

राजस्थान सरकार
निर्वाचन विभाग

एफ 3.1)(9)प्रथम/निर्वा/2024/742

जयपुर, दिनांक: 30/01/2024

प्रेषक : मुख्य निर्वाचन अधिकारी
राजस्थान, जयपुर।

प्रेषिति : मुख्य सचिव
राजस्थान सरकार
जयपुर।

समस्त अतिरिक्त मुख्य
सचिव/प्रमुख शासन सचिव/
शासन सचिव
राजस्थान सरकार।

: महानिदेशक, पुलिस
राजस्थान, जयपुर।

शासन सचिव,
सूचना एवं जनसम्पर्क विभाग,
राजस्थान, जयपुर।

समस्त अध्यक्ष/प्रबन्ध
निदेशक/निदेशक/सचिव
बोर्ड/आयोग/निगम राजस्थान।

समस्त संभागीय आयुक्त,
राजस्थान।

विषय:- आगामी लोकसभा आम चुनाव, 2024 –आदर्श आचार संहिता के दौरान
विज्ञापनों के प्रकाशन के संबंध में

महोदय,

उपरोक्त विषयान्तर्गत निवेदन है कि राज्य में लोकसभा आम चुनाव, 2024 निकट भविष्य में सम्पन्न होने है। आगामी लोकसभा आम चुनाव के कार्यक्रम की घोषणा के साथ ही आदर्श आचार संहिता प्रभावी हो जायेगी, जो निर्वाचन प्रक्रिया की समाप्ति तक प्रभावी रहेगी। चुनाव कार्यक्रम की घोषणा की सूचना भारत निर्वाचन आयोग की राजकीय वेबसाईट पर उपलब्ध रहेगी साथ ही आपको विभाग द्वारा सूचना दे दी जायेगी तथा मीडिया के माध्यम से भी इसकी सार्वजनिक जानकारी हो जायेगी।


आदर्श आचार संहिता के प्रभावी रहने के दौरान स्वतंत्र एवं निष्पक्ष चुनाव सम्पन्न कराने एवं सत्ताधारी पार्टी को आगे बढ़ाने की दृष्टि से उपलब्धियों के संबंध में पक्षतापूर्ण राजनैतिक समाचारों और प्रचार के लिए समाचार पत्रों और मीडिया में सरकारी राजकोष की लागत पर विज्ञापन जारी करने और अधिकारिक जनमीडिया के दुरुपयोग से बचाने के संबंध में भारत निर्वाचन आयोग के पत्रांक 437/6/INST/ECI/FUNCT/MCC/2024 (ADVERTISEMENTS)/377 दिनांक 02.01.2024 में विस्तृत दिशा निर्देश प्रदान किये गये है, जिनकी प्रति संलग्न कर प्रेषित की जा रही है।

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आदर्श आचार संहिता प्रभाव में रहने के दौरान उक्त निर्देशों की पालना सुनिश्चित करावें। साथ ही समस्त प्रशासनिक विभागों से भी यह अपेक्षा है कि वे अपने प्रशासनिक नियन्त्रणाधीन गठित समस्त बोर्ड, आयोग, निगम आदि निकायों में भी इन निर्देशों की पालना सुनिश्चित कराते हुए सभी संबंधित को तदनुसार निर्देशित करावें।

संलग्न : उपरोक्तानुसार

भवदीय,



(प्रवीण गुप्ता)
मुख्य निर्वाचन अधिकारी,
राजस्थान जयपुर २५

एफ 3.(1)(9)प्रथम/निर्वा/2024/742

जयपुर, दिनांक: 30/01/2024

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित हैं:-

1. समस्त जिला निर्वाचन अधिकारी (कलक्टर्स) राजस्थान।
2. संयुक्त मुख्य निर्वाचन अधिकारी (आई.टी.), निर्वाचन विभाग को पत्र की प्रति विभाग की वेबसाईट पर अपलोड कराने हेतु प्रेषित हैं।


30/1/24
उप मुख्य निर्वाचन अधिकारी
राजस्थान, जयपुर।



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/INST/ECI/FUNCT/MCC/2024(ADVERTISEMENTS)/377

Dated: 2nd January, 2024

To,

- (i) The Chief Secretaries
of all States and Union Territories.
- (ii) The Chief Electoral Officers
of all States and Union Territories.

Subject: -Model Code of Conduct – Publication of Advertisements – Regarding.

Reference: Commission's instructions:

- (i) No. 437/6/28/2004/PLN-III, dated 29.09.2004
(ii) No. 437/6/2004-PLN III, dated 24.12.2004
(iii) No. 3/9/2007/JS-II, dated: 03.08.2007
(iv) No. 437/6/INST/2009-CC&BE, dated 23.02.2009
(v) No. 437/6/INST/2008-CC&BE, dated 13.04.2009
(vi) No. 437/6/CG/2013/CC&BE, dated 09.10.2013
(vii) No. 437/6/CG/2013/CC&BE, dated 17.10.2013
(viii) No. 437/6/CG/2013-CC&BE, dated 30.10.2013
(ix) No. 437/6/1/2014/CC&BE, dated 01.04.2014
(x) No. 437/6/ ECI/INST/FUNCT/MCC-2017, dated 06.01.2017
(xi) No. 437/6/1/ECI/INST/FUNCT/MCC/2021, dated 13.03.2021
(xii) No. 437/6/INST/2014/CC&BE, dated 11.09.2014, and
(xiii) No. 437/6/INST/2015-CCS, dated 29.12. 2015

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Madam/Sir,

The Commission has issued various instructions from time to time on Publication of Advertisements during the period of enforcement of Model Code of Conduct. Following are the consolidated instructions in supersession of all the instructions issued vide letters listed above:

I. Advertisements at the cost of Public Exchequer

- (a) Sub-para (iv) of para VII - 'Party in Power'- of the Model Code of Conduct for the Guidance of Political Parties and Candidates provides that: -

"The party in power whether at the Centre or in the States/UTs 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-

(iv) 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."

(b) Those hoardings, advertisements, etc., put up by the Government which purport to give general information or convey general messages to the masses on family planning, social welfare schemes etc. may be allowed to be displayed. However, all those hoardings, advertisements, etc. which seek or purport to project the achievements of any living political functionaries or political party and which carry their photos or name or party symbol should be removed forthwith as no political functionary or political party can use public resources and incur or authorize expenditure from public exchequer to eulogize himself or itself or enhance his/its own or any political leader's personal image. Such hoardings, etc. undoubtedly amount to their individual/party election campaign at public cost. Accordingly, the photos of political leaders in such advertisement should be removed/covered suitably. The continuing display of such hoardings and advertisements at the cost of public exchequer, even if such hoardings, advertisements or posters were displayed prior to the date of announcement of elections, constitutes a violation of the Model Code of Conduct as it provides an undue advantage to the party in power and has the effect of influencing the voters in favour of the party in power.

(c) No advertisements should hereafter be issued in the newspapers and other media, including electronic media, at the cost of public exchequer during the election period and the misuse of 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 should be scrupulously avoided.

II. Use of space in Railway Stations, Bus Stands, Airport, Bridges-Railway and Roadways, Govt. Buses, Govt. and public buildings, Electric and telephone poles, Municipal/local bodies' buildings, space and assets for political advertisement

(i) Display of election posters, hoardings, banners, etc., in any Government/PSU premises is not permitted even if it is a commercial space. The Commercial spaces of Govt and Public Sector Undertakings (PSUs) during election periods cannot be used for displaying political advertisements.

(ii) In case there is no specific provision in the by-laws of PSUs, or in their agreements with the advertisement agencies to whom they let out space for advertisement for prohibiting display of political advertisement, the PSUs may be instructed to add a para in their commercial agreements with commercial agencies/companies while providing space on lease to the advertisement agency for placing commercial advertisements that "No political advertisement shall be displayed/pasted at the space provided on lease for commercial advertisement like airport, railway stations, inter state/local bus stands, Govt. transportation, post offices, Government hospitals/dispensaries etc. (except on main highways, main roads etc.) during the period of Model Code of Conduct . If there is any political advertisement in the provided space, the same shall be removed immediately on enforcement of the Model Code of Conduct."

(iii) In the case of Halls/Auditoriums/Meeting venues owned/controlled by the Government/local authorities/PSUs/Cooperatives, if the law/guidelines governing their use do not preclude political meetings therein, there is no objection to it but, it shall be ensured that the allocation is done on equitable basis and that there is no monopolization by any political party or candidates. In such venues, displaying of banners, buntings, flags, cut-outs, may be permitted during the period of meetings subject to any restrictions under the law/guidelines in force. Such banners, flags, etc. shall be got removed by the party/individual who used the premises immediately after conclusion of the meeting, and in any case within a reasonable period after the meeting is over. Permanent/semi-permanent defacement such as wall writing/pasting of poster etc. shall not be permitted in such premises. The ECI Observers shall closely monitor compliance, and will specifically mention it in their reports to ECI.

III. Broadcasting of election related matter over Radio during period of forty – eight hours ending with hour fixed for conclusion of poll

Clause (b) of sub-section (1) of Section 126 prohibits display of election matter through T.V. or similar apparatus. It is clarified that radio would be treated as 'other similar apparatus' for this purpose and hence broadcasting /propagating any election matter through Radio would be covered under clause (b) and would not be permissible during the period of 48 hours mentioned in the said section.

IV. Publication of advertisements in connection with occasions like World Habitat Day, Pulse Polio/HIV awareness campaigns and celebrations of various 'Diwas' like Independence Day, Republic Day, Gandhi Jayanti, State Formation days, etc.

(i) The Commission receives various references from the Ministries/Departments seeking clearance for the publication of advertisements on the occasions of World Habitat Day, Pulse Polio Immunization/HIV awareness campaigns, etc. during the run-up to General/Bye-elections to the Lok Sabha/State Legislative Assemblies when the model code of conduct is in force. Objecting to the publication of advertisement on important social issues is never intended by the Commission. It only wants to ensure that the party in power does not misuse the Government machinery in the garb of spreading a social message which is against the spirit of providing a level playing field and so violate the spirit of free and fair election. Election Commission of India has therefore, taken a clear stand that there will be no objection to the release of such advertisements if they do not contain the photograph or political message of any Minister/political dignitary and do not highlight the achievements of the party which may influence the voters and induce them to vote in their favour.

(ii) Different important historical days like Independence Day, Republic Day, Gandhi Jayanti, Shivaji Jayanti and State Formation Days are celebrated with much fanfare which are attended to by Central/State Ministers who, at time, make it a platform for gaining political advantage by highlighting the achievements of the party in power or their political functionaries contesting the elections. The Commission has taken a serious note of this and decided that while the Ministers can participate in such celebrations the theme of their speeches should be confined only to the historical background, deeds and achievements of the historical figures and they must take utmost care not to make any political speech converting the forum into a platform for political campaign.

(iii) There will be a complete ban on celebrations like "xxx years/days in power" during this period as such occasions are virtually utilized to highlight the achievement of the party in power.

(iv) The Aadhaar related publicity can be done which has the objective to give information about Aadhaar Card to the general masses. Any publicity highlighting the achievements of the scheme or Authority or Government will not be allowed to be made.

(v) On the occasion of Birth/Death Anniversaries of political leaders, photographs and messages related to departed political leaders except those leaders who passed away in recent past, may be published in the advertisements in this regard.

V. Display of Photos of Political Functionaries on beneficiary cards, electric bills, construction site plaques etc.

(i) Beneficiary cards distributed to beneficiaries, constructions site plaques etc. erected during the enforcement of Model Code of Conduct shall not contain photographs, messages of Chief Ministers, Ministers and other political functionaries. However, no interference is called for in respect of photos of political functionaries on beneficiary cards, construction site plaques etc. that are distributed/erected prior to the enforcement of model code of conduct.

(ii) The electricity bills, water bills, boarding passes, vaccination certificates, etc. to be generated after the enforcement of Model Code of Conduct should not contain any photographs or messages/symbols of political functionaries/parties.

(iii) Similarly, the fertilizer bags, paper cups or any other merchandise to be used in the areas where Model Code of Conduct is enforced, should not contain any photographs or messages/symbols of political functionaries/parties.

VI. Publication of any advertisements of Central Government in the newspapers of non-poll going States having circulation in poll going States

(i) It has been observed that certain advertisements highlighting welfare schemes and achievements of the Central Government and State Governments are published by some non-poll going State Governments, in the editions of newspapers in the States where elections are going on. The Commission considers this to be a violation of the spirits of the Model Code of Conduct.

(ii) The Commission has directed that all such advertisements, issued by non-poll going State Governments during the Model Code of Conduct period shall be forwarded to the Commission for clearance before they are sent for publication in newspapers having edition or having circulation in the poll bound States.

(iii) If any violation of the above instructions come to the notice of the Election Commission, the Secretary/Director of Information & Public Relations of the concerned State government shall directly be held responsible for such lapse.

VII. Equitable opportunity to have access to advertisement spaces for election related advertisement


(i) If the local law expressly permits or provides for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, political advertisement, etc., in any public place, (as against a

Govt. premise) on payment or otherwise, this may be allowed strictly in accordance with the relevant provisions of the law and subject to Court orders, if any on this subject. It should be ensured that any such place is not dominated/monopolized by any particular party(ies) or candidate(s). All parties and candidates should be provided equal opportunity in this regard.

(ii) If there is a specifically earmarked place provided for displaying advertisements in a public place, e.g. bill boards, hoardings etc. and if such space is already let out to any agency for further allocation to individual clients, the District Election Officer through the municipal authority concerned, if any, should ensure that all political parties and candidates get equitable opportunity to have access to such advertisement space for election related advertisements during the election period.

The above instructions of the Commission shall be brought to the notice of all concerned for strict compliance.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY