

No. 4/5/2024-1ELECTION
HARYANA GOVERNMENT
Chief Secretary's Office
Election Branch

Dated, Chandigarh the 19th January, 2024

To

1. Chief Secretary to Government Haryana (in Services-II Branch),
2. All the Administrative Secretaries to Government Haryana,
3. All the Heads of Department in Haryana,
4. All the Managing Director of Boards/Corporations in Haryana,
5. All the Divisional Commissioner's in Haryana,
6. All the Deputy Commissioner's-cum-District Electoral Officers in Haryana,
7. All the Superintendent's of Police in Haryana,
8. All the Vice Chancellor's of the Universities in the Haryana.

Subject:- Model Code of Conduct Instruction-Tour of Ministers during Election period-Regarding.

Sir,

I am directed to refer to letter No. 437/6/INST/ECI/FUNCT/MCC/2024(BYE ELECTIONS)/580, dated 02nd January, 2024, received from Sh. Narendra N. Butolia, Sr. Principal Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi and forward the same for necessary action with the request that these instructions may be brought to notice of all concerned for information and strict compliance.

Yours faithfully

Patel
19/1/24

Superintendent Election,

Endst. No. 4/5/2024-1Election

Dated, Chandigarh the 19th January, 2024

A copy is forwarded to Sh. Narendra N. Butolia, Sr. Principal Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi w.r.t. their letter No 437/6/INST/ECI/FUNCT/MCC/2024(Tour of Ministers)/580, dated 02nd January, 2024, for information.

Patel
19/1/24

Superintendent Election,

Endst. No. 4/5/2024-1Election

Dated, Chandigarh the 19th January, 2024

A copy of letter No 437/6/INST/ECI/FUNCT/MCC/2024(Tour of Ministers)/580, dated 02nd January, 2024, is forwarded to the Chief Electoral Officer, Haryana, 30-Bays Building, Sector-17, Chandigarh, for information and necessary action.


19/1/24
Superintendent Election,

Endst. No. 4/5/2024-1Election

Dated, Chandigarh the 19th January, 2024

A copy is forwarded to all the Sr. Spl. Secy./ Sr. Secy. / Secy. / PS to Chief Minister/Ministers/ State Ministers with the request that these instruction may be brought to the notice of Chief Minister / Ministers/State Ministers.


19/1/24
Superintendent Election,

To

Sr. Spl. Secy./ Sr. Secy./ Secy./ PS to Chief Minister / Ministers/ State Ministers.

U.O. No. 4/5/2024-1Election

Dated Chandigarh the -January,2024



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

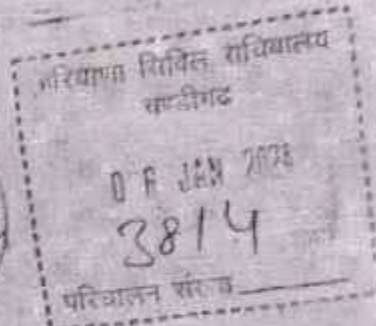
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/INST/ECI/FUNCT/MCC/2024 (Tour of Ministers) /580

Dated: 2nd January, 2024

To,

- (i) The Chief Secretaries
of all States and Union Territories;
- (ii) The Chief Electoral Officers
of all States and Union Territories;
- (iii) President/Chairperson/General Secretaries
of all recognized National and State Political Parties.



Subject: -Model Code of Conduct – Instruction- Tour of Ministers during Election period – Regarding.

Reference: Commission's instructions:

- (i) No. 437/6/96/PLN-III/, dated 17.01.1996
- (ii) No. 437/6/2007-PLN-III, dated 23.11.2007
- (iii) No. 437/6/INST/2010-CC&BE, dated 07.06.2010
- (iv) No. 437/6/INST/2011-CC&BE, dated 24.03.2011
- (v) No. 437/6/INST/2011-CC&BE, dated 01.04.2011
- (vi) No. 437/6/INST/2010-CC&BE/Vol.II, dated 05.04.2011
- (vii) No. 437/INST/2009/CC&BE, dated 25.03.2009
- (viii) No. 437/6/INST/2011-CC&BE, dated 27.04.2011
- (ix) No. 437/6/CG/2014-CC&BE, dated 07.10.2014
- (x) No. 437/6/MISC/2015-CC, dated 19.06.2015
- (xi) No. 437/6/GUJ/98-PLN-III, dated 16.01.1998
- (xii) No. 437/6/INST/2008-CC&BE, dated 21.04.2009
- (xiii) No. 437/6/CG/LA-Multi/ECI/LET/FUNCT/MCC/2018, dated 22.11.2018
- (xiv) No. 437/6/ECI/INST/FUNCT/MCC/2021, dated 14.03.2021
- (xv) No. 437/6/INST/2009-CC&BE dated 25.10.2009
- (xvi) No. 437/INST/2009/CC&BE, dated 25.03.2009, and
- (xvii) No. 437/6/2007/PLN.III, dated: 24.10.2007

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Madam/Sir,

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

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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. The Commission's instructions in this regard in suppression of all the instructions issued vide letters listed above have been consolidated below for the sake of convenience:-

I. Tours of Ministers

- (1) No minister of Central or 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 up to end of the election process.
- (2) 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.
- (3) 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.
- (4) If a Minister of the Union is traveling from his/her headquarters to a poll bound state/district on purely official business, which cannot be avoided in public interest, then a letter certifying to this effect should be sent from the Secretary of the department/ministry concerned of the Government of India, to the Chief Secretary of the state which the Minister intends to visit, with a copy to the Commission. On receipt of such information from the Secretary that the Union Minister is proposing a purely official visit and no political activity of any kind is envisaged during such tour, the Chief Secretary may provide the Union Minister with a Government vehicle and accommodation and extend other usual courtesies for his official trip. While doing so, the Chief Electoral Officer of the State, who is entrusted with the task of monitoring of electoral activity in

the State, including the implementation of the Model Code of Conduct, shall be alerted in advance by the Chief Secretary. The Commission will keep watch on such arrangements in consultation with its Chief Electoral Officer. It is hoped that the Union Ministers will avoid making official visits to their home States, Constituency state and particularly to the constituencies from where they are contesting elections while it is open for them to make private visits.

- (5) 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.
- (6) During bye elections from any constituencies, either Parliamentary or Assemblies, the following restrictions will be applicable with regard to the tours of Ministers:-
- (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

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People Act, 1951, he shall also be additionally considered to have violated the provisions of that Section and liable to penal action provided thereunder.

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

(7) 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 communicate the same to the Election Commission.

(8) During the Model Code period, one member of personal staff (**non-gazetted officer**) of the Chief Ministers of States/Union Territories may be allowed to accompany them on personal/private tour. However, such personal staff shall not take part in any political activity or assist the Chief Minister in his political work. These instructions will be applicable also in the case of the Union Cabinet Ministers except Prime Minister.

(9) During such visit, all Ministers both Union and State and all other leaders of political parties will be allowed security as per the threat perceptions assessed by official agencies and other professional agencies. The expenditure on the bullet proof cars and all other cars used by these individuals will be borne by the individuals concerned/political party concerned. However, expenditure on the security staff will be borne by the State Government/UT Administration concerned.

II. **Tours of Prime Minister for Election Campaign**

(1) The restriction regarding personal staff members who can accompany on personal/private tours shall not apply to the Prime Minister.

(2) The Prime Minister has been exempted from the operation of the model code of conduct provision pertaining to the combining of official visit with electioneering visit.

(3) In regard to the construction of helipad during election tours of the Prime Minister, the State Administrations can be requested to undertake construction of helipads. However, the expenses

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incurred on the construction of such helipads will be borne by the political party concerned in accordance with the Commission's instructions related to charging of expenditure for star campaigners.

- (4) In view of the concerns raised by the security agencies, official staff of Doordarshan may be deployed for operation and transportation of teleprompter equipments to assist the Prime Minister in delivery of election speeches. However, it should be ensured that the said services by Doordarshan shall be made available on the terms and conditions stipulated by the Ministry of Information & broadcasting for providing such services.

III. Tours of Chairmen and Members of Commissions like the National Commission for Scheduled Castes, National Commission for Minorities, National Commission for Backward Classes, National Commission for Economically Backward Classes, etc.

- (1) 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.
- (2) 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) A programme for their visit can be made under intimation to the Chief Electoral Officer of the State concerned.
 - (b) 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.
 - (c) 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.
 - (d) 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.

- (3) The above instructions would be applicable *mutatis mutandis* to similar Commissions by the State Governments.

IV. Adherence to prescribed security protocols during the MCC period

- (1) At some occasions, the Star Campaigners do not adhere to the security protocols laid down by the security agencies and exposing themselves to security risk during the campaign. Attention has also been drawn that the safety provisions as prescribed in the Motor Vehicle Act, 1988 (as amended) (e.g. applying seat belt etc.) are also not being followed in some cases thereby violating the existing statutory provisions punishable under law.

- (2) Commission has, time and again, emphasized on the safety and security of all candidates during campaign specifically the use of bullet proof car by the persons provided with Z+ security cover as prescribed by the Ministry of Home Affairs, Government of India. Star campaigners, who have been provided with security cover by the security agencies, must adhere to the security protocols laid down to avoid any security breach which may expose them to risk. Also, all Candidates including Star Campaigners must follow the safety instructions during the use of any vehicle including helicopter etc. as prescribed under the relevant laws to avoid any mishap or accident, which may endanger the life and property of individual(s) and/or public at large.

V. Use of vehicles for election campaign—Bullet-proof vehicles provided for security reasons — instructions

- (1) 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. The cost of propulsion of such bullet-proof vehicles will 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 the Explanations 1 and 2 under Section-77(1) of the Representation of the People Act, 1951, the expenditure on propulsion of the vehicle may be borne by the political party concerned for any journey referred to in the said Section-77(1). In no case, the expenditure will be borne by the government in such cases.

- (2) There would be no objection, if any other person, including any political functionary or candidate, travels along with a Z+ category political functionary, who has been provided with bullet proof vehicle and for which payment is being made by him or his party.

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political functionary provided with bullet proof car is a 'Star Campaigner' in terms of Explanation (2) to Section 77(1) of the Representation of the People Act, 1951, the expenditure on the use of bullet proof car would not be deemed to be expenditure incurred or authorized by any candidate.

(4) If such political functionary is, however, not a Star campaigner, the expenditure on use of bullet proof car would be included in the account(s) of the candidate(s) in relation to whose election campaign such car is used.

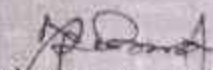
(5) The SPG Protectees (**other than Prime Minister**) are also covered under these instructions, further subjected to the following conditions:-

(a) If the use of spare multiple vehicles has been prescribed in the case of the SPG Protectee by the security authorities due to security reasons, the same may be allowed at Govt. cost (except the vehicle used by the SPG Protectee).

(b) There may be no objection to the personal staff of the SPG Protectee accompanying the said Protectee in the B.P. car as the cost of propulsion of such bullet proof vehicle is to be paid by the Protectee or his political party where such SPG Protectee is a person covered by Section 77(1) of the Representation of the People Act 1951 (i.e. leader of the political party concerned who is called a star campaigner for the party). If any other political dignitary is allowed to accompany the SPG protectee, if the situation so warrants, then 50% of the cost of propulsion shall be booked in the election expenditure of the Party candidate from the particular Constituency concerned. However, it is further clarified that if such companion is also a star campaigner under the said Section 77(1), no such apportionment of expenditure shall be called for.

The above instructions of the Commission shall be brought to notice of all concerned for strict compliance.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY