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No. 4/15/2023-1ELECTION
HARYANA GOVERNMENT
Chief Secretary's Office
Election Branch

Dated, Chandigarh the 19th January, 2024

To

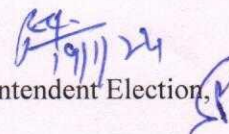
1. Additional Chief Secretary to Government Haryana, Home Department,
2. Principal Secretary to Govt. Haryana, Transport Department,
3. Director General of Police, Haryana.
4. All the Deputy Commissioner's-cum-District Electoral Officers in Haryana.

Subject:- Model Code of Conduct -Use of Vehicle during elections by political parties and candidates during elections period – regarding.

Sir,

I am directed to refer to letter No. 437/6/INST/ECI/FUNCT/MCC/2024(Vehicles)/434, dated 02.01.2024, on the subject noted above and forward the same with the request that instruction issued by Election Commission of India may be brought to notice of all concerned, for Strict compliance.

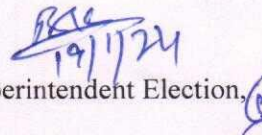
Yours faithfully


Superintendent Election.

Endst. No. 4/15/2023-1Election

Dated, Chandigarh the 19th January, 2024

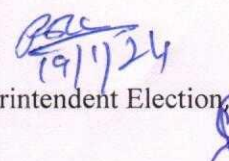
A copy is forwarded to Sh. Narendra N. Butolia, Senior Principal Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi w.r.t. their letter No. 437/6/INST/ECI/FUNCT/MCC/2024(Vehicles)/434, dated 02.01.2024, for information.


Superintendent Election.

Endst. No. 4/15/2023-1Election

Dated, Chandigarh the 19th January, 2024

A copy is forwarded to the Chief Electoral Officer, Haryana, 30-Bays Building, Sector-17, Chandigarh, for information and necessary action.


Superintendent Election.



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

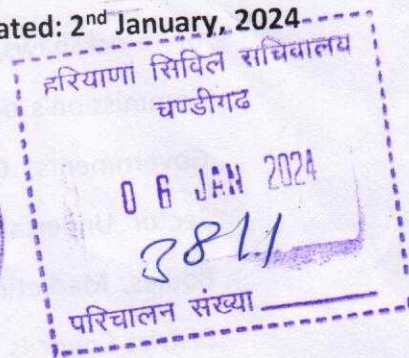
No. 437/6/INST/ECI/FUNCT/MCC/2024 (Vehicles) /434

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.



Subject: -Model Code of Conduct – Instruction- Use of vehicles during elections – Regarding.

Reference: Commission's instructions:

- (i) No. 437/6/94/MCS-Vol V, dated 20.10.1994
- (ii) No. 437/6/98-PLN-III, dated 18.08.1999
- (iii) No. 4/2001/J.S.II, dated 30.03.2001
- (iv) No. 4/2001/JS-II, dated 08.05.2001
- (v) No. 437/6/2006-PLN-III, dated 23.11.2007
- (vi) No. 437/6/2008/CC&BE, dated 19.10.2008
- (vii) No. 437/6/1/2008-CC&BE, dated 24.10.2008
- (viii) No. 437/6/INST/2008-CC&BE, dated 31.10.2008
- (ix) No. 437/6/INST/2008-CC&BE, dated 28.03.2009
- (x) No. 437/6/INST/2008-CC&BE, dated 09.04.2009
- (xi) No. 437/6/INST/2010-CC&BE, dated 05.10.2010
- (xii) No. 464/INST/2011-EPS, dated 23.03.2011
- (xiii) No. 464/INST/2011-EPS, dated 23.03.2011
- (xiv) No. 464/INST/2011-EPS, dated 23.03.2011, and
- (xv) No. 464/INST/2011-EPS, dated 23.03.2011

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S. Election

Madam/Sir,

The Commission has, in the past, issued various instructions from time to time regarding applicability of Model Code of Conduct on prevention of misuse of vehicles during elections. For convenience of all concerned, these instructions have now been consolidated in supersession of all the instructions listed above, for observance during the period when the Model Code of Conduct is in force. These instructions regarding restrictions on misuse of vehicles during elections have been issued under Article 324 of the Constitution and all other powers enabling the Commission in this behalf.

I. Ban on use of official vehicles

- (1) 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. Such vehicles include helicopters, aircrafts, cars, jeeps, automobiles, goods carriers, e-vehicles or e-rickshaws, two wheelers, boats, hovercrafts, etc., except as regulated by the Commission's order on the subject, owned or hired or controlled by the Central and State Governments, Central Public Sector Organizations, Public Sector Undertakings and Joint Sector Undertakings of the Central and State Governments, Local Authorities and Local Bodies, Marketing Boards (by whatever name known), Cooperative Societies, Autonomous District Councils or any other body in which public funds, howsoever small a portion of the total, are invested. The functionaries of all the autonomous organizations viz. Chairman, Dy. Chairman, President, Vice President, Commissioners etc. may be instructed to use the official vehicle provided to them by the State Government only for commuting between office and residence and to attend any official meeting within the Head Quarters itself.
- (2) 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 and also 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.
- (3) The District Administration shall keep a close watch to find out if any such official vehicle is being used for campaigning, electioneering or election related travel purpose. In such cases, 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 the completion of the process of elections.
- (4) The ban on the use of official vehicles will equally apply to vehicles in or from any States not going to the polls but whose official 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 or the Secretary to the Government of India in the concerned

Department or Ministry, as the case may be, shall ensure that there is no misuse of any such vehicles. The officers under whose charge such vehicles are entrusted will be personally responsible for any violation. 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, in the guise of, official work in their capacity as Ministers is totally prohibited.

- (5) The only exception from the above 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 statutory provisions made by the Parliament or the State Legislature in this behalf. These restrictions shall also not be applicable in case of the Hon'ble President and Vice President of India, Speaker and Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha and other such dignitaries visiting the State from other States. It is clarified here 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 Legislative Assembly Elections. However, such exceptions shall not be available in respect of any Ministers of the Union or any State Government.

II. Prevention of misuse of vehicles during period of Electioneering

- (1) It has been experienced that during the period of electioneering private vehicles are used by the candidates, their agents and party leaders and supporters for carting the supporters of a candidate within the constituency and on many occasions anti-social elements with muscle power are openly paraded to instill a sense of fear in the minds of the electorate, so that they either vote in favour of particular party/candidate or abstain from voting altogether. These vehicles are also used sometimes to smuggle illicit arms and ammunition with a view to creating disturbances during elections. In order to curb such undesirable/illegal activities, 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.

- (2) So as to ensure free, fair and peaceful elections, the District Administration shall launch such drive for checking the vehicles immediately upon the announcement of the elections and shall continue the drive till the completion of the process of elections.
- (3) Cars/vehicles being used for electioneering purposes shall, under no circumstances, be allowed to move in convoys of more than ten vehicles, excluding the security vehicles. All bigger convoys shall be broken up, even if they are carrying any minister of Central or State Govt. This shall, however, be subject to any security instructions issued in respect of any such individual. Such broken up convoys must have a distance of at least 100 meters between them.
- (4) 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.
- (5) 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.
- (6) From the date of notification of the election till the completion of election process in any constituency, the district administration shall keep a close watch on the vehicles used by the contesting candidates, persons accompanying the contesting candidates and other party leaders and ensure that the Commission's instructions are not abused.
- (7) The contesting candidates be asked to get the details of all the vehicles that they are using in the election campaign lodged with the District Election Officer or such other officer(s) as may be specifically authorized by the District Election Officer in this behalf before the campaigning commences. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidate or his agent well before the actual deployment of the vehicles. While conveying the details of the vehicles that are being deployed for election campaign the details of the areas, tehsil(s) in which the vehicle would operate, should also be conveyed.

- (8) The details so obtained should be conveyed by District Election Officer to the Election Expenditure Observers. 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. Any vehicle that has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorized 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.
- (9) 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.
- (10) If any political party(ies) having electoral alliance or seat sharing, who apply(ies) with full detail thereof, for the display on their campaign vehicles of the flags of such parties with whom they are having such alliance/seat sharing, they may be given such permission. The use of flags on the vehicles will however be subject to the provisions of the Motor Vehicles Act.

III. Use of Aircraft / Helicopter by Political Parties

- (1) During the election process there is a complete ban on use of aircraft by political functionaries including Chief Minister and Ministers. The only exemption is for the Prime Minister in office.
- (2) Other political functionaries including Chief Ministers may, if required, hire private aircrafts and use them for their political campaign and other election related activities.
- (3) Full records of all non-scheduled flights through privately owned aircrafts should be maintained by the appropriate authorities as required under law and relevant rules. Details like passenger manifests, exact times of departure and arrival of aircrafts at various places

need to be maintained. Commission may seek information on these details to verify complaints which are received from time to time.

- (4) The Political Functionaries/Political parties using helicopters/aircraft, for election campaign and other purposes should intimate three days in advance, regarding their itinerary and the details of persons who will travel and the materials that will be carried in the helicopter/aircrafts. The District Administration/District Election officers should maintain a log book and enter the details of the helicopters/aircraft which landed and took off in their Districts and the purpose for which they landed and the persons who were in the said aircraft/helicopter and also indicate whether the aircraft/helicopter had taken permission for landing. The District Election officers shall send daily report about the arrival and departure of such helicopters/aircrafts to the Chief Electoral Officer, concerned and endorse a copy to the Commission.
- (5) No leader of a political party shall use private fixed-wing aircraft and helicopters for the purposes of supervising and monitoring the polling and counting process on the days of poll and counting as it will amount to interfere in the performance of the functions of the Election Commission as most of the leaders of all political parties have been categorized under various security grading and if they move from constituency to constituency on the days of polling and counting, adequate security precautions will have to be taken and security covers provided to each of them. The Director General of Civil Aviation shall keep the above directions of the Commission in view and shall not permit the flights of private fixed-wing aircraft and helicopters for the movement of leaders of political parties for the above purpose on the days of poll and counting, except with the prior permission of the Election Commission in the case of any emergencies.
- (6) A candidate who has been declared as leader by a Political Party for the purposes of Explanation to Section 77(1), cannot not considered to be a leader of his political party **in his own constituency** within the meaning of Explanation (1) to section 77(1), whatever may be his standing in relation to other candidates of his party in the other constituencies. In his own constituency(ies), he is a candidate first. Thus, whatever expenditure he incurs on his own travel within his constituency(ies), on his travel whether by helicopter/aircraft or by any other means of transport, the same has to be accounted for within his overall limit of maximum expenditure prescribed for his constituency. When he goes out of his constituency to the other constituency as a star campaigner, the expenditure on his travel

from his constituency to the other constituency would fall within the exempted category under Explanation (1) to section 77(1), and so also his travel expenditure from the other constituency to his own constituency when he comes back for his own campaign would be so exempted. But once he reaches his constituency and travels within the said constituency, his expenditure on such travel within his constituency would be liable to be accounted for by him.

IV. Vehicle permit for district officer bearers of recognized political party

- (1) If any political party applies for permission for vehicles to be used by their district level office bearers/leaders (other than star campaigners) for their visit to multiple Assembly Constituencies within the District for electioneering purposes, necessary permission should be given by the DEO of the District concerned.
- (2) In such cases, the permit shall be in the name of the person, while also mentioning the registration No. of the vehicle. The expenditure on this vehicle shall be booked/distributed in the election expenses of the party's candidate(s) of the district where they have visited. This permit should not be used for travel in other districts.
- (3) The permit should be issued indicating the name of the political leader, the (regn.) No. of the vehicle and also the period for which issued. The permit may be issued on a paper of a colour different from those used for issuing permits to candidates and star campaigners, so that it can be easily recognized. An attested copy of the permit shall be prominently displayed on wind screen of the vehicle and the original be kept by the person for checking by police or any other authorities. The surveillance teams should also be informed in the matter.

V. Use of Road Transport by Party Campaigners availing benefit to clause (a) of explanation given under Section 77(1) of the RP Act, 1951

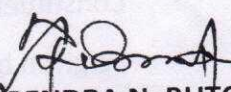
- 1) In case the mode of road transport is to be availed by political parties availing the benefit of clause (a) of explanation given under Sec. 77(1) of Representation of the People Act, 1951, the permit will be issued centrally by the Chief Electoral Officer irrespective of whether the same vehicle is to be used by 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 person concerned who will display it prominently on the windscreen of the vehicle being used by him/her in any area. The permits so issued by the

Chief electoral Officer will be of distinctly different colours from the permits to be issued by the District Election Officers/Returning Officers for candidates.

- 2) If the vehicle so permitted in item (i) above is also occupied by any other person than the leader referred to in item (i), in that case, the 50% expenditure of the same shall be booked in the expenditure of concerned party contesting candidate from that constituency.

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