

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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PRESS NOTE

ECI issues advisory to all Star Campaigners, recognized National & State Political Parties in view of plummeting level of campaign discourse in the ongoing GE to Karnataka Legislative Assembly

Political parties and candidates advised to exercise caution and restraint in their utterances to maintain high standard of discourse; raise 'issue' based debates, provide pan India perspective and depth to local discourse

ECI invites attention to provisions of Model Code of Conduct & other Statutory Provisions for strict adherence and avoid vitiating the election atmosphere

ECI directs CEOs for compliance of advisory and initiating appropriate & timely action as per extant regulatory & legal framework

The Election Commission of India, taking serious note of plummeting level of campaign discourse during ongoing GE to Karnataka Legislative Assembly has issued an advisory to all National and State Parties and candidates to exercise caution and restraint in their utterances during campaigning and not to vitiate the election atmosphere.

The Commission's attention has recently been brought to the instances of inappropriate vocabulary and language used during the on-going campaign by persons, in particular, by those invested with the statutory status of star campaigner. Such instances have occasioned various complaints, cross complaints and have also attracted negative media attention.

Taking note of the above, in an advisory issued to all Political Parties for strict compliance, the Commission noted that National Parties and Star Campaigners enjoy extra enablements within the R.P. Act. The advisory states "It is imperative for all parties and stakeholders to remain within the confines of the Model Code of Conduct and the legal framework in their utterances while campaigning so as to maintain the dignity of the political discourse and not to vitiate the campaign and the election atmosphere. They are thus expected to contribute in maintaining and raising the level of discourse to "issue" based debate, provide pan India perspective, depth to the local discourse and to reassure all sections of electors to participate fully and fearlessly in a free and fair election."

In the advisory, ECI has invited the attention of the political parties to the provisions of Model Code of Conduct and other statutory provisions which hold the field and fix the framework of the expected campaign discourse. ECI notes that as per the MCC provisions, use of provocative and inflammatory statements, use of intemperate and abusive language transgressing the limits of decency and attacks on the personal character and conduct of political rivals vitiate the level playing field. The spirit of the MCC is not just avoidance of a direct violation, it also prohibits attempts to vitiate the electoral space through suggestive or indirect statements or innuendoes.

MCC provisions :

- (a) Clause 3.8.2 (ii) states, “Nobody should indulge in any activities or make any statements that would amount to attack on personal life of any person or statements that may be malicious or offending decency and morality.”***
- (b) Clause 4.3.1 states “Political parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders and workers of the other parties. It also provides that no party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension.”***
- (c) Clause 4.3.2 states, “maintain high standard of election campaign.”***
- (d) Clause 4.3.2(ii) states, “Election Commission, while expressing deep anguish on the progressively plummeting levels of political disclosures, put the political parties on notice that repeated violation of Model Code may invite action against them.”***
- (e) Clause 4.4.2 (B) (iii) states, “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.”***
- (f) Clause 4.4.2 (B) (v) states, “Other parties or their workers shall not be criticised based on unverified allegations or on distortions.”***

IPC provisions

- (a) Section 171G of the IPC- “False Statement in connection with an election.”**
- (b) Section 499 the IPC states that “Defamation. -Whoever, by words either spoken or intended to be read, or by signs or by visible representations makes or publishes any imputation concerning any person intending to harm or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said except in the cases hereinafter expected to defame that person.”**
- (c) Section 500 IPC states that “Punishment for Defamation- Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.”**
- (d) Section 504 of the IPC-“Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.”**

The Commission, in collaboration and consultation with all stakeholders, in particular, the political parties and the candidates, has invested efforts in encouraging all stakeholders to maintain a level of political discourse during campaigning which is befitting the widespread admiration and standing of Indian democracy worldwide.

The Commission has directed CEOs to ensure widest publicity of this advisory and compliance thereof failing which appropriate action must be initiated as per extant regulatory & legal framework.



Anuj Chandak
Joint Director (Media)