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STATE ELECTION COMMISSION, ODISHA
TOSHALI BHAWAN, BLOCK B-2, 1st FLOOR, SATYANAGAR, BHUBANESWAR-751 007

ORDER

The 22nd May 2013

No. 3050—Ele(ML)-61/2013-SEC.—The State Election Commission, in exercise of powers vested in it by Article 243-ZA of the Constitution of India and Odisha Municipal Act, 1950, Odisha Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994, Odisha Municipal Corporation Act, 2003 and Odisha Municipal Corporation (Division of City into Wards, Reservation of Seats and Conduct of Election) Rules, 2003 makes and hereby issue the Model Code of Conduct as annexed for guidance and compliance by all concerned in the interest of free and fair election. This code shall unless and otherwise directed by the Commission come into effect from the date of issue of notification of Election programme by the State Election Commission till the date of completion of direct election to Municipal Bodies.

By order and in the name of
State Election Commission, Odisha
D. SATAPATHY
Secretary

**MODEL CODE OF CONDUCT FOR OBSERVANCE BY POLITICAL
PARTIES, CANDIDATES AND BY ALL CONCERNED DURING
ELECTIONS TO MUNICIPAL BODIES IN ODISHA**

CHAPTER-I

General Conduct

(1) No political party or candidate shall use any words either spoken or written, or commit any act or otherwise, which shall, on grounds of religion, sex, place of birth, residence, language, caste or community, create any disharmony or feelings of enmity or hatred or ill-will between different groups or communities.

(2) No political party or candidate shall use, or encourage use, overtly or covertly, of criminal force or violence which is likely to cause fear or alarm or feeling of insecurity amongst any group of voters or disturb public peace or tranquility.

(3) No place of worship, or building/offices/accommodation belonging to Government or educational institutions shall be used for election meeting/propaganda/workers' meet, etc.

(4) No obstruction or intimidation shall be caused to a prospective candidate which shall prevent him in filing his nomination.

(5) All political parties and candidates shall co-operate with officers on election duty.

(6) All parties and candidates shall avoid scrupulously all activities which are corrupt practices and offences under the election law.

(7) The word "Municipality" used includes Notified Area Council and Municipal Corporation.

CHAPTER-II

Meeting, Procession : Canvassing & Propaganda

(1) No political party or candidate shall give any gratification to any voter or group of voters which may prevent the voter(s) from exercising their electoral right freely.

(2) No election meeting shall be disturbed in any way by any rival political party or its candidate(s) or sympathisers.

(3) Permission from competent authority shall be taken in advance to hold public meetings in public places and for taking out processions on public roads. Prohibitory orders in force in public places shall be respected. Permission to use public places for holding election meetings and to take out procession on public roads shall be given by the appropriate authority on first come first serve basis. Local Police and Magistracy shall be kept informed of public meetings/processions and their directions/instructions/restrictions shall be obeyed.

(4) Character assassination of candidates/leaders which creates ill-feelings and tension, shall be avoided.

(5) Burning of effigies of leaders of political parties is prohibited. Criticism of rival candidates on aspects of private life or of political parties on the basis of unverified allegations shall be avoided. No demonstration or picketing in any form before the residence of any individual or before Government offices shall be allowed.

(6) Permission from competent authority shall be obtained for use of loud speakers and in any case, such loud speakers must not be used between 8 P.M. of the evening to 7 A.M. next morning. Use of loud speakers shall be completely stopped 48 hours before closure of the poll.

(7) A candidate contesting for the office of the Councillor/Corporator shall use maximum two vehicles (three wheelers & four wheelers taken together) for each Ward for his

electioneering and the Political party concerned can use one vehicle for each Municipality/ N.A.C. and two vehicles (three wheelers & four wheelers taken together) for Corporation as prescribed by the Commission. For use of vehicles by the contesting candidates and Political Parties instructions in detail are available in the appendix.

Similarly, Car/Vehicle being used for electioneering purposes shall under no circumstances be allowed to move in convoys of more than three vehicles in case of Municipalities/N.A.Cs. and four vehicles in case of Corporations from the date of publication of the final list of contesting candidates till the completion of election process in any Ward of the Municipality/Corporation. This shall however be subject to any special security instructions issued in respect of any such individual. However, it is clarified that the convoy shall not in any case exceed three or four vehicles, as the case may be of any person plus the security vehicles allowed in view of the security gradation of that particular person.

(8) Display of posters/pamphlets/hoardings/banners or writings on the walls of Government buildings/Educational/Religious institutions/Shrines/Public roads are prohibited. Such display and writings can however be made on private buildings or lands or space with the written permission of the owners concerned.

If any political party or candidate indulges in defacement of public property the Election Officer shall issue notice to the offender for removing the defacement forthwith. If the political party/candidate does not respond promptly, the district authorities may take action to remove the defacement and the expenses incurred in the process shall be recovered from the political party/candidate. Further, the amount also shall be added to the election expenditure of the candidate concerned and action shall also be initiated to prosecute the offender.

(9) All printed materials connected with electioneering shall bear the name of the printer and publisher, so that responsibility can be fixed in case of publication of any documents containing illegal, offending and objectionable materials.

(10) No party or candidate shall convene, hold or attend any public meeting in any polling area during the period of forty-eight hours preceding the time fixed for the commencement of the poll.

CHAPTER-III

Polling Area & Polling Day

(1) All political parties and candidates shall co-operate with the officers on poll duty.

(2) No party or candidate shall, on the date on which a poll is taken, commit any of the following acts within the polling stations or in any public or private place within a radius of one hundred meters of the polling station, namely :—

(a) canvassing for votes;

(b) soliciting the vote of any elector;

(c) persuading any elector not to vote for any particular candidate;

(d) persuading any elector not to vote at the election;

(e) exhibiting any notice or sign (other than official notice) relating to election;

(3) No obstruction, annoyance or intimidation shall be caused to the voters which will prevent them from exercising their free choice.

(4) No liquor or intoxicant shall be served by any political party or candidate to their workers/supporters on the Polling Day and during the twenty four hours preceding it.

(5) All political parties and candidates shall supply to their authorised workers suitable badges or identity card.

(6) Identity slips supplied by the political parties and candidates to voters shall be on plain white paper and shall not contain any symbol, name of the candidate or name of the party.

(7) The camps set up by a candidate beyond 100 meters of the polling station shall not display any poster, flag, symbol or any other propaganda material. No eatables shall be served or crowds be allowed at or around the camps.

(8) All political parties and candidates shall 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. Conveyance of voters to and from a polling station by or on behalf of a party or candidate is prohibited.

(9) Except the voters and authorised persons, no one else shall enter into any polling booth without permission from the competent authority. Speaker, Deputy Speaker, Ministers, Ministers of State & Dy. Ministers, Chief Whip, Dy. Chief Whip, Leader of the Opposition, Members of Parliament (M.Ps.) & Members of Legislative Assembly (M.L.As.), Presidents & Vice-Presidents of Zilla Parishads/Mayor/Deputy Mayor/Chairpersons/Vice-Chairpersons of Urban Local Bodies shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorised agent.

(10) Any political party or candidate which/who faces any difficulty shall be free to approach the State Election Commission, the Election Observers (if any) in charge of the area or the Election Officer concerned for redressal of their grievances within the parameters of the existing law.

CHAPTER-IV

Party/Parties in power and persons holding public offices

The Party/Parties in power whether in the Centre or in the State shall ensure that no cause is given for any complaint that it/they has/have used its/their official position for the purpose of its/their election campaign, and in particular :—

(1) Speaker, Deputy Speaker, Ministers, Ministers of State & Deputy Ministers, Government Chief Whip, Deputy Chief Whip and Leader of the Opposition, M.Ps. and M.L.As., President and Vice-President of Zilla Parishad, Chairperson/Mayor and Vice-Chairperson/Deputy Mayor & persons holding public offices who are provided with official perquisites and transport, shall not combine their official visit with electioneering work and shall not also make use of the official machinery or personnel or transport or Circuit House, Dak Bunglows including the Guest Houses of the Public Sector Enterprises either owned by the State Government or Central Government for election campaigning directly or indirectly. Also the Political functionaries appointed as Heads of different Public Sector Enterprises of State Government and of the Co-operatives will not make use of the official machinery or personnel or transport or Circuit House, Dak Bunglows including the Guest Houses of the Public Sector Enterprises either owned by the State Government or Central Government or owned by the Co-operative Society or any statutory body where Government have share for election campaigning directly or indirectly.

(2) Whenever the dignitaries specified in Para.(1) above decide to address election meeting(s) in any area for political work connected with electioneering the journey to such places shall not be performed in Government transport or vehicles hired for official use or the vehicles of Public Sector Enterprises including Co-operative Enterprises or any statutory bodies. The role of officials will be limited to maintenance of law and order and affording normal security to them.

(3) Except for normal development works and programmes which have already commenced, relief and restoration works as a sequel to natural calamities and emergent nature of works, expenditure for which have been voted by the State Legislature, will continue; no new schemes/programmes/works/projects of any kind shall be started or announced nor any financial concession be promised by Government or any official agency which would have the effect of influencing, directly or indirectly, the voters in favour of the candidate(s) of the party in power.

No policy decision be taken or announced by the Government which will help the party/parties in power thereby to influence the voters.

Any project, either sanctioned in the budget of any department of Government or in the Urban Local Body for which work orders have already been issued prior to poll notification but work not started shall not be taken up during the period of enforcement of Code of Conduct.

In case of doubt all concerned are advised to seek a clarification from the Commission.

(4) No "Bhumi Puja", laying of foundation stones or inaugural ceremonies in respect of works/projects/programmes, funded partly or wholly by Government shall be undertaken by Ministers or any public dignitary in any Municipality. Such functions and ceremonies, even if organised outside the limits of the Municipality are prohibited if such works/projects/programmes are intended for the benefit of the urban areas and to influence the urban voters.

No assurance influencing voters nor any proposal for sanction of project out of MP/MLA LAD fund shall be given during the operation of model code of conduct.

(5) Government accommodation, viz. Rest Houses, Inspection Bungalows, Circuit Houses or Guest Houses of Government Undertakings (Central or State) and the like, in Urban areas, shall not be provided to any Minister of the Central and State Government, Members of Parliament or Members of Legislative Assemblies or Leaders of all Political Parties or their candidates after announcement of Municipal election till its completion.

However, accommodation can be given to Political functionaries who are provided security of the State in “Z” scale or above or equivalent by various State Government under provisions of their laws, on equitable basis. This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or observers. Such Political functionaries shall not carryout any political activity while staying in the Government Guest Houses/Rest Houses or Guest Houses of Public Sector Undertakings as mentioned above.

(6) Even if there is no restriction on providing Government accommodation viz. Rest Houses, Inspection Bungalows, Circuit Houses or Guest Houses of Central or State Government Undertakings, Zilla Parishad Guest Houses, etc. situated in rural areas to different political functionaries of the State during the period when the Code of Conduct is in force, such functionaries shall not carryout any Municipal Electioneering work while staying in the aforesaid Government accommodation.

(7) No advertisement or publication at the cost of Central or State Government/Public Undertakings/Corporations/Co-operatives etc. highlighting achievements, which will have the effect of influencing the voters in elections shall be issued/published.

(8) Electronic and Print Media shall not be used by any Political Party to malign the images of the other Political Parties or candidates to avoid ill feelings.

(9) Persons holding offices in various Panchayati Raj Institutions, Urban Local Bodies, Corporations of State Government and Central Government, Co-operative Societies shall not issue any advertisement requesting to vote for any candidate either in print or electronic media using their official designation. However, they can issue such advertisement on their personal capacity without using office logo or designation.

(10) The directions and restrictions contained in this Chapter shall also apply, *mutatis mutandis*, to Central and State Ministers so far as these relate to them, to non-official Chairpersons and non-official Directors of Government Companies and Corporations whether State or Central, Chairpersons and Vice-Chairpersons/Presidents and Vice-Presidents of Panchayati Raj Institutions and Municipalities, Mayors/Deputy Mayors of Corporations and Presidents of Co-operative Societies including Apex Bodies and other Bodies and Authorities in which public funds are invested or to whom public funds are granted, notwithstanding the quantum of such funds.

CHAPTER V

Public Servants

(i) A public servant shall remain absolutely impartial during the election and he/she shall not indulge in any campaigning activities for or against any contesting candidate or political party.

(ii) No public servant shall subscribe in aid of, or assist in any way, any candidate;

(iii) The Government servant shall not himself speak at or take active and prominent part in organizing or conducting the meeting. Further, frequent or regular presence by a Government servant in meeting of any candidate is bound to create impression that he is assisting a candidate.

(iv) No public servant should accompany a Minister/such other political functionaries for electioneering except on duties from security point of view.

(v) Police Officials engaged in law and order duties shall not be construed as participating in the meeting of any candidate.

(vi) While dealing with different political parties in day-to-day official transaction each public servant shall maintain absolute neutrality. While registering cases on complaint filed by different political group or contesting candidates or their supporters police will take prompt steps in most impartial manner.

(vii) Violation of Code of Conduct by any public servant will make himself/herself liable for disciplinary proceeding under Rule 15 of the Odisha Civil Services (Classification, Control and Appeal) Rules, 1962. There will be concurrent action under relevant provisions of Criminal Laws.

The Model Code of Conduct shall become operational from the date of issue of election notification by the State Election Commission, Odisha and shall remain in force till completion of counting for election to the MUNICIPAL BODIES.

CHAPTER-VI

Corrupt Practices

The following are the extracts from the Odisha Municipal Act, 1950 and Odisha Municipal Corporation Act, 2003 on Corrupt Practices during election and penalties thereof:—

THE ODISHA MUNICIPAL ACT, 1950

Section 28—A person shall be deemed to have committed a corrupt practice who directly or indirectly by himself or by any other person,—

(a) induces, or attempts to induce by fraud, intentional misrepresentation, coercion or threat or injury, any voter to give or to refrain from giving a vote in favour of any candidate;

(b) with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate or in consideration of any voter having voted or refrained from voting for any candidate, offers or gives any money or valuable consideration or any place or employment or holds out any promise of individual advantage or profit to any person including a promise or spiritual salvation;

(c) Induces or attempts to induce candidates or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or of spiritual censure with a view to influencing him in any way in connection with the election;

(d) employs, instigates or threatens any form of social boycott of any voter or candidate or of any one in whom such voter or candidate is interested;

(e) gives or procures the giving of a vote in the name of a voter who is not the person giving such vote;

(f) makes or promises to make any payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote or hires, employs, borrows or uses for the purpose of election any boat, vehicle or animal usually kept for letting on hire or for convenience of the passengers by hire except for carrying himself or his agents and messengers. Provided that nothing contained in this clause shall prevent a conveyance being hired by a voter or several voters at their joint cost for the purpose of conveying him or them to or from the poll;

(g) offers any money or valuable consideration to any person to induce him to withdraw from being a candidate at an election or being a candidate accepts any money or valuable consideration so offered;

(h) abets within the meaning of the Indian Penal Code XLV of 1860 the doing of any of the acts specified in Clauses (a), (b), (c), (d), (e), (f) and (g).

Explanation—(i) “A promise of individual advantage or profit to a person” includes a promise for the benefit of the person himself or of any one in whom he is interested, but does not include a promise to further purpose or to vote for or against any particular Municipal measure or work;

(ii) No agent, clerk, messenger or other person, who may in accordance with prescribed rules, be employed for remuneration by candidate at an election shall, by reason of such employment alone, be deemed to come within the provisions of the section;

(iii) A corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge or consent or by a person who is acting under the general or special authority of such candidate with reference to the election;

(iv) Every person, who is guilty of a corrupt practice at, or in connection with an election held under the provisions of this Act, shall be punishable with imprisonment which may extend to six months or with fine or with both.

THE ODISHA MUNICIPAL CORPORATION ACT, 2003

Section 87—The following shall be deemed to be corrupt practices for the purpose of this Act :—

(a) bribery and under influence as defined in sub-sections (1) and (2) respectively, of Section 123 of the Representation of the People Act, 1951;

(b) the systematic appeal by a candidate or his agent or by any other persons to vote or refrain from voting on grounds of caste, race, community, religion, or the use of or appeal to religious symbols, or use of appeal to National Symbols such as National Flag, or the National Emblem, for the furtherance of the prospects of that candidate's election;

(c) the publication by a candidate or his agent or by any other person of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal from contest of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election;

(d) the hiring or procuring whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent or the use of any such vehicle or vessel for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act :

Provided that the hiring of a vehicle or a vessel by an elector or by several electors at their joint cost for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause, if the vehicle or the vessel so hired is a vehicle :

Provided further that the use of any public transport vehicle or vessel or railway carriage by an elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation—In this clause, the expression 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise;

(e) the holding of any meeting in which intoxicating liquors are served;

(f) the issuing of any circular, play card or poster having a reference to election which does not bear the name and address of the printer and publisher thereof; and any other practice which the Government may, by rules, specify to be a corrupt practice.

CHAPTER VII

Election Offences

The following are the extract of the Odisha Municipal Act, 1950, Odisha Municipal Corporation Act, 2003 and Indian Penal Code, 1860 on Election offences and penalties thereof—

THE ODISHA MUNICIPAL ACT, 1950

Section 29—Every person convicted of an offence punishable under this Chapter or under Chapter IX-A of the Indian Penal Code XLV of 1860 shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of the Councillor of a Municipality for a period of four years from the date of his conviction or for such shorter period as the Court may, by order, determine.

Section 30— (1) Every person who by claiming a qualification which he knows that he does not possess to vote at a Municipal election or by using false document or by a false declaration or by any other deceitful means procures or attempts to procure the improper entry of the name whether of himself or of any other person in the electoral roll or the improper omission of any name therefrom shall be punishable with imprisonment which may extend to three months or with fine or with both.

(2) Every Municipal Officer or Servant or Polling Officer, or any other Officer, whether designated as Election Officer or otherwise engaged in or associated with the work of preparation of electoral rolls pursuant to Section 13 of this Act who wilfully makes or procures or attempts to make or procure any improper entry in the electoral roll or any improper omission therefrom shall be punishable with imprisonment which may extend to six months or with fine or with both.

Section 31—Every person, who in the course of electoral operations falsifies or attempts to falsify the record of an election by removing, destroying, altering or fabricating nomination papers or voting papers or by any other act or by an omission, shall be punishable with imprisonment which may extend to one year or with fine or with both.

Section 32—(1) Every person, who applies for a ballot paper at an election, having already voted, once at the same election and in any electoral ward on knowing that his name is not included in the electoral roll shall be punishable with imprisonment which may extend to six months or with fine or with both.

(2) Every person who applies for a ballot paper in the name of any other person, living or dead, or of fictitious person shall be punishable with punishment provided in sub-section (1).

Section 33 —Every Presiding Officer, Polling Officer, Clerk or other person, in attendance at the polling station who, except for some purpose authorized by law, communicates to any person information, showing directly for which candidates any voter has voted, and every person who by improper means procure any such information, shall be punishable with imprisonment of either description for a term which may extend to six months or with fine or with both.

THE ODISHA MUNICIPAL CORPORATION ACT, 2003

Section 102 — (1) No person at an election shall,—

- (a) deface or destroy fraudulently and nomination paper; or
- (b) deface, destroy or remove fraudulently any list, notice or other documents affixed by or under the authority of a Returning Officer; or
- (c) deface or destroy fraudulently any ballot paper or the official mark on any ballot paper; or
- (d) without due authority, supply any ballot paper to any person or receive any ballot paper from any person or be in possession of any ballot paper; or
- (e) fraudulently put into any ballot box anything other than the ballot paper which he is authorized by law to put in; or
- (f) without due authority destroy, take open or otherwise interfere with any ballot paper other than in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempt to do any of the foregoing acts or wilfully aid or abet the doing of any such acts.

(2) Any person who contravenes the provisions of sub-section (1) shall,—

- (a) if he is a Returning Officer or an Assistant Returning Officer or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punished with imprisonment of either description of a term which may extend to two years or with fine, or with both; or
- (b) if he is any other person, be punished with imprisonment of either description for a term which may extend to six months or with fine or with both.

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Section 104—Every person convicted of an offence punishable under Sections 94, 95, 96, 97, 98, 99, 100, 101 or 102 or under Chapter IX-A of the Indian Penal Code, 1860 shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of Corporator for a period of five years from the date of his conviction.

EXTRACTS FROM THE INDIAN PENAL CODE, 1860

153-A—Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony :

(1) Whoever—

- (a) by words, either spoken or written, or by signs or, by visible representations or otherwise promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other grounds whatsoever, disharmony or

feelings of enmity, hatred or ill-will between different religious, racial language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility, or

(c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to the use criminal force or violence, against any religious, racial language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial language or regional group or caste or community, shall be punished with imprisonment which may extend to three years, or with fine or with both.

(2) Offence committed in place of worship, etc.—Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

153-B—Imputations, assertions prejudicial to National Integration—

(1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise—

(a) makes or publishes any imputation that any class of persons can not, by reason of their being members of any religious, racial language or regional group of caste or community bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or

(b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial language or regional group or caste or community, be denied or deprived of their rights as citizens of India, or

(c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons by reasons of their being members of any religious, racial language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine or with both.

(2) Whoever commits an offence specified in sub-section (1), in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

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CHAPTER IX-A

Offences Relating to Elections

171-A— “Candidate”, “Electoral right” defined—For the purposes of this Chapter,—

[a] “Candidate” means a person who has been nominated as a candidate at any election.

[b] “electoral right” means the right of a person to stand, or not to stand as, or to withdraw from being a candidate or to vote or refrain from voting at an election.

171-B—Bribery-(1) Whoever—

(i) gives a gratification to any person for the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery :

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person, who obtains or agrees to accept or attempts to obtain a gratification, shall be deemed to accept, a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

171-C—Undue influence at elections—(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever—

(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested with injury of any kind, or

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or of

spiritual pleasure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section(1)

(3) A declaration of public policy or a promise of publication or the mere exercise of a legal right without intent of interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

171-D—Personation at elections—Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

171-E—Punishment for bribery—Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both:

Provided that bribery by treating shall be punished with fine only.

Explanation—“Treating” means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

171-F—Punishment for undue influence or personation at an election—Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

171-G—False statement in connection with an election—Whoever with intent of affect the result of an election makes or publish any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

171-H—Illegal payment in connection with an election—Whoever without the general or special authority in writing of a candidate incurs or authorities 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 candidates shall be punished with fine which may extend to five hundred rupees.

171-I—Failure to keep election accounts—Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.

**STATE ELECTION COMMISSION, ODISHA
TOSHALI PLAZA, BLOCK-B-2, 1st FLOOR, SATYANAGAR
BHUBANESWAR-751007**

ORDER

The 25th October 2008

No. 6486—Ele(ML)-10/2008-SEC.—Whereas, the Superintendent, direction and control of all elections to Municipalities in the State are vested in the State Election Commission under Article 243-ZA of the Constitution of India;

Now, therefore, to ensure fairness in conduct of the election for the office of the Corporator, the State Election Commission in exercise of the powers vested under Article 243-ZA of the Constitution directs that a candidate contesting to the office of Corporator shall use maximum two vehicles (three wheelers & four wheelers taken together) for each Ward for his/her electioneering and the Political Parties concerned can use two four wheelers for the whole Corporation. The candidate will intimate the type of motor vehicle to be used, its registration number and name of its owner to the Election Officer from the date of deployment of the vehicle in his/her electioneering. He/she will submit this information in triplicate to the Election Officer, one copy of which will be sent to the nearest Motor Vehicle Authority, one copy will be retained by the concerned Election Officer, and the other copy with signature and seal of the Election Officer will be returned to candidate. The candidate or his/her authorized person will be required to enter the number of vehicles used by him in the day-to-day Account Register. On demand by the Election Observer, Expenditure Observer, Election Officer or any other officer authorized by the Commission, the contesting candidate will be required to produce this register for verification at any time during the period of electioneering. The expenditure on the vehicles shall be inclusive of the limit of expenditure fixed for the candidate. The expenditure on the vehicle used by the Political Party will be apportioned equally among all the candidates sponsored by the concerned Political Party in the Corporation.

In any convoy of electioneering, there shall be maximum four number of vehicles.

This order will also be part of the Code of Conduct issued earlier by Order No. 2045, dated the 21st June 2008 published in the *Odisha Gazette*.

By order and in the name of
State Election Commission, Odisha
F. C. SATAPATHY
Secretary

(i)

MODEL CODE OF CONDUCT

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