

# ELECTION COMMISSION OF INDIA

— Nirvachan Sadan, Ashoka Road, New Delhi – 110001.

No.437/6/Manifesto/2013

Dated : 19<sup>th</sup> February, 2014

To

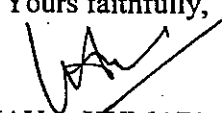
The President/General Secretary/Chairperson  
of All National and State Political Parties

Subject:- Judgment dated 5.7.2013 of the Hon'ble Supreme Court in SLP ( C) No. 21455 of 2008 and TC No. 112 of 2011 –S.Subramaniam Balaji Vs. Govt. of TN& Others-framing of guidelines for election manifestos- FINAL GUIDELINES - reg.

Sir/Madam,

I am directed to refer to this office letter of even number dated 31<sup>st</sup> January 2014 forwarding therewith a set of draft guidelines on election manifestos for inclusion in the model code of conduct wherein it was requested that all recognized National and State political Parties may offer their comments on the said draft guidelines by 07<sup>th</sup> February 2014. Having considered the suggestions/comments received from the political Parties and having regard to the directions of the Hon'ble Supreme Court mentioned above, the Commission has finalized the guidelines on Election Manifestos which have now been included as Part VIII of the Model Code of Conduct for the Guidance of the Political parties and Candidates. These guidelines will, henceforth, be applicable and implemented as part of the Model Code of Conduct for all future elections. A copy of the full text of the **Model Code of Conduct for the Guidance of Political Parties and Candidates** including Part VIII on Election Manifestos is enclosed for your information. You are requested to bring this to the notice of all concerned for their information and compliance.

Yours faithfully,

  
(K.AJAYA KUMAR)

PRINCIPAL SECRETARY

Copy to all registered un-recognized political Parties . They are requested to bring the same to the notice all concerned for information and compliance.

## VIII Guidelines on Election Manifestos

1. The Supreme Court in its judgment dated 5<sup>th</sup> July 2013 in SLP(C) No. 21455 of 2008 (S. Subramaniam Balaji Vs Govt. of Tamil Nadu and Others) has directed the Election Commission to frame guidelines with regard to the contents of election manifestos in consultation with all the recognized political parties. The guiding principles which will lead to framing of such guidelines are quoted below from the judgment:-

- (i) "Although, the law is obvious that the promises in the election manifesto cannot be construed as 'corrupt practice' under Section 123 of RP Act, the reality cannot be ruled out that distribution of freebies of any kind, undoubtedly, influences all people. It shakes the root of free and fair elections to a large degree".
- (ii) "The Election Commission, in order to ensure level playing field between the contesting parties and candidates in elections and also in order to see that the purity of the election process does not get vitiated, as in past been issuing instructions under the Model Code of Conduct. The fountainhead of the powers under which the Commission issues these orders is Article 324 of the Constitution which mandates the Commission to hold free and fair elections."
- (iii) "We are mindful of the fact that generally political parties release their election manifesto before the announcement of election date, in that scenario, strictly speaking, the Election Commission will not have the authority to regulate any act which is done before the announcement of the date. Nevertheless, an exception can be made in this regard as the purpose of election manifesto is directly associated with the election process".

2. Upon receiving the above directions of the Hon'ble Supreme Court, the Election Commission held a meeting with the recognized National and State Political Parties for consultation with them in the matter and took note of their conflicting views in the matter.

During consultations, while some political parties supported the issuance of such guidelines, others were of the view that it is their right and duty towards voters to make such offers and promises in manifestos in a healthy democratic polity. While the Commission agrees in principle with the point of view that framing of manifestos is the right of the political parties, it cannot overlook the undesirable impact of some of the promises

and offers on the conduct of free and fair elections and maintaining level playing field for all political parties and candidates.

3. The Constitution under Article 324 mandates the Election Commission, to conduct elections *inter alia* to the Parliament and the State Legislatures. Having due regard to the above directions of the Supreme Court and after consultation with the Political Parties, the Commission, in the interest of free and fair elections, hereby directs that Political Parties and Candidates while releasing election manifestos for any election to the Parliament or State Legislatures, shall adhere to the following guidelines:-

(i). The election manifesto shall not contain anything repugnant to the ideals and principles enshrined in the Constitution and further that it shall be consistent with the letter and spirit of other provisions of Model Code of Conduct.

(ii). The Directive Principles of State Policy enshrined in the Constitution enjoin upon the State to frame various welfare measures for the citizens and therefore there can be no objection to the promise of such welfare measures in election manifestos. However, political parties should avoid making those promises which are likely to vitiate the purity of the election process or exert undue influence on the voters in exercising their franchise.

(iii) In the interest of transparency, level playing field and credibility of promises, it is expected that manifestos also reflect the rationale for the promises and broadly indicate the ways and means to meet the financial requirements for it. Trust of voters should be sought only on those promises which are possible to be fulfilled.