

राजस्थान सरकार
मंत्रिमण्डल सचिवालय

विषय:—विधानसभा निर्वाचन क्षेत्र 28—मण्डावा जिला झुंझुनू एवं 110—खीवसर जिला नागौर के उप चुनाव, 2019 आदर्श आचार संहिता—मंत्रियों के राजकीय विश्राम भवनों/होटलों में ठहरने एवं दौरे/सुरक्षा/वाहनों के दुरुपयोग बाबत।

संदर्भ:—अतिरिक्त मुख्य निर्वाचन अधिकारी, राजस्थान जयपुर के पत्रांक एफ. 8(1)(2)निर्वा/2019/9027 दिनांक 22.09.2019 पं.8(2)(1)निर्वा/2019/9064 दिनांक 23.09.2019.

उपरोक्त विषयान्तर्गत संदर्भित पत्रों की प्रतियां मय संलग्नकों के संलग्न कर लेख है कि राज्य के विधानसभा निर्वाचन क्षेत्र 28—मण्डावा, जिला झुंझुनू एवं 110—खीवसर जिला नागौर के उपचुनाव, 2019 कराये जाने हेतु भारत निर्वाचन आयोग द्वारा दिनांक 21.09.2019 को कार्यक्रम की घोषणा की जा चुकी है। इसके साथ ही आदर्श आचार संहिता प्रभाव में आ गयी है जो चुनाव प्रक्रिया समाप्ति दिनांक 27.10.2019 तक प्रभावी रहेगी।

अतः आदर्श आचार संहिता प्रभावी रहने के दौरान निर्वाचन आयोग द्वारा जारी दिशा-निर्देशों की पूर्ण पालना किये जाने की सुनिश्चितता हेतु माननीय मंत्री/राज्यमंत्री को अनुरोध करने का कष्ट करें।

संलग्न:—उपरोक्तानुसार।

(भवानी सिंह देथा)
शासन सचिव

विशिष्ट सहायक/निजी सचिव,
समस्त मा0 मंत्री/राज्यमंत्री,
राजस्थान सरकार।

क्रमांक पं.11(1)मं.म./2017,

जयपुर, दिनांक: 30/9/19

प्रतिलिपि निम्नांकित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:—

1. निजी सचिव, प्रमुख सचिव, मुख्यमंत्री, राजस्थान, जयपुर।
2. विशिष्ट सहायक, उप मुख्यमंत्री, राजस्थान, जयपुर।
3. वरिष्ठ उप सचिव, मुख्य सचिव, राजस्थान, जयपुर।
4. निजी सचिव, अतिरिक्त मुख्य सचिव, गृह विभाग, राजस्थान, जयपुर।
5. निजी सचिव, अतिरिक्त मुख्य सचिव, वित्त विभाग, राजस्थान, जयपुर।
6. निजी सचिव, प्रमुख शासन सचिव, कार्मिक विभाग, राजस्थान, जयपुर।
7. निजी सचिव, अतिरिक्त मुख्य निर्वाचन अधिकारी, राजस्थान, जयपुर।
8. निजी सचिव, शासन सचिव, मंत्रिमण्डल सचिवालय, राजस्थान, जयपुर।
9. प्रोग्रामर, सामान्य प्रशासन विभाग को वेबसाईट पर अपलोड करने बाबत।
10. रक्षित पत्रावली।

वरिष्ठ शासन उप सचिव

192
551
इ-मेक

कार्यालय मुख्य निर्वाचन अधिकारी, राजस्थान, जयपुर

जयपुर, दिनांक 22/9/19

क्रमांक:- एफ.8(2)(1)निर्वा/2019/9027

प्रेषक: मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

प्रेषित:

अतिरिक्त मुख्य सचिव/प्रमुख शासन
सचिव/शासन सचिव
वन एवं पर्यावरण विभाग/स्वायत्त शासन विभाग/
सामान्य प्रशासन विभाग/उद्योग विभाग/जल
संसाधन विभाग/सार्वजनिक निर्माण विभाग/सिंचाई
विभाग/उप निवेशक विभाग/उर्जा विभाग/पर्यटन
विभाग, राजस्थान, जयपुर
अध्यक्ष एवं प्रबन्ध निदेशक,
राजस्थान विद्युत प्रसारण/वितरण निगम लि.,
जयपुर।

प्रमुख शासन सचिव एवं
आवासीय आयुक्त, राजस्थान,
नई दिल्ली।
प्रबन्ध निदेशक
आर.टी.डी.सी., राजस्थान,
जयपुर।

मुख्य अभियन्ता
सिंचाई विभाग/सार्वजनिक
निर्माण विभाग, राजस्थान,
जयपुर

विषय:- विधानसभा निर्वाचन क्षेत्र 28-मण्डावा जिला झुन्झुनूं एवं 110-खीवसर जिला
नागौर के उप चुनाव, 2019-राजकीय विश्राम भवनों/होटलों में ठहरने के
सम्बन्ध में।

महोदय,

उपरोक्त विषयान्तर्गत निवेदन है कि भारत निर्वाचन आयोग द्वारा दिनांक 21.09.2019 को
राज्य के विधानसभा निर्वाचन क्षेत्र 28-मण्डावा जिला झुन्झुनूं एवं 110-खीवसर जिला नागौर के
कार्यक्रम की घोषणा की जा चुकी है। कार्यक्रम की घोषणा के साथ ही जिला झुन्झुनूं एवं नागौर में
आदर्श आचार संहिता प्रभाव में आ गई है।

भारत निर्वाचन आयोग के पत्रांक 437/2006-PLN-III-(Vol.III) दिनांक 01.04.2006 के द्वारा जारी
निर्देशों के अनुसार आदर्श आचार संहिता प्रभावी रहने के दौरान उक्त जिले में स्थित राजकीय
विभागों/उपक्रमों के विश्राम भवनों/होटलों/अतिथिगृहों/डाक बंगलों में केन्द्र या राज्य सरकार
के कोई मंत्री, सांसद, विधायक या राजनैतिक कार्यकर्ता नहीं रुक सकते हैं। निर्वाचन से संबंधित
अधिकारी अथवा पर्यवेक्षकों को उपभोग हेतु पूर्व से आवास उपलब्ध नहीं कराये गये हो तो उन्हें ऐसे
राजनैतिक व्यक्ति जिन्हें जेड़ स्केल या उससे ऊपर की सुरक्षा मिली हुई हो तो उनको ठहरने की
अनुमति दी जा सकती है।

अतः भारत निर्वाचन आयोग के उक्त पत्र की प्रति संलग्न कर निवेदन है कि जिला झुन्झुनूं
एवं नागौर में आदर्श आचार संहिता प्रभावी रहने के दौरान आयोग के निर्देशों की पालना सुनिश्चित
करावें।

संलग्न: उपरोक्तानुसार

भवदीया,

(डॉ० रेखा गुप्ता)

अतिरिक्त मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर

क्रमांक:- एफ.8(2)(1)निर्वा/2019/ 9027

जयपुर, दिनांक 22/09/2019

प्रतिलिपि निम्न को मय भारत निर्वाचन आयोग के उक्त निर्देशों की प्रति सहित सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है :-

1. जिला निर्वाचन अधिकारी, (कलक्टर) झुन्झुनूं एवं नागौर।
2. विधानसभा निर्वाचन क्षेत्र 28-मण्डावा के लिए रिटर्निंग ऑफिसर एस.डी.एम. मलसीसर जिला झुन्झुनूं एवं 110-खीवसर जिला नागौर के लिए रिटर्निंग ऑफिसर एस.डी.एम. खीवसर।
3. समस्त मान्यता प्राप्त राजनैतिक दल, राजस्थान।
4. राष्ट्रीय लोकतांत्रिक पार्टी, राजस्थान।

AV
22-9-19
विशेषाधिकारी, निर्वाचन विभाग,
राजस्थान, जयपुर

(99)

553

MOST IMMEDIATE

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/2006-PLN-III (Vol. II)

Dated: April 1, 2006

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^s 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

GOVERNMENT OF RAJASTHAN
(ELECTION DEPARTMENT)

196 555

404682
23.09.19

Sub. :- Bye Elections, 2019 - Assembly Constituencies of 28-Mandawa and 110-Khinwsar.

The Election Commission of India has announced the schedule for the Vidhan Sabha Bye Election for 28-Mandawa (district- Jhunjhunu) and 110-Khinwsar (district- Nagaur) Assembly Constituencies vide Press Note No. ^{EC/PV/84/2019} dated 21.09.2019. The schedule is as follows :-

Schedule for Elections

S. No.	Programme	Schedule
1.	Date of Issue of Gazette Notification	23.09.2019
2.	Last Date of Nomination	30.09.2019
3.	Date for Scrutiny of Nomination	01.10.2019
4.	Last Date of Withdrawal of candidatures	03.10.2019
5.	Date of Poll	21.10.2019
6.	Date of Counting	24.10.2019
7.	Date before which election shall be completed	27.10.2019

The Electronic Voting Machines and VVPATs will be used in the Bye-Elections. With the issue of Press Note, the Model Code of Conduct has come into force with immediate effect in the districts of Jhunjhunu and Nagaur.

The copies of the Model Code of Conduct and Commission's instruction's No 464/INST/2007-PLN-I dated 07.01.2007 , No. 437/6/2009-CC&BE dated 05.03.2009, No. 437/6/INST/2012/CC&BE dated 26.04.2012, No. 437/6/INST/2013/CC&BE dated 21.10.2013, No. 437/6/INST/2016/CCS dated 29.06.2017 and No. 437/6/1/ECI/INST/FUNCT/MCC/2017 dated 28.12.2017 are also enclosed herewith for strict compliance. Enclosures: - As above.

Anand Kumar
(Anand Kumar)
Chief Electoral Officer,
Rajasthan, Jaipur.

All Addl. Chief Secretaries/All Principal Secretaries/
All Secretaries/All Special Secretaries,
Government of Rajasthan, Jaipur

U.O. Note F3(1)(20)I/Elec./2019/ 9015
Jaipur, dated 21-09-2019

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23/9/19

556

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/84/2019

Dated: 21st September 2019

PRESS NOTE

Subject: Schedule for bye-elections to fill casual vacancy in the Parliamentary Constituency & State Legislative Assemblies of various States/UTs- Regarding.

There is one clear vacancy in the 23-Samastipur (SC) Parliamentary Constituency of Bihar & Sixty-Four vacancies in State Legislative Assemblies of various States/ UTs which needs to be filled up are as follows:

Sl. No.	State	Number & Name of Parliamentary Constituency
1.	Bihar	23- Samastipur (SC)

Sl.No.	Name of State	Number and Name of Assembly Constituency
1.	Arunachal Pradesh	56-Khonsa (West)(ST)
2.	Assam	1-Ratabari (SC)
3.	Assam	44-Jania
4.	Assam	74-Rangapara
5.	Assam	106-Sonari
6.	Bihar	54-Kishanganj
7.	Bihar	76-Simri Bakhtiarpur
8.	Bihar	109-Daraunda
9.	Bihar	158-Nathnagar
10.	Bihar	163-Belhar
11.	Chhattisgarh	87-Chitrakot (ST)
12.	Gujarat	8-Tharad
13.	Gujarat	20-Kheralu

198-557

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/84/2019

Dated: 21st September 2019

PRESS NOTE

Subject: Schedule for bye-elections to fill casual vacancy in the Parliamentary Constituency & State Legislative Assemblies of various States/UTs- Regarding.

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2.	Assam	1-Ratabari (SC)
3.	Assam	44-Jania
4.	Assam	74-Rangapara
5.	Assam	106-Sonari
6.	Bihar	54-Kishanganj
7.	Bihar	76-Simri Bakhtiarapur
8.	Bihar	109-Daraunda
9.	Bihar	158-Nathnagar
10.	Bihar	163-Belhar
11.	Chhattisgarh	87-Chitrakot (ST)
12.	Gujarat	8-Tharad
13.	Gujarat	20-Kheralu

558

43.	Punjab	39-Mukerian
44.	Punjab	68 - Dakha
45.	Punjab	79 - Jalalabad
46.	Rajasthan	28-Mandawa
47.	Rajasthan	110-Khinwsar
48.	Sikkim	10 - Poklok-Kamrang
49.	Sikkim	24 - Martam-Rumtek (BL)
50.	Sikkim	27 - Gangtok (BL)
51.	Tamil Nadu	75- Vikravandi
52.	Tamil Nadu	227-Nanguneri
53.	Telangana	89-Huzurnagar
54.	Uttar Pradesh	7-Gangoh
55.	Uttar Pradesh	37-Rampur
56.	Uttar Pradesh	77-Iglas (SC)
57.	Uttar Pradesh	175 -Lucknow Cantt.
58.	Uttar Pradesh	212-Govindnagar
59.	Uttar Pradesh	237-Manikpur
60.	Uttar Pradesh	248-Pratapgarh
61.	Uttar Pradesh	269-Zaidpur (SC)
62.	Uttar Pradesh	280-Jalalpur
63.	Uttar Pradesh	282-Balha (SC)
64.	Uttar Pradesh	354-Ghosi

After taking into consideration various factors like local festivals, electoral rolls, weather conditions etc., the Commission has decided to hold bye-elections to fill these vacancies as per the programme mentioned as under: -

559
200

43.	Punjab	39-Mukerian
44.	Punjab	68 - Dakhā
45.	Punjab	79 - Jalalabad
46.	Rajasthan	28-Mandawa
47.	Rajasthan	110-Khinwsar
48.	Sikkim	10 - Poklok-Kamrang
49.	Sikkim	24 - Martam-Rumtek (BL)
50.	Sikkim	27 - Gangtok (BL)
51.	Tamil Nadu	75- Vikravandi
52.	Tamil Nadu	227-Nanguneri
53.	Telangana	89-Huzurnagar
54.	Uttar Pradesh	7-Gangoh
55.	Uttar Pradesh	37-Rampur
56.	Uttar Pradesh	77-Iglas (SC)
57.	Uttar Pradesh	175 -Lucknow Cantt.
58.	Uttar Pradesh	212-Govindnagar
59.	Uttar Pradesh	237-Manikpur
60.	Uttar Pradesh	248-Pratapgarh
61.	Uttar Pradesh	269-Zaidpur (SC)
62.	Uttar Pradesh	280-Jalalpur
63.	Uttar Pradesh	282-Balha (SC)
64.	Uttar Pradesh	354-Ghosi

After taking into consideration various factors like local festivals, electoral rolls, weather conditions etc., the Commission has decided to hold bye-elections to fill these vacancies as per the programme mentioned as under: -

560

Poll Events	Schedule
Date of Issue of Gazette Notification	23.09.2019 (MONDAY)
Last Date of Nominations	30.09.2019 (MONDAY)
Date for Scrutiny of Nominations	01.10.2019 (TUESDAY)
Last Date for Withdrawal of candidatures	03.10.2019 (THURSDAY)
Date of Poll	21.10.2019 (MONDAY)
Date of Counting	24.10.2019 (THURSDAY)
Date before which election shall be completed	27.10.2019 (SUNDAY)

2. ELECTORAL ROLL

The Electoral Rolls for the aforesaid Parliamentary & Assembly Constituencies w.r.t 01.01.2019 as the qualifying date has been finally published.

3. ELECTRONIC VOTING MACHINES (EVMs) and VVPATs

The Commission has decided to use EVMs and VVPATs in the bye-election in all the polling stations. Adequate numbers of EVMs and VVPATs have been made available and all steps have been taken to ensure that the polls are conducted smoothly with the help of these machines.

4. IDENTIFICATION OF VOTERS

In consonance with the past practice, the Commission has decided that the voter's identification shall be mandatory in the aforementioned election at the time of poll. Electoral Photo Identity cards (EPIC) shall be the main document of identification of a voter. However, in order to ensure that no voter is deprived of his/her franchise, if his/her name figures in the electoral rolls, separate instructions will be issued to allow additional documents for identification of voters at the time of poll in the said election.

5. MODEL CODE OF CONDUCT

The Model code of conduct shall come into force with immediate effect

567
202

in the district(s) in which the whole or any part of the Parliamentary & Assembly constituency going for election is included, subject to partial modification as issued vide Commission's instruction No. 437/6/1NST/2016-CCS, dated 29th June, 2017 (available on the commission's website). The Model code of conduct shall be applicable to all candidates, political parties and the state Government concerned. The Model code of conduct shall also be applicable to the Union Government for the district of the State concerned.

All the instructions issued for General Elections to Legislative Assemblies of Haryana & Maharashtra shall also be applicable to the aforementioned Bye-elections.

Sd/-

(SUMIT MUKHERJEE)
PRINCIPAL SECRETARY

कार्यालय मुख्य निर्वाचन अधिकारी, राजस्थान, जयपुर

विषय : विधानसभा निर्वाचन क्षेत्र 28-मण्डावा जिला झुन्झुनूं एवं 110-खीवसर जिला नागौर के उप चुनाव, 2019 - आदर्श आचार संहिता-मंत्रियों के दौरे/सुरक्षा/वाहनों के दुरुपयोग बाबत।

प्रसंग : भारत निर्वाचन आयोग के पत्रांक 4/2001/J.S.II दिनांक 30.03.2001, 437/6/2004-PLN III दिनांक 30.12.2004, 464/INST/2007-PLN-I दिनांक 08.01.2007, 434/6/2007-PLN-III दिनांक 23.11.2007, 464/INST/2008/ PLN-I/ दिनांक 27.02.2008, 464/INST/2009/EPS दिनांक 08.02.2009, 437/6/2009-CC&BE दिनांक 05.03.2009, 437/INST/2009/CC&BE दिनांक 25.03.2009, 434/6/INST/2008-CC&BE दिनांक 21.04.2009, 437/6/INST/2010-CC&BE दिनांक 05.10.2010, 437/6/INST/2011-CC&BE दिनांक 01.04.2011, 464/INST/2014/EPS दिनांक 10.04.2014, 464/INST/2015-EPS दिनांक 30.09.2015,

विधानसभा निर्वाचन क्षेत्र 28-मण्डावा एवं 110-खीवसर के उप चुनाव, 2019 कराए जाने हेतु भारत निर्वाचन आयोग द्वारा कार्यक्रम की घोषणा दिनांक 21.09.2019 को की जा चुकी है। इसके साथ ही आदर्श आचार संहिता प्रभाव में आ गयी है जो चुनाव प्रक्रिया समाप्ति दिनांक 27.10.2019 तक जारी रहेगी।

आदर्श आचार संहिता प्रभावी रहने के दौरान मंत्रियों के दौरे, उनकी सुरक्षा, वाहनों का दुरुपयोग एवं आदर्श आचार संहिता के प्रावधानों के संबंध में भारत निर्वाचन आयोग द्वारा प्रासंगिक पत्रों के द्वारा दिशानिर्देश जारी किए हैं, जिनकी छायाप्रतियाँ पत्र के साथ आपको प्रेषित की जा रही हैं। कृपया आदर्श आचार संहिता प्रभाव में रहने के दौरान आयोग के इन दिशानिर्देशों की पालना सुनिश्चित करावें।

इन निर्देशों की 50 अतिरिक्त प्रतियाँ भी प्रेषित की जा रही है, जिनकी एक-एक प्रति मंत्रीगणों/राज्य मंत्रीगणों/संसदीय सचिवों एवं अन्य संबंधितों को उपलब्ध करायी जाकर आचार संहिता प्रभावी रहने के दौरान आयोग के निर्देशों की पालना सुनिश्चित करावें।

संलग्न: उपरोक्तानुसार

प्रमुख शासन सचिव
मंत्रीमण्डलीय सचिवालय,
राजस्थान सरकार, जयपुर।

Sr. DS Cab-

(डॉ० रेखा गुप्ता)
अतिरिक्त मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

अ.शा. टीप क्रमांक:प.8(2)(1)निर्वा/2019/9064
जयपुर दिनांक: 23-09-2019

ITEM NO. 91

Election Commission's letter No. 4/2001/J.S.II dated 30.03.2001, addressed the Chief Electoral Officers of all States and Union Territories.

Subject: Prevention of misuse of official vehicles during elections - Clarification

I am directed to invite your attention to the Commission's Order No. 437/6/96/PLN-III. dated 15th January, 1996 on the above subject, reproduced at p.p. 171 -173 of the Commission's Compendium of Instructions. 1998.

2. The Commission had directed in the above Order that the restrictions on the use of official vehicles for campaigning, electioneering or election related travel are applicable in the case of the Speaker, the Deputy Speaker of Lok Sabha and the Deputy Chairman of Rajya Sabha at the time of General Elections to the Lok Sabha.

3. In Order to ensure free and fair poll and maintain the purity of election process, the Commission has directed that the restrictions on the use of official vehicles for campaigning, electioneering or election related travel as enumerated in the Commission's Order dated 15th January, 1996 will be equally applicable in the case of Speaker and Deputy Speaker of the State Legislative Assembly at the time of General Election to any State Assembly irrespective of whether the Speaker and/or the Deputy Speaker of the Legislative Assembly is a contesting candidate or not at the General Election to the State Assembly.

4. This should be brought to the notice of all concerned including the units of all recognized National and State Parties in your State.

5. This disposes of Message No. 2243/2001 -1, dated 16th March, 2001 from Chief Electoral Officer, Tamil Nadu.

6. The receipt of this letter may kindly be acknowledged immediately.

160

73

ITEM NO. 31

Election Commission's letter No. 437/6/2004-PLN III, dated 30.12.2004 addressed to the Cabinet Secretary, Govt. of India, the Chief Secretaries to the Governments of All States & Union Territories and the Chief Electoral Officers of All States & Union Territories

Subject: - Model Code of Conduct-Ban on Video Conferencing- Regarding

I am directed to refer to Commission's letter no. 437/6/96/PLN-III dated 17th January, 1996 (Copy Enclosed) and to state that the Commission has considered the issue of video conferencing after the announcement of elections between the Chief Minister of the States, Ministers and other political functionaries of the Union and State Governments and the officials and decided that no video conferencing should take place between the Chief Ministers of the States, Ministers and other political functionaries of the Union and State Governments and the officials individually or collectively, after the announcement of elections and from the date from which Model Code of Conduct comes into force in a state or the constituency.

The receipt of the letter may kindly be acknowledged.

37

Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi 110001

No. 464/INST/2007-PLN-I

Dated: 8th January, 2007

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 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 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 kalyan 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



16
36
103

INSTRUCTION SI. 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

- Reference :-
1. Commission's Letter No. 437/6/96/PLN-III dated 17.01.1996
 2. Commission's Letter No 437/6/99-PLN-III dated 15.07.1999
 3. Commission's Letter No 437/6/4/2003-PLN-III dated 12.06.2003

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
- 202

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 ECI 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

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59
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.

