

समाचार भाग-2

(विधायी तथा अन्य मामलों से संबंधित सामान्य जानकारी)

बुधवार 29 अप्रैल, 2009 / वैशाख 09, 1931 (शक)

संख्या: 24

लोक सभा का आम चुनाव 2009 - चुनाव प्रचार में राजनीतिक दलों एवं उम्मीदवारों द्वारा उच्चस्तरीय आदर्श आचार संहिता का पालन करने के संबंध में।

"मुख्य चुनाव अधिकारी, दिल्ली द्वारा अग्रसारित उपर्युक्त विषय से संबंधित पत्र, पत्र सं. 437/6/आईएनएसटी/2009-सीसी एण्ड बीई दिनांक 17 अप्रैल, 2009 की प्रति दिल्ली विधान सभा के माननीय सदस्यों के सूचनार्थ अग्रसारित की जा रही है।"

सिद्धार्थ राव
सचिव

DELHI LEGISLATIVE ASSEMBLY

BULLETIN PART-II

(General information relating to Legislative & other matters)
Wednesday, 29th April, 2009 / Baisakha 9, 1931 (Saka)

No.24

Subject: "General Election to Lok Sabha 2009- Model Code of Conduct for guidance of political parties and candidate maintenance of high standards of campaigns-reg.

A copy of the letter No.437/6/INST/2009-CC&BE dated 17th April, 2009 forwarded by the Office of the Chief Electoral Officer, Delhi to Delhi Legislative Assembly is being sent herewith for the information of Hon'ble Member of Delhi Legislative Assembly.

**SIDDHARATH RAO
SECRETARY**

By Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/INST/2009-CC&BE

To

The Chief Electoral Officers of
all States and Union Territories



Dated: 17th April, 2009

Sub: General Election to Lok Sabha - 2009 – Model Code of Conduct for guidance of political parties and candidate maintenance of high standards of campaigns - reg.

Sir/Madam,

I am directed to forward herewith a copy of the Commission's instruction of even no. dated 12th April 2009 for your kind information.

Yours faithfully,

(K.N. BHAR)
UNDER SECRETARY

Handwritten notes:
26/4/2009
Sd/-

ELECTION COMMISSION OF INDIA

Nircachan Sadan, Ashoka Road, New Delhi – 110001.

No.437/6/INST/2009/CC&BE

Dated : 12th April, 2009

To

The President/General Secretary,
All recognized National/State political parties.

Subject: Model Code of Conduct for guidance of political parties and candidates –
maintenance of high standards of electoral campaigns – regarding.

Sir,

The Election Commission of India announced the schedules for the general elections to the 15th Lok Sabha and the Legislative Assemblies of Andhra Pradesh, Orissa, and Sikkim on 2nd March 2009, and the Model Code of Conduct for guidance of political parties and candidates came into force from that day. As you are aware, the Model Code of Conduct is a unique document that has evolved with the consensus of political parties themselves and the Commission implements and enforces it with the aim of providing a level playing field for all political parties and ensuring free and fair elections.

2. The electoral campaigns of political parties and candidates or prospective candidates have begun. As the dates of polling for various phases of the elections draw near, the campaign is gathering momentum and will soon reach a crescendo. The Commission is pained to observe that many important leaders of political parties at the national and State levels are, in their election speeches at public meetings and rallies, making intemperate and derogatory remarks attacking the personal character or personal conduct of leaders and candidates of rival parties, or making highly provocative and inflammatory statements that have the effect of inciting communal hatred, disharmony or ill-will, and aggravating the differences between different classes of citizens on grounds of religion, caste, community, etc. The open distribution of money, justified in the name of "local customs", is also most deplorable. Not merely does this violate the Model Code of Conduct, but also amounts to the electoral offence of bribery under section 171B of the Indian Penal Code and also a corrupt practice under section 123(1) of the Representation

of the People Act, 1951. In fact, these violations of the Model Code of Conduct and, in several instances, the law of the land seem to be turning into something of a trend, which if unchecked, is bound to seriously damage the election process and set a deplorable precedent for future elections.

3. In this context, the Commission invites the attention of all political parties, their candidates, supporters, and workers to the following provisions of the Model Code of Conduct, which lay down, *inter alia*, the following obligations:

“1. General Conduct

- (i) No party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.
- (ii) Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. 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. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided.
- (iii) 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.
- (iv) 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 metres of polling stations, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.”

With each passing day, the Commission is being flooded with complaints of violation of the above provisions of the Model Code of Conduct and commission of electoral offences

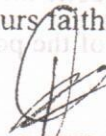
and corrupt practices under the law, particularly by important leaders and office bearers of political parties. These complaints are also receiving wide coverage in the broadcast and print media across the land.

4. While expressing its deep anguish over the toxicity seeping into the electoral campaign, the Commission wishes to remind all political parties, their leaders, candidates, workers, and supporters of the following sage advice given by the Honourable Supreme Court of India in the case of Gadakh Yashwantrao Kankarrao Vs. E.V. alias Balasahab Vikhe Patil (AIR 1994 SC 678):

“The duty at the top echelons of leadership at the state and national level of all political parties is to set the trend for giving the needed information to the electorate by adopting desirable standards so that it percolates to the lower levels and provides a congenial atmosphere for a free and fair poll. A contrary trend of speeches by the top leaders tends to degenerate the election campaign as it descends to the lower levels and at times promotes even violence leading to criminalisation of politics. The growth of this unhealthy trend is a cause for serious concern for the proper functioning of the democracy and it is the duty of the top leaders of all political parties to reverse this trend to enable movement of the functioning democracy in the proper direction.”

5. As a body vested by the Constitution of India with the superintendence, direction and control of elections, the Election Commission of India expects that all political parties, their leaders, workers and supporters as well as their candidates shall scrupulously observe the Model Code of Conduct in letter and spirit. It sincerely hopes that they will be guided by the above advice of the Honourable Supreme Court of India in conducting their electoral campaigns and set high standards of electoral morality so as to ensure the integrity and purity of elections.

Yours faithfully,



(TAPAS KUMAR)
PRINCIPAL SECRETARY