

By Speed post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/INST/2008-CC&BE

Dated:18th February, 2009

To

All Recognized National and
State Political Parties

Subject: Model Code of Conduct – Compliance in letter and spirit– regarding.

Sir/Madam,

The Model Code of Conduct for political parties and candidates comes into force immediately on announcement of elections. During the electioneering, several instances of violation of the provisions of the Model Code of Conduct come up for decision of the Commission. Incidents of violation are reported against individual functionaries/leaders of political parties apart from candidates themselves. Communal/religious references in election campaign, character assassination, use of religious places for election purpose, bribing of electors, etc. are some of the most commonly reported cases of violation by candidates and representatives of political parties.

When cases of violation of Model Code of Conduct or provisions of law are brought to its notice, the Commission, in appropriate cases, issues notice to the person concerned. If the violation is attributed to important leaders of political parties, notices are also issued to the political party concerned. **For clarity and uniformity in such matters, the Commission has decided that in future, in cases involving violation of Model Code of Conduct or any provision of law by any candidate duly set up by the party, or by the leaders of political parties whose names have been communicated by the party to the Election Commission/Chief Electoral Officer in terms of Explanations 1 & 2 under sub-section (1) of Section 77 of Representation of the People Act, 1951, if notice is issued to any such leader, or any candidate of the political party, a notice will also be issued to the political party concerned. It may be noted that leaders are nominated by the political parties under the aforesaid Explanation Clauses ‘for propagating programme of the political party’. Therefore, it would only be reasonable and logical to hold the**

political party concerned responsible for any act of omission or commission by such leaders. In this context, attention of political parties is also invited to the provisions of paragraph 16A of the Election Symbols (Reservation and Allotment) Order, 1968.

In view of the above, all political parties are advised to appropriately brief the leaders nominated by them, so that the Model Code of Conduct and provisions of law are followed in letter and spirit by all concerned.

Yours faithfully,

**(K. AJAY KUMAR)
SECRETARY**