

भारत सरकार / Government of India
रेल मंत्रालय / Ministry of Railways
(रेलवे बोर्ड) / (Railway Board)

No. 2024/NFR/43/Election-Commission
E-office no. 34586200

New Delhi
Dated: 22.03.2024

Sr. Principal Secretary
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi 110001,

Subject: Application of Model Code of Conduct – forthcoming Parliamentary Election 2024 – regarding

Ref: Election Commission of India 's letter no.
437/6/1/INST/ECI/FUNCT/MCC/2024 dated 16.03.2024

Election Commission of India vide letter dated 16.03.2024 has circulated a model code of conduct for compliance during forthcoming parliamentary election 2024. In this regard, the undersigned is directed to bring a few issues to the commission's kind notice.

2. At present, Southern Railway has been mandated to implement Yatri Seva Anubandh (YSA) on 06 pairs of Vande Bharat trains of Southern Railway. Accordingly, Railway had floated an e-tender notice on 15.02.2024 and the same was opened on 29.02.2024, the bids of which are under scrutiny. It is submitted that the contract provides for various onboard services including catering, housekeeping, concierge, minor repair and maintenance etc., which are crucial passenger services.

3. Further, Zonal Railways float a variety of e-auction notices on a regular basis to award contracts for provision of passenger services and enhancement of passenger convenience like Parking contracts, Pay & Use Toilet contracts etc. Moreover, in case of e-auction, once the process for awarding contract is initiated, LoA is issued automatically through the module. Further, non-awarding of contract for a long period of 80 days will have a negative impact on overall passenger services.

4. Accordingly, the commission is requested to permit finalization of Yatri Seva Anubandh tender and e- auction process along with issue of Letters of Award/Commencement in respect of the above passenger services.

(Aashima Mehrotra)
Executive Director/Traffic Commercial (General)
Email: nfrdterb@rb.railnet.gov.in

By Spl. Messenger/mail

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/INST/ECI/FUNCT/MCC/2024

Dated: 16th March, 2024

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries of all States and
Chief Secretaries/Administrators of Union Territories
3. The Chief Electoral Officers of
all States and Union Territories.

Subject: Immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Elections to House of the People (Lok Sabha), 2024 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections-regarding.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Election to House of the People (Lok Sabha), 2024 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections, operation of 'MODEL CODE OF CONDUCT' comes into effect with the announcement of elections by the Commission. In view of the elections, the Commission has given following directions for effective enforcement of provisions of MCC:-

1. **Defacement of Property-** ECI instructions contained in letter No. 3/7/2023-SDR, dated 12th October, 2023, provide for prevention of defacement of property. The Commission has directed to ensure strict compliance of its instruction and to take time bound action as prescribed below-
 - (a) **Defacement of Government property-** For this purpose a Government premise would include any Government office and the campus wherein the office building, compound and establishment are situated. All wall- writing, posters/papers or defacement in any

other form, including cutout/hoardings, banners, flags etc, on Government property shall be removed **within 24 hours** from the announcement of elections by the Election Commission.

(b) **Defacement of public property and misuse of public space-** All unauthorized political advertisement, in the form of wall writing/posters/papers or defacement in any other form, cutout/hoardings, banners flags etc. at public property and in public space like railway station, Bus stands, Airports, railway Bridges, Roadways, government. buses, Electric/Telephone poles , municipal/local bodies' buildings etc., shall be removed **within 48 hours** from the announcement of elections.

(c) **Defacement of private property-** Subject to any local law and Court's direction, all unauthorized political advertisement displayed at private property shall be removed **within 72 hours** from the announcement of elections by the Election Commission.

2. **Misuse of official vehicle-** The ECI's Consolidated instructions contained in letter No. 464/L&O/2023/EPS(Use of Veh.), dated 26th June, 2023, among other things, provides that **there shall be a total ban on use of official vehicle by any political party, candidate or any other person connected with election (except officials performing any election related official duty) for campaigning, electioneering or election related travel during elections (subject to certain exception mentioned therein).** The expression 'official vehicle' means and shall include, any vehicle used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise and will include trucks, lorries, tempos, jeeps, cars, auto rickshaws, e-rickshaws, buses, belonging to Central Government, State Government/UT Administrations, public undertakings of Central/State Government, Joint sector undertakings of Central/State Government, local bodies, municipal corporations, marketing boards, cooperative societies or any other body in which public funds, however small a portion of the total, are invested. **The CEOs/DEOs shall take necessary action for compliance of ECI instructions within 24 hours of the announcement of the elections.**

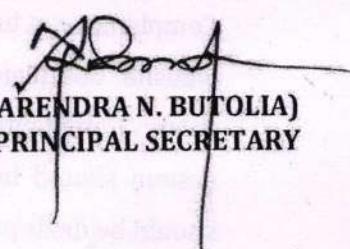
3. **Advertisement at the cost of public exchequer-** ECI instructions contained in letter No. 437/6/INST/ECI/FUNCT/MCC/2024(ADVERTISEMENTS), dated 2nd January, 2024 provides that at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election 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. No advertisements shall be issued in

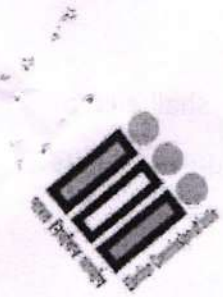
electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. If any advertisement has already been released for telecast/broadcast or publication in the print media, it must be ensured that the telecast/broadcast of such ads on electronic media is stopped forthwith and that no such ad is published in any newspapers, magazines, etc., i.e. in print media, from the date of announcement and it should be immediately withdrawn. **The CEOs/DEOs have to take immediate action to remove/stop any advertisement, in the print/electronic media, showing the achievements of the Government soon after the announcement of elections.**

4. **Photograph of political functionary at official website-** ECI instruction contained in letter No. 437/6/INST/ECI/FUNCT/MCC/2024(MCC ENFORCEMENT) dated 2nd January, 2024 provides that all references of Ministers, Politicians or political parties available on central/state Government's official website shall be removed. The CEOs have to take **immediate action** to remove/hide the photographs of any political functionary from official websites of state department.
5. **Development/construction related activities- within 72 hours** of announcement of elections, the CEO/DEO shall obtain the following list of works for reference in case of validating any complaint on violation of MCC:
 - (i) List of work which has already been started on ground.
 - (ii) List of fresh work which has not started on ground.
6. **Activities for Expenditure Monitoring and enforcement of MCC-** Flying squad, FST, video team, intensive checking for liquor/Cash/Contra banned drugs, flying squads of excise department to check illicit trafficking of Drug/Narcotics to be **immediately activated** after announcement.
7. **Complaint Monitoring System-** The poll going states shall have a complaint redressal mechanism based on website and call center. The toll free number of call center is 1950. Complaints can be registered by making calls to the toll free call center numbers or on the website. Complainants will also be informed of the action taken by SMS and by the call center. Complainants can also see the details of the action taken on their complaints. This system should be **operational within 24 hours** of the announcement. All complaints should be dealt promptly and properly. The 24x7 control Room at the district level must be activated and sufficient deployment of manpower and other logistics be ensured in particular, round the clock personnel should be deployed in the control room and their duty roster must be issued to avoid any evasion or confusion.

8. **IT Application-** All IT applications including official website and social media shall be **operational with the announcement.**
9. **Dissemination of information for Awareness of Voters and political parties.** Publicity of major election activity would be given through CEO/DEO/RO. For this purpose, all necessary information shall be disseminated through radio, tv, cinema, government channel to display voter education material.
10. **Active cooperation from Educational Institutions and Civil Societies-** Cooperation can be sought from educational institutions and civil societies for giving wide publicity to the election related information to the general public and other stakeholders.
11. **Media Centre-** Efforts should be made for awareness among the voters, political parties and other stakeholder through media center about election system including use of EVM/VVPAT.
12. **MCMC/DEMC-** ECI instruction contained in letter no. 491/MCMC/5/2023/Communication dated 24th August, 2023 provides that all registered political parties will approach the Media Certification and Monitoring Committees (MCMC) at District and State level, as the case may be, for pre-certification of their political advertisements proposed to be issued on electronic media. The Commission has directed to ensure strict compliance of its instructions contained in above said letter.
13. **Control Room-** The 24x7 control room at district level must be activated immediately and sufficient deployment of manpower and other logistics be ensured by the DEO/CEO. A control room with complaint Monitoring Centre would also be set up at ECI Secretariat during the entire election process.

Yours faithfully


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY



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

No. 437/6/INST/ECI/FUNCT/MCC/2024(ADVERTISEMENTS)

Dated: 2nd January, 2024

To,

- (i) The Chief Secretaries
of all States and Union Territories.
- (ii) The Chief Electoral Officers
of all States and Union Territories.

Subject: -Model Code of Conduct – Publication of Advertisements – Regarding.

Reference: Commission's instructions:

- (i) No. 437/6/28/2004/PLN-III, dated 29.09.2004
- (ii) No. 437/6/2004-PLN III, dated 24.12.2004
- (iii) No. 3/9/2007/JS-II, dated: 03.08.2007
- (iv) No. 437/6/INST/2009-CC&BE, dated 23.02.2009
- (v) No. 437/6/INST/2008-CC&BE, dated 13.04.2009
- (vi) No. 437/6/CG/2013/CC&BE, dated 09.10.2013
- (vii) No. 437/6/CG/2013/CC&BE, dated 17.10.2013
- (viii) No. 437/6/CG/2013-CC&BE, dated 30.10.2013
- (ix) No. 437/6/1/2014/CC&BE, dated 01.04.2014
- (x) No. 437/6/ ECI/INST/FUNCT/MCC-2017, dated 06.01.2017
- (xi) No. 437/6/1/ECI/INST/FUNCT/MCC/2021, dated 13.03.2021
- (xii) No. 437/6/INST/2014/CC&BE, dated 11.09.2014, and
- (xiii) No. 437/6/INST/2015-CCS, dated 29.12. 2015

Madam/Sir,

The Commission has issued various instructions from time to time on Publication of Advertisements during the period of enforcement of Model Code of Conduct. Following are the consolidated instructions in supersession of all the instructions issued vide letters listed above:

I. Advertisements at the cost of Public Exchequer

- (a) Sub-para (iv) of para VII - 'Party in Power'- of the Model Code of Conduct for the Guidance of Political Parties and Candidates provides that: -

"The party in power whether at the Centre or in the States/UTs concerned, 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-

(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."

(b) Those hoardings, advertisements, etc., put up by the Government which purport to give general information or convey general messages to the masses on family planning, social welfare schemes etc. may be allowed to be displayed. However, all those hoardings, advertisements, etc. which seek or purport to project the achievements of any living political functionaries or political party and which carry their photos or name or party symbol should be removed forthwith as no political functionary or political party can use public resources and incur or authorize expenditure from public exchequer to eulogize himself or itself or enhance his/its own or any political leader's personal image. Such hoardings, etc. undoubtedly amount to their individual/party election campaign at public cost. Accordingly, the photos of political leaders in such advertisement should be removed/covered suitably. The continuing display of such hoardings and advertisements at the cost of public exchequer, even if such hoardings, advertisements or posters were displayed prior to the date of announcement of elections, constitutes a violation of the Model Code of Conduct as it provides an undue advantage to the party in power and has the effect of influencing the voters in favour of the party in power.

(c) No advertisements should hereafter be issued in the newspapers and other media, including electronic media, at the cost of public exchequer during the election period and the misuse of 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 should be scrupulously avoided.

II. Use of space in Railway Stations, Bus Stands, Airport, Bridges-Railway and Roadways, Govt. Buses, Govt. and public buildings, Electric and telephone poles, Municipal/local bodies' buildings, space and assets for political advertisement

(i) Display of election posters, hoardings, banners, etc., in any Government/PSU premises is not permitted even if it is a commercial space. The Commercial spaces of Govt and Public Sector Undertakings (PSUs) during election periods cannot be used for displaying political advertisements.

(ii) In case there is no specific provision in the by-laws of PSUs, or in their agreements with the advertisement agencies to whom they let out space for advertisement for prohibiting display of political advertisement, the PSUs may be instructed to add a para in their commercial agreements with commercial agencies/companies while providing space on lease to the advertisement agency for placing commercial advertisements that "No political advertisement shall be displayed/pasted at the space provided on lease for commercial advertisement like airport, railway stations, inter state/local bus stands, Govt. transportation, post offices, Government hospitals/dispensaries etc. (except on main highways, main roads etc.) during the period of Model Code of Conduct . If there is any political advertisement in the provided space, the same shall be removed immediately on enforcement of the Model Code of Conduct."

(iii) In the case of Halls/Auditoriums/Meeting venues owned/controlled by the Government/local authorities/PSUs/Cooperatives, if the law/guidelines governing their use do not preclude political meetings therein, there is no objection to it but, it shall be ensured that the allocation is done on equitable basis and that there is no monopolization by any political party or candidates. In such venues, displaying of banners, buntings, flags, cut-outs, may be permitted during the period of meetings subject to any restrictions under the law/guidelines in force. Such banners, flags, etc. shall be got removed by the party/individual who used the premises immediately after conclusion of the meeting, and in any case within a reasonable period after the meeting is over. Permanent/semi-permanent defacement such as wall writing/pasting of poster etc. shall not be permitted in such premises. The ECI Observers shall closely monitor compliance, and will specifically mention it in their reports to ECI.

III. Broadcasting of election related matter over Radio during period of forty – eight hours ending with hour fixed for conclusion of poll

Clause (b) of sub-section (1) of Section 126 prohibits display of election matter through T.V. or similar apparatus. It is clarified that radio would be treated as 'other similar apparatus' for this purpose and hence broadcasting /propagating any election matter through Radio would be covered under clause (b) and would not be permissible during the period of 48 hours mentioned in the said section.

IV. Publication of advertisements in connection with occasions like World Habitat Day, Pulse Polio/HIV awareness campaigns and celebrations of various 'Diwas' like Independence Day, Republic Day, Gandhi Jayanti, State Formation days, etc.

(i) The Commission receives various references from the Ministries/Departments seeking clearance for the publication of advertisements on the occasions of World Habitat Day, Pulse Polio Immunization/HIV awareness campaigns, etc. during the run-up to General/Bye-elections to the Lok Sabha/State Legislative Assemblies when the model code of conduct is in force. Objecting to the publication of advertisement on important social issues is never intended by the Commission. It only wants to ensure that the party in power does not misuse the Government machinery in the garb of spreading a social message which is against the spirit of providing a level playing field and so violate the spirit of free and fair election. Election Commission of India has therefore, taken a clear stand that there will be no objection to the release of such advertisements if they do not contain the photograph or political message of any Minister/political dignitary and do not highlight the achievements of the party which may influence the voters and induce them to vote in their favour.

(ii) Different important historical days like Independence Day, Republic Day, Gandhi Jayanti, Shivaji Jayanti and State Formation Days are celebrated with much fanfare which are attended to by Central/State Ministers who, at time, make it a platform for gaining political advantage by highlighting the achievements of the party in power or their political functionaries contesting the elections. The Commission has taken a serious note of this and decided that while the Ministers can participate in such celebrations the theme of their speeches should be confined only to the historical background, deeds and achievements of the historical figures and they must take utmost care not to make any political speech converting the forum into a platform for political campaign.

(iii) There will be a complete ban on celebrations like "xxx years/days in power" during this period as such occasions are virtually utilized to highlight the achievement of the party in power.

(iv) The Aadhaar related publicity can be done which has the objective to give information about Aadhaar Card to the general masses. Any publicity highlighting the achievements of the scheme or Authority or Government will not be allowed to be made.

(v) On the occasion of Birth/Death Anniversaries of political leaders, photographs and messages related to departed political leaders except those leaders who passed away in recent past, may be published in the advertisements in this regard.

V. Display of Photos of Political Functionaries on beneficiary cards, electric bills, construction site plaques etc.

(i) Beneficiary cards distributed to beneficiaries, constructions site plaques etc. erected during the enforcement of Model Code of Conduct shall not contain photographs, messages of Chief Ministers, Ministers and other political functionaries. However, no interference is called for in respect of photos of political functionaries on beneficiary cards, construction site plaques etc. that are distributed/erected prior to the enforcement of model code of conduct.

(ii) The electricity bills, water bills, boarding passes, vaccination certificates, etc. to be generated after the enforcement of Model Code of Conduct should not contain any photographs or messages/symbols of political functionaries/parties.

(iii) Similarly, the fertilizer bags, paper cups or any other merchandise to be used in the areas where Model Code of Conduct is enforced, should not contain any photographs or messages/symbols of political functionaries/parties.

VI. Publication of any advertisements of Central Government in the newspapers of non-poll going States having circulation in poll going States

(i) It has been observed that certain advertisements highlighting welfare schemes and achievements of the Central Government and State Governments are published by some non-poll going State Governments, in the editions of newspapers in the States where elections are going on. The Commission considers this to be a violation of the spirits of the Model Code of Conduct.

(ii) The Commission has directed that all such advertisements, issued by non-poll going State Governments during the Model Code of Conduct period shall be forwarded to the Commission for clearance before they are sent for publication in newspapers having edition or having circulation in the poll bound States.

(iii) If any violation of the above instructions come to the notice of the Election Commission, the Secretary/Director of Information & Public Relations of the concerned State government shall directly be held responsible for such lapse.

VII. Equitable opportunity to have access to advertisement spaces for election related advertisement

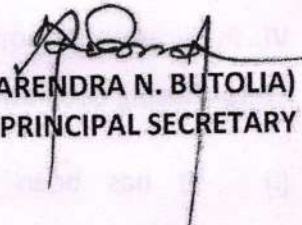
(i) If the local law expressly permits or provides for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, political advertisement, etc., in any public place, (as against a

Govt. premise) on payment or otherwise, this may be allowed strictly in accordance with the relevant provisions of the law and subject to Court orders, if any on this subject. It should be ensured that any such place is not dominated/monopolized by any particular party(ies) or candidate(s). All parties and candidates should be provided equal opportunity in this regard.

(ii) If there is a specifically earmarked place provided for displaying advertisements in a public place, e.g. bill boards, hoardings etc. and if such space is already let out to any agency for further allocation to individual clients, the District Election Officer through the municipal authority concerned, if any, should ensure that all political parties and candidates get equitable opportunity to have access to such advertisement space for election related advertisements during the election period.

The above instructions of the Commission shall be brought to the notice of all concerned for strict compliance.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY