



22<sup>nd</sup> Oct 2024

**The Chief Election Commissioner & Election Commissioners**

Election Commission of India  
Nirvachan Sadan, Ashoka Road,  
New Delhi

**Subject: Violation of Model Code of Conduct – State Government of Karnataka – Bye Elections in Karnataka & Assembly Elections in Maharashtra**

Sir/s

The Commission is aware that 3 rural assembly constituencies are going in for bye-polls together with other bye-polls on the 13<sup>th</sup> October 2024. As per the ECI's directions, the MCC, in case of rural constituencies, apply across to the whole district where such assembly constituencies are situated. The relevant part of MCC stipulates;

**20.2 Applicability of Model Code**

*“in case the constituency going to bye-election is comprised in the state capital/metropolitan city/municipal corporation, Model Code would be applicable in the particular assembly constituency segment only and not in the whole of the district. In all other cases, Model Code would be enforced in the entire district(s) covering the constituency going for bye-election(s).”*

In this case none of the constituencies going in for the bye polls are situated in any metropolitan area and they are as under;

Name of AC	District	Type
Shiggaon	Haveri	MLA
Sanduru	Ballari	MLA
Channapattana	Ramanagara	MLA
Dakshin Kannada & Udipi		MLC – Local Bodies

The government of Karnataka issued full page advertisements on the first page of all the Kannada and English dailies circulating in the State of Karnataka including the three districts

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where the Model Code of Conduct is in force. Not just that these newspapers although being the Karnataka editions are also in circulation in the districts and assembly constituencies in the state of Maharashtra, adjoining the state of Karnataka.

The advertisement in question prominently features the achievements of the government of Karnataka along with the pictures of Chief Minister Shri Siddaramaiah and Deputy Chief Minister Shri D. K Shivakumar, at the cost of the government exchequer, when the Model Code of Conduct is in force. The advertisement published in the newspaper 'The Hindu' on 17.10.2024 is enclosed, while the MCC came into force effective 15<sup>th</sup> October 2024.

Such advertisements are in blatant violations of Model Code of Conduct and in flagrant derogation of ECI's standing instructions. The advertisements were in sheer violations of MCC, which lists the programmes, and achievements of the government with a tag line **DELIVERED AS PROMISED**.

The above advertisement exhibits various egregious violations of MCC, and instructions issued by the Election Commission of India from time to time, which warrants strict scrutiny under the legal provision. This is a deliberate attempt to mislead the voters and affect their ability to make a free and fair choice. Therefore, it amounts to infringing upon the recent **Letter of ECI addressed to the Chief Secretary, Chief Electoral Officer-Karnataka vide letter No: 437/6/1/INST/ECI/FUNCT/MCC/2024, Dt. 15/10/2024**, whereby, the Election Commission of India announced the Bye-elections for 3 (three) Legislative Assembly Constituencies in the State of Karnataka.

In the same letter the ECI issued the following instructions in paras - 3(iv) and (4):

*3(iv) - Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided.*

*(4) As will be observed from Para 3(Clause iv) above, no advertisement shall be issued in electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. If any advertisement has already been released for telecast / broadcast or publication in the print media, it must be ensured that the telecast / broadcast of such ads on electronic media is stopped forthwith and that no such ad is published in any newspapers, magazines, etc., i.e. in print media, from today itself and it should be immediately withdrawn.*



In perpetuating these misleading advertisements highlighting the so-called achievements has violated numerous provisions, including those outlined in the BNS, the Model Code of Conduct, and the advisories and instructions issued by this Commission:

**Bharatiya Nyaya Sanhita (BNS):**

*Section 170- Undue influence at elections*

**The Representation of Peoples Act, 1951-**

*Section 123 (2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person [with the consent of the candidate or his election agent], with the free exercise of any electoral right.*

**The Election Commission of India vide letter No. 437/RJ-LA/2023/NS-1 Dated: 2nd November 2023 issued on the complaint, it states,**

*The Commission is in receipt of representation dated 20\* November 2023 with copies of newspaper clippings of a certain newspaper [Dainik Bhaskar] in circulation in the State of Rajasthan showing advertisements by INC published on 20" November 2023. In the said complaint it has been alleged that in violation of MCC provisions, the INC has published advertisements camouflaged as political predictions and/or as news headlines in front pages of several newspapers w.e.f. 16" November 2023.*

*The Commission has always advised political parties to maintain discipline in the electoral space and avoid indirect violation of instructions and advisories, especially those which can confuse the electors' mind or obfuscate the genre of newspaper and print media utilized for political campaigning. In an advisory issued to all political parties dated 07.05.2023 (a copy of which was also shared with all major newspapers), the commission had also reiterated that the instructions of a clean & serious campaign discourse should be understood and maintained by all stakeholders at all times during the campaign period, regardless of the timeline of pre-certification for advertisement in print media."*

It is not the first time that the State of Karnataka has violated the provisions contained in MCC earlier also, during the Assembly elections 2023, the congress government of Karnataka in collusion published political advertisements in Telangana State, in violations of electoral laws and this Commission, therefore, issued the order with strict warning to the Karnataka government. The relevant portion of the order is reproduced herein for your kind reference.

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*"Letter No. 437 /TEL-LA/SOU3/2023. Dated 27.11.2023*

*The Commission has further directed in this matter as below:*

*"...in future, if any such violation of its instruction is brought/come to its notice, the Secretary/ Director of Information and Public Relations of the concerned Government shall be held directly responsible for such lapse"*

**We request the Election Commission of India to:**

1. Take stringent action against the Shri Siddaramaiah, Chief Minister of Karnataka, Shri D.K Shiva Kumar, Deputy Chief Minister and Indian National Congress for publishing such advertisements at the cost of public exchequer by issuing them a notice.
2. Restrain the State of Karnataka and INC to further publish such misleading advertisements in the media.
3. Direct registration of FIR against Shri Siddaramaiah and Shri D.K Shivakumar under the above-mentioned provisions of Law or any other Electoral applicable

With Regards,

Yours faithfully,

**BJ Vijayendra**

**R Ashok**

**Chalurvedi Narayanswamy**

**P Rajeev**