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भोपाल, दिनांक 01/04/2024

क्रमांक/प्रांगण/आचार संहिता /46/77/विविध/171  
प्रति,

1. संयुक्त संचालक,  
म.प्र. राज्य कृषि विपणन बोर्ड,  
आंचलिक कार्यालय ..... (समस्त)।
2. कार्यपालन यंत्री,  
म.प्र. राज्य कृषि विपणन बोर्ड,  
तकनीकी संभाग ..... (समस्त)।
3. सचिव,  
कृषि उपज मंडी समिति..... (समस्त),  
जिला ..... (समस्त)।

विषय: लोक सभा निर्वाचन 2024 अंतर्गत प्रभावी आदर्श आचार संहिता का पालन करने बाबत।

संदर्भ: भारत निर्वाचन आयोग का पत्र क्र./437/6/INST/ECI/FUNCT/MCC/24(MCC  
ENFORCEMENT) दिनांक. 02/01/2024

विषयान्तर्गत संदर्भित पत्र का अवलोकन करें, जिसकी छायाप्रति संलग्न है। पत्र अंतर्गत भारत निर्वाचन आयोग द्वारा आदर्श आचार संहिता प्रभावी रहने के दौरान DO'S AND DON'TS निर्देशों का संग्रह कर पालन की अपेक्षा की गई है।

वर्तमान में लोक सभा 2024 अंतर्गत आदर्श आचार संहिता प्रभावी है, उक्त अनुक्रम में जिला निर्वाचन कार्यालय से प्राप्त निर्देशों के पालन में आपके द्वारा आदर्श आचार संहिता का पालन करते हुये कार्यालय एवं मंडी प्रांगणों में पूर्ण व्यवस्था स्थापित कर ली गई होगी।

पुनः संदर्भित पत्र के अनुक्रम में सुनिश्चित किया जाये कि आपके कार्यालय तथा मंडी/उप मंडी प्रांगणों में किसी प्रकार की राजनैतिक प्रचार-प्रसार सामग्री, फोटोग्राफ, नाम आदि का चिन्हांकन न हो। उक्त संबंध में आदर्श आचार संहिता उल्लंघन पाये जाने पर कठोरतम अनुशासनात्मक कार्यवाही की जाएगी, जिसके लिये संबंधित स्वयं जवाबदेय होगा।

संलग्न: उपरोक्तानुसार

28/03/24  
(श्रीमन् शुक्ला)

प्रबंध संचालक सह आयुक्त  
म.प्र. राज्य कृषि विपणन बोर्ड, भोपाल  
भोपाल, दिनांक 01/04/2024

क्रमांक/प्रांगण/आचार संहिता /46/77/विविध/172  
प्रतिलिपि : सूचनार्थ एवं आवश्यक कार्यवाही हेतु।

1. अपर संचालक (समस्त), म.प्र. राज्य कृषि विपणन बोर्ड, भोपाल।
2. संयुक्त संचालक/अधीक्षण यंत्री/उप संचालक (समस्त), म.प्र. राज्य कृषि विपणन बोर्ड, भोपाल।

प्रबंध संचालक सह आयुक्त  
म.प्र. राज्य कृषि विपणन बोर्ड, भोपाल



## INSTRUCTION Sl. No. 17

Election Commission's letter No. 437/6/INST/ECI/FUNCT/MCC/2024(MCC ENFORCEMENT), dated 02.01.2024, addressed to the Chief Secretaries and the Chief Electoral Officers of all States and Union Territories.

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

**Reference:** Commission's instructions:

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

Madam/Sir,

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

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## I. Applicability of Model Code of Conduct:

### A. Duration of Application

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

### B. Extent of Application

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

### C. Who are Covered under Model Code of Conduct

- (i) The provisions of Model Code of Conduct apply to all organizations/committees, corporations/commissions etc., funded wholly or partially by the Central Govt. or any State Govt. like the Commonwealth Games Organizing Committee, DDA, Electricity Regulatory Commissions, Jal Boards, Transport Corporations, any other development authority etc.
- (ii) The general provisions of Model Code of Conduct are applicable to all persons, including those who intend to be a candidate in an election, from the date of announcement of elections by the Commission. Election expenditure by the



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candidate shall be counted from the date he files his nomination papers. However, it is clarified that expenditure on material which may have been produced before filing of nomination if used after filing of nomination by the candidate shall be included in the election expenditure of the candidate.

## **II. Welfare schemes and governmental works**

1. Announcement of new projects or programmes or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favour of the party in power is prohibited.
2. These restrictions apply equally to new schemes and also ongoing schemes. But it does not mean that in the case of national, regional and State utility schemes, which have already been brought up to the stage of completion, their utilization or functioning in public interest should be stopped or delayed. The coming into force of the Model Code of Conduct cannot be given as an excuse for not commissioning such schemes or allowing them to remain idle. At the same time, it should be ensured that the commissioning of such schemes is done by civil authority and without associating political functionaries and without any fanfare or ceremonies whatever, so that no impression is given or created that such commissioning has been done with a view to influencing the electorate in favour of the ruling party. If in doubt, a clarification should be obtained from Chief Electoral Officer/Election Commission of India.
3. It is further clarified that simply because a budget provision has been made for any particular scheme or the scheme has been sanctioned earlier or a reference to the scheme was made in the address of the Governor or the budget speech of the Minister it does not automatically mean that such schemes can be announced or inaugurated or otherwise taken up after the announcement of elections while the Model Code of conduct is in operation, since they will clearly be intended to influence the voters. Such actions if undertaken will be considered a violation of the model code of conduct.
4. No fresh sanctions for governmental schemes should be made. Review by political executive (Ministers etc.) and processing of beneficiary-oriented schemes, even if ongoing, should be stopped till completion of elections. No fresh release of funds on welfare schemes and works should be made or contract for works awarded in any part of the state where election is in progress without prior permission of the Commission. This includes works under the Member of Parliament (including Rajya Sabha members) Local Area Development fund or MLAs / MLCs Local Area Development Fund, if any such scheme is in operation in the state.
5. No work shall start in respect of which even if work orders have been issued before the model code came into effect, if the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue.
6. There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.



7. Commission does not refuse approval for schemes undertaken for tackling emergencies or unforeseen calamities like providing relief to people suffering from drought, floods, pestilences, other natural calamities or welfare measures for the aged, infirm etc. In these matters, however, prior approval of the Commission should be taken and all ostentatious functions should be strictly avoided and no impression should be given or allowed to be created that such welfare measures or relief and rehabilitation works are being undertaken by the Government in office so as to influence the electors in favour of the party in power which at the same time will adversely affect the prospects of the other parties.
8. The names of MPs/MLAs etc. appearing on moving vehicles like water tanks, ambulances etc. funded under MPLAD schemes should be covered suitably during the election period as such vehicles moving from one place to another may be considered as a form of election campaign in favour of the MP/MLA etc. concerned.
9. All Model Code of Conduct related directions shall be issued only by the Commission. The Cabinet Secretariat or any other government agency should reiterate and disseminate the directions of the Commission for compliance.
10. RBI may continue to take decisions unhindered on monetary policy issues.
11. After the Model Code of Conduct comes into effect, the Ministry of Finance will need to take prior approval of the Commission on any policy announcements, fiscal measures, taxation related issues and such other financial relief. Similarly, other Ministries/Departments will need to take prior approval of the Commission before announcing any relief/benefit.
12. All Government of India references to the Election Commission of India shall be made preferably through the Cabinet Secretariat. In so far as references from State Governments are concerned, the same shall be made to the Election Commission of India through the Chief Electoral Officer (CEO) of the state concerned.
13. The following types of existing works can be continued by the government agencies without reference to the Election Commission after the Model Code of Conduct comes into force:
  - a. Work-Projects that have actually started on the ground after obtaining all necessary sanctions;
  - b. Beneficiary-projects where specific beneficiaries by name have been identified before coming of the Model Code of Conduct into force;
  - c. Registered beneficiaries of MGNREGA may be covered under existing projects. New projects under MGNREGA that may be mandated under the provisions of the Act may be taken up only if it is for the already registered beneficiaries and the project is already listed in the approved and sanctioned shelf of projects for which funds are also already earmarked.
14. There shall be no bar to release of funds for the completed portion of any work subject to observance of laid down procedures and concurrence of finance department.
15. The following type of new works (whether beneficiary or work oriented) that fulfill all the following conditions before Model Code of Conduct comes into effect, can be taken up



under intimation to the Commission-

- a. Full funding has been tied up.
  - b. Administrative, technical and financial sanctions have been obtained
  - c. Tender has been floated, evaluated and awarded and
  - d. There is contractual obligation to start and end the work within a given time frame and failing which there is an obligation to impose penalty on the contractor.
  - c. In case of any of the above conditions not being met in such cases prior approval of the Commission shall be sought and obtained.
16. Global tenders already floated, can be evaluated and finalized where any time limits are specified for such purpose.
17. Tenders other than global tenders, that are already floated may be evaluated but not finalized without prior approval of the Commission. If they are not already floated, they shall not be floated without prior approval of the Commission.
18. Commission invariably takes a humanitarian view on the work that are necessitated due to man-made or natural calamities.
- a. Ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the persons affected at the current rates/scales of assistance presently in force, under intimation to the Commission. No change in the extant and prescribed scales of payments, however, shall be made in the existing rates/scales without prior permission of the Commission.
  - b. Payment directly to the hospitals from CM's/PM's Relief Fund, in lieu of direct cash payment to individual patients (beneficiaries) will be permissible without reference to the Commission.
  - c. Emergent relief works and measures that are aimed to mitigate the hardships, directly and solely, of the persons affected in a disaster may be taken up under intimation to the Commission.
  - d. However, new works that may be necessitated by way of preventive measures to mitigate the likely effects of natural disasters like repair of embankments, water channels etc. can be taken up only with prior permission of the Commission.
  - e. Also, an area shall not be declared drought/flood affected or any such calamity affected without prior approval of the Commission. The extent of area already declared to be calamity-affected cannot be expanded without prior approval of the Commission.
  - f. Similarly, any selective assistance to a group of persons from the PM's or the CM's Relief Fund will require prior approval of the Commission.
19. The medical assistance under PM's/CM's Relief Fund for various treatment/operation, like heart surgery, kidney transplantation, cancer treatment etc. which are time bound



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in nature and can't be postponed without endangering patient's health may be released, provided selection of beneficiaries/patients are done by the concerned Government Officials/Head of the concerned Private Hospitals.

20. The process required for the decision on the power tariff may be continued by the State Electricity Regulatory Commission. However, tariff award shall be made only on the completion of poll in the relevant State, i.e. after the poll date/dates in that State.
21. The following type of activities will require prior permission of the Commission:
  - a. New works and project cannot be taken up from discretionary funds of whatever nature. Discretionary fund, in this context, includes funds, which are provided for in the budget in a generic manner and for which no identified and sanctioned project exists prior to Model Code of Conduct coming into effect.
  - b. Proposals for revival of sick PSUs, governmental takeover of enterprises etc. (or any policy decision on similar lines) cannot be taken up.
  - c. Fresh auctions of liquor vendts etc. cannot be held even if the annual auction time falls within the Model Code of Conduct period. Where necessary, the government should make interim arrangements as provided in their respective laws.
  - d. Area of operation of any existing project/scheme/programme cannot be extended or expanded.
  - e. No land allocation shall be made by the government to any entity, whether individual or an enterprise.
  - f. Signing a MOU or an agreement where the government is a party will also require prior clearance by the Commission.
22. Regular recruitment/appointment or promotion through the UPSC, State Public Service Commissions or the Staff Selection Commission or any other statutory authority can continue. Recruitments through non-statutory bodies will require prior clearance of the Commission.
23. While starting any work (including any relief work) or developmental activity no formal function shall be held involving any political functionary. As a matter of good practice, normal functions and publicity even with the presence of official functionaries should be kept to the minimum.
24. Where works are to be undertaken or functions are to be held in fulfillment of international commitments, prior concurrence of the Commission shall be taken.

### III. Implementation of drought relief work

The Commission has been receiving various representations from the State Governments regarding the modalities of implementing relief work in areas which have been declared as "drought affected" in the respective States. The Commission after taking into account all relevant factors, directs the following:-

- (i) The drought relief works by way of immediate relief measures to be taken up by the State



Governments shall only be in the areas which have been declared as "drought affected" within the parameters laid down under the guidelines for managing of Calamity Relief Fund by the Central Government. No new areas are to be added to the existing list of such "drought affected" areas after the announcement of elections. Addition of any additional area/village will only be subject to obtaining prior concurrence of the Commission after following the due procedure laid down for seeking assistance under the Calamity Relief Fund/ National Relief Fund laid down by the Government of India for operation of such funds.

- (ii) To provide immediate relief in the areas declared as drought affected, the Commission has provisionally approved the following measures: -
- (a) Provision of drinking water by way of water tankers.
  - (b) Digging of bore-wells as well as dug-wells in scarcity areas on account of drying of the existing bore-wells/dug-wells.
  - (c) Provision of rice/wheat at prescribed rates for distribution among the destitute without support and who cannot go for work as per mechanism already prescribed in the Calamity Relief Fund Scheme.
  - (d) Provision of fodder for cattle.
  - (e) New works on wage employment (Food for work etc.) where such existing works have been completed.
- (iii) No minister of the Government or a political functionary will be associated in the management of the drought relief operations in any capacity, supervisory or otherwise, during period of operation of the model code of conduct.
- (iv) The entire relief operation would be taken up by the Division, District and Taluka/sub-District Administration without involving elected representatives and/or non-officials at any level.

#### IV. On Transfers and posting of officials

- (1) No officer connected directly with elections shall be allowed to continue in the present district (revenue district) of posting:-
- (a) if she/he is posted in her/his home district.
  - (b) if she/he has completed three years in that district during last four (4) years or would be completing 3 years. The three years period shall be reckoned backwards from last day of the month of end of the term of Legislative Assembly of the State. While calculating the period of three years, promotion to a post within the district is to be counted.
- (2) Applicability
- 2.1 District Officers: - These instructions shall cover not only officers appointed for specific election duties like DEOs, Dy. DEOs, RO/AROs, EROs/AEROs, officers appointed as nodal officers of any specific election works but also district officers like ADMs, SDMs, Dy.



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- (a) Provision of drinking water by way of water tankers.
  - (b) Digging of bore-wells as well as dug-wells in scarcity areas on account of drying of the existing bore-wells/dug-wells.
  - (c) Provision of rice/wheat at prescribed rates for distribution among the destitute without support and who cannot go for work as per mechanism already prescribed in the Calamity Relief Fund Scheme.
  - (d) Provision of fodder for cattle.
  - (e) New works on wage employment (Food for work etc.) where such existing works have been completed.
- (iii) No minister of the Government or a political functionary will be associated in the management of the drought relief operations in any capacity, supervisory or otherwise, during period of operation of the model code of conduct.
- (iv) The entire relief operation would be taken up by the Division, District and Taluka/sub-District Administration without involving elected representatives and/or non-officials at any level.

#### IV. On Transfers and posting of officials

- (1) No officer connected directly with elections shall be allowed to continue in the present district (revenue district) of posting:-
- (a) if she/he is posted in her/his home district.
  - (b) if she/he has completed three years in that district during last four (4) years or would be completing 3 years. The three years period shall be reckoned backwards from last day of the month of end of the term of Legislative Assembly of the State. While calculating the period of three years, promotion to a post within the district is to be counted.
- (2) Applicability
- 2.1 District Officers: - These instructions shall cover not only officers appointed for specific election duties like DEOs, Dy. DEOs, RO/AROs, EROs/AEROs, officers appointed as nodal officers of any specific election works but also district officers like ADMs, SDMs, Dy.



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Collector/Joint Collector, Tehsildar, Block Development Officers or any other officer of equal rank directly deployed for election works.

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

2.3 Police Officers: - These instructions shall be applicable to the police department officers such as Range ADGs/IGs, DIGs, Commandants of State Armed Police, SSPs, SPs, Addl. SPs, Sub-Divisional Head of Police, SHOs, Inspectors, Sub-Inspector, RIs / Sergeant Majors or equivalent ranks, who are responsible for security arrangement or deployment of police forces in the district at election time. The police officials who are posted in functional departments like computerization, special branch, training, etc. are not covered under these instructions. Following shall be followed:

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

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

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

During the period of implementation of Model Code of Conduct, there shall be a total ban on the transfer of all officers/officials connected with the conduct of the election. These include but are not restricted to: -

- (i) The Chief Electoral Officer and Additional/Joint/Deputy Chief Electoral Officers;
- (ii) Divisional Commissioners;
- (iii) The District Election Officers, Returning Officers, Assistant Returning Officers and other Revenue Officers connected with the Conduct of Elections;
- (iv) Officers of the Police Department connected with the management of elections like range IGs and DIGs, Senior Superintendents of Police and Superintendents of Police, Sub-divisional level Police Officers like Deputy Superintendents of Police and other Police officers who are deputed to the Commission under section 28A of the Representation of the People Act, 1951;
- (v) Other officers drafted for election works like sector and zonal officers, Transport cell, EVM cell, Poll material procurement & distribution cell, Training cell, Printing Cell etc. Senior officers, who have a role in the management of election in the State, are also covered by this direction.
- (vi) The transfer orders issued in respect of the above categories of officers prior to the



date of announcement but not implemented till the time when model code came into effect should not be given effect to without obtaining specific permission from the Commission.

- (vii) This ban shall be effective till the completion of the election process.
- (viii) In those cases where transfer of an officer is considered necessary on account of administrative exigencies, the State Government may, with full justification, approach the Commission for prior clearance.
- (ix) No appointments or promotions in Government / Public Undertakings shall be made during this period, without prior clearance of the Commission.

**V. On Misuse of Official Machinery**

1. Official vehicles cannot be used for electioneering work. 'Official Vehicles' include all vehicles belonging to
  - o Central and State Government,
  - o Public Sector Undertakings of the Central and State Government,
  - o Joint Sector Undertakings of Central and State Government,
  - o Local Bodies, Municipal Corporations, Municipalities,
  - o Marketing Boards (by whatever name known),
  - o Cooperative Societies,
  - o Autonomous District Councils, or
  - o Any other body in which public funds, howsoever small a portion of the total, are invested, and also
  - o Vehicles belonging to the Ministry of Defence and the Central Police Organizations under the Ministry of Home Affairs and State Governments.
2. It is open for a minister of the Union or State to make private visits using his or her private vehicle(s). For such private visits, the official personal staff of the ministers shall not accompany them. However, if a Minister is traveling in some emergent situation, out of his HQ on purely official business, which cannot be avoided in public interest, then a letter certifying to this effect should be sent from the Secretary concerned of the Department to the Chief Secretary of the state where the Minister intends to visit, with a copy to the Commission. During such tour, the Chief Secretary may provide the Minister with Government vehicle and accommodation and other usual courtesies for his official trip. However, immediately preceding or during or in continuation of such an official tour, no minister can carry out or combine any election campaign or political activity. The Commission will keep watch on such arrangements in due consultation with its Chief Electoral Officer.
3. No Minister, whether of union or state, will summon any election related officer of the constituency or the State, for any official discussions during the period of elections commencing with the announcement of the elections. Only exception will be when a Minister, in his capacity as in charge of the department concerned, or a Chief Minister



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undertakes an official visit to a constituency, in connection with failure of law and order or a natural calamity or any such emergency which requires personal presence of such Ministers/Chief Ministers for the specific purpose of supervising review/salvage/relief and such like purpose.

4. Ministers are entitled to use their official vehicles only for commuting from their official residence to their office for official work provided that such commuting is not combined with any electioneering or any political activity.
5. Ministers, whether of the Union or State, shall not combine in any manner their official tours with election work.
6. Whether on a private or official visit, no pilot car(s) or car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind shall be used by any political functionary, even if the State administration has granted him a security cover requiring presence of armed guards to accompany him on such visit. This is applicable whether the vehicle is government owned or private owned.
7. Any official who meets the Minister on his private visit to the constituency where elections are being held shall be guilty of misconduct under the relevant service rules; and if he happens to be an official mentioned in Section 129 (1) of the Representation of People Act, 1951, he shall also be additionally considered to have violated the statutory provisions of that Section and liable to penal action provided there-under.
8. During the period when Model Code of Conduct is in force in connection with General Election to the Lok Sabha/State Legislative Assemblies, all references of Ministers, Politicians or Political Parties available on Central/State Government's official website highlighting their achievements but eulogizing the same as personal achievements of Politicians/Ministers shall be taken off/purged off. During bye-elections, these instructions may be confined to only those Politicians/Ministers, etc. who themselves become candidates at such bye-elections.

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

1. The photographs and images of the political functionaries, who deep influence on the minds of electors and many of whom are still active in public life and may even be contesting the current general elections, should not be displayed in the government buildings and premises as that would have the effect of disturbing the level playing field vis-à-vis the political functionaries of other parties and candidates.
2. While the photographs of Prime Minister, Chief Ministers, Ministers and other political functionaries should not be displayed, this instruction, however, is not applicable with regard to the images of national leaders, poets, and prominent historical personalities of the past, and the President of India and the Governors. In case of any doubt in this regard regarding removal of any photograph or images, the issue may be referred to the Chief Electoral Officer of the State/Union Territory concerned before taking action in the matter.



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

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

## VIII. Briefing of CM/HM by police officers

1. The security briefings of Chief Minister or the Home Minister when considered essential should be undertaken by the Home Secretary or the Chief Secretary, who in turn should be briefed by the police agencies. In case where police agency's/official's presence is considered essential, the Chief Secretary/Home Secretary may require the police agency/official to be present in such briefings.
2. The spirit behind the Commission's instruction is to safeguard a free, fair and transparent election and provide a level playing field to all political parties as also to ensure that there is no scope for public complaints that the political executive/government of the day is misusing the government machinery for political purpose. These instructions should, however, not be construed as any restriction to any **security related activity** of the law-and-order enforcing agencies. Therefore, in situations where it is so warranted, the law-and-order enforcing agencies should not take the plea of ECI instructions for any inaction or delay in action to be taken by them. Whatever is required under the circumstances, including informing the political executives by the DGP and taking directions from them, should be undertaken by the police agencies in the bonafide performance of their duty or exercise of their authority.

## IX. Misuse of free travel passes

2. Instances have come to the notice of the Commission where the free passes issued by the Railways and the Government Airlines have been misused to travel to and from the States/ constituencies/areas having the elections. Issue of such passes enabled the holders to travel round the country free of cost and participate in election related activities and thus attempt to vitiate the holding of free and fair



elections.

3. The Commission has decided that such activities should be stopped. Accordingly, the Commission has directed that in future no golden passes, free passes, concessional passes or any other types of passes be issued or allowed to be used for travel to and from the states/constituencies/area going to the polls during general elections/bye-elections. This ban will apply from the date of announcement of the general election/bye-election till the declaration of results.
4. No one shall be exempted from the ambit of the aforesaid ban. The only exception will be in the case of tour operators and travel agents.

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

1. Each State has enacted a separated State Excise Laws governing the allotment of liquor vends. From the references received in the Commission, it is observed that varying models exist in different States for the sale of liquor through the venders. In some States/UTs the State Govt. Itself sells liquor through the outlets of the State-run corporation/undertaking. In some other States, supplies liquor to the retail venders who are selected on the basis of applications by the Excise Department. There are also States where liquor contracts are awarded either at the State level or at the district level directly to the liquor vendors through the system of tenders or by draw of lots on the price fixed by the Govt.
2. The contracts are annually awarded for the financial year. Some of the State Excise laws contain an enabling provision for extension by the Government of the contract for some period beyond the close of the financial year, whereas in some others, no such enabling provision is made in the existing law.
3. In view of the above position, the Commission has directed that the following procedure may be followed in the matter of allotment of liquor vends, during the period of operation of the Model Code of Conduct –
  - (i) Where the extant Excise Laws of a State empower the State Govt. or the authorities thereunder to make an interim arrangement beyond the current financial year, pending arrangement, such interim arrangement may be made with the concerned contractor/vendors on the existing terms and conditions.
  - (ii) Where no such enabling provision is available in the existing Excise Laws, the State Govt. may go ahead with the normal practice followed in the previous years strictly in accordance with the existing laws for the grant of new licenses/contracts for the ensuing financial year.
4. In all cases where major auctions etc. are to be held relating to matters such as tendu leaves and other such cases, they should be put off till the last date of completion of elections in the concerned areas and the State Government should make interim arrangements where unavoidably necessary.



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## **XI. Presentation of Budgets**

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

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

2. State Government institutions of several types are nowadays engaged in commercial and banking activities. The Supreme Court has observed in Kirpal Singh Vs Uttam Singh (AIR 1986 SC 300) that 'Nowadays the activities of the State are so manifold and prolific that the State has been forced, in the interests of better management and administration and in order to further the Directive Principles of State Policy, to set up various Corporations which are but mere instrumentalities of the State'. The Supreme Court has further observed in Satrucharla Chandrasekhar Vs Vyricherla Pradeep Kumar (AIR 1992 SC 1959) that the incorporation of a body corporate may suggest that it is independent of the government, but that would not be conclusive of the fact, as, sometimes, the form may be that of body incorporate independent of the government, but, in substance, it may just be an alter ego of the government. Accordingly, several State Government financial institutions are undertaking commercial and banking activities, like, granting loans, rescheduling the recovery of loans and, in many cases, writing off bad loans or defaulted loans. Whereas this normal activity of such State Government institutions may go on during non-election period these activities when the election process is underway, sometimes, get vitiated and are looked upon with suspicion by political parties, candidates and general public. It cannot be gainsaid that the party in power which wields considerable influence over the government of the day and which is also contesting the elections to get back to power, can get bad or defaulted loans to be written off, giving rise to allegations that the person or the business house whose loan is being written off makes contributions to the party, offers to help them in their election campaign. There could also be the other abuse of a flurry of loaning activities of a populist nature aimed to garner votes, which would, in the long run, affect the health of the loaning institution itself.
3. Keeping the above ground position and the realities of the situation in view, the Commission is of the considered view that all financial institutions funded, partly or wholly, by the State Governments should not take recourse to writing off loans advanced to any individual, company, firm, etc. during the period when the Model Code of Conduct is in force, without the prior concurrence of the Commission. Similarly, the financial limits that these institutions have to adhere to while granting or extending loans should not be



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enhanced by issuing of loans indiscriminately to beneficiaries when the Model Code of Conduct is in force.

### **XIII. Ban on Video Conferencing**

No video conferencing should take place between the Chief Ministers of the States, Ministers and other political functionaries of the Union and State Governments and the officials individually or collectively, after the announcement of elections and from the date from which Model Code of Conduct comes into force in a state or the constituency.

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

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

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

Rest houses, Dak bungalows or other Government accommodation shall not be monopolized by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premises appertaining thereto) as a campaign office or for holding any public meeting for the purposes of election propaganda.

It shall be ensured that no functionary can use the Circuit House, Dak bungalow to set up campaign office as the Circuit Houses/Dak bungalows are only for temporary stay (boarding and lodging) during transit of such functionaries.

The Commission has further directed that:



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- (i) Even casual meeting by Members of political parties inside the premises of the Government owned guesthouse etc. are not permitted and any violation of this shall be deemed to be a violation of the Model Code of Conduct.
  - (ii) Only the vehicle carrying the person allotted accommodation in the guest house and not more than two other vehicles, if used by the person, will be permitted inside the compound of the Guest House,
  - (iii) Rooms should not be made available for more than 48 hours to any single individual.

However, 48 hours before the close of poll in any particular area, there will be freeze on such allocations till completion of poll or re-poll. The Commission directs that the Chief Electoral Officers will oversee strict and impartial implementation of these guidelines.

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

#### **XV. Restrictions on use of Government Guest Houses, Bhawans and State Sadans located at Delhi for holding of political parties meeting regarding election purposes**

The Commission has taken note of utilization of various State Guest Houses, Bhawans and Sadans at Delhi for election related activities by some of the political parties. These include holding of party meeting press conference and consultations. The Commission after taking all factors into account has decided that no part of such premises is utilized for any political activities of the kind already mentioned. The Resident Commissioners and Liaison Officers of all States and Union Territories at Delhi are hereby instructed to ensure that no violation in this regard is made.

There are, however, no restrictions for use of Bhawans for genuine requirements for accommodation of officers and other visitors including political functionaries purely for purposes of their official tour to Delhi. The Resident/Liaison Commissioners are also advised that allocation of rooms should be done in a fair and equitable manner and that it would be improper to provide entire floors and large blocks for exclusive use and for extended period by political functionaries and parties.

#### **XVI. Other Do's and Don'ts for the guidance of the Candidates and Political Parties to be observed from the announcement of an election and until the completion of process of election**

The Commission has drawn up a list of 'Dos' and 'Don'ts' to be followed by candidates and political parties after the announcement of elections and till the completion of the process of elections. The Commission has directed that this be given the widest possible publicity and



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its contents brought to the knowledge of all candidates and political parties including in the official language of the State.

It must be clearly brought to the notice of candidates and political parties that the list of Dos' and Donts' is only illustrative and not exhaustive and is not intended to substitute or modify other detailed directions/instructions on the above subjects, which must be strictly observed and followed.

#### DO'S'

- (1) On-going programmes, which actually started in the field before the announcement of elections may continue.
- (2) Relief and rehabilitation measures to the people in areas affected by floods, drought, pestilence, and other natural calamities, can commence and continue.
- (3) Grant of cash or medical facilities to terminally or critically ill persons can continue with appropriate approvals.
- (4) Public places like maidans must be available impartially to all parties/contesting candidates for holding election meetings. So also, use of helipads must be available impartially to all parties/contesting candidates, to ensure a level playing field.
- (5) Criticism of other political parties and candidates should relate to their policies, programme, past record and work.
- (6) The right of every individual for peaceful and undisturbed home life should be fully safeguarded.
- (7) The local police authorities should be fully informed of the venue and time of the proposed meetings well in time and all necessary permissions taken.
- (8) If there are any restrictive or prohibitory orders in force in the place of the proposed meeting, they shall be fully respected. Exemption, if necessary, must be applied for and obtained well in time.
- (9) Permission must be obtained for the use of loudspeakers or any other such facilities for the proposed meetings.
- (10) The assistance of the police should be obtained in dealing with persons disturbing meetings or otherwise creating disorder.
- (11) The time and place of the starting of any procession, the route to be followed and the time and place at which the procession will terminate should be settled in advance and advance permissions obtained from the police authorities.
- (12) The existence of any restrictive orders in force in the localities through which the procession has to pass should be ascertained and fully complied with. So also, all traffic regulations and other restrictions.
- (13) The passage of the procession must be without hindrance to traffic.



- (14) Cooperation should be extended to all election officials at all times to ensure peaceful and orderly poll.
- (15) All Workers must display badges or identity cards.
- (16) Unofficial identity slips issued to voters shall be on plain (white) paper and not contain any symbol, name of the candidate or name of the party.
- (17) Restrictions on plying of vehicles during the campaign period and on poll day shall be fully obeyed.
- (18) (Except voters, candidates and their election/polling agents), only persons with a specific valid authority letter from the Election Commission can enter any polling booth. No functionary however highly placed (e.g. Chief Minister, Minister, MP or MLA etc.) is exempt from this condition.
- (19) Any complaint or problem regarding the conduct of elections shall be brought to the notice of the observer appointed by the Commission/Returning Officer/Zonal/Sector Magistrate/Election Commission of India.
- (20) Directions/orders/instructions of the Election Commission, the Returning Officer, and the District Election Officer shall be obeyed in all matters related to various aspects of election.
- (21) Do leave the constituency after the campaign period is over if you are not a voter or a candidate or candidate's election agent from that constituency.

#### DON'Ts

- (1) Any and all advertisements at the cost of the public exchequer regarding achievements of the party/Government in power is prohibited.
- (2) No Minister shall enter any polling station or the place of counting, unless he or she is a candidate or as a voter only for voting.
- (3) Official work should not at all be mixed with campaigning/electioneering.
- (4) No inducement, financial or otherwise, shall be offered to the voter.
- (5) Caste/communal feelings of the electors shall not be appealed to.
- (6) No activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes, communities or religious or linguistic groups shall be attempted.
- (7) No aspect of the private life, not connected with the public activities, of the leaders or workers of other parties shall be permitted to be criticized.
- (8) Other parties or their workers shall not be criticized based on unverified allegations or on distortions.
- (9) Temples, Mosques, Churches, Gurudwaras or any place of worship shall not be used as places for election propaganda, including speeches, posters, music etc., on electioneering.



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- (10) Activities which are corrupt practices or electoral offences such as bribery, undue influence, intimidation of voters, personation, canvassing within 100 meters of a polling station, holding of public meetings during the period of 48 hours ending with the hour fixed for the close of the poll and conveyance of voters to and from polling stations are prohibited.
  - (11) Demonstrations or picketing before the houses of individuals by way of protesting against their opinion or activities shall not be resorted to.
  - (12) Subject to the local laws, no one can make use of any individual's land, building, compound wall, vehicles etc. for erecting flag staffs, putting up banners, pasting notices or writing slogans etc. without specific permission of the owner (to be shown to and deposited with the District Election Officer).
  - (13) No disturbances shall be created in public meetings or processions organized by other political parties or candidates.
  - (14) Processions along places at which another party is holding meetings shall not be undertaken.
  - (15) Processionists shall not carry any articles, which are capable of being misused as missiles or weapons.
  - (16) Posters issued by other parties and candidates shall not be removed or defaced.
  - (17) Posters, flags, symbols or any other propaganda material shall not be displayed in the place being used on the day of poll for distribution of identity slips or near polling booths.
  - (18) Loudspeakers whether static or mounted on moving vehicles shall not be used either before 6 a.m. or after 10p.m. and without the prior written permission of the authorities concerned.
  - (19) Loudspeakers shall also not be used at public meetings and processions without the prior written permission of the authorities concerned. Normally, such meetings/processions will not be allowed to continue beyond 10.00 p.m. in the night and will be further subject to the local laws, local perceptions of the security arrangements of the area and other relevant considerations like weather conditions, festival season, examination period, etc.
  - (20) No liquor should be distributed during elections.
  - (21) On the day of the poll, no person who has been assessed to be having a security threat and therefore given official security shall enter the vicinity of a polling station premise (within 100 meters) with his security personnel. Further, on the day of the poll no such person shall move around in a constituency with his security personnel. If the person provided with official security happens to be a voter also, then he or she shall restrict his / her movement - accompanied by security personnel, to voting only.
  - (22) No person who has been assessed to be having a security threat and therefore provided official security or who has private security guards for himself, shall be appointed as an election agent or polling agent or counting agent.



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*NOTE: The above list of Do's' and Don'ts' is only illustrative and not exhaustive and is not intended to substitute any other detailed orders, directions/instructions on the above subjects, which must be strictly observed and followed.*

The clarification/approval of the Election Commission of India/Chief Electoral Officer of your state should be obtained in case of doubt.

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





सत्यमेव जयते

राजनैतिक दलों और अभ्यर्थियों  
के मार्गदर्शन के लिये

# आदर्श आचार संहिता

भारत निर्वाचन आयोग

निर्वाचन सदन  
अशोक रोड, नई दिल्ली-110001



**भारत निर्वाचन आयोग**  
**राजनैतिक दलों और अभ्यर्थियों के मार्गदर्शन के लिए**  
**आदर्श आचार संहिता**

**I. साधारण आचरण :**

(1) किसी दल या अभ्यर्थी को ऐसा कोई कार्य नहीं करना चाहिए, जो विभिन्न जातियों और धार्मिक या भाषायी समुदायों के बीच विद्यमान मतभेदों को बढ़ाये या घृणा की भावना उत्पन्न करे या तनाव पैदा करे.

(2) जब अन्य राजनैतिक दलों की आलोचना की जाय, तब वह उनकी नीतियों और कार्यक्रम, पूर्व रिकार्ड और कार्य तक ही सीमित होनी चाहिए. यह भी आवश्यक है कि व्यक्तिगत जीवन के ऐसे सभी पहलुओं की आलोचना नहीं की जानी चाहिए जिनका संबंध अन्य दलों के नेताओं या कार्यकर्ताओं के सार्वजनिक क्रियाकलाप से न हो. दलों या उनके कार्यकर्ताओं के बारे में कोई ऐसी आलोचना नहीं की जानी चाहिए जो ऐसे आरोपों पर जिनकी सत्यता स्थापित न हुई हो या जो तोड़-मरोड़ कर कही गई बातों पर आधारित हो.

(3) मत प्राप्त करने के लिए जातीय या साम्प्रदायिक भावनाओं की दुहाई नहीं दी जानी चाहिए. मस्जिदों, गिरजाघरों, मंदिरों या पूजा के अन्य स्थानों का निर्वाचन प्रचार के मंच के रूप में प्रयोग नहीं किया जाना चाहिए.

(4) सभी दलों और अभ्यर्थियों को ऐसे सभी कार्यों से ईमानदारी के साथ बचना चाहिए, जो निर्वाचन विधि के अधीन 'भ्रष्ट आचरण' और अपराध हैं जैसे कि मतदाताओं को रिश्वत देना, मतदाताओं को डराना/धमकाना मतदाताओं का प्रतिरूपण, मतदान केन्द्र के 100 मीटर के भीतर मत याचना करना, मतदान की समाप्ति के लिए नियत समय को खत्म होने वाली 48 घंटे की अवधि के



दौरान सार्वजनिक सभाएं करना और मतदाताओं को वाहन से मतदान केन्द्रों तक ले जाना और वहां से वापस लाना।

(5) सभी राजनैतिक दलों या अभ्यर्थियों को इस बात का प्रयास करना चाहिए कि वे प्रत्येक व्यक्ति के शांतिपूर्ण और विघ्नरहित घरेलू जिन्दगी के अधिकार का आदर करें चाहे वे उसके राजनैतिक विचारों या कार्यों के कितने ही विरुद्ध क्यों न हों व्यक्तियों के विचारों या कार्यों का विरोध करने के लिए उनके घरों के सामने प्रदर्शन करने या धरना देने के तरीकों का सहारा किसी भी परिस्थिति में नहीं लेना चाहिए।

(6) किसी भी राजनैतिक दल या अभ्यर्थी को ध्वजदण्ड बनाने ध्वज टांगने, सूचनाएं चिपकाने, नारे लिखने आदि के लिए किसी भी व्यक्ति को भूमि, भवन, अहाते, दीवार आदि का उसकी अनुमति के बिना उपयोग करने की अनुमति, अपने अनुयायियों को नहीं देनी चाहिए।

(7) राजनैतिक दलों और अभ्यर्थियों को यह सुनिश्चित करना चाहिए कि उनके समर्थक अन्य दलों द्वारा आयोजित सभाओं जुलूसों आदि में बाधाएं उत्पन्न न करें या उन्हें भंग न करें। एक राजनैतिक दल के कार्यकर्ताओं या शुभचिंतकों को दूसरे राजनैतिक दल द्वारा आयोजित सार्वजनिक सभाओं में मौखिक रूप से या लिखित रूप में प्रश्न पूछ कर या अपने दल के परचे वितरित करके, गड़बड़ी पैदा नहीं करना चाहिए। किसी दल द्वारा जुलूस उन स्थानों से होकर नहीं ले जाने चाहिए जिन स्थानों पर दूसरे दल द्वारा सभाएं की जा रही हों। एक दल द्वारा लगाए गये पोस्टर दूसरे दल के कार्यकर्ता द्वारा हटाये नहीं जाने चाहिए।

## II. सभाएं :

(1) दल या अभ्यर्थी को किसी प्रस्तावित सभा के स्थान और समय के बारे में स्थानीय प्राधिकारियों को उपयुक्त समय पर सूचना दे देनी चाहिए



ताकि वे यातायात को नियंत्रित करने और शांति तथा व्यवस्था बनाए रखने के लिए आवश्यक इंतजाम कर सकें।

(2) दल या अभ्यर्थी को उस दशा में पहले ही यह सुनिश्चित कर लेना चाहिए कि उस स्थान पर जहां सभा करने का प्रस्ताव है, कोई निर्वन्धात्मक या प्रतिबंधात्मक आदेश लागू तो नहीं है। यदि ऐसे आदेश लागू हों तो, उनका कड़ाई के साथ पालन किया जाना चाहिए। यदि ऐसे आदेशों से कोई छूट अपेक्षित हो तो उनके लिए समय से आवेदन करना चाहिए और छूट प्राप्त कर लेनी चाहिए।

(3) यदि किसी प्रस्तावित सभा के संबंध में लाऊडस्पीकरों के उपयोग या किसी अन्य सुविधा के लिए अनुज्ञा या अनुज्ञप्ति प्राप्त करनी हो तो दल या अभ्यर्थी को सम्बद्ध प्राधिकारी के पास काफी पहले से ही आवेदन करना चाहिए और ऐसी अनुज्ञा या अनुज्ञप्ति प्राप्त कर लेनी चाहिए।

(4) किसी सभा के आयोजकों के लिए यह अनिवार्य है कि वे सभा में विघ्न डालने वाले या अन्यथा अव्यवस्था फैलाने का प्रयत्न करने वाले व्यक्तियों से निपटने के लिए ड्यूटी पर तैनात पुलिस की सहायता प्राप्त करें। आयोजकों को चाहिए कि वे स्वयं ऐसे व्यक्तियों के विरुद्ध कोई कार्यवाही न करें।

### III जुलूस :

(1) जुलूस का आयोजन करने वाले दल या अभ्यर्थी को पहले ही यह बात तय कर लेनी चाहिए कि जुलूस किस समय और किस स्थान से शुरू होगा, किस मार्ग से होकर जायेगा और किस समय और किस स्थान पर समाप्त होगा। सामान्यतः कार्यक्रम में कोई फेरबदल नहीं होनी चाहिए।

(2) आयोजकों को चाहिये कि वे कार्यक्रम के बारे में स्थानीय पुलिस प्राधिकारियों को पहले से सूचना दे दें, ताकि वे आवश्यक प्रबंध कर सकें।

(3) आयोजकों को यह पता कर लेना चाहिए कि जिन इलाकों से होकर जुलूस गुजरता है, उनमें कोई निर्बंधात्मक आदेश तो लागू नहीं है और जब तक सक्षम प्राधिकारी द्वारा विशेष रूप से छूट न दे दी जाए, उन निर्बंधनों का पालन करना चाहिए।

(4) आयोजकों को जुलूस का आयोजन ऐसे ढंग से करना चाहिये, जिससे कि यातायात में कोई रुकावट या बाधा उत्पन्न किये बिना जुलूस का निकलना संभव हो सके। यदि जुलूस बहुत लम्बा है तो उसे उपयुक्त लम्बाई वाले टुकड़ों में संगठित किया जाना चाहिए, ताकि सुविधाजनक अंतरालों पर विशेषकर उन स्थानों पर जहां जुलूस को चौराहों से होकर गुजरना है, रुके हुए यातायात के लिए समय-समय पर रास्ता दिया जा सके और इस प्रकार भारी यातायात के जमाव से बचा जा सके।

(5) जुलूसों की व्यवस्था ऐसी होनी चाहिए कि जहां तक हो सके उन्हें सड़क की दायीं ओर रखा जाए और ड्यूटी पर तैनात पुलिस के निर्देश और सलाह का कड़ाई के साथ पालन किया जाना चाहिए।

(6) यदि दो या अधिक राजनैतिक दलों या अभ्यर्थियों ने लगभग उसी समय पर उसी रास्ते से या उसके भाग से जुलूस निकालने का प्रस्ताव किया है तो आयोजकों को चाहिए कि वे समय से काफी पूर्व आपस में सम्पर्क स्थापित करें और ऐसी योजना बनायें जिससे कि जुलूसों में टकराव न हो या यातायात को बाधा न पहुंचे। स्थानीय पुलिस की सहायता संतोषजनक इंतजाम करने के लिए सदा उपलब्ध होगी। इस प्रयोजन के लिए दलों को यथाशीघ्र पुलिस से सम्पर्क स्थापित करना चाहिए।



(7) जुलूस में शामिल लोगों द्वारा ऐसी चीजें लेकर चलने के विषय में, जिनका अवांछनीय तत्वों द्वारा, विशेष रूप से उत्तेजना के क्षणों में दुरुपयोग किया जा सकता है, राजनैतिक दलों या अभ्यर्थियों को उन पर अधिक से अधिक नियंत्रण रखना चाहिए।

(8) किसी भी राजनैतिक दल या अभ्यर्थी को अन्य राजनैतिक दलों के सदस्यों या उनके नेताओं के पुतले लेकर चलने, उनको सार्वजनिक स्थान में जलाने और इसी प्रकार के अन्य प्रदर्शनों का समर्थन नहीं करना चाहिए।

#### IV. मतदान दिवस :

सभी राजनैतिक दलों और अभ्यर्थियों को चाहिए कि वे :—

- (i) यह सुनिश्चित करने के लिये कि मतदान शांतिपूर्वक और सुव्यवस्थित ढंग से हो और मतदाताओं को इस बात की पूरी स्वतंत्रता हो कि वे बिना किसी परेशानी या बाधा के अपने मताधिकार का प्रयोग कर सकें, निर्वाचन कर्तव्य पर लगे हुए अधिकारियों के साथ सहयोग करें।
- (ii) अपने प्राधिकृत कार्यकर्ताओं को उपयुक्त बिल्ले या पहचान-पत्र दें।
- (iii) इस बात से सहमत हों कि मतदाताओं को उनके द्वारा दी गई पहचान पर्चियाँ सादे (सफेद) कागज पर होगी और उन पर कोई प्रतीक, अभ्यर्थी का नाम या दल का नाम नहीं होगा।
- (iv) मतदान के दिन और उसके पूर्व के 48 घंटों के दौरान किसी को शराब पेश या वितरित न करें।

- (v) राजनैतिक दलों और अभ्यर्थियों द्वारा मतदान केन्द्रों के निकट लगाए गए कैम्पों के नजदीक अनावश्यक भीड़ इकट्ठी न होने दें, जिससे दलों और अभ्यर्थियों के कार्यकर्ताओं और शुभचिंतकों में आपस में मुकाबला और तनाव न होने पाये।
- (vi) यह सुनिश्चित करें कि अभ्यर्थियों के कैम्प साधारण हों। उन पर कोई पोस्टर, झण्डे, प्रतीक या कोई अन्य प्रचार सामग्री प्रदर्शित न की जाये। कैम्पों में खाद्य पदार्थ पेश न किये जायें और भीड़ न लगाई जाये।
- (vii) मतदान के दिन वाहन चलाने पर लगाये जाने वाले निर्बन्धनों का पालन करने में प्राधिकारियों के साथ सहयोग करें और वाहनों के लिए परमिट प्राप्त कर लें और उन्हें उन वाहनों पर ऐसे लगा दें जिससे वे साफ-साफ दिखाई देते रहें।

#### V. मतदान केन्द्र :

मतदाताओं के सिवाय कोई भी व्यक्ति निर्वाचन आयोग द्वारा दिए गए विधिमान्य पास के बिना मतदान केन्द्रों में प्रवेश नहीं करेगा।

#### VI. प्रेक्षक :

निर्वाचन आयोग प्रेक्षक नियुक्त कर रहा है। यदि निर्वाचनों के संचालन के संबंध में अभ्यर्थियों या उनके अभिकर्ताओं को कोई विशिष्ट शिकायत या समस्या हो तो वे उसकी सूचना प्रेक्षक को दे सकते हैं।



## VII. सत्ताधारी दल :

सत्ताधारी दल को, चाहे वह केन्द्र में हो या संबंधित राज्य या राज्यों में हो, यह सुनिश्चित करना चाहिए कि यह शिकायत करने का मौका न दिया जाये कि उस दल ने अपने निर्वाचन अभियान के प्रयोजनों के लिए अपने सरकारी पद का प्रयोग किया है, और विशेष रूप से:—

- (i) (क) मंत्रियों को अपने शासकीय दौरों को, निर्वाचन से संबंधित प्रचार के साथ नहीं जोड़ना चाहिए और निर्वाचन के दौरान प्रचार करते हुए शासकीय मशीनरी अथवा कर्मियों का प्रयोग नहीं करना चाहिए;
- (ख) सरकारी विमानों, गाड़ियों सहित सरकारी वाहनों, मशीनरी और कर्मियों का सत्ताधारी दल के हित को बढ़ावा देने के लिए प्रयोग नहीं किया जाएगा;
- (ii) सत्ताधारी दल को चाहिए कि वह सार्वजनिक स्थान जैसे मैदान इत्यादि पर निर्वाचन सभाएं आयोजित करने और निर्वाचन के संबंध में हवाई उड़ानों के लिए हेलीपैडों के इस्तेमाल करने के लिए अपना एकाधिकार न जमाएं। ऐसे स्थानों का प्रयोग दूसरे दलों और अभ्यर्थियों को भी उन्हीं शर्तों पर करने दिया जाए, जिन शर्तों पर सत्ताधारी दल उनका प्रयोग करता है।
- (iii) सत्ताधारी दल या उसके अभ्यर्थियों का विश्राम गृहों, डाक-बंगलों या अन्य सरकारी आवासों पर एकाधिकार नहीं होगा और ऐसे आवासों का प्रयोग निष्पक्ष तरीके से करने के लिए अन्य दलों और अभ्यर्थियों को भी अनुमति होगी लेकिन दल

या अभ्यर्थी ऐसे आवासों का (इनके साथ संलग्न परिसरों सहित) प्रचार कार्यालय के रूप में या निर्वाचन प्रचार के लिए कोई सार्वजनिक सभा करने की दृष्टि से प्रयोग नहीं करेगा या प्रयोग करने की अनुमति नहीं दी जाएगी।

- (iv) निर्वाचन अवधि के दौरान सत्ताधारी दल के हितों को अग्रसर करने की दृष्टि से उनकी उपलब्धियां दिखाने के उद्देश्य से राजनैतिक समाचारों तथा प्रचार की पक्षपातपूर्ण ख्याति के लिए सरकारी खर्च से समाचार-पत्रों में या अन्य माध्यमों से ऐसे विज्ञापनों का जारी किया जाना, सरकारी जन माध्यमों का दुरुपयोग ईमानदारी से बिल्कुल बन्द होना चाहिये।
- (v) मंत्रियों और अन्य प्राधिकारियों को उस समय से जब से निर्वाचन आयोग द्वारा निर्वाचन घोषित किए जाते हैं, विवेकाधीन निधि में से अनुदानों/अदायगियों की स्वीकृति नहीं देनी चाहिए।
- (vi) मंत्री और अन्य प्राधिकारी, उस समय से जब से निर्वाचन आयोग द्वारा निर्वाचन घोषित किए जाते हैं :-

- (क) किसी भी रूप में कोई भी वित्तीय मंजूरी या वचन देने की घोषणा नहीं करेंगे; और
- (ख) (लोक सेवकों को छोड़कर) किसी प्रकार की परियोजनाओं अथवा स्कीमों के लिए आधारशिलाएं आदि नहीं रखेंगे; या



- (ग) सड़कों के निर्माण का कोई वचन नहीं देंगे, पीने के पानी की सुविधायें नहीं देंगे आदि, या
- (घ) शासन सार्वजनिक उपक्रमों आदि में ऐसी कोई भी तदर्थ नियुक्ति न की जाये जिससे सत्ताधारी दल के हित में मतदाता प्रभावित हों।

**टिप्पणी :—**आयोग किसी भी निर्वाचन की तारीख की घोषणा इस प्रकार करेगा, जो ऐसे निर्वाचनों के बारे में जारी होने वाली अधिसूचना की तारीख से सामान्यतः तीन सप्ताह से अधिक नहीं होगी.

- (vii) केन्द्रीय या राज्य सरकार के मंत्री, अभ्यर्थी या मतदाता अथवा प्राधिकृत अभिकर्ता की अपनी हैसियत को छोड़कर किसी भी मतदान केन्द्र या गणना स्थल में प्रवेश नहीं करेंगे.

### VIII. निर्वाचन घोषणापत्रों पर दिशा-निर्देश

1. उच्चतम न्यायालय ने 2008 (एस. सुब्रिमणियम बालाजी बनाम तमिलनाडु सरकार एवं अन्य) की विशेष अनुमति याचिका (सिविल) संख्या 21455 में दिनांक 05 जुलाई, 2013 को अपने निर्णय में यह निर्देश दिया था कि भारत निर्वाचन आयोग सभी मान्यता प्राप्त राजनैतिक दलों के परामर्श से निर्वाचन घोषणापत्रों की विषय-वस्तु के संबंध में दिशा-निर्देश तैयार करे। निर्णय में उल्लिखित वे मार्गदर्शक सिद्धांत जो ऐसे दिशा-निर्देशों को बनाने में सहायक होंगे, नीचे दिए गए हैं :—

(i) यद्यपि, विधि निश्चित रूप से स्पष्ट है कि लोक प्रतिनिधित्व अधिनियम की धारा 123 के अधीन निर्वाचन घोषणापत्र का 'भ्रष्ट प्रथा' के रूप में अर्थ नहीं लगाया जा सकता है, परन्तु इस वास्तविकता से भी इंकार नहीं किया जा सकता है कि किसी भी प्रकार के मुफ्त उपहारों का वितरण, निस्संदेह लोगों को प्रभावित करता है। बहुत हद तक, यह स्वतंत्र और निष्पक्ष निर्वाचनों की जड़े ही हिला देता है।

(ii) निर्वाचन आयोग, निर्वाचनों में निर्वाचन लड़ने वाले दलों तथा अभ्यर्थियों को एक समान अवसर सुनिश्चित कराने के प्रयोजनार्थ और यह जानने के लिए कि कहीं निर्वाचन प्रक्रिया की शुचिता विगत की भांति दूषित तो नहीं हो रही है, आदर्श आचार संहिता के अधीन अनुदेश जारी करता रहता है। संविधान का अनुच्छेद 324 एवं उन शक्तियों का ऐसा स्रोत है, जिसके अधीन आयोग इन अनुदेशों को जारी करता है तथा जो आयोग को स्वतंत्र एवं निष्पक्ष निर्वाचनों को संचालित कराने का अधिदेश देता है।

(iii) हम इस वास्तविकता से परिचित हैं कि सामान्यतः राजनैतिक दल अपना निर्वाचन घोषणापत्र निर्वाचन की तारीख की घोषणा से पहले जारी करते हैं। स्पष्ट कहा जाए तो, उस परिदृश्य में, भारत निर्वाचन आयोग के पास ऐसे किसी कार्य को विनियमित करने का कोई अधिकार नहीं है जो निर्वाचनों की तारीख की घोषणा से पहले किया गया हो। हालांकि, निर्वाचन घोषणापत्र का सीधा संबंध निर्वाचन प्रक्रिया से होता है, अतः इस संबंध में अपवाद बनाया जा सकता है।



2. माननीय उच्चतम न्यायालय से उपर्युक्त निर्देश प्राप्त करने पर भारत निर्वाचन आयोग ने इस मामले में परामर्श करने के लिए मान्यता प्राप्त राष्ट्रीय तथा राज्यीय राजनैतिक दलों के साथ बैठक आयोजित की और इस मामले में उनके परस्पर-विरोधी विचारों को नोट कर लिया।

विचार-विमर्श के दौरान, जबकि कुछ राजनैतिक दलों के ऐसे दिशा-निर्देशों को जारी करने का समर्थन किया, वहीं कुछ लोगों का विचार था कि बेहतर लोकतांत्रिक राज्य-व्यवस्था में घोषणापत्रों में मतदाताओं को ऐसे प्रस्ताव देना तथा वायदे करना उनका अधिकार है। जबकि, आयोग सैद्धांतिक रूप से इस विचार से सहमत है कि घोषणापत्र तैयार करना राजनैतिक दलों का अधिकार है, परन्तु स्वतंत्र तथा निष्पक्ष निर्वाचनों के संचालन और सभी राष्ट्रीय दलों तथा अभ्यर्थियों को एक समान अवसर प्रदान करने की भावना को बनाए रखने में, कुछेक वायदों और प्रस्तावों के अवांछित प्रभाव को अनदेखा नहीं किया जा सकता।

3. संविधान का अनुच्छेद 324 निर्वाचन आयोग को, अन्य बातों के साथ-साथ, संसद तथा राज्य विधान मंडलों में निर्वाचन कराने का अधिदेश देता है। माननीय उच्चतम न्यायालय के उपर्युक्त निर्देशों को ध्यान में रखते हुए तथा राजनैतिक दलों के साथ परामर्श करने के उपरान्त, स्वतंत्र और निष्पक्ष निर्वाचनों के हित में, आयोग एतद्द्वारा यह निर्देश देता है कि संसद या राज्य विधान मंडलों के किसी भी निर्वाचन के लिये निर्वाचन घोषणापत्र जारी करते समय राजनैतिक दल और अभ्यर्थी निम्नलिखित दिशा-निर्देशों का अनुसरण करेंगे :—

- (i) निर्वाचन घोषणा पत्र में ऐसी कोई बात नहीं होगी जो संविधान में दिए गए सिद्धांतों और आदर्शों के प्रतिकूल हो और इसके अलावा यह आदर्श आचार संहिता के अन्य प्रावधानों में निहित भावना के अनुरूप होगी।

- (ii) संविधान में अधिष्ठापित राज्य के नीति निदेशक तत्व, राज्य को यह आदेश देते हैं कि राज्य नागरिकों के लिये विभिन्न कल्याण संबंधी उपायों की रचना करे तथा इसलिए निर्वाचन घोषणापत्रों में ऐसे कल्याण संबंधी उपायों के वायदों पर कोई आपत्ति नहीं हो सकती है। तथापि, राजनैतिक दलों को ऐसे वायदे करने से बचना चाहिए जो निर्वाचन प्रक्रिया की शुचिता को दूषित करें या मतदाताओं पर उनके मताधिकार के प्रयोग में कोई अनुचित प्रभाव डालें।
- (iii) पारदर्शिता एक समान अवसर प्रदान करने तथा वायदों की विश्वसनीयता हेतु यह अपेक्षा की जाती है कि घोषणापत्रों में वायदों के मूलाधार पर भी विचार किया जाना चाहिए और इस प्रयोजनार्थ वित्तीय अपेक्षाओं को पूरा करने के साधनों का व्यापक रूप से उल्लेख किया जाना चाहिए। मतदाताओं का विश्वास ऐसे वायदों पर मांगा जाना चाहिए जिन्हें पूरा करना संभव हो सके।

भारत निर्वाचन आयोग,  
नई दिल्ली