

## STATE ELECTION COMMISSION

No.SEC/1-2/Election/2012

Puducherry, the 3<sup>rd</sup> November 2012

### ORDER

In exercise of the powers conferred on him under clause (1) of Article 243K and 243-ZA of the Constitution of India and under sub-section (1) of Section 9A of the Puducherry Village and Commune Panchayats Act, 1973 (No.10 of 1973) and 15A of the Puducherry Municipalities Act, 1973 as amended from time to time and for ensuing free, fair, smooth and peaceful conduct of elections to Members to Commune Panchayat Councils and Presidents and Members of Village Panchayats and Councillors and Chairman of Municipal Council, the State Election Commissioner makes the following Order for strict observance by the contesting candidates and political parties.

1. This Order shall be known as “Model Code of Conducts for Contesting Candidates and Political Parties”

2. This Code shall come into force from the day of the announcement of Election to Local Bodies and shall be in force till the end of poll day.

3. **I. General conduct,-** (1) No candidate shall indulge in any activity which will aggravate existing difference or create mutual hatred or cause tension between different castes and communities, religious or linguistic.

(2) Criticism shall be confined to policies and programme, past record and work. Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers. Criticism based on unverified allegations or on distortions shall be avoided.

(3) There shall no appeal to caste or communal feelings for securing votes, Mosques, Churches, Temples or other places of Worship shall not be used as forum of election propaganda.

(4) All candidates shall avoid scrupulously all activities which are corrupt practice and offence under the election laws such as:-

- (a) the bribing of voters;
- (b) intimidation of voters;
- (c) personation of voters;
- (d) canvassing within 100 meters of a polling station;
- (e) holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll;
- (f) the transport and conveyances of voters to and from polling stations;
- (g) appealing for vote or not to vote on the basis of religion, caste, language or community and to use any religious symbols for soliciting votes;
- (h) printing or publishing any poster, pamphlets, leaflets, circulars or advertisements without mentioning the names and address of the printers and publishers;
- (i) publishing a statement or news item which is false or not believed to be true with respect to a candidate, or his or her personal conduct or character with a view to adversely affect the prospect of his or her elections;
- (j) to personate a voter or attempt to cast vote under the false name of a voter;

(5) The right of every individual for peaceful and undisturbed home life shall be respected. Organizing demonstrations or picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances;

(6) No candidate shall permit his followers to make use of any individuals land, building, compound wall, etc., without his permission for erecting flag staffs, suspending banners, pasting notices, writing slogans, etc.

(7) Candidate shall ensure that their supporters do not create obstruction in or break up meetings and processions organized by another candidate by putting questions orally or in writing or by distributing leaflets. Processions shall not be taken out by one candidate along the places at which meetings are being held by another candidate. Posters issued by a candidate shall not be removed by workers of another candidate.

(8) No contesting candidate shall incur expenditure if he is contesting the election –

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|---|-------|-----|-----------|
| (a) For election as Ward Member<br>of a Village Panchayat                                   | . . . | Rs. | 15,000    |
| (b) For election as President of<br>a Village Panchayat                                     | . . . | Rs. | 1,50,000  |
| (c) For election as Member of<br>Commune Panchayat Council                                  | . . . | Rs. | 2,00,000  |
| (d) For election as Councillor of<br>Municipal Council                                      | . . . | Rs. | 2,00,000  |
| (e) For election as Chairman of<br>Municipal Council in respect of<br>the Municipalities :- |       |     |           |
| (i) Puducherry Municipality   | . . . | Rs. | 20,00,000 |
| (ii) Oulgaret Municipality  | . . . | Rs. | 20,00,000 |
| (iii) Karaikal Municipality   | . . . | Rs. | 8,50,000  |
| (iv) Mahe Municipality  | . . . | Rs. | 6,50,000  |
| (v) Yanam Municipality  | . . . | Rs. | 6,50,000  |

(9) The contesting candidates shall maintain day to day expenditure record in the prescribed register which will be supplied to him free of cost on the date of his filling nomination.

(10) Every contesting candidate shall within 30 days of declaration of results shall submit the election expenditure account in the prescribed register to the Returning Officer.

(11) A public servant shall remain absolutely impartial during the elections and he shall not indulge in any campaign activity or against any contesting candidate.

(12) No candidate is allowed to use rest houses, circuit houses and other Government accommodations or their campus for the purpose of election propaganda.

(13) Ordinarily, all meetings organized during election are treated as election meetings and no Government fund should be spent on them. No Government servant shall attend any such meeting except those in charge of maintenance of law and order or those deployed on security duties.

(14) If Minister undertakes a tour of any area where elections take places, such tours shall be deemed to be an election tour and no Government servant except those who are deployed for security purposes shall accompany the Minister. No Government vehicles or any other facility shall be made available for such tour.

(15) No vehicle belonging to Government or local bodies or public undertakings or co-operative institutions or any other institution receiving Government grants shall be provided to any Minister,

Member of Parliament or the Legislative Assembly or a candidate for canvassing in election in any manner from the date of announcement of election to the date of announcement of results.

(16) The Ministers shall not combine their official visit with electioneering work and shall not make use of official machinery and personnel or other Government resources including Government vehicles for furtherance of interests of any candidate.

(17) Ministers and other authorities shall not sanction grants out of discretionary funds from the time election is announced till the date of announcement of results in any area where the election is to take place. They should not sanction any new scheme or make an announcement of such scheme. Laying of foundation-stones or opening of any scheme or project shall not be done during the period of election.

(18) Issue of advertisement at the cost of public exchequer in the newspaper and other media during the election period for partisan coverage intended to furthering the prospects of any candidate shall be scrupulously avoided.

(19) The violation of any of these provisions is punishable under various laws. The Returning Officers, the police and other authorities empowered under the law in force are authorized to initiate prosecution against violators of this Code before the Competent Criminal Court under intimation to the State Election Commissioner.

**II. Meetings :-** (1) The candidate shall get prior permission from the local police authorities for holding public meetings giving details of the venue, date and time thereof.

(2) A candidate shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting. If such orders exist, they shall be followed strictly.

(3) If permission or licence is to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, the candidate shall apply to the Authority concerned well in advance and obtain such permission or licence.

(4) Organisers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder. Organisers themselves shall not take action against such persons.

**III. Processions.-** (1) A candidate organizing a procession shall decide beforehand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall be no deviation from the programme.

(2) The organizers shall give advance intimation to the local police authorities of the programme and get their prior permission.

(3) The organizers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions. Traffic regulations and restrictions shall be strictly adhered to.

(4) The organizers shall take steps in advanced to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organized in segments of suitable lengths, so that at convention, intervals, especially at appoints where the procession has to pass road junctions, the passage of held-up traffic could be allowed by stages thus avoiding heavy traffic congestion.

(5) Processions shall be so regulated so as to keep as much to the left of the road as possible and the direction and advice of the police on duty shall be strictly complied with.

(6) If two or more candidates propose to take processions over the same route or parts thereof at about the same time the organizers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash hindrance to traffic. The assistance of the local police shall be availed of for arriving at a satisfactory arrangement. For this purpose, the candidate shall contact the police at a earliest opportunity.

(7) The candidate shall exercise control to the maximum extent possible in the matter of processionists carrying articles which may be put to misuse by undesirable elements, especially in movements of excitement.

**IV. Polling Day. – All candidates shall-**

- (i) Co-operative with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;
- (ii) Supply to their authorized workers suitable badges or identity cards;
- (iii) agree that the identity slips supplied by them to voters shall be on plain white paper and shall not contained any symbol and name of the candidate;
- (iv) refrain from serving or disturbing liquor on polling day and during the 24 hours proceeding it;
- (v) not allow unnecessary crowds to be collected near the camps set up by the candidates near the polling booths so as to avoid confrontation and tension among workers and sympathizers of the candidates;
- (vi) ensure that the candidates camps shall be simple. They shall not display any posters, flags, symbols or any other propaganda materials. No eatables shall be served or crowds allowed at the camps; and
- (vii) co-operative with the authorities in complying with the restrictions imposed on the plying of vehicles on the polling day and obtain permits for them which shall be displayed prominently on those vehicles.

**V. Polling Station.-** Excepting the voters, the contesting candidates, election agents, one agent of the contesting candidates at a time, the police, children in arm accompanying a voter, persons accompanying a blind or infirm voter who cannot move without help, public servants on election duty and such other persons admitted by the Returning Officer or Presiding Officer for the purpose of identification of the electors or in searching women electors or of assisting the poll authorities otherwise in taking the poll and such other persons as may be authorized by the State election Commission, no one shall enter the polling stations.

VI. The State Election Commission appoints General Observers and Expenditure Observers. If the candidates or their agents have any specific complaint or problem regarding the conduct of the election, they may bring the same to the notice of the observers on matters of their respective jurisdiction.

**UDDIPTA RAY**  
**State Election Commissioner**