

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



2011

**Election Authority under Panchayati Raj Act, 1989
(Chief Electoral Officer, Jammu and Kashmir)
Vikas Bhawan Rail Head Complex
Jammu**

PREFACE

To conduct the Panchayat Elections, 2011 in the State of Jammu and Kashmir, a Booklet containing guidelines for candidates and political parties has been prepared by the Election Authority J&K to maintain transparency and fairness in the Elections.

I hope the booklet will be useful during the conduct of Panchayat Elections for political parties and contesting candidates.

Sd
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Election Authority
Under Panchayati Raj Act, 1989
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CODE OF CONDUCT FOR PANCHAYAT ELECTIONS

In exercise of powers conferred under section 36 of the Panchayat Raj Act 1989 the Election Authority (Chief Electoral Officer J&K) issues the following Code of Conduct to promote free and fair Panchayat Election.

This order shall be known as code of conduct for Political Parties and Contesting Candidates and shall come into force with effect from the elections are notified by the Election Authority under Panchayati Raj Act,1989.

GENERAL CONDUCT:-

1. 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.
2. There shall be no appeal to Religion, Communal or caste feelings for securing votes .
3. Places of worship such as Temples, Mosques, Churches, Gurudwara, Gompas etc, shall not be used as forum for election propaganda .
4. No criticism of any aspect of private life of a contesting candidate which is not connected with his public life or activities shall be made nor any such allegation be made which are based on unverified facts or incidents .
5. Criticism of a Political Party when made shall be confined to their policies and programme, past record and works and shall not be based on unverified allegations .
6. Organizing demonstration or picketing , before the house of individuals by way of protesting against their opinion or activity shall not be resorted to under any circumstances .
7. All parties and candidates shall avoid scrupulously all activities which are corrupt practices under the relevant provisions of Jammu and Kashmir Panchayati Raj Act, 1989 and Panchayti Raj Rules, 1996.
8. No party or candidate shall permit their followers for using any private property for erecting flag staffs, pasting notices, posters or slogans etc.

or suspending banners without written permission from the owner of the property concerned and further a copy of the same shall forthwith be sent to the District Election Authority .

9. No candidate or his workers shall remove or deface the flag erected or posters pasted by another candidate or Political Party .

Polling Day :-

1. The identity slip given to voters shall be on plain (white) paper and shall not contain any symbol name of the candidate . Only the name of the voter , his fathers / husbands name, ward number , polling booth number and the serial number of the voter in the electoral roll shall be written on the identity slip .
2. All Political Parties , candidates shall restrain themselves from serving liquor on the day of poll and the day preceding to it.
3. Nobody except security personnel deployed in duty would be allowed to carry firearms within one hundred meters radius of a polling station or counting centre.
4. Every candidate and the political party shall co-operate with the Officers on Election Duty to ensure peaceful and orderly polling .

Public Meetings :-

1. No party or candidate shall hold public meetings or take out processions without obtaining necessary permission from the Competent Authorities .
2. No party or candidate shall use loud speakers without obtaining necessary permission from the Competent Authority .
3. The loud speakers shall be used only between 07.00 A.M and 09.00 P.M. The police are authorized to seize the offending equipment if any body violates the same .

Party in Power :-

1. If a Minister undertakes a tour of any area of the Districts where election are taking place, such tour shall be deemed to be an election tour and no Government servant except those who are deployed for security purpose shall accompany the Minister. No Government vehicles or any other facility shall be made available for such tour .
2. No Vehicles belonging to Government or local bodies or public undertakings or co-operation institution or any other institution receiving Government grants shall be provided to any Minister. Member of the Parliament or the Legislative Assembly Legislative Council or a candidate for canvassing in election in any manner from the date of notification of election to the date of

announcement of the result . However, Minister and all other leaders of Political Parties will be allowed security as per the threat perception assessed by official agencies . The fuel expenses on the bullet proof cars and all other cars used by these individuals will be borne by the state Government .

3. The Minister 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 vehicles for furtherance of interests of any candidate .
4. Ministers and other authorities shall not sanction grants out of discretionary funds from the time of elections are announced till the date of announcement of result in any area where the elections are to take place. They should not sanction any new scheme or make an announcement of such scheme.
5. Laying of foundation stones or opening of any scheme or project shall not be done during the period of election .
6. 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.
The violation of those provisions, is liable for punishment under various laws .

Public Servant :-

1. A public servant shall remain absolutely impartial during the elections and he shall not indulge in any campaign activity for or against any contesting candidate or political party .
2. A Public Servant shall not participate or accompany the Minister in any programme, organized at an individual house for which the Minister has accepted the invitation during his election tour .
3. Ordinarily, all meetings organised during election should be treated as election meeting and no Govt. 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 or those deployed for security duties .

Public Properties :-

1. While granting permission for organising an Election meeting at a public place, no distinction should be made between the candidate or the political parties . In case more than one candidate or party requests for holding meeting at the same place date and time the permission should be granted to such candidate or party who has applied first .

2. 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 condition on which it is permissible for party in power. However, no candidate or party should be allowed to use building or its campus for the purpose of election propaganda .

Election Expenses :-

1. The contesting candidate shall maintain day-to-day expenditure record in the prescribed performa which will be supplied to him free of cost on the date of acceptance of his candidature .
2. Every contesting candidate within 30 days of announcement of results shall submit true election expenditure account in the prescribed proforma to the authority prescribed.

Observer:-

The Election Authority (CEO J&K) will appoint Observers to oversee the conduct of elections. If the candidates or their agents have any specific complaint or problems regarding the conduct of election they may bring the same to the notice of the Observer.