राजस्थान सरकार
सामान्य प्रशासन (युप-5) विभाग

क्रमांक: प.15(8)साप्र/युप-5/2014
जयपुर, दिनांक: 21-2-2014

प्रबंधक,
समस्त विधायक मंडल,
राजस्थान।

प्रबंधक,
राजस्थान हाउस/जोधपुर हाउस,
राज.स्टेट गेस्ट हाउस., चाणक्यपुरी
नई दिल्ली।

प्रबंधक,
राजस्थान भवन
वारी, नवी मुंबई,
मुंबई।

विषय :- लोक सभा आम चुनाव–2014 आदर्श आचार सहिता की पालना के संबंध में।

महोदय,
उपयुक्त विषय में निर्धारित विभाग से प्राप्त पत्र क्रमांक एक. 8(2)(19)निर्देश / 2013/1335 दिनांक 13.02.2014 एवं प. 3(1)(5)1/निर्देश /2014/1333 दिनांक 13.02.2014 की छायाप्रतियों संलग्न कर निर्देशानुसार लेख है कि कृपया चुनाव आयोग द्वारा जारी आदर्श आचार सहिता के दौरान आयोग के दिशा-निर्देशों की पालना सुनिश्चित कराएं।

संलग्न : उपयोगकानुसार।

भवदीय,

(राजीव जैन)
शासन संयुक्त सचिव

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है :-

1. निजी सचिव, मुख्य निर्वाचन अधिकारी, जयपुर को उनके उपयुक्त संदर्भ में।
2. निजी सचिव, अति मुख्य सचिव, सामान्य प्रशासन विभाग।
3. सामान्य प्रशासन (युप 1,2,3,4,5,6) विभाग, नगरिक उद्योग विभाग, स्टेट मोटर गैराज विभाग, समपदा विभाग एवं मंत्रिमंडल सचिवालय।
4. सचिव प्रमुख।

शासन संयुक्त सचिव

Room No.1124, Main Building, Govt. Secretariat, Jaipur -302005
Tel. No. (Jt. Secy.) – 0141-2227874/9414085447, (AS) 9414043554, (F) 5116626, 2227928
Website: www.gad.rajasthan.gov.in, Email: misharma.gad@rajasthan.gov.in
राजस्थान सरकार
निर्वाचन विभाग

क्रमांक:एक.6(2)(19)निर्वाच/2013/ 1335

जयपुर, दिनांक: 13/2/15

प्रेषकः मुख्य निर्वाचन अधिकारी
राजस्थान, जयपुर।

प्रेषितः मुख्य सचिव,
राजस्थान सरकार,
जयपुर।

विषयः लोकसभा आम चुनाव, 2014 — आदर्श आचार संहिता—मंत्रियों के दौरे/सुरक्षा/राजकीय वाहनों के दुरुपयोग — भागल।

महोदय,

विषयांतर्गत निर्देशन है कि इस वर्ष के माह अप्रेल—मई, 2014 में लोकसभा के आम चुनाव सम्पन्न होने हैं। भारत निर्वाचन आयोग द्वारा चुनाव के कार्यक्रम की घोषणा होती है आदर्श आचार संहिता प्रमाण में आ जाती हैं जो चुनाव प्रक्रिया समाप्ति तक जारी रहती है। कार्यक्रम की घोषणा की जानकारी विभाग द्वारा उपलब्ध करा दी जाएगी।

आदर्श आचार संहिता प्रभावी रहने के दौरान मंत्रियों एवं अन्य जन प्रतिनिधियों, अशासीक व्यक्तियों के दौरे, उनके द्वारा राजकीय/सार्वजनिक उपक्रमों के वायुयान/हेलिकॉप्टर एवं राजकीय/स्थानीय निकाय/सार्वजनिक उपक्रमों के वाहनों के उपयोग तथा उन्हें उपलब्ध करायी जाने वाली सुरक्षा के मापदंडों के संबंध में भारत निर्वाचन आयोग द्वारा समय—समय पर दिशानिर्देश जारी किए गए हैं। इनके प्रतियों मध्य सूची आपको संलग्न प्रेषित की जा रही हैं। कृपया आदर्श आचार संहिता प्रभाव में रहने के दौरान आयोग के दिशा—निर्देशों की पालना सभी संबंधित विभागों/स्थानीय निकायों/सार्वजनिक उपक्रमों से कराये जाने की व्यवस्था सुनिश्चित कराये।

संलग्नः उपरोक्तानुसार

भवदीय,
(अशोक जैन)
मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।
1. समस्त अतिरिक्त मुख्य सचिव/प्रमुख शासन सचिव/शासन सचिव, राजस्थान सरकार को आयोग के निर्देशों की प्रतियां मय सूची संलग्न प्रेषित कर निर्देशित है कि आप अपने विभाग के माननीय मंत्री/राज्यमंत्री/संसदीय सचिव को आयोग के निर्देशों की पालना हेतु अवगत करायें, साथ ही अपने अधीनस्थ विभागों/स्थानीय निकायों/सर्वजनिक उपकरणों से भी भारत निर्वाचन आयोग के निर्देशों की पालना कराया जाना सुनिश्चित करायें।

2. पुलिस महानिदेशक, राजस्थान, जयपुर को आयोग के निर्देशों की पालना हेतु प्रेषित है।

3. समस्त जिला निर्वाचन अधिकारियों (कलेक्टर्स) को आयोग के निर्देशों की पालना सुनिश्चित कराये जाने हेतु प्रेषित है।

संलग्न: उपरोक्तानुसार

मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।
COMPILATION OF IMPORTANT INSTRUCTIONS OF ECI

ELECTION DEPARTMENT RAJASTHAN, JAIPUR
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Election Commission's letter No. 437/6/2004-PLN III, dated 08.03.2004 addressed to the Cabinet Secretary, Govt. of India, the Secretary, Ministry of Information and Broadcasting, Govt. of India, the Chief Secretaries to the Govt. of all States and Union Territories and copies to Chief Electoral Officers of all States and Union Territories

Subject: Display of advertisements and hoardings at the cost of public exchequer.

It has come to the notice of the Commission that a number of hoardings depicting the achievements of the party in power are being displayed by the Union and the States/UT Governments at the cost of public exchequer. Your attention is invited to sub-para (iv) of para VII - Party in Power of the Model Code of Conduct for the Guidance of Political Parties and Candidates which is as under:

The party in power whether at the Centre or in the States/UTs concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular-(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.

With the announcement of the schedule of elections to Lok Sabha and the legislative Assemblies of Andhra Pradesh, Karnataka, Orissa and Sikkim on 29th February 2004 the Model Code of Conduct came into force immediately. The continuing display of such hoardings and advertisements at the cost of public exchequer, even if such hoardings, advertisements or posters were displayed prior to the date of announcement of elections, constitutes a violation of the Model Code of Conduct as it provides an undue advantage to the party in power and has the effect of influencing the voters in favour of the party in power.

The Commission directs that all such hoardings, advertisements, etc. on display shall be removed forthwith by the concerned authorities and a compliance report furnished to the Commission.

The Commission has also directed that no advertisements should be issued in the newspapers and other media including electronic media at the cost of public exchequer during the election period and the misuse of 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 should be scrupulously avoided.

All Ministries/Departments/Offices of the Central Government and the State Governments may be informed of this directive of the Commission for immediate compliance.

The receipt of this letter may be acknowledged.
Fax/Speed post/Special Messenger

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

464/INST/2007-PLN-I

Dated: 07.01.07

To,
Chief Secretary, of States and UTs
Chief Electoral Officer of States and UTs

SUB:- CODE OF CONDUCT – DO's & DON'T's

The Commission has issued various instructions on observance of code of conduct from time to time. Important aspects of the code of conduct are reiterated below:

On Welfare schemes and governmental works:

1. Announcement of new projects or programme or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favour of the party in power is prohibited.

2. These restrictions apply equally to new schemes and also ongoing schemes. But it does not mean that in the case of national, regional and State utility schemes, which have already been brought up to the stage of completion, their utilization or functioning in public interest should be stopped or delayed. The coming into force of the Model Code of Conduct cannot be given as an excuse for not commissioning such schemes or allowing them to remain idle. At the same time, it should be ensured that the commissioning of such schemes is done by civil authority and without associating political functionaries and without any fanfare or ceremonies whatever, so that no impression is given or created that such commissioning has been done with a view to influencing the electorate in favour of the ruling party. If in doubt, a clarification should be obtained from Chief Electoral Officer/Election Commission of India.

3. It is further clarified that simply because a budget provision has been made for any particular scheme or the scheme has been sanctioned earlier or a reference to the scheme was made in the address of the Governor or the budget speech of the Minister it does not automatically mean that such schemes can be announced or inaugurated or otherwise taken up after the announcement of elections while the
Model Code of conduct is in operation, since they will clearly be intended to influence the voters. Such actions if undertaken will be considered a violation of the model code of conduct.

4. No fresh sanctions for governmental schemes should be made. Review by political executive (Ministers etc.) and processing of beneficiary oriented schemes, even if ongoing, should be stopped till completion of elections. No fresh release of funds on welfare schemes and works should be made or contract for works awarded in any part of the state where election is in progress without prior permission of the Commission. This includes works under the Member of Parliament (including Rajya Sabha members) Local Area Development fund or MLAs / MLCs Local Area Development Fund, if any such scheme is in operation in the state.

5. No work shall start in respect of which even if work orders have been issued before the model code came into effect, if 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.

6. There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.

7. Commission does not refuse approval for schemes undertaken for tackling emergencies or unforeseen calamities like providing relief to people suffering from drought, floods, pestilences, other natural calamities or welfare measures for the aged, infirm etc. In these matters, however, prior approval of the Commission should be taken and all ostentatious functions should be strictly avoided and no impression should be given or allowed to be created that such welfare measures or relief and rehabilitation works are being undertaken by the Government in office so as to influence the voters in favour of the party in power which at the same time will adversely affect the prospects of the other parties.

On Transfers and posting of officials:

The Commission 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 Elections;

(iv) Officers of the Police Department connected with the management of elections like range IGs and DIGs, Senior Superintendents of Police and Superintendents of Police. Sub-divisional level 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) Other officers drafted for election works like sector and zonal officers, Transport cell, EVM cell, Poll material procurement & distribution cell, Training cell, Printing Cell etc. Senior officers, who have a role in the management of election in the State, are also covered by this direction.

(vi) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till the time when model code came into effect should not be given effect to without obtaining specific permission from the Commission.

(vii) This ban shall be effective till the completion of the election process.

(viii) In those cases where transfer of an officer is considered necessary on account of administrative exigencies, the State Government may, with full justification, approach the Commission for prior clearance.

(ix) No appointments or promotions in Government / Public Undertakings shall be made during this period, without prior clearance of the Commission.

On Misuse of Official Machinery:

1. Official vehicles cannot be used for electioneering work. 'Official Vehicles' include all vehicles belonging to the -
   o Central Government,
   o State Government,
   o Public Undertakings of the Central and State Government,
   o Joint Sector Undertakings of Central and State Government,
   o Local Bodies, Municipal Corporations, Municipalities,
   o Marketing Boards (by whatever name known),
   o Cooperative Societies,
   o Autonomous District Councils, or
   o Any other body in which public funds, howsoever small a portion of the total, are invested, and also
   o Vehicles belonging to the Ministry of Defense and the Central Police Organizations under the Ministry of Home Affairs and State Governments.
2. It is open for a minister of the Union or State to make private visits using his or her private vehicle(s). For such private visits, the official personal staff of the ministers shall not accompany them. However, if a Minister is traveling in some emergent situation, out of his HQ on purely official business, which cannot be avoided in public interest, then a letter certifying to this effect should be sent from the Secretary concerned of the Department to the Chief Secretary of the state where the Minister intends to visit, with a copy to the Commission. During such tour, the Chief Secretary may provide the Minister with Government vehicle and accommodation and other usual courtesies for his official trip. However, immediately preceding or during or in continuation of such an official tour, no minister can carry out or combine any election campaign or political activity. The Commission will keep watch on such arrangements in due consultation with its Chief Electoral Officer.

3. No Minister, whether of union or state, will summon any election related officer of the constituency or the State, for any official discussions during the period of elections commencing with the announcement of the elections. Only exception will be when a Minister, in his capacity as in charge of the department concerned, or a Chief Minister undertakes an official visit to a constituency, in connection with failure of law and order or a natural calamity or any such emergency which requires personal presence of such Ministers/Chief Ministers for the specific purpose of supervising review/salvage/relief and such like purpose.

4. Ministers are entitled to use their official vehicles only for commuting from their official residence to their office for official work provided that such commuting is not combined with any electioneering or any political activity.

5. Ministers, whether of the Union or State, shall not combine in any manner their official tours with election work.

6. Whether on a private or official visit, no pilot car(s) or car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind shall be used by any political functionary, even if the State administration has granted him a security cover requiring presence of armed guards to accompany him on such visit. This is applicable whether the vehicle is government owned or private owned.

7. Any official who meets the Minister on his private visit to the constituency where elections are being held shall be guilty of misconduct under the relevant service rules; and if he happens to be an official mentioned in Section 129 (1) of the Representation of People Act, 1951, he shall also
be additionally considered to have violated the statutory provisions of that
Section and liable to penal action provided thereunder.

OTHER 'DO'S AND DON'TS' FOR THE GUIDANCE OF THE CANDIDATES AND
POLITICAL PARTIES TO BE OBSERVED FROM THE ANNOUNCEMENT OF AN
ELECTION AND UNTIL THE COMPLETION OF THE PROCESS OF ELECTION.

The Commission has drawn up a list of 'dos' and 'don'ts' to be followed by
candidates and political parties after the announcement of elections and till the
completion of the process of elections. The Commission has directed that this be given
the widest possible publicity and its contents brought to the knowledge of all candidates
and political parties including in the official language of the State.

It must be clearly brought to the notice of candidates and political parties that the
list of Dos' and Don'ts is only illustrative and not exhaustive and is not intended
to substitute or modify other detailed directions/instructions on the above
subjects, which must be strictly observed and followed.

DO'S:

1) Ongoing programmes, which actually started in the field before the
   announcement of elections may continue.

2) Relief and rehabilitation measures to the people in areas affected by floods,
   drought, pestilence, and other natural calamities, can commence and continue.

3) Grant of cash or medical facilities to terminally or critically ill persons can
   continue with appropriate approvals.

4) Public places like maidans must be available impartially to all parties/contestng
   candidates for holding election meetings. So also use of helpads must be
   available impartially to all parties/contestng candidates, to ensure a level playing
   field.

5) Criticism of other political parties and candidates should relate to their policies,
   programme, past record and work.

6) The right of every individual for peaceful and undisturbed home life should be fully
   safeguarded.

7) The local police authorities should be fully informed of the venue and
time of the proposed meetings well in time and all necessary permissions
taken.

8) If there are any restrictive or prohibitory orders in force in the place of the
   proposed meeting, they shall be fully respected. Exemption, if necessary, must
   be applied for and obtained well in time.

9) Permission must be obtained for the use of loudspeakers or any other such
   facilities for the proposed meetings.
(10) The assistance of the police should be obtained in dealing with persons disturbing meetings or otherwise creating disorder.

(11) The time and place of the starting of any procession, the route to be followed and the time and place at which the procession will terminate should be settled in advance and advance permissions obtained from the police authorities.

(12) The existence of any restrictive orders in force in the localities through which the procession has to pass should be ascertained and fully complied with. So also all traffic regulations and other restrictions.

(13) The passage of the procession must be without hindrance to traffic.

(14) Cooperation should be extended to all election officials at all times to ensure peaceful and orderly poll.

(15) All Workers must display badges or identity cards.

(16) Unofficial identity slips issued to voters shall be on plain (white) paper and not contain any symbol, name of the candidate or name of the party.

(17) Restrictions on plying of vehicles during the campaign period and on poll day shall be fully obeyed.

(18) (Except voters, candidates and their election/polling agents), only persons with a specific valid authority letter from the Election Commission can enter any polling booth. No functionary however highly placed (e.g. Chief Minister, Minister, MP or MLA etc) is exempt from this condition.

(19) Any complaint or problem regarding the conduct of elections shall be brought to the notice of the observer appointed by the Commission/Returning Officer/Zonal/Sector Magistrate/Election Commission of India.

(20) Directions/orders/instructions of the Election Commission, the Returning Officer, and the District Election Officer shall be obeyed in all matters related to various aspects of election.

(21) Do leave the constituency after the campaign period is over if you are not a voter or a candidate or candidate's election agent from that constituency.

DON'Ts

(1) Any and all advertisements at the cost of the public exchequer regarding achievements of the party/Government in power as prohibited.

(2) No Minister shall enter any polling station or the place of counting, unless he or she is a candidate or as a voter only for voting.

(3) Official work should not at all be mixed with campaigning/electioneering.

(4) No inducement, financial or otherwise, shall be offered to the voter.

(5) Caste/communal feelings of the electors shall not be appealed to.
(6) No activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes, communities or religious or linguistic groups shall be attempted.

(7) No aspect of the private life, not connected with the public activities, of the leaders or workers of other parties shall be permitted to be criticized.

(8) Other parties or their workers shall not be criticized based on unverified allegations or on distortions.

(9) Temples, mosques, churches, gurudwaras or any place of worship shall not be used as places for election propaganda, including speeches, posters, music etc., on electioneering.

(10) Activities which are corrupt practices or electoral offences such as bribery, undue influence, intimidation of voters, personation, canvassing within 100 meters of a polling station, holding of public meetings during the period of 48 hours ending with the hour fixed for the close of the poll and conveyance of voters to and from polling stations are prohibited.

(11) Demonstrations or picketing before the houses of individuals by way of protesting against their opinion or activities shall not be resorted to.

(12) Subject to the local laws, no one can make use of any individual's land, building, compound wall, vehicles etc. for erecting flag staffs, putting up banners, pasting notices or writing slogans etc. without specific permission of the owner (to be shown to and deposited with the District Election Officer).

(13) No disturbances shall be created in public meetings or processions organised by other political parties or candidates.

(14) Processions along places at which another party is holding meetings shall not be undertaken.

(15) Processionists shall not carry any articles, which are capable of being misused as missiles or weapons.

(16) Posters issued by other parties and candidates shall not be removed or defaced.

(17) Posters, flags, symbols or any other propaganda material shall not be displayed in the place being used on the day of poll for distribution of identity slips or near polling booths.

(18) Loudspeakers whether static or mounted on moving vehicles shall not be used either before 6 a.m. or after 10 a.m. and without the prior written permission of the authorities concerned.
(19) Loudspeakers shall also not be used at public meetings and processions without the prior written permission of the authorities concerned. Normally, such meetings/processions will not be allowed to continue beyond 10.00 p.m. in the night and will be further subject to the local laws, local perceptions of the security arrangements of the area and other relevant considerations like weather conditions, festival season, examination period, etc.

(20) No liquor should be distributed during elections.

(21) On the day of the poll, no person who has been assessed to be having a security threat and therefore given official security shall enter the vicinity of a polling station premise (within 100 meters) with his security personnel. Further, on the day of the poll no such person shall move around in a constituency with his security personnel. If the person provided with official security happens to be a voter also, then he or she shall restrict his/her movement accompanied by security personnel, to voting only.

(22) No person who has been assessed to be having a security threat and therefore provided official security or who has private security guards for himself, shall be appointed as an election agent or polling agent or counting agent.

NOTE: The above list of Do's and Don'ts is only illustrative and is not exhaustive and is not intended to substitute any other detailed orders, directions/instructions on the above subjects, which must be strictly observed and followed.

The clarification/approval of the Election Commission of India/Chief Electoral Officer of your State should be obtained in cases of doubt.

Please acknowledge the receipt of this letter:

Your's faithfully,

Sd/-

[Jai Priye Prakash]
Deputy Election Commissioner
Election Commission of India
Nirvachan Sadan, Ashoka Road, New Delhi 110001


To

1. The Chief Secretaries of all States and UTs
2. The Chief Electoral Officers of all States and UTs

Sub: Restrictions on presence of political functionaries in a Constituency after the campaign period is over.

Sir,

Under Section 126 of the Representation of the People Act, 1951, in the period of 48 hours ending with the hour fixed for the close of poll, the campaign will come to an end.

2. During the course of campaign in bye-election, the political parties mobilize their supporters, including from outside the constituency of poll, in order to bolster the campaign. In view of the fact that after the closure of campaign period no campaign can take place within the constituency, presence of political functionaries / party workers / procession functionaries / campaign functionaries etc., who have been brought from outside the constituency and who are not voters of the constituency, should not continue to remain present in the constituency as their continued presence after campaign ends may undermine the atmosphere for free and fair poll.

3. Hence the Commission has directed that after the campaign period is over, the district election administration / police administration shall ensure that all such functionaries leave the constituency immediately after the campaign period is over. This shall be brought to the notice of all political parties, candidates and their agents in order to enable them to comply.
4. The Commission further directs that in order to ensure that the above instruction is carried out, the election administration / police administration may take all necessary measures which may include:

1. Checking of kaliyan mandapams / community halls etc., where such people are kept housed and find out whether the outsiders have been accommodated in these premises.

2. Verification of lodges and guesthouses to keep a track of the list of occupants.

3. Set up check-posts in the constituency borders and track the vehicular movement from outside the constituency.

4. Verify the identity of the people / group of people in order to find out whether they are voters or not and establish their identity.

5. This may be brought to the notice of all concerned and ensure strict compliance. Action taken in the matter may be informed to the Commission.

Yours sincerely,

Sd/-

(A.K. Majumdar)
Secretary

12
Election Commission's letter No.464/INST/2007-PLN-I Dated: 12th October, 2007 addressed to the Chief Secretaries and the Chief Electoral Officers of all States and Union Territories.

Sub: Restrictions on presence of political functionaries in a Constituency after the campaign period is over.

Under Section 126 of the Representation of the People Act, 1951, in the period of 48 hours ending with the hour fixed for the close of poll, the campaign will come to an end.

2. During the course of campaign in bye-election, the political parties mobilize their supporters, including from outside the constituency of poll, in order to bolster that campaign. In view of the fact that after the closure of campaign period no campaign can take place within the constituency, presence of political functionaries/party workers/procession functionaries/campaign functionaries etc., who have been brought from outside the constituency and who are not voters of the constituency, should not continue to remain present in the constituency as their continued presence after campaign ends may undermine the atmosphere for free and fair poll.

3. Hence the Commission has directed that after the campaign period is over, the district election administration/police administration shall ensure that all such functionaries leave the constituency immediately after the campaign period is over. This shall be brought to the notice of all political parties, candidates and their agents in order them to comply.

4. The Commission further directs that in order to ensure that the above instruction is carried out, the election administration/police may take all necessary measures which may include:
   1. Checking of kalian mandapams/ community halls etc., where such people are kept housed and find out whether the outsiders have been accommodated in these premises.
   2. Verification of lodges and guesthouses to keep a track of the list of occupants.
   3. Set up check-posts in the constituency borders and track the vehicular movement from outside the constituency.
   4. Verify the identity of the people/group of people in order to find out whether they are voters or not and establish their identity.
   5. This may be brought to the notice of all concerned and ensure strict compliance. Action taken in the matter may be informed to the Commission.
INSTRUCTION SL. No.100

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001


To

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

Subject: Instructions relating to deletion of all references on politicians/Ministers
         on the official websites during election period of General / Bye-Elections to
         the Lok Sabha and State Legislative Assemblies – regarding.

Sirs,

I am directed to state that the Commission has considered the question of
various references currently available in the State Government websites/Ministerial official
websites pertaining to several Department and Govt. Organization highlighting their
achievements but eulogizing the same as personal achievements of Politicians / Ministers. The
Commission has decided that during the period when model code of conduct is in force in
connection with general election to the Lok Sabha /State Legislative Assemblies, all
references to Ministers, Politicians or Political Parties available on such State Government
/Central Government ‘s official websites, shall be taken off/purged off. During bye-elections,
these instructions may be confined to only those Politicians/Ministers, etc. who themselves
become candidates at such bye-elections.

This may kindly be brought to the notice of all concerned for strict compliance.

Kindly acknowledge receipt.

Yours faithfully,

(K. N. BHAR)
UNDER SECRETARY

Copy to: The Principal Secretary /Secretaries/Under Secretaries for follow up action.
ELECTION COMMISSION OF INDIA
Nirvachana Sudan, Ashoka Road, New Delhi-110001


To

1. The Chief Secretaries to all States and Union Territories
2. The Chief Electoral Officers of all States and Union Territories

Subject:- Restrictions on presence of political functionaries in a constituency after the campaign period is over - regarding.

Sir,

I am directed to invite your attention to Para – 3 of Commission’s letter No. 464/INST/2007/PLN-1, dated 8th January 2007 on the subject cited and to state that the Commission has further reviewed the instructions contained therein.

2. The Para - 3 of above referred letter has, accordingly, been modified, which shall be read as follows:-

"3. Hence the Commission has directed that after the campaign period is over, the district election administration/police administration shall ensure that all such functionaries leave the constituency immediately after the campaign period is over. However, the said restriction may not be insisted upon during the General Elections to Lok Sabha/State Legislative Assembly in respect of the office bearer of Political Party who is in-charge of the State. Such office bearer of the political party shall declare his place of stay in the State Headquarters and his movement during the period in question shall remain confined normally between his party office and place of his stay. This shall be brought to the notice of all political parties, contesting candidates and their agents in order to enable them to comply."

3. This may be brought to the notice of all the District Election Officers/Returning Officers/Assistant Returning Officers and all the election related officers immediately.

4. Action taken in the matter may be intimated to the Commission.

Yours faithfully,

(TAPAS KUMAR)
PRINCIPAL SECRETARY
ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/2009-CC&BE _______________________________ Dated: 8th March 2009

To

1. The Chief Secretaries to the Governments of All States and Union Territories
2. The Chief Electoral Officers of All States and Union Territories
3. All Recognized Political Parties


Sir,

I am directed to state that the Commission has considered various aspects in the context of the Model Code of Conduct during General Elections and decided to issue to following Guidelines regarding implementation/processing of the various projects, schemes, rural development programmes etc. by the Central/State Governments:

1. All Model Code of Conduct related directions shall be issued only by the Commission. The Cabinet Secretariat or any other government agency should reiterate and disseminate the directions of the Commission for compliance.
2. RBI may continue to take decisions unhindered on monetary policy issues.
3. After the Model Code of Conduct comes into effect, the Ministry of Finance will need to take prior approval of the Commission on any policy announcements, fiscal measures, taxation related issues and such other financial relief. Similarly, other Ministries/Departments will need to take prior approval of the Commission before announcing any relief/benefit.
4. The following types of existing works can be continued by the government agencies without reference to the Election Commission after the Model Code of Conduct comes into force:
   a. Work-Projects that have actually started on the ground after obtaining all necessary sanctions;
   b. Beneficiary-projects where specific beneficiaries by name have been identified before coming of the Model Code of Conduct into force;
   c. Registered beneficiaries of NREGA may be covered under existing projects. New projects under NREGA that may be mandated under the provisions of the Act may be taken up only if it is for the already registered beneficiaries and the project is already listed in the approved and sanctioned shelf of projects for which funds are also already earmarked.
5. There shall be no bar to release of funds for the completed portion of any work subject to observance of laid down procedures and concurrence of finance department.
6. The following type of new works (whether beneficiary or work oriented) that fulfill all the following conditions before Model Code of Conduct comes into effect, can be taken up under intimation to the Commission. Full funding has been tied up.
   a. Administrative, technical and financial sanctions have been obtained
   b. Tender has been floated, evaluated and awarded and
   d. There is contractual obligation to start and end the work within a given time frame and failing which there is an obligation to impose penalty on the contractor.
   e. In case of any of the above conditions not being met in such cases prior approval of the Commission shall be sought and obtained.
7. Global tenders already floated, can be evaluated and finalized where any time limits are specified for such purpose.
8. Tenders other than global tenders, that are already floated may be evaluated but not finalized without prior approval of the Commission. If they are not already floated, they shall not be floated without prior approval of the Commission.
9. Commission Invariably takes a humanitarian view on the work that are necessitated due to man-made or natural calamities.
a. Ex-gratia payments and gratuitous relief in the aftermath of a disaster can be
given directly to the persons affected at the current rates/scales of assistance
presently in force, under intimation to the Commission. No change in the extant
and prescribed scales of payments, however, shall be made in the existing
rates/scales without prior permission of the Commission.
b. Payment directly to the hospitals from CM's/PM's Relief Fund, in lieu of direct
cash payment to individual patients (beneficiaries) will be permissible without
reference to the Commission.
c. Emergent relief works and measures that are aimed to mitigate the hardships,
directly and solely, of the persons affected in a disaster may be taken up under
intimation to the Commission.
d. However, new works that may be necessitated by way of preventive measures
to mitigate the likely effects of natural disasters like repair of embankments, water
channels etc. can be taken up only with prior permission of the Commission.
e. Also, an area shall not be declared drought/flood affected or any such calamity
affected without prior approval of the Commission. The extent of area already
declared to be calamity-effected cannot be expanded without prior approval of the
Commission.
f. Similarly, any selective assistance to a group of persons from the PM's or the
CM's Relief Fund will require prior approval of the Commission.

10. The following type of activities will require prior permission of the Commission:
a. New works and project cannot be taken up from discretionary funds of whatever
nature. Discretionary fund, in this context, includes funds, which are provided for
in the budget in a generic manner and for which no identified and sanctioned
project exists prior to Model Code of Conduct coming into effect.
b. Proposals for revival of sick PSUs, governmental take over of enterprises etc.
(or any policy decision on similar lines) cannot be taken up.
c. Fresh auctions of liquor vends etc. cannot be held even if the annual auction
time falls within the Model Code of Conduct period. Where necessary, the
government should make interim arrangements as provided in their respective
laws.
d. Area of operation of any existing project/scheme/programme can not be
extended or expanded.
e. No land allocation shall be made by the government to any entity, whether individual or an enterprise.

f. Signing a MOU or an agreement where the government is a party will also require prior clearance by the Commission.

11. Regular recruitment/appointment or promotion through the UPSC, State Public Service Commissions or the Staff Selection Commission or any other statutory authority can continue. Recruitments through non-statutory bodies will require prior clearance of the Commission.

12. While starting any work (including any relief work) or developmental activity no formal function shall be held involving any political functionary. As a matter of good practice, normal functions and publicity even with the presence of official functionaries should be kept to the minimum.

13. Where works are to be undertaken or functions are to be held in fulfillment of international commitments, prior concurrence of the Commission shall be taken.

14. All Government of India references to the Election Commission of India shall be made preferably through the Cabinet Secretariat. In so far as reference from State Governments are concerned, the same shall be made to the Election Commission of India through the Chief Electoral Officer (CEO) of the state concerned.

This may be brought to the notice of all concerned authorities.

Yours faithfully,

(K. AJay KUMAR)
SECRETARY
ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001


To

1. The Cabinet Secretary
   Cabinet Secretariat
   Rashtrapati Bhawan, New Delhi.

2. The Chief Secretaries of
   All States and Union Territories

3. The Chief Electoral Officers of
   All States and Union Territories

Sir/Madam,

I am directed to state that the Commission has decided to clarify that no calendars, pictures etc. having the photographs of the Prime Minister, Chief Ministers, Ministers and other political functionaries should be displayed anywhere in any of the Government/Public Buildings. Only the pictures of Mahatma Gandhi, the incumbent President of India and the incumbent Governor of the State concerned may continue to be displayed.

You are, therefore, requested to ensure that all such calendars / pictures should be removed from the building of the Government / Public Buildings immediately.

Yours faithfully

(K.N. BHAR)
UNDER SECRETARY
INSTRUCTION Sl. No. 99

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001.
No. 437/6/INST/2008-CC&BE Dated: 14th April, 2009
To

1. The Cabinet Secretary,
   Cabinet Secretariat,
   Rashtrapati Bhawan,
   New Delhi.
2. The Chief Secretary to the Governments of
   all States / Union Territories.
3. The Chief Electoral Officers of
   all States / Union Territories.

Subject:- Display the photographs/calendars, etc. of national leaders and prominent personalities in the government offices/ premises – clarification regarding.

Sir,

I am directed to invite a reference to the Commission letter of even number dated 28th March, 2009, on the above subject, and to state that the underlying intention of the Commission's instruction was that the photographs and images of the political functionaries, who have deep influence on the minds of electors and many of whom are still active in public life and may even be contesting the current general elections, should not be displayed in the government buildings and premises as that would have the effect of disturbing the level playing field vis-à-vis the political functionaries of other parties and candidates. In view of the inputs received, the Commission had issued the above instructions. In the meanwhile, certain doubts have been raised and clarification has been sought about the removal of the images of some national leaders, poets and prominent historical personalities of the past. In this regard, the Commission would like to state that the abovementioned underlying purpose of the instruction needs to be fully appreciated while being acted upon. It is clarified that while the photographs of Prime Minister, Chief Ministers, Ministers and other political functionaries should not be displayed, this instruction, however, is not applicable with regard to the images of national leaders, poets, and prominent historical personalities of the past, and the President of India and the Governors. It is further clarified that in case of any doubt in this regard regarding removal of any photograph or images, the issue may be referred to the Chief Electoral Officer of the State/Union Territory concerned before taking action in the matter.

Yours faithfully,

(K. AJAY KUMAR) SECRETARY
To,

The Chief Electoral officers of
all States/ UTs
(except Jammu & Kashmir)

Sub:- Misuse of religious institutions for political purposes -regarding.

Sir/Madam,

The existing provisions of the Model Code of Conduct for the guidance of political parties and candidates prohibit the use of places of worship as forum for election propaganda in any manner.

Further, Sections 3, 5 & 6 of The Religious Institutions (Prevention of Misuse) Act, 1988 (No. 41 of 1988) prohibit use of religious institutions or funds of religious institutions for the promotion or propagation of any political ideas or political activity or for benefit of any political party. Contravention of the provisions of any of these Sections is punishable by imprisonment upto 5 years and with fine.

The Commission desires that the above provisions of the existing law may be brought to the notice of all DEOs and ROs so as to ensure that any violation of these provisions during election is dealt with firmly and FIRs/ complaints are lodged under relevant provisions in the event of any offence under the said Sections of the Religious Institutions (Prevention of Misuse) Act, 1988.
A copy of the above mentioned Act (No. 41 of 1988) is enclosed herewith. DEOs, ROs and other election authorities should be instructed to ensure strict observance of the above provisions of law. This may also be circulated to all political parties based in your State/ UT, including State units of the political parties for their information.

Kindly acknowledge receipt,

Yours faithfully,

(Ashish Chakraborty)
Secretary

Copy to: The President/General Secretary of all recognized National and State parties (As per list attached).
The following Act of Parliament received the assent of the President on the 1st September, 1988, and is hereby published for general information:

THE RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE) ACT, 1988

An Act to prevent the misuse of religious institutions for political and other purposes.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:

1. (1) This Act may be called the Religious Institutions (Prevention of Misuse) Act, 1988.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 26th day of May, 1988.

2. In this Act, unless the context otherwise requires:

(a) "misuse" shall have the same meaning as in clause (b) of sub-section (1) of section 2 of the Arms Act, 1959.
(b) "arms" shall have the same meaning as in clause (c) of sub-section (1) of section 2 of the Arms Act, 1959.

(c) "manager", in relation to a religious institution, means every person, including any religious functionary (by whatever name called), who, for the time being, either alone or in association with other persons, administers, manages or otherwise controls the affairs of that institution, its functions or properties.

(d) "political activity" includes any activity promoting or propagating the aims or objects of a political party or any cause, issue or question of a political nature by organising meetings, demonstrations, processions, collection or disbursement of funds, or by the issue of directions or decrees, or by any other means, and includes also such activity by or on behalf of a person seeking election as a candidate for any election to Parliament, any State Legislature or any local authority.

(e) "political party" means an association or body of persons-
(i) which is, or is deemed to be, registered with the Election Commission of India as a political party under the Election Symbols (Reservation and Allotment) Order, 1968, as in force for the time being, or
(ii) which has set up candidates for election to any legislature, but is not registered, or deemed to be registered, as a political party, under the Election Symbols (Reservation and Allotment) Order, 1968, or
(iii) organised to carry on any political activity or to acquire or exercise political power through election or otherwise.

(f) "religious institution" means an institution for the promotion of any religion or persuasion, and includes any place or premises used as a place of public religious worship, by whatever name or designation known.

3. No religious institution or manager thereof shall use or allow the use of any premises belonging to, or under the control of, the institution-
(a) for the promotion or propagation of any political activity, or
(b) for the harbouring of any person accused or convicted of an offence under any law for the time being in force, or
(c) for the storing of any arms or ammunition, or
(d) for keeping any goods or articles in contravention of any law for the time being in force, or
(e) for erecting or putting up of any construction or fortification, including bastements, bunkers, towers or walls without a valid licence or permission under any law for the time being in force; or
(f) for the carrying on of any unlawful or subversive act prohibited under any law for the time being in force or in contravention of any order made by any court, or
(g) for the doing of any act which promotes or attempts to promote disaffinity or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or
(h) for the carrying on of any activity prejudicial to the sovereignty, unity and integrity of India; or
(i) for the doing of any act in contravention of the provisions of the Prevention of Insults to National Honour Act, 1971.

4. No religious institution or manager thereof shall allow the entry of any arms or ammunition of any person carrying any arms or ammunition into the religious institution:

Provided that nothing in this section shall apply to-
(a) the wearing and carrying of a kirpan by any person professing the Sikh religion, or
(b) any arms which are used as part of any religious ceremony or ritual of the institution as established by custom or usage.

5. No religious institution or manager thereof shall use or allow the use of any funds or other properties belonging to, or under the control of, the institution for the benefit of any political party or for the purpose of any political activity or for the commission of any act which is punishable as an offence under any law.

6. No religious institution or manager thereof shall allow any ceremony, festival, congregation, procession or assembly organised or held under its auspices to be used for any political activity.

7. Where any religious institution or manager thereof contravenes the provisions of section 3, section 4, section 5 or section 6, the manager and every person connected with such contravention shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to ten thousand rupees.

8. (1) Any manager or other employee of a religious institution shall, upon conviction for an offence under this Act, stand removed from his office or post and shall, notwithstanding anything to the contrary contained in any other law, be disqualified for appointment in any religious institution as manager or in any other capacity for a period of six years from the date of his conviction.

(2) Where any manager or other employee of a religious institution is accused of an offence under this Act and a charge-sheet for the prosecution of such person is filed in any court and the court is of the opinion, after considering the charge-sheet and after hearing the prosecution and the accused, that a prima facie case exists, it shall pass an order or direction restraining the person from exercising the powers or discharging the duties of his office or post pending trial.

(3) Where any manager or other employee has been removed under sub-section (1), or restrained under sub-section (2), the vacancy arising out of such removal or restraint may be filled in the manner provided in the law applicable to the said religious institution.
9. Every manager or other employee of a religious institution shall be bound to give information to the officer in charge of the police station within whose local jurisdiction the religious institution is situated of any contravention or any impending contravention of the provisions of this Act and any failure to do so shall be punishable under section 176 of the Indian Penal Code.


(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

S. RAMAIAH,
Secy. to the Govt. of India.
INSTRUCTION Sl. No. 61

Election Commission’s letter No. 3/7/2008/JS-II Dated: 7th October, 2008 addressed to the Secretary, Govt. of India, Chief Secretaries and the Chief Electoral Officers of All States and Union Territories

Sub: Prevention of defacement of property and other campaign related items – revised instructions- regarding.

I am directed to invite a reference to the Commission’s letter No. 3/7/2007/JS-II, dated 16th October, 2007, regarding prevention of defacement of property in connection with election campaign.

2. In the past, the Commission has suggested the enactment of special laws by state governments for dealing with defacement of properties effectively. Some states have enacted special legislations to govern and regulate defacement of property, while the other states have legislation that either only cover specific areas, like municipalities etc, or have no legislation at all. A tabular statement on respective positions obtaining in the states in this respect based on the information available in the Commission is enclosed in the schedule appended to this circular (marked as Annexure-1). Since a uniform law throughout the country is not available, what is enforceable differs from state to state. Keeping in view the forthcoming general election to the Lok Sabha due in 2009, it has become necessary to lay down, for smooth conduct of campaign during elections and for clear understanding of all authorities who have the responsibility for the implementation at the field level as also of the observers who are deputed to oversee the elections in different states/constituencies, a comprehensive set of guidelines with respect to defacement of property.

3. After considering all aspects of the matter in depth, the Commission has, in supersession of the earlier instructions, laid down the following directions, to the followed by political parties, candidates, individuals and organizations etc. during the election period:

DEFACEMENT OF PUBLIC PLACES

4. (a) No wall writing, pasting of posters/papers or defacement in any other form, or erecting/displaying of cutouts, hoardings, banners flags etc. shall be permitted on any Government premise (including civil structures therein). For this purpose a Government premise would include any Govt. office and the campus wherein the office building is situated.

(b) If the local law expressly permits or provides for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, political advertisement, etc., in any public place, (as against a Govt. premise) on payment
or otherwise, this may be allowed strictly in accordance with the relevant provisions of the law and subject to Court orders, if any on this subject. It should be ensured that any such place is not dominated/monopolized by any particular party(ies) or candidate(s). All parties and candidates should be provided equal opportunity in this regard.

(c) If there is a specifically earmarked place provided for displaying advertisements in a public place, e.g. bill boards, hoardings etc. and if such space is already let out to any agency for further allocation to individual clients, the District Election Officer through the municipal authority concerned, if any, should ensure that all political parties and candidates get equitable opportunity to have access to such advertisement space for election related advertisements during the election period.

DEFACEMENT OF PRIVATE PLACES

5. (a) In the States where there is no local law on the subject, and subject to the restrictions under the law where there is a law, temporary and easily removable advertisement materials, such as flags and banners may be put up in private premises with the voluntary permission of the occupant. The permission should be an act of free will and not extracted by any pressure or threat. Such banner or flag should not create any nuisance to others. Photo-copy of the voluntary permission in writing obtained in this connection should be submitted to the Returning Officer within 3 days of putting up the flags and banners in such cases in the manner prescribed in sub-para (c) below.

(b) If the local law does not expressly permit wall writing, pasting of posters, and similar other permanent/semi-permanent defacement which is not easily removable, the same shall not be resorted to under any circumstances, even on the pretext of having obtained the consent of the owner of the property. This will also apply in the states where there is no local law on the subject of prevention of defacement of property.

(c) Where the local law expressly permits wall writings and pasting of posters, putting up hoardings, banners, etc. on private premises with the owner's permission, the contesting candidates or the political parties concerned shall obtain prior written permission from the owner of the property and submit photocopies of the same within 3 days to the Returning Officer or an officer designated by him for the purpose, together with a statement in the enclosed proforma (marked as Annexure-2). The statement in such cases and in the cases mentioned in sub-para (a) above should clearly mention therein the name and address of the owner of the property from whom such permission has been obtained together with expenditure incurred or likely to be incurred for the purpose. Nothing inflammatory or likely to incite disaffection amongst communities shall be permissible in such writings/display.
The expenditure incurred in this mode on specific campaign of candidate(s) shall be added to the election expenditure made by the candidate. Expenditure incurred on exclusive campaign for a party without indicating any candidate shall not be added to candidates expenditure. The contesting candidate shall furnish such information village/locality/town-wise, to the Returning Officer, or the authorized officer within 3 days of obtaining the requisite permission, for easy checking by the Returning Officer or the Election Observer or any officer connected with the conduct of elections.

(d) Subject to any restrictions under any local law or any court orders in force, the political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags, cut-outs, on their own property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else. If such display of banners, flags etc. aims to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed. Section 171H of the IPC stipulates that whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees. Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

DEFACEMENT OF HALLS/AUDITORIUMS AND OTHER PUBLIC PROPERTIES

6. In the case of Halls/Auditoriums/Meeting venues owned/controlled by the Government/local authorities/PSUs/Cooperatives, if the law/guidelines governing their use do not preclude political meetings therein, there is no objection to it. It shall be ensured that the allocation is done on equitable basis and that there is no monopolization by any political party or candidates. In such venues, displaying of banners, buntings, flags, cut-outs, may be permitted during the period of meetings subject to any restrictions under the law/guidelines in force. Such banners, flags, etc. shall be got removed by the party/individual who used the premises immediately after conclusion of the meeting, and in any case within a reasonable period after the meeting is over. Permanent/semi-permanent defacement such as wall writing/pasting of posters etc. shall not be permitted in such premises.

7. If any political party/association/candidate/person indulges in defacement of any property in violation of the local law, if any, or the above instructions, the Returning Officer/District Election Officer shall issue notice to the offender for removing the defacement forthwith. If the political
party/association/candidate/person does not respond promptly, the district authorities may take action to remove the defacement, and the expenses incurred in the process shall be recovered from the political party/association/candidate/person responsible for the defacement. Further, the amount also shall be added to the election expenditure of the candidate concerned, and action should also be initiated to prosecute the offender under the provisions of the relevant law (under the law relating to prevention of defacement, if any, or under the provisions of the general law for causing willful damage to the property of others).

**DEFACEMENT OF VEHICLES**

8. (a) In private vehicles, subject to the provisions of the Motor Vehicles Act, Rules thereunder and subject to court orders in force, if any, flags and stickers may be put on the vehicles by the owner of the vehicle on his own volition, in such a manner that they do not cause any inconvenience or distraction to other road users. If such display of flags and stickers aims to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed.

(b) On commercial vehicles, display of any flag, sticker etc. shall not be permitted, unless such vehicle is a vehicle validly used for election campaign after obtaining the requisite permit from the District Election Officer/Returning Officer and the display thereof in original on the wind screen.

(c) External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules and any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.

**OTHER CAMPAIGN RELATED ITEMS**

9. Subject to accounting for the expenditure, the following may be permitted:
(a) In processions and rallies etc., flags, banners, cutouts etc. can be carried subject to local laws and prohibitory orders in force;

(b) In such procession, wearing of party/candidate supplied special accessories like cap, mask, scarf etc. may be permitted. However, supply of main apparels like saree, shirt, etc. by party/candidate is not permitted.

(c) Educational institutions including their grounds (whether Govt. aided, private or Govt.) shall not be used for political campaigns and rallies.

10. The Chief Electoral Officers are requested to bring the directions of the Commission to the notice of the District Election Officers, Returning Officers and
all other election related authorities, and all political parties in the State, including State units of recognized National and State parties, and all registered unrecognized parties based in the State, and also the contesting candidates (at the time of elections) for information and compliance.

5. Please acknowledge receipt of this letter. The Chief Electoral Officers may kindly confirm that action as required above has been taken.
Statement showing the details of wall-writings/posters/hoardings/banners, etc.
displayed by Shri/Smt./Ms. ___________________________________, contesting
candidate in ___________________ Parliamentary Constituency / Assembly
Constituency

Name of the Village / Town / Locality __________________________

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<tr>
<th>S.No.</th>
<th>Name and address of the owner of the private property from whom written permission has been obtained</th>
<th>Details of Wall - Writing or Hoardings or Banners or Poster (Size of wall writing/hoarding/banner/poster shall be indicated)</th>
<th>Expenditure incurred or likely to be incurred on the wall-writing/hoarding/banner/poster, etc. (Rs.)</th>
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Election Commission's letter No. 437/6/ES0025/94/MCS dated 21.10.1994 addressed to Chief Secretaries and CEOs of all States and UTs.

Subject: Election period-tours of ministers.

The Commission vide its letter No. 437/6/93-PS-II dated 31st December, 1993 had reiterated the total and absolute ban on the use of official vehicles for campaigning, electioneering or election related travel during elections and had directed that there will be total ban on the use of any vehicles for any purpose connected with the election by any political party, the candidate or any other person connected with election.

2. The Commission vide its letter No. 437/6/94 dated 2nd February, 1994 had invited attention to the circular letter No. 10/17/89-MG dated 1st November, 1989 from the Ministry of Home Affairs on the tour of ministers in connection with the election campaign and had observed that those instructions were flouted with impunity and had therefore issued further instructions without, in any way overriding, modifying or affecting the instructions of the Ministry of Home Affairs dated 1st November, 1989 referred to above.

3. The Supreme Court in its order dated 29th April, 1994 in a writ petition (Civil) No. 312 of 1994(State of Tamil Nadu versus Chief Election Commissioner and others) seeking exemption in the case of Chief Minister of Tamil Nadu had directed as follows:

"While we are conscious of the effort being made by the Election Commission to ensure cleanliness of the electoral process and for the protection and ensuresmment of free and fair polls, we are afraid, the Election Commission cannot, as it seeks to do here, put out of consideration the security requirements of certain political personalities who might, in view of extremist and terrorist activities and threats to their lives, require security of a high order. To confine the security to only the Prime Minister of the country, as the Election Commission has done, and to deny, as the communication dated 31st March, 1994 seeks to do, to all other may not reflect a proper perception and appreciation of the problem. At all events, the Election Commission will have to take note of the statutory provisions. However, we should make one aspect clear. Having regard to the responsibilities and obligation of the Election Commission to ensuring purity of the electoral process, it is open to the Election Commission, if it has material to doubt that the assessments of the security requirement made by the Director of the Tamil Nadu Special Security Group under the status are so manifestly and unduly excessive as to amount to promotion indirectly, of partisan electoral interests, to bring such matter to the notice of the State Government for appropriate corrective steps."

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4. The Cabinet Secretariat in its letter No. 10/22/094-ES dated 3/5 May, 1994 had issued instructions that under the provisions of the Special Protection Group Act, 1988 protection is provided for proximate security of the following:

(i) The Prime Minister and the members of his immediate family;
(ii) Any former Prime Minister or the members of his immediate family for a period of 5 years from the date on which the former Prime Minister ceases to hold the office of Prime Minister.

5. in the light of the above order of the Supreme Court the Commission had substituted paragraph 3 of its letter No. 437/6/93/PS-II dated 31st December, 1993 vide para 6 of letter of even number dated 8th May, 1994 to say that "the Commission has decided that para 3 of its above referred circular letter No. 437/6/93-P-II dated 31st December, 1993 will stand substituted by the following:

3(A) The only exceptions from the prohibitions mentioned in para 2 above will be the Prime Minister and other political personalities who might, in view of extremist and terrorist activities and threats to their lives, require security of a high order and whose security requirements are governed by any statutory provisions made by Parliament or the State Legislature in this behalf.

3(B) The Commission would like to make it clear that having regard to its responsibilities and obligations to ensuring purity of the electoral process, the Commission, if it has material to doubt that the assessments of the security requirements made by the authorities under the above referred special enactments or any other special instructions of the Government are so manifestly or unduly excessive as to amount to promotion, indirectly, of partisan electoral interests, bring such matter to the notice of the Central Government and/or, as the case may be, the State Government for appropriate corrective steps.

3(C) For achieving this, the Commission may call for any information from the Central Government or the State Government concerned with regard to the assessment of the security requirements made in respect of any such personality. Such information shall be furnished to the Commission by the concerned Government forthwith."

6. It was further clarified by the Commission in its letter No. 437/6/94 dated 14th May, 1994 that all State Governments and the Union Territory Administration are requested to adhere strictly to the orders of the Supreme Court. Further, orders relating to security of the individuals issued under statutory powers or other powers must be fully honored.

7. The Commission has further directed that when such individuals visit State/ Constituency for electioneering and election related work, the expenditure incurred on security arrangements like barricading/ rostrums etc. shall be borne by the concerned political parties.
Election Commission's Order No. 43 7/696/PLN-I/1, dated 15.01.1996.

ORDER

Subject: General elections/bye elections - Prevention of misuse of 'official vehicles' during elections

In the interest of preserving the purity of election process and rendering the same reflective of true choice of the people, the Commission has been issuing instructions and directions regarding the use of official vehicles. The Commission has been particularly concerned about the increasingly vitiating role of criminality and muscle power at elections and has been giving directions for taking a number of measures for ensuring peaceful, free and fair poll.

2. The Commission has now decided that the following shall be standing instructions for all general/bye elections to the Lok Sabha, and in State Legislative Assemblies. This will be equally applicable to all biennial/bye elections from Graduates' and Teachers' constituencies of Legislative councils in the concerned States. These shall be in supersession of all earlier instructions on the subject.

3. These instructions shall come into effect from the date of announcement of elections till the completion of elections.

4. For the purpose of these instructions vehicles means, and shall include, any vehicles 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, buses, belonging to the (1) Central Government, (2) State Government, (3) Public Undertakings of the Central and State Government, (4) Joint Sector Undertakings of Central and State Government, (5) Local Bodies, (6) Municipal Corporations, (7) Municipalities, (8) Marketing Boards, (by whatever name known) (9) Cooperative Societies, (10) Autonomous district councils or any other body in which public funds, however small a portion of the total are invested and also include those belonging to the Ministry of Defense and the Central Public Organisations under the Ministry of Home Affairs and State Government.

5. The Commission directs that there shall be a total and absolute ban on the use of official vehicles for campaigning, electioneering or election related travel during elections. There shall be a total prohibition on the use of any vehicles such as helicopters, aircraft, (except as regulated by the Commission's order on the subject) cars, jeeps, in automobiles, boat, hovercrafts, etc., belonging to the (i) Central Government, (ii) State Government, (iii) Public undertakings of the Central and State Government, (iv) Joint sector undertakings Central and State Government, (v) Local bodies, (vi) Marketing boards, (vii) Co-operative societies, (viii) Autonomous District Councils or any other body in which public funds, however, portion of the total, are invested for any purpose connected with the elections, by any political party, candidate or any other person connected with election.
6. It is clarified that the ban on the use of vehicles will equally apply to the vehicles in or from any States not going to the polls but whose vehicles are attempted to be used for campaign either openly or clandestinely in any other State going to poll. The Chief Secretary of each State/Union Territory will be personally responsible for preventing misuse of any vehicle within his State and the Secretary to the Government of India in the concerned Department will be personally responsible for any misuse of any vehicle under Ministry/Department and also belonging to any of the public sector or joint sector undertakings or Autonomous Bodies or attached and offices under that Ministry/Department. The officers under whose charge such vehicles are entrusted will also be equally responsible for any violation.

7. The use of such vehicles belonging to any of these authorities by anyone including Ministers of the Central or a State Government, even on payment, for campaigning or on tours connected with elections but with the alleged and bogusly certified purpose of election work in their capacity as Ministers is totally prohibited. The only exception from the prohibition will be the Prime Minister and other political personalities who might, in view of extremist and terrorist activities and threat to their lives, require security of a high order and whose security requirements are governed by any statutory provisions made by Parliament or the State Legislature in this behalf. The above restrictions shall also not apply in the case of President and Vice-President of India, Speaker and Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha and such other dignitaries visiting the State from other States. In the case of Speaker, Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha these restrictions will be applicable at the time of General Elections to the Lok Sabha. It is, however, clarified that such exceptions shall not be made in respect of any Ministers of the Union or any State Government.

7(a) The Commission would like to make it clear that if it has any material to doubt that the assessment of security requirements made by the authorities under Special Protection Group Act, 1988 or any other special enactment/instruction of the Government have been manifestly or unduly excessive with the intention of promoting indirectly the electoral interests of a particular party or candidate, the Commission will bring the matter to the notice of the concerned Government for immediate and appropriate corrective steps.

7(b) For this purpose, the Commission may call for any information from the Central Government or the State Government concerned with regard to the assessment of the security requirements made in respect of any such personality. Such information shall be furnished to the Commission by the concerned government forthwith.

8. The Commission further directs that cars/vehicles shall, under no circumstances, be allowed to move in convoys of more than three vehicles. All bigger convoys shall be broken up, even if they are carrying any Minister of Central or State Government or any other person. This shall, however, be subject to any security instructions issued in respect of any such individual.
9. The Commission further directs that from the date of announcement of elections till the completion of elections, the District Administration shall keep a close watch on the use of all the abovementioned vehicles to see whether any such vehicles is being misused for electioneering for, or by, any candidate. If it is found that any of the abovementioned vehicles of Central Government or State Government, including those of public sector undertakings or local bodies is being used for electioneering purposes, the District Magistrate shall, forthwith, requisition or cause to be requisitioned such vehicles, after following due procedure, for election work, to be used by officers performing election related duties under Section 160 of the Representation of the People Act, 1951. The vehicles so requisitioned shall not be released until after the completion of the process of elections.

10. The above directions of the Commission are issued under the powers conferred on it by Article 324 of the Constitution and all other powers enabling it in that behalf.

11. This should be brought to the notice of all concerned. A copy of this order in English/Hindi and any local official language(s) shall be made available to the units of all recognised National and State political parties and to each candidate or the agent authorized by him, at the time of his nomination(s) (repeat nomination and not scrutiny of nomination) under acknowledgment.

ORDER

Subject: General Elections/Bye-elections - Restrictions on misuse of vehicles.

The Commission has been issuing instructions on the subject of restrictions to be followed and observed on the misuse of vehicles during elections from time to time. The Commission has now directed that the following instructions in suppression of all earlier instructions shall be the standing instructions for all general/bye elections to the House of the people and the State Legislative Assemblies. These instructions are issued under Article 324 of the Constitution and all other powers enabling the Commission in this behalf.

2. Section 123(5) of the Representation of the People Act, 1951 provides that the hiring or procuring or use of vehicles by a candidate or his agent or by any other person with the consent of the candidate or his election agent for the free conveyance of the voters to and from the polling station shall be a 'corrupt practice' for the purposes of the Act. Such a 'corrupt practice' attracts penalty and is punishable with fine which may extend to five hundred rupees under section 133 of the Representation of the People Act, 1951.

3. For an election to the House of the People, each contesting candidate, on the day of poll, will be entitled to:
   (a) one vehicle for his own use in respect of the entire constituency.
   (b) In addition, one vehicle for use of his election agent or workers or party workers, as the case may be, in each of the assembly segment comprised in the Parliamentary Constituency.

4. For an election to the State Legislative Assembly, on the date of poll in that Constituency each contesting candidate is entitled to:
   (a) One vehicle for his own use.
   (b) One vehicle in total for the use of his election agent or workers or his party workers, as the case may be, for the vehicles, indicated above.

5. The permits for the vehicles indicated above will be issued by the District Magistrate/Returning Officer. The candidates are required to register their vehicles with the authorities concerned and display the permits issued by the authorities on the wind-screen of the vehicles. No other vehicles shall be allowed to be used by the leaders of the political parties including ministers, workers, agents and sympathizers of any candidate. No exception shall be made, irrespective of the status of the candidate.

6. The aforementioned restrictions shall apply to all vehicles propelled by mechanical power or otherwise including but not restricted to taxies, private cars, trucks, tractors with or without trailers, auto-rickshaws, scooters, mini buses, station wagons etc.

7. Penal action, both under the provisions of the R.P. Act, 1951 and Chapter IX A of the Indian Penal Code, shall be taken against anyone offending the above directions, in addition to action under the Motor Vehicles Act. All vehicles being used in violation of these directions shall be confiscated.

8. There is no intention on the part of the Commission to put a complete ban on all vehicular traffic on the polling day and thereby create difficulties or cause harassment to the public. For genuine bonafide use for purposes other than
election, the following types of vehicles shall also be allowed to be plded on the
day of poll and there will be no exception:
(a) Private vehicles being used by the owners for their private use, not
connected with elections;
(b) Private vehicles being used by owners either for themselves or for
members of their own family for going to the polling booth to exercise
their franchise, but not going anywhere within a radius of 200 metres of
a polling station;
(c) Vehicles used for essential services namely hospital vans, ambulance,
milk vans, water tankers, electricity emergency duty vans, police on
duty, officers on election duty;
(d) Public transport carriages like buses plying between fixed termini and on
fixed routes;
(e) Taxis, three wheeler scooters, rickshaws etc. for going to airports,
railway stations, Inter-state bus stands, hospitals for journeys which
cannot be avoided;
(f) Private vehicles used by sick or disabled persons for their own use.

9. In addition, it has been experienced that during the period of electioneering
private vehicles are used by the candidates, their agents and party leaders and
supporters for carting the supporters of a candidate within the constituency and
on many occasions anti-social elements with muscle power are openly paraded
to instill a sense of fear in the minds of the electorate, so that they either vote
in favour of particular party/candidate or abstain from voting altogether. These
vehicles are also used sometimes to smuggle illicit arms and ammunition with a
view to creating disturbances during elections.

10. In order to curb such undesirable/illegal activities, the Commission further
directs that the District Administration shall keep a close watch on the vehicles
used by persons accompanying the contesting candidates and their party’s
leaders for any possible mischief, including criminal activities like carrying of
illegal arms and weapons. If any of these vehicles, either of a party or a private
owner, is found to be involved in any such act or for carting anti-social
elements with a view to intimidating or creating terror in the mind of the
electorate, it shall be the duty of the local administration to impound such
vehicles and not to release them till the process of elections is completed. In
addition, criminal action against the owner, the occupant(s) and the
candidate/political party which is involved in such illegal activities shall also be
taken as per law.

11. So as to ensure free, fair and peaceful elections, the District Administration
shall launch such drive for checking the vehicles immediately upon the
announcement of the elections and shall continue the drive till the completion of
the process of elections.

12. All authorities concerned shall fully ensure that these directions are
scrupulously followed in respect of all vehicles. Utmost care shall also be taken
to ensure that no misuse of any vehicle is made in the garb of use for
“bonafide” purposes or personal use.
Election Commission's letter No. 437/6/96/PLN-III, dated 17.01.1986 to addressed to the Chief Secretary (All States & Union Territories) Repeat The Chief Electoral Officers (All States & Union Territories)

Subject: General Elections - Tours of Ministers

I am directed to state that the Ministry of Home Affairs, Government of India vide their Circular No. 10/17/89-M & G, dated November 1, 1989 have reproduced the summary of their instructions on the tour of Ministers in connection with the election campaign. These instructions inter alia lay down some specific formalities to be observed separately for official and private tours of the Ministers of Government of India during the period of electioneering particularly in the context of the fact that such tours generally overlap. A copy of the abovementioned circular of the Ministry of Home Affairs dated November 1, 1989 is enclosed at Annexure I.

2. The Commission has been keenly watching the observance of the aforesaid instructions of the Ministry of Home Affairs by the Ministers both of Central Government and of the Government of State in which elections are held, as well as some other neighboring and other States whose Ministers pay visits to the States having elections during the period of electioneering. The Commission is constrained to observe that not only the spirit and letter of the aforesaid instructions of the Ministry of Home Affairs are vague, equivocal and permissive in nature, they are flouted with impunity and misused with flagrant disregard to the image of impartiality which persons in high public office must cultivate and preserve during the period of election in order to maintain the purity of the election process and insulate the free right of franchise to be exercised by the voters from the manipulative tactics of the privileged ruling party both at Centre and in the State Governments.

3. During the elections superintended by the Commission in recent years the Commission has been at pains to observe that the Ministers in their capacity as Members of the ruling party at the Centre and in some States misused the government owned machinery including guest houses, and such like official infrastructures for the ostensible purpose of official visits for monitoring Government programmes with the covert intention of participating in the election campaign of their parties. Such Ministers are understandably accompanied, on the above described "official" visits, by functionaries of their political parties. No departmental officials are reported to be accompanying the Ministers on which visits and meetings as a result of which even semblance of an official visit is not maintained.

4. The Commission also observes with serious objection that local officers of the district administration and State Government who have also to perform statutory and other functions related to the conduct of elections are perforce made to attend on such Ministers in the name of administrative and security arrangements which further casts a suspicion on the much needed independence an impartiality of the election related officers.
5. In the above circumstances, the Commission in exercise of the plenary powers vested in it by virtue of Article 324 of the Constitution and all other powers enabling it in this behalf, has decided to issue its own directions in the interest of fair and free poll.

6. These instructions of the Commission do not in any way over-ride, modify or are affected by the instructions of the Ministry of Home Affairs, Government of India No. 10/17/89-M&G dated 1st November, 1989 referred to above. The Commission directs in supersession of its earlier instructions, as follows:-

6.1 Henceforth no Minister either of Central or State Government shall undertake an official visit of any constituency from which elections have been announced by the Commission during the period commencing with the announcement of the elections up to the end of the election process.

6.2 The Commission also directs that no Minister will summon any election related officer of the constituency or the State in which any elections have been announced, to a place or office or guest house outside the aforesaid constituency for any official discussions during the period of elections commencing with the announcement of the elections from such constituency and ending with the completion of election process.

6.3 The only exception to these instructions will be when a Minister, in his capacity as incharge of the concerned department, or a Chief Minister undertakes an official visit to a constituency, or summons any election related officers of this constituency to a place outside the constituency, in connection with failure of law and order or a natural calamity or any such emergency which requires personal presence of such Ministers/Chief Ministers for the specific purpose of supervising review/salvage/relief and such like purpose.

7. It is clarified that the Ministers are entitled to use their official vehicles in their headquarters from their place of residence to their office for official work provided that such commuting is not combined with any electioneering or any political activity.

8. Any violation of these Instructions will be viewed as gross infringement not only of the Model code of Conduct but also of the authority of the Commission to promulgate such directions as it considers necessary to ensure peaceful, fair and free poll reflective of the true choice of the people, and will be visited with grave consequences as considered appropriate by the Commission on the merits of the specific circumstances.

Office Memorandum

Subject: General Election to Lok Sabha Tours of Minister in Connection with election campaign

The undersigned is directed to say that whenever elections to the Lok Sabha are held, questions are invariably raised in Parliament about the tours undertaken by the Ministers in connection with the election campaign. In reply, as a general policy it has always been made clear that according to existing instructions, tours in connection with election campaign are not to be treated as official tours and that the services of Government officials cannot be utilized for party of election work. The Ministry of Home Affairs have been issuing instructions regarding tours of ministers for non-official purposes, including election tours from time to time. These instructions had been summarized and a copy thereof was laid on the Table of the Lok Sabha on 31st July, 1970. As the general election to the Lok Sabha are due to be held in November, 1989 a copy of the summary of these instructions is enclosed with the request that its contents may be brought to the notice of the Ministers.

Instructions regarding the tours of Minister for non-official purposes including election tours, are contained in several communications issued and reissued from time to time.

General Instructions:

(1) Until a Minister demits office he is in charge of public affairs and accordingly even while on tours, whether for official or private purposes, he must continue to discharge the responsibilities as Minister. Hence,

(a) he can take with him the minimum personal staff needed for this purpose and such staff is entitled to draw travelling and daily allowance under the rules; and

(b) when he visits any place, the district officers must arrange for normal courtesies and security.

(2) A Minister may claim travelling and daily allowance only in respect of tours undertaken for official purposes i.e. tours, actually necessitated by duties which he could not perform, at headquarters. If an official tour is combined with private business of the Minister, which includes party work, and he has to undertake any additional journey for this purpose, he is not entitled to any travelling allowance for the additional journey. If a Minister while on official tour devotes any day of his half exclusively for private business he is not entitled to day allowance for that day.
Special Instructions regarding election tours:

(3) Whenever a Minister decides that a meeting which is going to be addressed by him as an election meeting he should ask for arrangements to be made on his behalf non-officially and not by Government Servants. During the election tours Government meetings would be rare and normally public meetings should be considered election meetings and all expenses except those relating to maintenance of law and order, borne privately.

(4) The role of officials at election meetings should be confined to maintaining law and order and affording normal protection to Ministers.

(5) No travelling expenses or daily allowance should be charged by Ministers for journeys, which have for their main purpose election campaign. It would be presumed that for some weeks prior to the poll, the activities of Ministers on tour are much more concerned with elections than with their official duties.

(6) A journey undertaken by a Minister for filing nomination papers and subsequent tours to his constituency should be regarded as being for election purposes.
(7) If a Minister who has proceeded to his constituency for election purposes at his own expenses, has to proceed to some other place on duty, he may draw travelling allowance limited to the amount admissible from his headquarters to the other place and back to headquarters. If he had to return to headquarters from his own constituency in public interest by interrupting his election work, he may only claim the return air or railway fare. Public interest shall naturally include attendance at all Cabinet Sub-Committee meetings. Other meetings or conferences at headquarters should be avoided as far as possible.

(8) Where a Minister has been provided with a car exclusively at the expenses of the State, the car should not be used for election purposes. Even where a car is provided by the State but the Minister is given an allowance for maintenance of the vehicle, it is not desirable to use such vehicle for election purposes.
Election Commission letter No.4376/96-PLN-III, dated 08.04.1996 addressed to The Cabinet Secretary, The Chief Secretary and Chief Electoral Officers of all States and Union Territories

Subject: General Elections - Security cover to Ministers/Candidates

1. Instructions have been issued from time to time on the question of use of aircraft/helicopter and motor cars and vehicles in connection with election work by political personalities, whether in office or outside. The following instructions are issued in consolidation/modification of all other instructions in this regard and should be scrupulously followed with immediate effect:-

2.1 No part of the present instructions may be treated as effecting any modification whatsoever in regard to the existing instructions regarding the travel and the provision of facilities including transport and security, for the Prime Minister even when he is travelling specifically for party and election work. The existing instructions should be scrupulously adhered to.

2.2 All the remaining political personalities including both those in office e.g. Minister of the Union Government or Chief Minister or Minister of the State Government or occupants of any other public office such as Chairman of a State Corporation, Cooperative etc. And those not in any public office will be governed by this order.

2.3 No relaxation can be made to any person with regard to the absolute ban on the use of Government owned/funded/hired means of transport for any reason other than security. These exclusions refer for example to age, state of health etc.; and to all manner of vehicles.

2.4 The use of State owned aircraft (whether fixed wing or helicopter) propelled at State cost or hired at State cost will not be permitted for any reason including security. No exceptions in this regard will be made.

2.5 In respect of persons covered by security, the use of State owned and bullet proof vehicle for the particular person (PP) will be permitted in all cases where the security agencies, including the intelligence authorities, have prescribed such use. The use of multiple cars in the name of stand-by should not be permitted unless so specifically prescribed by security authorities. The cost of propulsion of such bullet proof vehicles where such use of bullet proof vehicles is specified will be borne by the particular person whether he is in office or out, and whether he is a candidate or not.

2.6 The number of vehicles to accompany the cascade including pilots, escorts etc. will be strictly in accordance with the instructions laid down by the security authorities and shall not exceed them under any circumstances. The cost of propulsion of all such vehicles, whether owned by Government or hired vehicles, will be met by the State Government. No recovery need be made also on the cost of the manpower provided.
2.7 In all cases where a party or a candidate hires a private aircraft/helicopter for any reason whatsoever, the complete cost will be included as part of election expenditure without exception.

2.8 All persons who are included in the category of ex-Prime Ministers are also covered by these instructions and are not entitled to the special stipulations provided for the Prime Minister in office.

2.9 No relaxation can be provided on any considerations including those of security to any one regarding the use of loudspeakers whether fitted on vehicles or otherwise.
Election Commission’s letter No.437/6/97-PLN-III dated 18.03.1997 addressed to CEOs of all States and UTs.

Subject: General Election/Bye-elections to Lok Sabha and State Legislative Assemblies - Instructions on misuse of vehicles during election period - Regarding.

The Commission has been issuing instructions on the subject of restrictions to be followed and observed on the misuse of vehicles during the election period. In the interest of preserving the purity of election process and rendering the same reflective of true choice of the people, the Commission has now directed that the following instructions shall be strictly followed at all the General and Bye-elections to the Lok Sabha and Assembly constituencies. These instructions are issued under article 324 of the Constitution and all other powers enabling the Commission in this behalf.

1. Cars/vehicles being used for electioneering purposes, shall, under no circumstances, be allowed to move in convoys of more than three vehicles from the date of notification till the completion of election process in any constituency. All bigger convoys shall be broken up, even if they are carrying any minister of Central or State Govt. This shall, however, be subject to any security instructions issued in respect of any such individual. In other words the convoy shall not in any case exceed three vehicle of any person plus the security vehicles allowed in view of the security gradation of that particular person.

2. From the date of notification of the election till the completion of election process in any constituency, the district administration shall keep a close watch on the vehicles used by the contesting candidates, persons accompanying the contesting candidates and other party leaders and ensure that the Commission’s instructions are not abused.

3. If any person moves in a convoy of vehicles exceeding the limits prescribed above, in spite of the convoy having been broken, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by flouting the Commission’s directions till the process of election is completed.

4. The contesting candidates be asked to get the details of all the vehicles that they are using in the election campaign lodged with the District Election Officer or such other officer(s) as may be specifically authorised by the District Election Officer in this behalf before the campaigning commences. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidates or his agent well before the actual deployment of the vehicles. While conveying the details of the vehicles that are being deployed for election campaign the details of the areas [(tehsil(s)] in which the vehicle would operate, should also be conveyed.

5. The details so obtained should be conveyed by District Election Officer to the Election Expenditure Observers.

6. The vehicles employed for election campaign as per intimation given by the candidates or their election agents to the District Administration should not be requisitioned by the administration.

7. Any vehicle that has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorised campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately taken out of the campaigning exercise.

The receipt of this letter may please be acknowledged.
C.R.Brahmam
Secretary (Planning)

NO/ECI/GE98-PLN-III/4376/98

December 16, 1997

To
The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan, New Delhi.

The Chief Secretaries of
All States and Union Territories.

Copy to

Chief Electoral Officers of
All States and Union Territories.

Dear Sir,

Subject: Use of Government Aircrafts / Helicopters

Consequent on the dissolution of the Lok Sabha, preparatory work for conducting the elections for the 12th Lok Sabha and completing it by 15th of March, 1998, has already started. The country is already in the election mode.

Accordingly, the Commission reiterates its existing instructions on use of aircrafts / helicopters and motor cars and vehicles in connection with election related work by political personalities, whether in office or outside. A copy of the instructions issued on 9th April, 1996 is enclosed for ready reference. In respect of use of aircrafts / helicopters, by all concerned except the Prime Minister in office, your particular attention is drawn to para 2.4 of the letter extracted below.

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Election Commission's letter No. 437/6/98/PLN-III dated 08.01.1998 addressed to The Cabinet Secretary, New Delhi, Chief Secretaries and CEOs of all the States and UTs.

Subject: Use of Aircraft by Political Parties - regarding.

The Commission has already issued detailed instructions regarding use of Government aircraft owned by the Government and Public Sector Undertakings. As per these existing instructions, during the election process there is a complete ban on use of aircraft by political functionaries including Chief Minister and Ministers. The only exemption is for the Prime Minister in office. These instructions have been reiterated again recently by the Commission on 16.12.1997.

Requests have been received from some of the Chief Ministers for relaxation of these restrictions for various reasons including those of security.

The Commission reviewed the matter in depth and obtained further inputs from appropriate quarters in this regard. After taking into consideration all relevant factors into account, the Commission has decided that the existing instructions in the matter will stand and there shall be no relaxation in the matter for any reason.

The Commission's existing restrictions do not however prohibit use of private aircraft by such political functionaries including Chief Ministers. Accordingly the Commission makes it clear that such political functionaries including Chief Ministers may, if required, hire private aircrafts and use it for their political campaign and other election related activities. The expenses of use of such aircraft can be paid for by the concerned political parties and have to be accounted for suitably in their accounts.

Kindly acknowledge the receipt.
Election Commission's letter No.437/6/99-PLN-III, dated 14.07.1999 addressed to The Cabinet Secretary, The Chief Secretary and Chief Electoral Officers of all States and Union Territories

Subject: **Use of Government Aircrafts/Helicopters - regarding**

Consequent on the dissolution of the Lok Sabha, preparatory work for conducting the elections for the 13th Lok Sabha and completing it by 21st October, 1999, has already started. The Country is already in the election mode. For this purpose, the Commission has announced the schedule for holding General Election to the Lok Sabha, 1999 on 11th July, 1999.

Accordingly, the Commission reiterates its existing instructions on use of aircrafts/helicopters and motor cars and vehicles in connection with election related work by political personalities, whether in office or outside. A copy of the instructions issued on 9th April, 1996 is enclosed for ready reference. In respect of use of aircrafts/helicopters, by all concerned except the Prime Minister in office, your particular attention is drawn to para 2.4 of the letter extracted below.

"The use of State owned aircraft (Whether fixed wing or helicopter) propelled at State cost or hired at State cost will not be permitted for any reason including security. No exception in this regard will be made."

It may please be noted that these restrictions apply with respect to all aircrafts/helicopters owned by the Central and State Government as well as Department Organisations and Public Sector Undertakings.

Kindly acknowledge receipt and ensure that the instructions of the Commission are strictly followed by all concerned authorities.
Election Commission's letter No.437/6/98-PLN-III, dated 18.08.1999 addressed to The Cabinet Secretary, The Chief Secretary and Chief Electoral Officers of all States and Union Territories

Subject: Use of Aircraft during the Election Process

The Commission has already issued detailed instructions regarding use of Government aircraft owned by the Government and Public Sector Undertakings. As per these existing instructions, during the election process, there is a complete ban on use of aircraft by political functionaries including Chief Minister and Ministers. The only exemption is for the Prime Minister in office. These instructions have been reiterated by the Commission on 14th July, 1999.

2. Requests have been received from some of the Chief Ministers for relaxation of these restrictions for various reasons including those of security.

3. The Commission reviewed the matter in depth and obtained further inputs from appropriate quarters in this regard. After taking into consideration all relevant factors into account, the Commission has decided that the existing instructions in the matter will stand and there shall be no relaxation in the matter for any reason.

4. The Commission's existing restrictions do not, however, prohibit use of private aircraft by such political functionaries including Chief Ministers. Accordingly, the Commission makes it clear that such political functionaries including Chief Ministers may, if required, hire private aircrafts and use it for their political campaign and other election related activities. The expenses of use of such aircraft can be paid for by the concerned political parties and have to be accounted for suitably in their accounts.

5. Kindly acknowledge the receipt.
Election Commissions letter No.4/2001/JS-II dated 08.05.2001 addressed to the Chief Electoral Officers of all States and Union Territories. With copy forwarded to:

1. The Director General of Civil Aviation, New Delhi. 2. The Secretary to the Government of India, Ministry of Tourism & Civil Aviation, New Delhi. 3. The Cabinet Secretary, Government of India, New Delhi. 4. The Chief Secretaries to the Governments of all States and Union Territories.

Subject: Supervision and monitoring of poll and counting process by leaders of political parties by using private fixed-wing aircraft and helicopters on the days of poll and counting - regarding.

A question has been raised whether the leaders of political parties may be permitted to supervise and monitor the process of polling and counting by using private fixed-wing Aircraft and helicopters for movement from constituency to constituency on the days of poll and counting.

2. I am directed to state that the Election Commission has carefully considered the question in all its aspects. The supervision and monitoring of the polling and counting process by these leaders will amount to interference in the performance of the functions of the Election Commission and usurping its powers, as the superintendence, direction and control of conduct of elections has been vested by Article 324 of the Constitution in the Election Commission and none else. Further, most of the leaders of all political parties have been categorized under various security grading and provided with security covers according to such grading. If they move from constituency to constituency on the days of polling and counting, adequate security precautions will have to be taken and security covers provided to each of them. On the days of polling and counting, the police and other security personnel are fully engaged in providing protection to voters, polling parties and polling materials in and around polling stations and counting centres, and in patrolling duties in the constituencies for maintaining proper law and order and peaceful atmosphere. Any disturbance or distraction in these arrangements to provide security to the leaders of political parties on the move from constituencies to constituencies may have serious impact on the conduct of free and fair poll and smooth and peaceful elections. It will also mean extra strain on the administrative machinery at the district and the sub-divisional levels, which are already stretched to the maximum during these days, as many of these political leaders will be entitled to some facilities, and courtesies on their visits there as per the requirements of protocol. Further, their movement, particularly on the days of poll, might also be taken as campaign during the prohibited period of 48 hours. It
may also not be out of context to mention that the use of private fixed-wing aircraft and helicopters by the leaders of political parties on the days of poll and counting would add considerably to the already mounting election expenses and would be a retrograde step in the direction of reasonable curbs on high expenditure on elections, apart from disturbing the level playing field whereby the political parties with smaller resources would be placed at disadvantageous position.

3. Having regard to all the above relevant considerations, the Commission has decided that no leader of a political party shall use private fixed-wing aircraft and helicopters for the purposes of supervising and monitoring the polling and counting process on the days of poll and counting.

4. The Commission has also decided that the Director General of Civil Aviation shall keep the above directions of the Commission in view and shall not permit the flights of private fixed-wing aircraft and helicopters for the movement of leaders of political parties for the above purpose on the days of poll and counting, except with the prior permission of the Election Commission in the case of any emergencies.

5. The above directions of the Commission should be brought to the notice of all political parties functioning in your State immediately for their information, guidance and compliance under intimation to the Commission.
MOST IMMEDIATE

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001


To

1. The Cabinet Secretary
   Government of India
   Rashtrapati Bhawan
   New Delhi

2. The Chief Secretaries of all States and Union Territories

3. The Chief Electoral Officers of all States and Union Territories

Sir,

Kindly refer to the instructions of the Commission issued as per letter no. 437/6/2006-PLN-III (Vol. II) dated 14th March 2006 stating that no accommodation will be provided to any Minister of the Central or State Government, Members of Parliament or Members of Legislative Assemblies or political functionaries in any Government Guest House / Rest House / Guest House of any Public Sector Undertaking of the Central or State Government in the States where elections have been announced or are taking place as these are required to accommodate election related officials and observers.

The Commission has now received representations from various States Governments and political functionaries requesting that these restrictions may be relaxed keeping in view the security concerns of various political leaders.
The Commission has further considered the issue in the light of the requests received and decided that henceforth accommodation in Government Guest houses / Rest houses or Guest Houses of Public Sector Undertakings of the Centre or State Government in the States (or the districts) 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 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 observers. Some political functionaries shall not carry out any political activity while staying in the Government Guest Houses / Rest Houses or Guest Houses of Public Sector Undertakings as mentioned above.

Yours faithfully,

(A. K. MAJUMDAR)
SECRETARY
ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi- 110 001.

No. 464/INST/2007/PLN-I


To

The Chief Electoral Officers
of all States/Union Territories.

Subject:-Restriction on number of vehicles and people at the time of nominations.

Sir/Madam,

It was brought to the notice of the Election Commission of India that at the time of filing of nominations in the offices of Returning Officers proper control and order was not being maintained due to overcrowding by the supporters of the candidates. The Commission took note of this issue and issued an instruction during general elections to Bihar Legislative Assembly and a copy of that instruction has also been placed in the website of the Election Commission of India as Item No. 127 of the Compendium of Instructions of Conduct of elections.

Notwithstanding this, it is observed that the problem of overcrowding of the offices of Returning Officer at the time of filing of nomination still persists. The Commission after considering the issue carefully has decided to issue the following directions:-

"All District Electoral Officers may inform various political parties and interest groups that the maximum number of vehicles that will be allowed to come within the periphery of 100 mtrs. of Returning Officers/Assistant Returning Officers office shall be three and maximum number of persons that will be allowed to enter the office of Returning Officers/Assistant Returning Officers at the time of filing nomination shall be the candidate plus four other individuals which may include any proposer/proposers proposing the nomination of the candidate i.e. there can be only five people (including the
candidate) who can remain present inside the Returning Officers/Assistant Electoral Registration Officers room at the time of filing nomination. The expenditure on the vehicles that will be coming along with the candidate at the time of the filing of nominations shall be taken into account for calculating his expenditure if he remains in the fray."

Yours faithfully,

(A.K. MAJUMDAR)
SECRETARY

STANDARD DISTRIBUTION

Subject:- Prevention of misuse of vehicles on the polling day – regarding.

With reference to the Commission’s letter of even number dated 23rd March, 07 I am directed to state REVISED PROVISIONS of paras 3 & 6 of the Commission’s instruction No. 437/6/96-PLN-III, dated 16th January, 1996 have been superseded as under :-

REVISED PROVISION :-

(Para 3) For an election or a bye-election to the House of the People/State Legislature, each contesting candidate, on the day of poll, will be entitled to :

(a) One vehicle for his own use in respect of the entire constituency.

(b) One vehicle for use of his election agent for entire constituency.

(c) In addition, one vehicle for use of his workers or party workers, as the case may be, in each of the assembly segments comprised in the Parliamentary Constituency.

(Para 6) It is clarified that, henceforth, the candidate or his agent or party workers or workers will be allowed to use only four/three/two wheeler vehicles i.e. cars (of all types), taxies, auto rickshaws, rickshaws, and two wheelers. In these vehicles not more than five persons including drivers will be allowed to move on the day of poll.

On the day of poll, if the candidate is absent from the constituency, no other person will be allowed to use the vehicle allotted for his use.

This may be brought to the notice of all concerned political parties, contesting candidates and authorities for strict adherence instead of the instructions mentioned in Revised Provision of Paras 3 & 6 in Commission’s earlier letter dated 23-03-2007.
INSTRUCTION Sl. No.:  

ELECTION COMMISSION OF INDIA  
Nirvachan Sadan, Ashoka Road, New Delhi – 110001.

No. 437/6/2006-PLN-III

Dated: 23rd November, 2007

To

(i) The Cabinet Secretary,
Government of India
Rashtrapati Bhawan
New Delhi.

(ii) The Chief Secretaries of all States and Union Territories.

(iii) The Chief Electoral Officers of all States and Union Territories

Subject: Prevention of misuse of vehicles during elections.

Sir,

The Commission has, in the past, issued various instructions from time to time regarding applicability of Model Code of Conduct on prevention of misuse of vehicles during elections. For convenience of all concerned, these instructions have now been consolidated for observance during the period when the Model Code of Conduct is in force. These instructions regarding restrictions on misuse of vehicles during elections have been issued under Article 324 of the Constitution and all other powers enabling the Commission in this behalf.

During Polls:

(i) Section 123(5) of the Representation of the People Act, 1951 provides that the hiring or procuring or use of vehicles by a candidate or his agent or by any other person with the consent of the candidate or his election agent for the free conveyance of the voters to and fro from the polling station shall be a 'corrupt practice' for the purposes of the Act. Such a 'corrupt practice' attracts penalty and is punishable with fine, which may extend to five hundred rupees under section 133 of the Representation of the People Act, 1951. (See Election Commission's instruction no. 437/6/96-PLN-III dated 16.01.1996)

(ii) For an election to the House of the People, each contesting candidate, on the day of Poll, will be entitled to:

(a) One vehicle for his own use in respect of the entire constituency;
(b) One vehicle for use of his election agent for entire constituency;
(c) In addition, one vehicle for use of his election agent or workers or party workers, as the case may be, in each of the assembly segments comprised in the Parliamentary Constituency. (See Election Commission's instruction no. 437/6/2006-PLN-III dated 20.11.06).
(iii) For an election to the State Legislative Assembly, on the date of poll in that Constituency each contesting candidate is entitled to:
(a) One vehicle for his own use;
(b) One vehicle for the use of his election agent;
(c) In addition, one vehicle for use of his workers or party workers.
(See Election Commission's instruction no. 437/6/96-PLN-III dated 24.03.2007)
(iv) The permits for the vehicles indicated above will be issued by the District Magistrate/ Returning Officer. The candidates are required to register their vehicles with the authorities concerned and display the permits issued by the authorities on the windscreen of the vehicles. No other vehicles shall be allowed to be used by the leaders of the political parties including ministers, workers, agents and sympathizers of any candidate. No exception shall be made, irrespective of the status of the candidate. (See Election Commission's instruction no. 437/6/96-PLN-III dated 16.01.1996).
(v) It is clarified that, henceforth, the candidate or his agent or party workers or workers will be allowed to use only four/three/two wheeler vehicles i.e. cars (of all types) taxies, auto rickshaws, rickshaws and two wheelers. In these four wheel vehicles not more than 5 persons including driver will be allowed to move on the day of poll. It is further clarified that on the day of poll no other person will be allowed to use the Vehicle allotted for candidate's or his election agent's use. (See Election Commission's Instruction no. 437/6/2006-PLN-III dated 20.11.2006).
(vi) These instructions on plying vehicles will be applicable on all two wheelers like motorcycles and scooters (except bicycles) also and shall be made applicable for a period of 24 hours before the time fixed for closure of poll and till the completion of poll. These restrictions would not, however, apply to any Govt. servant on duty or in case where such vehicle is being used to transport a patient or old/infirm persons. (See Election Commission's Instruction no. 437/6/2004-PLN-III dated 08.05.2004).
(vii) Penal action, both under the provisions of the R.P Act, 1951 and Chapter IX A of the Indian Penal Code, shall be taken against anyone offending the above directions, in addition to action under the Motor Vehicles Act. All vehicles being used in violation of these directions shall be confiscated. (See Election Commission's instruction no. 437/6/96-PLN-III dated 16.01.1996). C:\Documents and Settings\Administrator\Desktop\23 nov 2007\00_9_MCC_
Entitlement_of_vehicles.doc 3 (vii) There is, however, no intention on the part of the Commission to put a complete ban on all vehicular traffic on the polling day and thereby create difficulties or cause harassment to the public. For genuine bonafide use for purposes other than election, the following types of vehicles shall also be allowed to be plied on the day of poll and there will be no exception:
(a) Private vehicles being used by the owners for their private use, not connected with elections;
(b) Private vehicles being used by owners either for themselves or for members of their own family for going to the polling booth to exercise their franchise, but not going anywhere within a radius of 200 meters of a polling station;
(c) Vehicles used for essential services namely hospital vans, ambulance, milk vans, water tankers, electricity emergency duty vans, police on duty, officers on election duty;
(d) Public transport carriages like buses plying between fixed termini and on fixed routes;
(e) Taxis, three wheeler scooters, rickshaws etc. for going to airports, railway stations, inter state bus stands, hospitals for journeys which cannot be avoided;
(f) Private vehicles used by sick or disabled persons for their own use. (See Election Commission's instruction no. 437/6/96-PLN-III dated 16.01.1996).

During Filing Of Nominations:
The maximum number of vehicles that will be allowed to come within the periphery of 100 meters of Returning Officers/Assistant Returning Officers office shall be three. (See EC\ Instruction No. 464/INST/2007/PLN-I dated 09.02. 2007).

During Period of Electioneering
(ix) It has been experienced that during the period of electioneering private vehicles are used by the candidates, their agents and party leaders and supporters for carting the supporters of a candidate within the constituency and on many occasions anti-social elements with muscle power are openly paraded to
instill a sense of fear in the minds of the electorate, so that they either vote in favour of particular party/candidate or abstain from voting altogether. These vehicles are also used sometimes to smuggle illicit arms and ammunition with a view to creating disturbances during elections. In order to curb such undesirable/illegal activities, the Commission further directs that the District Administration shall keep a close watch on the vehicles used by persons accompanying C:\Documents and Settings\Administrator\Desktop\23 nov 2007\00_9_MCC\_Entitlement_of_vehicles.doc 4 the contesting candidates and their party's leaders for any possible mischief, including criminal activities like carrying of illegal arms and weapons. If any of these vehicles, either of a party or a private owner, is found to be involved in any such act or for carrying anti-social elements with a view to intimidating or creating terror in the mind of the electorate, it shall be the duty of the local administration to impound such vehicles and not to release them till the process of elections is completed. In addition, criminal action against the owner, the occupant(s) and the candidate/political party which is involved in such illegal activities shall also be taken as per law. (See Election Commission's instruction no. 437/6/96-PLN-III dated 16.01.1996)

(x) So as to ensure free, fair and peaceful elections, the District Administration shall launch such drive for checking the vehicles immediately upon the announcement of the elections and shall continue the drive till the completion of the process of elections. (See Election Commission's instruction no. 437/6/96-PLN-III dated 16.01.1996)

(xi) Cars/vehicles being used for electioneering purposes shall, under no circumstances, be allowed to move in convoys of more than three vehicles from the date of notification till the completion of election process in any constituency. All bigger convoys shall be broken up, even if they are carrying any minister of Central or State Govt. This shall, however, be subject to any security instructions issued in respect of any such individual. In other words the convoy shall not in any case exceed three vehicles of any person plus the security vehicles allowed in view of the security gradation of that particular person. (See Election Commission's Instruction no. 437/6/97-PLN-III dated 18.03.97). Such broken up convoys must have a distance of at least 200 meters between them. (See ECI instruction no. 464/UP-LA/2007 dated 05.04.2007).

(xii) If any person moves in a convoy of vehicles exceeding the limits prescribed
above, in spite of the convoy having been broken, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by flouting the Commission's directions till the process of election is completed.

(xiii) In case the mode of road transport is to be availed of by leaders of political parties availing the benefit of clause (a) of explanation given under Sec. 77 (1) of R. P. Act, 1951, the permit will be issued centrally by the Chief Electoral Officer, irrespective of whether the same vehicle is to be used by any leader for election campaigning throughout the State or different vehicles are to be used by such party leaders in different areas. The permit will be issued against the name of the person concerned who will display it prominently on the windscreen of the vehicle being used by him/her in any area. The permits so issued by the CEO will be of distinctly different colour from the permits to be issued by the DEOs/ROs for candidates. (See ECI Instruction no. 464/UP-LA/2007 dated 05.04.2007).

(xiv) In case of Video – Vans etc. to be used by a political party for campaign across the states, before any permission to use Video-Vans for campaign is given, it should be ensured by Chief Electoral Officer that such use of vehicle is in accordance with the Motor Vehicle Act. Attention in this context is invited to the judgments dated 23.06.2006 and 14.02.2007 of the Allahabad High Court in writ petition No. 3648 (MB) of 2006. (See ECI instruction no. 464/UP-LA/2007 dated 05.04.2007).

(xv) From the date of notification of the election till the completion of election process in any constituency, the district administration shall keep a close watch on the vehicles used by the contesting candidates, persons accompanying the contesting candidates and other party leaders and ensure that the Commission's instructions are not abused. (See Election Commission's Instruction no. 437/6/97-PLN-III dated 18.03.97)

(xvi) The contesting candidates be asked to get the details of all the vehicles that they are using in the election campaign lodged with the District Election Officer or such other officer(s)as may be specifically authorized by the District Election Officer in this behalf before the campaigning commences. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidate or his agent well before the actual deployment of the vehicles. While
conveying the details of the vehicles that are being deployed for election campaign the details of the areas, tehsil(s) in which the vehicle would operate, should also be conveyed. (See Election Commission's instruction no. 437/6/97-PLN-III dated 18.03.97).

(xvii) The details so obtained should be conveyed by District Election Officer to the Election Expenditure Observers. The vehicles employed for election campaign as per intimation given by the candidates or their election agents to the District Administration should not be requisitioned by the administration. Any vehicle that has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorized campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately taken out of the campaigning exercise. (See Election Commission's instruction no. 437/6/97-PLN-III dated 18.03.97).

(xviii) A cycle rickshaw is also a vehicle as defined in Section 160 of Representation of People Act, 1951, which may be used for election campaign. If it is being used, then a candidate has to account for its expenditure in his account of election expenses. To ensure this, the candidate should give details of such rickshaws being used for his election campaign and, if the rickshaw does not have any municipal registration/permit for its identification, the rickshaw driver may be given a permit in his personal name by the Returning Officer which the rickshaw driver should carry on his person while using that rickshaw for campaign purposes. However, rickshaws being used for normal purposes of carrying passengers in ordinary course etc. may be exempted, if they are displaying only one poster showing the name or party symbol of a candidate, presuming they are doing so on their own free will. (See Election Commission's instruction no. 437/6/2006-PLN-III (vol-ix) dated 12.07.2006).

(2) The above instructions may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

(A. K. MAJUMDAR)
PRINCIPAL SECRETARY
INSTRUCTION Sl. No.

Election Commission's letter No.437/6/2007-PLN-III Dated : 23rd November, 2007 addressed to The Cabinet Secretary Government of India, the Chief Secretaries and the Chief Electoral Officers of all States and Union Territories.

Subject: - Tours of Ministers - General Elections


I am directed to state that Ministers may be undertaking visits to the State(s) where election is being held or have been announced and the provisions of Model Code of Conduct are in force, in connection with electioneering. The Commission, in order to ensure a level playing field which is a precondition for free and fair elections, has issued instructions from time to time governing such tours of ministers and has prescribed certain guidelines to ensure that the official machinery is in no way engaged in any election related work by such touring dignitaries. These have been upheld by the Supreme Court of India in the case of Narendra Kumar Gaur vs. Election Commission of India in Writ Petition No. 339 of 1999 on 16.08.99.

2. The Commission's Instructions contained in the letters mentioned at the reference above have been consolidated for the sake of convenience in the following paragraphs :-

(1) If a Minister of the Union is traveling from his/her headquarters to a poll bound state/district on purely official business, which cannot be avoided in public interest, then a letter certifying to this effect should be sent from the Secretary of the department/ministry concerned of the Government of India, to the Chief Secretary of the state which the Minister intends to visit, with a copy to the Commission. On receipt of such information from the Secretary that the Union Minister is proposing a purely official visit and no political activity of any kind is envisaged during such tour, the Chief Secretary may provide the Union
Minister with a Government vehicle and accommodation and extend other usual courtesies for his official trip. While doing so, the Chief Electoral Officer of the State, who is entrusted with the task of monitoring of electoral activity in the State, including the implementation of the Model Code of Conduct, shall be alerted in advance by the Chief Secretary. The Commission will keep watch on such arrangements in consultation with its Chief Electoral Officer.

It is hoped that the Union Ministers will avoid making official visits to their home States, Constituency state and particularly to the constituencies from where they are contesting elections while it is open for them to make private visits (See ECI instruction No. 437/6/99 – PLN III dated 15.07.99)

(2) The Commission also directs that –

(i) No minister of State Government shall undertake an official visit to any constituency for which elections have been announced by the Commission during the period commencing with announcement of the elections upto end of the election process.

(ii) Minister will not summon any election related officer of the constituency or the State in which any elections have been announced, to a place or office or guest house inside or outside the aforesaid constituency for any official discussions during the period of elections commencing with the announcement of the elections from such constituency and ending with the completion of election process.

(iii) The only exception to these instructions will be when a Minister, in his capacity as in charge of the department concerned, or a Chief Minister undertakes an official visit to a constituency, or summons any election related officers of the constituency to a place outside the constituency, in connection with failure of law and order or occurrence of a natural calamity or any such emergency which requires personal presence of such Ministers/Chief Ministers for the specific purpose of supervision review/salvage/relief and other similar purposes. (See ECI instruction No. 437/6/96/PLN III – dated 17.01.96)

(3) It is clarified that the Ministers are entitled to use their official vehicles in their headquarters from their place of residence to their office for official work provided that such commuting is not combined with any electioneering or any...
political activity which would include a visit to party office even if it were enroute. No pilot car(s) or car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind making his presence conspicuous shall be used by any Minister during his/her electioneering visits, even if the State administration has granted him a security cover requiring presence of armed personnel to accompany him on such visit. (See EC instruction No. 437/6/96/PLN III – dated 17.01.96)

(4) During bye elections from any constituencies, either Parliamentary or Assemblies, the following restrictions will be applicable with regard to the tours of Ministers subject to exceptions mentioned above in para 2(iii) covering situations of grave emergency:-

(i) All Ministers, whether Central or State, shall not combine in any manner their official tours with election work after the announcement of the bye elections. They shall return to their headquarters on completion of their official tours. All and any visits to the district(s) where bye-election is being held and where Model Code of Conduct is, therefore, in force, have to be completely private in nature and such private visits should begin and end at the Minister’s headquarters.

(ii) In case where a Minister traveling on official work transits through the district(s) where the bye-election is being held en route to any other district on official visit, he/she shall not halt in the district(s) where Model Code of Conduct is in force and shall not attend to any political work.

(iii) No official of any rank of the district(s) where the bye-election is being held, shall be called to attend any meeting by any Minister in any district, that is to say, even in other districts where election is not being held.

(iv) Any official who meets the Minister on his private visit to the constituency where elections are being held shall be guilty of misconduct under the relevant service rules; and if he happens to be an official mentioned in Section 129 (1) of the Representation of People Act, 1951, he shall also be additionally considered to have violated the statutory provisions of that Section and liable to penal action provided thereunder.

(v) No pilot car(s) or car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind making his presence conspicuous shall be used by
any Minister during his/her private visit to the constituency where a bye election is under way even if the State administration has granted him a security cover requiring presence of armed guards to accompany him on such visit. (See ECI instruction No. 437/6/4/2003 – PLN III dated 12.06.03)

(5) The Commission further directs that the Chief Electoral Officer of the State who is entrusted with the task of monitoring of electoral activities in the State including the implementation of Model Code of Conduct shall be kept informed in advance by the District Election Officer of any visit proposed to be undertaken by any Minister of the State Govt. or any Central Minister to the district where bye-election is being held and the Chief Electoral Officer shall forthwith communicate the same to the Election Commission. (See ECI Instruction No. 437/6/4/2003 – PLN III dated 12.06.03)

3. Any violation of these instructions will be viewed as gross infringement not only of the Model code of Conduct but also of the authority of the Commission to promulgate such directions as it considers necessary to ensure peaceful, fair and free poll reflective of the true choice of the people, and will be visited with such action as considered appropriate by the Commission on the merits of the specific circumstances.
SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi- 110001


To

The Chief Electoral Officers
Rajasthan, Jaipur.

Subject: General Election to RJ Legislative Assembly, 2008-visit of political functionaries with security covers -regarding.

Sir,

I am directed to state that the Commission has considered the issue whether political functionaries of other states who are also provided with security covers should be permitted to visit Rajasthan with their security guards, pilot escorts etc for election campaigning. Your attention is invited to specific guidelines as prescribed in yellow Book as to number and type of security guards in entitlement of X, Y, Z or Z+ category. Further, the type of security cover to be given to a person is decided by both central and State Govt. after following due procedure.

The Commission has directed that the following instructions shall be observed in all cases - (other than Z' SPG proteoces for whom special guidelines exist)

1. Escort shall be provided as pre-existing security categorization. For this purpose security grading as on 15.10.2008 will be reckoned.

2. The visiting leaders will be permitted to come with their PSOs, as per their X, Y, and Z category entitlement.

3. No private security vehicle or security guards shall be permitted to come with visiting political functionaries.
IV. The visiting political functionaries shall give prior intimation at least three days before to CEO, MP and DEO/SP of the districts where visits for campaigning purposes are planned.

V. If the visiting political functionaries are star campaigners for whom advance intimation has been given by the concerned political party in pursuance of Explanation of the section 77 of the R.P.Act, 1951, the expenditure in this regard will be accounted for in that party's account. If not, the entire expenditure shall be accounted for in that candidate's election expenditure account for whom the campaigning is made. If, the numbers of candidates are more than one, their expenditure shall be apportioned equally among them.

VI. All such visits shall mandatorily be video-tracked.

Kindly acknowledge receipt. Also inform all political parties, candidates and Commission's observers already in field.

Yours faithfully,

(S.K. RUDOLA)
SECRETARY
INSTRUCTION SI. No.

Election Commission's Letter No.464/INF/2008/EPS Date: 7th January, 2009 addressed to The Chief Electoral Officers of all States and Union Territories.

Sub.- Feedback about "Dummy Candidates"-measures to be taken in this regard.

I am directed to say that the Election Commission has received feedback during recent elections that 'Dummy Candidates' are being set up by various political parties and candidates in order to hoodwink the ceiling on election expenditure and to further the interest of the party candidate.

There is no mention about "dummy candidate" in the electoral law. Any candidate who is validly nominated and chooses to remain in fray is a candidate and there can not be any distinction between "serious candidate" and "dummy candidate". But the fact remains that the practice of setting up of dummy candidates exists here and there. As per the feedbacks, the dummy candidates are normally set up for the following reasons:

1. The vehicle permission taken in the name of dummy candidate is actually used for the campaign of some other candidate in order to hoodwink the expenditure ceiling.

2. On the poll day, the vehicles permitted for the dummy candidate and his election agent and others are actually used for some other candidate.

3. The polling agents and counting agents of the dummy candidate actually function as the agents of the another candidate and thereby disturb the level playing field at the polling station on the poll day and in the counting center on the day of counting.

All the above amount to abuse of the legal provision of electoral law and the Commission's instructions and directions aimed at providing additional facilities to candidates to carry out their electoral campaign more effectively and affect the level playing field. A vigilant election machinery can always come to know about the so called "dummy candidate" within the first few days of the election/campaign process.
Whenever such information is received, the electoral administration should alert all the field functionaries, and a video recording of campaigning by such suspected dummy candidates should be done.

During a recent election, election officials while checking the campaign vehicles of a candidate found the campaign material of another candidate being carried in the vehicle. This gave a clear indication of the fact that the candidate actually was working as a dummy of other candidate. In such cases, evidence should be clearly collected by using video camera, recording of statements of witnesses, etc. After that a notice shall be issued to the candidate and simultaneously vehicles permitted for the campaign of such 'dummy candidate' and their actual use should be reviewed. In this process, the observer should also play a definite role. Once the misuse of vehicles is established, the review by RO may result in withdrawal of the campaign vehicles permitted for the campaign of concerned candidate for he may not be requiring those vehicles as he is not serious about his own candidature. Whenever such action is taken that should be given wide publicity so that the fact that the particular candidate was canvassing for another candidate is put on public domain. The RO shall keep this also in mind while giving permission of vehicles to be used by such dummy candidates on the poll day.

The law permits each candidate to have one polling agent and two relieving agents on the poll day. Appointment of polling agents by the dummy candidates should also be tracked, extra precautions should be taken by deploying micro observer and installing video camera etc., at the polling stations concerned. Likewise, a close watch should be kept on the activities of counting agents of such dummy candidates in the counting centers.

Apart from keeping an eye on the plying of vehicles given for the campaign purpose and on the poll day, immediate action under Section 171 H of Indian Penal Code shall also be initiated against those dummy candidates by filing cases under that Section. Increasing of expenditure in any manner without the authorization of the candidate is an offence under Section 171 H.

The RO/observer should issue notice to the candidate in whose favour the dummy candidate was found to be operating asking him to include the expenditure incurred by dummy candidate into his election expenditure. All these correspondences, notices etc. should be put in public domain so that the
aggrieved persons, can make use of these documents in case of election petition to prove the point of electoral offence/corrupt practice.

This instruction should be brought to the notice of all concerned. The DEOs/ROs should also make it clear in the meetings of political parties/candidates about this misuse and inform them about the follow up action which would be taken in this regard. This matter should be given wide publicity so that the public will become aware of this and feel encouraged to provide information in case of any candidate campaigning for another candidate.
To,
The Chief Electoral Officers of All States/UTs.

Sub: - General Elections to the Lok Sabha, 2009- visit of political functionaries with security covers - regarding

Sir,

I am directed to state that the Commission has considered the issue whether political functionaries of a state who are also provided with security covers should be permitted to visit another state with their security guards, pilot escorts etc for election campaigning. Your attention is invited to specific guidelines as prescribed in Yellow Book as to the number and type of security guards in entitlement of X, Y, Z or Z+ category. Further, the type of security cover to be given to a person is decided by both Central and State Govt. after following due procedure.

The Commission has directed that the following instructions shall be observed in all cases --(other than Z+,SPG protectees for whom special guidelines exist).

I. Escort shall be provided as per pre-existing security categorization. For this purpose security grading as on the date of announcement of elections will be reckoned.

II. The visiting leaders will be permitted to come with their PSOs, as per their X, Y, and Z category entitlement.

III. No private security vehicle or security guards shall be permitted to come with visiting political functionaries.

IV. The visiting political functionaries shall give prior intimation at least three days before to CEO, of the state and DEO/SP of the districts where visits for campaigning purposes are planned.

V. If the visiting political functionaries are ‘star campaigners’ sponsored by political parties in pursuance of Explanation of the section 77 of the R.P.Act, 1951, the expenditure in this regard will be accounted for in that party’s account. If not, the entire expenditure shall be accounted.
for in that candidate's election expenditure account for whom the campaigning is made. If, the numbers of candidates are more than one, their expenditure shall be apportioned equally among them.

VI. All such visits shall mandatorily be video-tracked.

Kindly acknowledge receipt.

Yours faithfully

(SUMIT MUKHERJEE)
ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/INT/2009/CC&BE

To:
The Chief Electoral Officer of
All States/Union Territories.

Sub: Use of vehicles for election campaign—bullet-proof vehicles provided for security reasons: clarification.

Sir/Madam,

Please refer to the Commission's letter No. 437/INT/2009/PLN-I, dated 24th October, 2007, on the above subject. In the said letter, it has been mentioned that in the case of persons provided with 2-plus security cover and allotted bullet-proof vehicle in view of security considerations, would be permitted to use such state owned bullet-proof vehicle during the period of operation of Model Code of Conduct. It has also been mentioned therein that the cost of propulsion of such bullet-proof vehicles will be borne by the Government.

The Commission has re-considered the above issue. On such re-consideration, the Commission has decided that while the political functionaries provided with bullet-proof vehicles on security considerations may continue to use the bullet-proof vehicle during the period of operation of Model Code of Conduct, the cost of propulsion of such vehicles should be borne by the person concerned when it is used for non-official purposes during such period. If the person is a leader of political party in terms of Explanation 1 and 2 under Section 77(1) of the Representation of the People Act, 1951, the expenditure on propulsion of the vehicle may be borne by the political party.
concerned for any journey referred to in the said Section-77(1). In no case, the
expenditure will be borne by the government in such cases.

These instructions may be brought to the notice of all election authorities and
other authorities concerned in the State and also to the notice of all political parties based
in your State including the State units of recognized political parties.

Yours faithfully,

(KAJAY KUMAR)
SECRETARY

Ccp:-
All recognized National and State political parties.
By Spl. Messenger/Camp Bag

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/INST/2008-CC&BE Dated: 9th April, 2009

To

1) The Cabinet Secretary
   Cabinet Secretariat
   Rashtrapati Bhawan, New Delhi.

2) The Chief Secretaries of
   All States and Union Territories

3) The Chief Electoral Officers of
   All States and Union Territories

Subject: Applicability of Model Code of Conduct - Use of Aircraft / Helicopter by Political Parties – regarding.

Sir/Madam,

I am directed to state that the Commission has already issued detailed instructions regarding use of Government aircraft / helicopter owned by the Government and Public Sector Undertakings. As per these existing instructions, during the election process there is a complete ban on use of aircraft by political functionaries including Chief Minister and Ministers. The only exemption is for the Prime Minister in office.

Requests have been received from some of the Chief Ministers for relaxation of these restrictions for various reasons including those of security.

The Commission reviewed the matter in depth and obtained further inputs from appropriate quarters in this regard. After taking into consideration all relevant factors into account, the Commission has decided that the existing instructions in the matter will stand and there shall be no relaxation in the matter for any reason.

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The Commission’s existing restrictions do not however prohibit use of private aircraft by such political functionaries including Chief Ministers. Accordingly the Commission makes it clear that such political functionaries including Chief Ministers may, if required, hire private aircrafts and use them for their political campaign and other election related activities.

Kindly acknowledge the receipt.

Yours faithfully

(K.N. BHAR)
UNDER SECRETARY
INSTRUCTION Sl. No. 110

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashok Road, New Delhi-110061

No. 4376/INST/2010-CC&BE Dated 5th October, 2010
To
The Chief Electoral Officers of all States and UTs

Subject: Prevention of misuse of vehicles during elections—regarding

Sir,

I am directed to refer to the Commission’s current instructions on the subject cited vide its letter No. 4376/INST/2008-CC&BE dated 28th March, 2009, wherein it was conveyed that the Commission had decided that there will be no restriction on the number of vehicles moving in a convoy during model code period.

During the conference of Chief Electoral Officers held in Srinagar in J&K in June 2010, there have been requests that the above decision may be reviewed and some kind of a restriction should be introduced on the number of vehicles moving in a convoy during the model code period. In the light of the discussions held at the said conference, the matter was reviewed by the Commission. The Commission has now decided that during the model code period, the vehicles of political parties and candidates moving in a convoy shall not have more than ten vehicles excluding the security vehicles, if any, provided to the candidates, leaders of political parties etc. in that convoy. The District Election Officer may take advance information from the organizers about the number of vehicles and their identity which are proposed to move in the convoy so as to ensure proper monitoring. This may be brought to the notice of all concerned for strict implementation.

Yours faithfully,

(K. AJAYA KUMAR)
SECRETARY
ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/INST/2011-CC&BE

Dated: 1st April, 2011.

To

1) The Cabinet Secretary
   Cabinet Secretariat
   Rashtrapati Bhawan, New Delhi.

2) The Chief Secretaries of
   All States and Union Territories

3) The Chief Electoral Officers of
   All States and Union Territories

Subject:- Model Code of Conduct- Tours of Chief Minister – regarding.

Sir,

In partial modification of the Commission’s instructions contained in Para (2) of its letter of even number dated 24th March, 2011, regarding the tours of Chief Ministers, the Commission has decided that during the Model Code period, one member of personal staff of Chief Minister of the State/Union Territory, who has been allowed to accompany him on personal/private tour should be a non-gazetted officer. Further, as already instructed, such personal staff shall not take part in any political activity or assist the Chief Minister in his political work.

The Commission has also decided that these instructions will be applicable also in the case of the Prime Minister/Union Cabinet Ministers.

This may be brought to the notice of all concerned.

Yours faithfully,

(DILIP K. VARMA)
UNDER SECRETARY
ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/INST/2011-CC&BE

Dated: 27th April, 2011.

To

1) The Cabinet Secretary
   Cabinet Secretariat
   Rashtrapati Bhawan, New Delhi.

2) The Chief Secretaries of
   All States and Union Territories

3) The Chief Electoral Officers of
   All States and Union Territories

Subject:- Model Code of Conduct- Tours of Chief Minister and Ministers of Union Govt.- regarding.

Sir/Madam,

In partial modification of Commission’s Instruction No.437/6/INST/2011-CC&BE, dated 01st April, 2011, the Commission has decided that the restriction regarding personal staff members who can accompany on personal/private tours shall not apply to the Prime Minister.

Yours faithfully,

(K. AJAYA KUMAR)
SECRETARY
ELECTION COMMISSION OF INDIA

To

The Chief Electoral Officers of
All the States & Union Territories.

Subject: Vehicle Permit for Office Bearers of Recognised Political Party -
Regarding.

Sir,

In continuation to the Commission’s Instruction No.464/INST/2011/EPS,
dated 28th March, 2011 on the subject cited, I am to state that the Commission has
allowed the following:

1. The District Election Officer may issue permit for one vehicle for
movement within the district. This vehicle would be in addition to the
vehicle already permitted earlier by the Commission to the recognized
political parties for distribution of publicity material to its candidates and
workers within the district.

2. The Chief Electoral Officer may issue permit for vehicles that can move
throughout the State. For States having more than one hundred assembly
constituencies, the Chief Electoral Officer can issue permit for maximum
five vehicles to a recognized political party. For remaining States and
Union Territories, the Chief Electoral Officer can issue permit for
maximum three vehicles to a recognized political party.

Please acknowledge receipt of the letter.

Yours faithfully,

(Sumit Mukherjee)
Secretary

Dated the 8th October, 2013.
ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2011/EPS

Dated: 28th March, 2011

To

The Chief Electoral Officers of
1. Assam, Dispur
2. West Bengal, Kolkata
3. Kerala, Thiruvananthapuram
4. Tamil Nadu, Chennai
5. Puducherry, Puducherry

Subject: General Elections to the Legislative Assembly to Assam, West Bengal, Kerala, Tamil Nadu and Puducherry - Request of Political Parties for vehicle permission for transporting publicity material - regarding.

Sir,

With reference to the subject cited and in partial modification of the Commission’s instruction of even no. dated 23rd March, 2011, I am directed to state that the Commission has reviewed the matter and has now decided that if any political party makes a request to the Chief Electoral Officer for grant of vehicle permission for distribution of their publicity material to their various party offices in the State, the Chief Electoral Officer may grant permission for one vehicle for a recognized political party (whether national party or state party). The concerned political party (the applicant) will have to specify the name of the District, the route map and the dates for which the vehicle will be required for the above purpose. For such vehicles, the Chief Electoral Officer shall issue permission, but he will ensure that such vehicles will also be subjected to normal checks and they will not be used for election campaigning. The expenditure on account of such vehicle is to be incurred by the political party concerned and not by the candidates.

Yours faithfully,

(SUMIT MUKHERJEE)