

219

Subject: Elections... Model Code of Conduct
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Alind Rastogi <alindrastogi@yahoo.in>,
A. K. Shukla <dgp@tripurapolice.nic.in>

Date: 11/11/19 11:37 AM
From: Lalit Gupta <lkg2020@gmail.com>

RECEIVE

No. 1448 /DGP/PS

Dated 11/3/19

RECEIVED

11/3/19 Date 11/3/19

PHQ Election Cell

RECEIVED

No. 496 Dt. 11/3/19
O/o. the IGP (Admin.) PHQ, Tripura.

2019_Election_Model Code of Conduct.doc (46kB)

Dear Colleagues

Kindly find attached herewith a Document containing GIST of ECI Instructions relating to Model Code of Conduct. Detailed Instructions are on ECI website. Further instructions, as being received from ECI, will be circulated from time to time.

This is for your kind information and necessary action.

Regards,

L. K. Gupta,
Chief Secretary to Government of Tripura,
Secretariat, New Capital Complex,
Agartala-799010, Tripura.
Tel: 0381-2413200/4392. Fax: 0381-2414013
E-mail: lkg2020@gmail.com

DESPATCH
No. 396-460 Dt. 11/3/19
PHQ, Election Cell

AIC (E/C)

11/3

For circulation to
all HOs included.
D.V. S.P. (C) - T862
DGP & others

11/3/19

05/11/19

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Elections – Mode Code of Conduct/ ECI Instructions - GIST

The Model Code of Conduct (MCC) comes into force immediately on announcement of elections. As soon as MCC comes into force, the following provisions of MCC/ directions of ECI (Election Commission of India) shall be strictly followed.

Execution of Works/ Implementation of Schemes/ Projects

1. Ministers and other authorities shall not sanction grants/ payments out of discretionary funds. Even where such grants/ payments were sanctioned prior to announcement of elections, disbursement of such benefits should be deferred till completion of election process.
2. Ministers and other authorities shall not (a) announce any financial grants in any form or any promise thereof; (b) lay foundation stones etc. of projects or schemes of any kind; (c) make any promise of construction of roads, provision of drinking water facilities, etc.
3. Announcement of new projects or programme or concessions or financial grants in any form or promises thereof is prohibited. These restrictions will apply to new schemes as well as ongoing schemes.
4. A Scheme cannot be announced or inaugurated or otherwise taken up, simply because a budget provision for the Scheme has been made or the Scheme was sanctioned earlier or a reference to the Scheme was made in the Address of the Governor or in the Budget Speech.
5. No fresh sanctions for Government Schemes should be made. Review by political executive (Ministers etc.) and processing of beneficiary-oriented Schemes, even if ongoing, should be stopped. No fresh release of funds on welfare schemes and works should be made or contracts for works awarded, including in respect of works under MPLAD, BEUP, etc.
6. No new Work Order shall be issued. Even if Work Order was issued prior to announcement of elections, if the work was not actually started in the field before the announcement of election, it cannot be started till completion of the election process. Only in cases where the work had actually started in the field prior to announcement of elections, the same can be continued. There are some relaxations in case of natural calamities.
7. The following type of existing works can be continued by the Government agencies without reference to the ECI:

- a. Work-Projects that have actually started on the ground after obtaining all necessary sanctions;
 - b. Beneficiary-Projects where specific beneficiaries by name have been identified before coming of the Model Code of Conduct in force;
 - c. Registered beneficiaries of MGNREGA may be covered under existing projects. New Projects under MGNREGA that may mandated under the provisions of the Act may be taken up only if it is for the already registered beneficiaries and the project is already listed in the approved and sanctioned shelf of projects for which funds are also already earmarked.
8. Since the Model Code of Conduct only permits continuation of projects/ works actually started on the ground, all the Departments are required to draw up a List on all projects/ works which have actually started on the ground and to furnish the same to the Chief Electoral Officer as also the respective District Election Officers (DEOs) within 72 hours of the announcement of Elections. This serves as a reference document in case of complaints/ disputes on this account at a later stage.
 9. No fresh tenders shall be floated. Tenders that are already floated may be evaluated, but shall not be finalized.
 10. No signing of MoU or Agreement where Government is a party.
 11. Area of operation of any existing project/ scheme/ programme cannot be extended or expanded.
 12. There shall be no bar to the release of payments for completed for completed work, subject to satisfaction of the concerned officials.

Misuse of Office Machinery/ Transfers and Postings of Officers/ Other Matters

13. The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during electioneering work. The Government vehicles, machinery and personnel shall not be used for furtherance of interest of the party in power.
14. Official Vehicles cannot be used for electioneering work. 'Official vehicles' includes vehicles of any organization in which public funds, howsoever small a portion of the total, are invested. Ministers are entitled to use their official vehicles only for commuting from their official residence to their office for office work. No Pilot Car, Beacon Lights, Sirens, etc. shall be used, irrespective of whether the visit is private or official.

15. Ministers shall not combine their official tours with election work. In fact, no Minister shall undertake an official visit to any constituency for which elections have been announced.
16. No Minister will summon any election-related official for any official discussions during the period of elections. Video-conferencing with District officials is also prohibited.
17. Rest Houses, Dak Bungalows or other Government accommodation shall not be monopolized by the party in power and such accommodation shall be allowed to be used by other parties in a fair manner. However, no party can be allowed to use such accommodation as a campaign office or for holding any public meeting for the purposes of election propaganda. Rooms shall not be made available for more than 48 hours to any single individual.
18. Issue of Advertisements at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during election period for partisan coverage of political news and publicity regarding achievements of the party/ Government in power is prohibited.
19. No appointments or promotions in Government/ autonomous bodies, shall be made without prior clearance of the ECI.
20. There shall be a total ban on transfers of all officials connected with the conduct of elections. The transfer orders issued in respect of such officials but not implemented till the model code of conduct came into force, should not be given effect to without obtaining specific permission from the Election Commission. In cases where transfer of an officer is considered necessary for administrative exigencies, prior concurrence of the ECI shall be taken.
21. All photographs on political functionaries to be removed from official websites within 24 hours. Similarly, all defacements to be removed from Government properties.

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No. 2619
Date 13/3/19
AIGP/Establishment

RECEIVED
No. 122 Date 11/3/19
PHQ Election Cell.

RECEIVED
No. 1127 /DGP/PS
Date 11/3/19

OFFICE OF THE CHIEF ELECTORAL OFFICER
TRIPURA : AGARTALA
Old Secretariat Complex, Akhaura Road-799001

No.F.19(51)-CEO/CONDT/2019/ 5002


Dated:- 8th March, 2019.

MEMORANDUM

This has reference to the meeting held on 02/03/2019 with Chief Secretary & other Senior Officers of the State Government at Conference Hall No.2 of Civil Secretariat wherein the Model Code of Conduct (MCC) was discussed keeping in view the forthcoming General Election to the Lok Sabha – 2019. The presentation that was made on Model Code of Conduct is enclosed herewith for ready reference at Annexure – A.

For convenience, important issues related to Model Code of Conduct in a concise form is also enclosed at Annexure – B.

It is requested to kindly bring the issue to the Notice of the all concerned.

OS (u)
13/3/19

(P. R. Bhattacharjee, IAS)
Special Chief Electoral Officer,
Tripura.

To
✓ The DGP/ PCCF
All Principal Secretaries
All Secretaries
All DEOs (DMs)
All Heads of Departments

Copy to:-

The PPS to the Chief Secretary to the Government of Tripura for kind information and necessary action.

DESPATCH
451-608 Dt. 11/3/19
PHQ, Election Cell

A1a(f/e) for circulation to all

11/3

MCC

What is the Model Code of Conduct ?

- Guidelines to regulate political parties and candidates, to ensure free and fair elections.
- MCC operational from the date the election schedule announced till the date results are announced
- Level Playing Field to all parties

Applicability of MCC to Different Stakeholders

- Political Parties and Candidates
- Officials
- Party in Power
- State/ Central Government

Key Provisions of the Model Code of Conduct

- MCC deals with
 - a) **General Conduct**
 - b) Campaigning
 - c) Polling day & Polling Booths,
 - d) **Use of official vehicles, guest houses, tour of ministers, Video Conference**
 - e) **Transfer and Posting of Officers**
 - f) Election Manifesto
 - g) **Execution of welfare schemes and Government work**

General Conduct - DOs

- Co-operation should be extended to all election officials at all times to ensure peaceful and orderly poll
- Permission must be obtained for the use of loudspeakers or any other such facilities from police/competent authorities for the proposed meetings
- Public places like maidans etc, Helipads must be available impartially to all candidates

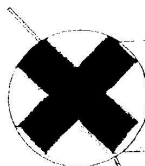
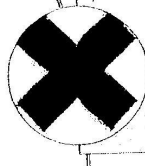
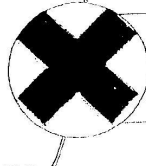
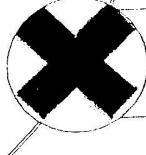
DOs

- The right of every individual for peaceful and undisturbed home life should be fully safeguarded
- Any complaint or problem regarding the conduct of elections shall be brought to the notice of the officials
- Directions/orders/instructions of the Election Commission, the Returning Officer, and the District Election Officer shall be obeyed in all matters related to various aspects of election

DOs

- Ongoing programs, which actually started in the field before the announcement of elections may continue
- Relief and rehabilitation measures to the people in areas affected by floods, drought, pestilence, and other natural calamities, can commence and continue
- Grant of cash or medical facilities to terminally or critically ill persons can continue with appropriate approvals

Don'ts

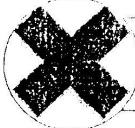
-  Any and all advertisements at the cost of the public exchequer regarding achievements of the party/Government in power is prohibited
-  No Minister or person having official security shall enter any polling station or the place of counting, unless he or she is a candidate or as a voter only for voting
-  Official work should not at all be mixed with campaigning/electioneering
-  No inducement, financial or otherwise, shall be offered to the voter

5

Don'ts



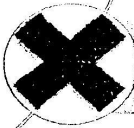
Demonstrations or picketing before the houses of individuals by way of protesting against their opinion or activities shall not be resorted to



Subject to the local laws, no one can make use of any individual's land, building, compound wall, vehicles etc. for erecting flag staffs, putting up banners, pasting notices or writing slogans etc. without specific permission of the owner



Distribution of liquor or bribery in any form is prohibited during elections



Loudspeakers shall not be used between 10 pm to 6 am without the prior written permission of the authorities concerned

05-03-2019

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Conduct of Officials

- Any official who meets the Minister on his private visit to the constituency be guilty of misconduct and if he is an official mentioned in Section 129 (1) of the Representation of People Act, 1951, shall also be charged with violation of the statutory provisions of that Section and liable to penal action provided there under.
- No video conferencing should take place between the Chief Ministers of the States, Ministers and other political functionaries of the Union and State Governments and the officials individually or collectively
- There are restrictions on tours / leave of the officers whose spouses are active in Political arena

(6)

Party in Power

- No Minister, whether of union or state, will summon any election related officer of the constituency or the State, for any official discussions during the period of elections except in connection with failure of law and order or a natural calamity or any such emergency
- No minister either of central or state government shall undertake an official visit of any constituency from which elections have been announced by ECI till end of election process except in any emergency
- Official website should remove any reference to ministers, parties, politicians
- Ministers visiting for campaigning to be treated as private visit and all expense except security arrangements to be private
- No minister should combine official work with campaign or political work

- No Central Minister / State Minister or any other political functionary in the State / MPs shall do the honors at any Republic Day function at any location or where he / she is a contesting candidate or intends to contest during the election process
- Central Minister / State Minister can participate in celebration of "Sadbhavna Diwas" but their speeches should be confined only to promotion of harmony
- No Pilot car(s), or car (s), with beacon lights or any color or car(s) affixed with siren of any kind making any minister's presence conspicuous shall be used during electioneering visit
- All ministers both of Union and the State and all other leaders of political parties will be allowed security as per the threat perceptions assessed

MCC on Transfer/Posting

Immediately on announcement of elections There shall be a total ban on the transfer of all officers/officials connected with the conduct of the election. These include but are not restricted to

- The Chief Electoral Officer and Additional/Joint/Deputy Chief Electoral Officers;
- Divisional Commissioners/DEO/RO/ARO & other revenue officers connected with conduct of elections
- Officers of the Police Department connected with the management of elections like range IGs and DIGs, SSP, SP, SDPO, Inspectors, SIs
- The transfer orders issued prior to the date of announcement but not implemented till the time when model code came into effect should not be given effect to without obtaining specific permission from the Commission

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Model Code of Conduct on Transfer/posting

- Restriction on transfer of Sector Officers as their knowledge of the terrain of the area in which they are deployed is essential for effective performance of their duty as sector officers
- The copies of the transfer orders issued under these directions shall be given to the Chief Electoral Officers concerned without fail.
- Any officer who is due to retire within coming six months will be exempted from the purview of the above-mentioned directions of the Commission.
- All the officials of the States/UTs who are on extension of service or re-employed in different capacities will not be associated with any election related work except those with the Office of CEOs.
- Officer should not be allowed to continue in the present district if officer is posted in her/his home district or completed three years out of four years in that district.



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Exception relating to transfer/posting during MCC

- Officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in any election or election related work previously may not be assigned any election related duty
- No officer against whom a criminal case is pending in any court of law to be associated with the election work or election related duty.

Use of Government Guesthouses

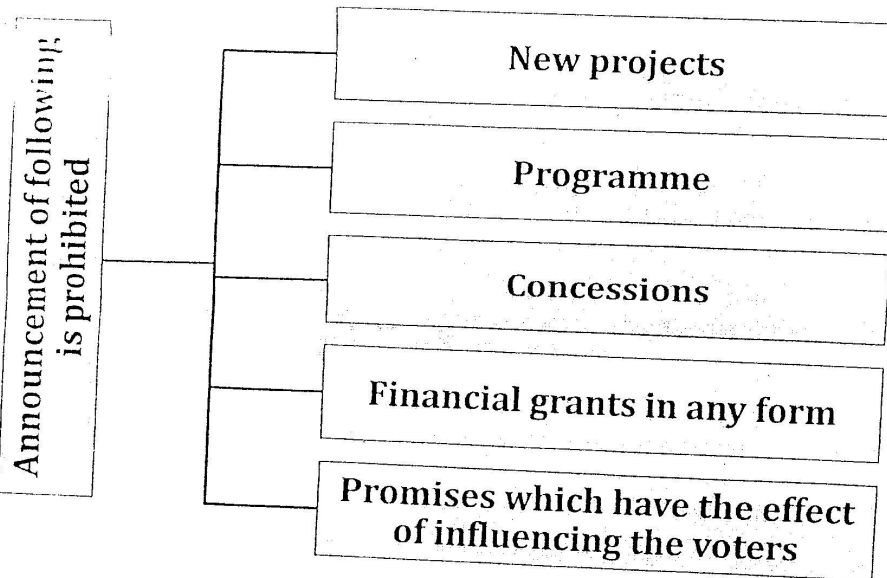
Even casual meeting by Members of political parties inside the premises of the Government owned guesthouse etc. are not permitted. (Relevant to police officers also)

Only the vehicle carrying the person allotted accommodation in the guest house and not more than two other vehicles, if used by the person, will be permitted inside the compound of the Guest House (Relevant to police officers also)

Rooms should not be made available for more than 48 hours to any single individual.

However, 48 hours before the close of poll in any particular area, there will be freeze on such allocations till completion of poll or re-poll.

MCC for State/Central Government

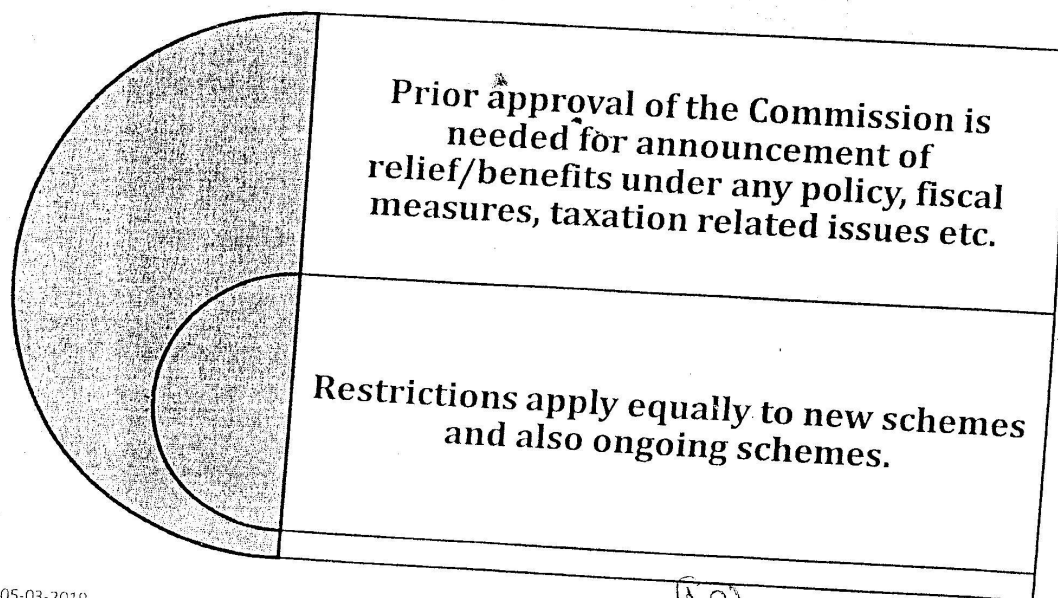


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MCC for State/Central Government

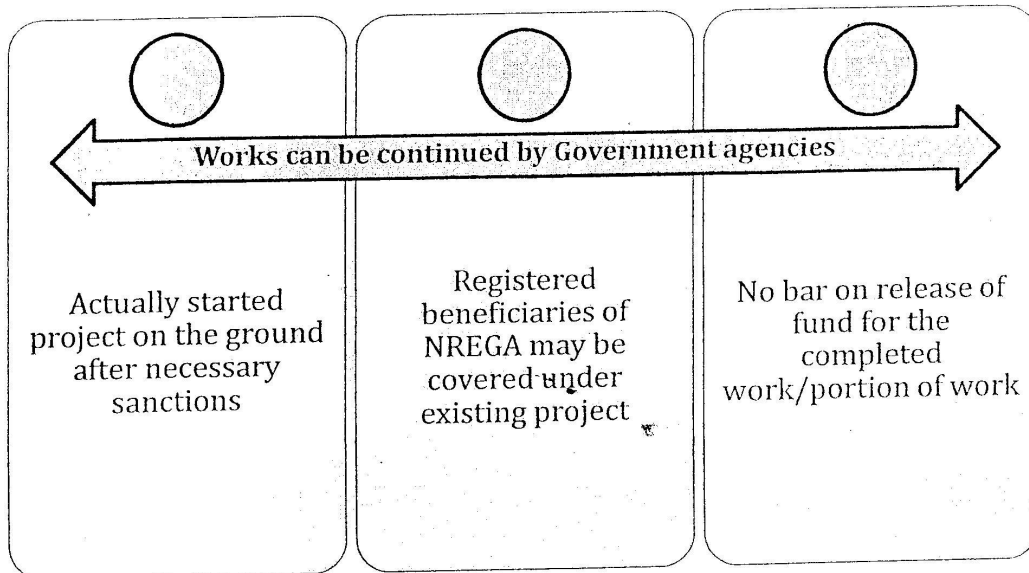


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MCC for State/Central Government



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MCC for State/Central Government

Ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the person affected

Payment directly to hospital from CM/PM relief fund will be permissible provided selection of beneficiaries/ participants are done by the concerned Govt. officials/ heads of the concerned private hospitals.

11

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MCC for State/Central Government

Emergency relief work can be taken up with intimation to the commission.

New work related to preventive measures to mitigate effect of natural disaster can be taken up by only prior permission of commission

Any selective assistance to a group of persons from the PM's or CM relief fund require prior permission of the commission

05-03-2019

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MCC for State/Central Government

Activities require prior permission of the commission

New work from discretionary fund

Proposal for revival of PSUs

Extension in area of work of any existing project/scheme/programme

Land allocation to individual or organization

Signing of MoU

12

05-03-2019

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MCC for State/Central Government

-No work shall start in respect of which even if work orders have been issued before the model code came into effect, if the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue

- No advertisement should be issued in the newspaper and other media at the cost of public exchequer during the election period

-There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials

-All hoardings, advertisements, etc. on display at the cost of Public exchequer shall be removed forthwith by the authorities

- **No review of schemes by political executive**

MCC for State/Central Government

Financial institutions funded, partially or wholly by the State Government should not take recourse in writing off loans, enhance financial limits by indiscriminate issuing of loans when MCC is in force

No demolition / eviction drive can be carried out by any Government / civic agencies during the poll process

In case such demolition is to be carried out as per order of the court of law the matter should be brought to the notice of commission first

No objection to the publication of photographs message related to departed leaders except those leaders who passed away on the occasion of birth/ death anniversary

Major Tender & Auctions

- Commission is of the view that processing of Tender/Auction might result in unfairly advantage/ disadvantage to the party in power/ other
- Therefore, such auction/tender should be put off till the last day of completion of election in the concerned areas.
- State Government should make interim arrangement where unavoidably necessary.
- Departure from this will be considered as severe violation of the Code of Conduct.

Other Issues Relating to MCC

- Development / Constructions related activities within 72 hours of commencement of elections, the CEO/DEO shall obtain the following list of works for reference in case of validating any complaint on violation of MCC
 - (i) List of work which has already been started on ground
 - (ii) List of fresh work which has not started on ground

Annexure-'B'

IMPORTANT ISSUES TO BE CONSIDERED REGARDING MCC

Party in Power

1. No Minister or person having official security shall enter any polling station or the place of counting, unless he or she is a candidate or as a voter only for voting.
2. Official work should not at all be mixed with campaigning/electioneering.
3. No video conferencing should take place between the Chief Ministers of the States, Ministers and other political functionaries of the Union and State Governments and the officials individually or collectively.
4. No Minister, whether of union or state, will summon any election related officer of the constituency or the State, for any official discussions during the period of elections except in connection with failure of law and order or a natural calamity or any such emergency.
5. No Minister either of central or state government shall undertake an official visit of any constituency from which elections have been announced by ECI till end of election process except in any emergency.
6. Official website should remove any reference to ministers, parties, politicians.
7. Ministers visiting for campaigning to be treated as private visit and all expense except security arrangements to be private.
8. No Minister should combine official work with campaign or political work.
9. No Pilot car(s), or car (s), with beacon lights or any color or car(s) affixed with siren of any kind making any minister's presence conspicuous shall be used during electioneering visit.
10. All Ministers both of Union and the State and all other leaders of political parties will be allowed security as per the threat perceptions assessed.

11. 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 fair manner but no party or candidate shall use or be allowed to use such accommodation (including premises pertaining thereto) as a campaign office or for holding any public meeting for the purpose of election propaganda.

Celebration of Important Days

12. No Central Minister / State Minister or any other political functionary in the State / MPs shall do the honors at any Republic Day function at any location or where he / she is a contesting candidate or intends to contest during the election process.
13. Central Minister / State Minister can participate in celebration of "Sadbhavna Diwas" but their speeches should be confined only to promotion of harmony.

Announcement of New Schemes/Works/Payment out of discretionary funds

14. Announcement of the following is prohibited:-
- (i) New projects
 - (ii) Programme
 - (iii) Concessions
 - (iv) Financial grants in any form
 - (v) Promises which have the effect of influencing the voters
15. Prior approval of the Commission is needed for announcement of relief/benefits under any policy, fiscal measures, taxation related issues etc.
16. Restrictions apply equally to new schemes and also ongoing schemes.
17. Works can be continued by Government agencies, provided that already the project works had started on the ground after necessary sanctions.

18. In regard to continuation of works by Government agencies, registered beneficiaries of NREGA may be covered under existing project and there is no bar on release of fund for the completed work/portion of work.
19. Ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the person affected.
20. Payment directly to hospital from CM/PM relief fund will be permissible provided selection of beneficiaries/ participants are done by the concerned Govt. officials/ heads of the concerned private hospitals.
21. Emergency relief work can be taken up with intimation to the commission.
22. New work related to preventive measures to mitigate effect of natural disaster can be taken up by only prior permission of commission
23. Any selective assistance to a group of persons from the PM's or CM relief fund require prior permission of the Commission
24. Activities that require prior permission of the Election Commission of India
 - (i) New work from discretionary fund
 - (ii) Proposal for revival of PSUs
 - (iii) Extension in area of work of any existing project/scheme/programme
 - (iv) Land allocation to individual or organization
 - (v) Signing of MoU
25. No work shall start in respect of which even if work orders have been issued before the model code came into effect, if the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue
26. There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials
27. No review of schemes by political executive
28. Financial institutions funded, partially or wholly by the State Government should not take recourse in writing off loans, enhance financial limits by indiscriminate issuing of loans when MCC is in force

29. List of works that have been started and list of fresh works which have not grounded should be supplied with 72 hours of declaration of election schedule.

Publication of Advertisements

- 30 Any and all advertisements at the cost of the public exchequer regarding achievements of the party/Government in power is prohibited
- 31 All hoardings, advertisements, etc. on display at the cost of Public exchequer shall be removed forthwith by the authorities
- 32 No objection to the publication of photographs message related to departed leaders except those leaders who passed away on the occasion of birth/ death anniversary.
- 33 No advertisement should be issued in the newspaper and other media at the cost of public exchequer during the election period.

Conduct of Officers/Officials

- 34 Any official who meets the Minister on his private visit to the constituency will be guilty of misconduct and if he is an official mentioned in Section 129 (1) of the Representation of People Act, 1951, shall also be charged with violation of the statutory provisions of that Section and liable to penal action provided there under.
- 35 There are restrictions on tours / leave of the officers whose spouses are active in Political arena.

Restriction on Eviction/Demolition of unauthorized structures

- 36 No demolition / eviction drive can be carried out by any Government / civic agencies during the poll process.
- 37 In case such demolition is to be carried out as per order of the court of law the matter should be brought to the notice of commission first.

General Conduct

38 It may be noted that the common citizens too have been empowered with C-Vigil App that can straightaway upload complaints on violation. Anonymity is also provided under this application and timely action expected which is monitored closely.

**GOVERNMENT OF TRIPURA
OFFICE OF THE DIRECTOR GENERAL OF POLICE
TRIPURA :: AGARTALA**

No. 2830-2877 (5) / F.RV(47)-PHQ/18 (Part-III)

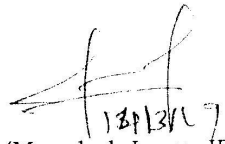
Dated 14/03/2019

Copy for information to :-

- 01-03. The Inspector General of Police - (TSR & Training) /(Admn)/(Int), Tripura.
- 04-08. The Dy. IGP- (Crime Branch)/AP (Admn & Trg)/(S.Range)/ (N/Range) / (CID) / (H/G)/(Int), Tripura.
- 09-13. The Asstt. Insp. Genl. of Police (Estt)/(Crime)/(Housing & Construction)/ (TSR)/ (L/O)/(Welfare), Tripura, Agartala.
- 14-21. The Superintendents of Police, West/Khowai/Sepahijala/South/Gomati/North Unakoti/Dhalai, Tripura.
- 22-32. The Superintendents of Police, EB/MTF/Comn./Proc./Security/GRP/Traffic/ SCRB/Special Branch/Anti Narcotics/Police Control, Tripura.
- ☒ 33. The Addl. SP (E-Gov. Cell), PHQ, Agartala, Tripura, to post this in Tripura Police website and also send it to all office concerned through e-mail.
- 34-39. The Commandants- Home Guards/CTI/BW HG BN/SAF/TSR, 1st/2nd/3rd/5th/ 6th/7th/8th/9th/10th/11th/12th/13th Bn TSR, Tripura.
40. The Principal KTDS, Narsingarh, Tripura.
41. The Co.A.Ch. Rama Rao TSR Training Centre, Tripura.
42. The Co. CIAT School, Kachucehrra, Dhalai, Tripura.

Copy also to:-

1. PS to DGP, Tripura for kind information of DGP, Tripura.
2. I/C- Election Cell
- 03-06. O/S- General/Budget/Pay Cell/Accounts, PHQ Tripura.


(Manchak Ipper, IPS)
Asstt. Insp. Genl. of Police (HQR),
For Director General of Tripura,
Tripura, Agartala.