

Bye Election-2022
47-Adampur
Assembly Constituency

No.04/07/2022-1 Election
Government of Haryana
Chief Secretary's Office
(Election Branch)

Dated, Chandigarh the 4th October, 2022.

To

1. All the Administrative Secretaries to Govt Haryana.
2. All Heads of the Departments.
3. All the MDs of Boards/Corporations/Public Undertakings.
4. Vice Chancellors/Registrars of all the Universities in the State
5. Divisional Commissioner Hisar.
6. Deputy Commissioner Hisar.

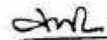
Subject: - Bye-Election to 47-Adampur Assembly Constituency (Hisar)-Model Code of Conduct.

Sir/Madam,

The Model Code of Conduct has come into force from the date of announcement of the poll by the Election Commission of India i.e 03.10.2022. Therefore, I am directed to refer to the subject noted above and to send herewith a copy of Model Code of Conduct received from the Chief Electoral Officer Haryana vide letter no. 333(7)/Press Note/Bye Elec.-2022/2AE-4384 dated 03.10.2022 alongwith its enclosures for immediate compliance.

2. It may be ensured that directions of the Election Commission of India are complied with strictly.
3. Copy of this letter alongwith enclosures is also available at csharyana.gov.in for download.

Yours Faithfully

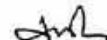


Superintendent Election

Endst. No. 04/07/2022 -2Election

Dated, Chandigarh 4th October, 2022.

A copy is forwarded to Sh. Sanjeev Kumar Prasad, Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110001 with reference to his letter no. ECI/PN/73/2022 dated 03.10.2022.

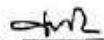


Superintendent Election

Endst. No. 04/07/2022 -2Election

Dated, Chandigarh 4th October, 2022.

A copy is forwarded to Chief Electoral Officer Haryana, 30-Bays Building Sector-17, Chandigarh w.r.t their no. 333(7)/Press Note/Bye Elec.-2022/2AE-4384 dated 03.10.2022 for information.



Superintendent Election

Endst.No. 04/07/2022-1 Election

Dated, Chandigarh the 4th October, 2022.

A copy is forwarded to the Chief Staff Officer/Senior Special Secretaries/Senior Secretaries/Secretaries/Private Secretaries to Chief Minister/Dy. Chief Minister/Ministers/ State Ministers for bringing these instructions to the notice of Hon'ble Chief Minister/Dy. Chief Minister/Ministers/ State Ministers. It is also requested that all concerned may be apprised of the instructions contained in the enclosed letter for compliance.



Superintendent Election

To

Chief Staff Officer/ Senior Special Secretaries/Senior Secretaries/Secretaries/Private Secretaries to Chief Minister/Dy. Chief Minister/Ministers/ State Ministers.

CC-
PS/CS
PS/SSPS



OFFICE OF CHIEF ELECTORAL OFFICER, HARYANA
कार्यालय मुख्य निर्वाचन अधिकारी, हरियाणा



Most Immediate/Bye-Election-2022

To No.333(7)/Press Note/Bye-Elec.-2022/2AE-4384 Dated:03.10.2022

The Chief Secretary to Govt., Haryana

Subject:- Bye-Election to 47-Adampur Assembly Constituency (Hisar)-Press note.

Sir,

On the subject cited above, I am directed to state that the Election Commission of India vide its press note bearing No: ECI/PN/73/2022, dated 03.10.2022 (copy enclosed) has announced the following schedule for Bye-election to 47-Adampur Assembly Constituency of this State:-

Poll Events		Schedule
1	Date of issue of Gazette Notification	07.10.2022 (Friday)
2	Last Date of Nominations	14.10.2022 (Friday)
3	Date for Scrutiny of Nominations	15.10.2022 (Saturday)
4	Last date for withdrawal of candidatures	17.10.2022 (Monday)
5	Date of Poll	03.11.2022 (Thursday)
6	Date of Counting	06.11.2022 (Sunday)
7	Date before which election shall be completed	08.11.2022 (Tuesday)

2. As per the directions of the Election Commission of India issued vide above mentioned press note, EVMs and VVPATs shall be used during this Bye-Election and with the announcement of the schedule of Bye-election to the above said Assembly Constituency the Model Code of Conduct (MCC) has come into force w.e.f. 03.10.2022. Model Code would be enforced in the entire district(s) covering the constituency going for Bye-Election. The Model Code of Conduct shall be applicable to all Political parties and to the State Govt. Kindly instruct all the concerned departments/agencies working under you to ensure proper implementation of Model Code of Conduct. A copy of MCC is also enclosed for ready reference.

Yours faithfully,

Asstt. Chief Electoral Officer,
for: Chief Electoral Officer, Haryana.

Endst. No.333(7)/Press Note/Bye-Elec.-2022/2AE-4385 Dated:03.10.2022
A copy of the above alongwith its enclosure is forwarded to the following for information and necessary action:-

1. All the Addl. Chief Secretaries /Principal Secretaries/Commissioner & Secretaries to Govt., Haryana;
2. All the Divisional Commissioners in the State.
3. The Director-General of Police, Haryana.
4. All the Managing Directors of Boards/Corporations of the State;
5. The Director-General, Information, Public Relations & Cultural Affairs Department, Haryana;
6. The Deputy Commissioner-cum-District Election Officer, Hisar;
7. Returning Officer/Asstt. Returning Officers of 47-Adampur Assembly Constituency;
8. Election Tehsildar, Distt. Election Office, Hisar.

Asstt. Chief Electoral Officer,
for: Chief Electoral Officer, Haryana

Internal Distribution:

1. Secy. to W/CEO
2. PA to Addl./Jt. CEO

Office: 30 Days Building, VI Floor, Sector 17-B, Chandigarh - 160017 (India) Tel: 0172-2703200, 2709930, 2701902 Fax: 0172-2706606
E-mail: ceo@eci.haryana.gov.in Website: www.eci.haryana.gov.in

34. B:\Office\Function c\data 7 November\47-Adampur Bye Election\Letter to CS 2022

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/73/2022

Dated: 3rd October, 2022

PRESS NOTE

Subject: Schedule for Bye-election in Assembly Constituencies of Maharashtra, Bihar, Haryana, Telangana, Uttar Pradesh and Odisha - reg.

The Commission has decided to hold the bye-election to fill vacancies in the following Assembly Constituencies of Maharashtra, Bihar, Haryana, Telangana, Uttar Pradesh and Odisha: -

Sl. No.	Name of State	Assembly Constituency No. & Name
1.	Maharashtra	166-Andheri East
2.	Bihar	178-Mokama
3.	Bihar	101-Gopalganj
4.	Haryana	47-Adampur
5.	Telangana	93-Munugode
6.	Uttar Pradesh	139-Gola Gokranath
7.	Odisha	46-Dhamnagar(SC)

Schedule for the bye election is as follows:

Schedule for Bye-election for Assembly Constituencies	
Poll Events	Schedule
Date of Issue of Gazette Notification	7 th October, 2022 (Friday)
Last Date of Nominations	14 th October, 2022 (Friday)
Date for Scrutiny of Nominations	15 th October, 2022 (Saturday)
Last Date for Withdrawal of candidatures	17 th October, 2022 (Monday)
Date of Poll	3rd November, 2022 (Thursday)
Date of Counting	6 th November, 2022 (Sunday)
Date before which election shall be completed	8 th November, 2022 (Tuesday)

1. ELECTORAL ROLLS

The Electoral Rolls for the aforesaid Assembly Constituencies w.r.t 01.01.2022 will be used for these elections.

2. ELECTRONIC VOTING MACHINES (EVMs) & VVPATs

The Commission has decided to use EVMs and VVPATs in the bye-elections in all the polling stations. Adequate numbers of EVMs and VVPATs have been made available and all steps have been taken to ensure that the polls are conducted smoothly with the help of these machines.

3. IDENTIFICATION OF VOTERS

Electoral Photo Identity Card (EPIC) shall be the main document of identification of a voter. However, any of the below mentioned identification documents can also be shown at the polling station:

- i. Aadhar Card,
- ii. MNREGA Job Card,
- iii. Passbooks with photograph issued by Bank/Post Office,
- iv. Health Insurance Smart Card issued under the scheme of Ministry of Labour,
- v. Driving License,
- vi. PAN Card,
- vii. Smart Card issued by RGI under NPR,
- viii. Indian Passport,
- ix. Pension document with photograph,
- x. Service Identity Cards with photograph issued to employees by Central/State Govt./PSUs/Public Limited Companies, and
- xi. Official identity cards issued to MPs/MLAs/MLCs.
- xii. Unique Disability ID (UDID) Card, M/o Social Justice & Empowerment, Government of India

4. MODEL CODE OF CONDUCT

The Model Code of Conduct shall come into force with immediate effect in the district(s) in which the whole or any part of the Parliamentary / Assembly constituency going for election is included, subject to partial modification as issued vide Commission's instruction No. 437/6/INST/2016-CCS, dated 29th

5. INFORMATION REGARDING CRIMINAL ANTECEDENTS

Candidates with criminal antecedents are required to publish information in this regard in newspapers and through Television channels on three occasions during the campaign period. A political party that sets up candidates with criminal antecedents is also required to publish information about criminal background of its candidates, both on its website and also in newspapers and Television channels **on three occasions.**

Commission vide its letter No. 3/4/2019/SDR/Vol. IV dated 16th September, 2020 has directed that the period specified will be decided with three blocks in the following manner, so that electors have sufficient time to know about the background of such candidates:

- a. Within first 4 days of withdrawal.
- b. Between next 5th - 8th days.
- c. From 9th day till the last day of campaign (the second day prior to date of poll)

(Illustration: If the last date for withdrawal is 10th of the month and poll is on 24th of the Month, the first block for publishing of declaration shall be done between 11th and 14th of the Month, second and third blocks shall be between 15th and 18th and 19th and 22nd of that Month, respectively.)

This requirement is in pursuance of the judgment of the Hon'ble Supreme Court in Writ Petition (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.).

This information will also be available on an App titled, '**know your candidates**'.

6. COVID RELATED ARRANGEMENT DURING BYE-ELECTION-

In view of overall improvement in the situation of COVID country wide and in view of withdrawal of restrictive measure under D M Act by NDMA/SDMA, it has

been decided to follow the advisories issued by Ministry of Health and Family Welfare Government of India from time to time. During the process of bye election, there should be continued focus on the five-fold strategy, i.e. Test-Track-Treat-Vaccination and adherence to COVID Appropriate Behaviour. The District machinery should effectively monitor COVID situation and enforce the norms of COVID Appropriate Behaviour by prescribing requisite legal/administrative norms.



(SANJEEV KUMAR PRASAD)
SECRETARY



भारत निर्वाचन आयोग
Election Commission of India

No. 437/6/INST/2016-CCS

निर्वाचन सदन
NIRVACHAN SADAN

अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

Dated: 29th June, 2017

To,

1. The Chief Electoral Officers of all States and Union Territories.
2. The Chief Secretaries of all States and Union Territories.
3. Recognized political parties of all States/UTs

Subject:- Model Code of Conduct- Instructions- bye-election of Parliamentary/Assembly Constituency-regarding.

Sir,

On the above cited subject, I am directed to state that the Commission has reviewed the issue and has issued the following modifications of its earlier instructions:-

1. Enforcement of MCC

The Commission's instructions, contained in letters No. 437/6/INST/2012/CC&BE dated 26.04.2012 and No. 437/6/INST/2012/CC&BE dated 21.10.2013, list various provisions of applicability of MCC to the concerned district or the AC/PC concerned. These instructions are modified to the extent that in case the constituency is comprised in State Capital/Metropolitan Cities/Municipal Corporations, then aforesaid instructions would be applicable in the area of concerned Constituency only. In all other cases the MCC would be enforced in the entire district(s) covering the Constituency going for bye-election(s).

2. Publishing of Advertisements

The Commission on 25th June, 2013, directed that the release /publishing of advertisements during the period of operation of Model Code of Conduct in connection with bye-elections would be regulated as follows:-

- (i) Advertisement of general nature in connection with specific occasions of importance may be published. However, such publishing shall be restricted to the dates coinciding with the special occasion only, and it shall not be published on other days. The advertisement shall not bear photographs of any Minister and other political functionaries.
- (ii) No advertisement having any specific/pointed reference or connotation to the areas covered by the bye-election constituencies shall be released/published on any date during the period.

Further, it is clarified that no new schemes should be advertised in the districts where the bye-election is being conducted. [Subpara (ii) above] stands modified.

3. Tours of Ministers

During bye elections from any constituencies, either Parliamentary or Assemblies, the following restrictions are applicable as per instruction issued by the Commission on 23rd November, 2007 with regard to the tours of Ministers which inter alia provides that:-

- (i) All Ministers, whether Central or State, shall not combine in any manner their official tours with election work after the announcement of the bye elections. All and any visits to the district(s) where bye-election is being held and where Model Code of Conduct is, therefore, in force, have to be completely private in nature.
- (ii) In case where a Minister travelling on official work transits through the district(s) where the bye-election is being held en route to any other district on official visit, he shall not attend to any political work.

Further, it is clarified that the Ministers or persons holding equivalent rank/status cannot combine their official visit with campaign by en routing their journey for official purposes to a place where MCC is not in force and then proceeding from that place to the area where MCC is in force for election campaign. In case it is done, the entire journey expense shall be treated as election expense. [subpara (ii) above stands modified].

4. Regarding Transfer/Posting of Officers

For all officers, who are connected with the conduct of bye-election in the State, the existing ECI's instructions on implementation of transfer policy be applied within the area falling under the concerned AC/PC. While implementing this policy the DEO/RO should take care that in case of deployment of any officer from outside the constituency for any election related duty, shall also conform to the transfer policy of the Commission.

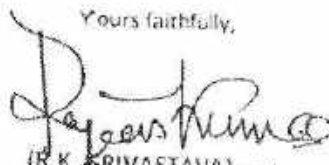
5. Regarding Announcement of D.A.

There is no ECI's instruction in the context of bye-election prohibiting State Governments to take decisions which have State wide effect and consequently in the Constituency concerned.

The Commission, after taking into consideration all relevant factors in this regards, has decided that announcement of D.A. by the state government may be done as a routine affair but it should not be publicized as the Government's achievement.

Kindly inform all concerned and give due publicity and ensure compliance in letter and spirit.

Yours faithfully,


(R.K. SRIVASTAVA)
SR. P. SECRETARY

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/MISC/ECI/LET/FUNCT/MCC/2017

935-970

Dated: 18 January 2018

To

The Chief Electoral Officers of
All States and Union Territories.

Subject: Clarification regarding enforcement of MCC during bye-election - regarding.

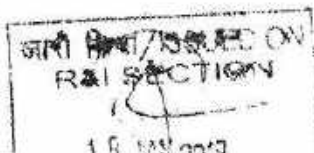
Sir,

I am directed to refer to the Commission's letter No. 437/6/INST/2016-CCS dated 29th June, 2017 regarding application of Model Code of Conduct wherein it has been stated that in case the constituency is comprised in State Capital/Metropolitan Cities/Municipal Corporations, then MCC instructions would be applicable in the area of concerned Constituency only. In all other cases aforesaid instructions would be enforced in the entire district(s) covering the Constituency going for bye-election(s). (Copy enclosed for ready reference)

In this connection, a clarification was sought for by Returning Officer, Ajmer Parliamentary Constituency in Rajasthan, whether the MCC was to be enforced in the entire district of Jaipur or only in the Dudu Assembly segment of Jaipur District during the ensuing bye-election to Ajmer Parliamentary Constituency since Jaipur district has in it state capital, municipal corporation, metropolitan city as well as rural area. The Commission considered the matter and clarified that in order to avoid dislocation/disturbance of normal administrative work in Jaipur District, MCC would be enforced only in Dudu Assembly segment of Jaipur district.

Now, the Commission has decided that above direction shall be applied in all future bye-elections in the Country involving State Capital/Metropolitan Cities/Municipal Corporations. Accordingly, any district in which Corporation/ Metro/Municipal Corporation is located, MCC would be enforced in the particular Assembly Constituency Segment only and not in the whole of the district.

Yours faithfully,



(NARENDRA N. BUTOLIA)
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/G/MISC/ECI/LET/FUNCT/MCC/2019

Dated: 14th October, 2019

To

1. The Chief Secretaries of all States and Union Territories.
2. The Chief Electoral Officers of all States and Union Territories.

Subject: - Clarification regarding enforcement of MCC during bye-election - regarding.

Sir/Madam,

I am directed to refer to the Commission's Instructions issued vide letter No. 437/G/INST/2016-CCS dated 29.06.2017 and to state that the Commission has been receiving various requests seeking clarifications regarding enforcement of MCC during bye-elections where a small number of polling stations of the Constituency fall under jurisdiction of other district(s).

The Commission has considered the matter and directed that the instructions contained in the para-1 of the aforesaid letter shall cover the district in which all or maximum number of polling stations of constituency going to bye-election are located. For the district(s) with number of polling stations less than 10% of the total polling stations of the constituency concerned, the instructions contained in the para-1 of the aforesaid letter would be applicable only in the area under jurisdiction of those polling stations. However, it must be ensured that the other instructions regarding deployment of staff, etc., are strictly observed in all districts irrespective of number of polling stations situated therein.

Yours faithfully,


(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

MODEL CODE OF CONDUCT FOR THE GUIDANCE OF POLITICAL PARTIES AND CANDIDATES

I. General Conduct

1. No party or candidate shall include in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.
2. 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.
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 the 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. Organizing 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 organized by other parties. Workers or sympathisers of one political party shall not create disturbances at public meetings organized 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 held by another party. Posters issued by one party shall not be removed by workers of another party.

II. Meetings

1. The party or candidate shall inform the local police authorities of the venue and time any proposed meeting well in time so as to enable the 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 the use of loudspeakers or any other facility in connection with any proposed meeting, the party or candidate shall **apply to the authority 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.

III. Procession

1. 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 ordinary 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 arrangement.
3. 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 the competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.
4. The organizers shall take steps in advance to arrange for passage of the procession so that there is no block or 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.
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 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 shall be availed of for arriving at a satisfactory arrangement. For this purpose the parties shall contact the police at the earliest opportunity.
7. The 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 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.

IV. Polling Day

All Political parties and candidates shall –

1. 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.
2. supply to their authorized workers suitable badges or identity cards.
3. 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;
4. refrain from serving or distributing liquor on polling day and during the forty eight hours preceding it.
5. not allow unnecessary crowd to be collected near the camps set up by the political parties and candidates near the polling booths so as to avoid Confrontation and tension among workers and sympathizers of the parties and the candidate.

6. ensure that the candidate's camps shall be simple. They shall not display any posters, flags, symbols or any other propaganda material. No eatable shall be served or crowd allowed at the camps and
7. 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 Booth

Excepting the voters, no one without a valid pass from the Election Commission shall enter the polling booths.

VI. Observers

The Election Commission is appointing Observers. 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 whether at the Centre or in the State or States 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 --

1. (a) The 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;
 2. Public places such as maidens 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;
 3. Rest houses, dark 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;
 4. 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.
 5. Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission; and
 6. From the time elections are announced by 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 favor of the party in power.
- Note :** The Commission shall announce the date of any election which shall be a date

ordinarily not more than three weeks prior to the date on which the notification is likely to be issued in respect of such elections.

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

VIII. Guidelines on Election Manifestos

1. The Supreme Court in its judgment dated 5th July 2013 in SLP(C) No. 21455 of 2008 (S. Subramaniam Balaji Vs Govt. of Tamil Nadu and Others) has directed the Election Commission to frame guidelines with regard to the contents of election manifestos in consultation with all the recognized political parties. The guiding principles which will lead to framing of such guidelines are quoted below from the judgment:-

(i) "Although, the law is obvious that the promises in the election manifesto cannot be construed as 'corrupt practice' under Section 123 of RP Act, the reality cannot be ruled out that distribution of freebies of any kind, undoubtedly, influences all people. It shakes the root of free and fair elections to a large degree".

(ii) "The Election Commission, in order to ensure level playing field between the contesting parties and candidates in elections and also in order to see that the purity of the election process does not get vitiated, as in past been issuing instructions under the Model Code of Conduct. The fountainhead of the powers under which the Commission issues these orders is Article 324 of the Constitution which mandates the Commission to hold free and fair elections."

(iii) "We are mindful of the fact that generally political parties release their election manifesto before the announcement of election date, in that scenario, strictly speaking, the Election Commission will not have the authority to regulate any act which is done before the announcement of the date. Nevertheless, an exception can be made in this regard as the purpose of election manifesto is directly associated with the election process".

2. Upon receiving the above directions of the Hon'ble Supreme Court, the Election Commission held a meeting with the recognized National and State Political Parties for consultation with them in the matter and took note of their conflicting views in the matter.

During consultations, while some political parties supported the issuance of such guidelines, others were of the view that it is their right and duty towards voters to make such offers and promises in manifestos in a healthy democratic polity. While the Commission agrees in principle with the point of view that framing of manifestos is the right of the political parties, it cannot overlook the undesirable impact of some of the promises and offers on the conduct of free and fair elections and maintaining level playing field for all political parties and candidates.

3. The Constitution under Article 324 mandates the Election Commission, to conduct elections inter alia to the Parliament and the State Legislatures. Having due regard to the above directions of the Supreme Court and after consultation with the Political Parties, the Commission, in the interest of free and fair elections, hereby directs that Political Parties and Candidates while releasing election manifestos for any election to the Parliament or State Legislatures, shall adhere to the following guidelines :-

(i) The election manifesto shall not contain anything repugnant to the ideals and principles enshrined in the Constitution and further that it shall be consistent with the letter and spirit

of other provisions of Model Code of Conduct.

(ii) The Directive Principles of State Policy enshrined in the Constitution enjoin upon the State to frame various welfare measures for the citizens and therefore there can be no objection to the promise of such welfare measures in election manifestos. However, political parties should avoid making those promises which are likely to vitiate the purity of the election process or exert undue influence on the voters in exercising their franchise.

(iii) In the interest of transparency, level playing field and credibility of promises, it is expected that manifestos also reflect the rationale for the promises and broadly indicate the ways and means to meet the financial requirements for it. Trust of voters should be sought only on those promises which are possible to be fulfilled.