

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

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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 इन्हें 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।


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

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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)

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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/PU/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)/Elec./2019/ 9015
Jaipur, dated 21-09-2019

AS-5
23/9/19

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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

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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 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

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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: -

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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: -

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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

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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.

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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.

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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



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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
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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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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.

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ELECTION COMMISSION OF INDIA

Nirvaahan Sadan, Ashoka Road, New Delhi-110001

No 464/INST/2008/PLN- 1/

Dated : 27th February, 2008.

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. 464INST/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/ 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

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G.E-2009
By Fax/Speed Post

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

SUMIT MUKHERJEE
UNDER SECRETARY

Tel No. 23717590
Fax No. 23717590

No. 464/INST/2009/EPS

Dated: 8th February, 2009

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,

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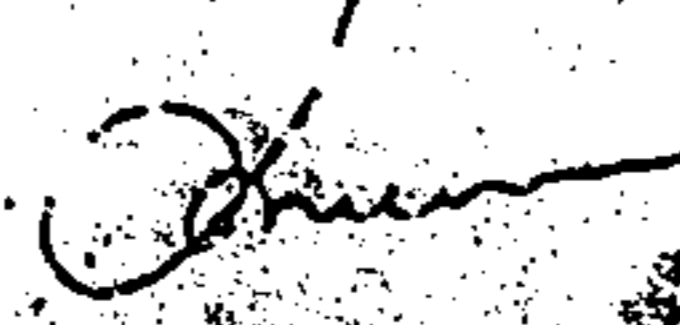
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for in that candidate's election expenditure account for whom the campaigning is made. If, the numbers of candidates are more than one, their expenditure shall be apportioned equally among them.

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

Kindly acknowledge receipt.

Yours faithfully



(SUMIT MUKHERJEE)



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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/2009-CC&BE

Dated: 5th 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

Sub: **General Elections – Enforcement of the Model Code of Conduct - reg.**

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 the 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.

- b. Administrative, technical and financial sanctions have been obtained
- c. 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 tailing 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.

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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 affected 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.

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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 vendes 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 concern authorities.

Yours faithfully,

(K. AJAY KUMAR)
SECRETARY

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

No.437/INST/2009/CC&BE

Date:25th March, 2009.

To
The Chief Electoral Officers 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.437/6/2007/PLN-III, dated 24th October, 2007 on the above subject. In the said letter, it has been mentioned that in the case of persons provided with Z-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 Explanations 1 and 2 under Section-77(I) 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(I). In no case, the expenditure will be borne by the government in such cases.

These instructions may be brought to the notice of the 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,

(K.AJAY KUMAR)
SECRETARY

Copy to :-All recognized National and State political parties.



ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/INST/2008-CC&BE

Dated: 21st April, 2009

To

- 2) 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 Chairmen and Members of Commissions like the National Commission for Scheduled Castes, etc - regarding.

Sir,

I am directed to state that on a reference from the National Commission for Scheduled Castes, this Commission had issued instructions on the subject vide its letter No. 437/6/2007-PLN-III (Vol. V) dated 3.12.2007 (copy enclosed). There has been subsequent reference from the National Economically Backward Classes Commission on the subject. The Election Commission has considered the issue raised by that Commission. Taking into account all aspects of the matter, the Commission has now decided to issue the following instructions in the matter, which will be applicable to Chairmen and Members of various Commissions like the National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Minorities, National Commission for Backward Classes, National Commission for Economically Backward Classes, etc, during the elections.

2. The Election Commission is aware of the fact that the various Commissions like, the National Commission for Scheduled Castes/Scheduled Tribes, National Economically Backward Classes Commission, National

Commission for Minorities etc. are entrusted with certain responsibilities connected with the welfare of the respective communities. In this context, the Commission would like to stress that during enforcement of the Model Code of Conduct, unless it becomes unavoidable in an emergent situation, the official visits of the Members of the said Commissions to the States going to polls may be deferred. In case of any emergency which calls for an immediate field visit and review by the Members of the Commissions mentioned above which cannot be avoided or deferred in public interest, a programme for their visit can be made under intimation to the Chief Electoral Officer of the State concerned. However, the Secretary of the said Commissions must take enough precaution that the visit is kept totally official and no political activity is undertaken by the Chairmen/Members during their visit. In such a situation, the Secretary of the Commissions should furnish a certificate to the Commission to the above effect before the visit is undertaken. A copy of the said certificate shall also be endorsed to the Chief Secretary as well as the Chief Electoral Officer of the State/UT where the visit is being undertaken.

3. It is further clarified that, during such visits, the Chairmen/Members should not meet any Ministers/Politicians and they should also not hold public hearings or meet the public. Their meetings etc should be only with the Government officials.

4. The above instructions would be applicable *mutatis mutandis* to similar Commissions established by the State Governments.

5. This may be brought to the notice of all concerned Ministries/Departments/ Commissions like National Commission for Scheduled Castes/Scheduled Tribes, National Economically Backward Classes Commission, National Commission for Backward Classes, National Commission for Minorities etc. immediately.

Yours faithfully,

(K. N. BHAR)
UNDER SECRETARY

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By Spl. Messenger/By Speed Post

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

INSTRUCTION SL. NO. 74

ECI letter No.437/6/INST/2011-CC&BE dated 27th April, 2011 addressed to the Cabinet Secretary, New Delhi, Chief Secretaries of all States and UTs and Chief Electoral Officers of all States and UTs

Subject:- Tours of Chief Ministers and Ministers of Union govt.- reg

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.

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA.
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

वेबसाइट / Website: www.eci.nic.in ई-मेल/E-mail: kakumar@eci.gov.in फोन/Phone: 011-23710221 फेक्स / FAX: 011-2371

No. 437/6/1/INST/2013-CC&BE

Dated: 13th November, 2013

To

The Chief Electoral Officers of:-

1. Chhattisgarh, Raipur;
2. Rajasthan, Jaipur;
3. Madhya Pradesh, Bhopal
4. Mizoram, Aizawl;
5. NCT of Delhi, Delhi.

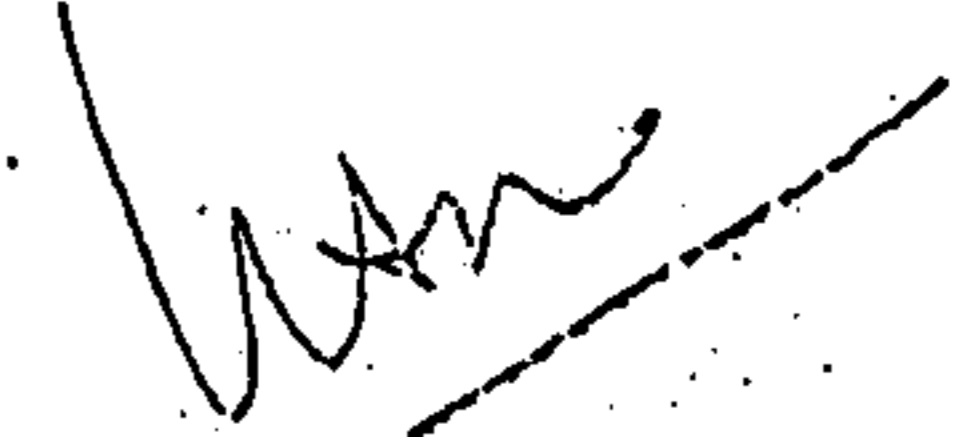
Subject: - General Election to the State Legislative Assemblies, 2013-Application of Model Code of Conduct- Display of names of MPS etc. under MPLAD Scheme on water tankers etc. - regarding.

Sir,

I am directed to say that Commission has been receiving complaints that names of MPs/MLAs painted on mobile objects like water tanks, ambulances etc. funded under MPLAD schemes are moving on various places in election going States. The Commission has considered the matter and has directed that the names of MPs/MLAs etc. appearing on such moving vehicles etc. should be covered suitably during the election period as such vehicles moving from one place to another may be considered as a form of election campaign in favour of the MP/MLA etc. concerned.

This shall be brought to the notice of all concerned for compliance.

Yours faithfully,



(K. AJAYA KUMAR)
PRINCIPAL SECRETARY

Copy to Chief Electoral Officers of all other States/Union Territories.

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No.464/INST/2014/EPS

Dated: 10th April, 2014

To

The Chief Electoral Officers
of all States / Union Territories.

Sub: General Election to the Lok Sabha, 2014 – Consolidated Instructions on use of vehicles during elections - regarding.

Sir/Madam,

With a view to ensuring level playing field for all candidates and other stake holders and further to check the vitiating role of money and misuse of official machinery, the Commission has issued in the past a number of instructions on the above cited subject. For sake of clarity and easy reference, the same have been consolidated and are being re-issued for compliance and guidance during all General/Bye elections to the Lok Sabha/State Legislative Assemblies and all Biennial/Bye elections from Graduates' and Teachers' constituencies of Legislative Councils.

Period of applicability-

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

Meaning of 'official vehicle' °

3. The expression 'official vehicle' 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, e-rickshaws, buses, belonging to the (i) Central Government, (ii) State Governments/UT Administrations, (iii) Public Undertakings of the Central and State Governments, (iv) Joint Sector Undertakings of Central and State Governments, (v) Local Bodies, (vi) Municipal Corporations, (vii) Municipalities, (viii) Marketing Boards (by whatever name known), (ix) Cooperative Societies, (x) Autonomous District Councils or any other body in which public funds, howsoever small a portion of the total, are invested and also include those belonging to the Ministry of Defence and the Central Public Organisations under the Ministry of Home Affairs and State Governments.

Directions of ECI

4. The Commission directs that, subject to exceptions mentioned herein, 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, aircrafts, (except as regulated by the Commission's order on the subject) cars, jeeps, automobiles, boats, hovercrafts, etc., belonging to the (i) Central Government, (ii) State Government/UT Administration (iii) Public undertakings of the Central and State Governments, (iv) Joint sector undertakings of the Central and State Governments, (v) Local bodies, (vi) Marketing Boards, (vii) Co-operative Societies, (viii)

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Autonomous District Councils or any other body in which public funds, howsoever small 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 (except officials performing any election related official duty).

5. The Commission further directs that the District Administration shall keep a close watch to find out if any official vehicle belonging to any authority specified in the preceding Para is being used for electioneering purposes. In case it is so, the District Magistrate shall, forthwith, requisition or cause to be requisitioned such vehicles, after following due procedure, for election work, under Section 160 of the Representation of the People Act, 1951 and such requisitioned vehicles shall not be released until after the completion of the process of elections.

Clarifications

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/the Secretary to the Government of India in the concerned Department, as the case may be, will be personally responsible for any misuse of any vehicle under Ministry/Department or of any of the public sector or joint sector undertakings or Autonomous Bodies or attached offices under that Ministry/Department. The officers under whose charge such vehicles are entrusted will also be equally responsible for any violation.

7. It is further clarified that 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 basis, for campaigning or on tours connected with elections but with the alleged and bogusly certified purpose of official work in their capacity as Ministers is totally prohibited.

Exception

8. 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 the Parliament or the State Legislature in this behalf.

9. The above restrictions shall also not apply in the case of the 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. However, it is further clarified that in the case of Speaker and 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 but not during LA election. It is also clarified again that such exceptions shall not be made in respect of any Ministers of the Union or any State Government.

10.(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

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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.

10.(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.

Restriction on convoy of vehicles

11. The Commission further directs that cars/vehicles shall, under no circumstances, be allowed to move in convoys of more than ten vehicles, excluding the security vehicles. All bigger convoys exceeding 10 (ten) vehicles 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.

12. 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.

During Filing of Nominations:

13. 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.

Use of vehicles for electioneering purpose

14. There is no limit on vehicles, which a candidate may use for electioneering purposes.

15. But before the campaigning commences, he/shall have to furnish the details of such vehicles and the areas in which they would be used for campaign purposes, to the District Election Officer or such other officer(s) as may be specifically authorised by the District Election Officer in this behalf, who after necessary scrutiny would issue a permit. The original copy (not the photo copy) of permit should be displayed on the wind screen of the vehicle. Needless to mention that the permit should be of such dimension, that it can easily be seen from a distance. Permit must contain the number of the vehicle, date of issue of permit, name of candidate and the area (where it shall be used for campaigning).

16. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidate or his/her agent and permits obtained for the same, before the actual deployment of the vehicles.

17. The details so obtained should be conveyed by District Election Officer to the Election Expenditure Observers so that they can check that the expenditure in this regard is correctly included in the expenditure account of the candidate.

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18. Any vehicle used for campaigning without due authorization/permit by the aforesaid officers, shall be deemed to be unauthorisedly 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.

19. 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.

20. For availing the benefit of clause (a) of explanation (1) given under Sec. 77 (1) of R. P. Act, 1951 by the leaders of the political parties, i.e., star campaigners, the permission for the mode of road transport 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 star campaigner concerned and shall need to be displayed 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 other campaign vehicles of candidates.

21. On receipt of a request from a recognized political party, the DEO would issue permit for one vehicle to be used by the district level office bearer of a recognized party (other than the star campaigner) for their visit to multiple ACs within the district for electioneering purposes. The permit should be issued indicating the number of the vehicle, the name of political leader and the period for which issued and should be of different colour so that it can easily be identified. An attested copy shall be pasted on wind screen and original be kept with the driver for checking by police or other authorities. The expenditure in this regard shall be booked against the political party and not the candidates.

22. The CEO may issue permits for vehicles that can move throughout the State for use of officer bearers of recognized political parties for electioneering purposes only. For the States having more than 100 Assembly Constituencies, the CEO may issue permits for a maximum of five vehicles and for remaining States/UTs, for a maximum of three vehicles to a recognised political party. The expenditure on these vehicles shall be incurred by the political party and not by the candidate.

23. If any political party makes a request to the Chief Electoral Officer for grant of vehicle permission for distribution of 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 (National/State). However, the concerned political party (the applicant) will have to specify the names of the Districts, the route map and the dates for which the vehicle will be required for the above purpose. For such vehicles, the CEO may issue permission, but 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 shall be incurred by the political party and not by the candidate.

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24. 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 (copies enclosed).

Clarification

25. 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.

Use of vehicles on poll day

26. Section 123(5) of the Representation of the People Act, 1951 provides that the hiring or procuring or use of vehicles by a candidate/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' and it is also an electoral offence punishable under section 133, with fine which may extend to five hundred rupees.

27. With a view to placing effective curbs on this practice, the Commission issues the following directions:

(A) 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 in the Parliamentary 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.

(B) 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.

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Clarification

28. 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) taxis, 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. However, the candidate or his election agent may be accompanied in his car by other persons subject to 5 including driver.

29. The permits for the vehicles indicated above will be issued by the District Magistrate/ Returning Officer. The candidates must furnish particulars of their vehicle to be used on poll day to DEO/RO concerned and shall display the permits issued 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.

Meaning of vehicle

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

31. 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.

Exception

32. 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 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;

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- (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;
 - (g) Vehicles being used by the Govt. officers on duty to reach their duty point.

33. During the period of electioneering, with a view to checking misuse of private vehicles by the candidates/ their agents and party leaders and/or party supporters for carting anti-social elements so as to instill a sense of fear in the minds of the electorate and/or to smuggle illicit arms and ammunition etc. with a view to creating disturbances during elections, 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.

Please inform all concerned and ensure compliance.

Yours faithfully,


(SUMIT MUKHERJEE)
SECRETARY

E mail :- smukherjee@eci.gov.in

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भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

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निर्वाचन सदन,
अशोक रोड, नई दिल्ली-11
Nirvachan Sadan,
Ashoka Road, New Delhi-11

No.464/INST/2015-EP5

Dated 30th September, 2015

To

The Chief Electoral Officer of
All the States / Union Territories.

Subject:

Use of Vehicles by Recognised Political Parties (National / State) During Elections
-- Regarding.

Madam / Sir,

Please refer to the Commission's consolidated instruction No.464/INST/2014/EP5, dated 10th April, 2014 regarding use of vehicles during elections. The Commission has received requests from various political parties to increase the number of permissible vehicle for distribution of publicity material as they felt that one vehicle is not sufficient to cover the bigger States. After considering the matter, the Commission has decided to modify the para 23 of the above referred consolidated instructions on use of vehicles during elections as under:

"23. If any recognised political party (National / State) makes a request to the Chief Electoral Officer for grant of vehicle permission for distribution of publicity material to their various party offices in the State, the Chief Electoral Officer may grant permission for one vehicle, for State having less than 100 assembly constituencies and upto three vehicles, for State having 100 or more assembly constituencies. However, the concerned political party (the applicant) will have to specify the names of the districts, the route map and the dates for which the vehicle will be required for the above purpose. For such vehicles, the CEO may issue permission, but ensure that such vehicles will also be subjected to normal checks and those will not be used for election campaigning. The expenditure on account of such vehicle shall be incurred by the political party and not by the candidate."

Please acknowledge receipt of the letter.

Yours faithfully,

(Sumit Mukherjee)
Secretary

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