

MODEL CODE OF CONDUCT FOR THE GUIDANCE OF POLITICAL PARTIES AND CANDIDATES IN CONNECTION WITH PANCHAYAT GENERAL ELECTIONS

THIS CODE SHALL COME INTO EFFECT FROM THE DATE THE ELECTIONS ARE ANNOUNCED AND SHALL REMAIN IN FORCE TILL THE ELECTIONS ARE COMPLETED:

I. General Conduct:

All parties and candidates shall refrain from:

- i) Activities that may create or aggravate tension or hatred or differences between castes and communities; religious or linguistic;
- ii) Criticism of rival candidates and parties on aspects of private life or on the basis of unverified allegations; (criticism should be confined to their policies and programmes);
- iii) Appeals to caste, communal or religious feelings for securing votes;
- iv) Using any place of worship as a forum of election propaganda;
- v) All 'corrupt practices' and offences under the election laws, such as bribing/intimidating/impersonating/transporting voters, canvassing within 100 meters of a polling station on poll day, holding election meeting within 48 hours preceding the close of poll etc;
- vi) Demonstration of picketing before the houses of individuals by way of protesting against their opinion or activities shall not be resorted to;
- vii) All activities likely to create disruption of or disturbance in any meeting, procession etc. organized by rival parties or candidates;
- viii) Tearing of posters of rival candidates or parties.

II. Conduct in Propaganda:

1. No Govt. property can be used for this purpose;
2. No political party or candidate shall permit its or his followers to make use of any individual's land, building, compound wall etc. without that individual's permission for erecting flagstuffs, suspending banners, pasting notices, writing slogans etc;

3. No wall writing, pasting of posters/ papers or defacement in any other form, or erecting/ displaying of cutouts, hoardings, banners etc. shall be permitted on any public property or public premises;
4. No political party or candidate shall use or permit the use of huge/extra-large cut-outs, hoarding, banners, etc. and shall generally refrain from all ostentatious display of money power;
5. No election pamphlet or poster shall be printed or published without the identity of the printer and the publisher so that responsibility can be fixed for publication of any documents containing illegal, offending or objectionable materials;
6. No political party or candidate shall make use of loudspeakers except between 6 A.M and 10 P. M. Even in making such restricted use they shall abide by the extant orders of the courts and shall take permission, as required under the law. Maximum possible consideration shall be shown for the sick, the aged and the infirm. However, loud speakers can not be used from three days prior to major public examination like Madhyamik, Higher secondary etc. to the last day of examination.

III. Meetings:

1. A party or candidate shall inform the local police authorities of the venue and time of any proposed meeting well in advance so as to enable the police of the make necessary arrangements for controlling traffic and maintaining peace and order;
2. A party candidate shall ascertain in advance if there are 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 applied for and obtained well in time;
3. For permission or license to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, a party or candidate shall apply to the authority concerned well in advance and obtain such permission or license;
4. Organizers 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. Organizers themselves shall not take action against such persons.

IV. Procession:

1. A party or candidate organizing a procession shall decide beforehand the time and place or the starting of the procession, the route to be followed and the 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 the local police authorities of the programme so as to enable the latter to make necessary arrangements;
3. The organizers shall ascertain if restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions. Any traffic regulations or restrictions shall also be adhered to;
4. The organizers shall take steps in advance to arrange for passage of the procession so that there is no blockade or hindrance to traffic. If the procession is very long, it shall be organized in segments of suitable lengths, so that at convenient intervals, specially 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. Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with;
6. If two more political parties or candidates propose to take processions over the same route or parts thereof at about the same time, the organizers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic. The assistance of the local police shall be availed of for arriving at satisfactory arrangements. For this purpose the parties shall contact the police at the earliest opportunity;
7. Political parties or 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;
8. 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 demonstration shall not be countenanced by any political party or candidate.

V. Polling Day :

All political parties and candidates shall:

- (i) Co-operate with the officer 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 identity cards, or badges containing the name of the worker and name of the candidate only;
- (iii) Ensure 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 in the period of 48 hours before the end of poll;
- (v) Not allow unnecessary crowds to collect near the camps set up by the political parties and candidates near the polling booths so as to avoid confrontation and tension between workers and sympathizers of rival parties and candidates;
- (vi) Ensure that the candidates' camps are simple and abide by all the statutory restrictions in the matter;
- (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, well in advance, which should be displayed prominently on those vehicles;
- (viii) After campaign period , one should leave the constituency if he/ she is not a voter or a candidate or candidate's election agent from that constituency.

VI. Polling Station:

- (i) Only voters and persons authorized under Rule 49 of the West Bengal Panchayats (Conduct of Elections) Rules, 2006 shall have the right of entry to a polling station during voting, and only persons eligible under Rule 101 ibid shall have the right of entry to a polling station.
- (ii) 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 100 meters) with his security personnel. Further, on the day of the poll no such person shall move around in a constituency with his security personnel. 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.

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 counting agent.

VII. Observer:

State Election Commission shall appoint Observers to oversee the entire election process as well as the conduct of poll at the Polling Station. In case of any complaint about the conduct of poll, the candidates or the concerned political parties may bring it the notice of the Observers.

VIII. Party in Power:

The party in power at Central or State Government level or the Panchayats concerned, shall not use its official position for the purposes of its election campaign, and in particular:

- (i)
 - (a) No Central or State Government authority or Chairpersons of Gram Panchayat/Panchayat Samiti/Zilla Parishad and the other members shall make use of official machinery or personnel during electioneering work; No minister or minister rank official, whether Union or State, can summon any election related officer of the concerned district.
 - (b) Any official vehicle on duty including Panchayat vehicle, machinery and personnel shall not be used for furtherance of the interest of the party in power; this restriction will apply to Central Government or State Government Ministers also;
 - (c) Minister, minister rank official or any other political functionary is not allowed during election period, to use pilot car or car with beacon light of any color or can affixed with sirens of any kind in entire district.
- (ii) Public place such as maidans etc. shall not be monopolized by the party in power at any level for holding election meetings. Other parties and candidates shall be allowed the use of such places on the same terms and conditions on which they are used by the party in power;

- (iii) Govt. Rest houses, dak bungalows or other Panchayat accommodation shall be allowed to be used by other parties or candidates in a fair manner;
- (iv) In the period when the Model Code of Conduct is in force, issue of advertisements at the cost of the public or local body's exchequer in newspapers and other media regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided;
- (v) No authority of the Central or State Government or Zilla Parishad , Panchayat Samiti, or Gram Panchayat shall sanction grants/payments out of discretionary fund from the time the elections are announced till the elections are over; and
- (vi) From the time the elections are announced and till the elections are over, no authority of the Central or State Government or Zilla Parishad , Panchayat Samiti, or Gram Panchayat shall, in the concerned Panchayat area or for the benefit of the Panchayat area concerned –
 - (a) Announce or promise any financial grant,
 - (b) Allow laying of foundation stone etc. of projects or schemes of any kind,
 - (c) Make any promises of construction of roads, provision of drinking water facilities etc. , or
 - (d) Announce or promise or commence any new scheme or project :
Provided that this restriction shall not affect continuing schemes, essential repair works, measures necessary for public health and sanitation and public utility interests and relief measures necessitated by calamities and disasters and any other emergency measures that may be necessary.
 - (e) Make any appointment for temporary posts or job.