

## **SOME IMPORTANT GUIDELINES RELATING TO ENFORCEMENT OF MODEL CODE OF CONDUCT FOR DELHI ASSEMBLY ELECTIONS - 2015**

**MODEL CODE OF CONDUCT** (*Applicability period date of announcement i.e. 12.01.2015 to Date of completion of Election i.e. 12.02.2015* ).

A visible and rigorous enforcement of Model Code of Conduct enhance the credibility of the elections and gives confidence to the stakeholders/voters. It is ensured that electoral offences, malpractices and corrupt practices such as impersonation, bribing and inducement of voters, threat and intimidation to the voters is prevented by all means. Police has to ensure effective law and order arrangements for maintenance of peace and public order in Delhi besides ensuring a free and fair poll.

### **1. Campaigning by the Political Parties/candidate:**

(a) Candidate can ply any number of vehicles (all mechanized/ motorized vehicles including two wheelers) for the purpose of election campaign. However, expenditure will be added in Candidate's account.

**( FAQ-59, MCC for political parties & candidates) (Circulated vide PHQ,s endst. No.4693-4760/AC-III (E. Cell)/PHQ dated 10.10.13)**

(b) The ROs shall issue permissions required for vehicles to be used in election campaigning.

**(Point 6 of instructions from CEO office vide letter dated 25.10.13) (Circulated vide PHQ's endst. No.6309-6326/AC-III (E. Cell)/PHQ dated 26.10.13)**

(c) Permit of RO is to be pasted in original (not photocopy) prominently on the wind Screen of the vehicles

**(FAQ-59, MCC for political parties & candidates) (Circulated vide PHQ,s endst. No.4693-4760/AC-III (E. Cell)/PHQ dated 10.10.13)**

(d) Only one flag or banner or poster or placard is allowed to be displayed/ host on a vehicle by a candidate or by his campaigners provided it does not violate MV Act and does not obstruct other road users. Vehicle should have RO's permission also.

**(Point No.1 of clarification from CEO office vide letter dated 04.10.13) (Circulated vide endst. No.3966-91/E.Cell/AC-III/PHQ dated 05.10.13)**

(e) Convoys of more than 10 vehicles (excluding security vehicles in view of security gradation of PP) not be allowed from the date of notification till completion of election –Bigger convoys be broken up keeping a minimum distance of 200 meters)

**(ECI No. 437/6/Inst/2010/CC&BE dated 5.10.2010)**

(f) There is no ban on putting up small stickers on vehicles of volunteers on owner's volition. However, the cost incurred shall be accounted for in the expenditure of the party.

**(Circulated vide PHQ's endst. No.3771-92/AC-III(E.Cell)/PHQ, dated 23.03.2014)**

(g) Wearing and distribution of caps, small badges, stickers etc. with party name and symbol is not prohibited. However, the cost incurred shall be accounted for in the expenditure of the party.

**(Circulated vide PHQ's endst. No.3771-92/AC-III(E.Cell)/PHQ, dated 23.03.2014)**

(h) The Political Parties/candidate shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters, impersonation of voters, canvassing within 100 meters of polling stations, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.

**(General Conduct on MCC for political parties & candidates) (Circulated vide PHQ,s endst. No.947-67/AC-III (E. Cell)/PHQ dated 26.02.2014)**

(i) There is no objection to assembly/meeting of party workers/volunteers wearing caps or party badges subject to provision of Section 130 of Representation of People's Act, 1951 (i.e. canvassing not allowed on the day of Poll within 100 meters of polling station). However, distribution of t-shirts, shirts, sarees, trousers etc. with party name/ logo/ symbol/ photo etc. and their wearing shall amount to bribery and is prohibited.

***(Circulated vide PHQ's endst. No.3771-92/AC-III(E.Cell)/PHQ, dated 23.03.2014)***

- (j) As long as the stay order issued by Hon'ble High Court of Delhi on 19<sup>th</sup> June, 2013 in Writ Petition (Civil) No.3990/2013 continues to be in operation, there is no restriction on putting posters on the back-side of auto-rickshaws. However, the publicity charge realized by auto-rickshaw owners for display of such posters will have to be borne and shown by the party in its account. If it is contended that auto-rickshaw owners are displaying such poster voluntarily and without raising any charge, notional campaign expenditure of Rs.1100/- per auto-rickshaw shall shown by the party in its expenditure account for the entire period of the elections.

***(Circulated vide PHQ's endst. No.3771-92/AC-III(E.Cell)/PHQ, dated 23.03.2014)***

**(2) Temporary Offices of candidates during electioneering:**

(a) No such offices will be opened by way of encroachment or in campus of a religious place or contiguous to an educational institution/hospital or within 200 mtrs. of Polling Station.

(b) Only one flag and one banner (4 X 8 ft.) allowed.

**(Page 21 of small Booklet on MCC for political parties & candidates)**  
**(Circulated vide PHQ's endst. No.7652-7700/AC-III (E. Cell)/PHQ dated 07.11.13)**

**(3) Number of Loud Speakers for use on vehicles:**

**(a) Two Loud Speakers per candidate per Assembly Constituency - one on each vehicle, shall be allowed.**

(b) Permission for loud speaker shall be given by ACP/Inspr. **(Permission)** sitting in DEO office under the scheme of 'Single Window System'.

(c) Loudspeakers cannot be used at night between 10 PM to 6 AM.

**(FAQ-82, MCC for political parties & candidates) (Circulated vide PHQ,s endst. No.4693-4760/AC-III (E. Cell)/PHQ dated 10.10.13)**

**(4) Loudhailers:**

(a) Two Loudhailers per candidate shall be permitted.

(b) Permission for loudhailers shall be given by ACP/Inspr. **(Permission)** sitting in DEO office under the scheme of 'Single Window System'.

**(5) Permission for Public meetings:**

(a) The political party/candidates seeking permission has to apply to the ACP **(Permission)/ Permission Cell Incharge** in the office of the District Election Officer (DEO) concerned at least 48 hours before the event. Separate application has to be filed for more than one event on a particular date.

(Point 3(2) of instructions from CEO office vide letter dated 07.03.2014)  
(Circulated vide PHQ's endst. No.2331-43/AC-III/E.Cell/PHQ, dated 11.03.2014)

(b) The District Election Officers have operationalised a Permission Cell in their offices who will provide photocopies of applications received by the ACP (Permission) to various Nodal Officers of other departments present in the office of DEO for prompt action at their end with regard to obtaining specific clearances from their respective department.

(Point 1 of instructions from CEO office vide letter dated 07.03.2014)  
(Circulated vide PHQ's endst. No.2331-43/AC-III/E.Cell/PHQ, dated 11.03.2014)

(c) The ACP (Permission) after obtaining the necessary clearance if any, from other departments such as Fire, Land owning agencies etc. will issue the permission to the political party within 36 hours of receipt of the application.

(Point 6 of instructions from CEO office vide letter dated 07.03.2014) (Circulated vide PHQ's endst. No.2331-43/AC-III/E.Cell/PHQ, dated 11.03.2014)

(d) In case an event/rally/procession etc. is to be held in the area covering jurisdiction of more than one district, then separate application have to be filed in each district.

(Point 3 of instructions from CEO office vide letter dated 07.03.2014) (Circulated vide PHQ's endst. No.2331-43/AC-III/E.Cell/PHQ, dated 11.03.2014)

(e) The Traffic Police related permissions can be obtained by the ACP (Permission Cell) and applicant will not be asked to obtain the same from the Traffic Police separately.

(Point 4 of instructions from CEO office vide letter dated 07.03.2014) (Circulated vide PHQ's endst. No.2331-43/AC-III/E.Cell/PHQ, dated 11.03.2014)

(f) Permission shall be granted on 'first come first served' basis.

(Point 7 of instructions from CEO office vide letter dated 07.03.2014) (Circulated vide PHQ's endst. No.2331-43/AC-III/E.Cell/PHQ, dated 11.03.2014)

(g) Public meeting cannot be held after 10 PM and before 6.00 AM.

(FAQ-83, MCC for political parties & candidates) (Circulated vide PHQ,s endst. No.4693-4760/AC-III (E. Cell)/PHQ dated 10.10.13)

(h) No public meeting and processions during the period of 48 hours ending with the hour fixed for the conclusion of poll.

(FAQ-83, MCC for political parties & candidates) (Circulated vide PHQ,s endst. No.4693-4760/AC-III (E. Cell)/PHQ dated 10.10.13)

(i) In case meeting is held on road, only 1/3 area of the single carriage way is to be covered.

(CEO, Delhi's office letter dated 15.11.13)(Circulated vide PHQ's endst.No.8767-78/E.Cell(AC-III)/PHQ dated 15.11.13).

(j) Public places such as maidans etc. for holding election meeting and use of helipads for air flights in connection with election 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

**(MHA's memo. dated 12.03.2014, Circulated vide PHQ,s endst. No.2821-40/AC-III (E. Cell)/PHQ dated 15.03.2014)**

**(K)** A political party/ candidate may apply through an application for permission in respect of those event/rallies/procession etc. scheduled to be organized within 07 days of making the application (excluding the day of application).

(Point 3(b) of instructions from CEO office vide letter dated 07.03.2014)  
(Circulated vide PHQ's endst. No.2331-43/AC-III/E.Cell/PHQ, dated 11.03.2014)

**(6) Processions:**

(a) Only one party will be permitted to hold a procession in an area at a particular time.

(b) No permission is required for Dhol and Nagara during procession likewise loudspeaker but it should not cause of public nuisance and disturbing the peace.

(Point No.18 of clarification from CEO office vide letter dated 04.10.13)  
(Circulated vide PHQ's endst. No.3966-91/AC-III/E. Cell/PHQ dated 05.10.13)

(c) Any traffic regulations or restrictions shall also be carefully adhered to.

(d) Display of arms in procession in support of a candidate during campaign period, tantamount to threat and intimidation to voters at Election.

(ECI's letter dated 01.09.2009 circulated vide PHQ's endst. No.1772-802/AC-III/E. Cell/PHQ dated 08.03.2014)

**(7) Use of National Flag**

There is no prohibition of proper use of national flag by political parties in rallies and it is the bounden duty of the authorities concerned to ensure strict compliance and observance of the provisions of the flag code.

(ECI's letter dated 13.03.2014 circulated vide PHQ's endst. No.2987-3002/AC-III/E. Cell/PHQ dated 16.03.2014)

**(8) Adherence to the instructions of Election Commission:**

The instructions issued by Election Commission of India and Chief Electoral Officer, Delhi from time to time regarding use of loud speaker,

defacement of property, restriction on vehicles, number of persons at the time of filling of nominations and also during canvassing etc. be enforced strictly

**(9) 127A R.P. Act-1950 & 1951 - Restrictions on the printing of pamphlets, posters etc.**

(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster –

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,

(i) where it is printed in the capital of the State, to the Chief Electoral Officer, and

(ii) in any other case, to the Distt. Magistrate of the District in which it is printed.

(3) For the purpose of this section, -

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the express "printer" shall be construed accordingly; and

(b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to the election agents or workers.

4) Any person who contravenes any of the provisions of sub-sec. (1) or sub-sec. (2) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.

**(Circulated vide PHQ's no.2956-3055/AC-III/Election Cell/PHQ, dated 11/09/2013)**

## **(10) Defacement of Property**

Putting up of banners/posters at homes of volunteers/supporters on private property even with the permission of the owner shall continue to be prohibited under Delhi Prevention of Defacement of Property Act, 2007.

**(Circulated vide PHQ's endst. No.5547-69/AC-III(E.Cell)/PHQ, dated 18/10/13 and Circulated for Lok Sabha Elections-2014 vide PHQ's endst. No.3771-92/AC-III(E.Cell)/PHQ, dated 23.03.2014)**

### **Section-2 Definitions**

- (a) "defacement" includes impairing or interfering with the appearance or beauty, damaging, disfiguring, spoiling or injuring in any other way whatsoever and the word "deface" shall be construed accordingly;
- (c) "Property" includes any building, hut, structure, wall, tree, fence, post, pole or any other erection;
- (d) "Writing" includes printing, painting, decoration, lettering, ornamentation etc., produced by stencil.

### **Section -3 Penalty for defacement of property**

- (1) Whoever defaces any property in public view by writing or marking with ink, chalk, paint or any other material except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both.
- (2) When any offence is committed under sub-section(i) is for the benefit of some other person or a company or other body corporate or an association of persons (whether incorporated or not) then, such other person and every president, chairman, director, partner, manager, secretary, agent or any other officer or persons connected with the management thereof, as the case may be, shall, unless he proves the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.
- (3) The aforesaid penalties will be without prejudice to the provisions of Section 425 and Section 434 of the Indian Penal Code, 1860 (45 of 1860) and the provisions of relevant Municipal Acts.



**(Circulated vide PHQ's letter. No.1699-739/AC-III(E.Cell)/PHQ, dated 18/07/13)**

**(11) DRY DAY**

The following dates/days shall be observed as 'Dry Days' in addition to the Dry Days

1. 05.02.2015 (Thursday) from 6 PM to 07.02.2015 (Saturday) upto 6 PM (Polling day) (i.e for 48 Hours). ( This will include the dates of repoll, if any)
2. 10.02.2015 (Tuesday) (Counting Day)

**(12) Restriction on the presence of political functionaries/party workers etc. after campaign is over**

After the closure of campaign period (starting from 48 hrs before closure of poll), political functionaries etc. who have come from outside the constituency and who are not voters of the constituency should not continue to remain present in the constituency. This will not apply in the case of candidate or his election agent even if they are not voters in the constituency.

**(FAQ No.78 page-30 of MCC for the guidance of political parties and candidates issued by ECI)**

(13) Poll Day {07.02.2015 (Saturday), Poll Timing- 8 A.M. to 6 P.M.}

(a) Election booth can be set up by Political Parties/Candidate beyond a distance of 200 meters from the polling stations.

**(FAQ-90, MCC for political parties & candidates) (Circulated vide PHQ,s endst. No.4693-4760/AC-III (E. Cell)/PHQ dated 10.10.13)**

(b) Only one table and 2 chairs with an umbrella or a piece of tarpaulin or cloth to protect the two occupants shall be allowed.

**(FAQ-90, MCC for political parties & candidates) (Circulated vide PHQ,s endst. No.4693-4760/AC-III (E. Cell)/PHQ dated 10.10.13)**

(c) Such tables and chairs shall be without Shamiana & Tentage. (Point No.6 of clarification from CEO office vide letter dated 04.10.13)

**(Circulated vide PHQ's endst. No.3966-91/AC-III/E. Cell/PHQ dated 05.10.13)**

(d) Two election booths can be set up, if more than two polling stations have been set up in a building.

**(FAQ-90, MCC for political parties & candidates) (Circulated vide PHQ,s endst. No.4693-4760/AC-III (E. Cell)/PHQ dated 10.10.13)**

(e) Only one banner (3 X 1 ½ feet) can be displayed showing the name of the candidate/party/election symbol at the booth.

**(Point No.6 of clarification from CEO office vide letter dated 04.10.13) (Circulated vide PHQ's endst. No.3966-91/AC-III/E. Cell/PHQ dated 05.10.13)**

(f) Persons manning the booth must have the written permission of the Govt. Authorities concerned or local authorities for production before the police/ election authorities on demand.

**(FAQ-91, MCC for political parties & candidates) (Circulated vide PHQ,s endst. No.4693-4760/AC-III (E. Cell)/PHQ dated 10.10.13)**

(g) Canvassing for votes etc. within a distance of one hundred meters of polling station is prohibited on the day of poll.

**(FAQ-92, MCC for political parties & candidates read with point No.6 of clarification from CEO office vide letter dated 04.10.13) ( Circulated vide PHQ's No.4693-4760/AC-III/E. Cell/PHQ dated 10.10.13 and endst. No.3966-91/AC-III/E. Cell/PHQ dated 05.10.13)**

(h) No person other than authorized electoral and police officials is allowed to either carry or use mobile phones, cordless phones, wireless sets. in 100 meter perimeter of the polling stations described as the "polling station neighbourhood" and within the polling booth.

**(FAQ-93, MCC for political parties & candidates) (Circulated vide PHQ,s endst. No.4693- 4760/AC-III (E. Cell)/PHQ dated 10.10.13)**

(i) No person is allowed to go armed with arms as defined in arms act 1959 of any kind within the neighbourhood of a polling station on the day of poll.

**(FAQ-94, MCC for political parties & candidates) (Circulated vide PHQ,s endst. No.4693-4760/AC-III (E. Cell)/PHQ dated 10.10.13)**

(j) A candidate is entitled to use maximum 03 vehicles on the poll day i.e. one for candidate's own use, one for use of candidate's election agent and one for use of candidate's workers or party workers.

**(FAQ-95, MCC for political parties & candidates) (Circulated vide PHQ,s endst. No.4693-4760/AC-III (E. Cell)/PHQ dated 10.10.13)**

(k) Any arrangement by Political Parties/Candidates, direct or indirect, to carry any voter to or from polling station by any kind of vehicle is not allowed and is a criminal offence.

**(FAQ-98, MCC for political parties & candidates) (Circulated vide PHQ,s endst. No.4693-4760/AC-III (E. Cell)/PHQ dated 10.10.13)**

(l) Liquor not to be sold, given or distributed on polling day and period of 48 hours ending with close of poll.

**(Page 19 of small Booklet on MCC for political parties & candidates) (Circulated vide PHQ's endst. No.7652-7700/AC-III (E. Cell)/PHQ dated 07.11.13)**

(m) Political parties and candidates shall not allow unnecessary crowd near the camps set up by them near the polling booths so as to avoid Confrontation and tension among workers and sympathizers of the parties and the candidate.

**(Page 5 of small Booklet on MCC for political parties & candidates) (Circulated vide PHQ's endst. No.7652-7700/AC-III (E. Cell)/PHQ dated 07.11.13)**

(n) No eatable shall be served or crowd allowed at the election booth setup by political parties/candidates.

**(Page 6 of small Booklet on MCC for political parties & candidates)  
(Circulated vide PHQ's endst. No.7652-7700/AC-III (E. Cell)/PHQ dated  
07.11.13)**

**(14) Return of deposited Licenced Fire Arms**

It shall be the bounden duty of the administration to ensure that all fire arms deposited with the administration are returned to the licence holders immediately after one week after declaration of results

(ECI's letter dated 01.09.2009 circulated vide PHQ's endst. No.1772-802/AC-III/E. Cell/PHQ dated 08.03.2014)

**15. Conduct of Government Servant**

(i) No Government Servant can take part in political activities – He can not act as election agent, polling agent, counting agent.

(ii) He should not be present in public meeting during election campaign. Exception-those officers engaged in Law & Order and Security arrangements.

**(Page NO.19 Small Booklet on MCC circulated vide PHQ's No.7652-77/AC-III/E. Cell/PHQ dated 07.11.13)**