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असा. क्र. ५

रजिस्ट्र नं. टीईसीएच/४७-३०३/एमवीआय/२००२



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, जानेवारी २५, २००२/माघ ५, शके १९२३

स्वातंत्र संकलन म्हणून फाईल करण्यासाठी या मागला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग एक-अ-मध्य उप-विभाग

महाराष्ट्र जिल्हा परिषदा व पंचायत समित्या, ग्रामपंचायती, नगरपरिषदा, प्राथमिक शिक्षण आणि स्थानिक निधी लेखा परीक्षा अधिनियम यांखालील (भाग चार-ब मध्ये प्रसिद्ध करण्यात आलेले आदेश व अधिसूचना बाबत) आदेश व अधिसूचना.

STATE ELECTION COMMISSION, MAHARASHTRA

New Administrative Building, Opp. Mantralaya, Madam Cama Road,

Mumbai 400 032, dated the 25th January 2002

Order

No. SEC./GEN/ 2002/CR-10/D-10.—Whereas, the superintendence, direction and control of all elections to the Panchayats and Municipalities in the State vest in the State Election Commission, Maharashtra by virtue of provisions of Article 243-K and 243-ZA of the Constitution of India ; and

Whereas, during the process of election to the Panchayats and Municipalities, the Code of Conduct is made applicable by the State Election Commission with a view to have the elections held in free, fair and peaceful manner. During the period of Code of Conduct, flag hoisting was not allowed for various reasons in the Municipal Corporations, Municipal Councils, Nagar Panchayats, Zilla Parishads, Panchayat Samitis and Village Panchayats by their democratically elected heads, such as Mayors of the Municipal Corporations, Presidents of the Municipal Councils, Nagar Panchayats, Zilla Parishads and Panchayat Samitis and Sarpanchas of the Village Panchayats on Republic Day, Maharashtra Day, Independence Day ; and

Whereas, the State Election Commission has reconsidered its view regarding hoisting of national flag on ceremonial occasions such as Republic Day, Maharashtra Day and Independence Day etc. by the elected heads of the Panchayats and Municipalities ;

Now Therefore, taking into account all relevant considerations, the State Election Commission in exercise of the powers conferred by Article 243-K and 243-ZA of the Constitution of India, read with sub-section (4) of section 18A of the Mumbai Municipal Corporation Act, 1888, sub-section (4) of section 9B of the City of Nagpur Corporation Act, 1948, sub-section (4) of section 14 of the Bombay Provincial Municipal Corporations Act, 1949, sub-section (4) of section 10A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, sub-section (4) of section 9A of the Maharashtra Zilla Parishads

भाग एक-अ (म.उ.वि.)—५

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and Panchayat Samitis Act, 1961, sub-section (4) of section 10A of the Bombay Village Panchayats Act, 1958 and of all other powers enabling it in this behalf, the State Election Commission hereby directs as follows :—

1. So far as hoisting of the National Flag on ceremonial occasions such as Republic Day, Maharashtra Day and Independence Day is concerned, this is a purely formal, official function and even the standing instructions of 28th July 1999 of the Election Commission of India make it clear that Prime Ministers and Chief Ministers can continue to hoist the flag at National and State Head Quarters as per long standing convention. Democratic decentralisation has taken governance down to the District level and even lower levels and Municipal Corporation and Municipal Councils are also part of the process of decentralised Government. Therefore, there can be absolutely no objection to Mayors of Municipal Corporations, Presidents of Municipal Councils, Nagar Panchayats, Zilla Parishads and Panchayat Samitis, as also Sarpanchas of the Village Panchayats, hoisting the National Flag on such ceremonial occasions (even during an ongoing election process) provided no political speeches accompany on that occasion. The flag hoisting should be done at the conventional place where it is done every year either in the Municipal Corporation, Municipal Council, Nagar Panchayat, Zilla Parishad, Panchayat Samiti and Village Panchayat, but a new venue should not be selected for the purpose like a large playground or at a place where large crowds can be attracted unless such a venue is an already conventionally existing venue.

2. So long therefore as this long standing past practice is continued in regard to the hoisting of the National Flag on Republic Day, Maharashtra Day and Independence Day, at the existing location, and no other activities are performed such as delivering political party speeches or honouring groups of people (by way of new addition to the function) on that occasion as a part of the ceremony, there cannot be any objection to the elected heads performing the honours on such National occasions. However, when the Code of Conduct is in operation the elected heads of local self Government institutions in their speeches will confine themselves to extolling the Achievements of the Martyrs in securing freedom of the country, glorification of the Indian State and so on. Under no circumstances should these become a platform for political campaign.

Y. L. RAJWADE,
State Election Commissioner,
Maharashtra.