

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110001.

No.437/6/Manifesto/2013

Dated : 31<sup>st</sup> January, 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-reg.

Sir/Madam,

I am directed to invite your attention to this office letter of even number dated 2<sup>nd</sup> August 2013 on the subject cited inviting you to participate in a meeting held on 12<sup>th</sup> August 2013 at Nirvachan Sadan, New Delhi to consult you in the matter of framing of guidelines on election manifestos, to be incorporated as part of the model code of conduct. A background note on the election manifestos was also circulated to you along with the said letter. In the meeting held on 12<sup>th</sup> August 2013, the Commission took note of the comments and views expressed by the Parties.

2. Taking into account the above mentioned views and suggestions of the Political Parties and also taking note of the views furnished in the written submissions to the Commission, by some Parties and having regard to the directions of the Hon'ble Supreme Court to the Election Commission in its judgment dated 5.7.2013 in SLP ( C ) No. 21455 of 2008 and TC No. 112 of 2011-S.Subramaniam Balaji Vs. Govt. of TN & Others, the Commission has **framed a set of draft guidelines on election manifestos** which is enclosed herewith.

3. All the National and State Parties are requested to offer their comments/suggestions, if any, in the matter to the Commission latest by **07.02.2014 (Friday)**. Thereafter, the Commission will finalize the guidelines and will formally incorporate the same in the model code of conduct. These guidelines will then become part of the Model Code of Conduct and will be applicable to all future elections.

Yours faithfully,

(K. AJAYA KUMAR)

PRINCIPAL SECRETARY

## **Draft guidelines on Election Manifestos.**

### **Chapter VIII**

1. The Supreme Court in its judgment dated 5<sup>th</sup> July 2013 in SLP(C) No. 21455 of 2008 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 consulting 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 conducting 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 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.

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