

**MODEL CODE OF CONDUCT INSTRUCTION
FOR RELIGIOUS ORGANISATIONS/PARTIES
AND CANDIDATES FOR OBSERVATION
DURING ELECTIONS TO DELHI SIKH
GURDWARA MANAGEMENT
COMMITTEE**

**GOVERNMENT OF N.C.T OF DELHI
DIRECTORATE OF GURDWARA ELECTIONS
2012**

**MODEL CODE OF CONDUCT INSTRUCTION
FOR RELIGIOUS ORGANISATIONS/PARTIES
AND CANDIDATES FOR OBSERVATION
DURING ELECTIONS TO DELHI SIKH
GURDWARA MANAGEMENT
COMMITTEE**

**GOVERNMENT OF N.C.T. OF DELHI
DIRECTORATE OF GURDWARA ELECTIONS
2012**

GOVERNMENT OF N.C.T. OF DELHI
DIRECTORATE OF GURDWARA ELECTIONS

**INSTRUCTIONS OF PARTIES & CANDIDATES FOR OBSERVATION
DURING GENERAL ELECTION TO DELHI SIKH GURDWARA MANAGEMENT
COMMITTEE.**

To ensure smooth, free and fair elections to the Delhi Sikh Gurdwara Management Committee under the Delhi Sikh Gurdwara Act, 1971 and Rules made thereunder, it has been decided that the following Code of Conduct shall be observed by all concerned during the ensuing Elections to the Delhi Sikh Gurdwara Management Committee:—

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 and is likely to disturb the public tranquillity.

(S. 153 A IPC)

- (2) Criticism of other parties, when made, shall be confined to their policies and programme, past record and work. Parties and Candidates shall refrain from criticism of all 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 shall be avoided.

[Sec. 22(4) DMC Act]

- (3) There shall be no appeal to caste or communal feelings for securing votes. All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as the bribing of votes, intimidation of voters, impersonation of voters, canvassing within 100 meters of polling stations, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters and to and from Polling stations.

(S. 22 of DMC Act & S. 171 IPC)

- (4) The right of every individual for peaceful and undisturbed home life shall be respected, however, much the parties or candidates may resent his opinions or activities. Organising demonstrations or picketing before the houses of the

individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.

- (5) No 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-stuffs, suspending banners, pasting notices, writing slogans etc.
- (6) 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 party shall not create disturbances at public meetings organized by another 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.

II. MEETINGS

- (1) The party or candidates 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 from the authorities concerned.
- (3) If permission of 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 time and obtain such permission of licence.
- (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. PROCESSION

- (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 place at which the procession will terminate. There shall ordinarily be no deviation from the programme.
- (2) The organisers shall give advance intimation to the local Police Authorities of the programme so as to enable the later to make necessary arrangements.

- (3) The organisers shall ascertain if any restrictive orders are in force in localities through which the procession has to pass, and shall comply with the restrictions unless exempted especially by competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.
- (4) The organisers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organised in segments of suitable length so that at convenient intervals, especially at point where the procession has to pass road junctions, the passage of held-up traffic could be allowed by stages, thus avoiding heavy traffic congestion.
- (5) Processions shall be 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 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 procession do not clash or cause hindrance to traffic. The assistance of the local police shall be availed of for arriving at the satisfactory arrangement. For this purpose, the parties shall contact the police at the earliest possible.
- (7) The parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying articles which may be put to misuse by undesirable elements especially in moments of excitement.
- (8) The carrying of effigies, purporting to represent members of other parties or their leaders, burning such effigies in public and such other forms or demonstrations shall not be countenanced by any party or candidate.

IV. POLLING DAY

All parties and candidates shall—

- (i) Cooperate 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;
(Sec. 27 DMC Act)
- (ii) supply to their authorised workers suitable badges or identity cards;
- (iii) agree 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 parties and candidates near the Polling Booths so as to avoid confrontation and tension among workers and sympathisers of the parties and candidates.

(Sec. 25 DMC Act)

- (vi) ensure that the candidate's camps shall be simple. They shall not display posters, flags, symbols or any other propaganda material. No eatables shall be served or crowds allowed at the camps; and

(Sec. 25 DMC Act)

- (vii) Cooperate 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 vehicle.

(Sec. 22(5) of DMC Act)

V. POLLING BOOTH

Excepting the voters, no one without a valid authorisation from the Director, Gurdwara Elections or the Returning Officer shall enter the polling booths.

VI. COUNTING CENTRES

No person other than candidate, their election/counting agents, public servants on election duty or persons authorised by the Director (Gurdwara Elections), shall enter the counting premises at the time of counting of Votes.

VII. OBSERVERS

The Director, Gurdwara Elections, is appointing General Observers to see that the contesting candidates and the parties do follow these instructions and other rules and regulations pertaining to the election during the election process. Observers appointed by the Director, Gurdwara Elections, shall be submitting their day-to-day report to the Directorate of Gurdwara Elections.

VIII. GROUP/PARTY IN POWER

The party members in power in the Delhi Sikh Gurdwara Management Committee shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular—

- (i) (a) the member shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during electioneering work;
- (b) Delhi Sikh Gurdwara Management Committee's transport vehicles, including official machinery and personnel, shall not be used for furtherance of the interest of the party in power;

- (ii) Public places such as parks, maidans etc., for holding election meetings in connection with elections, shall not be monopolized by any candidate, group/ party etc. 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 Group/Party in power;
- (iii) Rest houses, dak bungalows or other accommodation of Delhi Sikh Gurdwara Management Committee shall not be monopolised by the group/party in power or its candidates and such accommodation shall be allowed to be used by other groups/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 purposes of election propaganda;
- (iv) Issue of advertisement at the cost of Delhi Sikh Gurdwara Management Committee in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided;
- (v) Members and other authorities shall not sanction grants/payments out of discretionary funds of D.S.G.M.C. from the time elections are announced by the Director of Gurdwara Elections;
- (vi) From the time elections are announced by the Directorate of Gurdwara Elections, members and other authorities shall not—
 - (a) announce any financial grants in any form or promises thereof; or
 - (b) lay foundations stones etc., of projects or schemes of any kind; or
 - (c) make promise of construction of roads, provision of drinking water facilities etc.; or
 - (d) make any ad-hoc appointments in Delhi Sikh Gurdwara Management Committee and institutions runs by the Committee.

which may have the effect of influencing the voters in favour of the party in power.

- (vii) members of Delhi Sikh Gurdwara Management Committee shall not enter at any polling station or place of counting except in their capacity as a candidate or voter or authorised agent.

IX. DEFACEMENT OF PROPERTIES

- (a) The West Bengal Prevention of Defacement of Property Act, 1976 has been extended to the NCT of Delhi and defacement of any property is prohibited. No defacement of any property in public view by writing or marking/painting with ink, chalk, paint or any other material except for the purpose of indicating the name and address of the owner or occupier of such property shall be effected by any party, candidate, sympathizers or supporters. Any violation shall be punishable

under the provisions of the West Bengal Prevention of Defacement Property Act, 1976. The police authorities shall take care of the penal aspects and the MCD/NDMC/Cantonment Board will take care of removal of illegal hoarding, posters and other such material including erasing of paintings, writing etc. on the walls as and when noticed.

- (b) Posters got printed by the parties, contesting candidates, their sympathizers, supporters shall have details of their publishers and printers and it shall not contain any objectionable information. Any violation shall be considered as a corrupt practice under section 22 of DMC Act, 1957. The printer or printers printing any poster, pamphlet for a contesting candidate, or a political party shall send a copy of such printed material to:— (i) The Commissioner of Police, New Delhi; and (ii) Director, Gurdwara Elections, F-Block, Vikas Bhawan, New Delhi, within 3 days of its printing. Any failure to comply these directions/law will attract the penal provisions of the relevant laws.
- (c) Offence under West Bengal Prevention of Defacement of Property Act, 1976 is cognizable as per Section 4 of said Act. Any party candidate causing defacement of property defined in the said Act shall also be prosecuted under provisions of sub-section 2 of section 3 of the said act. It is clarified that wall writing/painting can also be erased under provision of section 5 of the said act.

X. USE OF VEHICLES

On Poll Day

- (a) All parties registered with Dte. of Gurdwara Elections, and contesting Elections, will be permitted to use 5 vehicles for campaigning in Delhi while every candidate contesting Gurdwara election will be allowed permits for 3 vehicles i.e. one for himself, one for his agents and workers and one for campaigning. These permits will be issued by the Returning Officers concerned for the contesting candidates and by the Director, Gurdwara Elections, for the parties. Campaigning would be stopped at 1700 hours on and therefore, the vehicles being used for campaigning shall come to an halt on that time. Under the provisions of section 22(5) of DMC Act, 1957, on poll day the hiring or procuring whether on payment or otherwise of any vehicle by a candidate or his agent or by any other person for the convenience of any elector (other than the candidate himself and the members of his family or his agent) to or from any polling station shall be a corrupt practice for the purpose of DMC Act.
- (b) The permit for the vehicles of the candidates will be issued by the Returning Officer of the ward. The parties and candidates are required to register their vehicles with the Dte. of Gurdwara Elections/Returning Officer concerned as the case may

be and shall display the permits so issued on the windscreen of the vehicles. No other vehicle(s) shall be allowed to be used by the leaders of any party including workers, agents and sympathizers of a candidate. No exception shall be made irrespective of the status of the candidate.

- (c) The penal action under Chapter IX A of the Indian Penal Code shall be taken against anyone offending the above directions, in addition to action under Motor Vehicle Act. All vehicles being used in violation of this direction shall be detained for the duration of Election. The Returning Officers shall send a list of vehicles permitted by them indicating their ownership and registration number to the Director, Gurdwara Elections, Delhi and police authorities of the area.

XI. USE OF INTOXICANT/LIQUOR IN HOLDING OF ANY MEETING

Use of intoxicants/liquor in holding of any meeting by candidate or his agents or on their behalf is totally banned.

XII. USE OF LOUDSPEAKERS

All parties, candidates and their workers, supporters and sympathizers use loudspeakers for their electioneering campaigns. These loudspeakers are not only used from fixed rostrums but are also mounted/fitted on vehicles, light trucks, tempos, cars, taxis, vans, three-wheelers, scooter, cycle-rickshaws. The vehicles move on all roads, streets and lanes and also go around villages, basties, mohallas, colonies and localities with the loudspeakers broadcasting at great volume. This results in serious noise pollution and causes great disturbances to peace and tranquility of general public. The student community in particular gets seriously disturbed as their studies are badly hampered. The aged, infirm and sick whether in institutions, hospitals etc. or at home are also put to discomfort.

Considering all aspects of the matter, Director, Gurdwara Elections, Delhi directs that—

- (a) only static loudspeaker(s) shall be used for public meetings for electioneering purposes, during entire election period only between 8.00 A.M. to 10.00 P.M.
- (b) No loudspeakers fitted on vehicles or any kind whatsoever shall be permitted for electioneering purposes, during entire election period starting from the date of announcement of election and ending with the date of declaration of results.
- (c) Any loudspeaker being used in violation of the above directions shall be confiscated alongwith the apparatus connected with these loudspeakers.

- (d) No loudspeaker shall be used in a public meeting related to election campaign without the permission of the competent authority.
- (e) The provision of the Noise Pollution (regulation & control) Rules, 2000 shall be strictly enforced by the competent authorities as enumerated in the said Act.
- (f) It shall be the responsibility of the State Govt. authority granting permits for use of loudspeaker and the local police authorities to strictly enforce that no loudspeaker is used by anyone in violation of any of the above directions.
- (g) Even after close of the poll, proper law and order is required to be maintained till completion of election after the declaration of result. The use of loudspeaker is generally regarded as a source of public nuisance and can often give rise to tension in the area. The district administration should, therefore, consider any application for permission to use loudspeaker after aforesaid prohibitory period on merit of each application and keeping in view the need to maintain proper law and order till the completion of election.

A copy of the relevant provision of the D.S.G.M.C. (Election of members) Rules, 1974 and the Municipal Corporation of Delhi, Act, 1957 regarding corrupt practices and electoral offences is annexed to these instructions as Annexure-'A' for information and observation by all concerned.

The above direction guidelines/instructions of the Directorate of Gurdwara Elections which would check noise pollution and disturbance to public peace and tranquility must be followed by all concerned and scrupulously implemented and strictly enforced by all authorities concerned.

(G.P.SINGH)

DIRECTOR (GURDWARA ELECTIONS)

RELEVANT PROVISIONS IN THE DSGMC (ELECTION OF MEMBERS RULES AND THE MUNICIPAL CORPORATION OF DELHI ACT, 1957 REGARDING CORRUPT PRACTICES AND ELECTORAL OFFENCES

CORRUPT PRACTICES

DSGMC (ELECTION OF MEMBERS) RULES, 1974

112. The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any other person with the consent of a candidate for his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election from any person—

- (a) in the service of the Gurdwaras as defined in the Delhi Sikh Gurdwaras Act, 1971.
- (b) in the service of the Government and belonging to any of the following classes, namely:
 - (i) gazetted officer;
 - (ii) judges and magistrates;
 - (iii) members of the Armed Forces of the Union;
 - (iv) members of the Police forces;
 - (v) excise officers;
 - (vi) revenue officers other than village revenue officer known as lambardars, or by any other name whose duty is to collect land revenue and who are remunerated by a share of or commission on the amount of land revenue collected by them but who do not discharge any police functions; and
 - (vii) such other class of persons in the service of the Government as may be prescribed by the Central Government.

Explanation:—For the purpose of this rule, a person shall be deemed to assist in furtherance of the prospect of a candidates' election if he acts as an election agent or a polling agent or a counting agent of that candidate.

THE DELHI MUNICIPAL CORPORATION ACT, 1957.

22. (1) Bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (43 of 1951);

[except that the words and figure "and duly entered in the account of election expenses referred to in Section 78" appearing at the end of explanation of clause (1) (B) shall be omitted.]

(2) Undue influence as defined in clause (2) of the said Section.

(3) The systematic appeal by a candidate or his agent or by any other person, to vote or refrain from voting on grounds of caste, creed or sector, or the use of or appeal to, national symbols such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election.

(4) The publication by a candidate or his agent or by any other person of any statement of fact which is false, and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal from contest of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person for the conveyance of any elector (other than the candidate himself, and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tram car or railway carriage by an elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation:—In this clause the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The holding of any meeting in which intoxicating liquors are served.

(7) The issuing of any circular, placard or poster having a reference to the election which does not bear the name and address of the printer and publisher thereof.

(8) Any other practice which the Central Government may by rules specify to be a corrupt practice.

ELECTORAL OFFENCES

DSGMC (ELECTION OF MEMBERS) RULES, 1974

114. Disturbances at election meetings—(1) Any person who at a public meeting to which this rule applies acts, or incites other to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with fine which may extend to two hundred and fifty rupees.

(2) This rule applies to any public meeting in connection with an election held in any ward between the date of the issue of a notification under these rules calling upon the ward to elect a member and the date of which such election is held.

(3) If any Police officer reasonably suspects any person of committing an offence under sub-rule (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

115. Restrictions on the printing of pamphlets, posters 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 face the names and addresses 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 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,—
 - (i) to the Director; and
 - (ii) to the District Magistrate, Delhi.

(3) For the purposes of this rule—

- (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, hand-bill 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 or an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-rule (1) or sub-rule (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.

119. Penalty for 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 neighbourhood thereof any apparatus for amplifying or reproducing the human voice, such as a megaphone or loud-speaker; or
- (b) shout or otherwise act in a disorderly manner, within or at entrance of the polling station or in any public or private place in the neighbourhood 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 officer and other persons on duty at the polling station.

(2) Any person who contravenes or willfully aids or abets the contravention of the provisions of sub-rule (1), shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(3) If the Presiding Officer of a polling station has reasons to believe that any person is committing or has committed an offence punishable under this rule, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-rule (1) and may seize any apparatus used for such contravention.

(5) an offence punishable under this rule shall be cognizable.

THE DELHI MUNICIPAL CORPORATION ACT, 1957.

25. Prohibition of canvassing in or near polling station and of public meeting—(1) No person shall, on the date or dates on which the poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely—

- (f) canvassing for votes; or
- (g) soliciting the vote of any elector; or
- (h) persuading any elector not to vote for any particular candidate; or
- (i) persuading any elector not to vote at the election; or
- (j) exhibiting any notice or sign (other than an official notice) relating to the election.

(5) No person shall convene, hold or attend any public meeting in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(6) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with fine which may extend to two hundred and fifty rupees.

(7) An offence punishable under this section shall be cognizable.

30. Other offences and penalties therefor— (1) A person shall be guilty of an electoral offence if at any election he—

- (a) fraudulently defaces or destroys any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of the returning officer; or
- (c) fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper; or
- (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot paper then in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing act or willfully aids or abets the doing of any such acts.

(2) Any person guilty of any offence under this section shall—

- (a) if he is a Returning Officer or an Assistant Returning Officer or a Presiding Officer or a Polling Officer or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.
- (b) if he is any other person, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of any election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

(5) No court shall take cognizance of any offence under clause (a) of sub-section (2) of this section, unless there is a complaint made by order of, or under authority from, the Director Gurdwara Elections.

GOVT. OF NCT OF DELHI
DIRECTORATE OF GURDWARA ELECTIONS
2ND FLOOR, F-BLOCK, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI-110002
PHONE NO. : 23378681, 23370713, FAX : 23379899

No.DIR/DGE/2012/ 1967-90

Dated : 25-12-12

Sub.: Regarding Model Code of Conduct.

In continuation of Model Code of Conduct which has already been circulated for the benefit of all recognised religious parties and contesting candidates, it is hereby directed as under :

1. At the time of filing Nominations, a candidate may be accompanied by not more than four other persons while entering the office of the Returning Officer.
2. The restriction on the No. of persons to be allowed inside the RO's room during Scrutiny of Nomination Papers, as contained in Rule 19 of DSGMC (Election of Members) Rules, 1974 shall be strictly followed. The operative portion of the Rule 19 is as under :

"19. Scrutiny of nominations : (1) On the date fixed for the scrutiny of nominations under rule 12, the candidates, their election agents, one proposer of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as has been specified in the notice issued under rule 13 and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in rule 16."

3. All contesting candidates will be permitted to use 03 vehicles i.e., 01 for himself, 01 for his agent & workers and 01 for campaigning. These permits will be issued by the RO concerned for the contesting candidates.



(G.P. SINGH)
DIRECTOR (GURDWARA ELECTIONS)

To

All Returning Officers

No.DIR/DGE/2012/ 1967-90

Dated : 25-12-12

Copy to :

1. Election Officer (HQ), Gurdwara Elections

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI

(DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE AFFAIRS)

8th LEVEL, C-WING, DELHI SECRETARIAT, NEW DELHI

No. F 14(28)/ LA-2006/LC LAW/42-51

Dated the 29th January, 2009

NOTIFICATION

F.14(28)/LA. The following Act of the Legislative Assembly of the National Capital Territory of Delhi received the assent of the President of India on the 17th, January 2009 and is hereby published for general information :-

“ The Delhi Prevention of Defacement of Property Act, 2007 “

(Delhi Act 1 of 2009)

(As passed by the Legislative Assembly of the National Capital Territory of Delhi on 31st March 2008)

(17th January, 2009)

An Act to provide for the prevention of defacement of properties and for matters connected therewith or incidental thereto in the National Capital Territory of Delhi.

BE It enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Fifty-ninth year of the Republic of India as follows:-

1. Short title, extent and commencement

- (1) This Act may be called the Delhi Prevention of Defacement of Property Act, 2007.
- (2) It extends to the whole of the National Capital Territory of Delhi.
- (3) It shall come into force on such date as the Lieutenant Governor of the National Capital Territory of Delhi may, by notification in the Official Gazette, appoint.

2. Definitions

In this Act, unless the context otherwise requires, -

- (a) “defacement” includes impairing or interfering with the appearance or beauty, damaging, disfiguring, spoiling or injuring in any other way whatsoever and the word “deface” shall be construed accordingly;
- (b) “Lieutenant Governor” means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under Article 239 and designated as such under Article 239AA of the Constitution;

- (c) "property" includes any building, hut, structure, wall, tree, fence, post, pole or any other erection;
- (d) "writing" includes printing, painting, decoration, lettering, ornamentation etc., produced by stencil.

3. Penalty for defacement of property

- (1) Whoever defaces any property in public view by writing or marking with ink, chalk, paint or any other material except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both.
- (2) When any offence is 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 persons connected with the management thereof, as the case maybe, shall, unless he proves the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.
- (3) The aforesaid penalties will be without prejudice to the provisions of Section 425 and Section 434 of the Indian Penal Code, 1860 (45 of 1860) and the provisions of relevant Municipal Acts.

4. Composition of offences

- (1) Any offence of defacement whether committed before or after the commencement of this Act punishable under Section 3, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the Government may, by notification in the Official Gazette, specify in this behalf.
- (2) Where an offence has been compounded under sub section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

5. Offence to be cognizable

An offence punishable under this act shall be cognizable

6. Power of the Lieutenant Governor to erase writing, etc.

Without prejudice to the provisions of Section 3, it shall be competent for the Lieutenant Governor to take such steps as may be necessary for erasing any writing, freeing any defacement or removing any mark from any property.

7. Act to override other Laws

The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other laws for the time being in force:

Provided that the provisions of this Act shall not be applicable to advertisements displayed at duly authorised public spaces for advertising by appropriate authorities.

8. Repeal and Savings

On the day on which the Delhi Prevention of Defacement of Property Act, 2007 comes into force, the West Bengal Prevention of Defacement of Property Act, 1976 (Bengal Act no.21 of 1976) as extended to the National Capital Territory of Delhi shall cease to have effect except in case of things done or omitted to be done before the commencement of this Act.

(Sd Savita Rao)

Joint Secretary (Law)

DEPARTMENT OF URBAN DEVELOPMENT

NOTIFICATIONS

Delhi, the 14th February, 2009

F.No.18(A)/43/2000/UD/Pt.F.-1/3371.

In exercise of the powers conferred by sub-section (3) of section 1 of the Delhi Prevention of Defacement of Property Act, 2007 (Delhi Act 1 of 2009), the Lt Governor of the National Capital Territory of Delhi is pleased to appoint the 1st day of March, 2009 as the date on which the said Act shall come into force.

These explanations are added by Col Shivrj.

1. Defacement is basically of four types as under :-

- (a) Posters
- (b) Writings on the wall
- (c) Banners

These 3 are totally banned under this Act.

- (d) Hoardings .

These are allowed at the specific places by the civic agencies for a specific period after paying the normal charges. All other hoardings are illegal under this Act.

2. Property includes any property (Govt or Private) in public view like buildings, hut, structure, wall, poles / posts, trees, roof tops or any other erection.
3. The guilty of the defacement shall be the owner, President, Director, Partner, agent or any other officer responsible with the management thereof.
4. Posters, Banners and Writings on the Wall are totally banned. Hoardings are allowed only at the specified places after taking the due permission from the civic agency. All other Hoardings are illegal under this Act.