which is not easily removable, the same shall not be resorted to under any circumstances, even on the pretext of having obtained the consent of the owner of the property. This will also apply in the states where there is no local law on the subject of prevention of defacement of property.

(c) Where the local law expressly permits wall writings and pasting of posters, putting up hoardings, banners, etc. on private premises with the owner's permission, the contesting candidates or the political parties concerned shall obtain prior written permission from the owner of the property and submit photocopies of the same within 3 days to the Returning Officer or an officer designated by him for the purpose, together with a statement in the enclosed proforma (marked as Annexure-2). The statement in such cases and in the cases mentioned in sub-para (a) above should clearly mention therein the name and address of the owner of the property from whom such permission has been obtained together with expenditure incurred or likely to be incurred for the purpose. Nothing inflammatory or likely to incite disaffection amongst communities shall be permissible in such writings/display. The expenditure incurred in this mode on specific campaign of candidate(s) shall be added to the election expenditure made by the candidate. Expenditure incurred on exclusive campaign for a party without indicating any candidate shall not be added to candidates expenditure. The contesting candidate shall furnish such information village/locality/town-wise, to the Returning Officer, or the authorized officer within 3 days of obtaining the requisite permission, for easy checking by the Returning Officer or the Election Observer or any officer connected with the conduct of elections.

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

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DEFACEMENT OF VEHICLES

8. (a) In private vehicles, subject to the provisions of the Motor Vehicles Act, Rules thereunder and subject to court orders in force, if any, flags and stickers may be put on the vehicles by the owner of the vehicle on his own volition, in such a manner that they do not cause any inconvenience or distraction to other road users. If such display of flags and stickers aims to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed.

(b) On commercial vehicles, display of any flag, sticker etc. shall not be permitted unless such vehicle is a vehicle validly used for election campaign after obtaining the requisite permit from the District Election Officer/Returning Officer and the display thereof in original on the wind screen.

(c) External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules and any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.

OTHER CAMPAIGN RELATED ITEMS

9. Subject to accounting for the expenditure, the following may be permitted:-

(a) In processions and rallies etc., flags, banners, cutouts etc. can be carried subject to local laws and prohibitory orders in force;

(b) In such procession, wearing of party/candidate supplied special accessories like cap, mask, scarf etc. may be permitted. However, supply of main apparels like saree, shirt, etc. by party/candidate is not permitted.

(c) Educational institutions including their grounds {whether Govt. aided, private or Govt.} shall not be used for political campaigns and rallies.

10. The Chief Electoral Officers are requested to bring the directions of the Commission to the notice of the District Election Officers, Returning Officers and all other election related

| | | | Govt. may by notification may appoint. |
|-----|-------------------|---|---|
| 15. | Punjab | The Punjab Prevention of Defacement of Property Act, 1998. | It extends to the entire State. |
| 16. | Sikkim | The Sikkim Prevention of Defacement of Property Act, 1988. | It extends to the entire State. |
| 17. | Tamil Nadu | The Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, as amended vide Act of 1992 | It extends to the entire State. |
| 18. | Tripura | The Tripura Prevention of Defacement of Property Act, 1976 in conjunction with Tripura (Prevention of Defacement of Property) Amendment Bill, 1998 now in force in the State. | It extends to the entire State and shall apply in the first instance to municipal limits of Agartala Town, but the State Govt. may from time to time by notification in the official Gazette, apply to such other local areas or areas as may be specified in the notification. |
| 19. | Uttarakhand | The Uttaranchal Prevention of Defacement of Public Property Act, 2003. | It extends to the entire State. |
| 20. | Andaman & Nicobar | The Andaman & Nicobar Islands Prevention of Defacement of Property Regulation, 1987. | It extends to the entire Union Territory of the Andaman and Nicobar Islands. |

(86) 178

States in which there is no specific law on the subject
of Prevention of Defacement of Property

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

20
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24. In case of Video - Vans etc. to be used by a political party for campaign across the States, before any permission to use Video-Vans for campaign is given, it should be ensured by Chief Electoral Officer that such use of vehicle is in accordance with the Motor Vehicle Act. Attention in this context is invited to the judgments dated 23.06.2006 and 14.02.2007 of the Allahabad High Court in Writ Petition No. 3648 (MB) of 2006 (copies enclosed).

Clarification

25. A cycle rickshaw is also a vehicle as defined in Section 160 of Representation of People Act, 1951, which may be used for election campaign. If it is being used, then a candidate has to account for its expenditure in his account of election expenses. To ensure this, the candidate should give details of such rickshaws being used for his election campaign and, if the rickshaw does not have any Municipal registration/permit for its identification, the rickshaw driver may be given a permit in his personal name by the Returning Officer which the rickshaw driver should carry on his person while using that rickshaw for campaign purposes. However, rickshaws being used for normal purposes of carrying passengers in ordinary course etc. may be exempted, if they are displaying only one poster showing the name or party symbol of a candidate, presuming they are doing so on their own free will.

Use of vehicles on poll day

26. Section 123(5) of the Representation of the People Act, 1951 provides that the hiring or procuring or use of vehicles by a candidate/his agent or by any other person with the consent of the candidate or his election agent for the free conveyance of the voters to and fro from the polling station shall be a 'corrupt practice' and it is also an electoral offence punishable under section 133, with fine which may extend to five hundred rupees.

27. With a view to placing effective curbs on this practice, the Commission issues the following directions:

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

(a) One vehicle for his own use in respect of the entire constituency;

(b) In addition, one vehicle for use of his election agent in the Parliamentary Constituency;

(c) In addition, one vehicle for use of his election agent or workers or party workers, as the case may be, in each of the assembly segments comprised in the Parliamentary Constituency.

(B) For an election to the State Legislative Assembly, on the date of poll in that Constituency each contesting candidate is entitled to:

(a) One vehicle for his own use;

(b) One vehicle for the use of his election agent;

(c) In addition, one vehicle for use of his workers or party workers.

INSTRUCTION SL. NO. 16

ECI letter No. 437/6/1/2014-CC&BE dated 5th March, 2014 addressed to the Cabinet Secretary, Govt. of India and the Chief Secretaries and Chief Electoral Officers of all States and UTs.

Sub: Application of Model Code of Conduct - General Election to Lok Sabha - 2014 and simultaneous elections to State Legislative Assemblies in the States of Andhra Pradesh, Odisha and Sikkim and certain bye-elections- reg.

I am directed to state that the Commission has announced the schedule for holding General Elections to Lok Sabha and to the Legislative Assemblies of the States of Andhra Pradesh, Orissa and Sikkim including certain bye-elections to the Legislative Assemblies of some States (Press Note No. ECI/PN/10/2014, dated 5th March 2014 available at Commission's web-site - www.eci.gov.in).

2. With this announcement, the provisions of the Model Code of Conduct for the guidance of the Political Parties and Candidates have come into force with immediate effect and will be in force till the completion of the General Elections. This may be brought to the notice of the Central / State Governments, all Ministries/Departments and all other offices of the Union Government and the State Government of the State.

3. Your particular attention is drawn to the provisions of Model Code of Conduct for the guidance of Political Parties and Candidates and various instructions issued by the Commission, which, inter-alia, state that the party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular:-

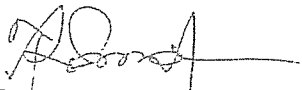
- (i) (a) The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work;
- (b) Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;
- (ii) Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolised by itself.

104/169

vii) In those cases where transfer of an officer is necessary on account of administrative exigencies, the concerned State Government may with full justification approach the Commission for prior clearance.

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

Yours faithfully,


(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY