



**BYE ELECTIONS TO FIVE WARDS OF
NORTH & EAST MUNICIPAL
CORPORATIONS OF DELHI, 2021**

**MODEL CODE OF CONDUCT
Consolidated Instructions**

**STATE ELECTION COMMISSION
N.C.T OF DELHI**

INSTRUCTIONS OF THE STATE ELECTION COMMISSION, NCT OF DELHI IN REGARD TO BYE ELECTIONS TO 5 WARDS OF NORTH & EAST MUNICIPAL CORPORATIONS OF DELHI, SCHEDULED TO BE HELD ON 28TH FEBRUARY , 2021, ISSUED UNDER THE POWERS CONFERRED UPON THE STATE ELECTION COMMISSIONER OF NCT OF DELHI, UNDER ARTICLE 243-K & 243-ZA OF THE CONSTITUTION OF INDIA READ WITH SECTION-7 OF DMC ACT 1957 AS AMENDED BY DMC (AMENDMENT) ACT 2011,

BROAD COVID-19 GUIDELINES TO BE FOLLOWED STRICTLY WHICH HAVE BEEN UPLOADED ON COMMISSION'S WEBSITE SEC.DELHIGOV.T.NIC.IN

I. Subject: Prevention of misuse of vehicles during elections.

The Commission has, in the past, issued various instructions from time to time regarding applicability of Model Code of Conduct on prevention of misuse of vehicles during elections. For convenience of all concerned, these instructions have now been consolidated for observance during the period when the Model Code of Conduct is in force. These instructions regarding restriction on misuse of vehicles during elections have been issued under the Constitution and the DMC Act 1957 as amended and all other powers enabling the Commission in this behalf.

During Polls:

(i) Corrupt practices are listed in Section 22 of the DMC Act, 1957 (as amended) and include Bribery, appeal to or use of religious Symbols, also statements of false facts, using & hiring vehicles not permitted by instructions, consumption of liquor in meetings etc.

(ii) For an election to a ward of a Municipal Corporation of Delhi on the date of poll in that ward each contesting candidate is entitled to:

- (a) one vehicle for his own use;
- (b) One vehicle for use of his election agent;
- (c) In addition, one vehicle for use of party workers.

(iii) The permits for the vehicles indicated above will be issued by the Returning Officer/concerned officer. The candidates are required to register their vehicles with the Returning Officer concerned and display the permits issued by the Returning Officer on the windscreen of the vehicles. No other vehicle shall be allowed to be used by the leaders of the political parties including ministers, workers, agents and sympathizers of any candidate. No exception shall be made, irrespective of the status of the candidate.

(iv) It is clarified that, henceforth, the candidate or his agent of party workers or workers will be allowed to use only four/three/two wheeler vehicles i.e. cars (of all types) taxies, auto rickshaws, rickshaws and two wheelers. In these four wheel vehicles not more than 5 persons including driver will be allowed to move on the day of poll. It is further clarified that on the day of poll no other person will be allowed to use the vehicle allotted for candidates or his election agent's use.

(v) These instructions on plying vehicles will be applicable on all two wheelers like motorcycles and scooters (except bicycles) also and shall be made applicable for a period of 24 hours before the time fixed for closure of poll and till the completion of poll. These restrictions would not, however, apply to any Govt. servant on duty or in case where such vehicle is being used to transport a patient or old/infirm person.

(vi) Penal action, both under the provisions of the R.P. Act, 1951 and Chapter IXA of the Indian Penal Code shall be taken against anyone offending the above directions, in addition to action under the Motor Vehicles Act. All vehicles being used in violation of these directions shall be confiscated.

(vii) There is, however, no intention on the part of the Commission to put a complete ban on all vehicular traffic on the polling day and thereby create difficulties or cause harassment to the public. For genuine bonafide use for purposes other than election, the following types of vehicles shall also be allowed to be plied on the day of poll and there will be no exception:

- (a) Private vehicles being used by the owners for their private use, not connected with elections;
- (b) Private vehicles being used by owners either for themselves or for members or their own family for going to the polling booth to exercise their franchise, but not going anywhere within a radius of 100 meters of a polling station;
- (c) Vehicles used for essential services namely hospital vans, ambulance, milk vans, water tankers, electricity emergency duty vans, police on duty, officers on election duty;
- (d) Public transport carriages like buses plying between, fixed terminal and on fixed routes;
- (e) Taxis, three wheeler scooters, rickshaws etc. for going to airports, railway stations, interstate bus stands, hospitals for journeys which cannot be avoided;
- (f) Private vehicles used by sick or disabled persons for their own use.

During Filling of Nominations;

- (viii) The maximum number of vehicles that will be allowed to come within the periphery of 100 meters of Returning Officers/Assistant Returning Officers shall be two/three. **(COVID-19 guidelines available at Commission's website : sec.delhigovt.nic.in to be strictly followed).**

During Period of Electioneering

- (ix) It has been experienced that during the period of electioneering private vehicles are used by the candidates, their agents and party leaders and supporters for carting the supporters of a candidate within the constituency / ward and on many occasions anti-social elements with muscle power are openly paraded to instill a sense of fear in the minds of the electorate, so that they either vote in favour of particular party/candidate or abstain from voting altogether. These vehicles are also used sometimes to smuggle illicit arms and ammunition with a view to creating disturbances during elections. In order to curb such

undesirable/illegal activities, the Commission further directs that the District Administration and Police shall keep a close watch on the vehicles used by persons accompanying the contesting candidate and their party's leaders for any possible mischief, including criminal activities like carrying of illegal arms and weapons. If any of these vehicles, either of a party or a private owner, is found to be involved in any such act or for carting anti-social elements with a view to intimidating or creating terror in the mind of the electorate, it shall be the duty of the local administration / Police to impound such vehicles and not to release them till the process of elections is completed. In addition, criminal action against the owner, they occupant(s) and the candidate/political party which is involved in such illegal activities shall also be taken as per law.

(x) So as to ensure free, fair and peaceful elections, the Police/Traffic Police shall launch such drive for checking the vehicles immediately upon the announcement of the General elections and shall continue the drive till the completion of the process of elections. Cars/vehicles being used for electioneering purposes shall, under no circumstances, be allowed to move in convoys of more than three vehicles from the date of notification till the completion of election process in any ward. All bigger convoys shall be broken up, even if they are carrying any minister of Central or State Govt. This shall, however, be subject to any security instructions issued in respect of any such individual. In other words the convoy shall not in any case exceed three vehicles of any person plus the security vehicles allowed in view of the security gradation of that particular person. Such broken up convoys must have a distance of at least 100 meters between them.

(xi) If any person moves in a convoy of vehicles exceeding the limits prescribed above, in spite of the convoy having been broken, it shall be the duty of the local Police /administration to ensure that such vehicles are not allowed to be used by flouting the Commission's directions till the process of election is completed.

(xii) From the date of notification of the election till the completion of election process in any ward, the district administration and Police/Traffic Police shall keep a close watch on the vehicles used by contesting

candidate, persons accompanying the contesting candidate and other party leader and ensure that the Commission's instructions are not abused.

(xiii) The contesting candidate be asked to get the detail of all the vehicles that they are using in the election campaign lodged with the Returning Officer concerned before the campaigning commences. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidate or his agent well before the actual deployment of the vehicles.

(xiv) The details so obtained should be conveyed by District Election Officer/Returning officer to the Election Expenditure Observers. The vehicles employed for election campaign as per intimation given by the candidates or their election agents to the district administration should not be requisitioned by the administration. Any vehicle that has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorized campaigning for the candidate and may attract penal provisions of chapter IX A of the Indian Penal Code and shall therefore be immediately taken out of the campaigning exercise.

(xv) A cycle rickshaw is also a vehicle as defined in Section 160 of Representation of People Act, 1951, which may be used for election campaign. If it is being used, then a candidate has to account for its expenditure in his account of election expenses. To ensure this, the candidate should give details of such rickshaws being used for his election campaign and, if the rickshaw does not have any municipal registration/permit for its identification, the rickshaw driver/Puller may be given a permit in his personal name by the Returning Officer which the rickshaw driver should carry on his person while using that rickshaw for campaign purpose. However, rickshaws being used for normal purposes of carrying passengers in ordinary course etc. may be exempted, if they are displaying only one poster showing the name or party symbol of a candidate, presuming they are doing so on their own free will.

(xvi) It is clarified that Ministers and Public Officials, who are using official vehicles, may use their official vehicles from their residences to their offices for official work. No Public official can combine official work with electioneering or any other political activity to justify use of

official vehicle for political purposes till the Model Code of Conduct is in force.

II. Subject: Use of Loudspeakers for election campaigns - Consolidated instructions

1. All political parties, candidates and their workers, supporters and sympathizers are using loudspeakers for their electioneering campaigns. These loudspeakers are not only used from fixed rostrums but are also used mounted/fitted on vehicles like trucks, tempos, cars, taxis, vans, three wheeler scooters, cycle rickshaws, etc. these vehicles move on all roads, streets and lanes and also around villages, basties, Mohallas, colonies and localities with the loudspeakers broadcasting at very great volume. This results in serious 'noise pollution' and causes great disturbance to the peace and tranquility of the general public. The student community, in particular, gets seriously disturbed as their studies are badly hampered because the loudspeakers start blaring from very early hours in the morning and continue to do so throughout the day and till extremely late hours in the night. The aged, the infirm and the sick whether in institutions, hospitals, etc. or at home are also put to severe discomfort.

2. The Commission is aware that the use of loudspeakers cannot be stopped altogether during the election period as the loudspeakers are one of the means of election propaganda and imparting information to public. But at the same time, indiscriminate and unfettered use of loudspeaker at odd hours and at odd places at very high volumes which have the effect of disturbing peace and tranquility and causing annoyance to the general public, the sick, and the student community in particular cannot be permitted. Some reasonable restrictions are essential.

3. After considering all aspects of the matter, the Commission, in exercise of its powers DIRECTS that the use of loudspeakers shall be strictly regulated as follows:-

(i) The use of loudspeakers, whether fitted on vehicles of any kind whatsoever, or in static position used for public meetings for electioneering purposes, during the entire election period starting from the date of announcement of election and ending with the date of declaration of results shall be permitted only between 6.00 AM to 10.00 PM.

—A public address system or loudspeaker or any sound amplifier, whether fitted on vehicles of any kind whatsoever, or in static position, used for public meeting for electioneering purposes, shall not be used at night between 10.00 p.m. and 6.00 a.m.”

(ii) All loudspeakers whether used for general propaganda or for public meetings or procession, and whether used on moving vehicles or otherwise, shall be used during the restricted hours only mentioned above and never beyond.

(iii) All loudspeaker being used beyond the hours as prescribed above, shall be confiscated along with all apparatus connected with the use of these loudspeakers.

(iv) All political parties, candidates and any other persons using any loudspeakers on moving vehicles including but not restricted to trucks, tempos, cars, taxis, vans, three wheeler scooters, cycle rickshaws, etc. shall intimate the registration identification number of those vehicles to the Police authorities granting permission to use the loudspeakers and such registration identification numbers of the vehicles shall be indicating on the permits granted by the authorities concerned.

(v) Any vehicle on which a loudspeaker is used without the said written permit shall be confiscated forthwith along with the loudspeakers and all the apparatus used along with it.

(vi) All political parties, candidates and even other persons using loudspeakers either on a moving vehicle or at a fixed place shall intimate, the Police authorities, in writing, the full details of the permits obtained by them before using any of those loudspeakers.

(vii) It shall be the responsibility of the Police authorities granting permits for use of loudspeakers and the Police authorities to strictly enforce that no loudspeaker is used by anyone in violation of any of the above directions,

4. No loudspeakers fitted on vehicles of any kind or in any other manner whatsoever shall be permitted to be used from 05.30 pm on 26.02.2021 to the hour fixed for close of poll on 28.02.2021 a day earlier to the poll till the close of the poll in areas of ward where election is being held. Use of loudspeakers is generally regarded as source of public nuisance and can often give rise to tension in a politically surcharged atmosphere. The Police authorities should, therefore, consider any application for permission to use loudspeaker after the aforesaid restriction hour on merit of each application and keeping in view the need to maintain proper law and order till the completion of election.

5. The above directions of the Commission, which will check noise pollution and disturbance of public peace and tranquility must be scrupulously implemented and strictly enforced by the Police authorities concerned. Any violation thereof will be viewed by the Commission with grave concern and will invite severe disciplinary action against the defaulting officers.

III. Subject: Prohibition on the sale of liquor.

1. Section 29C of the DMC Act 1957 as amended by ACT 2011 which provides that no spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place public or private, within a polling area during the period of forty eight hours ending with the hour fixed for the conclusion of poll for any election in that polling area.

2. In view of the statutory provisions as above, 'dry days' shall be declared and notified under the relevant state laws as is appropriate during 48 hours, ending with the hour fixed for conclusion of poll with respect to each of polling days for any election in that polling area.

3. The Commission further directs that the day(s) on which the counting of votes is to be taken up shall be declared 'dry day(s)' under the aforesaid Act, upto 5:30 PM.

4. The storage of liquor by individuals shall be curtailed during the above period and the restriction provided in the excise-law on the storage of liquor in unlicensed premises shall be vigorously enforced.

5. Steps shall also be taken to prohibit sale of liquor in adjoining areas of the concerned ward(s) so that there are no chances of clandestine movement of liquor from those areas has the restriction not been in operation.

6. The Commission directs that the Government of NCT of Delhi shall strictly implement the above measures. They are required to issue detailed and comprehensive instructions to all concerned authorities to take appropriate, legally effective measures to implement the above prohibitions and assist the election authorities in the peaceful and smooth conduct of free and fair poll. This supersedes all existing instructions on the subject.

IV. Subject Bye-Elections to 5 wards of North & East Municipal Corporation of Delhi, 2021- Restrictions on the printing of pamphlets, posters etc.

Section 22 of the DMC Act, 1957 as amended by Amendment Act, 2011 prescribes restriction on printing and publication of election pamphlets, posters etc. and declares it a corrupt practice.

The following instructions on the subject are issued for strict on compliances by all concerned.

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

(ii) No person shall print or cause to be printed any election pamphlet or poster -

a) unless a declaration as to be identity of the publisher thereof, signed by him and attested by two persons to whom 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 to the concern Police authorities.

(iii) For the purposes of these instructions-

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression “printer” shall be construed 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 group of candidates or any placard or poster having reference to an election, but does not include any hand bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

2. It has been observed that surrogate advertisements appear in print media, especially newspapers, for and against particular political parties and candidates during election period. In many cases such advertisements are for the prospects of election of particular candidates. As per rule 105 of the DMC Rules, 2012, expenditure involved in such advertisements in connection with the election of any candidate has to be added to the account of election expenses of the candidate, required to be maintained under that Rules. Further, Section 171H of IPC prohibits incurring of expenditure, on inter-alia, advertisement, circular or publication, for the purpose of promoting or procuring the election of a candidate without authority from the candidate. The surrogate advertisements defeat the purposes of the aforesaid provisions of law.

3. In order to sub serve the requirements of the provisions of law as mentioned above, the Commission directs that in the case of any advertisements/election matter for or against any political party or candidate in print media, during the election period, the name and address of the publisher should be given along with the matter/advertisement.

4. The following points may be noted in respect of the advertisements that appear in the print media, especially newspapers, for and against particular political parties and candidates during election period:

(a) In the case of advertisements, the source of which is traceable, the following action may be taken:-

(i) *if the advertisement is with the consent or knowledge of the candidate, it will be treated to have been authorized by the candidate(s) concerned and will be accounted for in the election expenses account of the candidate(s).*

(ii) *If the advertisement is not with the authority from the candidate, then action may be taken for prosecution of the publisher for violation of Section 171 H of IPC-(incurring expenditure in advertisement without written authority from the candidate(s) concerned).*

(b) If the identity of the publisher is not indicated in the advertisement, then the Police authorities Election Expenditure observer may contact and get the information from the Newspaper concerned, and consider appropriate action, as above.

5. The provisions of Delhi Prevention of Defacement of Property Act, 2007 should strictly be enforced.

V Subject:- Election related advertisements in newspapers and other print media-election campaign- regarding.

“Section-25 of DMC Act 1957 (as amended) Prohibition of public meetings on the day of Poll.

(1) no person shall-

(a) convene, hold or attend, join or address any public meeting or procession in connection with an election; or

(b) Display to the public any election matter by means of cinematograph, television or other similar apparatus.

(c) Propagate any election matter to the public by holding, or by arranging the holding of any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area from 5:30 pm on 26.02.2021 to close of poll on 28.02.2021 in the Polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable under the law.

(3) In this section, the expression “election matter” means any matter intended or calculated to influence or affect the result of an election.”

(4) Queries have been raised from some States whether broadcasting of election related matter over TV Channel/Cable networks and Radio could be done during the aforesaid period i.e. from 5:30 pm on 26.02.2021 to the hour fixed for close of the poll on 28.02.2021.

(5) It is clarified that radio would be treated as 'other similar apparatus' for this purpose and hence broadcasting/propagating any election matter through TV Channel/Cable network Radio would not be permissible.

VI. Subject: Preventive Action to ensure conduct of peaceful, free and fair poll during the forthcoming Bye Elections to 5 wards of North & East Municipal Corporation of Delhi.

1. The Commission being deeply aware of the increasingly vitiative role of criminality and muscle power at elections has been taking, and directing the taking of a number of measures over and above the purview of normal law and order arrangements, for augmenting the peaceful, free and fair poll. These measures include the deployment of Central Police Forces during the process of elections to assist the Local law and Order machinery in prevention of pre-poll, during the poll and post-poll violence and inspire confidence in the impartiality of election machinery among the common electorate, regulation of vehicular traffic, regulation and ban on the sale of liquor in close proximity with the dates of poll and counting, seizure of illicit and licensed arms, etc.

2. These extra measures taken by the Commission cannot absolve the normal law and order outfit from taking such preparatory steps as are necessary for generation of an atmosphere conducive to the conduct of peaceful free and fair poll during the run up period to the elections. It is indispensable to tighten the local law and order outfit and enforce with adequate strictness the day-to-day criminal administration with a view to mitigating the requirement of the aforesaid extra measures.

3. The Commission desires that the Govt. of NCT Delhi, to undertake the following prophylactic measures immediately and report regularly the progress and effect of these measures in the context of possibilities of holding peaceful, free and fair elections:

3.1 A special drive should be launched to compile a list of such persons as are reported to have indulged in electoral offences like booth capturing,

intimidation, impersonation in each police station of each and every M.C ward during the past at least two elections and a list thus compiled of each ward made available to the concerned District Election Officer and the Returning Officer of each M.C ward to be forwarded to the Commission if and when asked for.

3.2 A special drive should be launched to update the lists of history sheeters declared absconders, fugitive criminals in each police station failing in each and every ward and record of such updated listed handed over to the Returning Officers concerned, ward wise, a view to be kept ready for dispatch to the Commission, if and when asked for.

3.3 A special drive should be launched to effect the service of all pending warrants and challans in each police station of each and every ward and fortnightly updated ward- wise information of unserved warrants be made available to the concerned **Returning Officer to forward to the Commission as and when asked for.**

3.4 A special drive should be launched to unearth illicit arms and ammunition in each police station of each and every ward and information of seizures should be made available fortnightly to the concerned Returning Officer to be forwarded to the Commission if and when asked for.

3.5 A special drive should be launched to unearth illicit liquor making factories and information about seizures made available to the concerned Returning Officer fortnightly to be forwarded to the Commission if and when asked for.

Subject: Clarification—regarding Model Code of Conduct in the Bye Election to 5 wards of North & East Municipal Corporations of Delhi 2021.

State Election Commission, NCT of Delhi had issued the Model Code of Conduct for the guidance of political parties and candidates. This was followed by the consolidated instructions of Model Code of Conduct. After the withdrawal of the candidatures it has become necessary to issue

further consolidated instructions during the campaign period to ensure that there is free and fair poll.

1. As per The Delhi Prevention of Defacement of Property Act, 2007, all structures, walls, electric poles, trees, fences are treated as property and defacement by way of putting up banners, hoardings, writing by ink, chalk, paint or any other material is not permitted. However, taking into consideration the need for allowing the candidates to campaign, it has been decided that "party flags" can be put up at the following locations:-

- a) Only one flag can be installed at the residence of the candidate.
- b) Party Office of the candidate including temporary office in the Ward (The size of the flag should not be more than 3 ft x 2 ft). Five temporary offices can be established by each candidate in a Ward.
- c) Party flag can also be put up on the three vehicles which are permitted for campaigning by the candidate. However, flag on the car should only be 1 ft x 1ft.

2. It is clarified that no hoardings, banners are allowed anywhere except at places authorized by the concerned Municipal Corporations for which separate permission from the MC has to be taken. All other posters will be removed and cases registered under The Delhi Prevention of Defacement of Property Act, 2007.

3. Distribution of small pamphlets in house to house campaign can be permitted provided they are not distributed in public places so that proper cleanliness and hygiene is maintained.

4. Some sitting councilors and public persons have put up sign boards in Wards in the past indicating their names & name of work done. There have been complaints that this would intervene with the free and fair poll. It is therefore, ordered that the Municipal Corporations and Police would remove all these sign boards wherever they are found, wherever any name of the councilors and/or other public men are found on the sign board.

5. Political parties are permitted to use Vans/LMV for election campaign. These will be limited to area of a Municipal Corporation where election is going to be held fitted with equipment like TV, DVD,

projector, speakers, photographs of leaders & election symbol and one party flag (size 3ft x 2 ft) & election symbol is allowed subject to prior approval of Police and Transport Department & compliance of conditions like timing & areas as imposed by them. If party candidates' names, photos etc. are carried on these Vans/LMV, the proportionate cost of use of vehicles will be reflected in the expenditure incurred by the candidate in a particular Ward. The application for permission should be made to DCP (Election Cell), Police Headquarters, I.P. Estate, New Delhi-110002 and to Commissioner (Transport) or any designated officer of Transport Department, Govt. of NCT of Delhi, 5/9, Under Hill Road, Delhi-110054.

Subject: Further Clarifications regarding Model Code of Conduct in the Bye Elections to 5 Wards of North & East Municipal Corporations of Delhi to be held in February 2021.

The State Election Commission, N.C.T. of Delhi had issued the Model Code of Conduct for the guidance of political parties and candidates, followed by the Consolidated Instructions thereon, related to various aspects pertaining to the campaigning period. After discussion with the Delhi Police, the following further instructions are issued in respect of observance of campaigning procedure during the ensuing campaign:-

1. While taking out procession/padyatra during the campaigning, it has been decided that a candidate and his workers can hold flags upto maximum five (5) in numbers for one procession. The size of-the flag will be 3ft by 2ft.
2. Use of the drums and other musical instruments is not allowed during the processions/padyatras.
3. The banners would normally be party banners in the case of a recognized national party or a state party. In the case of unrecognized but registered party, the party could use the symbol of its party or the symbol of the candidate allotted by the Returning Officer.
4. It is clarified that rickshaw is also treated as a vehicle in earlier instructions regarding restricting processions to the three vehicles per

candidate. The instruction regarding three vehicles to be allowed per candidate would also be applicable to a rickshaw. Hence no separate flags on rickshaws are permitted.

The above instructions are issued for strict compliance of all concerned.

DIRECTION

Subject: Bye Elections to 5 wards of North & East Municipal Corporation of Delhi-2021- Preventive measures near Polling Booth on poll days-Setting up of Election Booths by Candidates/Political Parties.

In pursuance of the powers conferred upon me under Section 7 of the Delhi Municipal Corporation Act, 1957 as amended by DMC (Amendment) Act, 2011, I, S.K. Srivastava, State Election Commissioner of NCT of Delhi hereby direct as under; —

1. No candidate booth shall be set up within a distance of 100 meters from the Polling Stations. Even where more than one polling station have been set up in the same Building location or premises, there shall be only one booth of a candidate for such group of Polling Stations beyond a distance of 100 meters from such premises.
2. Only one table and two chairs shall be provided at each such booth with an umbrella or a piece of tarpaulin or cloth to protect the two occupants of those chairs at the booth from weather conditions. Such booth shall not be enclosed by Kanats or tentage, etc.
3. Each candidate wishing to set up such booths shall intimate, in writing, in advance, to the Returning Officer, the names and SI. Nos. of the Polling Station where such booths are proposed to be set up by him/her. He/she shall also obtain the written permission of the concerned Govt, authorities or local authorities like Municipal Corporations, under the relevant local laws before setting up of such booths. Such a written permission must be available with the persons manning the booth for production before the police/election authorities concerned on demand.

4. Such booths shall be used only for the sole purpose of issuing unofficial identity slips to electors. These unofficial identity slips shall be printed strictly on plain white paper only having particular of voters, place of polling without the name or Symbol of the candidate or the name of the political party.

5. Only one banner to display the name of the candidate, his party and the election symbol allotted to him shall be allowed at each such booth, provided that such banner shall not be more than 3 feet X 4½ A feet in length and breadth. Any banner set up in violation of this restriction will be removed by authorities maintaining the law and order.

6. No crowds shall be allowed to collect at such booths in any circumstances, nor shall any person who has already cast his vote at the polling station be allowed to come to the booth. This would be evident from the indelible ink mark on his left forefinger or any other finger as specifically prescribed for that election for the ward in which the polling station is located.

7. The persons manning the booths shall not cause any obstructions whatsoever in the way of electors proceeding to the polling stations or prevent them from going to the booths of other candidates or create any other sort of hurdles whatsoever in the right of voters to exercise their franchise according to their own free will. More specifically, no elector shall be influenced in any way whatsoever to either come and collect the unofficial identify slip for the particular booth or if he comes to such booth of his own accord to vote in favour of or against any party / candidate contesting the election.

8. The Commission hereby warns all concerned that any violation of the above directions will be viewed by the Commission with the utmost gravity and most stringent action possible under the law, including but not restricted to the removal of such booths forthwith will be taken against the candidates and / or their agents / workers responsible for any such violations.

9. If any officer is found to have failed to take prompt and expeditious action to ensure the strict compliance of the abovementioned directions, he will render himself liable to strict disciplinary action apart from any

penal action as may be called for against him for failure to discharge the official duty.

10. In order to maintain peace and calm in the polling stations during polling period on the date of poll and to maintain law and order, the Commission hereby directs that use of cell phones shall not be permitted and people should not use them inside the premises and these instruments should be kept in silent mode inside the polling station. If there is any violation of this, the Presiding Officer of the polling station can seize the instrument till the completion of poll.

11. No cellular phones, cordless phones, wireless sets etc. in any case, be allowed inside counting halls during the Bye Elections to 5 wards of North & East Municipal Corporation, 2021. These restrictions, however, will not apply to the officers in charge of law and order and security personnel put on duty as well as observer appointed by the State Election Commission and the officers in charge of counting center.

12. The polling agents may be allowed to carry their copy of electoral rolls inside the polling station and make tick marks whenever voters cast their vote. However, it is clarified that under no circumstances, the polling agents can be allowed to carry the electoral roll copy available with him outside the polling station during the course of the polling and till the polling is closed either by himself or through the relieving agent. It is also clarified that, under no circumstances, the agents can be allowed to note down or to send slips outside indicating the Serial Numbers of the voters, who have voted or not voted.

13. It has been brought to the notice of the Commission that some anti-social and Goonda elements may be used by political parties/candidates to man the booth office (beyond 100 meters, one table and two chairs). Such elements' presence in the vicinity of the polling station is intimidating and vitiating the atmosphere for a free and fair poll. Having considered this, the Commission directs as under:-

(i) The persons who are nominated by the political parties/candidates to man such booths shall be a voter in the same polling station area. He shall also have an EPIC and whenever any Sector Officer/Sector Police

Officer/Observer/RO/ARO asks the person to disclose his identity, he will show the EPIC.

(ii) The political parties/candidates shall take care to ensure that they do not put any person with criminal antecedents on the job to man such booths. In case this instruction is not followed by any political party/candidate, immediate action shall be taken by the Returning Officer. Besides, the local police shall keep a close watch over the movement of such persons so that they do not create any disturbance in the polling area or in the vicinity.

14. The candidates of various parties including independent candidates set up and operate temporary office for the purpose of local campaign. The Commission, after taking into consideration all relevant factors, prescribes the following guidelines to be followed in this regard:-

i) No such office will be opened by way of any encroachment either on public or private property.

ii) No such offices will be opened in any religious places or campus of such religious places.

iii) No such offices will be opened contiguous to any educational institution / hospital.

iv) No such offices will be opened within 100 meters of an existing polling station.

v) Such offices can display only one party flag and banner with party symbol s/photo graphs.

vi) The size of the banner used in such offices should not exceed '**4 feet x 8 feet**' subject to the further condition that if the local laws prescribe a lower size for banner/hoarding etc; then the lower size prescribed by local law shall prevail.

**Subject: Bye Elections to 5 wards of North & East Municipal Corporations of Delhi are scheduled to be held in February 2021—
Directions of the Commission in regard to observances of prohibition of canvassing relating to said elections.**

The poll for Bye Elections cited in the above subject are scheduled to be held in the month of February 2021. It is directed that holding of election meetings and canvassing for votes is prohibited 48 hours earlier to the end of Poll i.e. by 05.30 PM on the hour and day fixed for the close of the poll. The State Election Commission, taking into consideration the advice and recommendation of the Delhi Police, has decided that no political party, contesting candidate, or any other persons shall convene, hold or attend any public meeting within a Ward, 48 hours earlier to the hours fixed for close of the poll. The above decision has been arrived at considering the law and order situation and to ensure free, fair and peaceful poll. All concerned are directed to strictly comply accordingly as per schedule given above.

Broad guidelines for conduct of Bye-elections during Covid-19 shall be effective, wherever applicable, in the Model Code of Conduct and to be strictly followed with, the same has been up-loaded on Commission's website *sec.delhigovt.nic.in*.

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(S.K. SRIVASTAVA)
State Election Commissioner
NCT of Delhi