

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

Dated: 1st March, 2024

To

The President/General Secy./Chairperson of
All National/State recognized Political Parties.
(As per the list attached)

Sub: Advisory to political parties on plummeting level of public discourse during campaigning – General Election to Lok Sabha 2024 and other simultaneous elections to Legislative Assemblies - Expected decorum by political parties and candidates in general, and Star Campaigners in particular.

Sir/Madam,

The sanctity of political campaigning space, in the run up to the elections has always been valued by all stakeholders of electoral democracy worldwide and, the Election Commission of India, in particular. A minimally fettered framework of public discourse is a premium input which produces political contestation and thus, in turn results in and, weighs heavily, to have credible poll outcomes. A well contested campaign space also is essential for informed selection by a voter and ex-facie a matter concerning free and fair elections.

2. The Model Code of Conduct (MCC) is the primary regulation governing electioneering and is issued under the powers of the ECI under Article 324. It is for this reason the Model Code of Conduct has the force of law. The Model Code of Conduct specifically provides for guidelines to be observed by political parties and candidates in relation to campaign speeches and appeals. In this connection, attention of all the political parties is drawn to judicial pronouncements also, including the Hon'ble High Court of Delhi, order dated 21st December, 2023 in the W.P. (C) 16571/2023, and statutory provisions which hold the field and fix the framework of the expected discourse during campaigning.

3. Brazen and flagrant violation of the Model Code of Conduct especially in the case of leaders of political parties has a widespread impact on the election process across

constituencies. Over the years, the Commission has been noticing suo moto, as well as through complaints and cross complaints by political parties, several trends, which are at work, destabilizing the decorum of the political discourse during campaigning.

4. Leaders of political parties who have been accorded the “star campaigner” status in terms of Section 77 of the Representation of the People Act, 1951 make election speeches at large political gatherings. Applying the doctrines of harmonious and purposive construction become necessary as MCC and the statutory provisions contained in Representation of the People Act, 1951 supplement and not supplant each other. Thus, the privileges of star campaigners under Section 77 of the said Act is coupled with an elevated duty to maintain highest standards of ethical conduct in the election campaign.

5. Apart from the direct violations of the MCC, trends are in play where systematically crafted and timed statements, surrogate or indirect violations using satire to raise unverified allegations, etc. during election campaigns. Some genres of the same are inter alia enumerated for ready reference, record and illustration:

- Use of inappropriate, abusive at times, vocabulary against star campaigners of other political party(ies),
- False, unquantifiable, unsubstantiated, incorrect and unverified allegations,
- Slangs conveying divine censure/personal vilification,
- Use of vilifying and demeaning social media posts/ caricature crossing fine line of satire,
- Presenting social media posts in out of the context, often to spread misinformation or disinformation.
- Misleading advertisements in garb of news items potent with disturbing level playing field just before days of voting,
- Personal attack on political rivals and ridiculing the candidates of rival parties,
- State Government publishing their welfare schemes in the neighboring poll going states at opportune time,
- Attempts to lure voters, by luring registration for delivery of promises under nonexistent schemes which is often akin to bribery of voters through false promises,
- Use of name of the candidate to make generalized comments against a group of voters,

6. Accordingly, with this reference, the citing of typical and illustrative instances the Commission hopes to put in notice all stakeholders that in case of alleged default which

follows previously 'known' methodologies to 'duck' the radar, ECI will assess it as a fair basis to re-work the notices to be given in terms of time and content in issue. An attribute of basic knowledge, with this advisory, the ECI hopes will be understood as continued and advance notice or basis of action. For the General Election of Lok Sabha and 4 General Election to Legislative Assembly, all phases and geographical area of elections shall be merged, to determine "repeat" offences.

7. The Commission is mindful of the requirement of reasonable restrictions inbuilt on the freedom of expression guaranteed by the Constitution of India. The Commission orders are designed to be minimally invasive and precisely directed so as to never completely prohibit the Candidates from campaigning at large. It is presumed that the notice issued to a political party or the star campaigner for prima facie violation of MCC or regulatory regime, would serve the purpose and be taken as a moral censure. Often, many actions initiated conclude with and are confined to, that particular election. However, it is worrisome that this self-restrained approach of the Commission is misunderstood and a trend of repeated violations by unfair references appears to be in play and see the next cycle of election as with a 'clean slate.' Further, the new vector of IT and social media platform are blurring the time period- as pre MCC and 48 hours silence period content invariably persists and is in circulation during multi-phase campaign or even across altogether separate set of elections.

8. As the country gears up for the General Elections to the Lok Sabha 2024 and other simultaneous elections to Legislative Assemblies, the Commission finds it imperative and to put on notice and to address Political Parties, their candidates, independent candidates and, **star campaigners in particular**

9. While strongly urging all the political parties, their leaders in all capacities and the contesting candidates to remain within the confines of the Model Code of Conduct and the legal framework, observe utmost restraint and decency in election campaign and to raise the level of election campaigning to "issue" based debate, the Commission advises that any genres of surrogate or indirect violation of MCC and surrogate means to plumate level of election campaign will be dealt with stern action:

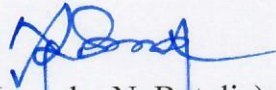
- i. No appeal shall be made on basis of caste/communal feelings of the electors.
No activity, which may aggravate existing differences or create mutual

hatred or cause tension between different castes/communities/religious/linguistic groups, shall be attempted.

- ii. The political parties and leaders shall not make false statements, utterances without factual basis aimed at misleading the voters. Criticism of other parties or their workers on the basis of unverified allegations or on distortions shall be avoided.
- iii. No aspect of the private life, not connected with the public activities, of the leaders or workers of other parties is to be criticized. Low level personal attacks to insult the rivals shall not be made.
- iv. No temples/mosques/churches/gurudwaras or any places of worship are to be used for election propaganda or electioneering. References which ridicule the relations between devotee and deity or suggestions of divine censure shall not be made.
- v. The political parties and candidates to refrain from any deeds/action/utterances that may be construed as being repugnant to the honor and dignity of women.
- vi. Unverified and misleading advertisements are not to be given in the media.
- vii. Advertisements masquerading as news items are not to be given.
- viii. Social media posts vilifying and insulting the rivals or posts which are in bad taste or which are below dignity are not to be posted or shared.

10. All recognized political parties are also required to bring this advisory in the cognizance of their candidates, star campaigners and other campaigners.

Yours sincerely,


(Narendra N. Butolia)
Sr. Principal Secretary

CC: Chief Elector Officers of all States/UTs - with direction to issue this advisory to all registered unrecognized political parties and independent candidates.