

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/INST/2012-CC&BE

Dated: 21st January, 2012

To

1. The Cabinet Secretary, Govt. of India
Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
2. The Chief Secretaries of all States/UTs
3. The Chief Electoral Officers of all States/UTs
4. All Political Parties

Subject:- Clarification on enforcement of Model Code of Conduct and Expenditure Monitoring Guidelines – regarding.

Sir,

I am directed to state that a question has been raised whether provision of Model Code of Conduct shall be applicable to candidates before the candidate has filed his nomination papers. There are certain provisions of Model Code of Conduct which apply to candidates, however, there are many general provisions of Model Code of Conduct which apply to political parties, candidates and also to all other persons who campaign in an election. It is clarified that the said general provisions of Model Code of Conduct are applicable to all persons, including those who intend to be a candidates in an election, from the date of announcement of elections by the Commission. Your attention is invited to the Commission's letter no. 437/6/2011-CC&BE dated 11th October, 2011, which provides that in case of general elections/bye-elections to the Lok Sabha/Legislative Assemblies, the Model Code of Conduct comes into force on the date of announcement of election schedule by the Election Commission i.e., w.e.f. the date of issue of Press Note by the Commission.

Election expenditure by the candidate shall be counted from the date he files his nomination papers. However, it is clarified that expenditure on material which may have been produced before filing of nomination if used after filing of nomination by the candidate shall be included in the election expenditure of the candidate.

Yours faithfully,

(K. N. BHAR)
SECRETARY