



TAMIL NADU STATE ELECTION COMMISSION

MODEL CODE OF CONDUCT FOR LOCAL BODY ELECTIONS

BOOKLET - 6

(Amended upto 30.11.2019)

TAMIL NADU STATE ELECTION COMMISSION
MODEL CODE OF CONDUCT FOR
LOCAL BODY ELECTIONS

In exercise of the powers conferred on it under Article 243-K and Article 243-ZA of the Constitution of India, and under relevant sections of the Act and the rules framed there under and all other powers enabling it in this behalf, **the Tamil Nadu State Election Commission** issues the following code for assent and adherence:-

1. This code shall be called the *Model Code of Conduct for Local Body Elections in Tamil Nadu*.

2. When the Ordinary Elections are notified to the Rural Local Bodies in the entire State, the Model Code of Conduct is applicable to Rural areas only and not applicable to the Urban areas in the State.

Similarly, when Ordinary Elections are notified to the Urban Local Bodies in the entire State, the Model Code of Conduct is applicable to Urban areas only and not applicable to the Rural areas in the State.

When Ordinary Elections are notified both for Rural and Urban Local Bodies, the Model Code of Conduct is applicable for the entire State.

3. When elections are notified to a limited number of casual or ordinary vacancies in the local bodies, otherwise than State-wide ordinary elections, the area of applicability or enforcement of Model Code of Conduct shall be as follows:

¹ Sec.239 of the Tamil Nadu Panchayats Act, 1994 in the case of panchayats at all levels.
Sec.43-B of the Tamil Nadu District Municipalities Act, 1920 in the case of all Municipalities.
Sec.6-I of the Chennai City Municipal Corporation Act, 1919 in the case of Chennai Corporation.
Sec.10-D of the Madurai city Municipal Corporation Act, 1971 in the case of Madurai Corporation Act, and
Sec.10-D of the Coimbatore City Municipal Corporation Act, 1981 in the cases of Coimbatore, Tiruchirapalli, Salem, Tiruppur, Tirunelveli, Erode, Thothukudi, Vellore, Thanjavur and Dindigul Corporations.

² The Tamil Nadu Panchayats (Elections) Rules, 1995 in the case of panchayats at all levels.
The Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporations Councils (Elections) Rules, 2006 in the case of Town Panchayats, Third Grade Municipalities, Municipalities and Corporations.

a) Rural Local Body Elections:

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|---|--|
| District Panchayat Ward Member Election | - Applicable for all the Panchayat Unions coming under the respective ward. |
| Panchayat Union Ward Member Election | - Applicable to the entire Panchayat Union for which the Panchayat Union ward election is held |
| Village Panchayat President Election | - Applicable for the entire Village Panchayat. |
| Village Panchayat Ward Member Election | - Applicable to the entire village Panchayat for which the village Panchayat ward election is held |

b) Urban Local Body Elections:

- | | |
|--|--|
| Corporation Councillor Election | - Applicable for respective Zone under which the Ward comes. |
| Mayor of Corporation/
Chairman of Municipality and Town Panchayat Election. | - Applicable for the entire Urban Local body. |
| Member / Councillor of Municipality and Town Panchayat Election. | - Applicable to the entire municipality/
Town Panchayat for which the municipality /Town Panchayat ward election is held. |

4. This code shall *come into force from the date of announcement of election by the Tamil Nadu State Election Commission* from time to time and shall remain in force till such elections processes are completed.

5. The words and expressions used in this Code shall have the same meaning assigned to them under the relevant Acts and Rules and other statutory orders issued.

I. GENERAL CONDUCT

6. No party or candidate or his agent shall indulge in any activity which may create or aggravate existing differences or create or aggravate mutual hatred or cause tension among different castes and communities, religious or linguistic groups.

7. There shall be no appeal either directly or indirectly to religious, communal or caste feelings for the purpose of securing votes.

8. Places of worship such as temples, mosques, churches etc., shall not be used as forums for election propaganda.

9. Criticism of other political parties, when made shall be confined to their policies and programmes, past record and work and shall not be based on sheer allegations. Parties and candidates shall refrain from criticism on any aspects of private life, which is not connected with the public life or activities of the leaders or workers of the other parties.

10. Organising demonstration or picketing before the houses of individuals by way of protesting against their opinion or activity shall not be resorted to under any circumstances.

11. All parties and candidates shall avoid scrupulously all activities which are *“corrupt practices” and offences under any law or under the relevant Acts* applicable to each of the local bodies in particular. Some of such corrupt practices are:

- (i) to bribe or offer reward in any form to electors;
- (ii) to coerce, intimidate, or use undue influence either directly or indirectly on the elector or his supporter and cause interference in the exercise of electoral right.
- (iii) to appeal to vote or not to vote on the basis of religion, caste or community and to use any religious symbol for soliciting votes and to use National symbols such as National Flag or National emblem for the furtherance of one's election.
- (iv) to publish a statement or news item which is false or not believed to be true with respect to a candidate's personal conduct or character with a view to adversely affect the prospects of his or her election.
- (v) to use any conveyance or means of transport for the voters to or from polling stations.
- (vi) to organize and hold meeting in which intoxicating liquors and prohibited contrabands are served.

- (vii) to print or publish any poster, pamphlet, leaflet, circular or advertisement without mentioning the name and address of the printer and the publisher.
- (viii) to hold public meeting or processions on the date of poll and during the period of 48 hours ending with hours fixed for the close of the poll.
- (ix) to canvass or to appeal for votes within 100 metres of a polling station.
- (x) to conduct oneself in an unruly manner within or near the polling station or to obstruct any officer on election duty in the discharge of his duty.
- (xi) to impersonate an elector or attempt to cast vote under the false name of another elector.

12. No party or candidate shall permit its/his followers to use any private or public property for erecting flag staffs or cut-outs, pasting notices, posters or writing slogans etc., or exhibiting banners without written permission from the owner of the property concerned; and where such permission is obtained, a copy of the same shall forthwith be sent to the District Election Officer and in the case of Corporation to the Returning Officer under proper acknowledgement.

13. No candidate or his workers shall remove or deface the flag erected or posters pasted by another candidate or political party.

14. Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organised by the other political parties. Workers or sympathisers of one political party shall not create disturbances at public meetings organised by another political party by putting questions orally or in writing or by distributing leaflets of their own party. Processions shall not be taken out by one party along places at which meetings are being held by another party. Posters issued by one party shall not be removed by workers of another party.

15. No party or candidate shall use loud-speakers without obtaining necessary permission from the competent authority; nor shall use loud-speaker for purposes other than transmitting speeches live or recorded. The loud-speakers shall not be used to transmit music or songs. The loudspeakers including those fitted with moving vehicles for electioneering purposes, shall be used only between 6.00 A.M and 10.00 P.M. The police are authorised to seize the equipments from the persons who violate these rules.

16. No contesting candidate shall incur election expenditure exceeding the maximum amount prescribed in the Rules.

17. The contesting candidate shall maintain day-to-day expenditure record in the proforma, which will be supplied to him, free of cost on the date of acceptance of his candidature.

18. Every contesting candidate (including unopposed) shall, within thirty days of announcement of results, submit the election expenditure account in the proforma to the District Election Officer or in the case of Corporations to the Returning Officer.

19. No vehicles belonging to Government or local bodies or public undertakings or co-operative institutions or any other institutions receiving Government grants shall be provided to any Minister, Member of the Parliament or the Legislative Assembly or an elected Member of a Local body or a candidate or anybody on his behalf for canvassing in election in any manner from the date of notification of elections to the date of announcement of the results.

II. MEETINGS

20. The party or candidate shall inform the local police or other concerned authorities of the venue and time of any proposed meeting well in advance so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.

21. A party or 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. If any exemption is required from such orders it shall be specifically applied for and obtained well in time.

22. If permission or licence is to be obtained for the use of loud-speakers or any other facility in connection with any proposed meeting, the party or candidate shall apply to the authority concerned well in advance and obtain such permission or license.

23. 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.

24. While granting permission for organising election meeting at a public place, no distinction should be made between the candidates or the political parties. In case more than one candidate or party requests for holding meeting at the same place and on the same date and time, permission should be granted to such candidate or party who has applied first. They should conduct meetings at places assigned by police.

25. Ordinarily, all meetings organised during election should be treated as election meetings and no Government money should be spent on them. No Government servant should attend such meetings except those who are concerned in the maintenance of Law and Order or those deployed for security duty.

26. No party candidate shall hold public meetings or processions without obtaining necessary permission from the competent local authorities.

III. PROCESSIONS

27. A party or candidate organising a procession shall decide before hand, 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 and obtain necessary permission from competent authorities in advance. There shall ordinarily be no deviation from the programme.

28. The organisers shall give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary arrangements.

29. The organisers 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 unless exempted specially by the competent authority. Any traffic regulations or restrictions imposed shall also be carefully adhered to.

30. The organisers shall take steps in advance to arrange free passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organised in segments of suitable length, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held-up traffic could be allowed by stages thus avoiding traffic hold-up or heavy traffic congestion.

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

32. The political parties or candidates in processions shall exercise maximum control and restraint in the matter of carrying articles which may be put to misuse by undesirable elements, especially in a moment of excitement.

33. The carrying of effigies purporting to represent members of other political parties or their leaders, burning such effigies in public and such other forms of demonstrations shall not be countenanced by any political party or candidate.

IV. POLLING DAY

34. Every candidate and the political party shall co-operate with the officers on election duty to ensure peaceful and orderly polling. Some of the codes in this connection may be as under:-

- (i) Refrain from serving or distributing intoxicating liquor or prohibited contrabands on polling day and during the twenty-four hours preceding it;

- (ii) No candidate's camp shall be set up within a distance of 200 meters from the polling station. Even where more than one polling station has been set up in the same premises, there shall be only one such camp of a candidate for such group of polling stations beyond a distance of 200 meters from such premises.
- (iii) Avoid unnecessary crowd to be collected near the camps set up by the political parties and candidates near the polling stations so as to avoid confrontation and tension among workers and sympathisers of the parties and candidates.
- (iv) Ensure that the candidate's camps shall be simple--without displaying much of posters, flags, symbols or any other propaganda materials. No eatables shall be served or crowds allowed at the camps.
- (v) The identity slips given to voters shall be on plain (white) papers and shall not contain any symbol or name of the candidate. The name of the voter, his/her father's/husband's name, ward number, polling station number and the serial number of the voter as in the Electoral Roll shall only be written on the identity slip.
- (vi) Co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

V. POLLING STATION

35. Canvassing within 100 Metres of the Polling Station is an offence under the election law. Any person, who does so, can be arrested without warrant by the Police and prosecuted under relevant Acts.

36. No person without a valid pass from the Returning Officer shall enter the polling station, except the voters.

37. No person shall (a) use or operate within or at the entrance of the polling stations or in any public or private place in the neighborhood a megaphone or a loud-speaker; (b) act in a disorderly manner in or near the polling station so as to interfere with the work of the Polling Officers on duty.

38. Any person who fails to obey the lawful directions of the Polling Officer will be removed from the polling station by the police.

39. Any person who attempts to take or fraudulently takes a ballot box / ballot paper / EVM out of the polling station will be punished.

VI. MISUSE OF OFFICIAL MACHINERY

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

political party. If any public servant is found to be involved in any campaign activity in support of any contesting candidate, it may be brought to the notice of the Returning Officer for taking action against him / her.

41. A public servant shall not participate or accompany the Minister in any programme, organised at an individual's house for which the Minister has accepted the invitation during the election tour.

VII. PARTY IN POWER IN THE STATE AND CENTRE

42. The party in power whether at the centre or in the State 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 shall not also make use of official machinery or personnel during electioneering work;

(b) If a Minister undertakes a tour of any area of a District where elections are taking place, such tour 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 other Government facilities shall be made available for such tour.

(c) Government transport including official aircrafts, 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 meeting and use of helipads for aircrafts in connection with elections, shall not be monopolised by itself. Other parties and candidates shall also 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, Travelers' bungalows or other Government accommodations shall not be monopolized by the party in power or its candidate and such accommodations shall be allowed to be used by other parties and candidates in a fair manner; but no party or candidate shall use or be allowed to use such accommodations (including premises appertaining thereto) as a campaign office or for holding any public meeting for the purposes of election propaganda;

(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) From the time the elections are announced by the Tamil Nadu State Election Commission and till results are announced, Ministers and other authorities shall not—

- (a) Sanction grants / payments out of discretionary funds.
- (b) Announce any new scheme;
- (c) Announce or sanction any financial grants in any form or promises thereof; or
- (d) Laying foundation stones, etc., of projects or schemes of any kind; or
- (e) Make any promise of construction of roads, provision of drinking water facilities, etc.; or
- (f) Make any ad-hoc appointment in Government, Public undertakings, etc., which may have the effect of influencing the voters in favour of the party in power.

(vi) Ministers of Central or State Government shall not enter any polling station or place of counting except in their capacity as a candidate or a voter or an authorized agent.

VIII. OPENING OF TENDER

43. Tenders other than global tenders, that are already floated may be evaluated but not finalized without prior approval of the Tamil Nadu State Election Commission. If they are not already floated, they shall not be floated without prior approval of the Tamil Nadu State Election Commission.

IX. SCHEMES AND WORKS

44. While the Model Code of Conduct is imposed:-

- (i) Announcement of new projects or programmes or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favour of the party in power is prohibited.
- (ii) These restrictions apply equally to new schemes and also ongoing schemes. However, in case of schemes, which have already been brought up to the stage of completion, their functioning in public interest need not be stopped or delayed.
- (iii) No fresh release of funds on welfare schemes and work should be made or contract for works awarded in any part, where the election is in progress. However, there shall be no bar to the release of funds for the completed portion of any work subject to observance of laid down procedures and concurrence of Finance Department.
- (iv) Review by political executive (Ministers etc.) and processing of beneficiary oriented schemes, even if ongoing, should be stopped till completion of elections.

- (v) No work shall start in respect of even if work orders have been issued earlier, if the work has actually not started in the field. These works can start only after the completion of election process.
- (vi) Work-projects that have actually started on the ground after obtaining all necessary sanctions can be continued.
- (vii) Beneficiary projects where specific beneficiaries by name have been identified before coming into force of the Model Code can be continued.

X. ELECTED REPRESENTATIVES IN TENURE

45. When the Model Code of Conduct is in force;

- a) the elected representatives of local bodies, in tenure, shall ensure that no cause is given for any complaint that they have used their official position for the purpose of the election campaign.
- b) No buildings/rooms/offices of any local body are used by any political personalities including the Chairperson / Councillor or Member for Political activities.
- c) No Council meetings of Rural and Urban Local bodies to be held except the meetings to discuss only the urgent requirements like drought / flood relief measures or similar relief measures.
- d) During Ordinary election, the office vehicle of the elected representatives of local bodies shall immediately be surrendered to the District authority concerned. At the time of casual elections, usage of office vehicles by the elected representatives is prohibited in the areas where the Model Code of Conduct is in force.

XI. OBSERVERS

46. Candidate or their agents may give specific complaint or point out problems regarding the conduct of elections to the Observers appointed by the Tamil Nadu State Election Commission.

XII. PENALTY FOR VIOLATION

47. Violation of any of these provisions is punishable under laws in force.

48. The State Election Officers, the District Election Officers, the Returning Officers and the Police are authorised to initiate prosecution against violators of any of the provisions of this code before the competent Criminal Court under the provisions of relevant Act under intimation to the Tamil Nadu State Election Commission.

Important Guidelines for the Strict Enforcement of Model Code of Conduct by Police, Ministers, Secretaries/Head of Departments, District Election Officers / Returning Officers / Candidates are reiterated in the Annexure.

ANNEXURE

Model Code of Conduct for Local Body Elections in Tamil Nadu

I. GENERAL CONDUCT:

(1) No party or candidate shall indulge in any activity which may *aggravate existing differences or create mutual hatred or cause tension between different castes & communities, religious or linguistic.*

(2) *Criticism of other political parties*, when made, shall be confined to their policies and programme, past record and work.

- a. Parties and Candidates shall refrain from *criticism of all aspects of private life*, not connected with the public activities of the leaders or workers of other parties.
- b. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided.

(3) There shall be *no appeal to caste or communal feelings* for securing votes.

❖ Mosques, Churches, Temples or other *places of worship shall not be used as forum for election propaganda.*

(4) All parties and candidates 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 transport and conveyance of voters to and from polling station.

(5) The *right of every individual for peaceful and undisturbed home-life* shall be respected, however much the political parties or candidates may resent his political opinions or activities.

❖ *Organising 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 political party or candidate shall permit its or his followers to make *use of any individual's land, building, compound wall etc.*, without his permission for *erecting flag-staffs, suspending banners, pasting notices, writing slogans etc.*

(7) *Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organised by other parties.*

- a. *Workers or sympathisers of one political party shall not create disturbances at public meetings organised by another political party by putting questions orally or in writing or by distributing leaflets of their own party.*
- b. *Processions shall not be taken out by one party along places at which meetings are held by another party*
- c. *Posters issued by one party shall not be removed by workers of another party.*

II. MEETINGS:

(1) Party / candidate shall *inform* local police of *venue and time* of proposed *meeting* in time so as to enable *police* to make necessary arrangements for controlling traffic and maintaining peace and order.

(2) A Party or candidate shall ascertain in advance if there is any *restrictive or prohibitory order* in force in the place proposed for the meeting if such orders exist, they shall be followed strictly. If any exemption is required from such orders, it shall be applied for and obtained well in time.

(3) If *permission or license* is to be obtained for *use of loudspeakers* or any other facility in connection with a meeting, party/ candidate shall apply to the authority concerned well in advance and obtain permission or license.

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

- a. *Public places like maidans* must be available impartially to all parties/ contesting candidates for holding election meetings.
- b. So also use of helipads must be available impartially to all parties/ contesting candidates, to ensure a level playing field.
- c. Local police authorities should be fully informed of the venue and time of the proposed meetings well in time and all *necessary permissions taken.*

III. PROCESSIONS:

(1) *Party / candidate organizing a procession shall decide beforehand time and place of starting of the procession, route to be followed and time and place at which the procession will terminate & there shall ordinarily be no deviation from the programme.*

(2) *The organizers shall give advance intimation to local police authorities of the programme so as to enable the latter to make necessary arrangements.*

(3) *The organisers 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 unless exempted specially by the competent authority.*

❖ *Any traffic regulations or restrictions shall also be carefully adhered to.*

(4) *The organisers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If procession is very long, it shall be organised in segments of suitable lengths, so that at convenient intervals, especially at points 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) *If two or more political parties/ candidates propose to take processions over the same route or parts thereof at about the same time, the organisers shall establish contact in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic.*

❖ *Assistance of local police shall be availed of for arriving at a satisfactory arrangements. For this purpose the parties shall contact the police at the earliest opportunity.*

(6) *Political parties/ candidates 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 moments of excitement.*

(7) *The carrying of effigies purporting to represent member of other political parties or their leaders, burning such effigies in public and such other forms demonstration shall not be countenanced by any political party or candidate.*

- a. *The time and place of the starting of any procession, the route to be followed and the time and place at which the procession will terminate should be settled in advance and advance permissions obtained from the police authorities.*

- b. If there are any restrictive or prohibitory orders in force in the place of the proposed meeting, they shall be fully respected; exemption, if necessary, must be applied for and obtained well in time.
- c. So also all *traffic regulations* and other restrictions.
- d. The passage of the procession must be without hindrance to traffic.
- e. Normally, such meetings / processions will *not be allowed to continue beyond 10.00 p.m. in the night* and will be further subject to the local laws, local perceptions of the security arrangements of the area and other relevant considerations like weather conditions, festival season, examination period, etc.,
- f. The assistance of the police should be obtained in dealing with persons disturbing meetings or otherwise creating disorder.
- g. *Permission must be obtained for the use of loudspeakers* or any other such facilities for the proposed meetings- loudspeakers shall not be used at public meetings and processions without prior written permission of authorities concerned.
- h. *Loudspeakers* whether static or mounted on moving vehicles shall not be used either before 6 a.m. or after 10 p.m. and without the prior written permission of the authorities concerned.
- i. Posters issued by other parties and candidates shall not be removed or defaced.
- j. Posters, flags, symbols or any other propaganda material shall not be displayed in the place being used, on the day of poll, for distribution of identity slips or near polling stations.

IV. POLLING DAY:

All Political parties and candidates shall –

(i) Co-operate 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 slip* supplied by them to voters shall be on *plain (white) paper* and shall *not contain any symbol, name of the candidate or the name of the party*;

(iv) refrain from serving or distributing *liquor* on polling day and during the 24 hours preceding it;

(v) not allow unnecessary crowd to be collected near *camps set up by political parties/candidates near polling booths* so as to avoid confrontation and tension among workers and sympathizers of the parties and the candidate;

(vi) Ensure that the *candidate's camps* shall be simple

(a) They shall *not display any posters, flags, symbols or any other propaganda material*

(b) *No eatable* shall be served or *crowd* allowed at the camps; &

(vii) co-operate with the authorities in complying with the restrictions to be imposed on the *plying of vehicles* on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

Candidate's Election Booth:

- (i) Polling Agents should be informed that voter facilitation counters/pandals of political parties can be set up only beyond 200 metres of the polling station with only two persons manning each.
- (ii) No representative of a political party should sit in the periphery of 200 metres for helping the voters.
- (iii) Contesting candidates are allowed to set up *election booths* near the polling station, but beyond 200 metres from the polling station, to help the electors locate their names in the Electoral Roll
- (iv) Candidates are allowed to provide only 1 table and 2 chairs for use of their agents and workers for the distribution of unofficial identity slips to voters *beyond a distance of 200 metres from the polling station* with an **umbrella** or a piece of tarpaulin over their head to protect them from the sun/ rain. No crowd is allowed to collect around such tables
- (v) *Voters' slips issued by political parties should be white in colour and should not contain any symbol or political sentences*
- (vi) **Persons nominated by political parties to man such booths** must be voters in the same Polling Station area and must possess EPIC which should be produced when so required by the Observer/ Sector Magistrate.

- (vii) No person with criminal antecedents should be put on the job by the political parties / candidates
- (viii) Local Police should keep a watch over the movement of such persons

Ban on canvassing within 100 metres of Polling Station:

- (i) Canvassing within 100 metres of the polling station is an offence under the election law
- (ii) Any person, who does so, can be arrested without warrant by the police and may be prosecuted under section 130 of the Representation of the People Act, 1951
- (iii) Transporting of voters and canvassing within 100 metres of the Polling Station is an offence. All private vehicles should be left at a distance of 200 metres from the Polling Station.

Note: As voter facilitation counters / pandals of political parties can be set up only beyond 200 metres of the polling station and no representative of a political party should sit in the periphery of 200 metres for helping the voters and contesting candidates are allowed to set up *election booths* only beyond 200 metres from the polling station (to help the electors locate their names in the Electoral Roll), it follows that no canvassing can be done within 100 metres of the polling station.

V. POLLING STATION

Excepting the voters, no one without a valid pass from the Returning Officer shall enter the polling stations.

VI. OBSERVERS

Tamil Nadu State Election Commission is appointing Election Observers to oversee the election process. If the candidates or their agents have any specific complaint or problem regarding the conduct of elections they may bring the same to the notice of the Observer

VII. PARTY IN POWER

The *party in power* 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) *Ministers shall not combine their official visit with electioneering work and shall not also 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, travelers' bungalows or other Government accommodation shall not be monopolized by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premises appertaining thereto) as a campaign office or for holding any public meeting for the purposes of election propaganda;*

(iv) *Issue of advertisements at cost of public exchequer in 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 Tamil Nadu State Election Commission; and*

(vi) *From the time elections are announced by Tamil Nadu State Election 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.*

(vii) *Ministers of Central or State Government shall not enter any polling station or place of counting except in their capacity as a voter.*

(viii) Members of Legislative Assembly or Members of Parliament shall not enter any polling station or place of counting except in their capacity as a voter.

(ix) Mayors or Chairpersons and Councillors / Ward Members of the Local Bodies shall not enter any polling station or place of counting except in their capacity as a candidate or voter.

VIII. CODE OF CONDUCT- DO's DON'T's

On schemes and works

1. Announcement of new projects or programme or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favour of the party in power is prohibited.

- a. These restrictions apply equally to new schemes and also ongoing schemes.
- b. *No fresh sanctions for governmental schemes* should be made.
- c. New works and project cannot be taken up from discretionary funds of whatever nature. Discretionary fund, in this context, includes funds which are provided for in the budget in a generic manner and for which no identified & sanctioned project exists prior to the Model Code of Conduct coming into force.
- d. *Simply because a scheme has been sanctioned earlier* or a reference was made in the address of the Governor/ budget speech of the Minister, *it does not mean that such schemes can be taken up* when the Model Code of conduct is in operation.
- e. *No fresh release of funds on welfare schemes and works* should be made or *contract for works awarded* in any part of the state where election is in progress.
- f. This includes works under Member of Parliament (including Rajya Sabha members) Local Area Development (LAD) fund or Member of Legislative Assemblies LAD Fund – MLACDS.

2. However, in case of schemes, which have already been brought up to the stage of completion, their functioning in public interest need not be stopped or delayed.

The *commissioning* of such schemes can be done *by civil authority and without associating political functionaries and without any fanfare or ceremonies* whatever, so that no impression is given or created that such commissioning has been done with a view to influencing the electorate in favour of ruling party.

3. Review by political executive (Ministers etc.) and processing of beneficiary oriented schemes, even if ongoing, should be stopped till completion of elections.

4. *No work shall start* in respect of which even if work orders have been issued earlier, *if* the work has actually not started in the field. These works can start only after the completion of election process.

The following types of existing works can be continued by the governmental agencies.

(a) Work-projects that have actually started on the ground after obtaining all necessary sanctions can be continued.

(b) Beneficiary projects where specific beneficiaries by name have been identified before coming into force of the Model Code.

(c) Registered beneficiaries of NREGA may be covered under the existing projects. New projects under NREGA that may be mandated under the provisions of the Act may be taken up only if it for the already registered beneficiaries and the project is listed in the approved and sanctioned shelf of projects for which funds are also already earmarked.

5. There shall be no bar to the release of funds for the completed portion of any work subject to observance of laid down procedures and concurrence of Finance Department.

6. The following types of new works (whether beneficiary or work oriented) that **fulfill all the following conditions** before the Model Code of Conduct comes into effect, can be taken up under intimation to the Tamil Nadu State Election Commission-

(a) Full funding has been tied up

(b) Administrative, technical and financial sanctions have been obtained

(c) Tender has been floated, evaluated and awarded and

(d) There is a contractual obligation to start and end the work within a given time frame & failing which there is an obligation to impose penalty on the contractor

(e) In case of any of the above conditions not being met in such cases prior approval of the Commission shall be sought and obtained.

7. Global tenders already floated can be evaluated and finalized where any time limits are specified for such purpose.

8. Tenders other than global tenders, that are already floated may be evaluated but not finalized without prior approval of the Tamil Nadu State Election Commission. If they are not already floated, they shall not be floated without prior approval of the Tamil Nadu State Election Commission.

While starting any work (including any relief work) or developmental activity no formal function shall be held involving any political functionary. As a matter of good practice, normal functions and publicity even with the presence of official functionaries should be kept to the minimum.

Area of operation of any existing project/ scheme/ programme cannot be extended or expanded.

No **land allocation** shall be made by the government to any entity, whether individual or an enterprise.

Signing a **MOU or an agreement** where the government is a party will also require prior clearance by the Tamil Nadu State Election Commission.

Where works are to be undertaken or functions are to be held in fulfillment of international commitments, prior concurrence of the Commission shall be taken.

IX. RELIEF MEASURES

(a) Ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the persons affected at the current rates / scales of assistance presently in force, under intimation to the Tamil Nadu State Election Commission. No change in the extent and prescribed scales of payments, however, shall be made in the existing rates/ scales without prior permission of the Commission.

(b) Payments directly to the hospitals from Chief Minister's / Prime Minister's Relief Fund, in lieu of direct cash payment to the individual patients (beneficiaries) will be permissible without reference to the Commission.

(c) Emergent relief works and measures that are aimed to mitigate the hardships, directly and solely, of the persons affected in a disaster may be taken up under intimation to the Tamil Nadu State Election Commission.

(d) However, new works that may be necessitated by way of preventive measures to mitigate the likely effects of natural disasters like repair of embankments, water channels etc., can be taken up only with prior permission of the Tamil Nadu State Election Commission.

(e) Also, an area shall not be declared drought/ flood affected or any such calamity affected without prior approval of the Commission. The extent of area

already declared to be calamity affected cannot be expanded without prior approval of the Tamil Nadu State Election Commission.

(f) Similarly, any selective assistance to a group of persons from the Prime Minister's or the Chief Minister's Relief Fund will require prior approval of the Tamil Nadu State Election Commission.

X. ADVERTISEMENTS AT COST OF PUBLIC EXCHEQUER

Any and all advertisements at the cost of the public exchequer regarding achievements of the party / Government in power is prohibited.

XI. ON TRANSFERS AND POSTING OF OFFICIALS, RECRUITMENT

- (1) There shall be a *total ban on transfer* of all officers/ officials connected with the conduct of the election till the completion of the election process.
- (2) In those cases where transfer of an officer is considered necessary on account of administrative exigencies, the State Government may, with full justification, approach the Tamil Nadu State Election Commission for prior clearance.
- (3) *No appointments or promotions in Government/ Public Undertakings / Local Bodies shall be made* during this period, without prior clearance of the Tamil Nadu State Election Commission.
- (4) Regular recruitment/ appointment or promotion through the UPSC, State Public Service Commission or the Staff Selection Commission or any other statutory authority can continue. Recruitments through non-statutory bodies in the State will require prior clearance of the Tamil Nadu State Election Commission.

XII. TOURS OF MINISTERS

- 1) If a *Minister of the Union* is travelling out of his Headquarters on *purely official business*, which cannot be avoided in public interest, then a *letter certifying to this effect should be sent from the Secretary concerned of the Department of Government of India to Chief Secretary* of the State where the Minister intends to visit, with a copy to the Commission. During such tour, the Chief Secretary may provide the Minister with *Government vehicle and accommodation* and other usual courtesies for his official trip.
- 2) No *Minister of State Government* shall undertake an official visit to any Local Body during the election period.

- 3) Provided there will be an *exception* when a Minister, in his capacity as in charge of the department concerned, or a Chief Minister undertakes an official visit, in connection with *failure of law and order or a natural calamity or any such emergency* which requires personal presence of such Ministers/ Chief Minister for the specific purpose of supervising review/ salvage/ relief and such like purpose.
- 4) However, immediately proceeding or during or in continuation of such an *official tour, no Minister can carry out or combine any election campaign or political activity*. Official work should not at all be mixed with campaigning/ electioneering.
- 5) The Commission will keep watch on such arrangements in due consultation through the District Election Officers / Returning Officers.
- 6) *No Minister will summon any election related officer* of the Local Body or the State Government, for any official discussions during the period of elections commencing with the announcement of the elections.
- 7) *Any official who meets the Minister* on his private visit to the Local Body where elections are being held *shall be guilty of misconduct* under the relevant provisions of the acts and rules. He shall also be additionally considered to have violated the statutory provisions and liable to *penal action*.
- 8) It is open for a Minister of the Union or State to make *private visits using his or her private vehicle(s)*.
- 9) For such private visits, the *official personal staff of the Ministers shall not accompany them*.
- 10) *No accommodation will be provided to any Minister, Member of Parliament, Member of Legislative Assembly, Mayor/Chairman, Councillor/Ward Member or political functionary in any Government or Public Sector Undertaking Guest House* as these are required to accommodate election related officials and Observers- only *exception* being those provided *security by Govt. in 'Z' scale*.
- 11) Official vehicles cannot be used for electioneering work. ('Official Vehicles' include all vehicles belonging to Government, Public Sector or Joint Sector Undertakings, Local Bodies, Marketing Boards/Agencies, Coop. Societies, Autonomous District Councils, or any other body in which public funds, howsoever small, are invested).
- 12) Ministers are entitled to use their *official vehicles only for commuting from their official residence to their office for official work provided that such commuting is not combined with any electioneering or any political activity*.

- 13) During electioneering, *no pilot car(s) or car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind shall be used by any political functionary, even if State administration has granted him a security cover.* (This is applicable whether the vehicle is Government owned or private owned).
- 14) Functionaries of autonomous organisations should not use official vehicles for party purposes.
- 15) Any vehicle being misused can be confiscated.

XIII. PREVENTION OF MISUSE OF VEHICLES

- 1) There are restrictions on use and plying of vehicles during the *campaign period and on poll day* which should be fully obeyed.
- 2) Election Commission has issued instructions regarding restrictions on use and plying of vehicles during elections under Article 243K and 243ZA of the Constitution. The extract of the TNSEC Circular No. 23 dated 14.09.2011 is appended as **Appendix-1**

XIV. RESTRICTIONS ON USE OF VEHICLES – DURING FILING OF NOMINATIONS

Maximum number of three vehicles shall be allowed to come within 200 metres of Returning Officer's / Assistant Returning Officer's Office at the time of filing of nominations.

XV. VEHICLES DURING ELECTIONEERING

- 1) It has been experienced that during the period of electioneering, *private vehicles are used by the candidates, their agents and party leaders and supporters for carting the supporters of a candidate* within the Local Body and on many occasions *anti-social elements with muscle power* are openly paraded to instill a sense of fear in the minds of the electorate, so that they either vote in favour of particular party/ candidate or abstain from voting altogether.
- 2) These vehicles are also used sometimes to smuggle illicit arms and ammunition with a view to creating disturbances during election.
- 3) In order to curb such undesirable/ illegal activities, the District Administration shall keep a *close watch on vehicles* used by persons accompanying the contesting candidates and their party's leaders for any possible mischief,

including criminal activities like carrying of illegal arms and weapons. The extract of the TNSEC Circular Nos. 19 & 20 dated 14.09.2011 are appended as **Appendix- 2 & 3**

- 4) If any of these vehicles is found to be involved in any such act or for carting anti-social elements with a view to intimidating or creating terror in the mind of the electorate, the administration shall *impound such vehicles* and not release them till the process of elections is completed.
- 5) In addition, *criminal action* against the owner, the occupant(s) and the candidate/ political party which is involved in such illegal activities shall also be taken as per law.
- 6) So as to ensure free, fair and peaceful elections, the District Administration shall launch such *drive for checking the vehicles* immediately upon the announcement of the elections and shall continue the drive till the completion of the elections.
- 7) *To regulate the plying of vehicles, all vehicles to be allowed should have permits to be issued by the Returning Officer i.e. all vehicles for campaign purpose must ply only with prior approval of Returning Officer and display the permit issued in original (not photocopy) prominently on the windscreen.*
- 8) Candidates and political parties should not be allowed to take photocopies of the permits issued and misuse them.
- 9) Permit issued should be of sufficient dimension so that it could be seen from a distance.
- 10) Permit must bear the number of the vehicle and name of candidate in whose favour it is issued.
- 11) A list of permits issued to various candidates for plying vehicles for campaign purpose should be immediately given to all Observers and if any addition is done in the list, the same again should be furnished to the Observers.
- 12) *The responsibility for enforcing these instructions shall lie with the Commissioner of Police of the city/ Superintendent of Police of the concerned District.*
- 13) Cars/ vehicles being used for electioneering purposes, shall *not be allowed to move in convoys of more than three vehicles* from date of notification till completion of election process.

- 14) *All bigger convoys shall be broken up*, even if they are carrying any Minister. This shall, however, be subject to any security instructions issued in respect of any such individual.
- 15) In other words, the convoy shall not in any case exceed three vehicles of any person plus security vehicles allowed in view of the security gradation of that particular person.
- 16) Such broken up convoys must have a *distance of at least 300 metres* between them.

XVI. VEHICLES FOR STAR CAMPAIGNERS

- (i) For National and State leaders of political parties availing themselves of the benefit, the permit will be issued centrally by the District Election Officer in the respective district against the name of the person concerned who will have to display it prominently on the windscreen of the vehicle used by him.
- (ii) Such requests have to be made to the District Election Officer within seven days of the date of notification of the election.

XVII. VIDEO VANS

In case of *Video-vans* etc. to be used by a political party across districts, before any permission is given, it should be ensured by District Election Officer that such use of vehicle is in accordance with Motor Vehicle Act.

XVIII. DETAILS OF VEHICLES TO BE LODGED WITH DISTRICT ELECTION OFFICER / RETURNING OFFICER

- (i) The contesting candidates should be asked to get *details of all vehicles* to be used in election campaign *lodged with District Election Officer* or officer(s) authorised by him before the campaigning commences.
- (ii) Any further deployment of any additional vehicle can take place only after notice is given by candidate or his Agent well before actual deployment of the vehicles.
- (iii) While conveying the details of the vehicles that are being deployed for election campaign the details of the areas in which the vehicle would operate, should also be conveyed.

- (iv) The details so obtained should be conveyed by District Election Officer to the Election Observers.

XIX. UNAUTHORISED USE OF VEHICLES

Any vehicle that has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorised campaigning for the candidate and may attract penal provisions of Chapter IX A of the IPC and under relevant Acts shall therefore be immediately taken out of the campaigning exercise.

XX. PREVENTION OF MISUSE OF VEHICLES – DURING POLL

- (i) The *hiring or procuring or use of vehicles* by a candidate or his agent or by any other person with the consent of the candidate or his election agent for the *free conveyance of the voters to and fro from the polling station shall be a 'corrupt practice'* for the purposes of the relevant Acts. Such a 'corrupt practice' attracts penalty and is punishable with fine.
- (ii) For an election to the Local Body, *each contesting candidate, on the day of Poll, will be entitled to use only one vehicle for his own use in respect of the entire Local Body.*
- 1) *Permits for the said vehicle will be issued by the Returning Officer.*
 - 2) Candidates have to *register their vehicles* with the authorities concerned and display *the permits* issued by the authorities *on the wind-screen of the vehicles.*
 - 3) No other vehicles shall be allowed to be used by the leaders of the political parties incl. ministers, workers, agents and sympathizers of any candidate.
 - 4) No exception shall be made, irrespective of the status of the candidate.
 - 5) No other person will be allowed on the day of the poll to use the vehicle allotted for candidate's use.
 - 6) *Instructions on plying of vehicles* shall be made *applicable for a period of 24 hours* before the time fixed for closure of poll and till its completion.
 - 7) Restrictions would not apply to any Government servant on duty or for transport of patient or old/ infirm persons.

- 8) *Penal action*, under the relevant provisions of the Acts and Chapter IX A of IPC, shall be taken against anyone offending the above directions, in addition to action under the Motor Vehicles Act.
- 9) All *vehicles* being used in violation of these directions shall be *confiscated*.
- 10) For *genuine bonafide use for purposes other than election*, the following types of vehicles shall also be allowed to be plied on the day of poll:
 - (a) Private vehicles being used by the owners for their private use, not connected with elections;
 - (b) Private vehicles being used by owners either for themselves or for members of their own family for going to the polling station to exercise their franchise, but not going anywhere within a radius of 200 metres of a polling station;
 - (c) Vehicles used for *essential services* namely hospital vans, ambulance, milk vans, water tankers, electricity emergency duty vans, police on duty, officers on election duty;
 - (d) *Public transport carriages* like buses plying between fixed termini and on fixed routes;
 - (e) Taxis, three wheeler scooters, rickshaws etc. for going to *airports, railway stations, interstate bus stands, hospitals* for journeys which cannot be avoided;
 - (f) Private vehicles used by *sick or disabled persons* for their own use.

XXI. RESTRICTIONS ON WORKERS, MOVEMENT OF MINISTERS / PERSONS PROVIDED SECURITY COVER / PERSONNEL

- 1) All Workers must display badges or identity cards.
- 2) Unofficial identity slips issued to voters shall be on plain (white) paper and not contain any symbol, name of the candidate or name of the party.
- 3) Except voters, candidates and their election/ polling agents, only persons with a specific valid authority letter from the Tamil Nadu State Election Commission can enter any polling booth. No functionary however highly placed is exempted from this. (No Minister or Member of Legislative Assembly or Member of Parliament or elected representative of Local Body

shall enter any Polling Station or the place of counting, unless he or she is a candidate or as a voter only for voting).

- 4) On the day of the poll, no person who has been assessed to be having a security threat and therefore given official security shall enter the vicinity of a polling station premise (within 200 metres) with his security personnel.
- 5) Further, on the day of the poll no such person shall move around in a Local Body with his security personnel.
- 6) If the person provided with official security happens to be a voter also, then he or she shall restrict his/ her movement - accompanied by security personnel, to voting only.
- 7) No person who has been assessed to be having a security threat and therefore provided official security or who has private security guards for himself, shall be appointed as an election agent or polling agent or counting agent.

XXII. RESTRICTIONS ON PRESENCE OF POLITICAL FUNCTIONARIES IN LOCAL BODY AFTER CAMPAIGN PERIOD IS OVER

- 1) Under relevant provisions of the Acts, the campaign comes to an end 48 hours before the hour fixed for close of poll.
- 2) As the presence of *political functionaries/ party workers etc. brought from outside and who are not electors in the Local Body* may undermine the atmosphere for free and fair poll, the Commission has directed that such persons *shall leave the Local Body as soon as the campaign period is over* .
- 3) For this, electoral machinery (including Police) should take measures which would include *inter alia*:
 - 4) Checking of kalyan mandapams/ community halls/ lodges and guest houses.
 - 5) Setting up of Check-posts on the border and tracking vehicular movement from outside the Local Body.
 - 6) Verification of identity of people/ groups to ascertain whether they are electors.

XXIII. CORRUPT PRACTICES / ELECTORAL OFFENCES

- (i) *No inducement, financial or otherwise, shall be offered to the voter and no liquor should be distributed during elections.*
- (ii) *Activities which are corrupt practices or electoral offences such as bribery, undue influence, intimidation of voters, personation, canvassing within 200 metres of a polling station, holding of public meetings during the period of 48 hours ending with the hour fixed for the close of the poll and conveyance of voters to and from polling stations are prohibited.*

XXIV. DEFAACEMENT OF PROPERTY:

I Defacement of public places

- (i) No wall writing, pasting of posters/ papers or defacement in any other form, or erecting/ displaying of cutouts, hoardings, banners flags, etc. shall be permitted on any *Government premise* (including civil structures therein).
- (ii) According to “The Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959”, ‘*public places*’ means any place (including a road, street or way, whether a thoroughfare or not and a landing place) to which the public are granted access or have a right to resort, over which they have a right to pass.
- (iii) “*Place open to Public view*” includes any private place or building, monument, statue, post, wall, fence, tree or other thing or contrivance visible to a person being in, or passing along, any public place. [Sec. 2 read with explanation under (c) & (d) of the Act.]
- (iv) Section 4A(1) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 provides that ***no person shall –***
 - a) affix to or inscribe or exhibits on, any place open to public view, any poster or any effigy, or any bill, notice, document, paper or other thing containing any words, signs or visible representations; or***
 - b) put up or fix any thatty board or board supported on, or attached to, any post, pole standard, framework or other support wholly or in part upon or over any land, building, wall or structure.***
- (v) However, sub-section (2) of Section 4A of the same Act provides that notwithstanding anything contained in sub-section (1), Commissioner of Police in the city of Madras, Madurai or Coimbatore and the Collector of districts concerned in other local areas, *may grant permission* to any person *on any special occasion, to put up or fix any thatty board on poles or*

standards in such places, subject to such conditions and for such period, as may be specified in such permission.

- (vi) The “local area” has been defined as the area within a Municipal Corporation or Municipality or Town Panchayat or any Panchayat.

II Defacement of private places

- a) According to the provisions of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, ***places open to public view (under section 2 of the Act), include even a private place/ building, visible to a person being in or passing along, any public place.***
- b) ***As such no wall writing, pasting of poster, etc., is permissible even with consent of the owner in such places.***
- c) *If the local law does not expressly permit, the same shall not be resorted to under any circumstances, even on the pretext of having obtained the consent of the owner of the property.*

III Display of banners, flags etc., by the political parties/ candidates/ agents on their own property

- a) Subject to any restrictions under any local law or any court orders in force, the *political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags, cut-outs, on their own property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else.*
- b) If such display of banners, flags etc., aims to solicit vote for any particular candidate, then the provisions of Section 171H of IPC would be attracted and would have to be followed.

[Section 171H of IPC stipulates that whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to Rs.500. Provided that if any person having incurred any such expenses not exceeding the amount of Rs.10 without authority obtains within 10 days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.]

IV Defacement of halls / auditoriums and other public properties

In the case of Halls/ Auditoriums/ Meeting venues owned/ controlled by the Government/ local authorities/ Public Sector Undertakings/ Cooperatives, political meetings are generally not permitted.

Removal of defacement

- a) If any political party/ association/ candidate / person *indulges in defacement of any property in violation of the local law*, if any, or the above instructions, the Returning Officer / District Election Officer shall issue notice to the offender for *removing the defacement* forthwith.
- (b) If the political party/ association/ candidate/ person does not respond promptly, the district authorities may take action to remove the defacement, and the *expenses incurred in the process shall be recovered* from the political party/ association/ candidate/ person responsible for the defacement.
- (c) Further, the *amount also shall be added to the election expenses of the candidate concerned*, and action should also be initiated to prosecute the offender under the provisions of the relevant law (under the law relating to prevention of defacement, if any, or under the provisions of the general law for causing willful damage to the property of others).

V Defacement of vehicles

- 1) On commercial vehicles, display of any flag, sticker etc., shall not be permitted, unless such vehicle is a vehicle validly used for election campaign *after obtaining the requisite permit from the District Election Officer/ Returning Officer and the display thereof in original on the wind screen.*
- 2) *External modification of vehicles* including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicle Act/ Rules and any other Local Act/Rules.
- 3) *Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.*
- 4) As per the Tamil Nadu Open Places (Prevention of Disfigurement) Amendment Act, 1994, *no person shall -*
 - (a) *affix to, or inscribe or exhibit on any motor vehicle, any poster or any effigy or any bill, notice, document, paper or other thing containing any words, signs or visible representations or*
 - b) *put up or fix any thatty board or board supported on, or attached to, any post, pole, standard, framework or other support wholly or in any part upon or over any motor vehicle;*

- 5) Provided that nothing contained in this sub-section shall apply to any poster or advertisement or thatty board of the State Government, on any motor vehicle.
- 6) Wall writing/ pasting of posters, etc. is prohibited in Government premises. Such activities cannot be allowed in motor vehicles used for road transport service run and operated by STUs. Hence, pasting or affixing or inscribing or exhibiting any poster or any bill or notice on any private or Government vehicle is prohibited.

XXV. OTHER CAMPAIGN RELATED ITEMS

Subject to accounting of expenditure, the following may be permitted:

- (a) In processions and rallies etc., flags, banners, cutouts etc. can be carried *subject to local laws* and prohibitory orders;
- (b) In such procession, wearing of party/ candidate supplied special accessories like cap, mask, scarf etc. may be permitted. However, supply of main apparels like saree, shirt, etc. by party/ candidate is not permitted.
- (c) *Educational institutions including their grounds shall not be used for political campaigns and rallies.*

XXVI. Ads OF POLITICAL NATURE ON TV CHANNELS, CABLE NETWORKS OR RADIO

- a) Every recognised political party and every contesting candidate *proposing to issue an advertisement on TV channel & / or Cable network / Radio will have to apply* not later than three days prior to the date of the proposed commencement of the telecast / broadcast of such advertisement.
- b) In case of any other person or registered but unrecognised political parties, they will have to apply not later than seven days prior to the date of the telecast/ broadcast.
- c) *Such application shall be accompanied by two copies of the proposed ad. in electronic form along with a duly attested transcript thereof.*
- d) While disposing of such applications, it will be open to direct deletion/ modification of any part of the advertisement.
- e) *The application for certification shall contain following details:*
 - (i) The cost of production of the advertisement;

(ii) The approx. cost of proposed telecast of such ad on a TV channel or cable network/ Radio with the break-up of number of insertions and rate proposed to be charged for each such insertion;

(iii) It shall also contain a statement whether the advertisement inserted is for the benefit of the prospects of the election of a candidate(s) / parties;

(iv) If the advertisement is issued by any person other than a political party or a candidate, that person shall state on oath that it is not for the benefit of the political party or a candidate and that the said advertisement has not been sponsored or commissioned or paid for by any political party or a candidate; and

(v) a statement that all the payments shall be made by way of cheque or demand draft.

XXVII. GENERAL

- At Local Body level the Returning Officer is the designated officer to deal with the applications.
- To entertain *complaints/ grievances* of any political party or candidate or any other person *in regard to the decision to grant or refuse certification of an advertisement*, the District Election Officer is the authority.

Appendix-1

Extract of Tamil Nadu State Election Commission CIRCULAR NO.C-23, Dated: 14.09.2011 (Rc.No.6747/EE2/2011) addressed to all the Commissioners of Municipalities & Municipal Corporations in the State, all the District Collectors / District Election Officers, all State Election Officers, all the Superintendents of Police, the Commissioner of Police concerned, the Commissioner of Municipal Administration and all the Political parties regarding use of vehicles during the Ordinary Elections to Local Bodies.

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" The Tamil Nadu State Election Commission, in exercise of the powers conferred on it under Article 243-K and 243-ZA of the Constitution of India and in the interest of preserving the purity of election process, hereby, issue the following instructions relating to use of vehicles during the ensuing Ordinary Elections to Local Bodies.

USE OF VEHICLES FOR CAMPAIGNING:

1. The candidates contesting to the offices of any Local Body furnish details of the vehicles intended to be used by them for campaigning to the respective election. Only after such information is received by Returning officer/Assistant Returning Officer concerned, the vehicles so notified by the candidates can be used for the election campaign. Thus, prior intimation to the Returning officer/Assistant Returning Officer is a must for the actual deployment of any vehicle for campaign purpose by the candidates.
2. Ministers, MLAs and MPs who want to campaign for their political party and not for a particular candidate, shall also notify the vehicles to be used by them to the Returning officer concerned indicating the areas in which they intend to campaign. The restrictions imposed on convoy of vehicles in this order are also applicable to them.
3. The Returning officer/Assistant Returning officer to whom intimation of use of vehicles is given by contesting candidates, shall publish on their office notice boards details of the vehicles notified by the various contesting candidates and also release it to the press. This measure is intended to enable the common citizen to bring to the notice of the authorities any unauthorized use of vehicles for the election campaign.
4. Vehicles deployed for election campaign, as per the intimation given by the candidates, or by the election agents should not be requisitioned by the administration.
5. Any vehicle which has not been registered for election campaigning with the Returning Officer/Assistant Returning officer concerned, if found being used for campaigning, shall be deemed to be unauthorized campaigning for the candidate and will attract penal provisions of Chapter -IX (A) of the Indian Penal Code and shall therefore be immediately taken out of the campaign exercise.
6. The vehicles permitted to be used under this order, shall not carry more than five passengers including the driver.

RESTRICTIONS ON CONVOY OF VEHICLES:

1. Cars/vehicles being used for electioneering purpose, shall, under no circumstances, be allowed to move in convoys of more than 3 vehicles during the campaigning period. All bigger convoys shall be broken up, even if they are carrying any Minister of Central or State Government. This shall, however, be subject to any security instruction issued in respect of any such individuals. In other words the convoy shall not, in any case, exceed 3 vehicles plus the security vehicles.
2. The authorities concerned shall keep a close watch on the vehicles used by the contesting candidates, persons accompanying the contesting candidates and other party leaders and ensure that the Commission's instructions are not flouted.
3. Videography can be used effectively to check use of unauthorized vehicles for campaigning as well as for violation of instructions regarding convoys.

USE OF VEHICLES ON THE DAY OF POLL:

1. Candidates contesting in the local bodies shall be allowed only one vehicle for their movement within their ward on the polling day. It may be noted that no separate vehicle will be allowed for their agents or other party leaders.
2. The Returning Officers/Assistant Returning Officers concerned are authorized to issue permits to the contesting candidate for use of vehicles during the day of poll as indicated above. This permit should be displayed on their vehicle.
3. The following type of vehicles shall be allowed to be plied on the poll day.
 - a. Private Vehicles being used by the owners for their private use, not connected with elections;
 - b. Private vehicles being used by owners either for the use of themselves or for members of their own family for going to the polling booth to exercise their franchise, but not going anywhere within a radius of 200 meters of a polling station;
 - c. Vehicles used for essential services namely hospital vans, Ambulance, Milk Vans, Water Tankers, Electricity emergency duty Vans, Police on duty, Officers on election duty;
 - d. Public transport carriages like buses plying between fixed terminus and on fixed routes;
 - e. Taxis, three Wheelers, Scooters, Rickshaws etc. for going to Airports, Railway Stations, Inter-State Bus-stands, Hospitals for journeys which cannot be avoided;
 - f. Private vehicles used by sick or disabled persons for their own use.

GENERAL

The election authorities concerned and the Commissioner of Police/ Superintendents of Police concerned are requested to implement these instructions scrupulously. They are also directed to make arrangements to open check post in the areas, where elections are held to effectively check unauthorized movement of vehicles during election campaign and on the day of poll."

Appendix-2

Extract of Tamil Nadu State Election Commission CIRCULAR NO.C-19, Dated: 14.09.2011 (Rc.No.6747/EE2/2011) addressed to the District Election Officers/District Collectors, the District Election Officer/Returning Officer, Chennai Corporation, all Superintendents of Police. the Commissioners of Police, all Returning Officers / Panchayat Union Commissioners / Executive Officers / Commissioners of Urban Local Bodies regarding Restrictions on possession of Arms during elections.

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" In exercise of the powers conferred in the Articles 243K read with Article 243ZA of the Constitution of India the Tamil Nadu State Election Commission, hereby, orders that the following instructions shall be observed during the ensuing Ordinary Elections to Local Bodies in the State.

1. Issue of license for arms is to be totally stopped during the period commencing with the date of announcement of elections. This ban will continue to be operative till the completion of the election process.
2. The Police Officials are directed to be vigilant and to start mopping up operations of the areas infested with known anti-social elements in the areas going to polls. During such mopping up operations special attention should be paid to unearth and seize unlicensed arms and ammunition. A very thorough search and seizure by the Police for unlicensed arms and places of indigenous manufacture of arms and ammunition shall be carried out and persons involved shall be arrested. While unearthing and seizure of unlicensed weapons is a normal ongoing responsibility of the police, it shall be vigorously intensified during the election period. Inter-State and intra-state movements of trucks and commercial vehicles shall be strictly checked with a view to preventing smuggling of arms and ammunition and anti-social elements. Raids should be carried out regularly and intensively on underground arms factories.
3. Immediately after the announcement of elections, the District Collectors/Superintendents of Police/Commissioner of Police shall make a detailed and individual review and assessment of all license holders living in such municipal areas so that licensed arms, in those cases, where they consider it essential, are impounded in order to ensure maintenance of law and order so essential for ensuring free and fair elections. These arms should be deposited with the district authorities. Among cases which may need to be reviewed are the following:
 - i. Persons released on bail.
 - ii. Persons having a history of criminal antecedents, and
 - iii. Persons previously involved in rioting at any time but especially during the election period. (The above categories are only illustrative and not exhaustive)
 - iv. After such review, all such license-holders who are identified shall be directed to deposit their arms with the District Administration during the period of 3 days from the last date for withdrawal of candidatures.

- v. The District Administration shall make fool-proof arrangements for keeping the deposited fire arms in safe custody. Proper receipt must be given to the license holders depositing the fire arms. It shall be the bounden duty of the District Administration to ensure that all fire arms deposited with the Administration are returned to the license holders immediately after one week after the declaration of results.
- vi. Prohibitory orders under section 144 of the Criminal Procedure Code, 1973, shall be issued banning the carrying of licensed arms as soon as the elections are announced and should be effective till the declaration of results.
- vii. This ban shall, not be applicable to those communities who are entitled to display weapons by long standing law, custom and usage. This shall, however, not prevent the District Administration to impound weapons of any such persons of even such communities if they are found to be indulging in violence or posing a threat to the maintenance of law and order and peaceful conduct of elections. In these cases also the fire arms shall remain impounded till one week after the declaration of results.
- viii. Strict vigil shall be maintained by thorough checking of lorries, light vehicles and all other vehicles from three days before the date of poll to ensure that no undesirable elements or arms and ammunition are being transported into the municipal areas from outside and to apprehend them if they are doing so. Such checking of vehicles shall continue till the completion of the counting of votes and the declaration of results. As and when such culprits are apprehended, the arms and ammunition and vehicles concerned shall be confiscated.
- ix. A copy this order shall be made available to the local units of all recognized political parties, in each district immediately and to give wide publicity through media."

Appendix-3

Extract of CIRCULAR NO.C-20, Dated: 14.09.2011 (Rc.No.6747/EE2/2011) issued by the Tamil Nadu State Election Commissioner addressed to the District Election Officers / District Collectors, all Superintendents of Police, all Returning Officers / Panchayat Union Commissioners / Executive Officers / Commissioners of Urban Local Bodies of Urban Local Bodies regarding Restrictions on possession of Arms during elections.

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" I would like to state that the Tamil Nadu State Election Commission is empowered to conduct Local Body Elections as provided in the Article 243K read with Article 243ZA of the Constitution of India. I trust that the following instructions will be very useful to you while following the rules and regulations and provisions of concerned acts scrupulously during the Local Body Elections.

I expect that you would definitely ensure in imposing strict ban on the issue of licence for arms during the period of election and till the election process is over. You are requested to keep close watch on the anti-social elements and plunge into action at once whenever it is needed as per the provision of law in order to give full protection to the voters while exercising their franchise in free and fair manner. The unlicensed arms and ammunition should be seized during the election time and the seized arms should be deposited to the District authorities. The Superintendent of Police should have detailed discussions with the District Election Officer/District Collector in maintaining the Law and Order situation in the districts. I would like to reiterate that action may please be taken on the persons having history of criminal antecedents and persons involved in rioting during the election period. You are aware that prohibitory orders under Section 144 of Criminal Procedure Code, 1973 shall be issued banning the carrying of licensed arms as soon as the elections are announced and it should be effective till the declaration of results. Further strict vigil shall be maintained in the districts by thoroughly checking the lorries, light vehicles and all other vehicles from three days before the date of poll and also ensure no undesirable elements or arms and ammunition are being transported into the areas where elections are being conducted. I also request that a copy of this order is made available to the local units of all recognized political parties in the districts immediately and get their acknowledgements also.

The Tamil Nadu State Election Commission expects excellent mutual coordination, cooperation and communications between the District Collectors/Superintendents of Police and they should have a friendly, positive and optimistic and holistic approach between them with a view to instill full confidence and protection to the public and ensure free, fair, smooth and peaceful election. I believe that you would show exemplary output, produce positive results and prove your 'standards of excellence.'

Model Code of Conduct for Local Body Elections

I. Further Instructions

1. During Local Body Elections, no portrait of national leader and familiar political person shall be displayed in the office of the Local Bodies / in the office and complex of the Local Body Election Officers.
2. During Local Body Elections, statue of the passed away National Leader and familiar political person need not be covered.
3. During Ordinary Elections to Local Bodies, the remarks about the President, Chairman, Mayor, Member and Councillors concern shall be deleted from the Local Body Web Site.
4. During Local Body Elections, the Tamil Nadu State Election Commission in the interest of environment protection, direct the political parties / candidates not to use of plastic / polythene and similar non biodegradable materials for preparation of posters, banners, etc. during election campaign.

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