

U. T. Administration of Daman & Diu
O/o. the Director of Municipal Elections,
Secretariat, Moti Daman – 396 220.

No.4/05/DMC/NOTI/DMN/2015-16/433

Dated: -06/01/2016

C I R C U L A R

The Election Commission for UTs, New Delhi has announced the schedule of election for the ensuing General Election to Daman Municipal Council. With the announcement of election, the model code of conduct for the guidance of the political parties, candidates and authorities have come in to force with immediate effect.

The model code of conduct interalia prohibits the party in power and authorities to announce financial grants, lay foundation stones, make any promise of construction of roads, ad-hoc appointments etc.

An extract of model code of conduct and Press Note dated 04/01/2016 of Election Commission for U.T.'s are enclosed herewith.

All the Heads of Department / Offices are directed to adhere to the provision of model code of conduct strictly. The violation of the model code of conduct shall be viewed seriously and appropriate action as per rules shall be initiated against the defaulter apart from taking action under the Election Law.

Encl: - As above.

J.P. Agrawal
06.01.2016.
(J. P. Agrawal)
Director (Municipal Election)

To,
All Heads of Department / Offices, Daman

Copy to:

- 1) PPS to Hon'ble Administrator, Secretariat, Daman
- 2) PA to Development Commissioner, Secretariat, Daman
- 3) The Finance Secretary, Secretariat, Daman
- 4) The Inspector General of Police, Daman
- 5) The Collector / Returning Officer, Daman
- 6) The President, Daman Municipal Council, Daman
- 7) The Chief Officer, Daman Municipal Council, Daman
- 8) All Assistant Returning Officer, for information and compliance
- 9) The President of all Political parties (through CO, DMC, Daman
- 10) The Field Publicity Officer, Daman with a request to issue Press Note of this Circular
- 11) The SIO, NIC, Daman to up-load on official website of UT Administration of Daman & Diu.

**Election Commission
Daman & Diu
F-Block, 1st Floor, M.S. Apartments
Kasturba Gandhi Marg,
New Delhi - 110 001**

Dated the 4th January, 2016

PRESS NOTE

The last general election to the Daman Municipal Council in the Union territory of Daman and Diu was held on 23rd January, 2011 and the constitutionally mandated five years duration of the said council from the date appointed for its first meeting shall expire on 3rd February, 2016. Section 42 of the Daman and Diu Municipalities (Amendment) Regulation, 1994, states that "every council, unless sooner dissolved under Section 298, shall continue for five years from the date of appointment for its first meeting and no longer". Rule 22 of the Daman and Diu Municipalities (Elections) Rules, 1995, inter alia, states that "a general election shall be held for the purpose of constituting a new Council on expiration of its duration or on its dissolution".

Keeping in view the above, the Election Commission, Daman and Diu, appointed under Section 185 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 proposes to hold the next general election to the Daman Municipal Council in the Union territory of Daman and Diu as per the schedule reflected below.

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|---|--------------------------|
| (a) Issue of notification for general election by the Administrator under Rule 23 of the Daman and Diu Municipalities (Elections) Rules, 1995 | - 06.01.2016 (Wednesday) |
| (b) Issue of notification for general election by the Election Commission under Rule 28 of the Daman and Diu Municipalities (Elections) Rules, 1995 | - 06.01.2016 (Wednesday) |
| (c) Last date of making nominations | - 13.01.2016 (Wednesday) |
| (d) Date for scrutiny of nominations | - 14.01.2016 (Thursday) |
| (e) Last date for withdrawal of candidatures | - 16.01.2016 (Saturday) |
| (f) Date on which a poll shall, if necessary, be taken | - 30.01.2016 (Saturday) |
| (g) Date before which election shall be completed | - 02.02.2016 (Tuesday) |

The provisions of the Model Code of Conduct for the guidance of political parties and candidates in elections to Panchayats and Municipalities in Daman and Diu issued by the Election Commission (UTs) on the 7th June, 2000 and the subsequent instructions/guidelines issued on the subject by the Election Commission of India shall also apply to this election. The Model Code of Conduct comes into force with immediate effect. All concerned are requested to observe the Model Code of Conduct scrupulously.



Bhupinder Prasad
**(Ms. Bhupinder Prasad)
Election Commissioner**

असाधारण
EXTRAORDINARY

Daman 7th June, 2000, 17 JYAISTHA 1922 (Saka)

सं. : 18
No.

सरकारी राजपत्र OFFICIAL GAZETTE



पाप्य सचिव
Government of India

उच्च प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्रधिकरण द्वारा प्रकाशित
PUBLISHED BY AUTHORITY

Model Code of Conduct for the Guidance of Political Parties and Candidates in Elections to Panchayats and Municipalities in Daman & Diu.

General Conduct

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.

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.

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.

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, personation 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. Organising 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 organised by other parties. Workers or sympathisers of one political party shall not create disturbances at public meetings organised 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 licence 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 licence. 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 organising 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

EXTRAORDINARY No. : 18

DATED : 7TH JUNE, 2000.

place at which the procession will terminate. There shall ordinarily be no deviation from the programme.

The organisers shall give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary arrangements.

The organisers 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.

The organisers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic.

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.

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 organisers 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.

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.

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.

Polling Day

All Political parties and candidates shall –

- (i) 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;
- (ii) supply to their authorised workers suitable badges or identity cards;
- (iii) ensure that the identity slips supplied by them to voters shall be on plain (white) paper and shall not contain any symbol, name of the candidate or the name of the party.
- (iv) Refrain from serving or distributing liquor on polling day and during the twenty four hours preceding it;

- (v) 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;
- (vi) 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
- (vii) 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 authorised by the rules or specially authorised 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, Chief Electoral Officer (Panchayat Elections), 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 election campaign and in particular –

- (i) (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,
- (ii) public places such as maidans, etc. for holding election meetings and use of helipads for airflights in connection with elections, shall not be monopolised by itself. Other parties and candidate 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.

- (iii) rest houses, dak bungalows or other Government accommodation shall not be monopolised 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 propaganda;
- (iv) issue of advertisement at the cost of public exchequer in the news papers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided.
- (v) 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
- (vi) 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.
- (vii) 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 authorised agent.
- (viii) 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 authorises 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".

EXTRAORDINARY No. : 18

DATED : 7TH JUNE, 2000.

- (ix) 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.
- (x) The code of conduct will come into effect from the date of announcement of elections.

Sd/-
(P.Rohmingthanga)
Election Commissioner.

New Delhi
Dated : 30th May, 2000.

OFFICE OF THE ELECTION COMMISSION
UT ADMINISTRATION OF DAMAN & DIU
SECRETARIAT, MOTI DAMAN.

No.1/48/EC (LB)/MCC/43

Dated : 6th June, 2000.

NOTIFICATION

The Model Code of Conduct for the guidance of political parties and candidates in elections to Panchayats/Municipal Elections in U.T. of Daman & Diu is amended by the Election Commissioner (UTs) and duly approved is enclosed herewith this Notification is published in the Official Gazette for general information.

This supersedes the earlier Model Code of Conduct published in extra Ordinary Official Gazette No. 50, dated 9th October, 1995 vide Notification No.1/48/95/MCC/EC(LB)/242, dated 29/09/1995.

By Order and in the name of the
Election Commissioner for U.T.
of Daman & Diu.

Sd/-
(C. H. Dalal)
Assistant Secretary (Election)
