

**STATE ELECTION COMMISSION  
ARUNACHAL PRADESH  
ITANAGAR**

No.AP/ SEC-21/2002

Dated Itanagar, the 1<sup>st</sup> April, 2013.

**MODEL CODE OF CONDUCT FOR THE GUIDANCE OF THE POLITICAL  
PARTIES, CONTESTING CANDIDATES, GOVT. DEPARTMENTS AND GOVT.  
EMPLOYEES IN THE ELECTIONS TO THE MUNICIPALITY.**

With a view to ensure holding of free, fair and peaceful elections to all the Wards of Municipalities in the State of Arunachal Pradesh and in exercise of the powers conferred under Article 243ZA of the Constitution of India and Section 14 of the Arunachal Pradesh Municipal Act, 2007, the State Election Commissioner of Arunachal Pradesh do hereby issues the following Codes of Conduct for the guidance and adherence by all concerned

1. It shall apply to Political Parties, Contesting Candidates, Ministers/Parliamentary Secretaries/MLAs, Employees of the State/ Central Government, Central and State Governments Public Undertakings, Government approved private projects including Hydropower Projects, Local bodiesfunctionaries and other public servants.
2. Code shall come into force from the date of issuance of election notification.

**PART – I  
Code of conduct for Political Parties and Candidates.**

**i) General Conduct**

3. No party or candidates 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.
4. Places of worship such as Temples, Mosques, Churches, etc., shall not be used as forum for election propaganda.
5. All political parties and candidates shall avoid scrupulously all activities which are corrupt practices and offences under the election laws such as :
  - i) to appeal for vote or not to vote on the basis of religion, caste or community and to use any religious symbol for soliciting votes.
  - ii) to print or publish any poster, pamphlet, leaf-let, circular or advertisement without mentioning the name and address of the printer and the publisher.

- iii) 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 prospect of his or her election.
  - iv) to obstruct or disturb any election meeting organized by another political party or candidate.
  - v) to take out processions or hold public meetings during the period of 48 (forty eight) hours ending with the hours fixed for the close of the poll.
  - vi) to canvas or to appeal for votes within hundred meters of a polling station.
  - vii) to use any conveyance or means of transport for the voters to and/or from the polling station.
  - viii) to behave in an unruly manner within or near about the polling station or to obstruct a polling officer in the discharge of his duty.
  - ix) to impersonate a voter or attempt to cast vote under the false name of voter.
6. All political parties and candidates shall ensure that no Mithun, pigs and other animals are slaughtered for providing meat as allurement to voters. All such slaughter shall be prohibited by the District Magistrate during the period the Model Code of Conduct is in force except under exceptional circumstances which shall include any religious or marriage ceremonies and such exceptions be made with the written permission of the concerned District Magistrate.
  7. No criticism of any aspect of candidates private life which is not connected with his public life shall be made nor any allegation be made which are based on unverified facts or incidents.
  8. Criticism of a political party, when made, shall be confined to its policies and programmes, past record and works and shall not be based on unverified allegations.
  9. Organizing 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.
  10. No party or candidate shall permit their followers for using any private property/public property for erecting flag staffs, pasting notices, posters or slogans etc., or suspending banners without written permission from the owner/competent authority of the property concerned. Further, a copy of such written permission shall forthwith be sent to the Election Officer/District Election Authority/District Magistrate.
  11. No candidate or his workers shall remove or deface the flag erected or posters pasted by another candidate or political party.

## **ii) Meetings and Processions:**

12. No party or candidate shall hold public meetings or processions without obtaining necessary permission from the competent Local Authorities. The party shall inform the local police authorities of the venue and time of any proposed meeting/procession well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.
13. A party or candidate organizing 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. There shall ordinarily be no deviation from the programme.
14. The organizers 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 competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.
15. The organizers shall take steps in advance to arrange for passage of the procession so that there is no hindrance to traffic. If the procession is very long, it shall be organized 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.
16. 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/Magistrate shall be strictly complied with.
17. 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 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/Magistrate shall be availed of for arriving at a satisfactory arrangement. For this purpose, the parties shall contact the police/Magistrate at the earliest opportunity.
18. The political parties or candidates shall exercise control to the maximum extent possible not to allow use or carrying of any article by the party workers or supporters in the procession which may be put to misuse by undesirable elements, especially in moments of excitement.
19. 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.

20. No party or candidate shall use loudspeakers without obtaining necessary permission from the Competent Authority and shall not use the loudspeaker for purposes other than transmitting speeches, live or recorded. The loud speakers shall be used only between 6.00 AM and 9.00 PM. The Police/Magistrates are authorized to seize the offending equipment if anybody violates the same. The political parties and candidates shall endeavor to see that no disturbances caused in the vicinity of hospitals/School due to electioneering to avoid inconvenience to the patients/students.
21. No contesting candidate, who is in-charge of, or is in any manner connected with, the management of an aided educational institution, or any other institution receiving aid from the State or Central Government, shall, misuse the buildings, infrastructure, staff, funds or vehicles belonging to such institution for furthering his/her electoral prospects.

### **iii) Polling Day**

22. Every candidate and the political party shall co-operate with the Officers on Election Duty to ensure peaceful and orderly polling.
23. On the polling day, all political parties and candidates shall :-
  - (a) supply to their authorized workers suitable badges or Identity cards.
  - (b) ensure that the camps of the candidates are simple. They shall not display any posters, flags, symbols or any other propaganda material.
  - (c) not serve any eatables.
  - (d) refrain from serving or distributing liquor on polling day and during the forty-eight hours preceding it as also on the counting day.
  - (e) not allow unnecessary crowds to be collected near the camp set up by the political parties and candidates near the polling stations so as to avoid confrontation and tension among workers and sympathizers of the parties and candidates.
  - (f) co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtained permits for them which should be displayed prominently on those vehicles.
24. 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 father's/husband's name, ward number, polling booth number and the serial number of the voter in the electoral roll shall only be written on the identity slip.

#### **iv) Election Expenses**

25. The maximum limit of election expenditure to be incurred by the candidates or his/her authorized agent shall be Rs. 1.00 ( one) lakh for candidates contesting for Itanagar Municipality, Itanagar being a Class Aq Municipal and Rs. 60,000/= (Sixty) thousand for Pasighat Municipality, Pasighat being a Class CqMunicipal.

#### **v) Polling Booth**

26. Only persons with a specific valid authority letter from the Election Commission/DEO/RO can enter any polling booth at any time. No functionary, however highly placed (e.g. Chief Minister, MP, MLA etc.) is exempted from this code of conduct.

### **PART – II**

#### **Harming a Public Servant on Duty:**

27. Whoever voluntarily causes simple or grievous hurt or assaults to deter a public servant from discharging his election duty shall be committing a cognizable offence under Indian Penal Code, which may result in maximum punishment of 2 to 10 years of imprisonment and fine.

### **PART –III**

#### **vi) Government Servants**

28. A Public Servant shall remain absolutely impartial during the elections and he shall not indulge in any campaigning activity for or against any contesting candidate or political party.
29. No Government servant shall take part in, subscribe in aid of, or assist in any way, any candidate.
30. Attendance at public meetings organized by candidate would always be contrary to the Government Servants Conduct Rules unless all the following conditions are satisfied :-
- a) that the meeting is public meeting and not in any sense private or restricted meeting ;
  - (b). that the meeting is not held contrary to any prohibitory order or without permission where permission is needed ; and
  - (c). that the Government servant in question does not himself speak at, or take part in organizing or conducting the meeting. Even where the said conditions are satisfied, while occasional attendance at such meetings may not be construed as a participation, frequent or regular attendance by a government servant at meetings of any particular candidate is bound to create the impression that he is a sympathizer of the aims and objects of that particular candidate. All conducts which give cause for such an impression may well be construed as assisting a candidate.

31. A Public Servant shall not participate or accompany the Minister/MLA in any programme, organized at an individual's house for which the Minister has accepted the invitation during his election tour.
32. If a Minister /MLA/Chairpersons of ZP/AS/GP undertakes a tour of any Municipal area 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/MLA/Chairpersons of ZP/AS/GP.

### **PART-III**

#### **Party in Power, Central and State Governments' Public Undertakings and Government Departments**

##### **i) Meetings, Official tours and Appointments etc.**

33. While granting permission for organizing an 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 the same date and time, the permission shall be granted to such candidate or party who applies first.
34. Public places such as maidens etc. for holding election meetings and use of helipad for air rights and parking of vehicles in connection with elections shall not be monopolized by party in power. Other parties and candidates shall be allowed to use such places and facilities on the same terms and conditions on which they are used by the party in power.
35. Use of rest houses, circuit houses and other Government accommodation should be permitted to all the candidates and the political parties on the same terms and conditions on which it is permissible for party in power. However, no candidate or party should be allowed to use such building or its campus for the purpose of election propaganda.
36. Ordinarily, all meetings organized during election should be treated as election meetings and no Government money should be spent on them. No Government servant should attend any such meeting except those who are in-charge of maintenance of law and order.
37. If a Minister /MLAs/Chairpersons of ZP/AS/GP undertakes a tour of any Municipal 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/MLAs/Chairpersons of ZP/AS/GP.

38. The Ministers/MLA/Chairpersons of ZP/AS/GP shall not combine their official visit with electioneering work and shall not make use of official machinery and personnel or other Government resources including Government vehicle for furtherance of interests of any candidate.
39. Ministers and other authorities shall not sanction any grant or subsidy out of State funds, where the beneficiaries are selectively identified and the grant or subsidy is not general in nature, from the date of issue of notification for election till the announcement of results in any Municipal area where the elections are to take place. They should not sanction any new scheme or make an announcement of such new schemes. Laying of foundation stones or opening of any scheme or project shall not be done during the period of election.
40. No payment shall be released by the State or Central Governments or any Public Undertakings to any individual or contractors.
41. From the time the elections are notified by the State Election Commission Ministers and other authorities shall not :-
  - (a) Make any ad-hoc appointments in Government, Public Undertakings etc. which may have the effect of influencing voters in favour of the party in power.
  - (b) Make any promise of construction of roads, provision of drinking water facilities etc.
42. Ministers of Central or State Governments and MLAs/Chairpersons of ZP/AS/GP shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorized agent.
43. Issue of advertisement at the cost of public exchequer in the news paper and other media during the election period for partisan coverage intended to furthering the prospects of the party in power shall be scrupulously avoided.

#### **ii) Denying Someone Right to Vote**

44. Non-granting of paid holiday to the employees entitled to vote on the date of the poll by the employer is an offence.

### **Part-IV**

#### **Provisions of Law Relating to Offences in Connection with Municipal Elections**

45. For the purpose of Arunachal Pradesh Municipal Act, 2009 the electoral offences under Chapter-III of Part VII of the Representation of the People Act, 1951, shall be the electoral offences under this Act. Accordingly, the grave election offences among others, which are cognizable, are mentioned below:

**i) Against Carrying of Arms**

46. No person, other than the Returning Officer, the presiding officer, any police officer or any other person appointed to maintain peace and order at the polling station who is on duty at the polling station, shall, on a polling day, go armed with arms. If he/she does so, he commits a cognizable offence.

**ii) Against Tempering of EVMs**

47 If the Presiding Officer of a polling station has reason to believe that any person has removed ballot paper or EVM out of polling station, such officer may arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer.

48 If any person fraudulently defaces or fraudulently destroys any ballot paper or EVM or the official mark on any ballot paper or EVM or puts into any ballot box anything other than the ballot paper, or pastes any paper, tapes etc. on the symbol/names/ballot button of EVM for the purpose of the election commits an offence and liable to be punished.

**iii) Against Booth Capturing:**

49 Booth capturing is an offence.

~~Booth capturing~~ includes-

1. seizure of a polling station or a place fixed for the poll by any person making polling authorities surrender the ballot papers or voting machines;
2. allowing only his or their own supporters to exercise their right to vote and prevent/coerce others from free exercise of their right to vote;
3. seizure of a place for counting of votes.

**iv) Personation of Election:**

50 Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, committed the offence of personation at an election, which is a cognizable offence.

The violation of above mentioned provisions are punishable under various laws. The District Election Authority, Magistrates and the Police are authorized to initiate prosecution against violators of this Code before the Competent Courts under intimation to the State Election Commissioner.

**Sd/-  
(K. D. Singh)  
STATE ELECTION COMMISSIONER  
ARUNACHA PRADESH, ITANAGAR**



