

TELANGANA STATE ELECTION COMMISSION
1st Floor, DTCP Building, A.C. Guards, Hyderabad.

NOTIFICATION

No.244/TSEC-L/2021,

Date:07.04.2021

In exercise of the powers conferred under Articles 243K and 243ZA of the Constitution of India and all other powers hereunto enabling, the State Election Commission, hereby, makes the following amendments to the Model Code of Conduct for Local Body elections issued in the year 2019, amended from time to time.

AMENDMENT

In the said Model Code of Conduct, the words "**entire area of the Revenue Division**" in sub paragraph under the heading of "ZPTC Member" in paragraph 3 (B) under the heading "Applicability and area of enforcement", shall be replaced by the following words, namely,-

"entire area of that Mandal Praja Parishad".

(BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)

Sd/- M. Ashok Kumar
Secretary

To
All the Collectors and District Election Authorities.
All the Superintendents of Police / Commissioners of Police.
All the Chief Executive Officers of Zilla Praja Parishads.
All the Commissioners of Municipal Corporations and Municipalities.
All the District Panchayat Officers.
All the Returning Officers through the Collectors & District Election Authorities.

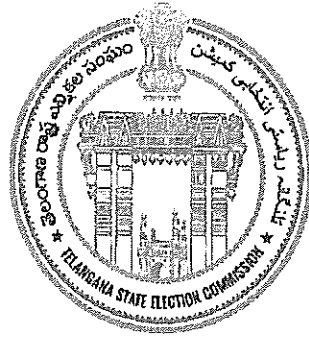
Copy to:
The Prl. Secretary to Government (Political) Department.
The Commissioner of Panchayat Raj & Rural Employment and Election Authority,
Hyderabad.
The Commissioner of Information and Public Relation, Hyderabad.

// Attested //

Joint Director

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**MODEL CODE OF CONDUCT
FOR LOCAL BODY ELECTIONS
2019**



**TELANGANA STATE ELECTION COMMISSION,
Hyderabad.**

**1st Floor, DTCP Building, Opp: PTI Building,
A.C. Guards, Hyderabad – 500 004.**

MODEL CODE OF CONDUCT FOR LOCAL BODY ELECTIONS:

Under Articles 243-K and 243 ZA of the Constitution of India and all other powers hereunto enabling, the State Election Commission, hereby, issues the following code of conduct to be followed in order to ensure free, fair and peaceful elections to Gram Panchayats, Mandal Praja Parishads, Zilla Praja Parishads, Municipalities and Municipal Corporations in the state of Telangana.

Applicability and area of enforcement:

1. (a) The Code shall be known as the Code of Conduct for local body elections.
(b) It shall apply to political parties, contesting candidates, Ministers, employees of the State Government and local bodies and other public servants connected with local body elections.
2. This Code shall come into force from the time of announcement of Election Schedule by the State Election Commission and shall remain in force till the completion of the election process.
3. The words and expression used in this Code shall have the same meaning as assigned to them under Telangana Panchayat Raj Act, 2018, Telangana Municipalities Act, 2019 and Greater Hyderabad Municipal Corporation Act, 1955, and the rules framed thereunder.
- 3(A) When the schedule for ordinary elections is notified either for the Rural Local Bodies or for the Urban Local Bodies located in the entire State, the Model Code of Conduct is applicable to the respective areas in the entire State.
- 3 (B) When the schedule for elections is notified to a limited number of casual or ordinary vacancies in the Local Bodies, otherwise than State-wide ordinary elections, the area of applicability or enforcement of Model Code of Conduct shall be as follows:-

ZPTC Member: When the schedule for elections is notified to a ZPTC, the Model Code of Conduct shall be applicable for the **entire area of that Mandal Praja Parishad** in which the ZPTC is located.

MPTC Member: When the schedule for elections is notified for an MPTC, the Model Code of Conduct shall be applicable for the **entire area of the Mandal Praja Parishad** in which the MPTC is located.

Sarpanch or Ward Member(s) of a Gram Panchayat or for both: When the schedule for elections is notified for the office of Sarpanch or Ward Member(s) of a Gram Panchayat or for both, the Model Code of Conduct shall be applicable for the **entire area of that Gram Panchayat**.

Member of a Municipality: When the schedule for elections is notified to the office of Member of a Municipality, the Model Code of Conduct shall be applicable for the **entire area of that Municipality.**

Member of a Municipal Corporation: When the schedule for elections is notified to the office of Member of a Municipal Corporation, the Model Code of Conduct shall be applicable for the **entire area of that Municipal Corporation.**

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, religions or languages.
2. There shall be no appeal to Religion, Communal or Caste feelings for securing votes.
3. Places of worship such as Temples, Mosques, Churches, etc., shall not be used as forum for election propaganda.
4. No criticism of any aspect of candidates private life which is not connected with his public life shall be made nor any allegation be made which are based on unverified facts or incidents.
5. Criticism of a political party, when made, shall be confined to its policies and programmes, past record and works and shall not be based on unverified allegations.
6. Organising demonstration or picketings before the houses of individuals by way of protesting against their opinion or activity shall not be resorted to under any circumstances.
7. No party or candidate shall permit their followers for using any private property / public property for erecting flag staffs, pasting notices, posters or slogans etc., or suspending banners without written permission from the owner / competent authority of the property concerned. Further, a copy of such written permission shall forthwith be sent to the Returning Officer / District Election Authority.
8. No candidate or his workers shall remove or deface the flag erected or posters pasted by another candidate or political party.
9. All parties and candidates shall scrupulously avoid all activities which are corrupt practices and offences under the Election Law such as:
 - (i) To appeal for vote or not to vote on the basis of religion, caste or community and to use any religious symbol for soliciting votes.

- (ii) To print or publish any poster, pamphlet, leaf-let, circular or advertisement without mentioning the name and address of the printer and the publisher.
- (iii) To publish a statement or news item which is false or not believed to be true with respect to a candidate's personal conduct or character with a view to adversely affect the prospect of his or her election.
- (iv) To obstruct or disturb any election meeting organised by another political party or candidate.
- (v) To take out processions or hold public meetings during the period of:-
 - (a) forty-eight hours ending with the hours fixed for the close of the poll in the case of Municipal Corporations, Municipalities.
 - (b) Forty-eight hours prior to the hour fixed for the conclusion of poll in the case of elections to Zilla Praja Parishads and Mandal Praja Parishads.
 - (c) Forty-four hours prior to the hour fixed for the conclusion of poll in the case of elections to Gram Panchayats.
- (vi) To bribe or offer reward in any form to voters.
- (vii) To canvas or to appeal for votes within hundred meters of a polling station.
- (viii) To use any conveyance or means of transport for the voters to or from the polling station.
- (ix) To behave in an unruly manner within or near about the polling station or to obstruct a polling officer in the discharge of his duty.
- (x) To impersonate a voter or attempt to cast vote under the false name of voter.

10. The carrying of effigies purporting to represent members of other political parties or their leaders, burning such effigies in public and such other forms of demonstration shall not be countenanced by any political party or candidate.

II. Meetings

1. No party or candidate shall hold public meetings or processions without obtaining necessary permission from the competent Local Authorities.
2. Use of loud speakers: No party or candidate shall use loudspeakers without obtaining necessary permission from the Competent Authority and shall not use the loud speaker for purposes other than transmitting speeches, live or recorded. The loudspeakers shall not be used to transmit music or songs. The use of loudspeakers, at public meetings and Road Shows shall be permitted only between 6.00 a.m. to 10.00 p.m. In all other cases, the use of loudspeakers shall be permitted only between 10.00 AM to 6.00 PM. The Police are authorised to seize the offending equipment if anybody violates the same. The political parties and candidates shall endeavour to see that no disturbance is caused in the vicinity of hospitals due to electioneering to avoid inconvenience to the patients.

3. While granting permission for organising an Election Meeting at a Public place, no distinction should be made between the candidates or the political parties. In case more than one candidate or party requests for holding meeting at the same place and the same date and time, the permission should be granted to such candidate or party who applies first.

III. Processions

1. A party or candidate organizing a procession shall decide before hand 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 ordinarily be no deviation from the programme.
2. The organizers of the procession shall give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary arrangements.
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 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 processionists carrying article which may be put to misuse by undesirable elements, especially in moments of excitement.

IV. Polling Day

1. On the polling day, all political parties and candidates shall :-
 - (a) Supply to their authorized workers suitable badges or Identity cards
 - (b) Refrain from serving or distributing liquor within the polling area during the period of

- (1). forty-eight hours prior to the hour fixed for conclusion of the poll and also on the counting day in the case of elections to Zilla Praja Parishads and Mandal Praja Parishads;
 - (2). forty-four hours prior to the hour fixed for conclusion of the poll and also on the counting day in the case of elections to Gram Panchayats; and
 - (3). forty-eight hours prior to the hour fixed for conclusion of the poll and also on the counting day in the case of elections to Municipal Corporations and Municipalities.
- (c) Not allow unnecessary crowds to be collected near the camps set by the political parties and candidates near the polling stations so as to avoid confrontation and tension among workers and sympathizers of the parties and candidates.
- (d) Co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtained permits for them which should be displayed prominently on those vehicles.
2. The identity slips given to voters shall be on plain (white) papers and shall not contain any symbol or name of the candidate. The name of the voter, his father's/husband's name, ward number, polling booth number and the serial number of the voter in the electoral roll shall only be written on the identity slip.
 3. Every candidate and the political party shall co-operate with the Officers on Election Duty to ensure peaceful and orderly polling.

V. Polling Booth

Excepting the voters, no one without a valid pass from the State Election Commission 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.

VII. Expenditure

1. No contesting candidate shall incur the election expenditure in excess of the expenditure fixed by the State Election Commission, by notification

2. The contesting candidate shall maintain day-to-day expenditure record in the prescribed proforma which will be supplied to him free of cost on the date of acceptance of his candidature.
3. Every contesting candidate shall, within 45 days from the date of declaration of results, submit the election expenditure account in the prescribed proforma to the Mandal Parishad Development Officer in case of elections to Panchayat Raj Bodies and in case of Urban Local Bodies to the District Election Authority.

VIII. Party in Power

1. A Public Servant shall remain absolutely impartial during the elections and he shall not indulge in any campaigning activity for or against any contesting candidate or political party.
2. A Public Servant shall not participate or accompany the Minister in any programme, organised at an individual's house for which the Minister has accepted the invitation during his election tour.
3. Public places such as maidans etc. for holding election meetings and use of helipads for air flights in connection with elections shall not be monopolized by party in power. Other parties and candidates shall be allowed to use such places and facilities on the same terms and conditions on which they are used by the party in power.
4. Use of rest houses, circuit houses and other Government accommodation should be permitted to all the candidates and the political parties on the same terms and conditions on which it is permissible for party in power. However, no candidate or party should be allowed to use such building or its campus for the purpose of election propaganda.
5. No contesting candidate, who is in-charge of, or is in any manner connected with, the management of an aided educational institution, or any other institution receiving aid from the State or Central Government, shall, misuse the buildings, infrastructure, staff, funds or vehicles belonging to such institution for furthering his/her electoral prospects.
6. Ordinarily, all meetings organised during election should be treated as election meetings and no Government money should be spent on them. No Government servant should attend any such meeting except those who are incharge of maintenance of law and order or those deployed for security duties.
 - (i) If a Minister undertakes a tour of any area of a District where elections are taking place, such tour shall be deemed to be an election tour and no Government servant, except those who are deployed for security purposes, shall accompany the Minister. No Government vehicles or any other facility shall be made available for such tour.

- (ii) 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 a candidate for canvassing in election in any manner from the date of notification of election to the date of announcement of the results.
7. The Ministers shall not combine their official visit with electioneering work and shall not make use of official machinery and personnel or other Government resources including Government vehicle for furtherance of interests of any candidate.
8. From the time elections are announced by the Commission, Ministers and other authorities –
- (a) shall not sanction grants/payments out of State funds or discretionary funds;
 - (b) shall not announce any financial grants or new schemes or projects in any form or promises thereof;
 - (c) shall not sanction any new scheme or project or works.
 - (d) shall not lay foundation stones etc., of projects or schemes of any kind;
9. From the time the elections are announced by the State Election Commission Ministers and other authorities shall not :-
- (a) Make any ad-hoc appointments in Government, Public undertakings etc. which may have the effect of influencing voters in favour of the party in power.
 - (b) Make any promise of laying of roads, provision of drinking water facilities etc.
10. In order to ensure maintenance of a level playing field and prevent undue influence on the election process the following persons irrespective of whether he/she is provided with security or not or anything else shall not be appointed as Election/Polling/Counting Agent of a candidate during an election:
- (i) Any sitting Minister of Union and State Government;
 - (ii) Sitting Member of Parliament;
 - (iii) Sitting Member of Legislative Assembly/Legislative Council;
 - (iv) Mayor/Dy. Mayor of a Municipal Corporation, Chairperson/Vice-Chairperson of Municipality; Sitting Member of any ULBs;
 - (v) Chairperson of Zilla Praja Parishad and President of Mandal Praja Parishad, Sarpanch of a Gram Panchayat or any sitting Member of any Mandal Praja Parishad or Zilla Praja Parishad;

- (vi) Elected Chairperson of National/State/District co-operative Institution;
 - (vii) Political functionaries appointed as Chairpersons of Central PSUs/State PSUs, Chairpersons of Government Bodies, Government Pleader/ Additional Government Pleader;
 - (viii) Any Government Servant.
11. Issue of advertisement at the cost of public exchequer in the news paper and other media during the election period for partisan coverage intended to furthering the prospects of the party in power shall be scrupulously avoided.

IX. Model Code of Conduct in Elections to Indirectly Elected Offices of Mandal Praja Parishads, Zilla Praja Parishads and Urban Local Bodies

Articles 243K and 243 ZA of the Constitution provide for setting up of State Election Commission (SEC) for conduct of free and fair elections to local bodies.

The Chapter I of part V of the Telangana Panchayat Raj Act, 2018, the Chapter VI of Telangana Municipalities Act, 2019 and Chapter II of GHMC Act, 1955 make detailed provisions for ensuring free and fair elections to the local bodies. Chapter II of Part V of TPR Act, 2018 enumerates various electoral offences. Similar provisions are also made in Chapter VI of Municipalities Act, 2019 and in Chapters II & XVII of GHMC Act, 1955. The Indian Penal Code also provides for strong protections against electoral offences through Sections 171A, 171B & 171C.

Considering the letter and spirit of the Constitutional and statutory provisions and also considering the ground realities, the State Election Commission has notified the Model Code of Conduct with the object of providing level playing field to all the candidates and political parties. However, the provisions of this MCoC address mostly the concerns associated with the direct elections and it does not afford similar protection against the malpractices encountered during the indirect elections.

During the past indirect elections, it was often noticed that various political parties and other influential candidates organise "camps" by confining the elected representatives for extended periods of time ostensibly to protect them from being won over by the opponents. Camps typically involve housing in secret or unknown locations usually in luxurious settings. Organisation of such camps involve incurring of considerable expenditure and also employment of extra ordinary influence. Thus the indirect elections tend to afford undue opportunities to be monopolised by the rich and influential parties and persons. Party in power tends to enjoy additional advantage because of its overt and covert influence over the Government machinery for doling out explicit and implicit favours/ disfavours through various departments and agencies.

Employment of all such illegal measures tend to distort healthy democratic functioning besides breaching the trust reposed by the voters in their representatives. It is not rare to see instances where newly elected representatives yield to such measures by voting against the whips issued by their respective

parties, thereby foregoing their hard earned membership in the First meeting itself necessitating conduct of casual elections at great cost to the public exchequer.

Hence, with a view to rein in the illegal practices of bribing, exertion of undue influence etc., on the elected representatives, it is proposed to add a special section in the MCoC with the following specific measures.

1. The MCoC for indirect elections shall commence from the date of declaration of result of directly elected posts (Ordinary Elections) and shall extend till the completion of indirect election of the concerned local bodies.
2. Bribery as defined in TPR Act and Indian Penal Code is not to be resorted to by any of the political parties, the elected members seeking offices such as President, Vice-President, MPPs, Chairperson, Vice-Chairperson, ZPPs, Chairperson/Vice-Chairperson, Municipalities, Mayor/Dy. Mayor of Municipal Corporations either directly or indirectly.
3. Ban on exertion of undue influence on the elected representatives for voting against the whips issued by their respective political parties during the indirect elections. Neither the political parties, nor any of their candidates involved in the indirect elections shall exert or attempt to exert any undue influence against any of the electors while exercising their electoral rights.
4. No political party nor any of the contesting candidates shall offer any post to the electors as an incentive for defying their party whip while exercising their voting rights.
5. The party in power or any of the functionaries of Government should not misuse or attempt to misuse their power covertly or overtly for extending incentives or disincentives while granting certificates, licences, work contracts or in disposal of pending cases, payment of pending bills, revision of contracts etc. Similarly the investigating agencies shall not resort to any partiality in registration of offences or framing charge sheets, enforcement of arrests, NBWs etc.
6. No political party or any candidate shall organise any camps with elected representatives either directly or indirectly.
7. There shall not be any canvassing, campaigning activity pertaining to the indirect elections to local bodies from 48 hours prior to the hour fixed for the conduct of such indirect elections to MPPs, ZPPs, Municipalities or Municipal Corporations. Such ban on canvassing, campaigning etc shall continue till the completion of the indirect elections to the concerned bodies.

Any violation of the above provisions of the MCoC shall invite suitable prosecution or / and action under relevant provisions of the Acts/rules concerned. Sections 234 of TPR Act, 2018 or Section 226 of Municipalities Act, 2019 or Section 612 of GHMC Act, 1955 shall be invoked in appropriate cases.

X. Prosecution

1. The violation of these provisions is punishable under various laws.
2. The Election Authority, GHMC, District Election Authority, Deputy District Election Authority, Additional District Election Authority and the Police are authorized to initiate prosecution against violators of this Code before the Competent Criminal Courts under intimation to the State Election Commissioner.

**SD/- C. PARTHA SARATHI
STATE ELECTION COMMISSIONER
TELANGANA**

// Attested //


Joint Director