

MOST IMMEDIATE

**No.1/41/1/2022-Cab
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)
RASHTRAPATI BHAWAN**

New Delhi, the 27th January, 2023

OFFICE MEMORANDUM

Subject: General Elections to State Legislative Assemblies of Meghalaya, Nagaland and Tripura, 2023 and Bye-elections in Parliamentary/ Assembly Constituencies of various States - enforcement of Model Code of Conduct - reg.

The undersigned is directed to enclose copies of following letters received from Election Commission of India on the above-mentioned subject for information and further necessary action:

- (i) Letter No. 437/6/1/ECI/INST/FUNCT/MCC/2023/228 dated 18.01.2023 (Application of Model Code of Conduct).
- (ii) Letter No. 437/6/1/ECI/INST/FUNCT/MCC/2023/229 dated 18.01.2023 (Immediate action to be taken for enforcement of Model Code of Conduct).

JS(A)

Encl: As Above


27/1/23
(Anita Tripathi)
Director
Tel.: 2379 2204

All Secretaries to the Government of India

CS-442/23
19/12/23

178

By Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/ECI/INST/FUNCT/MCC/2023/228

Dated: 18th January, 2023

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the Government of :-
(i) Arunachal Pradesh, Itanagar;
(ii) Jharkhand, Ranchi;
(iii) Maharashtra, Mumbai;
(iv) Meghalaya, Shillong;
(v) Nagaland, Kohima;
(vi) Tamil Nadu, Chennai;
(vii) Tripura, Agartala;
(viii) West Bengal, Kolkata;
(ix) UT of Lakshadweep, Kavaratti.
3. The Chief Electoral Officers of :-
(i) Arunachal Pradesh, Itanagar;
(ii) Jharkhand, Ranchi;
(iii) Maharashtra, Mumbai;
(iv) Meghalaya, Shillong;
(v) Nagaland, Kohima;
(vi) Tamil Nadu, Chennai;
(vii) Tripura, Agartala;
(viii) West Bengal, Kolkata;
(ix) UT of Lakshadweep, Kavaratti.

Sub: Application of Model Code of Conduct - General Elections to State Legislative Assemblies of Meghalaya, Nagaland and Tripura, 2023 and Bye-elections in Parliamentary/ Assembly Constituencies of various States - reg.

Sir/Madam,

I am directed to state that the Commission has announced the schedule for holding General Elections to State Legislative Assemblies of Meghalaya, Nagaland and Tripura and Bye-elections in Parliamentary/ Assembly Constituencies of various States (Press Note

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Sh. Pradeep

No. ECI/PN/1/2023, & Press Note No. ECI/PN/2/2023 both dated 18th January, 2023 available at the Commission's web-site - <https://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 Elections and Bye-Elections in the States mentioned above. 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 monopolized 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 "<https://eci.gov.in>"- under the heading 'Important 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,



(SUMIT MUKHERJEE)
SR. PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/ECI/INST/FUNCT/MCC/2023/229

Dated: 18th January, 2023

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the Government of :-
 - (i) Meghalaya, Shillong;
 - (ii) Nagaland, Kohima;
 - (iii) Tripura, Agartala;
3. The Chief Electoral Officers of :-
 - (i) Meghalaya, Shillong;
 - (ii) Nagaland, Kohima;
 - (iii) Tripura, Agartala;

Subject: Immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Elections to State Legislative Assemblies of Meghalaya, Nagaland and Tripura, 2023 - regarding.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Elections to State Legislative Assemblies of Meghalaya, Nagaland and Tripura, operation of 'MODEL CODE OF CONDUCT' comes into effect with the announcement of elections by the Commission. In view of the General Elections, 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/ECI/INST/FUNCT/MCC/2022, dated 11th October, 2022, 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, and No. 437/6/ECI/INST/FUNCT/MCC/2022 dated 11th October, 2022 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**

184

- 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 roster 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,



(SUMIT MUKHERJEE)
SR. PRINCIPAL SECRETARY