



Government of Jammu & Kashmir
Office of the
DISTRICT MAGISTRATE JAMMU

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Sub: Model Code of Conduct/ J&K Prevention of Defacement of Property Act, 1985 and Prevention of Defacement of Public Property Act. and J&K Representation of peoples act-1957.

No: ENT/2014/3199-3203

Dated:-12-11-2014

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PUBLIC NOTICE

It is hereby notified for the information of the Political parties, perspective/contesting candidates and printers/ publishers/ advertisers in District Jammu, the Law & Order implementing authorities/ custodian/Estates officers of public property in particular and public in general that:-

General elections to the Legislative Assembly of J&K State have been announced by Election Commission of India and Model Code of Conduct has come into force from the date of announcement of the election schedule by Election Commission of India whereby it is imperative to implement the Model Code of Conduct in its true letter and spirit so as to ensure credible, free, fair and smooth conduct of elections as also to ensure level playing field for all perspective contenting candidate /political parties. It is also imperative to ensure that the electorate exercise their right to vote in a free, fair and secure atmosphere. It is also essential to partake in the biggest, pious festival of democracy by adopting ethical concept of electoral participation, to avoid all corrupt practices and electoral offences

It has been observed, as also brought to the notice of the District Election Officer, Jammu that various hoardings and other publicity material has been installed at many locations in District Jammu, depicting Political figures which amounts to violation of the Model Code of Conduct and an electoral offence.

It has also been observed that pamphlets, posters, banners, buntings, handbills etc (publicity material) are pasted/hanged on various public properties (buildings, electricity polls, roads etc.) for promotion and campaigning causing unsightly look to the city and grave violation of the J&K prevention of defacement of property Act, 1985 and prevention of defacement of public property act as also causing inferences to the appearance /esthetic look of the property which is infact a cognizable offence punishable under law

It was also notified/ informed earlier and also meetings in this regard with the political parties and Printers/ Publishers were held for awareness.

"No political party or perspective/contesting candidate shall permit its or his followers to make use of any individual's land, building, compound, wall etc., without owner's permission for erecting flags, staffs, suspending banners, pasting notice, writing slogans, etc." as also it should not involve defacement of the private property which shall be accounted as violation by the concerned and cognizable offence registered which again is punishable.

It is also notified for the information of perspective candidates and Political Parties that no public rally /procession can be conducted without prior permission from District Election Officer/Returning Officer of the concern Assembly Constituency also the public meeting/rallies can be conducted at notified /designated places and it is imperative to seek the permission at least three days prior to conduct of such meetings/rallies thereby providing sufficient time for processing.

Note : No canvassing/public meetings within 48 hours prior to the hour fixed for close of poll. No party office within 200 mtrs radius of the polling station shall be established. No candidate/party voter facilitation counter within 100 mtr radius of polling station on poll day.

Whereas no vehicle personal/commercial can be utilized for campaign without prior permission from the competent authority i.e. for whole of the district from DEO for Assembly Constituency from Returning Officer concerned and for whole of the province/state from the office of Chief Electoral Officer, J&K. Even the party/candidates flags can be displayed on the permitted vehicles only. The permission so granted shall have a permit which shall be displayed on the wind screen of the vehicle. Separate vehicle shall be deployed with due permission for distribution of publicity material. There shall be separate vehicles for poll day. The permitted vehicles shall board and carry the persons not more than permitted by transport/licensing authority (Light Motor Vehicle only). During parliamentary elections it was observed that commercial vehicles Matador/Buses were used by the contesting candidates for ferrying the public for public rallies/meetings which amount to violation and the cases accordingly made out. It is imperative/obligatory to take permission for all such buses/matadors if used at all failing which the vehicles shall be impounded by the concerned officer on duty in the area concern and shall not be released till the elections are complete and the expenditure for the complete period the vehicles remain seized shall

be booked in the expenditure account of the concerned party/candidate in addition to registration of case for violation. It is also notified that only three vehicles per Assembly Constituency can be used on poll day with separate permit and not more than five people can board the said vehicles. No vehicular conveyance to the voter shall be provided by party/candidate as the same amounts to electoral offence punishable under law.

It is further notified that no car/vehicle/bike rallies are allowed under the Model Code of Conduct. Not more than three permitted vehicles can move together as a unit. If found in violation shall be impounded even if duly permitted for campaign. The mandatory distance between two groups of three vehicles each shall be not less than 200 mtrs

Note:-for election purpose cycle rickshaw shall be construed as a vehicle.

It is also notified that on foot road shows if at all conducted have to ensure that there is no hindrance to the vehicular traffic and the route, initial and end point shall be clearly indicated while seeking the permission and shall in no case be deviated.

It is also notified that no hoardings can even be installed on private property just, party flags/candidates symbol can be displayed on private property. The hoardings can only be installed at the commercial sites notified by Jammu Municipal Corporation/Jammu Development Authority and Panchayats if any with due supply order to the outsourcee/authority concerned with a copy and the expenditure incurred to the DEO/Returning Officer.

It is hereby notified for the information of all the estate officers/custodians of public property that they are duty bound to prevent the defacement of their respective public property i.e. roads, buildings, bridges, electric poles, culverts, government installed sign boards. They are required as already conveyed during training to have their own flying squads placed for safe guarding the public property and take action against the violators as per acts failing which it shall be presumed that such officers/officials have indulged in dereliction of duty and action as warranted shall be initiated against them.

Note : This notice shall construed as show cause notice for all the estates officers/custodians of the public property and action shall be taken without any further notice.

It is also notified that no electronic advertisement radio/tv can be telecasted without prior certification from MCMC committee. Any cable network operator found telecasting such advertisement shall be liable for action under Section 5 ,6 & 11 of Cable TV Network Act 1995 which shall amount to banning of such operator and confiscation of the equipment used.

No armed person shall move at or near polling station on the day of poll except the security deployed at the polling station

Electoral Offences: It is hereby notified that giving, accepting and promising any kind of bribe i.e. cash, kind, gift, debt clearance/loan clearance promoting enmity between different classes of society, disruption of public meetings of the other candidates/political parties , disorderly/misconduct conduct at or near polling station , booth capturing , distribution of selling of liquor, undue influence, personation, illegal payment, false statement , failure to keep election accounts is declared electoral offence punishable under law, maintenance of secrecy of court. Voter intimidation, appeal to voter on the basis of caste, color , region or religion is an offence punishable under law. Threatening to the voter , display of arms and muscle power is also a criminal act liable for action punishable under law.

It is further notified for all the concerned that provisions of J&K CrPC, J&K RPC, J&K Representation of People's Act , Manual of Jammu & Kashmir Election Laws as amended upto 2014 instructions for candidates, political parties shall be abided by all the concerned in addition to those enshrined in this notice which is indicative not exhaustive.

Note : Let us all join hands to ensure free, fair and credible elections for stronger democracy and inclusive growth and abide by the laws of the land

Issued in public interest

s/d-

A.K.Sahu (I AS)

District Election Officer
(Deputy Commissioner)
Jammu

Copy to the:

1. Chief Electoral Officer J&K, Jammu for favour of information.
2. Divisional Commissioner Jammu for favour oif information.
3. IGP jammu for favour of information
4. SSP Jammu for favour of information.
5. Retruning Officers _____ (All)

K.S Parihar, KAS
Addl. Deputy Commissioner,
Jammu



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