

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

2020

**Issued by:
Election Authority, Panchayati Raj Act, 1989
Jammu & Kashmir**

Preface

This booklet contains guidelines for candidates participating in the Panchayat By-Elections, 2020 and the political parties.

The Model Code seeks to provide a healthy atmosphere for exercise of democratic rights while maintaining transparency and fairness. It also intends to prevent misuse of official machinery for electoral purposes.

It is hoped that the booklet would be found to be useful during the conduct of the Panchayat Elections.

**Sd/-
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Election Authority
Panchayati Raj Act, 1989**

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MODEL CODE OF CONDUCT

FOR THE GUIDANCE OF

CANDIDATES AND THE POLITICAL PARTIES

In exercise of powers conferred under Section 36 of the Panchayati Raj Act, 1989, the Election Authority issues the following Model Code of Conduct to promote free and fair Panchayat Elections.

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

I. General Conduct

- (1) No party or candidate shall indulge in any activity, which may aggravate existing differences or create communal 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 for election propaganda.
- (4) All parties and candidates shall scrupulously avoid 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 fro 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. Workers of one party shall not remove posters issued by another party.

II. Meetings

- (1) The party or candidate shall inform the local police authorities of the venue and time of 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 prohibitory order or other restrictions 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 from the concerned authority such as District Magistrate, Sub-Divisional Magistrate, Executive Magistrate or the concerned Police Officer 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 concerned 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 the 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 letter 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 blockade 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 have 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 candidate 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 the 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 the 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.

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 48 hours preceding it.
- 5) Not allow unnecessary crowd to be collected near the camp 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 political parties and the candidates.
- 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 Deputy Commissioner of the District shall enter the polling booths.

VI. Observers

The Election Authority is appointing Observers to over-see the conduct of Elections. If the candidates or their agents have any specific complaint or problem regarding the conduct of election they may bring the same to the notice of the Observer.

VII. Party in Power

The party or parties in power in the Centre or State or Union Territory shall ensure that no cause is given for any complaint that they have 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 aircrafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;
- 2) Public places such as maidans, etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolized by the ruling parties. 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 parties in power;
- 3) Rest houses, dak 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/parties 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; and
- 6) From the time elections are announced, 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, PSUs, etc.which may have the effect of influencing the voters in favour of the party in power.

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