

MODEL CODE OF CONDUCT
FOR
LOCAL BODIES
(PANCHAYAT/ZILLA
PANCHAYAT/MUNICIPALITIES/CCP)

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**GOA STATE ELECTION COMMISSION
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No. 5/26/(A)/Code of Conduct/LBE/2020-SEC/49

Dated:15/01/2020

ORDER

Whereas the Goa State Election Commission had published a comprehensive Code of Conduct vide Notification No. L. B. Election/2015-SEC/Code of Conduct dtd. 05/02/2016 in supersession of all previous Notifications on the subject issued earlier;

And whereas now the Goa SEC is of the opinion that the said Code needs to be further simplified/streamlined so as to make it more user friendly;

Therefore, I, R. K. Srivastava, State Election Commissioner, Goa, in exercise of powers vested in me under Articles 243K and 243ZA of the Constitution of India read with Sec 237 of the Goa Panchayat Raj Act, 1994; Sec 10A of Goa Municipalities Act, 1968 and Sec 11 of the City of Panaji Corporation Act, 2002 and Rules; hereby prescribe the following Model Code of conduct for the guidance of the political parties & the candidates and also the Government machinery with a view to ensuring the conduct of Elections to the Local bodies in Goa in a free, fair and peaceful manner.

This code shall come into force from the date of its Notification/announcement of its coming in to force by the State Election Commission from time to time and shall remain in force till such time the election process is completed.

The words and expressions used in this Code shall have the same meaning assigned to them under the relevant Acts and Rules and other statutory orders issued.

MODEL CODE OF CONDUCT

PART- I

Model code of conduct for guidance of political parties and candidates

I. 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) 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 in case of urban areas and 200 meters of polling stations in case of rural areas , 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. 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 the permission of the owner for erecting flag- staffs, suspending banners, pasting notices, writing slogans etc.
- 7) Political parties and candidates as the case may be shall ensure that their supporters do not create obstructions in or break up meetings and processions organized by other parties. Workers or sympathizers of one political party shall not create disturbances at public meetings organized by another political party / candidate by putting questions orally or in writing or by distributing leaflets of their own party. Processions shall not be taken out by one party / candidate along places at which meetings are held by another party. Posters issued by one party / candidate shall not be removed by workers of another party/ candidate.
- 8) That the following types of canvassing, propaganda and expenditure by the political parties, contesting candidates, their workers, supporters and sympathizers is banned and prohibited.
 - (a) Defacement and spoiling of public or private property including buildings by pasting of posters, writing of slogans, paintings of symbols, erecting flagstaffs, suspending banners, etc. without the written permission of the owners, whether private or public.
 - (b) Use and movement on roads of vehicles fitted with loudspeakers/sound system for propaganda. However,

loudspeakers for public meetings or corner meetings are allowed if valid permissions are obtained from the concerned authorities;

- 9) Election pamphlets, posters, handbills, leaflets should bear the name and address of the Printer/Xeroxing firm/Computer firm and the publishers should also mention the number of copies printed.
- 10) The political Party or Contesting Candidates should strictly adhere to the provisions of Indian Penal Code relevant to the elections and the violations of the section 153-A, 153-B, 171-A to 171-D, 171-F, 171-I, 117-E, 176-6, 171-H, 172, 173, 174, 175, 176 and 177 will be viewed as violation of code of conduct.
- 11) No contesting candidate shall incur election expenditure exceeding the maximum amount prescribed in the Rules.
- 12) The contesting candidate shall maintain day-to-day expenditure record in the proforma, which will be supplied to him, free of cost on the date of acceptance of his candidature.
- 13) Every contesting candidate (including unopposed) shall, within thirty days of announcement of results, submit the election expenditure account in the proforma to the District Election Officer or in the case of Corporations to the Returning Officer.
- 14) No vehicles belonging to Government or local bodies or public undertakings or co-operative institutions or any other institutions receiving Government grants shall be provided to any Minister, Member of the Parliament or the Legislative Assembly or an elected Member of a Local body or a candidate or anybody on his behalf for canvassing in election in any manner from the date of notification of elections to the date of announcement of the results.

II. Meetings

The party or candidate shall inform the local police and other concerned 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.

- 1) 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.
- 2) 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.
- 3) 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.
- 4) Public places like maidans must be available impartially to all parties/contesting candidates for holding election meetings.
- 5) So also use of helipads must be available impartially to all parties/contesting candidates, to ensure a level playing field.
- 6) Local police authorities should be fully informed of the venue and time of the proposed meetings well in time and all necessary permissions taken.

III. Procession

- 1) A Party or candidate organizing a procession shall decide before and 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 on 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 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 processions carrying articles which may be put to misuse by undesirable elements especially in moments of excitement.
- a. The time and place of the starting of any *procession*, the route to be followed and the time and place at which the procession will terminate should be settled in advance and *advance permissions* obtained from the police authorities.
 - b. If there are any restrictive or prohibitory orders in force in the place of the proposed meeting, they shall be fully respected; exemption, if necessary, must be applied for and obtained well in time.
 - c. So also all traffic regulations and other restrictions.
 - d. The passage of the procession must be without hindrance to traffic.
 - e. Normally, such meetings/processions will *not be allowed to continue beyond 8.00 p.m.* and will be further subject to the local laws, local perceptions of the security arrangements of the area and other relevant considerations like weather conditions, festival season, examination period, etc.,
 - f. The assistance of the police should be obtained in dealing with persons disturbing meetings or otherwise creating disorder.
 - g. Permission must be obtained for the use of loudspeakers or any other such facilities for the proposed meetings - loudspeakers shall not be used at public meeting.
 - h. Posters issued by other parties and candidates shall not be removed or defaced.
 - i. Posters, flags, symbols or any other propaganda material shall not be displayed in the place being used,

on the day of poll, for distribution of identity slips or near polling stations.

- 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 is prohibited.
- 9) Use of vehicles including two wheelers for public processions, Vehicles should not form a part of the public processions. However, bicycles are allowed for such processions;

IV. Polling Day

A. Candidates/ Political parties 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 twenty- four 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.

B. Candidate's Election Booth:

- 1) Polling Agents should be informed that they should not note any identities of poll i.e. Ballot paper numbers in any manner. If any one is found violating this, they will be sent out and confiscating the documents without any notice.
- 2) Polling Agents should be informed that voter facilitation counters/ pandals of political parties can be set up only beyond only two persons manning each.
- 3) No representative of a political party or candidate should sit in the periphery of 100 meters of polling station in case of urban areas and 200 meters in case of rural areas from the polling station, for helping the voters.
- 4) Contesting candidates are allowed to set up election booths near the polling station beyond 100 meters of polling station in case of urban areas and 200 meters in case of rural areas from the polling station, to help the electors locate their names in the Electoral Roll
- 5) Candidates are allowed to provide only 1 table and 2 chairs for use of their agents and workers for the distribution of unofficial identity slips to voters beyond a distance of 100 meters of polling station in case of urban areas and 200 meters in case of rural areas from the polling station with an umbrella or a piece of tarpaulin over their head to protect them from the sun/rain. No crowd is allowed to collect around such tables
- 6) Voters' slips issued by political parties should be white in colour and should not contain any symbol or political sentences

- 7) Persons nominated by political parties to man such booths must be voters in the same Polling Station area and must possess EPIC which should be produced when so required by the Observer/Sector Magistrate.
- 8) No person with criminal antecedents should be put on the job by the political parties / candidates
- 9) Local Police should keep a watch over the movement of such persons Ban on canvassing within 100 meters of Polling Station incase of urban areas and 200 meters incase of rural areas of polling station.
- 10) Canvassing within 100 meters of Polling Station in case of urban areas and 200 meters in case of rural areas of polling station is an offence under the election law.
- 11) Any person, who does so, can be arrested without warrant by the police and may be prosecuted under relevant sections of the Panchayat Raj Act 1994 and Rules 1999 and the relevant provisions of IPC Act 1860.
- 12) Transporting of voters and within 100 meters of Polling Station incase of urban areas and 200 meters in case of rural areas of polling station is an offence. All private vehicles should be left at a distance of 100 meters of Polling Station in case of urban areas and 200 meters in case of rural areas from the Polling Station.

Note: As voter facilitation counters/pandals of political parties can be set up only beyond 100 meters of Polling Station in case of urban areas and 200 meters in case of rural areas from the Polling Station and no representative of a political party should sit in the periphery of 100 meters of Polling Station in case of urban areas and 200 meters in case of rural areas from the Polling Station for helping the voters and contesting candidates are allowed to set up *election booths* only beyond 100 meters of Polling Station in case of urban areas and 200 meters in case of rural areas from the Polling Station (to help the electors locate their names in the Electoral Roll), it follows that no canvassing can be done within 100 meters of Polling Station in case of urban areas and 200 meters in case of rural areas of the Polling Station.

V. Polling Booth

Except the voters and authorized personnel on election duty, no one without a valid pass from either the Goa State Election Commission or the Returning Officer concerned shall enter the polling booths.

VI. Observers

The State 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. Observers should file **daily report** to the Goa State Election Commission regarding the violation if any of the provision of the code of conduct.

VII. Party in Power

1. 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:-
 - (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 vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;
2. Public places such as open grounds, Community halls, Panchayat Ghar, Municipal Halls etc., for holding election meetings, shall not be monopolized by the party or candidate in power and 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. The charges levied shall be those that are fixed for use by private person and the use of such facilities should be treated as used for private purpose.

3. Circuit house, 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 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, bridges, Water supply public amenity etc.; or
 - d. Make any appointments in Government Department, Autonomous body Government Corporation etc. which may have the effect of influencing the voters in favour of the party in power.
 - e. Issue Tender for development work in the villages from the Panchayat funds and in the municipalities from municipal funds.

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.
8. Members of Legislative Assembly or Members of Parliament shall not enter any polling station or place of counting except in their capacity as a voter.
9. Mayors or Chairpersons and Councilors / Ward Members of the Local Bodies shall not enter any polling station or place of counting except in their capacity as a candidate or voter.

VIII. Limit on Expenditure and maintenance of Account of Daily Expenditure

For maintaining the purity of election process, facilitating the maintenance of correct accounts of election expenses by the candidates, and also for their proper monitoring, the Commission hereby issues the following instructions:-

1. In order to facilitate monitoring of election expenditure, each candidate is required to open a separate bank account exclusively for the purpose of election expenditure. This account can be opened any time only for the purpose of election, not later than one day before the date on which the candidate files his/her nomination papers. The account no. of the bank account shall be Communicated by the candidate in writing to the Returning Officer (RO) of the constituency/Zilla Panchayat/ Municipality/CCP at the time of filing nominations.
2. The bank account can be opened either by the name of the candidate or by a joint name with his/her election agent for the purpose of election expenditure and should not be opened with joint name of any family member of the candidate or any other person, if he/she is not the election agent of the candidate.
3. The bank account can be opened anywhere in the state. The accounts can also be opened in any of the banks including co-operative or in the post offices. The existing bank accounts of the candidate should not be used for this purpose as it has to be a separate bank account for election purpose.

4. All election expenditure shall be made by the candidate, **only** from this bank account. All expenses to be incurred by the candidate on electioneering shall be deposited in this bank account irrespective of its source of funding including candidates own fund. A self certificate copy of the statement of the bank account shall be submitted by the candidate to the concerned EO along with the statement of account of election expenditure as required to be filled within a period of 30 days from the date of declaring the result.
5. Candidate(s) shall incur his/her election expenses by cross account payee cheque, or draft or by RTGS/ NEFT through the bank account opened for election purpose. However, if the amount payable by the candidate (Yes) to any person/ entity for any item or expenditure does not exceed Rs. 20,000/- during the entire process of election, then such expenditure can be incurred in cash by withdrawing it from the said bank account.
6. The candidate(s) is required to deposit the entire amount meant for the election expenses in the said bank account and all their election expenses are to be incurred only from the said account.
7. The candidate(s) is also required to ensure that neither their agents and their followers nor they themselves carry cash exceeding Rs. 50,000/- in the constituency during the election process.
8. It is hereby clarified that if any election expenses are incurred without routing it through the said bank account or not by way of cheque or draft or RTGS/NEFT, as mentioned in para (5) above, it will be treated that the candidate has not maintained the accounts in the manner, prescribed by the Commission.
 - a) The limit of expenditure that may be incurred by the party or candidate or his agent in connection with the election is as notified from time to time.
 - b) The proforma of Account of daily Expenditure by the party or candidate or his agent in connection with the election is as notified from time to time.

PART - II

IX. Government & Other Instrumentalities of the State.

1) **Transfers:**

- a) Transfers of Government officers and servants such as Chief Officers, Collectors, Additional Collector, Dy. Collector, BDOs, Mamlatdars, Panchayats Secretaries and such employees connected with or associated with the work of making preparations for and the conduct of the Panchayat / Municipal / CCP Elections or bye-election all levels in the area where election are being held should not be ordered from the date of announcement of election programme until the date of completion of the election.
 - b) Police Officers of all levels in the area where elections are being held should not be ordered to be transferred from the date of announcement of election programme until the date of completion of the election
- 2) **Complaints:** Officers about whom complaints have been received from any contesting candidates reflecting partisan attitude or behavior will be dissociated with the election work by the Commission.
- 3) Concerned authorities to launch prosecution against person who contravenes the provisions of laws and Rules particularly in respect of the Goa Prevention of Defacement of Property Act; Indian Penal Code; Rules Governing conduct of meetings, morchas, processions, etc.; Rules governing use of loudspeakers, etc. Concerned authorities should note that the use of loudspeaker is permitted only between 8.30 a.m. to 8.00 p.m.
- 4) **Ban the sale of liquor** and intoxicants before the day of the poll and also on the day of counting of votes as directed by the State Election Commission. Do not permit selling or serving of liquor on the aforesaid days in any liquor shops, hotels, restaurants, clubs, star hotels and other establishments.

Rigorously restrict storage of liquor in unlicensed premises. Take steps to avoid liquor flow from the adjoining areas to the area where the sale or serving is prohibited. The authorities concerned of the State Government should declare and notify as dry days the areas as per Rules in force.

5) Excise Department—

- (a) to enforce ban the sale of liquor and intoxicants before the day of the poll, on the day of poll and also on the day of counting of votes.
 - (b) Selling or serving of liquor on the aforesaid days in any liquor shops, hotels, restaurants, clubs, star hotels and other establishments not to be permitted.
 - (c) Storage of liquor in unlicensed premises to be rigorously checked.
 - (d) Steps to be taken to avoid movement of liquor from the adjoining areas to the area where the sale or serving is prohibited.
 - (e) The Excise Department should declare and notify as dry days as per Rules in force, including ban on carrying of liquor by individuals and groups even in smaller quantities.
- 6) **New Programmes:** The State Government should not declare new programme, new scheme, and new benefit or initiate new public works of any nature in the area where election process is announced. In case any decision taken by the Government which induces the electors where election is going may be kept in abeyance without any press briefing till the election process is completed.

7) On Welfare Schemes and sanction of grants:-

- i) The Government should not declare new programme, new scheme, new benefit or initiate new public works of any nature in the area where election process is announced.

- ii) Once the Code of Conduct comes into force, no fresh announcement of Government schemes for giving any benefit to the voters of the Village Panchayats/ Municipalities /CCP as the case may be and to Village Panchayats or Municipalities or CCP where election is being held should be made.
- iii) After commencement of Code of Conduct, no new work shall start in the Village Panchayat area or Municipal area in respect of which even if work orders have been issued before the Code of Conduct came into force, if the said 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 before Code of Conduct comes into force, then it can continue.
- iv) There shall be no bar for the release of payments for completed work/works subject to the full satisfaction of the concerned officials.
- v) Work which forms a part of the larger State-wide scheme or National scheme even though passing through the concerned Village Panchayat or Municipality or CCP which are going for polls will be permitted e. g. repair and laying of roads//highways, water pipelines, electricity lines, sewerage schemes, etc.
- vi) The Commission does not refuse approval for schemes/works undertaken for tackling emergencies or unforeseen calamities, natural calamities, etc. In these matters however, prior approval of the Commission should be taken and functions should be strictly avoided and no impression should be given or allowed to be created that such welfare measures or works are being undertaken by the Government/Zilla Panchayat/Village Panchayat/ Municipality /City Corporation of Panaji, as the case may be, to influence the voters.

8) On General Issues:-

- i) Ongoing schemes which actually started in the field before commencement of the Code of Conduct may continue.
- ii) Provision of medical facilities to terminally/critically ill persons may be given.
- iii) Public places and open spaces must be made available impartially to all candidates for holding electioneering meetings. (iv) It may be ensured by the concerned Authorities of the area that right of every individual for peaceful and undisturbed home life is safeguarded.
- iv) The local Police/Magisterial Authorities should be informed of the date, venue and time of the proposed meetings of various candidates including use of loudspeakers, if any.
- v) The time of starting any processions and the route of the same may be brought to the notice of the Police/Magistrate in advance and permission obtained.
- vi) Any complaint regarding conduct of the elections should be brought to the notice of the Returning Officer/Observer appointed by the Commission.
- vii) Orders of the Returning Officer and the Observer in the field shall be obeyed in all matters relating to conduct of elections.
- viii) No advertisements should be brought out from public exchequer regarding any of the achievements of any candidate or political functionary.
- ix) No inducement, financial or otherwise shall be allowed to be offered to the voters.
- x) Caste and communal feelings of the electors shall not be allowed to be appealed to.
- xi) Activities which are corrupt practices or electoral offences such as bribery, intimidation of voters, impersonation etc. are totally prohibited.

- xii) Canvassing within 100 meters of polling stations in case of urban area and 200 meters in case of rural areas of the polling stations, holding of public meetings within 48 hours ending with the starting of the actual polling and conveyance of the voters by the candidates to and from the polling stations are totally prohibited.

9) Misuse of official machinery:-

- i) Official vehicles belonging to the Government, public sector undertakings, local bodies, co-operative societies or any other body where public funds have been invested, shall not be allowed to be used for election work by candidates or for any candidates.
- ii) It will be open for official functionaries of the Government including Ministers, M.L.As, to make private visits using their own private vehicles. However, for such visits, the functionaries should avoid taking their personal staff alongwith them.

10) On new recruitment and appointments:-

- i) Once the Code of Conduct comes into force, no recruitments/new appointments to any posts in state government and local bodies, semi government undertakings shall be made till the completion of the Village Panchayat or Zilla Panchayat or Municipality or CCP election process.
- ii) Recruitments already made before the Code of Conduct will not be covered under the Code. However, in such cases the appointments or even officers of appointment shall be withheld till the time code of conduct in force.
- iii) The posts which are essential where time bound recruitment is in public interest like recruitment in Goa Medical College, Goa Engineering College, College of

Architecture, College of Pharmacy or any other class of posts, if so determined by the Commission, will be allowed to be filled with prior approval of the Commission.

- 11) No functionary of the Government including Ministers or M.L.A.s, Zilla Panchayat members and Village Panchayat members or Councilors of Municipalities or Corporation of the City of Panaji will summon any election related Officer for any election work where elections are being held, for discussing any matters pertaining to elections. However, the Ministers may call such Officers for discussing official matters only in their capacity as in charge of the Department concerned.

X.(A) As per Section 32 of Panchayat Raj Act 1994, and Municipalities Act Breaches of official duty in connection with elections.

- (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty he shall, on conviction, be punished with fine which may extend to five hundred rupees.
- (2) An offence under sub-section (1) shall be cognizable.
- (3) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.
- (4) The person to whom this section applies are the returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidature, or the recording or counting of votes at an election; and the expression "official duty" shall for the purpose of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

X.(B). Cooperation of Government Spare Machinery:

Heads of Departments/Heads of Offices must take a note that there should be no laxity on the part of in relieving of the requisitioned Officer, staff, machinery and other incidentals. The requisitioned Officers/staff may also be clearly briefed that they need to engage in the work assigned by the State Election Commission in right earnest with due diligence to avoid any disciplinary action. A circular has been issued by the Department of the personnel, Secretariat, Porvorim vide order No. 13/5/2011-Per dated 28.09.2011 (refer Annexure-A). Attention is also drawn to Article 243K and 243ZA of the Constitution of India.

XI. OPENING OF TENDER: Tenders other than global /national tenders, that are already floated may be evaluated but not finalized without prior approval of the Goa State Election Commission. If they are not already floated, they shall not be floated without prior approval of the Goa State Election Commission. While the Model Code of Conduct is imposed:-

- i) Announcement of new projects or programmes or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favour of the party or candidate in power is prohibited.
- ii) These restrictions apply equally to new schemes and also ongoing schemes. However, in case of schemes, which have already been brought up to the stage of completion, their functioning in public interest need not be stopped or delayed.
- iii) No fresh release of funds on welfare schemes and work should be made or contract for works awarded in any part, where the election is in progress. However, there shall be no bar to the release of funds for the completed portion of any work subject to observance of laid down procedures and concurrence of Finance Department.
- iv) Review by political executive (Ministers etc.) and processing of beneficiary oriented schemes, even if ongoing, should be stopped till completion of elections.

- v) No work shall start in respect of even if work orders have been issued earlier, if the work has actually not started in the field. These works can start only after the completion of election process.
- vi) Work-projects that have actually started on the ground after obtaining all necessary sanctions can be continued.
- vii) Beneficiary projects where specific beneficiaries by name have been identified before coming into force of the Model Code can be continued.

XII. ELECTED REPRESENTATIVES IN TENURE When the Model Code of Conduct is in force;

1. The elected representatives of local bodies, in tenure, shall ensure that no cause is given for any complaint that they have used their official position for the purpose of the election campaign.
2. 'No buildings/rooms/offices of any local body are used by any political personalities including the Chairperson/Councilor or Member for Political activities.
3. No Council meetings of Rural and Urban Local bodies to be held except the meetings to discuss only the urgent requirements like drought / flood relief measures or similar relief measures.
4. During General/Ordinary election, the office vehicle of the elected representatives of local bodies shall immediately be surrendered to the District authority concerned. At the time of casual/Bye elections, usage of office vehicles by the elected representatives is prohibited in the areas where the Model Code of Conduct is in force.

XIII. PENALTY FOR VIOLATION

1. Violation of any of these provisions is punishable under laws in force. The State Election Officers, the District Collector, the Returning Officers and the Police are authorised to initiate

prosecution against violators of any of the provisions of this code before the competent Criminal Court under the provisions of relevant Act under intimation to the Goa State Election Commission.

XIV. Other offences and penalties thereof. (As per the Section 34 of Panchayat Raj Act 1994 and Section 32 of Goa Municipalities Act.)

- (1) A person shall be guilty of an offence if at any election, he/she,
 - (a) Fraudulently defaces, or fraudulently destroys any nomination paper; or
 - (b) Fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of returning officer; or
 - (c) Fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or
 - (d) Without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or
 - (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or
 - (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purpose of the election; or
 - (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

- (2) Any person guilty of an offence under this section shall,
 - (a) if he is a returning officer or presiding officer of a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years or with fine or with both;

- (b) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.
- (3) For the purpose of this section, a person shall be deemed to be on official duty if his / her duty is to take part in the conduct of an election or part of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression “official duty” shall not include any duty imposed otherwise than by or under this Act in connection with such election.
- (4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

XV) Publicity of Provisions of Model Code of Conduct

Provisions of MCC, laws relating to electoral offences and corrupt practices and Goa State Election Commissions directions may be explained in the meetings with political parties . Also publicity through print media etc shall be made about these provisions.

CODE OF CONDUCT- DO'S & DON'T'S

A. On schemes and works

- 1) Announcement of new projects or programme or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favour of the party or candidate in power is prohibited.
 - a) These restrictions apply equally to new schemes and also ongoing schemes.
 - b) No fresh sanctions for governmental schemes should be made.
 - c) New works and project cannot be taken up from discretionary funds of whatever nature. Discretionary fund, in this context, includes funds which are provided for in the budget in a generic manner and for which no identified & sanctioned project exists prior to the Model Code of Conduct coming into force.
 - d) Simply because a scheme has been sanctioned earlier or a reference was made in the address of the Governor/budget speech of the Minister, it does not mean that such schemes can be taken up when the Model Code of conduct is in operation.
 - e) No fresh release of funds on welfare schemes and works should be made or contract for works awarded in any part of the state where election is in progress.
 - f) This includes works under Member of Parliament (including Rajya Sabha members) Local Area Development (LAD) fund or Member of Legislative Assemblies LAD Fund.
- 2) However, in case of schemes, which have already been brought up to the stage of completion, their functioning in public interest need not be stopped or delayed. The commissioning of such schemes can be done by civil authority and without associating political functionaries and without any fanfare or ceremonies whatever, so that no impression is given or created that such commissioning has been done with a view to influencing the electorate in favour of ruling party.

- 3) Review by political executive (Ministers etc.) and processing of beneficiary oriented schemes, even if ongoing, should be stopped till completion of elections.
- 4) No work shall start in respect of which even if work orders have been issued earlier, if the work has actually not started in the field. These works can start only after the completion of election process.

The following types of existing works can be continued by the governmental agencies.

- a) Work-projects that have actually started on the ground after obtaining all necessary sanctions can be continued.
 - b) Beneficiary projects where specific beneficiaries by name have been identified before coming into force of the Model Code.
 - c) Registered beneficiaries of NREGA may be covered under the existing projects. New projects under NREGA that may be mandated under the provisions of the Act may be taken up only if it for the already registered beneficiaries and the project is listed in the approved and sanctioned shelf of projects for which funds are also already earmarked.
- 5) There shall be no bar to the release of funds for the completed portion of any work subject to observance of laid down procedures and concurrence of Finance Department.
 - 6) Global/National tenders already floated can be evaluated and finalized where any time limits are specified for such purpose.
 - 7) Tenders other than global/National tenders, that are already floated may be evaluated but not finalized without prior approval of the Goa State Election Commission. If they are not already floated, they shall not be floated without prior approval of the Goa State Election Commission.
 - 8) While starting any work (including any relief work) or developmental activity no formal function shall be held involving any political functionary. As a matter of good practice, normal functions and publicity even with the presence of official functionaries should be kept to the minimum.

- 9) Area of operation of any existing project/ scheme/ programme cannot be extended or expanded.
- 10) No land allocation shall be made by the government to any entity, whether individual or an enterprise.
- 11) Signing a MOU or an agreement where the government is a party will also require prior clearance by the Goa State Election Commission.
- 12) Where works are to be undertaken or functions are to be held in fulfillment of international commitments, prior concurrence of the Commission shall be taken.

B. Relief measures

- a) Ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the persons affected at the current rates / scales of assistance presently in force, under intimation to the Goa State Election Commission. No change in the extent and prescribed scales of payments, however, shall be made in the existing rates/ scales without prior permission of the Commission.
- b) Payments directly to the hospitals from Chief Minister's / Prime Minister's Relief Fund, in lieu of direct cash payment to the individual patients (beneficiaries) will be permissible without reference to the Commission.
- c) Emergent relief works and measures that are aimed to mitigate the hardships, directly and solely, of the persons affected in a disaster may be taken up under intimation to the Goa State Election Commission.
- d) However, new works that may be necessitated by way of preventive measures to mitigate the likely effects of natural disasters like repair of embankments, water channels etc., can be taken up only with prior permission of the Goa State Election Commission.
- e) Also, an area shall not be declared drought/ flood affected or any such calamity affected without prior approval of the

Commission. The extent of area already declared to be calamity affected cannot be expanded without prior approval of the Goa State Election Commission.

- f) Similarly, any selective assistance to a group of persons from the Prime Minister's or the Chief Minister's Relief Fund will require prior approval of the Goa State Election Commission.

C. Advertisements at the cost of public exchequer

- a) Any and all advertisements at the cost of the public exchequer regarding achievements of the party/Government in power is prohibited.

D. On transfers and posting of officials, recruitment

- a) There shall be a total ban on transfer of all officers/officials connected with the conduct of the election till the completion of the election process.
- b) In those cases where transfer of an officer is considered necessary on account of administrative exigencies, the State Government may, with full justification, approach the Goa State Election Commission for prior clearance.
- c) No appointments or promotions in Government/ Public Undertakings / Local Bodies shall be made during this period, without prior clearance of the Goa State Election Commission.
- d) Regular recruitment/appointment or promotion through State Public Service Commission or the Staff Selection Commission or any other statutory authority can continue. Recruitments through non-statutory bodies in the State will require prior clearance of the Goa State Election Commission.

E. Tours of Ministers

- a) If a Minister of the Union is travelling out of his Headquarters on purely official business, which cannot be avoided in public interest, then a letter certifying to this effect should be sent from the Secretary concerned of the Department of

Government of India to Chief Secretary of the State where the Minister intends to visit, with a copy to the Commission. During such tour, the Chief Secretary may provide the Minister with Government vehicle and accommodation and other usual courtesies for his official trip. No Minister of State Government shall undertake an official visit to any Local Body during the election period.

- b) Provided there will be an exception when a Minister, in his capacity as in charge of the department concerned, or a Chief Minister undertakes an official visit, in connection with failure of law and order or a natural calamity or any such emergency which requires personal presence of such Ministers/Chief Minister for the specific purpose of supervising review/salvage/ relief and such like purpose.
- c) However, immediately preceding or during or in continuation of such an official tour, no Minister can carry out or combine any election campaign or political activity. Official work should not at all be mixed with campaigning/electioneering.
- d) The Commission will keep watch on such arrangements in due consultation through the District Collector / Returning Officers.
- e) No Minister will summon any election related officer of the Local Body or the State Government, for any official discussions during the period of elections commencing with the announcement of the elections.
- f) Any official who meets the Minister on his private visit to the Local Body where elections are being held shall be guilty of misconduct under the relevant provisions of the acts and rules. He shall also be additionally considered to have violated the statutory provisions and liable to penal action.
- g) It is open for a Minister of the Union or State to make private visits using his or her private vehicle(s).
- h) For such private visits, the official personal staff of the Ministers shall not accompany them.

- i) No accommodation will be provided to any Minister, Member of Parliament, Member of Legislative Assembly, Mayor/Chairman, Councilor/Ward Member or political functionary in any Government or Public Sector Undertaking Guest House as these are required to accommodate election related officials and Observers- only exception being those provided security by Govt. in 'Z' scale.
- j) Official vehicles cannot be used for electioneering work. ('Official Vehicles' include all vehicles belonging to Government, Public Sector or Joint Sector Undertakings, Local Bodies, Marketing Boards/Agencies, Coop. Societies, Autonomous District Councils, or any other body in which public funds, howsoever small, are invested).
- k) Ministers are entitled to use their official vehicles only for commuting from their official residence to their office for official work provided that such commuting is not combined with any electioneering or any political activity.
- l) During electioneering, no pilot car(s) or car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind shall be used by any political functionary, even if State administration has granted him a security cover.(This is applicable whether the vehicle is government owned or private owned).
- m) Functionaries of autonomous organizations should not use official vehicles for party purposes.
- n) Any vehicle being misused can be confiscated.

F. Prevention of misuse of Vehicles

- a) There are restrictions on use and plying of vehicles during the *campaign period and on poll day* which should be fully obeyed.
- b) Election Commission has issued instructions regarding restrictions on use and plying of vehicles during elections under Article 243K and 243ZA of the Constitution.

G. Restrictions on use of Vehicles- during filing of nominations

- a) Maximum number of three vehicles shall be allowed to come within 200 meters of Returning Officer's /Assistant Returning Officer's Office at the time of filing of nominations.

H. Vehicles during electioneering

It has been experienced that during the period of electioneering, private vehicles are used by the candidates, their agents and party leaders and supporters for carting the supporters of a candidate within the Local Body and on many occasions anti-social elements with muscle power are openly paraded to instill a sense of fear in the minds of the electorate, so that they either vote in favour of particular party/candidate or abstain from voting altogether.

- a) These vehicles may be used sometimes to smuggle illicit arms and ammunition with a view to creating disturbances during election.
- b) In order to curb such undesirable/illegal activities, the District Administration shall keep a close watch on vehicles used by persons accompanying the contesting candidates and their party's leaders for any possible mischief, including criminal activities like carrying of illegal arms and weapons.
- c) If any of these vehicles is found to be involved in any such act or forcarting anti-social elements with a view to intimidating or creating terror in the mind of the electorate, the administration shall impound such vehicles and not release them till the process of elections is completed.
- d) In addition, criminal action against the owner, the occupant(s) and the candidate/political party which is involved in such illegal activities shall also be taken as per law.
- e) So as to ensure free, fair and peaceful elections, the District Administration shall launch such drive for checking the vehicles immediately upon the announcement of the elections and shall continue the drive till the completion of the elections.

- f) To regulate the plying of vehicles, all vehicles to be allowed should have permits to be issued by the Returning Officer i.e. all vehicles for campaign purpose must ply only with prior approval of Returning Officer and display the permit issued in original (not photocopy) prominently on the wind screen.

Candidates and political parties should not be allowed to take photocopies of the permits issued and misuse them.

- a) Permit issued should be of sufficient dimension so that it could be seen from a distance.
- b) Permit must bear the number of the vehicle and name of candidate in whose favour it is issued.
- c) A list of permits issued to various candidates for plying vehicles for campaign purpose should be immediately given to all Observers and if any addition is done in the list, the same again should be furnished to the Observers.
- d) *The responsibility for enforcing these instructions shall lie with the Superintendent of Police of the concerned District and officers under him.*
- e) Cars/ vehicles being used for electioneering purposes, shall *not be allowed to move in convoys of more than three vehicles* from date of notification till completion of election process.
- f) *All bigger convoys shall be broken up, even if they are carrying any Minister. This shall, however, be subject to any security instructions issued in respect of any such individual.*
- g) In other words, the convoy shall not in any case exceed three vehicles of any person plus security vehicles allowed in view of the security gradation of that particular person.
- h) Such broken up convoys must have a *distance of at least 300 meters* between them.

I. Vehicles for Star Campaigners

- a) For National and State leaders of political parties availing themselves of the benefit, the permit will be issued centrally by

the District Collector in the respective district against the name of the person concerned who will have to display it prominently on the windscreen of the vehicle used by him.

- b) Such requests have to be made to the District Collector within seven days of the date of notification of the election.

I. Video Vans

- a) In case of Video-vans etc. to be used by a political party across districts, before any permission is given, it should be ensured by District Election Officer that such use of vehicle is in accordance with Motor Vehicle Act.

Details of vehicles to be lodged with District Collector/ Returning Officer

- a) The candidate shall be allowed to have maximum three vehicles during electioneering period.

The contesting candidates should be asked to get *details of all vehicles* to be used in election campaign *lodged with District Collector* or officer(s) authorized by him before the campaigning commences.
- b) Any further deployment of any additional vehicle can take place only after notice is given by candidate or his Agent well before actual deployment of the vehicles.
- c) While conveying the details of the vehicles that are being deployed for election campaign the details of the areas in which the vehicle would operate, should also be conveyed.
- d) The details so obtained should be conveyed by District Election Officer to the Election Observers.

K. Unauthorised use of Vehicles

- a) Any vehicle that has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorised campaigning

for the candidate and may attract penal provisions of Chapter I X A of the I PC and under relevant Acts shall therefore be immediately taken out of the campaigning exercise.

L. Prevention of misuse of Vehicles- during Poll

- (i) The *hiring or procuring or use of vehicles* by a candidate or his agent or by any other person with the consent of the candidate or his election agent for the *free conveyance of the voters to and fro from the polling station shall be a corrupt practice* for the purposes of the relevant Acts. Such a 'corrupt practice' attracts penalty and is punishable with fine.
- (ii) For an election to the Local Body, *each contesting candidate, on the day of Poll, will be entitled to use only one vehicle for his own use in respect of the entire Local Body.*
 - a) Permits for the said vehicle will be issued by the Returning Officer.
 - b) Candidates have to *register their vehicles* with the authorities concerned and *display the permits* issued by the authorities *on the wind-screen of the vehicles.*
 - c) No other vehicles shall be allowed to be used by the leaders of the political parties incl. ministers, workers, agents and sympathizers of any candidate.
 - d) No exception shall be made, irrespective of the status of the candidate. No other person will be allowed on the day of the poll to use the vehicle allotted for candidate's use.
 - e) *Instructions on plying of vehicles* shall be made *applicable for a period of 24 hours* before the time fixed for closure of poll and till its completion.
 - f) Restrictions would not apply to any Government servant on duty or for transport of patient or old/ infirm persons.
 - g) *Penal action*, under the relevant provisions of the Acts and Chapter I X A of I PC, shall be taken against anyone offending the above directions, in addition to action under the Motor Vehicles Act.
 - h) All *vehicles* being used in violation of these directions shall be *confiscated.*

M. For genuine bonafide use for purposes other than election, the following types of vehicles shall also be allowed to be plied on the day of poll:

- a) Private vehicles being used by the owners for their private use, not connected with elections;
- b) Private vehicles being used by owners either for themselves or for members of their own family for going to the polling station to exercise their franchise, but not going anywhere within a radius of 100 meters of polling stations in case of urban areas and 200 meters in case of rural areas of a polling station;
- c) Vehicles used for *essential services* namely hospital vans, ambulance, milk vans, water tankers, electricity emergency duty vans, police on duty, officers on election duty;
- d) *Public transport carriages* like buses plying between fixed termini and on fixed routes;
- e) Taxis, three wheeler scooters, rickshaws etc. for going to *airports, railway stations, interstate bus stands, hospitals* for journeys which cannot be avoided;
- f) Private vehicles used by *sick or disabled persons* for their own use.

N. Restrictions on workers, movement of Ministers/persons provided security cover/personnel

- a) All Workers must display badges or identity cards.
- b) Unofficial identity slips issued to voters shall be on plain (white) paper and not contain any symbol, name of the candidate or name of the party.
- c) Except voters, candidates and their election/ polling agents, only persons with a specific valid authority letter from the Goa State Election Commission can enter any polling booth. No functionary however highly placed is exempted from this. (No Minister or Member of Legislative Assembly or Member of Parliament or elected representative of Local Body shall enter

any Polling Station or the place of counting, unless he or she is a candidate or as a voter only for voting)

- d) On the day of the poll, no person who has been assessed to be having a security threat and therefore given official security shall enter the vicinity of a polling station premise (within 100 meters In case of urban areas and 200 meters in case of rural areas) with his security personnel.
- e) Further, on the day of the poll no such person shall move around in a Local Body with his security personnel. If the person provided with official security happens to be a voter also, then he or she shall restrict his/ her movement - accompanied by security personnel, to voting only.
- f) No person who has been assessed to be having a security threat and therefore provided official security or who has private security guards for himself, shall be appointed as an election agent or polling agent or counting agent.

Q. Restrictions on presence of political functionaries in Local Body after campaign period is over

- a) Under relevant provisions of the Acts, the campaign comes to an end 48 hours before the hour fixed for close of poll.
- b) As the presence of *political functionaries/ party workers etc. brought from outside and who are not electors in the Local Body* may undermine the atmosphere for free and fair poll, the Commission has directed that such persons *shall leave the Local Body as soon as the campaign period is over* .
- c) For this, electoral machinery (including Police) should take measures which would include *inter alia*:
- d) Checking of kalyan mandapams/community halls/lodges and guest houses.
- e) Setting up of Check-posts on the border and tracking vehicular movement from outside the Local Body.
- f) Verification of identity of people/ groups to ascertain whether they are electors.

P. Corrupt Practices/ Electoral Offences

- a) No inducement, financial or otherwise, shall be offered to the voter and no liquor should be distributed during elections.
- b) Activities which are corrupt practices or electoral offences such as bribery, undue influence, intimidation of voters are prohibited.
- c) canvassing within 100 meters of polling station in case of urban areas and 200 meters in case of rural areas of a polling station, holding of public meetings during the period of 48 hours ending with the hour fixed for the close of the poll and conveyance of voters to and from polling stations are prohibited

Q. Defacement of Property:

Goa Defacement of Properties Act 1988:

Whoever defaces any property in public view by defacing or spitting or urinating or pasting pamphlets, posters or writing or marking with ink, chalk, paint or any other material or method except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both. Display of banners, flags etc., by the political parties/ candidates/ agents on their own property

- a) Subject to any restrictions under any local law or any court orders in force, the *political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags, cut-outs, on their own property*, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else.

- b) If such display of banners, flags etc., aims to solicit vote for any particular candidate, then the provisions of Section 171H of I PC would be attracted and would have to be followed.

[Section 171H of IPC stipulates that whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to Rs.500. Provided that if any person having incurred any such expenses not exceeding the amount of Rs.10 without authority obtains within 10 days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.]

Defacement of halls / auditoriums and other public properties

- a) In the case of Halls/Auditoriums/Meeting venues owned/ controlled by the Government/ local authorities/ Public Sector Undertakings/Cooperatives, political meetings are generally not permitted.

Removal of defacement

- a) If any political party/association/ candidate/person indulges in defacement of any property in violation of the local law , if any, or the above instructions, the Returning Officer/District Collector shall issue notice to the offender for removing the defacement forthwith.
- b) Further, the amount also shall be added to the election expenses of the candidate concerned, and action should also be initiated to prosecute the offender under the provisions of the relevant law (under the law relating to prevention of defacement, if any, or under the provisions of the general law for causing willful damage to the property of others).

R. Defacement of vehicles

- a) On commercial vehicles, display of any flag, sticker etc., shall not be permitted, unless such vehicle is a vehicle validly used for election campaign after obtaining the requisite permit from the District Collector/Returning Officer and the display thereof in original on the wind screen.
- b) External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicle Act/ Rules and any other Local Act/Rules.
- c) Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.

S. Other campaign related items

- a) Subject to accounting of expenditure, the following may be permitted:
 - I. In processions and rallies etc., flags, banners, cutouts etc. can be carried *subject to local laws* and prohibitory orders;
 - II. In such procession, wearing of party/ candidate supplied special accessories like cap, mask, scarf etc. may be permitted. However, supply of main apparels like saree, shirt, etc. by party/ candidate is not permitted.
 - III. *Educational institutions including their grounds shall not be used for political campaigns and rallies.*

T . Ads of political nature on T V Channels, Cable Networks or Radio

- a) Every recognized political party and every contesting candidate *proposing to issue an advertisement on TV channel & / or Cable network / Radio will have to apply* not later than three days prior to the date of the proposed commencement of

the telecast / broadcast of such advertisement to Returning Officer or the officer authorized by the concerned authority issued from time to time.

- b) In case of any other person or registered but unrecognised political parties, they will have to apply not later than two days prior to the date of the telecast/broadcast.
- c) such application shall be accompanied by two copies of the proposed ad' in electronic form along with a duly attested transcript thereof While disposing of such applications, it will modification of any part of the advertisement

The application for certification' shall contain following details:

- I. The cost of production of the advertisement;
- II. The approx. cost of proposed telecast of such ad on a TV channel or cable network/ Radio with the break-up of number of insertions and rate proposed to be charged for each such insertion;
- III. It shall also contain a statement whether the advertisement inserted is for the benefit of the prospects of the election of a candidate(s/) parties;
- IV. If the advertisement is issued by any person other than an a political party or a candidate, that person shall state on oath, hat it is not for the benefit of the political party or a candidate and that the said ad' has not been sponsored or commissioned paid for by any political party or a candidate and;
- V. a statement that all the payments shall be made by way of cheque or demand draft.
- VI. At Local Body level the Returning officer is the designated officer to deal with the applications.
- VII. To entertain complaints/ grievances of any political party or candidate or any other person in regard to the decision to grant or refuse certification of an advertisement the District Collector is the authority'

In case of any ambiguity, clarifications by the Goa State Election Commission shall be final.

Attention of all concerned is drawn to official Circular issued by Government of Goa vide No. 13-5-2011-Per dated 28-09-2011 appended to this Model Code of Conduct as Annexure -A.

Sd/-

**R. K. Srivastava, IAS (Retd.)
Goa State Election
Commissioner**

Date: 15/01/2020

Place: Panaji-Goa

ANNEXURE-A

No. 13/5/2011-Per
Government of Goa,
Department of Personnel,
Secretariat, Porvorim.
Dated: 28-09-2011.

CIRCULAR

It is noticed that at times the concerned officials who are called upon to perform certain functions on behalf of State Election Commission (SEC) sometimes do not pay serious attention to carry out the directions of State Election Commission as required. Perhaps, it is because of the unfounded assumption that as the SEC is dealing with the local bodies elections, the work is not so important. To set aside this impression at rest, the following is brought to the notice of all concerned.

The 73rd and 74th Constitutional Amendment envisages setting up of SEC consisting of a State Election Commissioner. The State Election Commissioner has been vested with the same powers under Article 243K and 243ZA (1) as the Election Commissioner of India under Article 324. The SEC's are also to function independently of State Government in the matter of powers of superintendence, directions and control of all election and preparation of Electoral Roll and the conduct of all elections to Panchayats, Zilla Panchayats and Municipalities.

It may, therefore, be emphasized that the third tier of the Government i.e. Panchayats and Municipalities have a constitutional status and hence the matter of elections connected to these bodies is also needed to be dealt on priority, so as to achieve the objective of holding fair and equitable elections of democratic bodies through franchise as has been very clearly held by Hon. Supreme Court of India.

The Hon. Supreme Court in a four judge bench headed by the then Chief Justice of India in Kishan sing Tomar v/s. Municipal Corporation of Ahmedabad & Ors. in Civil Appeal No. 5756 of 2005 has held as follows among others:

“In our opinion the entire provision in the Constitution was inserted to see that there should not be any delay in the constitution of the new Municipality every five years and in order to avoid the mischief of delaying the process and allowing the nominated bodies to continue, the provisions have been suitably added to the Constitution. In this direction, it is necessary for all the State Governments to recognize the significance of the State Election Commission, which is a constitutional body and it shall abide by the directions of the Commission in the same manner in which it follows the directions of the Election Commission of India **during the elections for the Parliament and State Legislatures. In fact, in the domain during the elections to the Panchayats and the Municipal bodies under the Art. IX and Part IX A for the conduct of the elections to these bodies they enjoy the same status as the Election Commission of India.**

In terms of Article 243 K and Article 243 ZA (1) the same powers are vested in the State Election Commission as the Election Commission of India under Article 324.

The words in the former provisions are in pari materia with the latter provision.

The words „superintendence, direction and control“ as well as „conduct of elections“ have been held in the “broadest of terms” by this Court in several decisions including in Re:

Special Reference No. 1 of 2002 (2002) 8 SCC 237 and Mohinder Singh Gill’s case (1978) 1 SCC 405 and the question is whether this is equally relevant in respect of the powers of the State Election Commission as well.

From the reading of the said provisions it is clear that the powers of the State Election Commission in respect of conduct of

elections is no less than that of the Election Commission of India in their respective domains. These powers are, of course, subject to the law made by Parliament or by State Legislatures provided the same do not encroach upon the plenary powers of the said Election Commissions.

The State Election Commissions are to function independent of the concerned State Governments in the matter of their powers of superintendence, direction and control of all elections and preparation of electoral rolls form and the conduct of all elections to the Panchayats and Municipalities.

Article 243 K (3) also recognizes the independent status of the State Election Commission. It states that upon a request made in that behalf the Governor shall make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1). It is accordingly to be noted that in the matter of the conduct of elections, the concerned Government shall have to render full assistance and co-operation to the State Election Commission and respect the latter's assessment of the needs in order to ensure that free and fair elections are conducted.

Also, for the independent and effective functioning of the State Election Commission, where it feels that it is not receiving the co-operation of the concerned State Government, in discharging its constitutional obligation of holding the elections to the Panchayats or Municipalities within the time mandated in the Constitution, it will be open to the State Election Commission to approach the High Courts, in the first instance, and thereafter the Supreme Court for a Writ of mandamus or such other appropriate writ directing the concerned State Government to provide all necessary co-operation and assistance to the State Election Commission to enable the latter to fulfill the constitutional mandate.”

It is therefore brought to the notice of all concerned that there should be no laxity on the part of Heads of Departments/Heads of Offices in relieving of the requisitioned Officer, staff, machinery and other incidentals. The requisitioned Officers/staff may also be clearly

briefed that they need to engage in the work assigned by the State Election Commission in right earnest with due diligence to avoid any disciplinary action.

Sd/-

(Yetindra M. Maralkar)
Jt. Secretary (Personnel)

To,

1. All the Secretaries to Government of Goa.
2. All HODs , Government of Goa.
3. All Heads of Public Sector Undertakings, Autonomous Organisations, Agencies , Boards.

Copy To :-

1. Secretary to H.E. the Governor of Goa.
2. Secretasry to Hon'ble C.M.
3. OSD to all Hon'ble Minister.