

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, AT NEW DELHI

ORIGINAL APPLICATION NO. 249 OF 2023

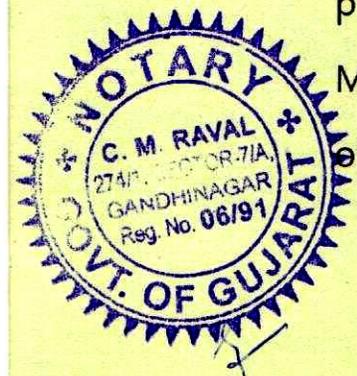
"NEWS ITEM ON INDIA'S SINKING ISLANDS APPEARED IN THE HINDU
19.03.2023"

AFFIDAVIT ON BEHALF OF GUJARAT COASTAL ZONE
MANAGEMENT AUTHORITY

I, Shri Raj Kumar, IAS, adult, having my office at 5th Floor, Block No.-1, Sachivalaya, Gandhinagar, Gujarat do hereby solemnly affirm and state on oath as under:

1. I am presently serving as the Chief Secretary in the State of Gujarat. I have read the order dated 13.03.2024 passed by the Hon'ble Tribunal in the present proceeding. I have perused the record relating to the subject matter of the present case and am conversant with the facts of the case. I am otherwise competent to make the present affidavit.
2. A notification dated 18.01.2019 has been issued by the Ministry of Environment, Forest and Climate Change, Government of India providing for revision and upgradation of Coastal Zone Management Plan by the respective state governments. Clause 6 of the notification dated 18.01.2019 reads as under:

"6. Coastal Zone Management Plan (CZMP)



(i) All coastal States and Union territory administrations shall revise or update their respective coastal zone management plan (CZMP) framed under CRZ Notification, 2011 number S.O. 19(E), dated 6th January, 2011, as per provisions of this notification and submit to the Ministry of Environment, Forest and Climate Change for approval at the earliest and all the project activities attracting the provisions of this notification shall be required to be appraised as per the updated CZMP under this notification and until and unless the CZMPs is so revised or updated, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects.

(ii) The CZMP may be prepared or updated by the coastal State Government or Union territory by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (hereinafter referred to as the NCSCM), Chennai of Ministry of Environment, Forest and Climate Change and in consultation with the concerned stakeholders.

(iii) The coastal States and Union territories shall prepare draft CZMP in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-IV to this notification, which involve public consultation. All developmental activities listed in this notification shall be regulated by the State Government, Union territory administration, the local authority or the concerned Coastal Zone Management Authority within the framework of such approved CZMP, as the case may be, in accordance with provisions of this notification.

(iv) The draft CZMP shall be submitted by the State Government or Union territory to the concerned Coastal Zone Management Authority for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986 (29 of 1986).



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(v) The Ministry of Environment, Forest and Climate Change shall thereafter consider and approve the respective CZMP of concerned State Governments or Union territory administrations.

(vi) The CZMP shall not normally be revised before a period of five years after which, the concerned State Government or the Union territory may consider undertaking a revision."

4. The procedure to be adopted by the respective governments for the purpose of revising and upgrading the Coastal Zone Management Plans has also been prescribed by the notification. Clause 6 of Annexure IV to the notification dated 18.01.2019 prescribes holding of public consultation as part of the process.

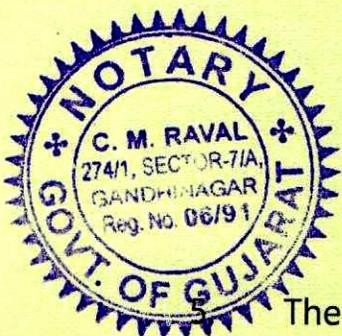
The same reads as under:

"6. Public consultations on CZMP :

(i) The draft CZMP prepared shall be given wide publicity and suggestions and objections received in accordance with the Environment (Protection) Act, 1986. Public hearing on the draft CZMP shall be held at district level by the concerned CZMA.

(ii) Based on the suggestions and objections received the CZMPs shall be revised and approval of Ministry of Environment, Forest and Climate Change shall be obtained.

(iii) The approved CZMP shall be put up on the website of Ministry of Environment, Forest and Climate Change, concerned website of the State or Union Territory Coastal Zone Management Authority and hard copy made available in the Panchayat Office and District Collector Office..."



The Gujarat Government has appointed Gujarat Ecology Commission (a registered society of Forest and Environment Department, Government of Gujarat) as the nodal agency for the work of preparing revised Coastal Zone Management Plan. This

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nodal agency is tasked with the responsibility of coordinating with the different agencies involved or likely to be involved with the entire process of revising the Coastal Zone Management Plans across all the 16 districts.

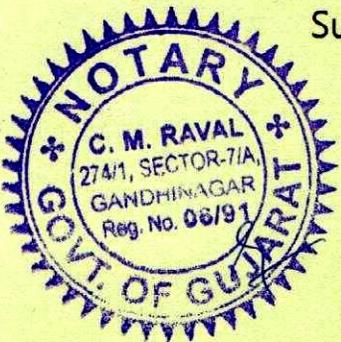
6. The Gujarat Government has chosen the National Centre for Sustainable Coastal Management, Chennai as the agency for the purpose of preparation of revised maps.
7. The Gujarat Ecology Commission has signed a Memorandum of Understanding with the National Centre for Sustainable Coastal Management, Chennai for the work of preparing the revised Coastal Zone Management Plans across the 16 districts. A copy of the Memorandum of Understanding dated 18-12-2020 is annexed herewith and marked as **Annexure R-1**.
8. The National Centre for Sustainable Coastal Management, Chennai, as per the contracted work, submitted the draft Coastal Zone Management Plan for each of the 16 districts, lastly in December 2023.
9. On receipt of the draft Coastal Zone Management Plans for each district from the National Center for Sustainable Coastal Management, Chennai, the same were forwarded by the Gujarat Ecology Commission to the different departments of the State Government - Revenue Department, Forest Department, Industries and Mines Department, Tourism Department, Port and Transport Department and other stakeholders like Gujarat Maritime Board for their comments. The draft plans were also shared with the



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Gujarat Pollution Control Board and the District Collectors of each district for conducting public hearings in the respective district after following the prescribed procedure.

10. Till February 2024, the process of public consultation was undertaken and completed for 13 districts. For the remaining 03 districts - Bhavnagar, Amreli and Kachchh, the process was begun. Notices in the local newspapers were published, and the hearing was scheduled to be held on different dates in the month of March 2024.
11. These facts were reported to the Hon'ble Tribunal and find mention in order dated 13.03.2024.
12. The public consultation process for the districts of Amreli and Bhavnagar was completed on 12.04.2024.
13. The objections and comments received from the general public as well as other stakeholders to the draft Coastal Zone Management Plans during the public hearings for the 15 districts, barring Kutch, have been collated and sent to the National Centre for Sustainable Coastal Management, Chennai, who after considering the comments, suggestions and objections shall finalise the Coastal Zone Management Plan for each of these 15 districts. On inquiry, the government is informed that the draft plans for each of these 15 districts would be received from the National Centre for Sustainable Coastal Management, Chennai in about 30 days.



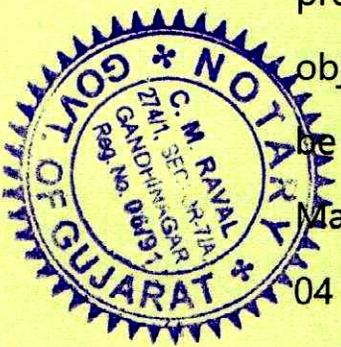
14. On receipt of the draft Coastal Zone Management Plans for the 15 districts from the National Centre for Sustainable Coastal Management, Chennai, the same will be sent to the Gujarat Coastal Zone Management Authority. The members of the Authority shall hold a meeting to discuss and deliberate over the plans for each district and forward them with recommendation to the State Government. The said process is likely to be completed within a period of 30-45 days by the Authority.
15. The State Government shall then forward the plans together with the recommendations of the Gujarat Coastal Zone Management Authority and its own concurrence to the Ministry of Environment, Forest and Climate Change for final approval.
16. In the event the Gujarat Coastal Zone Management Authority to entertain a different opinion on any particular Coastal Zone Management Plan prepared by the National Centre for Sustainable Coastal Management, Chennai, then the concern shall be communicated to the National Centre for Sustainable Coastal Management, Chennai, and every attempt shall be made to resolve the same within the shortest possible time.
17. For the district of Kutch, the public hearing was originally scheduled for 27.2.2024. Notices were published in two local newspapers having wide circulation in the district. However, at the time of hearing, a lot of complaints were received about insufficient notice of hearing and absence of hearing. It was contended that sufficient dissemination of information regarding holding of the public hearing was not done, resulting in non-



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availability of sufficient opportunity for giving objections or suggestions on the draft plans. In view of such concern raised by the stakeholders and keeping in mind the intent behind conducting public hearings and for larger public good, a decision was taken to conduct another public hearing for the district Kachchh. The public consultation process in all districts is conducted with the support of the local administration. The Election Commission of India in March 2024 announced holding of Lok Sabha Elections across the country, and determined the polling date for all the seats in the State of Gujarat on 7.05.2024. The District Collector for each district came to be appointed by the Election Commission as the "Returning officer of the Parliamentary Constituency". A copy of the Notification dated 16.03.2024 issued by the Election Commission of India is annexed herewith and marked as **Annexure R-2**. Resultantly, it became practically impossible to hold public consultation.

18. The public consultation process for Kutch district shall be initiated once again post the completion of elections. Public notice giving sufficient advance notice of the hearing shall be published in two local newspapers having wide circulation in the district. Every attempt shall be made to complete the public consultation process as early as possible and thereafter the comments, objections and suggestions received from the stakeholders shall be collated and sent to the National Centre for Sustainable Coastal Management, Chennai for finalisation of plan. A period of about 04 months i.e. end of September 2024 is likely to be consumed for holding and completing the consultation process and sending the



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comments, suggestions and objections to the National Centre for Sustainable Coastal Management, Chennai.

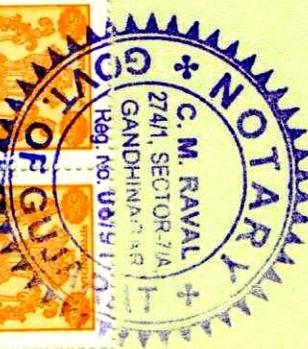
19. I assure that the government remains committed to ensure that the Coastal Zone Management Plan for all the 16 districts of the State of Gujarat are finalised and implemented at the earliest in accordance with notification dated 18.01.2019.

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VERIFICATION

Verified at Gandhinagar on this 17th day of May, 2024 that the contents of the above affidavit are true and correct, nothing stated therein is false and nothing material has been concealed therefrom.

Ummar
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Solemnly Affirmed
Before Me
C. M. RAVAL
(C. M. RAVAL)
NOTARY
Govt. of Gujarat
17 MAY 2024

Entered in Notary Register at
Serial No. 226 Vol. No. III
C. M. RAVAL
C. M. RAVAL Advocate & Notary
GANDHINAGAR.

17 MAY 2024

Annexure R-1

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NATIONAL CENTRE FOR SUSTAINABLE COASTAL MANAGEMENT
Ministry of Environment, Forest & Climate Change, Government of India

No. NCSCM/ CZMA/Gujarat/20- 0483

18/12/2019-
2020

To

The Member Secretary,
Gujarat Ecology Commission,
Block No.18, First Floor, Udhyog Bhavan,
Sector 11, Gandhinagar, Gujarat - 382011.

Sub: Signed MoU for Preparation of CZMP - 2019 for the Gujarat State.

Ref: Your Letter dated on 08/09/2020

With reference to the above subject the signed copy of the MoU for Preparation of CZMP 2019 of the Gujarat State is enclosed for your kind perusal. Kindly acknowledge the receipt.

Yours sincerely,

Dr.R.Ramesh,
Director, NCSCM

Encl: As above

Copy to: The Director, Gujarat Coastal Zone Management Authority, Block No. 14, 8th floor, New Sachivalay, Sector-10/A, Gandhinagar, Gujarat - 382 010.



Anna University Campus, Chennai 600 025. India
Phone (+91) 44 22200600 Fax (+91) 44 22200700

www.ncscm.res.in

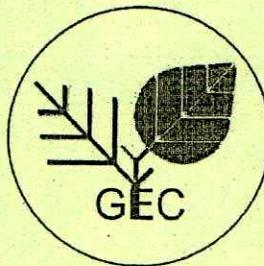
**Contract Agreement For
Preparation of
"Gujarat Coastal Zone Management Plan"
As Per CRZ Notification - 2019**

between



**National Centre for Sustainable Coastal
Management [NCSCM], Chennai**

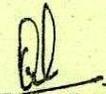
&



**Gujarat Ecology Commission
Government of Gujarat
Gandhinagar**

Year: 2020 - 21




Director
Gujarat Ecology Commission
Gandhinagar



Preparation of "Gujarat Coastal Zone Management Plan"

This contract agreement is signed on 07th day of September, 2020 between, National Centre for Sustainable Coastal Management, Chennai (hereinafter referred to as NCSCM) and Gujarat Ecology Commission, Government of Gujarat (hereinafter referred to as GEC) for preparation of Coastal Zone Management Plan for Gujarat State in accordance with Coastal Regulation Zone [CRZ] Notification – 2019.

WHEREAS

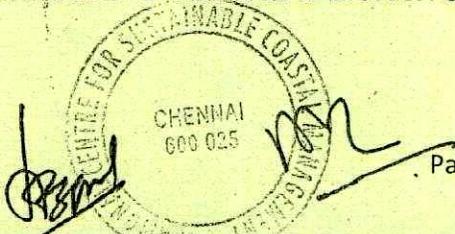
- A. Gujarat Ecology Commission, Forest & Environment Department, Located at Block No. 18, First Floor, Udhog Bhavan, Gandhinagar, organizations of Government of Gujarat intends to prepare Coastal Zone Management Plan for State of Gujarat in accordance with CRZ notification-2019 .
- B. National Centre for Sustainable Coastal Management [NCSCM], Located at Anna University Campus, Chennai submitted its proposal for preparation of Coastal Zone Management Plan for State of Gujarat in accordance with CRZ notification-2019 to GCZMA vide letter No. NCSCM/CZMA/Gujarat/19 – 0484 dated 14/08/2019.
- C. GCZMA, Department of Forests & Environment, GoG accepted NCSCM proposal vide letter No. Env-10-2019-98-E (T cell) dated 26/09/2019.

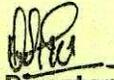
NOW THEREFORE all the parties as mentioned below here by agree as follow:

1. Cost of the CZMP

Sr. No.	Project Proposal	Assignment to be executed by	Amount (in Rs. lakh)
1.	Preparation of Coastal Zone Management Plan – 2019 for State of Gujarat	National Centre for Sustainable Coastal Management [NCSCM]	Rs. 4,05,72,859.00/- (Inclusive of taxes)

***Note: Above amount is inclusive of taxes except difference of GST & S.T.




 Director
 Gujarat Ecology Commission
 Gandhinagar



2. Scope of Assignment:

- The scope of present assignment is to prepare the Coastal Zone Management Plan in accordance with CRZ notification-2019 for the coastal areas of the Gujarat state.
- The study area comprises up to 750 mt. from High Tide Line [HTL] towards landward side and 12 nautical miles towards sea ward side in term of open sea front. Up to 150 m from the HTL along the creek/tidal influence water bodies.
- The NCSCM shall identified and delineate HTL, LTL based on morphological features using satellite images/Aerial photographs/field verification as per MoEF & CC norms
- The NCSCM shall demarcate Ecological Sensitive Area [ESA] by field verification, remote sensing data and Ariel photographs.
- Demarcation of HTL, LTL & CRZ lines [500 mt, 200 mt & 50 mt] in the base map as per the CRZ notification 2019 and CZMP guidelines published by MoEF&CC.
- NCSCM shall demarcate the different CRZ categories such as CRZ, I, II, IIIA, IIIB & IV.
- Submission of soft & hard copies of CZMP maps to client.

3. Period of assignment & Deliverables:

The project will commence from the date of initial advance payment and extend up to 6 months. The assignment shall be completed within stipulated time period. The work schedule, deliverables and data requirement from the client are mentioned below:

Sr. No.	Deliverables	Advance Payment amount (percentage of project cost)	Time Period
1.	Stakeholder meeting at client location including data collection from the client.	30%	Within 15 days from the date of initial advance payment

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Gandhinagar

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Sr. No.	Deliverables	Advance Payment amount (percentage of project cost)	Time Period
2	Submission of Pre-Draft CZMP map showing CRZ categories such as CRZ I, II, IIIA, IIIB, [including NDZ] & IV as per the CRZ -2019.	30%	Within 4 months from the date of initial advance payment and receipt of 2011 Census data from GEC.
3	Submission of Final Draft CZMP maps to GCZMA in 1:25000 scale in soft [PDF or JPEG format] & a hard copy.	20%	Within 6 months from the date of initial advance payment.
4	Submission of Final CZMP maps in 1:25000 scale hard copy and soft copy (pdf and shapefiles format) after approval from MoEF&CC as per CRZ Notification 2019	20%	After approval from the MoEF&CC as per CRZ Notification, 2019.

Total cost: Rs 4,05,72,859.00/- (Rupees Four Crore Five Lakh Seventy Two Thousand Eight Hundred Fifty Nine only, inclusive of GST). The payment is subject to deduction of various taxes as per the Government norms.

4. Obligation of GEC/GCZMA:

- GEC will act as coordinator on behalf of Forest & Environment Department, Government of Gujarat.
- GEC will supervise and closely monitor the progress of the present assignment.
- GEC will make the payment to NCSCM as per timeframe and deliverables mentioned in the clause no.3 of this contract based on submission of deliverables.
- GCZMA/GEC will provide digitized cadastral maps in Arc GIS format with survey nos., roads, urban areas, fishing villages and its boundary located within study area.
- GCZMA/GEC will provide digitized Georeferenced Shape files of

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Director

Gujarat Ecology Commission
Gandhinagar

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- municipal/corporation boundaries required for the preparation of CZMP
- GCZMA/GEC will provide the fishing zone in the water body in the fish breeding areas of Gujarat State.
 - GCZMA/GEC will provide geo-referenced shape files/KML files representing pollution levels as per the central pollution control board standards on water quality for state pollution control board or concerned department
 - GCZMA/GEC will provide details of the approved CZMP (geo-referenced) as soft copy and hard copy (based on CRZ 1991/2011 notifications) of the area.
 - GEC on behalf of GCZMA will provide validation report on the pre-draft CZMP submitted by NCSCM.
 - GEC on behalf of GCZMA will facilitate and provide due accesses to NCSCM officers/Scientist within study areas.
 - GEC on behalf of GCZMA will facilitate to NCSCM officers/scientist for local support for field survey as and when required for this assignment.
 - GEC on behalf of GCZMA will conduct stakeholder meeting, public hearing etc. as per the notification guideline.
 - Database of the CZMPs prepared and approved based on CRZ notification 2011, including HTL, LTL, ESAs, CVCA, Hazard line and coastal land use, approved CZMP and land use maps available with NCSCM will be used. Additional data required by NCSCM, if any, to be provided by Environment Department, Govt. of Gujarat.
 - Details of village-wise survey numbers pertaining to government land, in the format (bearing Taluk name, Village name, Survey No./Part Survey No. etc.) to be provided to NCSCM for deciding/enabling ease in demarcation of buffers around mangrove areas.

5. Digitized geo-referenced Census village boundary maps: Digitized geo-referenced Census village boundary maps in shape file format as per 2011 census base and the corresponding 2011 census (Population) data of villages



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Gandhinagar



in digital/soft copy/xls. format to be provided to NCSCM for demarcation of CRZ-III A and CRZ-III B areas.

6. Stakeholder data:

- Stakeholder data such as Municipal maps, Notifications for legally designated urban areas etc., for new CRZ-II areas, fishing Zones in the water bodies and fishing village boundaries, breeding and spawning grounds of fish, approved tourism/eco-tourism plans, temporary tourism facilities and the like to be provided to NCSCM, for updating the CZMP, as applicable.
- Infrastructure facilities such as roads, jetty, port, fish landing centres, etc. to be provided to NCSCM.
- Existing authorized developments/structures on the seaward side and features like cyclone shelters, rain shelters, helipads and other infrastructure including road network for the purpose of rescue and relief operations during cyclones, storms, tsunami and the like to be provided to NCSCM.

7. Performance of Service:

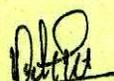
NCSCM will perform its services in line with the scope of work and deliverables as defined in clause no. 2 and 3 of this contract agreement and shall carry out its obligation with skill, care, diligence, efficiency. The NCSCM shall perform using generally accepted techniques, prudent practices and with professional scientific and consulting standards. The NCSCM shall always, in respect to any matter pertaining to this contract agreement, as faithful advisor/representatives to the client support and safeguards. The NCSCM shall use reasonable endeavours to complete the assignment within the time agreed upon in this contract agreement.

8. Changes in cost: In no case cost of the consultancy amount will be changed, except taxes subject to change in prevailing norms/law of the country. In such event, the client & consultant will mutually agree and adjusted the cost of assignment accordingly.





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 Gujarat Ecology Commission
 Gandhinagar

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9. Force Majeure:

a. Definition: For the purpose of this contract, Force Majeure means an event which is beyond the reasonable control of a party, is not foreseeable, is unavoidable and makes Party's performance of its obligations hereunder impossible or so impractical as to be reasonably considered as impossible under the circumstances, and subject to those requirements, includes, but it is not limited to, war, riots, civil disorder, earthquake, tsunami, cyclones, fire, explosion, flood.

Force majeure shall not include (I) any event which is caused by the negligence or intentional action of party or parties, experts, sub-consultant or agents or employees not (II) any event which a diligent party could reasonably have been expected to both take into account at the time of the conclusion of this contract, and avoid or overcome in the carrying out its obligation hereunder.

b. No breach of contract: The failure of a party to fulfil any of its obligations hereunder shall not be considered to breach of this contract insofar as such inability arises from an event of force majeure, provided that the party affected by such an event has taken all reasonable precautions, due care and reasonable alternative measures, all with the objective of carrying out the terms and conditions of this contract.

c. Measures to be taken: A party affected by an event of force majeure shall continue to perform its obligation under this contract as far as is reasonably practical, and shall take all reasonable measures to minimize the consequences of any event of force majeure.

A party affected by an event of force majeure shall notify the other party of such event as soon as possible, and in such case not later than 15 [fifteen] calendar days following occurrence of such event, providing evidence of the nature and cause of such event, and shall similarly give written notice of the restoration of normal conditions as soon as possible.

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 Director
 Gujarat Ecology Commission
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Any period within which a party shall, pursuant to this contract, complete any action or task, shall be extended for a period of equal time during which such party was unable to perform such action as result of force majeure.

During the period inability to perform the services by Party or parties as a result of an event of force majeure, the consultant upon instruction of client, shall either:

1. Demobilize, in which case the for additional costs will be reimbursed to NCSCM in reactivating the services by client; or
2. Continue with the services to the extent reasonably possible, in which case the NCSCM shall continue to be paid under the terms of this contract and be reimbursed for additional costs reasonably and necessarily incurred.
3. The GEC will not be responsible for any loss of human life or injury permanent or temporary, during or extent of such event of Force Majeure
4. In the case disagreement between the parties as to the existence or extent of the Force Majeure, the matter shall be settled according to Clause no. 8.

10. Modification or variations: Any modification or variation of the contract terms & conditions, including any modifications or variation to the scope of services, shall only be made by written agreement between parties. However, each party shall give the due consideration to any proposal for modification or variation made by other party.

11. Limitation of Liabilities: The NCSCM shall undertake to exercise reasonable skill and care in performing the services and shall be liable only for negligence failure in performing the services.

The NCSCM shall take appropriate insurance of its experts/officers for the period of this assignment.

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 Director
 Gujarat Ecology Commission
 Gandhinagar



The GEC will not be liable for loss or damages of any human life, temporary or permanent disabilities to the employee or staff/officer of NCSCM performing the services during the course of this contract.

12. Confidentiality: The NCSCM along with its personnel, employees, management, affiliates, agents, advisors shall not disclose any property or confidential information/data relating to this contract without prior written consent of the client.

13. Dispute Resolution:

1. All claims, disputes and other matters in question arising out of or related to this contract agreement, which cannot be resolved amicably, shall be submitted to the arbitration.
2. The arbitration will be conducted and administered in accordance with the Indian Arbitration and Conciliation Act 1996. The arbitration process will be conducted in English only and the place for arbitration will be Ahmedabad, Gujarat.

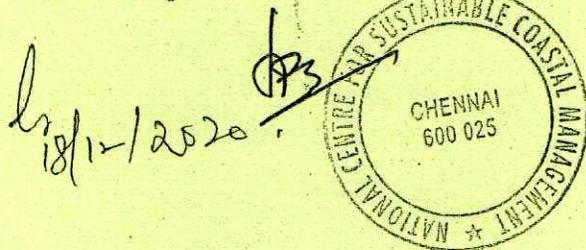
14. The Governing Law:

This contract agreement shall be governed by and interpreted in accordance with laws in force in India.

The contract agreement is hereby signed on dt. 07th September 2020.

FOR and on behalf of
NCSCM, Chennai

R. Ramani
18/12/2020
[Director]



FOR and on behalf of
GEC, Gandhinagar

[Signature]
[Director]
Director
Gujarat Ecology Commission
Gandhinagar

Annexure R-2

By Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/INST/ECI/FUNCT/MCC/2024

Dated: 16th March, 2024

To

1. **The Cabinet Secretary,**
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. **The Chief Secretaries to the Governments of all States and
Chief Secretaries/Administrators of all Union Territories.**
3. **The Chief Electoral Officers of
all States and Union Territories.**

Sub: Application of Model Code of Conduct – General Elections to House of the People (Lok Sabha), 2024 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim, and certain bye-elections - reg.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Elections to Lok Sabha and to the Legislative Assemblies of the States of **Andhra Pradesh, Arunachal Pradesh, Orissa and Sikkim and certain bye-elections** (Press Notes No. ECI/PN/23/2024, and No. ECI/PN/24/2024 both dated 16th March, 2024, available at the Commission's website - www.eci.gov.in).

2. With this announcement, the provisions of the Model Code of Conduct for the guidance of the Political Parties and Candidates **have come into force with immediate effect and will be in force till the completion of the General Elections and bye-elections, mentioned above.** This may be brought to the notice of the Central and all State Governments/Union Territory Administrations, all Ministries/Departments/Offices of the Union Government and the State Governments/Union Territory Administrations. A copy of instructions issued by you to this effect, may be sent to the Commission for its information and record.

3. Your particular attention is drawn to the provisions of Model Code of Conduct for the guidance of Political Parties and Candidates and various instructions issued by the Commission, which, inter-alia, state that the party in power whether at the Centre or in the

State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purpose of its election campaign and in particular:-

- (i) (a) The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work;
- (b) Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;
- (ii) Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolised by the party in power. Other parties and candidates shall be allowed the use of such places and facilities, on the same terms and conditions, on which they are used by the party in power;
- (iii) Rest houses, dak bungalows or other Government accommodations in the States/Union Territories where elections have been announced or are taking place can be given to the political functionaries who are provided security by the State in 'Z' scale or above or equivalent by various State Governments or the Central Government under provisions of their laws, on equitable basis. This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or the Commission's Observers. Such political functionaries shall not carry out any political activity while staying in the Government Guest Houses/Rest Houses or other Government accommodation etc.;
- (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;
- (v) Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time, elections are announced by the Commission; and
- (vi) From the time, elections are announced by Commission, Ministers and other authorities shall not -
 - (a) announce any financial grants, in any form or promises thereof; or
 - (b) (except civil servants) lay foundation stones etc. of projects or schemes of any kind;
 - or
 - (c) make any promise of construction of roads, provision of drinking water facilities etc.; or

- (d) make any ad-hoc appointments in Government, Public Undertakings etc. which may have the effect of influencing the voters in favour of the party in power.

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.

5. The instruction of the Commission contained in its letter No.437/6/INST/ECI/FUNCT/MCC/2024(MCC ENFORCEMENT) dated 2nd January, 2024 is available on the Commission's website at path –"<https://www.eci.gov.in/issue-details-page/instructions>" for your information and necessary action. The Commission's all other relevant instructions, 'Manual on Model Code of Conduct' and 'Compendium of Instructions on Model Code of Conduct' are also available on the Commission's website for your guidance.

6. The Commission further directs that there shall be a total ban on the transfer of all officers/officials connected with the conduct of the election. These include but are not restricted to: -

- i) The Chief Electoral Officer and Additional/Joint/Deputy Chief Electoral Officers;
- ii) Divisional Commissioners;
- iii) The District Election Officers, Returning Officers, Assistant Returning Officers and other Revenue Officers connected with the conduct of election;
- iv) Officers of the Police Department connected with the management of election, like range IGs and DIGs, Senior Superintendents of Police and Superintendents of Police, Sub-Divisional Police Officers like Deputy Superintendents of Police and other Police officers who are deputed to the Commission under section 28A of the Representation of the People Act, 1951;
- v) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till date should not be given effect to without obtaining specific permission from the Commission in this regard;

- vi) This ban shall be effective till the completion of the election. The Commission further directs that the State Governments should refrain from making transfers of senior officers who have a role in the management of election in the State;
 - vii) In those cases where transfer of an officer is necessary on account of administrative exigencies, the concerned State Government may with full justification approach the Commission for prior clearance.
7. The receipt of the letter may kindly be acknowledged.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY

By Spl. Messenger/mail

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/INST/ECI/FUNCT/MCC/2024

Dated: 16th March, 2024

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries of all States and
Chief Secretaries/Administrators of Union Territories
3. The Chief Electoral Officers of
all States and Union Territories.

Subject: Immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Elections to House of the People (Lok Sabha), 2024 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections-regarding.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Election to House of the People (Lok Sabha), 2024 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections, operation of 'MODEL CODE OF CONDUCT' comes into effect with the announcement of elections by the Commission. In view of the elections, the Commission has given following directions for effective enforcement of provisions of MCC:-

1. **Defacement of Property-** ECI instructions contained in letter No. 3/7/2023-SDR, dated 12th October, 2023, provide for prevention of defacement of property. The Commission has directed to ensure strict compliance of its instruction and to take time bound action as prescribed below-
 - (a) **Defacement of Government property-** For this purpose a Government premise would include any Government office and the campus wherein the office building, compound and establishment are situated. All wall- writing, posters/papers or defacement in any

other form, including cutout/hoardings, banners, flags etc, on Government property shall be removed **within 24 hours** from the announcement of elections by the Election Commission.

(b) **Defacement of public property and misuse of public space-** All unauthorized political advertisement, in the form of wall writing/posters/papers or defacement in any other form, cutout/hoardings, banners flags etc. at public property and in public space like railway station, Bus stands, Airports, railway Bridges, Roadways, government. buses, Electric/Telephone poles , municipal/local bodies' buildings etc., shall be removed **within 48 hours** from the announcement of elections.

(c) **Defacement of private property-** Subject to any local law and Court's direction, all unauthorized political advertisement displayed at private property shall be removed **within 72 hours** from the announcement of elections by the Election Commission.

2. **Misuse of official vehicle-** The ECI's Consolidated instructions contained in letter No. 464/L&O/2023/EPS(Use of Veh.), dated 26th June, 2023, among other things, provides that **there shall be a total ban on use of official vehicle by any political party, candidate or any other person connected with election (except officials performing any election related official duty) for campaigning, electioneering or election related travel during elections (subject to certain exception mentioned therein).** The expression 'official vehicle' means and shall include, any vehicle used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise and will include trucks, lorries, tempos, jeeps, cars, auto rickshaws, e-rickshaws, buses, belonging to Central Government, State Government/UT Administrations, public undertakings of Central/State Government, Joint sector undertakings of Central/State Government, local bodies, municipal corporations, marketing boards, cooperative societies or any other body in which public funds, however small a portion of the total, are invested. **The CEOs/DEOs shall take necessary action for compliance of ECI instructions within 24 hours of the announcement of the elections.**

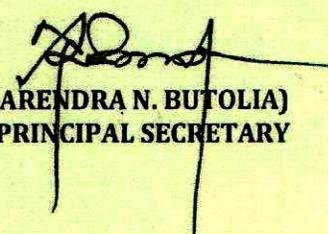
3. **Advertisement at the cost of public exchequer-** ECI instructions contained in letter No. 437/6/INST/ECI/FUNCT/MCC/2024(ADVERTISEMENTS), dated 2nd January, 2024 provides that at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election 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. No advertisements 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 the date of announcement and it should be immediately withdrawn. **The CEOs/DEOs have to take immediate action to remove/stop any advertisement, in the print/electronic media, showing the achievements of the Government soon after the announcement of elections.**

4. **Photograph of political functionary at official website-** ECI instruction contained in letter No. 437/6/INST/ECI/FUNCT/MCC/2024(MCC ENFORCEMENT) dated 2nd January, 2024 provides that all references of Ministers, Politicians or political parties available on central/state Government's official website shall be removed. The CEOs have to take **immediate action** to remove/hide the photographs of any political functionary from official websites of state department.
5. **Development/construction related activities- within 72 hours** of announcement of elections, the CEO/DEO shall obtain the following list of works for reference in case of validating any complaint on violation of MCC:
 - (i) List of work which has already been started on ground.
 - (ii) List of fresh work which has not started on ground.
6. **Activities for Expenditure Monitoring and enforcement of MCC-** Flying squad, FST, video team, intensive checking for liquor/Cash/Contra banned drugs, flying squads of excise department to check illicit trafficking of Drug/Narcotics to be **immediately activated** after announcement.
7. **Complaint Monitoring System-** The poll going states shall have a complaint redressal mechanism based on website and call center. The toll free number of call center is 1950. Complaints can be registered by making calls to the toll free call center numbers or on the website. Complainants will also be informed of the action taken by SMS and by the call center. Complainants can also see the details of the action taken on their complaints. This system should be **operational within 24 hours** of the announcement. All complaints should be dealt promptly and properly. The 24x7 control Room at the district level must be activated and sufficient deployment of manpower and other logistics be ensured in particular, round the clock personnel should be deployed in the control room and their duty roster must be issued to avoid any evasion or confusion.

8. **IT Application-** All IT applications including official website and social media shall be **operational with the announcement.**
9. **Dissemination of information for Awareness of Voters and political parties.** Publicity of major election activity would be given through CEO/DEO/RO. For this purpose, all necessary information shall be disseminated through radio, tv, cinema, government channel to display voter education material.
10. **Active cooperation from Educational Institutions and Civil Societies-** Cooperation can be sought from educational institutions and civil societies for giving wide publicity to the election related information to the general public and other stakeholders.
11. **Media Centre-** Efforts should be made for awareness among the voters, political parties and other stakeholder through media center about election system including use of EVM/VVPAT.
12. **MCMC/DEMC-** ECI instruction contained in letter no. 491/MCMC/5/2023/Communication dated 24th August, 2023 provides that all registered political parties will approach the Media Certification and Monitoring Committees (MCMC) at District and State level, as the case may be, for pre-certification of their political advertisements proposed to be issued on electronic media. The Commission has directed to ensure strict compliance of its instructions contained in above said letter.
13. **Control Room-** The 24x7 control room at district level must be activated immediately and sufficient deployment of manpower and other logistics be ensured by the DEO/CEO. A control room with complaint Monitoring Centre would also be set up at ECI Secretariat during the entire election process.

Yours faithfully


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY

By Speed Post/E-mail

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.437/6/1/INST/ECI/FUNCT/MCC/2024

Dated: 16th March, 2024

To

1. **The Cabinet Secretary,**
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. **The Secretary to the Government of India,**
Department of Programme Implementation,
Sardar Patel Bhawan,
New Delhi.
3. **The Chief Secretaries to the Governments of all States and
Chief Secretaries/Administrators of Union Territories.**
4. **The Chief Electoral Officers of
all States and Union Territories.**

Subject: General Elections to House of the People (Lok Sabha), 2024 and State Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections - Release of funds under MPs'/MLAs' Local Area Development Scheme - regarding.

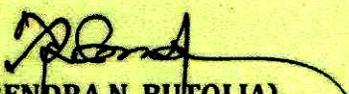
Sir/Madam,

I am directed to refer to the Commission's Press Notes No. ECI/PN/23/2024, and No. ECI/PN/24/2024, both dated 16th March, 2024 (Press Notes available at Commission's web-site - www.eci.gov.in) as per which the Commission has announced the enforcement of the Model Code of Conduct for the guidance of the Political Parties and Candidates, consequent on the announcement of General Election to Lok Sabha and to the Legislative Assemblies of the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections.

2. The Commission has instructed that the release of funds under the Member of Parliament Local Area Development Schemes will be subject to the following restrictions:-

- a) No fresh release of funds under the Member of Parliament (including Rajya Sabha members) Local Area Development fund shall be made in any part of the country where election is in progress. Similarly no fresh release of funds under the MLAs'/ MLCs' Local Area Development Fund shall be made, if any such scheme is in operation, till the completion of election process.
- b) No work shall start in respect of which work orders have been issued before the issue of this letter but the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue.
- c) There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.
- d) Where schemes have been cleared and funds are provided or released and materials procured and reached the site such scheme may be executed as per programme.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/INST/ECI/FUNCT/MCC/2024

Dated: 16th March, 2024

To

The Chief Secretaries of all States and
Chief Secretaries/Administrators of Union Territories.

Subject: General Elections to House of the People (Lok Sabha), 2024 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections- Screening Committee- regarding.

Sir/Madam,

I am directed to state that the Commission has issued detailed guidelines and instructions on regulation and enforcement of various aspects of the Model Code of Conduct (MCC) during election time. A number of proposals relating to MCC are being received in the Commission from Chief Electoral Officers and sometimes from the concerned departments directly. The Commission has decided that a Screening Committee headed by Chief Secretary of the State shall be constituted with following composition -

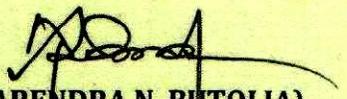
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|-------|--|----------|
| (i) | Chief Secretary | Chairman |
| (ii) | Secretary/Pr. Secretary of the department(s)
to which the proposal relates. | Member |
| (iii) | Secretary/Pr. Secretary of the General Administration/Coordination
department of the State. | Member |

2. The Committee shall examine each proposal, before sending it to the Commission, through the Chief Electoral Officer concerned, in the light of the Commission's existing instructions/clarifications available in the form of Manual on Model Code of Conduct/Compendium of instructions on Model Code of Conduct/instructions available on the Commission's website. The proposals cleared by the Screening Committee shall be submitted to the Chief Electoral Officer along with full details and a note on urgency, i.e. why the proposal can't wait till completion of poll/election. The Chief Electoral Officer shall forward only such proposal(s) that are cleared by the aforesaid Screening Committee, to the Commission along with his/her comments immediately. Hence, all departments of the State may be advised not to forward any reference directly to the Commission. Further, no department of the State Govt./Union Territory Administrator shall send original file to the CEO's office but only a self-contained reference be sent through the Screening Committee.

3. Accordingly, the Commission has directed that the aforesaid Screening Committee shall be constituted and operationalized immediately in all the States and Union Territories. A copy of the order constituting the Screening Committee shall be sent to the Commission latest by 3 pm of **22nd March, 2024**. The CEO shall provide a copy of Manual on Model Code of Conduct, Compendium of Instructions on Model Code of Conduct and relevant Model Code of Conduct instructions to the Screening Committee.

4. Further, it may be noted that the Commission takes reasonable time to dispose of a reference, therefore last minute references should be avoided.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY