

राजस्थान सरकार
निर्वाचन विभाग

एफ 3.(1)(9)प्रथम/निर्वा/2024/1446

जयपुर, दिनांक: 19-2-24

प्रेषक : मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

- प्रेषित:
1. अतिरिक्त महानिदेशक,
टेक्निकल एंड टेलीकम्यूनिकेशन,
राजस्थान, जयपुर।
 2. निदेशक, राज. एलएसए,
डीओटी, जयपुर।
 3. संयुक्त सलाहकार/सलाहकार,
आर.ओ., ट्राई, दूरसंचार भवन,
झालाना डूंगरी जयपुर।
 4. श्री राजीव गुप्ता,
नोडल अधिकारी
रिलायन्स जियो।
 5. मुख्य कार्यकारी अधिकारी,
रिलायन्स (जियो)।
 6. श्री गौरव ढाल, डिप्टी जीएम
रेगुलेटरी, रिलायन्स जियो।
 7. मुख्य महाप्रबंधक,
भारत संचार निगम लिमिटेड,
जयपुर।
 8. मुख्य कार्यकारी अधिकारी,
एयरटेल।
 9. कोफाउण्डर, डाटाकोर्प,
जयपुर।
 10. अतिरिक्त महाप्रबंधक,
टेलीकॉम विभाग, झालाना
डूंगरी, जयपुर।
 11. मुख्य कार्यकारी अधिकारी,
वोडाफोन/आइडिया।

विषय:- आगामी लोकसभा आम चुनाव, 2024 -आदर्श आचार संहिता के दौरान
लघु संदेश सेवाओं (SMSs) के दुरुपयोग के रोक के संबंध में।

महोदय,

उपरोक्त विषयान्तर्गत निवेदन है कि राज्य में लोकसभा आम चुनाव, 2024 निकट
भविष्य में सम्पन्न होने हैं। आगामी लोकसभा आम चुनाव के कार्यक्रम की घोषणा के साथ
ही आदर्श आचार संहिता प्रभावी हो जायेगी, जो निर्वाचन प्रक्रिया की समाप्ति तक प्रभावी
रहेगी। चुनाव कार्यक्रम की घोषणा की सूचना भारत निर्वाचन आयोग की राजकीय
वेबसाईट पर उपलब्ध रहेगी साथ ही आपको विभाग द्वारा सूचना दे दी जायेगी तथा
मीडिया के माध्यम से भी इसकी सार्वजनिक जानकारी हो जायेगी।

भारत निर्वाचन आयोग के यह ध्यान में आया है कि लघु संदेश सेवाओं (SMSs)
पर कुछ आपत्तिजनक संदेश निहित स्वार्थ वाले कुछ व्यक्तियों द्वारा भेजे जाते हैं, जिसके
प्रावधान कानून, आदर्श आचार संहिता और इस उपरोक्त कृत्यों में जारी आयोग के
निर्देशों/अनुदेशों का उल्लंघन करते हैं। इसके प्रभावी पर्यवेक्षण व रोकथाम हेतु भारत
निर्वाचन आयोग द्वारा पत्रांक 437/6/INST/ECI/FUNCT/MCC/2024 (CAMPAIGN)/540 दिनांक
02.01.2024 के द्वारा विस्तृत दिशा निर्देश प्रदान किये गये हैं, जिसकी प्रति संलग्न कर
प्रेषित की जा रही है।

प्र

अतः आदर्श आचार संहिता प्रभाव में रहने के दौरान भारत निर्वाचन आयोग के उक्त निर्देशों की पालना सुनिश्चित करावें।

संलग्न : उपरोक्तानुसार

भवदीय,

(प्रवीण गुप्ता)
मुख्य निर्वाचन अधिकारी
राजस्थान, जयपुर।

एफ 3.(1)(9)प्रथम/निर्वा/2024/1446

जयपुर, दिनांक: 19-2-24

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित हैं:-

1. संयुक्त मुख्य निर्वाचन अधिकारी (आई.टी.), निर्वाचन विभाग को पत्र की प्रति विभाग की वेबसाईट पर अपलोड कराने हेतु प्रेषित हैं।

उप मुख्य निर्वाचन अधिकारी
राजस्थान, जयपुर।

भारतनिर्वाचनआयोगसचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/INST/ECI/FUNCT/MCC/2024 (CAMPAIGN)/486

Dated: 2nd January, 2024

To,

- (i) The Chief Secretaries
of all States and Union Territories.
- (ii) The Chief Electoral Officers
of all States and Union Territories.

Subject: -Model Code of Conduct – Instruction- Election Campaign – Regarding.

Reference: Commission's instructions:

- (i) No. 3/8//2000 J.S.II, dated 26.12.2000
- (ii) No. 464/INST/2007-PLN-I, dated 12.10.2007
- (iii) No. 464/INST/2009-EPS, dated 18.03.2009
- (iv) No. 437/6/2009-CC&BE, dated 15.09.2009
- (v) No. 437/6/INST/2013/CC&BE, dated 28.11.2013
- (vi) No. 437/6/INST/2013/CC&BE, dated 04.12.2013
- (vii) No. 437/6/INST/2014-CC&BE, dated 26.04.2014
- (viii) No. 437/INST/2015-CCS, dated 17.09.2015
- (ix) No. 437/6/INST/2015-CCS, dated 09.10.2015
- (x) No. 437/6/Campaign/ECI/INST/FUNCT/MCC-2016, dated 04.01.2017
- (xi) No. 437/6/2017(Policy), dated. 10.01.2017
- (xii) No. 437/6/2017 (policy), dated 25.02.2017
- (xiii) No. 437/6/INST/2016-CCS, dated: 24.05.2017
- (xiv) No. 437/6/INST/2016-CCS, dated: 24.05.2017
- (xv) No. 437/6/INST/2016-CCS, dated: 24.05.2017
- (xvi) No. 437/6/2007(INST)-PLN-III, dated 12.11.2007
- (xvii) No. 464/GJ-LA/2007, dated 26.11.2007
- (xviii) No. 464/INST/2014-EPS, dated 9.04.2014
- (xix) No. 437/6/INST/2019/MCC, dated 09.03.2019
- (xx) No. 437/6/INST/2019/MCC, dated 19.03.2019
- (xxi) No. 437/6/INST/2019/MCC, dated 05.04.2019
- (xxii) No. 437/6/INST/2019/MCC, dated 29.04.2019
- (xxiii) No. 437/6/INST/2020/MCC, dated 29.01.2020
- (xxiv) No. 437/6/INST/2008-CC&BE, dated 18.02.2009, and
- (xxv) No. 437/6/INST/ECI/LET/FUNCT/MCC/2022, dated 22.01.2022

Madam/Sir,

With a view to maintain the election campaign in line with statutory provisions and to avoid clashes and conflicts between stakeholders i.e. political parties or their supporters and also to ensure peace and order during the campaign period, the Commission has issued, in the past, a number of instructions. Following are the consolidated instructions in supersession of all the instructions issued vide letters listed above:

1. Use of Bike

The Commission, having considered inputs that there is a need to regulate the use of bikes for electioneering purposes, issues the following instructions-

- (i) Bike is a two-wheeler and its use shall be restricted only for campaign purpose. Number of bikes may be restricted as per convoy rules of vehicle, which inter-alia provides that cars/vehicles shall, under no circumstances, be allowed to move in convoy of more than ten vehicles excluding the security vehicles. All bigger convoys exceeding ten vehicles shall be broken up, even if they are carrying any minister of central or state government or any other person. This shall, however, be subject to any security instructions issued in respect of any such individual. If any person moves in a convoy of vehicles exceeding the limits prescribed above, in spite of the convoy having been broken, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by flouting the Commission's directions, till the process of election is completed.
- (ii) Use of Bikes, other than those permitted to campaign purpose, would be regulated under the prohibitory order, viz. Sec 144 CrPC.
- (iii) Only one flag (of maximum dimension of 1 ft by ½ ft) shall be permitted on one bike.
- (iv) Length of pole/stick for carrying flag shall not be more than 3 feet.

2. Road Shows

There is a total and absolute ban on the use of official vehicle for campaigning, electioneering or election related travel during elections. It also provides that car/vehicles shall not be allowed to move in convoys of more than ten vehicles (excluding security vehicles) and all bigger convoys shall be broken even if they are carrying any Minister of Centre/State Government or any other person, subject to any security instructions issued in respect of any such individual. The Commission, after

ing the fact that there is a need to regulate road shows to avoid any inconvenience to the general public/commuters during road shows, issues the following instructions-

- a. Prior permission for road shows shall be taken from the Competent Authority.
- b. In order to avoid inconvenience to general public, as far as possible, road shows, subject to court orders and local laws, should be permitted only on holidays and during no-peak hours on routes other than that having big hospitals, trauma centers, blood banks and heavily crowded markets.
- c. Number of vehicles and persons joining for road show shall be intimated in advance.
- d. The road show shall not cover more than half the road width to ensure safety of the general public.
- e. The convoy of vehicles being used in road show shall be broken after every 10 vehicles and a gap of 100 meters would be maintained.
- f. Safety of public and persons in the road show shall be ensured. Bursting of fire crackers and carrying of fire arms shall not be permitted at all.
- g. The maximum size of banner to be carried with hand would be 6x4 feet.
- h. Loudspeakers can be used as per existing ECI's instruction and subject to Local Laws and Court orders on this subject.
- i. Display of animals in road shows is totally banned. Children, particularly school children in uniform, should not take part in road shows.
- j. Only one flag of the size 1 ft X ½ ft with permission of the RO concerned would be allowed on campaign vehicles in a road show.

3. Use of Loudspeakers in processions and election meetings

(i) A public address system or loudspeaker or any sound amplifier, whether fitted on vehicles of any kind whatsoever, or in static position, used for public meetings for electioneering purposes, shall not be used at night between 10.00 p.m. and 6.00 a.m. subject to the local law/court orders/any order of state pollution control board. Local perceptions of the security arrangements of the area and other relevant considerations like weather conditions, festival season, examination period, etc. should also be considered.

(ii) All loudspeakers whether used for general propaganda or for public meetings or procession, and whether used on moving vehicles or otherwise, shall be used during the restricted hours only mentioned above and never beyond.

- (iii) All loudspeaker being used beyond the hours as prescribed above, shall be covered along with all the apparatus connected with the use of these loudspeakers.
- (iv) The Commission has further directed that it should be ensured by the concerned authorities of state pollution control boards that decibels of the sound generated by loud speakers/amplifiers doesn't exceed the permissible limit as fixed under relevant law/guidelines. DEO shall monitor this by putting in place suitable mechanism.
- (v) All political parties, candidates and any other persons using any loudspeakers on moving vehicles including but not restricted to trucks, tempos, cars, taxis, vans, three-wheeler scooters, cycle rickshaws, etc. shall intimate the registration identification number of those vehicles to the authorities granting permission to use the loudspeakers and such registration identification numbers of the vehicles shall be indicated on the permits granted by the authorities concerned.
- (vi) Any vehicle on which a loudspeaker is used without the said written permit shall be confiscated forthwith along with the loudspeaker and all the apparatus used along with it.
- (vii) All political parties, candidates and even other person using a loudspeaker either on a moving vehicle or at a fixed place shall intimate -
- (1) the Returning Officer of the Constituency, and
 - (2) local Police authorities, in writing, the full details of the permits obtained by them before using any of those loudspeakers. In the case of mobile loudspeakers, the registration identification numbers of the vehicles shall also be registered by them with the Returning Officer and the local Police authorities.
- (viii) It shall be the responsibility of the State Government authorities granting permits for use of loudspeakers and the local Police authorities to strictly enforce that no loudspeaker is used by anyone in violation of any of the above directions.
- (ix) No loudspeakers fitted on vehicles of any kind or in any other manner whatsoever shall be permitted to be used during the period of 48 hours ending with the hour fixed for the conclusion of the poll in any polling area. Even after the close of poll proper law and order is required to be maintained till completion of election after the declaration of result. Use of loudspeakers is generally regarded as source of public nuisance and can often give rise to tension in a politically charged atmosphere. The District Administrations should, therefore, consider any

Application for permission to use loudspeakers after the aforesaid prohibitory period of 48 hours, on merit of each application and keeping in view the need to maintain proper law and order till the completion of election.

4. Use of flags

(i) 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. Also, if such display of banners, flags etc. aims to solicit vote for any particular candidate, then, under section 171 H of IPC, general or special authority in writing of candidate is necessary. The Commission has now clarified that there should be only three number of flags of a party/candidate to be used at party workers'/supporter' residence and at party offices. In case, some person wants to display flags of more than one party or candidate, then it shall be restricted to only one flag of each party/candidate. Display of flags would be subject to Local law and court orders, if any.

(ii) As far as the use of banners, flags etc. on vehicles, it shall be regulated as below-

- a. NO spot/focus/flashing/search lights and hooters shall be put on any campaign vehicle.
- b. Chief Electoral Officer shall ensure that all the provisions of local law, Court's directions and Motor Vehicle Act are uniformly applied throughout the State.
- c. No person shall put any flag or banner or sticker of big size on any vehicle except with prior permission of the competent authority subject to the relevant provisions of law and Court direction/orders if any on the subject.
- d. The maximum number and size of flags/banners by a party or candidate will be as follows-
 - I. Two wheelers – one flag of maximum size 1ft X 1/2 ft. No banner will be allowed. 1 or 2 small stickers of appropriate size may be permitted on each vehicle.
 - II. Three wheelers, four wheelers, e-Rickshaws- No banner will be allowed. Only one flag of maximum size 1ft X 1/2 ft. 1 or 2 small stickers of appropriate size may be permitted on each vehicle.
 - III. It is clarified that if a political party is having a pre- poll alliance/seat sharing arrangement with another party then campaign vehicle of a candidate/political party may display one flag each of such parties.

e. Simultaneous plying of number of vehicles on road including e-Rickshaws to be limited and if it exceeds the limit of 10 vehicles then the convoy shall be broken after every 10 vehicles.

f. While using flags, or stickers on any vehicle, due care shall be taken that visibility of any of the driver (of the concerned vehicle or any other vehicle on road), passengers from front or rear view is not hampered in anyway.

(iii) Further, it is the bounden duty of the authorities concerned to ensure proper use of National Flag in the rallies and to ensure strict compliance and observation of the provisions of the Flag Code and the provisions of Emblem and names (Prevention of Improper Use) Act, 1950 and the Prevention of Insults to National Honour Act, 1971.

5. Temporary Campaign Office

The candidates of various parties including independent candidates set up and operate temporary offices for the purpose of local campaign. The Commission, after taking into consideration all relevant factors, has prescribed the following guidelines to be followed in this regard:-

- (i) No such office will be opened by way of any encroachment either of public or private property.
- (ii) No such offices will be opened in any religious places or campus of such religious places.
- (iii) No such offices will be opened contiguous to any educational institution/ hospital.
- (iv) No Such offices will be opened within 200 meters of an existing polling station.
- (v) Such offices can display only one party flag and banner with party symbols/photographs.
- (vi) The size of the banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc.; then the lower size prescribed by local law shall prevail.
- (vii) The expenditure observer should closely monitor to ensure that expenditure, on it is properly booked in the account of candidate.

6. Associating defence personnel/forces with electoral campaign

The Armed Forces of a nation are the guardian of its frontiers, security and the political system. They are apolitical and neutral stakeholders in a modern democracy. It is therefore necessary that the political parties and leaders exercise great caution while making any reference to the Armed forces in their political campaigns. The Commission is of the view that:

Photographs of Chief of Army Staff or any other defence personnel and photographs of functions of Defence forces should not be associated with or used in any manner in advertisement/propaganda/campaigning or in any other manner in connection with elections by Political Parties and candidates.

- (ii) The political parties/candidates are further advised that their campaigners/candidates should desist, as part of their election campaigning, from indulging in any political propaganda involving activities of the Defence forces.

7. Prohibition of misuse of Short Message Services (SMSs)

(i) Sometimes, certain objectionable messages on Short Message Services (SMSs) are being transmitted by some persons with vested interests in the ensuing election, violating the provisions of election law, model code of conduct and the Commission's directions/instructions issued in this behalf. By the aforesaid acts, the atmosphere for free, fair and peaceful elections process may get vitiated. In this regard, the Commission has issued the following directions:

(a) For objectionable SMSs, which are violating the provisions of election law, model code of conduct and the commission's direction/instruction issued in this behalf, the Police Authorities should advertise special mobile number on which the receiver of such SMS can forward the said SMS (along with the number of the sender of the objectionable SMS). The Police authorities should initiate appropriate inquiry and trace back the original sender of such SMS and take appropriate action under the relevant provisions of the Indian Penal Code, Representation of the People Act 1951, the Conduct of Election Rules, 1961, instructions/direction issued there under by the Commission and any other law applicable in the case.

(b) Bulk SMS (es) transmitted during the campaign period as an alternative electioneering, as and when noticed by RO or DEO will be brought to the notice of CEO, who in turn, will find out the cost involved from the Service Provider and apportion it to the candidate or candidates concerned as the case may be.

(c) There shall be prohibition of transmitting bulk SMSs of political nature for a period of 48 hours ending with the hour fixed for conclusion of poll.

- (ii) This shall be brought to the notice of all concerned immediately including Mobile Service Providers in the State and given wide publicity. A copy of this letter shall also be handed over to all Observers through the District Election Officers.

8. Wearing of political party's Name/ Symbol/ Badges/ Signs/ slogan inside the Polling Station

The Section 130 of Representation of the People Act, 1951 inter-alia provides that no person shall canvass for votes or exhibit any notice or signs relating to the election within the polling station on the day of poll. In view of the above, it is further clarified that wearables like caps, shawl etc. with political party's name, symbol or slogan are not allowed inside the polling stations on the poll day. However, plain cap without any symbol or slogan is not prohibited. This may be adhered to in the counting centers on the counting day also.

9. Election related campaign activities undertaken by persons other than political parties and candidates

The Commission, has laid down the following guidelines to be observed in the matter of election related campaigns by organizations and persons other than political parties/candidates, during the period when Model Code of Conduct is in operation in connection with an election:

(i) They should not invoke, in any manner, religion or religious grounds in any manner, or any activities likely to create disharmony among different classes or groups of people, in their campaign. Such activities/ statements are prohibited being offences under various provisions of the law, like, section 125 of the Representation of the People Act, 1951 sections 153A, 153B, 171C, 295A, 505(2) of the Indian Penal Code and Religious Institutions (Prevention of Misuse) Act, 1988.

(ii) They should not indulge in any activities or make any statements that would amount to attack on personal life of any person or statements that may be malicious or offending decency and morality.

[When persons and organizations seek permission to hold public programmes, they should be asked to give a declaration/undertaking to abide by the above guidelines.]

(iii) The public programmes of such persons and organizations should be closely monitored through videography. If anyone indulges in violation of the above guidelines' the state and district authorities concerned with the maintenance of proper law and order should take appropriate remedial and penal actions expeditiously in all such cases. Further, the District Administration shall ensure that such persons who violated the undertaking are not granted any permission to hold any further programmes during the period of that election.

(iv) If the programmes involve incurring expense and amounts to directly promoting the electoral prospects of any particular candidate or candidates, prior special authority from the candidate

concerned for incurring the expense shall be obtained in writing, as required under Section 171H of the IPC, and such authorization should be submitted to the District Election officer within 48 hours. Any violation should result in action for prosecuting the person concerned.

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

Under Section 126 of the Representation of the People Act, 1951, in the period of 48 hours ending with the hour fixed for the close of poll, the campaign will come to an end. During the course of campaign, the political parties mobilize their supporters, including from outside the constituency of poll, in order to bolster that campaign. In view of the fact that on the closure of campaign period, no campaign can take place within the constituency, presence of political functionaries/party workers/procession functionaries/campaign functionaries etc., who have been brought from outside the constituency and who are not voters of the constituency, should not continue to remain present in the constituency as their continued presence after campaign ends may undermine the atmosphere for free and fair poll.

(i) The district election administration/police administration shall ensure that all such functionaries leave the constituency immediately after the campaign period is over. This shall be brought to the notice of all political parties, candidates and their agents in order them to comply.

(ii) The Commission further directs that in order to ensure that the above instruction is carried out, the election administration/police may take all necessary measures which may include:

- a) Checking of kalia mandapams/ community halls etc., where such people are kept housed and find out whether the outsiders have been accommodated in these premises.
- b) Verification of lodges and guesthouses to keep a track of the list of occupants.
- c) Set up check-posts in the constituency borders and track the vehicular movement from outside the constituency.
- d) Verify the identity of the people/group of people in order to find out whether they are voters or not and establish their identity.
- e) This may be brought to the notice of all concerned and ensure strict compliance. Action taken in the matter may be informed to the Commission

(iii) In case some political functionary seeks exemption on medical grounds:

- a) The DEO concerned, in consultation with CEO, would constitute a Medical Board for health check-up of the political functionary seeking exemption. The Medical Board shall, after

- medical examination of the patient and his/her medical history, will give report whether the condition of the patient (political leader) is such that he can't move or be shifted under medical attendance out of the constituency in an ambulance or vehicle.
- b) The exemption would only be considered by the ECI after consideration of report of the Medical Board received through CEO concerned.
 - c) Such political functionary to whom exemption has been granted may be allowed to stay in the constituency subject to the condition that this is in no manner be used for any political/election related activities in any way. To ensure this, a video surveillance team shall be deployed at all the entrances of place of stay headed by a magistrate with suitable police personnel to be deployed, till completion of poll. Expenditure incurred for such stay should be duly accounted for in Election Expenditure accounts of the contesting candidates for that constituency.

11. Use of School Grounds for campaign purpose during election Process

The school and college grounds may be used for political meetings provided: -

- i) schools and colleges academic calendar are not disturbed under any circumstances.
- ii) the School/College Management has no objection for this purpose and prior permission for such campaigning is obtained from the school/college Management as well as Sub Divisional Officer.
- iii) such permission is granted on first-come-first served basis and no political party is allowed to monopolize the use of those grounds.
- iv) any violation in the allotment of school/college grounds for political meetings will be viewed seriously by the Commission. The accountability in this regard lies with the Sub Divisional Officer, and
- v) the Political Parties and candidates and campaigners shall take care to ensure that the above norms are not violated.
- vi) the ground should be returned to the authority concerned, without any damage or with the requisite compensation for the damage caused, if any. The political party/parties restoring back the campaign ground to the concerned school/college authority should be responsible for the payment of such compensation, if any.

The above instructions would apply to all States/UTs except Punjab and Haryana where there is express prohibition of the Punjab & Haryana High Court in the matter.

12. Maintenance of High Standards during Election Campaign

(i) The Commission duly recognizes the fundamental right of freedom of speech and expression under Article 19(1)(a) of the Constitution guaranteed to citizens of India, but it also needs to be pointed out that such right to freedom of speech and expression is not absolute and is to be exercised in such a manner that it does not transcend, inter alia, the boundaries of decency and morality or disturb public order or amount to defamation or give incitement to an offence as ordained in clause (2) of that Article 19. The Model Code of Conduct aims and seeks to achieve that very objective by its various provisions.

(ii) Hon'ble Supreme Court, in the matter of Gadakh Yashwantrao Kankarrao Vs ES Balasaheb Vikhe Patil (AIR 1994 SC 678) observed that:

“the duty of the top echelons of leadership at the state and national levels of all political parties is to set the trend for giving the needed information to the electorate by adopting desirable standards so that it percolates to the lower levels and provides a congenial atmosphere for a free and fair poll. A contrary trend of speeches by the top leaders tends to degenerate the election campaign as it descends to the lower levels and at time promotes even violence leading to criminalization of politics. The growth of this unhealthy trend is a cause for serious concern for the proper functioning of the democracy and it is the duty of the top leaders of all political parties to reverse this trend to enable movement of the functioning of democracy in the proper direction.”

(iii) The Hon'ble Apex Court has also expressed its deep concern in the matter of mixing religion and caste with election campaign, vide its Order dated 02.01.2017 in Civil Appeal No. 37 of 1992 (Abhiram Singh Vs C.D. Commachen) and with civil appeal no. 8339 of 1995.

In view of above, the Commission's has directed that:

- a. No appeal shall be made on basis of caste/communal feelings of the electors.
- b. No activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes/communities/religious/linguistic groups, shall be attempted.
- c. No aspect of the private life, not connected with the public activities, of the leaders or workers of other parties is to be criticized.
- d. Criticism of other parties or their workers on basis of unverified allegations or on distortions shall be avoided.

- e. No temples/mosques/churches/gurudwaras or any place of worship is to be used for election propaganda, including speeches, posters, music etc., or electioneering.
- f. The candidates/campaigners/political leaders are to desist from displaying photograph of defence personnel or photograph of functions involving defence personnel in advertisement, or otherwise as part of their election propaganda/campaigning. They are also advised to desist from indulging in any political propaganda involving activities of defence forces.
- g. The political leaders need to ensure that nothing in their statements may be construed as mixing of religion and caste, etc., with their election campaigns.
- h. The political parties and candidates should refrain from any deeds/action/utterances/otherwise that may be construed as being repugnant to honour and dignity of women.

(iv) Sometimes, such statements are being made from a place which is not in the state where MCC is in force due to elections. In this electronic age, when a statement is made by a political functionary, it doesn't remain confined to the audience or place where it is made but instantly travels through TV, social media or print media even to those places/states where election is going on. It undoubtedly has the pernicious effect of influencing the minds of voters of the poll bound state. The far-reaching implications of the statements made thus, disturb the level playing field and often adversely affect the peace, tranquility and harmony of the poll bound areas. The leaders should desist from making such statements which are against not only the words but also the spirit of law and the MCC, even at places where elections are not being held since it will have an undesirable impact on the mind of electors of the poll bound states/areas. The spirit of the Model Code of Conduct is not just avoidance of direct violation. It definitely also prohibits attempts to vitiate the electoral space through suggestive or indirect statements or innuendoes.

13. Campaign by Star Campaigners

In context of violation of Model Code of Conduct by star campaigners, the following actions are required to be taken on the part of the Chief Electoral Officers/District Election Officers/Returning Officers/Observers: -

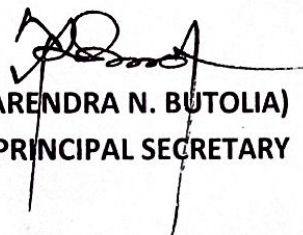
- (i) For clarity and uniformity, the Commission has decided that in future, in cases involving violation of Model Code of Conduct or any provision of law by any candidate duly set up by the party, or by the leaders of political parties whose names have been communicated by the party to the Election Commission/Chief Electoral Officer in terms of Explanations 1 & 2 under sub-section (1) of Section 77 of Representation of the People Act, 1951, if notice is

issued to any such leader, or any candidate of the political party, a notice will also be issued to the political party concerned. It may be noted that leaders are nominated by the political parties under the aforesaid Explanation Clauses 'for propagating programme of the political party'. Therefore, it would only be reasonable and logical to hold the political party concerned responsible for any act of omission or commission by such leaders. In this context, attention of political parties is also invited to the provisions of paragraph 16A of the Election Symbols (Reservation and Allotment) Order, 1968.

- (ii) The campaign by the leaders specified under Section 77(1) [star campaigners] should be meticulously tracked. Any violation by Star Campaigner observed by the District Election Officers and Returning Officers in their respective district/constituency, shall immediately be brought to the notice of the Chief Electoral Officer for taking appropriate guidance/approval. The Chief Electoral Officer shall report the action taken to the Commission for immediate follow up action so that the action receives required visibility.
- (iii) The Chief Electoral Officers and District Election Officers shall maintain a party-wise register to track the instances of violations being committed by various candidates and campaigners of various political parties. This should be a sort of daily register indicating names of the candidate, campaigner and political party. Brief description of violation, date of violation, follow up action taken and the order passed by any election official/the Commission, if any.
- (iv) The above document (violation index) should also to be put in public domain so that interested parties including the media can pick up the input and this may work as a deterrence for the candidates and political parties against indulging in any violation.

The above instructions of the Commission shall be brought to notice of all concerned for strict compliance.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY