

No. 4/11/2019-1 Election  
Government of Haryana  
Chief Secretary Office  
(Election Branch)

Dated, Chandigarh the 23 July, 2019.

To

1. All the Additional Chief Secretaries/ Principal Secretaries/Commissioners & Secretaries to Govt., Haryana.
2. All Heads of Department.
3. All the MD's of Boards/Corporations/Undertaking of Haryana.
4. All the Divisional Commissioner in Haryana.
5. All the Deputy Commissioner-cum- District Elections Officer in Haryana.

**Subject: -** General Election to Haryana Vidhan Sabha, 2019-Ban on use of official vehicles by the non-official functionaries- regarding.

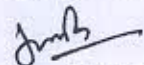
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Sir/Madam,

I am directed to refer to letter No. 141/MCC/HVSElec-2019/2AE-8691, dated 17.7.2019 alongwith its enclosures received from Chief Electoral Officer Haryana on the subject noted above and to say that Ban on use of official vehicles by the non-official functionaries under extract of para-10.5.1 and para 10.6 of Chapter-10 of Manual Code of Conduct (March 2019) forwarded for compliance at appropriate time.

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

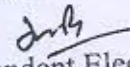
Yours faithfully,

  
Superintendent Election.

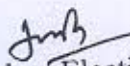
Dated, Chandigarh the 23 July, 2019.

Endst.No.4/11/2019-1Election

A copy is forwarded to the Chief Electoral Officer, Haryana, Chandigarh w.r.t. their letter No. 141/MCC/HVSElec-2019/2AE-8691, dated 17.7.2019 for information.

  
Superintendent Election.

A copy is forwarded to the Senior Special Secretaries / Senior Secretaries / Secretaries/Private Secretaries to Chief Minister/Ministers/ State Ministers for bringing these instructions to the notice of Hon'ble Chief Minister/ Ministers/ State Ministers. It is also requested that all concerned may be apprised of the instructions contained in the enclosed letter for compliance.

  
Superintendent Election

To

The Senior Special Secretaries / Senior Secretaries / Secretaries / Private Secretaries to Chief Minister / Ministers / State Ministers.

U.O.No.4/11/2019-1Election

Dated, Chandigarh the 23 July, 2019.

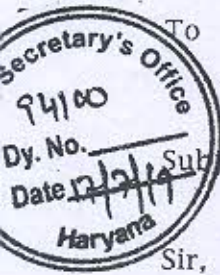


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**OFFICE OF CHIEF ELECTORAL OFFICER, HARYANA**  
कार्यालय मुख्य निर्वाचन अधिकारी, हरियाणा

No. 141/MCC/HVSElec-2019/2AE- 8691

Dated: 17-7-19



The Chief Secretary to Government of Haryana, Chandigarh.

Subject:- General Election to Haryana Vidhan Sabha, 2019-Ban on use of official vehicles by the non-official functionaries-Regarding

Sir,

On the subject cited above, I am directed to state that during the recently concluded Lok Sabha General Election, 2019, a large number of queries raised by the various quarters stating that as to whether Non-official functionaries i.e. Chairman. Dy. Chairman, President, Vice President etc. can use their official vehicle during the period of Model Code of Conduct or not?

In this regard, the extract of para- 10.5.1 and para 10.6 of Chapter-10 of Manual of Model Code of Conduct (March-2019) are sent herewith for information and necessary action.

I am further directed to request that the contents of the above provisions may also be brought to the notice of the all concerned for compliance at the appropriate time. The above manual is also available on the Election Commission's website ([www.eci.gov.in](http://www.eci.gov.in)).

Yours faithfully,

Asstt. Chief Electoral Officer,  
for: Chief Electoral Officer, Haryana.

Dated: 17-7-19

Endst No. 141/MCC/HVSElec-2019/2AE- 8692

A copy of above is forwarded to all the Deputy Commissioner-cum-District Election Officer in the State for information & necessary action.

Asstt. Chief Electoral Officer,  
for: Chief Electoral Officer, Haryana.

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- (iii) Likewise, the vehicles, as well as the staff of Bharat Sanchar Nigam Limited have also been exempted.
- (iv) The vehicles of All India Radio and Doordarshan have also been exempted from requisition, as they too are involved in election-related work during the election period.
- (v) The Election Commission has also exempted the vehicles of World Health Organization, UNICEF and other organs of UNO like its polio projects, from being requisitioned for election duties.

#### **10.4 Compensation for Requisitioned Vehicles**

The government is liable to pay compensation for the vehicles, vessels or animals for the period, they are so requisitioned. Compensation shall be paid to the owner on the basis of the fares or rates prevailing in the locality concerned. If the owner is aggrieved by the amount of the compensation, he may apply within 14 days from the date of determination of the amount of compensation to the state government for referring the matter to an arbitrator.

#### **10.5 Consolidated Instructions**

10.5.1 The statutes do not specify any limit on the number of vehicles that may be used by a political party or candidate. In absence of such legal restriction, the Election Commission has been taking several measures from time to time to put reasonable curb on the number of vehicles being used by political parties and candidates during their election campaigning. The Election Commission has issued a number of instructions for sake of clarity and easy reference for all the stakeholders. The said instructions have been consolidated and issued on 10 April, 2014. (**Annexure XIII**). The detailed instructions including subsequent clarifications are as follows:-

##### **10.5.1 Ban on use of Official Vehicles**

- (i) Subject to exceptions mentioned herein, there shall be a total and absolute ban on the use of official vehicles by any political party, candidate or any other person connected with election (except officials performing any election related official duty) for campaigning, electioneering or election related travel during

election period starting with the announcement of election schedule by the Election Commission and ending with the completion of election process.

*(Official vehicle' will cover all vehicles belonging to the (a) Central Government, (b) State Government/UT Administrations, (c) public undertakings of the Central and State governments, (d) Joint Sector Undertakings of Central and State Governments, (e) Local Bodies, (f) Municipal Corporations, (g) Municipalities, (h) Marketing Boards (by whatever name known), (i) Cooperative Societies, (j) 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 Organizations under the Ministry of Home Affairs and State Governments).*

- (ii) The District Administration shall keep a close watch to see whether 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, under Section 160 of the Representation of the People Act, 1951 after following due procedure, for election work. Such requisitioned vehicles shall not be released until after the completion of the process of elections.

**[Clarifications:** *(a) It is clarified that the ban on use of vehicles will equally apply to the vehicles in the state where election is being held or from any other States, not going to the polls. 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 held responsible for misuse of vehicles belonging to any Ministry/Department/public sector/joint sector undertakings/autonomous bodies/ attached offices under a Ministry/Department. The offices under whose charge such vehicles are entrusted will also be equally held responsible for any violation.*

- (b) It is further clarified that use of such vehicles belonging to any of these authorities by anyone, including ministers of

the Central of State Government, even on payment basis, for campaigning or on tours connected with elections with the alleged and bogusly certified purpose of official work in their capacity as ministers, is totally prohibited.]

**[Exception: (a)** *The only exception to the above prohibition will be 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 statutory provisions made by the Parliament or the State Legislature in this behalf.*

**(b)** *The above restriction 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 as in respect of any Ministers of the Union or any State Government.]*

- (iii)** Information with regard to assessment of the security requirements made in respect of any such personality, shall be furnished to the Election Commission by the Central Government or the State Government concerned.
- (iv)** If the Election Commission has any material to doubt that the assessment of security requirements made by authorities under Special Protection Group Act, 1988 or any other special enactment/instruction of the Government have been manifestly or unduly excessive with the intention of promoting indirectly the electoral interests of a particular party or candidate, the concerned Government shall be asked to take immediate and appropriate corrective steps.
- (v)** If security requirement of a person, as assessed by security agencies, requires him to travel in bullet proof vehicle, only one such vehicle may be provided by the government on payment

of cost of propulsion of such vehicle by such person. In such bullet proof vehicle, no other political leader/worker (except his personal/medical attendant) shall be allowed to travel.

**10.5.2 Restriction on convoy of vehicles:** (i) Vehicles shall, under no circumstances, be allowed to move in convoys of more than ten vehicles, excluding the security vehicles. The convoys, including those carrying a minister of Central or State government, exceeding ten vehicles shall be broken up and a gap of 100-mtrs would be maintained. This shall, however, be subject to security instructions issued by the competent authority in respect of such individual.

(ii) It shall be the duty of the local administration to ensure that vehicles in a convoy are not allowed to flout the Election Commission's direction, till the process of election is completed.

**10.5.3 Use of vehicles During filing of nominations:** The maximum number of vehicles allowed within the periphery of 100 metres of Returning Officers/Assistant Returning Officers' office on behalf of a candidate visiting the said office to file his nomination paper in a procession/convoy of vehicles, shall be three. Periphery of 100 metres should clearly be demarcated by Returning Officers/District Election Officer. Only one door of the office shall be kept open for entry of candidate +4 other authorized persons and all other doors should be closed. A CCTV camera should also be placed at the entry door to record actual time of entry.

**10.5.4 Use of vehicles for electioneering purposes:** (i) There is no limit on vehicles, which a candidate may use for electioneering purposes. But before the campaigning commences, the candidate shall have to furnish the details of all such vehicles and the areas in which he intends to use them for campaign purposes, to the District Election Officer or such other Officer(s) as may be specifically authorized by the District Election Officer. The officer, after necessary scrutiny, would issue permit to the candidate in respect of each such vehicle. Permit must contain the details like number of the vehicle, date of issue of permit, name of candidate and the area (where it shall be used for campaigning). The original copy (not the photo copy) of permit, in such dimension that it can easily

vehicles in a road show.

- (xi) No spot/focus/flashing/search lights and hooters shall be put on any campaign vehicle.

#### 10.5.9 Use of Road Transport by Star Campaigners

- (i) If a political party uses road transport for availing benefit under clause (a) of Explanation given under Sec. 77 (1) of the Representation of the People Act, 1951, the permit will be issued centrally by the Chief Electoral Officer, irrespective of whether the same vehicle is to be used by a leader for election campaigning throughout the State or different vehicles are to be used by such party leader in different areas.
- (ii) The permit will be issued against the name of the person concerned who will display it prominently on the windscreen of the vehicle being used by him/her. The permits so issued by the Chief Electoral Officer will be of distinctly different colors from those issued by the District Election Officers/Returning Officers for candidates. If the vehicle so permitted is also occupied by any other person (other than the leader referred to above), in that case, the 50% expenditure of the same shall be booked in the expenditure of concerned party candidate from that constituency.

#### 10.6 Use of Official Vehicles by Speaker/Deputy Speaker of State Legislative Assembly or Functionaries of Various Boards/Commissions/PSUs-

10.6.1 As mentioned in CHAPTER 7 'TOURS/VISITS OF MINISTERS/ OTHER DIGNATORIES', the Election Commission has put restriction on use of official vehicles by Ministers during election period. Increasing amplitude of this instruction, the Election Commission has directed that the restrictions on the use of official vehicles for campaigning, electioneering or election related travel 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 fact whether the Speaker and/or the Deputy Speaker of the Legislative Assembly is a contesting candidate or not at the election.

10.6.2 As mentioned in Exception (b) of Para 10.5.1(ii), of this chapter,

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the above restriction shall not apply in case of Speaker/Deputy Speaker of Lok Sabha and Chairman (Vice President)/Deputy Chairman of Rajya Sabha visiting the State from other States. However, at the time of General Election to Lok Sabha, the restriction will be applicable in case of Speaker/Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha.

- 10.6.3 Similarly, during the period of Model Code, non-official functionaries viz. Chairman/Deputy Chairman/President/Vice President/Commissioners of various autonomous boards/organization/PSUs will use official vehicles only for commuting between office and residence and to attend official meetings within the headquarters itself. The District Administration will keep strict vigil on the movement of such vehicles and any vehicle found being misused is to be confiscated forthwith.

## 10.7 Bullet Proof Vehicles Provided for Security Reasons

- 10.7.1 In 1996, the Election Commission issued instructions providing that a person covered by 'Z' + (Z plus) security would be allowed one state owned bullet proof vehicle, where security agencies prescribed such use during the Model Code period. In that instruction, use of multiple cars in name of stand-by was permitted, unless so specially prescribed by security authorities. The cost of propulsion of such bullet proof vehicles would be borne by that particular person whether he is in office or out, and whether he is a candidate or not.
- 10.7.2 In 2007, the Election Commission modified the above instruction to the extent that the cost of propulsion of the bullet proof vehicle, being used by the particular person covered by Z+ security would be borne by the Government and not by the person concerned.
- 10.7.3 The Election Commission, further reconsidering the above issue decided in 2009 that while the political functionaries including SPG protectee provided with bullet-proof vehicles on security consideration may continue to use the bullet proof vehicle during the period of operation of Model Code, the cost of propulsion of such vehicles was to be borne by the person concerned when it was used for non-official purposes during such period. If the person was a leader of political party in terms of