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ਦਫ਼ਤਰ ਮੁੱਖ ਚੋਣ ਅਫ਼ਸਰ, ਪੰਜਾਬ  
OFFICE OF THE  
CHIEF ELECTORAL OFFICER, PUNJAB

Bye-Elections/Most Urgent/  
Time Bound

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22/9/19  
seg. Elections

No: Elec-2019/R-9022 Dated: 21 Sept. 2019

The Chief Secretary to Government of Punjab  
Punjab Civil Secretariat-1  
Chandigarh

Subject: - Bye-Elections from 29-Phagwara (SC), 39-Mukerian, 68-Dakha and 79-Jalalabad Assembly Constituencies-regarding elections programme-Tour of Ministers.

Please find enclosed herewith a copy of letter No. 437/6/4/2003/PLN-III, dated 12.06.2003 standing instructions of the Election Commission of India in regard to tour of Ministers and other members of the ruling party during bye-election, which is self explanatory. These instructions may please be brought to the notice of Hon'ble Speaker, Deputy Speaker, all the Ministers, Deputy Ministers, Parliamentary Secretaries, MPs, MLAs, Financial Commissioners, Principal Secretaries, Administrative Secretaries, All Head of the Departments, Managing Director of Boards and Corporations for their strict compliance.

Yours faithfully

Chief Electoral Officer, Punjab

Endst No. Elec-2019/R-9023

Dated 21 Sept. 2019

A copy along with a copy of above letter is forwarded to:

1. All the Divisional Commissioners in the State.
2. All the Deputy Commissioners in the State.
3. The District Election Officer, Kapurthala, Hoshiarpur, Ludhiana and Fazilka with the request that these instructions may be supplied to all the Political Parties, Contesting Candidates and election related authorities for their compliance during the bye-election for 29-Phagwara (SC), 39-Mukerian, 68-Dakha and 79-Jalalabad Assembly Constituency.
4. The Senior Superintendent of Police Kapurthala, Hoshiarpur, Ludhiana and Fazilka for compliance.
5. The Returning Officer for 29-Phagwara (SC)-cum-Sub Divisional Magistrate Phagwara, 39-Mukerian-cum-Sub Divisional Magistrate Mukerian, 68-Dakha-cum-Sub Divisional Magistrate Ludhiana West and 79-Jalalabad cum-Sub Divisional Magistrate, Jalalabad Assembly Constituency for similar action.
6. The President/General Secretary of all recognized political parties for compliance.

Chief Electoral Officer, Punjab



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ITEM NO. 300

Election Commission's letter No.437/6/4/2003-PLN-III dated 12.06.2003 addressed to the Cabinet Secretary New Delhi and the Chief Secretary/CEOs of all States and U Ts

Subject: **Model Code of Conduct - Tours of Ministers during bye-elections in a State/UT**

The Commission has noticed a very disturbing trend during the last few bye-elections held in various parts of the country. It has observed with dismay, various ruling parties, including their Ministers, trying to circumvent the spirit behind the Model Code of Conduct, which is to bring about a level playing field between contesting candidates and political parties in the elections. This issue assumes far greater importance in bye-elections because a bye-election does not usually envisage the possibility of alternation in the political executive in the State. Thus, the local officialdom and all concerned know that the political party in power will continue to wield power after the bye-elections notwithstanding the results that emanate out of such elections. In this background, it is all the more necessary that the Model Code of Conduct is implemented in a more strict fashion for bye-elections to ensure that the level playing field is not disturbed.

2. One of the methods used to circumvent the Model Code of Conduct in bye-elections relates to tours of Ministers in the district(s) where the bye-election is being held. For considerations of development work and other day-to-day administration, the operation of the Model Code of Conduct is at the time of a bye-election restricted to the district(s) in which the constituency is located. For the remaining part of the State, the Model Code of Conduct is not applied. It is seen that Ministers frequently hold official meetings in districts neighbouring those where the bye-election is being held and the Model Code of Conduct is in force. The visit of the Ministers to these neighboring districts are categorized as official work and, while being stationed there, political activities are carried out by them for the bye-election that is taking place. Needless to say, official from the district(s) where bye-election is taking place are frequently called for meetings in the neighbouring district where the Minister is camping on official work and where, technically speaking, the Model Code of Conduct is not in force. The issue is further compounded as the election draws near and sometimes it has been observed that more than half the cabinet stations itself in neighbouring districts on official work and there carry out the political activities relating to the bye-election.

3. Keeping all this in view, the Commission directs that henceforth for all bye-elections in the country, the following conditions are to be followed on ground:

- (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

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private in nature and such private visits should begin and end at the Minister's headquarters.

(ii) In case where a Minister travelling 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 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 the 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 there under.

(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 private visit to the constituency even if the State administration has granted him a security cover requiring presence of armed guards accompanying him on tour.

4. 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.

5. In respect of Ministers of the Central Government and Ministers of other State Governments, directions as contained in para 3 above shall apply mutatis mutandis.

6. These instructions shall come into force with immediate effect and shall be applicable to all bye-elections to be held hereafter in any State or Union Territory. The Chief Electoral Officers shall bring these instructions to the notice of all political parties immediately on receipt.

7. Kindly acknowledge receipt.

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By Fax/Speed post/ Special Messenger

## ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110 001

No. 437/6/2007-PLN III

Dated: 23rd November, 2007

To,

1. The Cabinet Secretary  
Cabinet Secretariat  
New Delhi
2. The Chief Secretaries of All States and Administrators of all UTs
3. The Chief Electoral Officers of all the 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

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 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

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concerned of the Government of India, to the Chief Secretary of the state which the Minister intends to visit, with a copy to the Commission. On receipt of such information from the Secretary that the Union Minister is proposing a purely official visit and no political activity of any kind is envisaged during such tour, the Chief Secretary may provide the Union Minister with a Government vehicle and accommodation and extend other usual courtesies for his official trip. While doing so, the Chief Electoral Officer of the State, who is entrusted with the task of monitoring of electoral activity in the State, including the implementation of the Model Code of Conduct, shall be alerted in advance by the Chief Secretary. The Commission will keep watch on such arrangements in consultation with its Chief Electoral Officer.

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

(2) The Commission also directs that -

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

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

(iii) The only exception to these instructions will be when a Minister, in his capacity as in charge of the department concerned, or a Chief Minister undertakes an official visit to a constituency, or summons any election related officers of the constituency to a place outside the constituency, in connection with failure of law and order or occurrence of a natural calamity or any such emergency which requires personal presence of such Ministers/Chief Ministers for the specific purpose of

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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

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

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

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

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

Yours faithfully

(A.K. MAJUMDAR)  
PRINCIPAL SECRETARY