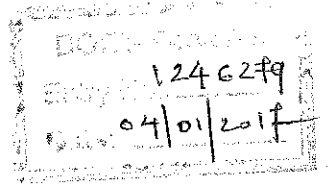


**MOST IMMEDIATE**  
**ELECTION MATTER**



GOVERNMENT OF GOA  
GENERAL ADMINISTRATION DEPARTMENT  
SECRETARIAT, PORVORIM, GOA- 403 521

TEL- 2419784


FAX-2419753

No. 58/4/2016-GAD-III(Part)

Dated: - 03/01/2017  
13-Pausa 1938

**C I R C U L A R**

A copy of the letter No.437/6/1/2016-CCS dated 26/12/2016 issued by the Election Commission of India, New Delhi, regarding effective enforcement of Model Code of Conduct after announcement of General Elections to the Legislative Assembly of Goa and guidelines for Government Personnel regarding conduct of Elections, is hereby circulated for information and strict compliance in its true spirit.

  
(Varsha S. Naik)  
Under Secretary(GA-I)

Encl :- As above.

To,

- 1) All Secretaries/Addl./Joint Secretaries/Under Secretaries to Government.
- 2) All Heads of Departments/Offices/Public Undertakings.
- 3) All Jt.Secys./O.S.Ds/Under Secys./P.Ss. to Chief Minister/Dy.Chief Minister/Minister, Ministerial Block, Porvorim.
- 4) All the Departments in the Secretariat, Porvorim.
- 5) Guard file.
- 6) Office copy.

*Admission*  
*3-1-17*  
*update*  
*on website*  
*9/1/17*

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By Spl. Messenger/Speed Post

# ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/2016-CCS

Dated: 26<sup>th</sup> 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 29<sup>th</sup> December, 2015; No. 437/6/INST/2012-CC&BE dated 18<sup>th</sup> January, 2012 and No. 3/7/2008/JS-II dated 7<sup>th</sup> 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 -

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(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 10<sup>th</sup> 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 5<sup>th</sup> March, 2014 provides that at the cost of public exchequer

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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.**

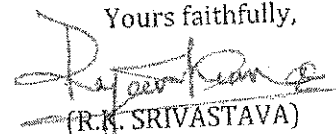
4. **Photograph of political functionary at official website-** ECI instruction contained in letters No. 437/6/INST/2014-CC&BE dated 20<sup>th</sup> March, 2014 provides that all references of Ministers, Politicians or Political Parties available on Central/State Government's official website, shall 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

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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 24<sup>th</sup> 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

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23-12-76

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## GUIDELINES FOR GOVT. PERSONNEL REGARDING CONDUCT OF ELECTIONS

Election Commission's Letter No. 62/84, dated 6th November, 1984 to Chief Secretaries to State/ Union Territories, all Chief Electoral Officers and Ministries of Home Affairs and Law and Justice.

Subject :- General Elections/Bye-elections - Guidelines for the conduct of Government servants.

I am directed to invite your attention to sections 129 and 134 of the Representation of the People Act, 1951, relating to the conduct of Government servants during elections and to say that the Government of India as well as the State Government have been, before conduct of a general election, issuing instructions regarding the conduct of Government servants in relations to an election, stressing that all the Government employees should maintain an attitude of strict impartiality.

2. The Government employees should not only be impartial but should also appear to be so in relation to the elections. They are required to conduct themselves in such a manner as to inspire confidence in the public in regard to their impartiality so that there might not be any occasion for the people to think that the elections would not be held in a free, fair and pure atmosphere. It should be stressed that they should avoid giving room for any suspicion that they are favoring any party or any candidate. They are not expected to take part in any election campaign or canvassing and should take scrupulous care not to lend their names, official position or authority to assist one individual as against another or one group as against another.
3. With particular reference to the tours that the Ministers might undertake on the eve of the elections, it is necessary that while Government Officers should make all the usual arrangements to enable the Ministers to carry out their responsibilities as Ministers, the Government Officers should not themselves organise any election meetings or be present in person during any such meetings except those who may have to be present to the extent necessary for maintaining law and order and making necessary security arrangements.
4. The question as to whether a public meeting addressed by a Minister is officially sponsored or is held for election propaganda has to be decided by the Minister himself. In the meeting, the arrangement for organising it is to be made on the Minister's behalf unofficially and the expenditure in that connection is to be borne by him or his party.

It is further made clear that a public meeting held on the eve of an election is normally to be considered to be an election meeting and the expenses thereof are not to be borne from public funds. The preservation of law and order at every meeting will, however, be the responsibility of the Government officials responsible for law and order.

In this connection I am also to enclose a copy of the Ministry of Home Affairs' O.M. No. 25/44/49-Ests, dated 10th October 1949, which clarifies the position regarding the participation of Government servants in political activities vis-a-vis the attendance by Government servants at political meetings, for your information. The contents of the said O.M. may also be brought to the notice of all Government servants for their guidance.

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5. In the matter of election meetings in a public place, the Government officers should not make any distinction between one political party and another in granting permission to hold such meetings. If more parties than one apply for holding a meeting at any place on the same day and at the same hour, the party which applies first should be given preference.
  6. Further your attention is specially invited to the provisions of **section 134-A** of the Representation of the People Act, 1951, which reads as follows :-

*"134-A Penalty for Government Servants for acting as Election Agent, Polling Agent or Counting Agent*

*If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election he shall be punishable with imprisonment for a term which may extend to three months with fine, or with both."*

7. In this connection, I am also to forward herewith an **extract of rule 5 of the Central Civil Service (Conduct) Rule, 1964**, which *inter alia* prohibits the Government servants from taking part in politics and elections. It is presumed that similar provisions exist in the rules governing the conduct of Government servants of your State.
8. I am, therefore, to request that necessary instructions in the above regard may kindly be issued by the State Governments emphasising upon the Government servants that any disregard of instructions would be considered by the Government as a serious act of indiscipline and that in cases of doubt a Government servant should not hesitate to consult his superior officer.
9. A copy of the instructions issued by the State Government may be forwarded for the Commission's record.

The receipt of this letter may please be acknowledged.

[The Commission's letter No. 62/79, dated the 13th November 1979 is hereby superseded.]