



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.437/6/INST/ECI/LET/FUNCT/MCC/2022

Dated: 22nd January, 2022

To

The Chief Electoral Officers of
all States and Union Territories

Sub: Model Code of Conduct - Compliance in letter and spirit under Section 77 of RP Act, 1951- reg.

Sir/Madam,

I am directed to refer to the Commission's letter No. 437/6/INST/2008-CC&BE dated 18th February, 2009 (copy enclosed) on the above subject which inter-alia provides that -

"2(i) The campaign by the leaders specified under Section 77(1) [star campaigners] should be meticulously tracked. Any violation committed by candidate set up by recognized parties or by the star campaigners during campaign should invariably be reported to the Commission for immediate follow up action at the level of the Commission so that the action receives required visibility."

2. It has come to notice of the Commission that the cases of such violation of Model Code of Conduct by Star Campaigners are not instantly reported to the Commission. In this regard, I am to reiterate the above instruction and to say that all District Election Officers and Returning Officers in your state shall be directed to follow the instructions and wherever a case of Model Code of Conduct or related violation by Star Campaigner in their respective district/constituency is observed, the same shall immediately be brought to the notice of the Chief Electoral Officer for taking appropriate guidance/approval. The Chief Electoral Officer shall report the action taken to the Commission for immediate follow up action.

Yours faithfully,


(ASHWANI KUMAR MOHAL)
SECRETARY

INSTRUCTION Sl. No. 102

ECI letter No.437/6/INST/2008-CC&BE dated 18th February, 2009 addressed to the Chief Electoral Officers of all States and UTs

Subject: Model Code of Conduct – Compliance in letter and spirit under Section 77 of RP Act, 1951- regarding.

A copy of a letter sent to all recognized National and State political parties, regarding adherence to the provisions of the Model Code of Conduct, Election Law, IPC etc. in connection with electioneering, which is self-explanatory, is enclosed.

2. In this context, the Commission has directed that the following actions are required to be taken on the part of the Chief Electoral Officers/District Election Officers/Returning Officers/Observers:-
 - (i) The campaign by the leaders specified under Section 77(1) [star campaigners] should be meticulously tracked. Any violation committed by candidate set up by recognized parties or by the star campaigners during campaign should invariably be reported to the Commission for immediate follow up action at the level of the Commission so that the action receives required visibility.
 - (ii) The Chief Electoral Officers and District Election Officers shall maintain a party-wise register to track the instances of violations being committed by various candidates and campaigners of various political parties. This should be a sort of daily register indicating names of the candidate, campaigner and political party. Brief description of violation, date of violation, follow up action taken and the order passed by any election official/the Commission, if any.
 - (iii) The above document (violation index) should also to be put in public domain so that interested parties including the media can pick up the input and this may work as a deterrence for the candidates and political parties against indulging in any violation.
3. These instructions may be brought to the notice of the District Election Officers and Returning Officers in the State. A copy of the enclosed letter addressed to the political parties may be handed over to each of the political parties based in your State/Union Territory, including registered unrecognized parties.

ECI letter No.437/6/INST/2008-CC&BE dated 18th February, 2009 addressed to all Recognized National and States Political Parties

Subject: Model Code of Conduct – Compliance in letter and spirit- regarding.

The Model Code of Conduct for political parties and candidates comes into force immediately on announcement of elections. During the electioneering, several instances of violation of the provisions of the Model Code of Conduct come up for decision of the Commission. Incidents of violation are reported against individual functionaries/leaders of political parties apart from candidates themselves. Communal/religious references in election campaign, character assassination, use of religious places for election purpose, bribing of electors, etc. are some of the most commonly reported cases of violation by candidates and representatives of political parties.

When cases of violation of Model Code of Conduct or provisions of law are brought to its notice, the Commission, in appropriate cases, issues notice to the person concerned. If the violation is attributed to important leaders of political parties, notices are also issued to the political party concerned. *For clarity and uniformity in such matters, the Commission has decided that in future, in cases involving violation of Model Code of Conduct or any provision of law by any candidate duly set up by the party, or by the leaders of political parties whose names have been communicated by the party to the Election Commission/Chief Electoral Officer in terms of Explanations 1 & 2 under sub-section (1) of Section 77 of Representation of the People Act, 1951, if notice is issued to any such leader, or any candidate of the political party, a notice will also be issued to the political party concerned. It may be noted that leaders are nominated by the political parties under the aforesaid Explanation Clauses 'for propagating programme of the political party'. Therefore, it would only be reasonable and logical to hold the political party concerned responsible for any act of omission or commission by such leaders. In this context, attention of political parties is also invited to the provisions of paragraph 16A of the Election Symbols (Reservation and Allotment) Order, 1968.*

In view of the above, all political parties are advised to appropriately brief the leaders nominated by them, so that the Model Code of Conduct and provisions of law are followed in letter and spirit by all concerned.