

राजस्थान सरकार
मंत्रिमण्डल सचिवालय

विषय:-आगामी विधानसभा आम चुनाव-2023 –मंत्रियों/अन्य गणमान्य व्यक्तियों की यात्राएं/दौरे के संबंध में ।

उपरोक्त विषयान्तर्गत निवेदन है कि राज्य में विधानसभा आम चुनाव, 2023 निकट भविष्य में सम्पन्न होने हैं । आगामी विधानसभा आम चुनाव के कार्यक्रम की घोषणा के साथ ही आदर्श आचार संहिता प्रभावी हो जायेगी, जो निर्वाचन प्रक्रिया समाप्ति तक प्रभावी रहेगी। चुनाव कार्यक्रम की घोषणा की सूचना से आपको यथा समय अवगत करा दिया जावेगा तथा समाचार पत्रों के माध्यम से भी इसकी जानकारी हो जायेगी ।

आदर्श आचार संहिता के प्रभावी रहने के दौरान मा0 मंत्रिगण/अन्य गणमान्य व्यक्तियों की यात्राओं और दौरों के संबंध में भारत निर्वाचन आयोग के Manual on model code of conduct, March 2019 के Chapter 7 में आदर्श आचार संहिता के दौरान आयोग द्वारा मंत्रिगण/अन्य गणमान्य व्यक्तियों की यात्राएं/दौरों/प्रवास के संबंध में निर्देश दिये गये हैं ।

अतः निर्वाचन विभाग के पत्रांक: एफ.3(1)(9)प्रथम/निर्वा/2023/3473 दिनांक 3.8.2023 के संलग्नक भारत निर्वाचन आयोग के Manual on model code of conduct, March 2019 के Chapter 7 की प्रति संलग्न प्रेषित कर निर्देशानुसार लेख है कि कृपया आदर्श आचार संहिता प्रभाव में रहने के दौरान उक्त निर्देशों की पालना सुनिश्चित किये जाने हेतु मा0 मंत्री महोदय तथा मा0 अध्यक्ष/उपाध्यक्ष (बोर्ड/निगम/आयोग/समितियां) महोदय से अनुरोध करावें ।

संलग्न:- उपरोक्तानुसार ।

(श्रीराम मोदी)
शासन उप सचिव

1. समस्त विशिष्ट सहायक/निजी सचिव, मंत्री/राज्यमंत्री ।
2. समस्त विशिष्ट सहायक/निजी सचिव, अध्यक्ष/उपाध्यक्ष (बोर्ड/निगम/आयोग/समितियां)

अशा.टीप क्रमांक प. 11(18)मं.मं./2023-01070
जयपुर, दिनांक:

प्रतिलिपि निम्नांकित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. प्रमुख सचिव/सचिव (जीजी), मुख्यमंत्री ।
2. संयुक्त सचिव, मुख्य सचिव, राजस्थान ।
3. निजी सचिव, मुख्य निर्वाचन अधिकारी, राजस्थान, जयपुर ।
4. प्रोग्रामर, सामान्य प्रशासन विभाग ।
5. रक्षित पत्रावली ।

शासन उप सचिव
Signature valid

Digitally signed by Shriram Modi
Designation: Deputy Secretary
Date: 2023.08.10 12:30:12 IST
Reason: Approved



राजस्थान सरकार
निर्वाचन विभाग

विषय:- आगामी विधानसभा आम चुनाव, 2023 -मंत्रीयों/अन्य गणमान्य व्यक्तियों की यात्राएं/दौरे के संबंध में।

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कृपया आदर्श आचार संहिता प्रभाव में रहने के दौरान आयोग के उक्त निर्देशों की पालना सुनिश्चित किये जाने हेतु राज्य के माननीय कैबिनेट मंत्रीगण/राज्य मंत्रीगण/संसदीय सचिवों को आयोग के निर्देशों की पालना हेतु उक्त निर्देशों की प्रति उपलब्ध कराने का श्रम करावें।

संलग्न:- उपरोक्तानुसार

प्रमुख शासन सचिव,
मंत्रिमण्डल, शासन सचिवालय,
जयपुर।

(प्रवीण गुप्ता)
मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर,

अ.शा.टीप संख्या एफ 3.(1)(9)प्रथम/निर्वा/2023/ 3473
जयपुर, दिनांक 3/8/23

CHAPTER 7

TOURS/VISITS OF MINISTERS/OTHER DIGNITARIES

Main topics discussed in the Chapter:-

- Consolidated Instructions
 - ✓ Official visit not to be combined with political/private visit
 - ✓ Restriction on use of official vehicles
 - ✓ No protocol by Government officials
 - ✓ Meeting with govt. officials
 - ✓ Video Conferencing with Government officials
 - ✓ Personal staff with Ministers, while on tour
 - ✓ Accommodation in Government guest houses
- Briefing of Chief Minister/Home Minister by Police Officers

7.1 Introduction

7.1.1 During elections, ministers may be undertaking tours to the state where Model Code is in force. In order to ensure level playing field, the Election Commission placed certain curbs on the tours of ministers. The Election Commission issued certain directives on 31 December 1993 to the effect that the ministers, chairman and directors of government bodies visiting a district or constituency after the announcement of election therefrom should not be provided with official transport or declared as state guests and that they should not convene any meetings of officers at district level, nor should they use any government vehicles or take with them their personal staff on such tours. The only exception to those directives was the Prime Minister of India, who stands on a different footing in view of the government's instructions on security arrangements for him.

7.1.2 On the eve of general elections to the House of the People and certain legislative assemblies in 1996, the Election Commission, by its order made on 17 January 1996, almost banned all official tours of ministers of the Union and State Governments from the time of announcement of elections to their completion. The Election Commission also put

restriction on the officials involved in elections being made to attend on the visiting ministers in the name of security and administrative arrangements. The Ministers were allowed to use official vehicles in their

headquarters from their residences to their offices and that was only for official work. Though resented, these instructions were rarely defied openly.

- 7.1.3 During 1999 general elections, on the Central Government's request for relaxation, the Election Commission revised its earlier instructions.

7.2 Consolidated Instructions

- 7.2.1 The Election Commission's instructions (**Annexure XI**) on various aspects of tours undertaken by Ministers during elections issued from time to time have been consolidated for the sake of convenience in the following paragraphs :-

- (i) No minister of State Government shall undertake an official visit to any constituency for which elections have been announced by the Election Commission, during the period commencing with announcement of the elections upto end of the election process.
- (ii) If a Minister of the Union is travelling 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 Election 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 Model Code, shall be alerted in advance by the Chief Secretary. The Election Commission will keep watch on such arrangements in consultation with the Chief Electoral Officer. The Union Ministers are expected to avoid making official visits to their home States, and particularly to the constituencies from where

they are contesting elections though it is open for them to make private visits.

- (iii) **Official visit not to be combined with political/private visit:-** The Minister shall not combine his official visit with electioneering work and shall not make use of official machinery or personnel during the campaigning. In this connection, a reference was received in 2004 from Union Government seeking clarification whether the Minister for Railways while in Patna for political campaign can come officially from Patna to New Delhi for attending the meetings relating to railway budget or cabinet meetings. The ministry also sought a clarification on the issue whether the Railway Minister while on a personal/political visit to Patna can proceed to Kolkata on official visit. It was clarified that the Minister cannot combine his political or personal visit with official visit to Kolkata or elsewhere even if he pays the money for entire trip. It was also informed that the Minister could avail of normal privileges of free railway / air pass as available to Members of Parliament, but he was not entitled to take benefit of privileges as Union Minister for Railways for train/air journeys for going to Patna and returning to headquarters at Delhi. Before that, during general elections to State Assembly of Madhya Pradesh, the then Chief Minister of Punjab used state aircraft for a visit from Chandigarh to Indore for an official purpose. From there, he proceeded to Bhopal on election visit. He was made to pay for the entire journey from Chandigarh to Bhopal and back. Similarly, in 2003 general election to Legislative Assembly of Chhattisgarh, the then Chief Minister of the state had to reimburse to the state government the expenses for air journey which he performed by using state government aircraft from Raipur to Delhi for party work. However, during 2015 election, an exception was made in case of the Prime Minister, when he was permitted to combine his official tours with his private election campaign visits, with the directions that the expenditure on travel of the Prime Minister on non-official visits was to be borne by the political party concerned.

- (iv) **Restriction on use of official vehicles:-** 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. An instance was brought to notice of the Election Commission that Union Minister for Railways and Union Minister for Company Affairs used staff car to visit the Election Commission's office with election work. Both the ministers were issued notice. Consequently, the ministers paid the government for use of such car for their private visit. Similarly, a reference was received in 2012 from the Chief Electoral Officer, Punjab that the then Chief Minister of Punjab was campaigning in Rama Mandi from where he would like to travel to Ferozpur for hoisting the National Flag on 26 January. The Principal Secretary to Chief Minister requested that the expenditure on the vehicle to be used by Chief Minister from Rama Mandi to Ferozpur and back would be borne by the State Government. The Election Commission decided that the dignitaries who would be hoisting National Flag at Republic Day functions may travel directly to that place from the place of election campaign, if any. The travel expenditure for this purpose would be borne by the State Government concerned. They do not need to travel between these places via headquarters.

- (v) **No protocol by Government officials:-** Officers of state governments and district administrations shall not receive, see off or call upon, by way of protocol, on the ministers at the Centre or of the states when they visit any state or district on election tour. However, an exception has been made in the case of election tours of the Prime Minister and police officers of all ranks, including director general of police, and district collectors have been permitted to remain present for attending to security related arrangements.
- (vi) **Meeting with Government officials:-** 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 said 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. 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.

- (vii) **Video Conferencing with Government officials:-** Video conferencing by the Chief Ministers of states with their district officials is prohibited during the period when Model Code is in operation. 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 the People Act, 1951*, he shall be additionally considered to have violated the statutory provisions of that Section and liable to penal action provided there-under.
- (viii) **Personal staff with Prime Minister/Ministers, while on private tours/campaigning:-** Earlier, the Chief Ministers or other Ministers were not allowed to accompany personal staff with them during their private tours during the period of Model Code. On reconsideration, the Election Commission decided that during Model Code period, one non-gazetted member of personal staff of the Chief Ministers of States/Union Territories and Union Ministers 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. The restriction regarding personal staff members who can accompany on personal/private tours shall not apply to the Prime Minister. Similarly, during 2018 general election to the legislative assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana on request from the Principal Secretary

to Prime Minister, the Commission on grounds of security concerns permitted deployment of official staff of Doordarshan for operation and transportation of teleprompter equipment to assist the Prime Minister in delivery of election speeches, during that and subsequent election campaigns subject to the condition that the said services by the Doordarshan should be made available on the terms and conditions stipulated by the Ministry of Information & Broadcasting for providing such services.

- (ix) **Accommodation in Government guest houses:-** The Ministers shall not be accommodated in guest houses or rest houses of the government or of public sector undertakings, while on election tours, as these guest houses may be required for accommodating the Election Commission's observers and other election related officers. Same restrictions will apply in case of Members of Parliament and State Legislatures or other political functionaries. However, ministers and other political functionaries who have been provided security cover of 'Z' or 'Z plus' category by government or of equivalent level under any law shall be exempted from above restrictions and they can be accommodated in the government guest houses, if their security considerations so warrant. The ministers on official tours which are unavoidable may also be provided accommodation in the government houses, subject to the condition that they will return to their headquarters immediately after completion of their work and will not indulge in any activity which may violate the Model Code provisions.

7.3 Briefing of Chief Minister/Home Minister by Police Officers

The Election Commission has issued instructions to the effect that security briefings of Chief Minister or the Home Ministers when considered essential should be undertaken by Home Secretary or Chief Secretary, who in turn should be briefed by the police agencies. The instructions further state that in case where police agency's/official's presence is considered essential, Chief Secretary/Home Secretary may require the police agency/official to be present in such briefings.
