



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.437/6/INST/ECI/FUNCT/MCC/2024

Dated: 2nd May, 2024

To

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

Sub: Model Code of Conduct – Registering of voters for post-election beneficiary-oriented schemes by getting pamphlets or forms filled or conducting surveys for the same purpose through forms or digitally – reg.

Sir/Madam,

The Commission's instructions contained in letter No. 437/6/INST/ECI/FUNCT/MCC/2024(MCC ENFORCEMENT) dated 2nd January, 2024, in regard to Beneficiary-oriented welfare schemes, provide that the announcement of new projects or programmes or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favour of the party in power shall be prohibited during the period of Model Code of Conduct. Review by political executive (Ministers etc.) and processing of beneficiary-oriented schemes, even if ongoing, shall be stopped till completion of elections. No fresh release of funds on welfare schemes and works shall be made.

2. The Commission, during the ongoing elections has come across instances where some political parties and candidates have been engaging in activities that blur the lines between legitimate surveys and partisan efforts to register individuals for beneficiary-oriented schemes and individual benefits under the guise of conducting surveys or creating awareness about the existing schemes of the government or creating awareness about the party manifesto regarding prospective individual benefit schemes etc. Some illustrative examples which have come to the notice of the Commission during recent assembly elections and on-going Lok Sabha elections are –

- Newspaper advertisements calling upon individual voters to register themselves for benefits by giving missed call on a mobile or calling on a telephone number.

- Distribution of guarantee cards in the form of pamphlets giving details of prospective individual benefits along with an attached form asking for details of voters such as name, age, address, mobile number, booth number, constituency name & number etc.
- Distribution of forms seeking details of voters such as name, ration card number, address, phone number, booth number, bank account number, constituency name & number etc. in the name of socio economic survey of prospective beneficiaries for expanding an ongoing government individual benefit scheme.
- Circulation or propagation of web platform or web /mobile application by political parties/ candidates seeking details of voters such as name, address, phone number, booth number, constituency name & number etc. (This may or may not have an invitation for availing individual benefits or revealing their voting preference).
- Newspaper advertisements or physical forms regarding existing individual benefit schemes along with registration form seeking details of the voter such as name, husband/father's name, contact number, address etc.

The act of inviting/calling upon individual electors to register himself or herself, appears to be designed to create an impression of the requirement of one-to-one relationship between the elector and the proposed benefit and has the potential to generate quid-pro-quo arrangement for voting in a particular way thereby leading to inducement. Moreover, sometimes such pamphlets don't bear the name of the publisher which is a direct violation of Section 127A of the Representation of the People Act, 1951.

3. While the Commission acknowledges that the generic and general electoral promises are in the realm of permissibility, such specific and individual transactions, it is assessed, makes the design transactional in the nature of inducement to the elector, aimed at enticing the individual voters to vote in a particular way in lieu of a future benefit which is a prohibited activity under Section 123(1) of the Representation of the People Act, 1951 (i.e. Corrupt practice of Bribery). This is also a violation of Section 171 (B) of the IPC which deals with the Bribery -an offence related to elections.

4. Therefore, the Commission directs all political parties and candidates or their agents or any other person(s) to immediately cease and desist from any activities that involve registering individuals for beneficiary-oriented schemes through any advertisements (in print or in digital space), pamphlets, websites, web or mobile applications, text or social media platform (WhatsApp

etc.) messages, missed calls, distribution of forms, or by collecting personal data under the pretext of off line survey forms or digital surveys etc.

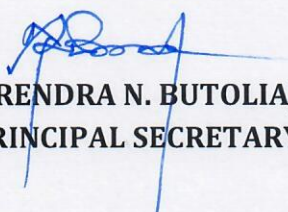
5. If any such violation is observed, the District Election Officer shall take action in accordance with the following statutory procedure:

(i) If the name of the printer is not there on such advertisements/forms/pamphlets, action shall be taken under Section 127A of the Representation of People Act, 1951. Additionally, If such advertisements/forms/pamphlets also contains space/attached forms for collecting names/addresses/mobile numbers or any other details of the voters, the action shall also be taken under section 123 (1) of the Representation of People Act, 1951, and Section 171 (B) IPC.

(ii) If the advertisement/form bears the name of the printer but has the space/attached forms for collecting names/addresses/mobile numbers or any other details of the voters, the action shall be taken under section 123 (1) of the Representation of People Act, 1951, and Section 171 (B) IPC.

(iii) If such advertisement along with the attached or sequential attempt of collecting or capturing names/addresses/mobile numbers or any other details of the voters, is in the digital space or by way of website/web or mobile application/ text or social media (WhatsApp etc.) messages, missed calls etc., then the action shall be taken under section 123 (1) of the Representation of People Act, 1951, and Section 171 (B) of IPC.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY