



ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ: ಇಡಿ 52 ವಿವಿಧ 2018

ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಸಚಿವಾಲಯ,
ಉನ್ನತ ಶಿಕ್ಷಣ ಇಲಾಖೆ, ಬಹುಮಹಡಿ ಕಟ್ಟಡ,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 28-03-2018.

ಇಂದ

ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ,
ಉನ್ನತ ಶಿಕ್ಷಣ ಇಲಾಖೆ,
ಬೆಂಗಳೂರು - 560 001.

“ವಿಧಾನ ಸಭೆ ಚುನಾವಣೆ-2018”

“ಅತೀ ತುರ್ತು”

ಇವರಿಗೆ,

- 1) ಆಯುಕ್ತರು, ಕಾಲೇಜು ಶಿಕ್ಷಣ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.
- 2) ನಿರ್ದೇಶಕರು, ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ನಿರ್ದೇಶನಾಲಯ, ಬೆಂಗಳೂರು.
- 3) ಕಾರ್ಯನಿರ್ವಾಹಕ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಉನ್ನತ ಶಿಕ್ಷಣ ಪರಿಷತ್ತು, ಬೆಂಗಳೂರು.
- 4) ಎಲ್ಲ ವಿಶ್ವವಿದ್ಯಾಲಯಗಳ ಕುಲಪತಿಗಳು / ಕುಲಸಚಿವರು
- 5) ಕಾರ್ಯನಿರ್ವಾಹಕ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ಪರೀಕ್ಷಾ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು.
- 6) ಆಡಳಿತಾಧಿಕಾರಿ, ಎನ್.ಸಿ.ಸಿ. ನಿರ್ದೇಶನಾಲಯ, ಕನ್ನಿಂಗ್‌ಹ್ಯಾಂ ರಸ್ತೆ, ಬೆಂಗಳೂರು.
- 7) ನಿರ್ದೇಶಕರು, ಉನ್ನತ ಶಿಕ್ಷಣ ಅಕಾಡೆಮಿ, ಧಾರವಾಡ.
- 8) ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಣಾಧಿಕಾರಿ, ಡಾ.ಬಿ.ಆರ್. ಅಂಬೇಡ್ಕರ್ ಸ್ಕೂಲ್ ಆಫ್ ಎಕನಾಮಿಕ್ಸ್, ಬೆಂಗಳೂರು.
- 9) ನಿರ್ದೇಶಕರು, ಐಸೆಕ್, ಬೆಂಗಳೂರು.
- 10) ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿ, ಕರ್ನಾಟಕ ಜ್ಞಾನ ಆಯೋಗ, ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಕರ್ನಾಟಕ ವಿಧಾನಸಭಾ ಚುನಾವಣೆ-2018 ರ ಘೋಷಣೆಯ
ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಕೈಗೊಳ್ಳಬೇಕಾದ ತುರ್ತು ಕ್ರಮಗಳ ಬಗ್ಗೆ

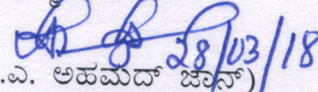
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ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕರ್ನಾಟಕ ವಿಧಾನಸಭಾ ಚುನಾವಣೆ-2018 ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ, ಭಾರತ ಚುನಾವಣಾ ಆಯೋಗ, ನವದೆಹಲಿ ಮತ್ತು ಮುಖ್ಯ ಚುನಾವಣಾಧಿಕಾರಿಗಳು ಮತ್ತು ಪದನಿಮಿತ್ತ ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ, ಸಿಆಸುಇ (ಚುನಾವಣೆ) ಇವರಿಂದ ಸ್ವೀಕೃತವಾಗಿರುವ ಪತ್ರಗಳ ಹಾಗೂ ಅದರ ಅಡಕಗಳ ಪ್ರತಿಯನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಲಾಗಿದೆ.

ಸದರಿ ಪತ್ರಗಳಲ್ಲಿ ಕರ್ನಾಟಕ ವಿಧಾನಸಭಾ ಚುನಾವಣೆ-2018 ಘೋಷಣೆಯಾಗಿ ಚುನಾವಣಾ ನೀತಿ ಸಂಹಿತೆ ಜಾರಿಯಾಗಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಕೈಗೊಳ್ಳಬೇಕಾದ ತುರ್ತು ಕ್ರಮಗಳ ಬಗ್ಗೆ ಮುಖ್ಯ ಚುನಾವಣಾಧಿಕಾರಿಗಳು ನೀಡಿರುವ ಸೂಚನೆಗಳನ್ವಯ ಕೂಡಲೇ ಕ್ರಮ ಕೈಗೊಳ್ಳುವಂತೆ ಹಾಗೂ ಕೈಗೊಂಡ ಕ್ರಮದ ಬಗ್ಗೆ ಸರ್ಕಾರಕ್ಕೆ ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ತಮ್ಮನ್ನು ಕೋರಲು ನಿರ್ದೇಶಿತವಾಗಿದ್ದೇನೆ.

ಚುನಾವಣಾ ಕಾರ್ಯವು ಅತೀ ಮಹತ್ವ ಹಾಗೂ ಪ್ರಾಮುಖ್ಯತೆಯನ್ನು ಹೊಂದಿರುವುದರಿಂದ, ಚುನಾವಣಾ ಕಾರ್ಯಗಳನ್ನು ಆದ್ಯತೆ ಮೇಲೆ ನಿರ್ವಹಿಸುವಂತೆ ಹಾಗೂ ಮುಖ್ಯ ಚುನಾವಣಾಧಿಕಾರಿಗಳ ಸೂಚನೆಗಳನ್ನು ಚಾಚೂ ತಪ್ಪದೇ ಪಾಲಿಸುವಂತೆ ಸಹ ತಮಗೆ ತಿಳಿಸಲು ನಿರ್ದೇಶಿತವಾಗಿದ್ದೇನೆ.

ತಮ್ಮ ನಂಬುಗೆಯ


(ಎಂ.ಎ. ಅಹಮದ್ ಜಾನ್)

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ

ಉನ್ನತ ಶಿಕ್ಷಣ ಇಲಾಖೆ (ವಿಶ್ವವಿದ್ಯಾಲಯಗಳು-2
ಮತ್ತು ಸಾಮಾನ್ಯ-2)



Office of the Chief Electoral Officer, Karnataka
Nirvachana Nilaya, Sheshadri Road, Bengaluru-560 001.

No: DPAR 3 CHUVISA/MCC (Addl. CEO-I) 2018

Date: 27.03.2018

To,

**Chief Secretary
Government of Karnataka
Bangalore.**

Sir,

Sub: Regarding immediate actions to be taken after announcement of General Elections to Legislative Assembly of Karnataka 2018.


Ref: Election Commission of India letter No. 437/6/1/2016-CCS, dated: 26th December 2016.

* * *

With respect to above subject the Election Commission of India has announced the general elections to Legislative Assembly of Karnataka 2018. In view of the announcement of elections the Model Code of Conduct (MCC) comes in to force with immediate effect. Hence, all the departments including boards and corporations established by the government and officers shall strictly comply with the provisions of Model Code of Conduct. As per the reference letter the official government machinery need to take immediate action on certain important aspects. Hence, it is requested to direct all the Secretaries and Departmental Heads to take actions on point no. 1 to 5 detailed in the reference letter and send compliance report to that effect in the prescribed format enclosed along with this letter within 24 hours reports.ceo.karnataka@gmail.com.

The above subject may be treated as **Most Urgent**

Yours faithfully,


(SANJIV KUMAR)
Chief Electoral Officer
& Ex- officio Addl. Chief Secretary to
Government,
D.P.A.R.(Elections).

→ power note
→ Media briefing
→ Report → (C6) & (C1)

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

By Spl. Messenger/Speed Post

No. 437/6/1/2016-CCS

Dated: 26th December, 2016

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the Government of :-
(i) Goa, Panaji.
(ii) Manipur, Imphal.
(iii) Punjab, Chandigarh.
(iv) Uttar Pradesh, Lucknow.
(v) Uttarakhand, Dehradun.
3. The Chief Electoral Officers of :-
(i) Goa, Panaji.
(ii) Manipur, Imphal.
(iii) Punjab, Chandigarh.
(iv) Uttar Pradesh, Lucknow.
(v) Uttarakhand, Dehradun.

Subject: Immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Elections to the Legislative Assemblies of Goa, Manipur, Punjab, Uttar Pradesh and Uttarakhand - regarding.

Sir/Madam,

I am directed to state that the operation of 'MODEL CODE OF CONDUCT' comes into effect with the announcement of elections by the Commission. In view of the impending general elections to the Legislative Assemblies of Goa, Manipur, Punjab, Uttar Pradesh and Uttarakhand, the Commission has given following directions for effective enforcement of provisions of MCC: -

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

(a) **Defacement of Government property** – For this purpose a Government premise would include any Government office and the campus wherein the office building is situated. All wall writing, posters/papers or defacement in any other form, cutout/ hoardings, banners, flags etc., on Government property shall be removed within 24 hours from the announcement of elections.

(b) **Defacement of public property and misuse of public space**- All unauthorized political advertisement, in the form of wall writing/posters/papers or defacement in any other form, cutout/hoardings, banners, flags etc., at public property and in public space like Railway Stations, Bus Stands, Airports, Railway Bridges, Roadways, Govt. Buses, Electric/Telephone Poles, Municipal/local bodies' buildings etc., shall be removed within 48 hours from the announcement of elections by the Commission.

(c) **Defacement of private property**- All unauthorized political advertisement displayed at private property and subject to local law and Court's directions, if any, shall be removed within 72 hours from the announcement of elections by the Commission.

2. **Misuse of official vehicle**- The ECI's consolidated instructions contained in letter No.464/INST/2014/EPS, dated 10th April 2014, among other things, provides that **there shall be a total ban on use of official vehicle by any political party, candidate or any other person connected with election (except officials performing any election related official duty) for campaigning, electioneering or election related travel during elections (subject to certain exception mentioned therein).** The expression 'official vehicle' means and shall include, any vehicle used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise and will include trucks, lorries, tempos, jeeps, cars, auto rickshaws, e-rickshaws, buses, belonging to Central Government, State Government/UT Administrations, Public Undertakings of Central/State Government, Joint Sector Undertakings of Central/State Government, Local bodies, Municipal Corporations, Marketing Boards, Cooperative Societies or any other body in which public funds, however small a portion of the total, are invested. **The CEOs/DEOs shall take necessary action for compliance of ECI Instructions within 24 hrs of the announcement of the elections.**

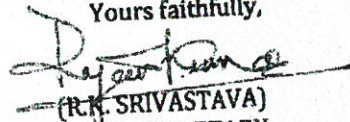
3. **Advertisement at the cost of public exchequer** – ECI instructions contained in letters, No. 437/6/1/2014-CC&BE, dated 5th March, 2014 provides that at the cost of public exchequer

in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided. No advertisements shall be issued in electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. If any advertisement has already been released for telecast/broadcast or publication in the print media, it must be ensured that the telecast/broadcast of such ads on electronic media is stopped forthwith and that no such ad is published in any newspapers, magazines, etc., i.e. in print media, from the date of announcement and it should be immediately withdrawn. **The CEOs/DEOs has to take immediate action to remove/stop any advertisement, in the print/electronic media, showing the achievements of the Government soon after the announcement of elections.**

4. **Photograph of political functionary at official website-** ECI instruction contained in letters No. 437/6/INST/2014-CC&BE dated 20th March, 2014 provides that all references of Ministers, Politicians or Political Parties available on Central/State Government's official website, shall be removed. The CEOs have to take **immediate action** to remove/hide the photographs of any political functionary from official websites of State department.
5. **Development/Construction related activities - Within 72 hours** of announcement of elections, the CEO/DEO shall obtain the following list of works for reference in case of validating any complaint on violation of MCC:
 - (i) List of work which has already been started on ground.
 - (ii) List of fresh work which has not started on ground.
6. **Activities for Expenditure Monitoring and enforcement of MCC - Flying squad, FST, Video team, intensive checking for liquor/cash/contrabanned drugs, flying squads of excise department to check illicit trafficking of Drug/narcotics to be immediately activated after announcement.**
7. **Complaint Monitoring System -** The poll going States shall have a complaint redressal mechanism based on website and call center. The toll free number of call center is 1950. Complaints can be registered by making calls to the toll free call center numbers or on the web site. Complainants will also be informed of the action taken by SMS and by the call center. Complainants can also see the details of the action taken on their complaints. This

- system should be operational within 24 hours of the announcement. All complaint should be dealt with promptly and properly. The 24X7 Control Room at the district level must be activated and sufficient deployment of manpower and other logistics be ensured in particular, round the clock personnel should be deployed in the Control Room and their duty roster must be issued to avoid any evasion or confusion.
8. **IT Applications** - All IT applications including official Website and Social Media shall be operational with the announcement.
 9. **Dissemination of information for Awareness of Voters and political parties.** Publicity of major election activity would be given through CEO/DEO/RO. For this purpose, all necessary information shall be disseminated through radio, tv, cinema. Government channel to display voter education material.
 10. **Active cooperation from Educational Institution and Civil Societies-** Cooperation can be sought from educational Institution and civil societies for giving wide publicity to the election related information to the general public and other stakeholders.
 11. **Media Centre-** Effort should be made for awareness among the voters, political parties and other stakeholder through media center about election system including use of EVM/VVPAT.
 12. **MCMC/DEMC-** ECI instruction contained in letters No. 491/MCMC/2014/Communication dated 24th March, 2014 provides that all registered political parties will approach the Media Certification and Monitoring Committees (MCMCs) at District and State level, as the case may be, for pre-certification of their political advertisements proposed to be issued on electronic media. The Commission has directed to ensure strict compliance of its instructions contained in above said letter.
 13. **Control Room** - The 24x7 Control room at district level must be activated immediately and sufficient deployment of manpower and other logistics be ensured by the DEO/CEO. A Control Room with Complaint Monitoring Centre would also be set up at ECI Secretariat during the entire election process.

Yours faithfully,


(R.K. SRIVASTAVA)

SENIOR PRINCIPAL SECRETARY

Enforcement of Model code of conduct

Name of the State:

Date

SL	Ref	Agenda	Duration	Compliance (Y/N)	Date and time of compliance	Remarks (If any)
✓ 1	3	Advertisement at the cost of public exchequer	Immediate			
✓ 2	4	Photograph of political functionary at official website	immediate			
3	6	Activities for Expenditure Monitoring and enforcement of MCC	Immediate			
4	8	IT Application	Immediate			
✓ 5	1 (a)	Defacement of Government Property	24 Hr			
✓ 6	2	Misuse of Official Vehicle	24 Hr			
7	7	Complaint Monitoring System	24 Hr			
8	11	Media Centre	24 Hr			
9	12	Media Certification and Monitoring Committees (MCMCs)	24 Hr			
10	13	Control Room at the District level	24 Hr			
✓ 11	1 (b)	Defacement of Public Property & misuse of public space	48 hr			
12	1 (c)	Defacement of Private property	72 Hr			
✓ 13	5	Obtaining List of works (Development/ constructions related activities)	72 Hr			
14	9	Dissemination of information for awareness of Voters and political parties	To be started			
15	10	Active Cooperation from Educational Institutions and civil societies	To be started			

Designation:

Signature

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

No. 193/6/2/2018(KT)

Dated: 27.03.2018

OFFICE ORDER

A Committee of the following officers is hereby constituted to inquire in the alleged leaking of information pertaining to schedule of General Election to the Legislative Assembly of Karnataka, 2018 before its official announcement.

- (i) Shri Umesh Sinha, Sr. Deputy Election Commissioner
- (ii) Sh. Sandeep Saxena, Deputy Election Commissioner
- (iii) Sh. Sudeep Jain, Deputy Election Commissioner
- (iv) Shri Chandra Bhushan Kumar, Deputy Election Commissioner
- (v) Shri Dharendra Ojha, Director General
- (vi) Sh. Standhope Yuhlung, Principal Secretary (Admn)- (Co-Ordinator)

2. The term of reference of the Committee will be as under:-

- (i) Enquire from the media regarding the source of information pertaining to schedule of General Election to the Legislative Assembly of Karnataka, 2018 before its official announcement and the manner in which it was obtained.
- (ii) Enquire from Sh. Srivatsa B, In-charge of Congress Social Media, Karnataka regarding the source of information of his tweets pertaining to schedule of General Election to the Legislative Assembly of Karnataka, 2018 before its official announcement.
- (iii). Enquire from Kannada Channel allegedly owned by a @BJP4india MP tweeted by Poulomi Saha regarding the source of information pertaining to schedule of General Election to the Legislative Assembly of Karnataka, 2018 before its official announcement (through CEO, Karnataka).
- (iv) The Committee will also look into lapses, if any.
- (v) The Committee will also recommend how to prevent any chances of such eventuality in future.

3. The Committee will deliberate on the subject on day to day basis and submit its report within a period of 07 days.

By Order,



By Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/ECI/INST/FUNCT/MCC/2018

Dated: 27th March, 2018

To

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

Sub: Application of Model Code of Conduct - General Election to the Legislative Assembly of Karnataka, 2018- reg.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Election to the Legislative Assembly of Karnataka (Press Note No. ECI/PN/22/2018, dated 27th March, 2018 available at the Commission's web-site - www.eci.gov.in).

2. With this announcement, the provisions of the Model Code of Conduct for the guidance of the Political Parties and Candidates have come into force with immediate effect and which will be in force till the completion of the General Election in the above State. This may be brought to the notice of the Central and State Government, all Ministries/Departments/offices of the Union Government/the State Government. A copy of instructions issued by you to this effect, may be sent to the Commission for its information and record.

3. Your attention is drawn to the particular provisions of Model Code of Conduct relating to the 'party in power' which inter alia says that the party in power whether at the

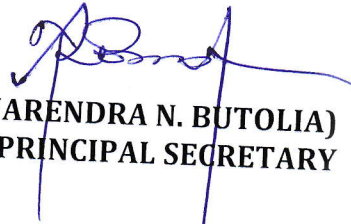
Centre or in the States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular: –

- (i) (a) The Ministers shall not combine their official visit with electioneering work and also shall not make use of official machinery or personnel during the electioneering work;
- (b) Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;
- (ii) Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolised by itself. Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;
- (iii) Rest houses, dak bungalows or other Government accommodation 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 or the Central Government under provisions of their laws, on equitable basis. This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or Observers. Such political functionaries shall not carry out any political activity while staying in the Government Guest Houses/Rest Houses or other Government accommodation etc.;
- (iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided;
- (v) Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission; and
- (vi) From the time elections are announced by the Commission, Ministers and other authorities shall not –
 - (a) announce any financial grants in any form or promises thereof; or
 - (b) (except civil servants) lay foundation stones etc. of projects or schemes of any kind; or
 - (c) make any promise of construction of roads, provision of drinking water facilities etc.; or
 - (d) make any ad-hoc appointments in Government, Public Undertakings etc. which may have the effect of influencing the voters in favour of the party in power.

4. As will be observed from Para 3{Clause IV} above, no advertisements shall be issued in electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. If any advertisement has already been released for telecast/broadcast or publication in the print media, it must be ensured that the telecast/broadcast of such ads on electronic media is stopped forthwith and that no such ad is published in any newspapers, magazines, etc., i.e. in print media, from today itself and it should be immediately withdrawn.
5. The instruction of the Commission contained in its letter No.437/6/2009-CCBE dated 5th March, 2009 is available on the Commission's web-site "<http://eci.nic.in/> under the heading 'Election Laws and ECI - instructions' for your information and necessary action. The Commission's all other instructions are also available in this link for your guidance.
6. The Commission further directs that 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 Election;
 - iv) Officers of the Police Department connected with the management of election like range IGs and DIGs, Senior Superintendents of Police and Superintendents of Police, Sub-Divisional 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) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till date should not be given effect to without obtaining specific permission from the Commission in this regard;
 - vi) This ban shall be effective till the completion of the election. The Commission further directs that the State Governments should refrain from making transfers of senior officers who have a role in the management of election in the State;

- vii) In those cases where transfer of an officer is necessary on account of administrative exigencies, the concerned State Government may with full justification approach the Commission for prior clearance.
7. The receipt of the letter may kindly be acknowledged.

Yours faithfully,



(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY

By Spl. Messenger/mail

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/ECI/INST/FUNCT/MCC/2018

Dated: 27th March, 2017

To

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

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

Sir,

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

1. **Defacement of Property-** ECI instructions contained in letters, No. 437/6/INST/2015-CCS, dated 29th December, 2015, No. 437/6/INST/2012- CC&BE dated 18th January, 2012 and No. 3/7/2008 JS-II dated 7th October, 2008 , provide for prevention of defacement of property. The Commission has directed to ensure strict compliance of its instructions and to take time bound action as prescribed below-
 - (a) **Defacement of Government property-** For this purpose a Government premise would include any Government office and the campus wherein the office building is situated. All wall writing, posters/papers or defacement in any other form,

cutout/hoardings, banners, flags etc, on Government property shall be removed **within 24 hours** from the announcement of elections

(b) **Defacement of public property and misuse of public space-** All unauthorized political advertisement, in the form of wall writing/posters/papers of defacement in any other form, cutout/hoardings, banners flags etc. at public property and in public space like railway station, Bus stands, Airports, railway Bridges, Roadways, Govt. Buses, Electric/Telephone poles , municipal/local bodies' buildings etc., shall be removed **within 48 hours** from the announcement of elections by the Commission.

(c) **Defacement of private property-** All unauthorized political advertisement displayed at private property and subject to local law and court's directions, if any, shall be removed **within 72 hours** from the announcement of elections by the Commission.

2. **Misuse of official vehicle-** The ECI's Consolidated instructions contained in letter No. 464/INST/2014/EPS, dated 10th April 2014, among other things, provides that **there shall be a total ban on use of official vehicle by any political party, candidate or any other person connected with election (except officials performing any election related official duty) for campaigning, electioneering or election related travel during elections (subject to certain exception mentioned therein).** The expression official vehicle means and shall include , any vehicle used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise and will include trucks, lorries, tempos, jeeps, cars, auto rickshaws, e-rickshaws, buses, belonging to Central Government, State Government/UT Administrations, public undertakings of Central/State Government, Join sector undertakings of Central/State Government, local bodies, municipal corporations, marketing boards, cooperative societies or any other body in which public funds , however small a portion of the total, are invested. **The CEOs/DEOs shall take necessary action for compliance of ECI instructions within 24 hrs of the announcement of the elections.**

3. **Advertisement at the cost of public exchequer-** ECI instructions contained in letters, No. 437/6/1/2014-CC&BE, dated 5th March, 2014 provides that at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided. No advertisements shall be issued in electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. If any advertisement has already been released for telecast/broadcast or publication in the print media, it must be ensured that the telecast/broadcast of such ads on electronic

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

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

purpose, all necessary information shall be disseminated through radio, tv, cinema. Government channel to display voter education material.

10. **Active cooperation from Educational Institution and Civil Societies-** Cooperation can be sought from educational institution and civil societies for giving wide publicity to the election related information to the general public and other stakeholders.
11. **Media Centre-** Effort should be made for awareness among the voters, political parties and other stakeholder through media center about election system including use of EVM/VVPAT.
12. **MCMC/DEMC-** ECI instruction contained in letter no. 491/MCMC/2014/Communication dated 24th March, 2014 provides that all registered political parties will approach the Media Certification and Monitoring Committees (MCMC) at District and State level, as the case may be, for pre-certification of their political advertisements proposed to be issued on electronic media. The Commission has directed to ensure strict compliance of its instructions contained in above said letter.
13. **Control Room-** The 24x7 control room at district level must be activated immediately and sufficient deployment of manpower and other logistics be ensured by the DEO/CEO. A control room with complaint Monitoring Centre would also be set up at ECI Secretariat during the entire election process.

Yours faithfully


(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

K. AJAYA KUMAR
PRINCIPAL SECRETARY

No. 437/6/INST/2015-CCS

Dated: 29th December, 2015.

To

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

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

Sir/Madam,

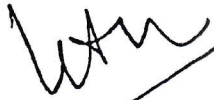
I am directed to invite a reference to the Commission's circular letter No.3/7/2008-JS-II, dated 7th October, 2008, wherein it has, inter alia, directed that there shall be no display of election posters, hoardings, banners, etc., in any Government premises or civil structures. It has come to the notice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

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

advertisement agency for placing commercial advertisements that "No political advertisement shall be displayed/pasted at the space provided on lease for commercial advertisement like airports, railway stations, Inter State/Local Bus Stands, Govt. transportation post offices, Government hospitals/dispensaries etc. (except on main highways, main roads etc.) during the period of Model Code of Conduct. If there is any political advertisement in the provided space, the same shall be removed immediately on enforcement of the Model Code of Conduct."

It is requested that appropriate instructions be issued to all concerned to ensure that the above directions are complied with and to ensure that instances of display of political advertisements in any form do not occur in the premises of PSUs in any election in future.

Yours faithfully,



(K. AJAY KUMAR)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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

Dated: 18th January, 2012

To

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

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

Sir/Madam,

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

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

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whatsoever for the purpose of promoting or procuring the election of such candidates, shall be punished with fine which may extend to five hundred rupees: Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate."

Yours faithfully



(K.N. BHAR)
SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/7/2008/JS-II

Dated: 7th October, 2008

To

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

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

Sir,

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

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

3. After considering all aspects of the matter in depth, the Commission has, in **supersession of the earlier instructions**, laid down the following directions, to be followed by political parties, candidates, individuals and organizations etc. during the election period:

DEFACEMENT OF PUBLIC PLACES

4. (a) No wall writing, pasting of posters/papers or defacement in any other form, or erecting/displaying of cutouts, hoardings, banners flags etc. shall be permitted on any Government premise (including civil structures therein). For this purpose a Government premise would include any Govt. office and the campus wherein the office building is situated.

(b) If the local law expressly permits or provides for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, political advertisement, etc., in any public place, (as against a Govt. premise) on payment or otherwise, this may be allowed strictly in accordance with the relevant provisions of the law and subject to Court orders, if any on this subject. It should be ensured that any such place is not dominated/monopolized by any particular party(ies) or candidate(s). All parties and candidates should be provided equal opportunity in this regard.

(c) If there is a specifically earmarked place provided for displaying advertisements in a public place, e.g. bill boards, hoardings etc. and if such space is already let out to any agency for further allocation to individual clients, the District Election Officer through the municipal authority concerned, if any, should ensure that all political parties and candidates get equitable opportunity to have access to such advertisement space for election related advertisements during the election period.

DEFACEMENT OF PRIVATE PLACES

5. (a) In the States where there is no local law on the subject, and subject to the restrictions under the law where there is a law, temporary and easily removable advertisement materials, such as flags and banners may be put up in private premises with the voluntary permission of the occupant. The permission should be an act of free will and not extracted by any pressure or threat. Such banner or flag should not create any nuisance to others. Photo-copy of the voluntary permission in writing obtained in this connection should be submitted to the

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

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

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

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

the IPC stipulates that whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees: Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

DEFACEMENT OF HALLS/AUDITORIUMS AND OTHER PUBLIC PROPERTIES

6. In the case of Halls/Auditoriums/Meeting venues owned/controlled by the Government/ local authorities/PSUs/Cooperatives, if the law/guidelines governing their use do not preclude political meetings therein, there is no objection to it. It shall be ensured that the allocation is done on equitable basis and that there is no monopolization by any political party or candidates. In such venues, displaying of banners, buntings, flags, cut-outs, may be permitted during the period of meetings subject to any restrictions under the law/guidelines in force. Such banners, flags, etc. shall be got removed by the party/individual who used the premises immediately after conclusion of the meeting, and in any case within a reasonable period after the meeting is over. Permanent/semi-permanent defacement such as wall writing/pasting of posters etc. shall not be permitted in such premises.

7. If any political party/association/candidate/person indulges in defacement of any property in violation of the local law, if any, or the above instructions, the Returning Officer/ District Election Officer shall issue notice to the offender for removing the defacement forthwith. If the political party/association/candidate/person does not respond promptly, the district authorities may take action to remove the defacement, and the expenses incurred in the process shall be recovered from the political party/association/candidate/person responsible for the defacement. Further, the amount also shall be added to the election expenditure of the candidate concerned, and action should also be initiated to prosecute the offender under the provisions of the relevant law (under the law relating to prevention of defacement, if any, or under the provisions of the general law for causing willful damage to the property of others).

DEFACEMENT OF VEHICLES

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

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

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

OTHER CAMPAIGN RELATED ITEMS

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

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

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

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

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

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authorities, and all political parties in the State, including State units of recognized National and State parties, and all registered un-recognized parties based in the State, and also the contesting candidates (at the time of elections) for information and compliance.

11. Please acknowledge receipt of this letter. The Chief Electoral Officers may kindly confirm that action as required above has been taken.

Yours faithfully,

sq/-

(K. F. WILFRED)
SECRETARY

Annexure-1**Defacement of Properties – Law**

Sl. No.	Name of State/UT	Name of Act/Rule	Extent of applicability
1.	Andhra Pradesh	The Andhra Pradesh Prevention of Disfigurement of Open Places and Prohibition of Obscene and Objectionable Posters and Advertisements Act, 1997.	It extends to the entire State.
2.	Arunachal Pradesh	The Arunachal Pradesh Prevention of Defacement of Property Act, 1997.	It extends to the entire State.
3.	Bihar	The Bihar Prevention of Defacement of Property Act, 1985.	It extends to the entire State.
4.	Chattisgarh	No separate law/Act framed by the State. But the Madhya Pradesh Sampatti Virupan Nivaran Adhiniyam, 1994 is applicable in the state	It extends to the entire State.
5.	Goa	The Goa Prevention of Defacement of Property Act, 1988 as amended vide Act of 1992 and 2001.	It extends to the entire State.
6.	Haryana	The Haryana Prevention of Defacement of Property Act, 1989 as amended vide Act of 1996.	It extends to the entire State.
7.	Himachal Pradesh	The Himachal Pradesh Open Places (Prevention of Disfigurement) Act, 1985.	It extends to the entire State and come into force in the areas comprised in the Municipal Corporation of Shimla at once and shall come into force in the remaining part of the State on such date as the State Govt. may by notification, appoint.
8.	Jharkhand	No separate law/Act but the Bihar Prevention of Defacement of Property Act, 1985 is applicable in the state.	It extends to the entire State.

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	Jammu & Kashmir	The Jammu & Kashmir Prevention of Defacement of Property Act No. XIX of 1985.	It extends to the entire State.
10.	Karnataka	The Karnataka Open places (Prevention of Disfigurement) Act, 1981 as amended vide Act of 1983.	It extends to Bangalore, Mysore, Hubli, Dharwar, Mangalore and Belgaun constituted or continued under the Karnataka Municipal Corporation Act - 1976, or under any other law on 5.5.81 and come into force in the Municipalities, notified areas, sanitary Boards, constituted or continued under the Karnataka Municipalities Act - 1964, or under any other law, or in any other local area, on such date, as the State Govt. may by notification appoint.
11.	Madhya Pradesh	The Madhya Pradesh Sampatti Virupan Nivaran Adhiniyam, 1994.	It extends to the entire State.
12.	Maharashtra	Maharashtra Act No. VIII of 1995 – regarding Prevention of Defacement of Property	Nothing is specifically mentioned about the extent of applicability.
13.	Mizoram	The Mizoram Prevention of Defacement of Property Act, 1995.	It extends to the entire State.
14.	Nagaland	The Nagaland Prevention of Defacement of Property Act, 1985.	It extends to the notified areas constituted under the Assam Tribal Areas (Administration of Town Committee) regulation 1950, or in any other local area or areas, on such date, as the State

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

21.	Chandigarh UT	The West Bengal Prevention of Defacement of Property Act, 1976 has been made applicable in Chandigarh UT.	It extends to the entire State.
22.	Delhi	The West Bengal Prevention of Defacement of Property Act, 1976 was made applicable in Delhi. (A separate act is under consideration).	It extends to the entire State.
23.	Pondicherry	The Pondicherry Open Places (Prevention of Disfigurement) Act, 2000.	It extends to whole of the Union Territory of the Pondicherry.

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

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

Annexure-2

Statement showing the details of wall-writings / posters / hoardings / banners, etc. displayed by Shri / Smt. / Ms. _____, contesting candidate in _____ Parliamentary Constituency / Assembly Constituency

Name of the Village / Town / Locality _____

S.No.	Name and address of the owner of the private property from whom written permission has been obtained	Details of Wall – Writing or Hoardings or Banners or Poster (Size of wall writing/ hoarding / banner / poster shall be indicated	Expenditure incurred or likely to be incurred on the wall-writing / hoarding / banner / posters, etc. (Rs.)
			Total

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No.464/INST/ 2014/EP5

Dated: 10th April, 2014

To

The Chief Electoral Officers
of all States / Union Territories.

Sub: General Election to the Lok Sabha, 2014 – Consolidated Instructions on use of vehicles during elections - regarding.

Sir/Madam,

With a view to ensuring level playing field for all candidates and other stake holders and further to check the vitiating role of money and misuse of official machinery, the Commission has issued in the past a number of instructions on the above cited subject. For sake of clarity and easy reference, the same have been consolidated and are being re-issued for compliance and guidance during all General/Bye elections to the Lok Sabha/State Legislative Assemblies and all Biennial/Bye elections from Graduates' and Teachers' constituencies of Legislative Councils.

Period of applicability-

2. These instructions shall come into effect from the date of announcement of elections till the completion of elections.

Meaning of 'official vehicle'

3. The expression 'official vehicle' means, and shall include, any vehicles used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise and will include trucks, lorries, tempos, jeeps, cars, auto rickshaws, e-rickshaws, buses, belonging to the (i) Central Government, (ii) State Governments/UT Administrations, (iii) Public Undertakings of the Central and State Governments, (iv) Joint Sector Undertakings of Central and State Governments, (v) Local Bodies, (vi) Municipal Corporations, (vii) Municipalities, (viii) Marketing Boards (by whatever name known), (ix) Cooperative Societies, (x) Autonomous District Councils or any other body in which public funds, howsoever small a portion of the total, are invested and also include those belonging to the Ministry of Defence and the Central Public Organisations under the Ministry of Home Affairs and State Governments.

Directions of ECI

4. **The Commission directs that, subject to exceptions mentioned herein, there shall be a total and absolute ban on the use of official vehicles for campaigning, electioneering or election related travel during elections.** There shall be a total prohibition on the use of any vehicles such as helicopters, aircrafts, (except as regulated by the Commission's order on the subject) cars, jeeps, automobiles, boats, hovercrafts, etc., belonging to the (i) Central Government, (ii) State Government/UT Administration (iii) Public undertakings of the Central and State Governments, (iv) Joint sector undertakings of the Central and State Governments, (v) Local bodies, (vi) Marketing Boards, (vii) Co-operative Societies, (viii)

Autonomous District Councils or any other body in which public funds, howsoever small portion of the total, are invested for any purpose connected with the elections, by any political party, candidate or any other person connected with election (except officials performing any election related official duty).

5. The Commission further directs that the District Administration shall keep a close watch to find out if any official vehicle belonging to any authority specified in the preceding Para is being used for electioneering purposes. In case it is so, the District Magistrate shall, forthwith, requisition or cause to be requisitioned such vehicles, after following due procedure, for election work, under Section 160 of the Representation of the People Act, 1951 and such requisitioned vehicles shall not be released until after the completion of the process of elections.

Clarifications

6. It is clarified that the ban on the use of vehicles will equally apply to the vehicles in or from any States not going to the polls but whose vehicles are attempted to be used for campaign either openly or clandestinely in any other State going to poll. The Chief Secretary of each State/Union Territory/the Secretary to the Government of India in the concerned Department, as the case may be, will be personally responsible for any misuse of any vehicle under Ministry/Department or of any of the public sector or joint sector undertakings or Autonomous Bodies or attached offices under that Ministry/Department. The officers under whose charge such vehicles are entrusted will also be equally responsible for any violation.

7. It is further clarified that the use of such vehicles belonging to any of these authorities by anyone, including Ministers of the Central or a State Government, even on payment basis, for campaigning or on tours connected with elections but with the alleged and bogusly certified purpose of official work in their capacity as Ministers is totally prohibited.

Exception

8. The only exception from the prohibition will be the Prime Minister and other political personalities, who might, in view of extremist and terrorist activities and threat to their lives, require security of a high order and whose security requirements are governed by any statutory provisions made by the Parliament or the State Legislature in this behalf.

9. The above restrictions shall also not apply in the case of the President and Vice-President of India, Speaker and Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha and such other dignitaries visiting the State from other States. However, it is further clarified that in the case of Speaker and Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha these restrictions will be applicable at the time of General Elections to the Lok Sabha but not during LA election. It is also clarified again that such exceptions shall not be made in respect of any Ministers of the Union or any State Government.

10.(a) The Commission would like to make it clear that if it has any material to doubt that the assessment of security requirements made by the authorities under Special Protection Group Act, 1988 or any other special enactment/instruction of the Government have been

manifestly or unduly excessive with the intention of promoting indirectly the electoral interests of a particular party or candidate, the Commission will bring the matter to the notice of the concerned Government for immediate and appropriate corrective steps.

10.(b) For this purpose, the Commission may call for any information from the Central Government or the State Government concerned with regard to the assessment of the security requirements made in respect of any such personality. Such information shall be furnished to the Commission by the concerned Government forthwith.

Restriction on convoy of vehicles

11. The Commission further directs that cars/vehicles shall, under no circumstances, be allowed to move in convoys of more than ten vehicles, excluding the security vehicles. All bigger convoys exceeding 10 (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.

12. 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

During Filing of Nominations:

13. The maximum number of vehicles that will be allowed to come within the periphery of 100 meters of Returning Officers/Assistant Returning Officers office shall be three.

Use of vehicles for electioneering purpose

14. There is no limit on vehicles, which a candidate may use for electioneering purposes.

15. But before the campaigning commences, he/shall have to furnish the details of such vehicles and the areas in which they would be used for campaign purposes, to the District Election Officer or such other officer(s) as may be specifically authorised by the District Election Officer in this behalf, who after necessary scrutiny would issue a permit. The original copy (not the photo copy) of permit should be displayed on the wind screen of the vehicle. Needless to mention that the permit should be of such dimension, that it can easily be seen from a distance. Permit must contain the number of the vehicle, date of issue of permit, name of candidate and the area (where it shall be used for campaigning).

16. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidate or his/her agent and permits obtained for the same, before the actual deployment of the vehicles.

17. The details so obtained should be conveyed by District Election Officer to the Election Expenditure Observers so that they can check that the expenditure in this regard is correctly included in the expenditure account of the candidate.

18. Any vehicle used for campaigning without due authorization/permit by the aforesaid officers, shall be deemed to be unauthorisedly campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately taken out of the campaigning exercise.

19. The vehicles employed for election campaign as per intimation given by the candidates or their election agents to the District Administration should not be requisitioned by the administration.

20. For availing the benefit of clause (a) of explanation (1) given under Sec. 77 (1) of R. P. Act, 1951 by the leaders of the political parties, i.e., star campaigners, the permission for the mode of road transport will be issued centrally by the Chief Electoral Officer, irrespective of whether the same vehicle is to be used by any leader for election campaigning throughout the State or different vehicles are to be used by such party leaders in different areas. The permit will be issued against the name of the star campaigner concerned and shall need to be displayed prominently on the windscreen of the vehicle being used by him/her in any area. The permits so issued by the CEO will be of distinctly different colour from the permits to be issued by the DEOs/ROs for other campaign vehicles of candidates.

21. On receipt of a request from a recognized political party, the DEO would issue permit for one vehicle to be used by the district level office bearer of a recognized party (other than the star campaigner) for their visit to multiple AC's within the district for electioneering purposes. The permit should be issued indicating the number of the vehicle, the name of political leader and the period for which issued and should be of different colour so that it can easily be identified. An attested copy shall be pasted on wind screen and original be kept with the driver for checking by police or other authorities. The expenditure in this regard shall be booked against the political party and not the candidates.

22. The CEO may issue permits for vehicles that can move throughout the State for use of officer bearers of recognized political parties for electioneering purposes only. For the States having more than 100 Assembly Constituencies, the CEO may issue permits for a maximum of five vehicles and for remaining States/UTs, for a maximum of three vehicles to a recognised political party. The expenditure on these vehicles shall be incurred by the political party and not by the candidate.

23. If any political party makes a request to the Chief Electoral Officer for grant of vehicle permission for distribution of publicity material to their various party offices in the State, the Chief Electoral Officer may grant permission for one vehicle for a recognized political party (National/State). However, the concerned political party (the applicant) will have to specify the names of the Districts, the route map and the dates for which the vehicle will be required for the above purpose. For such vehicles, the CEO may issue permission, but ensure that such vehicles will also be subjected to normal checks and they will not be used for election campaigning. The expenditure on account of such vehicle shall be incurred by the political party and not by the candidate.

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

Clarification

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

Use of vehicles on poll day

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

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

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

- (a) One vehicle for his own use in respect of the entire constituency;
- (b) In addition, one vehicle for use of his election agent in the Parliamentary Constituency;
- (c) In addition, one vehicle for use of his election agent or workers or party workers, as the case may be, in each of the assembly segments comprised in the Parliamentary Constituency.

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

- (a) One vehicle for his own use;
- (b) One vehicle for the use of his election agent;
- (c) In addition, one vehicle for use of his workers or party workers.

Clarification

28. It is clarified that, henceforth, the candidate or his agent or party workers or workers will be allowed to use only four/three/two wheeler vehicles i.e. cars (of all types) taxies, auto rickshaws, rickshaws and two wheelers. In these four wheel vehicles not more than 5 persons including driver will be allowed to move on the day of poll. It is further clarified that on the day of poll no other person will be allowed to use the Vehicle allotted for candidate's or his election agent's use. However, the candidate or his election agent may be accompanied in his car by other persons subject to 5 including driver.

29. The permits for the vehicles indicated above will be issued by the District Magistrate/Returning Officer. The candidates must furnish particulars of their vehicle to be used on poll day to DEO/RO concerned and shall display the permits issued on the wind-screen of the vehicles. No other vehicles shall be allowed to be used by the leaders of the political parties including Ministers, workers, agents and sympathizers of any candidate. No exception shall be made, irrespective of the status of the candidate.

Meaning of vehicle

30. The aforementioned restrictions shall apply to all vehicles propelled by mechanical power or otherwise, including but not restricted to taxies, private cars, trucks, tractors with or without trailers, auto-rickshaws, e-rickshaws, scooters, mini buses, station wagons etc., also, and shall be made applicable for a period of 24 hours before the time fixed for closure of poll and till the completion of poll.

31. Penal action, both under the provisions of the R.P. Act, 1951 and Chapter IX A of the Indian Penal Code shall be taken against anyone offending the above directions, in addition to action under the Motor Vehicles Act. All vehicles being used in violation of these directions shall be confiscated.

Exception

32. There is no intention on the part of the Commission to put a complete ban on all vehicular traffic on the polling day and thereby create difficulties or cause harassment to the public. For genuine bonafide use for purposes other than election, the following types of vehicles shall also be allowed to be plied on the day of poll and there will be no exception:

- (a) Private vehicles being used by the owners for their private use, not connected with elections;
- (b) Private vehicles being used by owners either for themselves or for members of their own family for going to the polling booth to exercise their franchise, but not going anywhere within a radius of 200 meters of a polling station;
- (c) Vehicles used for essential services namely hospital vans, ambulance, milk vans, water tankers, electricity emergency duty vans, police on duty, officers on election duty;
- (d) Public transport carriages like buses plying between fixed termini and on fixed routes;

- (e) Taxis, three wheeler scooters, rickshaws etc. for going to airports, railway stations, inter state bus stands, hospitals for journeys which cannot be avoided;
- (f) Private vehicles used by sick or disabled persons for their own use;
- (g) Vehicles being used by the Govt. officers on duty to reach their duty point.

33. During the period of electioneering, with a view to checking misuse of private vehicles by the candidates/ their agents and party leaders and/or party supporters for carting anti-social elements so as to instill a sense of fear in the minds of the electorate and/or to smuggle illicit arms and ammunition etc. with a view to creating disturbances during elections, the Commission further directs that the District Administration shall keep a close watch on the vehicles used by persons accompanying the contesting candidates and their party's leaders for any possible mischief, including criminal activities like carrying of illegal arms and weapons. If any of these vehicles, either of a party or a private owner, is found to be involved in any such act or for carting anti-social elements with a view to intimidating or creating terror in the mind of the electorate, it shall be the duty of the local administration to impound such vehicles and not to release them till the process of elections is completed. In addition, criminal action against the owner, the occupant(s) and the candidate/political party which is involved in such illegal activities shall also be taken as per law.

Please inform all concerned and ensure compliance.

Yours faithfully,


(SUMIT MUKHERJEE)
SECRETARY

E-mail :- smukherjee@eci.gov.in

INSTRUCTION SL. NO. 16

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

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

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

2. With this announcement, the provisions of the Model Code of Conduct for the guidance of the Political Parties and Candidates have come into force with immediate effect and will be in force till the completion of the General Elections. This may be brought to the notice of the Central / State Governments, all Ministries/Departments and all other offices of the Union Government and the State Government of the State.
3. Your particular attention is drawn to the provisions of Model Code of Conduct for the guidance of Political Parties and Candidates and various instructions issued by the Commission, which, inter-alia, state that the party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular:-
 - (i) (a) The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work;
 - (b) Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;
 - (ii) Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolised by itself.

Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;

(iii) Rest houses, dak bungalows or other Government accommodation 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 or the Central Government under provisions of their laws, on equitable basis. This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or Observers. Such political functionaries shall not carry out any political activity while staying in the Government Guest Houses/Rest Houses or other Government accommodation etc.;

(iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided;

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

(vi) From the time elections are announced by Commission, Ministers and other authorities shall not –

(a) announce any financial grants in any form or promises thereof; or

(b) (except civil servants) lay foundation stones etc. of projects or schemes of any kind; or

(c) make any promise of construction of roads, provision of drinking water facilities etc.; or

(d) make any ad-hoc appointments in Government, Public Undertakings etc. which may have the effect of influencing the voters in favour of the party in power.

4. As will be observed from Para 3{Clause IV} above, no advertisements shall be issued in electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. If any advertisement has already been released for telecast/broadcast or publication in the print media, it must be ensured that the telecast/broadcast of such ads on electronic media is stopped forthwith and that no such ad is published in any newspapers, magazines, etc., i.e. in print media, from today itself and it should be immediately withdrawn.

5. The instruction of the Commission contained in its letter No.437/6/2009-CCBE dated 5th March, 2009 is available on the Commission's web-site "<http://eci.nic.in/>" under the heading 'Election Laws and ECI - instructions' for your information and necessary action.

6. The Commission directs that 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 Election;
- iv) Officers of the Police Department connected with the management of election like range IGs and DIGs, Senior Superintendents of Police and Superintendents of Police, Sub-Divisional 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) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till date should not be given effect to without obtaining specific permission from the Commission in this regard;
- vi) This ban shall be effective till the completion of the election. The Commission further directs that the State Governments should refrain from making transfers of senior officers who have a role in the management of election in the State;
- vii) In those cases where transfer of an officer is necessary on account of administrative exigencies, the concerned State Government may with full justification approach the Commission for prior clearance.

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

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INSTRUCTION SL.NO. 18

ECI letter No. 437/6/INST/2014/CC&BE, dated 20.03.2014 addressed to the Cabinet Secretary, Chief Secretaries and Chief Electoral Officers of all States and UTs.

Subject: Instructions relating to deletion of all references on politicians/Ministers on the official website during election period of General/Bye-election to the Lok Sabha and State Legislative Assemblies -reg.

I am directed to state that the Commission vide its letter No. 437/6/2007 (INST)-PLN-III, dated 21st November, 2007, issued instructions to deletion of all references on politicians/Ministers on the official website during election period of General/Bye-elections to the Lok Sabha and State Legislative Assemblies.

It has come to the notice of the Commission that the aforesaid instructions of the Commission are not being followed by Central and State Governments during election period. It is clearly mentioned in clause VII (iv) of Model Code of Conduct for guidance of Political parties and candidate:-

"VII. Party in Power

The party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purpose of its election campaign and in particular
(iv) Issues of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided."

The Commission has considered the question of various references currently available in the Ministerial office website and in the State Government websites pertaining to several Department and Government Organization highlighting their achievements but eulogizing the same as personal achievements of Politicians/Ministers.

The Commission has decided that during the period when Model Code of Conduct is in force in connection with General Election to the Lok Sabha/State Legislative Assemblies currently going on, all references of Ministers, Politicians or Political Parties available on such Central/State Government's official website, shall be removed.

The above instruction of the Commission may kindly be communicated to all concerned for strict compliance.



Election Commission of India

New Instruction

Compendium of Instructions on Paid News and Related Matters (September-2015)



ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/MCMC/2014/Communication

Dated: 24th March, 2014

To

Chief Electoral Officers of all States and UTs

**Subject: Certification of advertisement of political nature on electronic media—
regarding**

Sir/Madam,

I am directed to refer to the Commission order issued vide its letter dt 15.04.2004 (copy enclosed) on the subject cited and which was issued consequent upon Hon'ble Supreme Court Order dt 13.04.2004. In para 5 of the said Commission's order it was directed that every registered National and State political party and every contesting candidate proposing to issue advertisement on television channel and/or cable network will have to apply to the Election Commission/Officer designated by Election Commission not later than three days prior to the date of the proposed commencement of the telecast of such advertisement and such application shall be accompanied by two copies of the proposed advertisement in electronic form along with a duly attested transcript thereof.

The Commission accordingly appointed Media Certification and Monitoring Committees (MCMCs) and district level and state level and all registered National and State political parties approach these MCMCs, as the case may be, for the certification of their political advertisements proposed to be issued on electronic media (which includes TV channels, Cable network, Radio including private FM channels, Cinema Halls, audio visual displays at public places and Internet) by following the Commission's said Order as specified above.

Now, for the purpose of further for facilitating political parties/candidates the Commission has relaxed para 10 (i) of the said order, decided that apart from adopting the existing procedure, the political parties/candidates, if they desire so, may also follow the alternative procedure by first submitting the transcript of the



Compendium of Instructions on Paid News and Related Matters (September-2015)

proposed advertisement for certification and once the transcript is vetted/approved by the Committee the party/candidate will submit the final product in electronic form another time for final certification.

2. In such case the time line for each stage will be as per the existing order.
3. This may brought to the notice of all the MCMCs in the districts and states. Considering that the work of MCMC is likely to increase, proportionately additional support staff may be suitably deployed with the Committee.

Your faithfully,

(Rahul Sharma)
Under Secretary

Copy to: All recognized registered political parties (as per list enclosed)

By Fax/Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/ECI/INST/FUNCT/MCC/2018

Dated: 27th March, 2018

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Secretary to the Government of India,
Department of Programme Implementation,
Sardar Patel Bhawan,
New Delhi.
3. The Chief Secretary to the
Govt. of Karnataka,
Bengaluru.
4. The Chief Electoral Officer,
Karnataka,
Bengaluru..

**Subject: General Election to the Legislative Assembly of Karnataka, 2018-
Release of funds under MPs'/MLAs' Local Area Development Scheme.**


Sir,

I am directed to refer to the Election Commission's Press Note No. ECI/PN/22/2018, dated 27th March, 2018 (Press Note available at Commission's web-site - www.eci.gov.in) as per which the Commission has announced the enforcement of the Model Code of Conduct for the guidance of the Political Parties and Candidates, consequent on the announcement of General Election to the Legislative Assembly of Karnataka.

2. The Commission has instructed that the release of funds under the Member of Parliament Local Area Development Schemes will be subject to the following restrictions:-

- a) No fresh release of funds under the Member of Parliament (including Rajya Sabha members) Local Area Development fund shall be made in any part of the country where election is in progress. Similarly no fresh release of funds under the MLAs'/ MLCs' Local Area Development Fund shall be made, if any such scheme is in operation, till the completion of election process.
- b) No work shall start in respect of which work orders have been issued before the issue of this letter but the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue.
- c) There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.
- d) Where schemes have been cleared and funds are provided or released and materials procured and reached the site such scheme may be executed as per programme.

Yours faithfully,


(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/POL/LET/FUNCT/2017-CCS

Dated: 27th March, 2018

To

The Chief Secretary of
Karnataka, Bengaluru.

Subject: General Elections to Legislative Assembly of Karnataka - MCC- Screening Committee- regarding.

Sir/Madam,

I am directed to state that the Commission has issued detailed guidelines and instructions on regulation and enforcement of various aspects of the Model Code of Conduct (MCC) during election time. A number of proposals relating to MCC are being received in the Commission from CEOs and sometimes from the concerned departments directly. The Commission has decided that a Screening Committee headed by Chief Secretary of the State shall be constituted with following composition –

- | | |
|------------------------------------------------------------------------------------------------------|----------|
| (i) Chief Secretary | Chairman |
| (ii) Secretary/Pr. Secretary of the department(s)
to which the proposal relates. | Member |
| (iii) Secretary/Pr. Secretary of the General Administration/Coordination
department of the State. | Member |


2. The Committee shall examine each proposal, before sending it to ECI, through the CEO concerned, in the light of the Commission's existing instructions/clarifications available in the form of compendium/instructions available in 'ECI portal'. The proposals cleared by the Screening Committee shall be submitted to the CEO along with full details and a note on urgency, i.e. why the proposal can't wait till completion of poll/election. The CEO shall forward only such proposal(s) that are cleared by the aforesaid Screening Committee, to the Commission along with his/her comments immediately. Hence, all departments of the State may be advised not to forward any reference directly to the Commission. Further, no department of the Govt. shall send original file to the CEO's office but only a self-contained reference be sent through the Screening Committee.

3. Accordingly, the Commission has directed that the aforesaid Committee shall be constituted and operationalized immediately in Meghalaya and Nagaland. A copy of the order constituting the Screening Committee shall be sent to the Commission latest by 3 pm of 30th March, 2018. The CEO shall provide a copy of MCC guidelines to the Screening Committee.

4. Further, it may be noted that the Commission takes reasonable time to dispose of a reference, therefore last minute references should be avoided.

Yours faithfully,

Sd/-
(NARENDRA N.BUTOLIA)
PRINCIPAL SECRETARY


(NARENDRA N.BUTOLIA)
PRINCIPAL SECRETARY

✓ Copy to: Chief electoral Officer of Karnataka.