

## Model Code of Conduct for the Guidance of Political parties and candidate in Elections to Panchayats and Municipality in Andaman & Nicobar Islands.

### **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, religious or linguistic groups.
- (2) Criticism of other political parties, when made, shall be confined to their policies and programmes, past record and work. Parties and candidates shall refrain from criticism of any aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or on distortion of facts shall be avoided.
- (3) There shall be no appeal to caste or communal feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forums for election propaganda.
- (4) All parties and candidates shall scrupulously avoid all activities which are “ corrupt practices” or offences under the election law such as the bribing of voters, intimidation of voters, personating of voters, canvassing within 100 meters of a polling station ,holding public meetings during the period prohibited under the election law and the transport and conveyance of voters to and from a polling station.
- (5) The right of every individual for peaceful and undisturbed home life shall be respected, howsoever much the political parties or candidates may resent his political opinions or activities. Organizing demonstrations or picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.
- (6) No political party or candidate shall permit its or his followers to make use of any individual's land, building, compound wall , etc without his permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans, etc.
- (7) With a view to prevent defacement of public property, posters/slogans/symbols/notices should not be pasted or written on walls of public property.
- (8) Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organized by other parties.  
Workers or sympathizers of one political party shall not create disturbances at public meeting organized by another political party by putting questions orally or in writing or by distributing leaflets of their own party. Processions shall not be taken out by one party along places at which meetings are being held by another party. Posters issued by one party shall not be removed by workers of another party.
- (9) Any election pamphlet or poster should bear on its face the names and

addresses of the printer and publisher thereof.

## **II Meetings**

- (1) The party or candidate shall inform the local police authorities of the venue and time of any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.
- (2) A party or candidate shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting. If such orders exist, they shall be followed strictly. If any exemption is required from such orders, it shall be applied for and obtained well in time.
- (3) If permission or license is to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, the party or candidate shall apply to the authority concerned well in advance and obtain such permission or license. In no case loudspeakers should be used either before 6.00 am or after 10.00 pm.
- (4) Organisers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder. Organisers themselves shall not take action against such persons.

## **III . Processions**

- (1) A party or candidate organizing a procession shall decide beforehand 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 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. All 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.
- (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 articles which are capable of being put to misuse by undesirable elements, especially in moments of excitement.
- (8) 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.

#### IV Polling Day

All political parties and candidates shall—

- (1) Co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstructions.
- (2) Supply to their authorized worker suitable badges or identity cards;
- (3) Ensure that the identity slips supplied by them to voters shall be on plain (White) and shall not contain any symbol, name of the candidate or the name of the party.
- (4) Refrain from selling or distributing liquor on polling day and during the twenty four preceding it.
- (5) Not allow unnecessary crowds to be collected near the camps set up by the political parties and candidates near the polling booths so as to avoid confrontation and tension among workers and sympathizers of the parties and candidates.
- (6) Ensure that the candidate's camps shall be simple - They shall not display any posters, flags, symbols or any other propaganda material. No eatables shall be served or crowds allowed to be collected at the camps, and
- (7) 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.

#### V Polling Booth

Excepting the voters, no one, unless authorized by the rules or specially authorized by the Election Commission, shall enter the polling booths.

#### VI Complaints

If the candidates or their agents have any specific complaint or problem regarding the conduct of the elections, they may bring the same to the notice of the Election Commissioner, Director of Panchayat/ Municipal Election,

Returning Officer, Presiding officer and also to the Observer, If appointed by the Commission.

## VII Miscellaneous

The party in power whether at the Centre or in the Union Territories concerned shall ensure that no cause is given for any complaint that it has used its official position for the purpose of its election campaign and in particular:-

- (1)(a) the Ministers, and the elected representatives shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during electioneering work  
(b) Government transport including official aircraft, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power.
- (2) Public places such as maidans, etc. for holding election meetings and use of helipads for airflights in connection with elections, shall not be monopolized by itself. Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;
- (3) Rest houses, dak bungalows or other Government accommodation shall not be monopolized by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner; but no party or candidate shall use or be allowed to use such accommodation (including

- premises appertaining thereto) as a campaign office or for holding any public meeting for the purpose of election propogands;
- (4) Issue of advertisement at the cost of public exchequer in the news papers and others 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
  - (5) Ministers elected representatives and other authorities shall not sanction grants/ payments out of discretionary funds from the time elections are announced by the Commission; and
  - (6) From the time the elections are announced by the Commission, Ministers, elected representatives and other authorities shall not-
    - (a) Announce any financial grants in any form or promises thereof;
    - or
    - (b) Lay foundation stones etc. of projects or schemes of any kind; or (c) Make any promise of construction of roads, provision of drinking water facilities etc. or
    - (d) Make any ad-hoc appointments in Government, public undertakings etc. which may have the effect of influencing the voters in favour of the party in power.
  - (7) Ministers of Central or State Government shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorized agent.
  - (8) Money power should not be allowed to play any pernicious role in the field of elections. Attention is invited to the following provisions of Section 171 H of the Indian Penal Code “171 H. Illegal payments, in connection with an election- whoever without the general or special authority in writing of a candidate incurs or authorizes 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 candidate, shall be punished with fine which may extend to five hundreds rupees”.
  - (9) Attention is also invited to other offences relating to elections in IPC, such as bribery, undue influence, personation, false statement in relation to the personal character or conduct of any candidate. Relevant extracts are enclosed.
  - (10) The code of conduct will come into effect from the date of announcement of elections.

MODEL CODE OF CONDUCT FOR THE GUIDANCE OF  
POLITICAL PARTIES AND CANDIDATES IN THE ELECTIONS  
TO PANCHAYAT AND MUNICIPAL -2015 ANDAMAN 7&  
NICOBAR ISLAND.

‘DO'S AND DONT’S FOR THE GUIDANCE OF THE CANDIDATES  
AND POLITICAL PARTIES TO BE OBSERVED FROM THE  
ANNOUNCEMENT OF AN ELECTION AND UNTIL THE  
COMPLETION OF THE PROCESS OF ELECTION.

It is clearly brought to the notice of candidates and political parties  
that the list of Dos’ and Don’ts’ is only illustrative and not exhaustive  
and is not intended to substitute or modify other detailed directions/  
instructions on the above subjects, which must be strictly observed and  
followed.

DO’S'

- (1) Ongoing programmes, which actually started in the field before the  
announcement of elections may continue.
- (2) Relief and rehabilitation measures to the people in areas affected by  
floods, drought, pestilence and other natural calamities, can  
commence and continue.
- (3) Grant of cash or medical facilities to terminally or critically ill  
persons can continue with appropriate approvals.
- (4) Public places like maidans must be available impartially to all  
parties/contesting candidate for holding election meetings. So also  
use of helipads must, be available impartially to all parties/contesting  
candidates, to ensure a level playing field.
- (5) Criticism of other political parties and candidates should relate to  
their policies, programme, past record and work.
- (6) The right of every individual for peaceful and undisturbed home life  
should be fully safeguarded.
- (7) The local police authorities should be fully informed of the venue  
and time of the proposed meetings well in time and all necessary  
permissions taken.
- (8) If there are any restrictive or prohibitory orders in force in the place  
of the proposed meeting, they shall be fully respected. Exemption, if  
necessary, must be applied for and obtained well in time.
- (9) Permission must be obtained for the use of loudspeakers or any other  
such facilities for the proposed meetings.
- (10) The assistance of the police should be obtained in dealing with  
persons disturbing meetings or otherwise creating disorder.
- (11) The time and place of the starting of any procession, the route to be  
followed and the time and place at which the procession will terminate  
should be settled in advance and advance permissions obtained from the

police authorities.

- (12) The existence of any restrictive orders in force in the localities through which the procession has to pass should be ascertained and fully complied with. So also all traffic regulations and other restrictions.
- (13) The passage of the procession must be without hindrance to traffic.
- (14) Co-operation should be extended to all election officials at all times to ensure peaceful and orderly poll.
- (15) All workers must display badges or identity cards.
- (16) Unofficial identity slips issued to voters shall be on plain (white) paper and not contain any symbol, name of the candidate or name of the party.
- (17) Restrictions on plying of vehicles during the campaign period and on poll day shall be fully obeyed.
- (18) ((Except voters, candidates and their election/polling agents) Only persons with a specific valid authority letter from the Election Commission can enter any polling booth. No functionary however highly placed (e.g. Chief Minister, Minister, MP or MLA etc.) is exempt from this condition.
- (19) Any complaint or problem regarding the conduct of elections shall be brought to the notice of the Observer appointed by the Commission/Returning Officer/Zonal/Sector Magistrate/Election Commission.
- (20) Directions/orders/instructions of the Election Commission, the Returning Officer, and the District Election Officer shall be obeyed in all matters related to various aspects of election.
- (21) Do not leave the constituency after the campaign period is over if you are not a voter or a candidate or candidate's election agent from that constituency.

### **DON'Ts**

- 1.1 Any and all advertisements at the cost of the public exchequer regarding achievements of the party/Government in power as prohibited.
2. No Minister shall enter any polling station or the place of counting, unless he or she is a candidate or as a voter only for voting.
3. Official work should not at all be mixed with campaigning/electioneering.
4. No inducement, financial or otherwise, shall be offered to the voter.
5. Caste/communal feelings of the electors shall not be appealed to.
6. No activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes, attempted.
7. No aspect of the private life, not connected with the public activities, of the leaders or workers of other parties shall be permitted to be criticized.
8. Other parties or their workers shall not be criticized based on unverified allegations or on distortions.
9. Temples, mosques, churches, gurudwaras or any place of worship shall not be used as places for election propaganda, including speeches, posters, music etc., on electioneering.
10. Activities which are corrupt practices or electoral offences such as bribery,

undue influence, intimidation of voters, personation, canvassing within 100 meters of a polling station, holding of public meetings during the period of 48 hours ending with the hour fixed for the close of the poll and conveyance of voters to and from polling stations are prohibited.

11. Demonstrations or picketing before the houses of individuals by way of protesting against their opinion or activities shall not be resorted to.
12. Subject to the local laws, no one can make use of any individual's land, building, compound wall, vehicles etc. for erecting flag stags, putting up banners, pasting notices or writing slogans etc. without, specific permission of the owner (to be shown to and deposited with the District Election Officer).

Here it is to mention that the Andaman and Nicobar Islands Prevention of Defacement of Property Regulation, 1987 is applicable in this Constituency. The relevant contents of the same are reproduced below:

**“3. (1) Whoever defaces any property in public view by writing or marking with ink, chalk, paint or any other materials except for the purpose of indicating the name and address of the owner or**



**occupier of such property and for such other purpose as may be specified by the Administrator, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.**

**(2) where any offence committed under sub section (1) is for the benefit of some other person or a company or other body corporate or an association of persons (whether incorporated or not), then, such other person and every President, Chairman, Director, Partner, Manager, Secretary, agent or any other officer or person concerned with the management thereof, as the case may be, shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.**

**4. An offence punishable under Regulation shall be cognizable.**

**5. Without prejudice to the provisions of section 3, it shall be competent of the Administrator to take such steps as may be necessary for erasing any: writing freeing any defacement or removing any mark from any property.**

**6. The Provisions of this regulation shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force”.**

13. No disturbances shall be created in public meeting or processions organized by other political parties or candidates.
14. Processions along places at which another party is holding meetings shall not be undertaken.
15. Processionists shall not carry any articles, which are capable of being misused as missiles or weapons.
16. Posters issued by other parties and candidates shall not be removed or defaced.
17. Poster, flags, symbols or any other propaganda material shall not be displayed in the place being used on the day of poll for distribution of identity slips or near polling booths.
18. loudspeakers whether static or mounted on moving vehicles shall not be used either before 6.00 am or after 10.00 pm and without the prior written permission of the authorities concerned.

19. Loudspeakers shall also not be used at public meetings and processions without the prior written permission of the authorities concerned. Normally, such meetings/processions will not be allowed to continue beyond 10.00 PM in the night and will be further subject to the local laws, local perceptions of the security arrangements of the area and other relevant considerations like weather conditions, festival season, examination period, etc.
20. No liquor should be distributed during elections.
21. On the day of the poll, no person who has been assessed to be having a security threat and therefore given official security shall enter the vicinity of a polling station premise (within 100 meters) with his security personnel. Further, on the day of the poll no such person shall move around in a constituency with his security personnel. If the person provided with official security happens to be a voter also, then he or she shall restrict his/her movement accompanied by security personnel, to voting only.
22. No person who has been assessed to be having a security threat and therefore provided official security or who has private security guards for himself, shall be appointed as an election agent or polling agent or counting agent.

## **EXPERPTS FROM THE INDIAN PENAL CODE**

### **171 B. Bribery-1** Whoever-

- i. Gives a gratification to any person with the object of including him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right.
- ii. Accepts either for himself or for any other person any gratification as a reward for exercising any such right or for including 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 subsection! 1) whoever-

(a) Threatens any candidates or voters, 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 public action, of the mere exercise of a legal right without intent or interfere with an electoral right, shall not be deemed to be interference within the meaning of the 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 of influence of 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 with both.

**171 G. False statement in connection with an election:** - Whoever with intent to affect the result of an election makes or publishes any statement purporting to be 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 payments in connection with election:** - Whoever without the general or special authority in writing of a candidate incurs or authorizes 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 candidate, 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.

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By What Court
171 E	Bribery	Imprisonment for 1 year, or fine or both or if treating only, fine only	Non-cognized	Bailable	Judicial Magistrate of the first class
171 F	Undue influence at an election	Imprisonment for 1 year, or fine or both	Non-cognized	Bailable	Judicial Magistrate of the first class
	Personation at an election	Imprisonment for 1 year, or fine or both	Non-cognized	Bailable	Judicial Magistrate of the first class
171 G	False statement in connection with election	Fine	Non-cognized	Bailable	Judicial Magistrate of the first class
171 H	Illegal payments in connection with elections	Fine of 500 rupees	Non-cognized	Bailable	Judicial Magistrate of the first class
171 I	Failure to keep election accounts	Fine of 500 rupees	Non-cognized	Bailable	Judicial Magistrate of the <u>first</u> class

**The Action under Sections 171 B to 171 I of the IPC is to be taken by the Police Officer. However, if the Police Officer is not able to take action inspite of the offence being carried out, the Executive Magistrate may ask wither verbally or in writing to his counterpart Police Officer to take necessary action.**

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## **CORRUPT PRACTICES AND ELECTORAL OFFENCES**

**(Excerpts from A & N Island (Panchayats) (Preparation of Electoral Rolls & Conduct of Election) Rules, 1995**

**137. Corrupt Practices:** The corrupt practices specified in section 123 of the Representation of the people Act, 1951 (4 of 1951) shall be deemed to be corrupt

practices for the purposes of elections to any Grant Panchayats Samiti and the Zilla Parishad, with such modification, as the administrator may by one orders to be published in the Official Gazette, specify, from time to time.

**138.** Promotion enmity between classes in connection with election: No person shall, in connection with an election under the Regulation and these rules, promote or attempt to promote on ground of religion, caste, race, community or language. Feelings of enmity or hatred between different classes of the citizens of India.

**139.** prohibition of public meetings on the day proceeding the election day and on the election day: no person shall convene, hold or attend any public meeting in any Panchayat area during the period of forty eight hours ending with the hour fixed for the conclusion of the poll for any election in the area.

**140.** Disturbances at election meeting: (1) No person shall, at a public meeting act or incite others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together. (2) This rule applies to an)' public meeting of a political character held in any constituency between the date of the issue of a notification under the Regulation or these rules calling upon the constituency to elect a member and the date on which such election held.

**141.** Restriction to the printing of pamphlets, poster, etc.:

(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its v/face the names and address of the printer and the publisher thereof.

(2) No Person shall print or cause to be printed any election pamphlet or poster-

(a) unless a declaration as to the identity f the publisher thereof signed by him and attested by two persons to who he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document, t the director of Panchayats Elections.

(3) For the purpose of this rule:

(a) any process for multiplying copies of a document other than copying it by hand, shall be deemed to printed and the expression “printer” shall be constructed accordingly; and

(b) “election pamphlet or poster” means any printed pamphlet, handbill, or other document distributed for the purpose of promoting or prejudicing the election of a candidate or a group of candidates or any placard or po9ster having reference to an election, but does not include any handbill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

**142.** Officers, etc. at elections no to act for candidates or to influence voting; (1) No person who is Returning Officer or an Assistant Returning Officer, or a Presiding Officer or Polling Officer at an election, or an officer or clerk appointed by the Returning Officer or the Presiding officer t perform any duty in connection with an election shall in conduct of the management of the election do any act

(other than the giving of vote) for the furtherance of the prospect of the election of candidate.

2. ) No such person as aforesaid, and no member of a police force shall endeavour-

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

**143.** Prohibition of canvassing in or near the Polling Station: (1) no person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling stations or in any public or private place within a distance of one hundred meters of the polling station, namely.

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

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

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

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

**144.** Prohibition of disorderly conduct in or near polling station: (1) No person shall, on the date or dates on which a poll is taken at any polling station-

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighborhood thereof, any apparatus for amplifying or reproducing the human voice, such as megaphone or loudspeaker; or reproducing the human voice, such as megaphone or loudspeaker; or

(b) shout, or otherwise act in a disorderly manner within or at the entrance of the polling station, or in any public or private place in the neighborhood thereof so as to interfere with the work of the officers and other persons on duty at the polling station.

2. ) If the Presiding Officer of a polling station has reason to believe that any person is not complying with the provision of sub-rule (1), he may direct any police officer to take such steps as may be reasonably necessary for preventing any such contravention and the police officer may seize any apparatus used for such contravention.

**145.** Misconduct at the polling station: (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the Presiding Officer may be removed from the Polling Station by the Presiding Officer or by any Polling Officer on duty or by any person authorized in this behalf by any such Presiding Officer.

2. ) The powers conferred by sub-rule (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station,

**146.** Failure to observe procedure for voting: if any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.

**147.** Government servants not to act as election agent, polling agent or counting

agent: No government servant shall act as an election agent or a polling agent or a counting agent of a candidate at an election.

**148.** Ballot papers from polling station are not to be removed; (1) No person election shall fraudulently take or attempt to take a ballot paper out of a polling station willfully aid or abet doing of any such act.

1.If a Presiding Officer of a polling station has reason to believe that any person contravening the provisions of sub rule (1), such officer may before such person leaves the polling station, direct a police officer to search such person;

2 .Provided that when it is necessary to cause a woman to search , the search shall made by other women with strict regard to decency.

3 . Any ballot paper found upon such persons shall be made over for safe custody a police officer by the Presiding Officers.

149. Other acts:No person shall at an election-

- a) fraudulently deface, fraudulently destroy any nomination paper: or
- b) fraudulently deface, or destroy or removal any list, notice or other document affixed by or under the authority of a Returning Officer; or
- c) fraudulently deface or fraudulently destroy any ballot paper or the office mark on any ballot paper or any declaration or identity; or
- d) without due authority supply any ballot paper to any person or receive any ballot paper from any person or possess any ballot paper ; or
- e) fraudulently put into any ballot box anything other than the ballot paper which held authorized by law to put in ; or
- f)without due authority destroy, take, open or otherwise interfere with any ballot box or ballot paper then in use for the purpose of the election; or
- g)fraudulently or without due authority the case may be attempt to do any of the foregoing acts or willfully aid or abet the doing of any such acts amplifying or reproducing the human voice such as megaphone or a loud speaker; or
- (b) Shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or any public or private place in the neighborhood thereof; so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other person on duty at the polling station.

2. If the Presiding Officers of a polling station has reason to believe that any person is complying with the provisions of sub rule (1), he may direct a police officer to take such steps as may be reasonably necessary for preventing any such contravention and the Police Officer may seize any apparatus used for such contravention.

**113. OFFICER, ETC AT THE ELECTION NOT TO ACT FOR CANDIDATES OR TO INFLUENCE VOTING\**

(1) No person who is returning Officer, or an Assistant Returning Officers or a Presiding or Polling Officer at an election , or an officer appointed by the returning Officer or the Presiding Officer to perform any duty in connection with election shall in the conduct or management of the election do any act (other than



the giving of voting for the furtherance of the prospects of the election of a candidate )

(2) No such person as aforesaid, and no member of a police force, shall endeavour.

- (a) to persuade any person to give his vote at an election;
- (b) to dissuade any person from giving his vote at an election; or
- (c) to influence the voting of any person at an election in an manner.

#### 114. PROHIBITION OF CANVASSING IN OR NEAR POLLING STATION

(1) No person shall , on the date or dates onj which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private plae within a distance of one hundred meters of the polling station , namely

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector ; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to

the election.

#### 115. PROHIBITION OF DISORDERLY CONDUCT IN OR NEAR POLLING STATIONS

{ 1) No person shall, on the date or dates on which a poll is taken at any polling stations

(2) Use or operate without or at the entrance of the polling station, or in any public or private place in the neighborhood thereof, any apparatus for amplifying or reproducing the human voice such as megaphone or a loud speaker; or

#### 116. MISCONDUCT AT THE POLLING STATION

(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the Preiding Officer or by any polling Officer on duty or by any person authorized in this behalf by such Presiding Officer.

(2) The Powers conferred by sub-division (1) shall not be excersied so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

#### 1 17. FAILURE TO OBSERVE PROCEDURE FOR VOTING

If any elector to whom a ballot paper has been issued , refuses to observe the procedure prescribed for voting the ballot paper issued to him shall be liable to cancellation.

#### 118. GOVERNEMENT SERVANT NOT TO ACT AS ELECTION AGENT, POLLING AGENT OR COUNTING AGENT

No Government servant shall act a an election agent or a Polling Agent or a Counting Agent of a candidate at an election.

#### 119. BALLOT PAPERS FROM POLLING STATIONS ARE NOT TO BE

## REMOVED

(1) No person at any election shall fraudulently take or attempt to take a ballot paper out of a polling station or willfully aid or abet of any such act.

(2) If a Presiding Officer of a polling station has reason to believe that any person is contravening the provisions of sub-rule (10), such officer may before such person leaves the polling station direct a police officer to search such persons.

Provided that when it is necessary to cause a woman to search, the search shall be made by any woman with strict regard to decency.

(3) Any ballot paper found upon a person shall be made over for safe custody to the presiding Officer.

120. OTHER ACTS: No person shall at an election-

fa) Fraudulently deface, fraudulently destroy any nomination paper; or

(b) Fraudulently deface, destroy or remove any list, notice or other document

(c) Fraudulently deface or fraudulently destroy any ballot paper or the official remark on any paper or any declaration or identity; or

(d) Without due authority supply any ballot paper to any person or receive any ballot paper from any person or possess 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 tamper with any ballot box or ballot paper then in use for the purpose of the election; or

(g) Fraudulently or without due authority, as the case may be, attempt to do any of the foregoing acts or willfully aid to abet the doing of any such acts.