

No. EDN-A-Kha (15)-12/2016.
Government of Himachal Pradesh
Department of Higher Education

From

The Addl. Chief Secretary (Education) to the,
Government of Himachal Pradesh

To

✓ Director of Higher Education,
Himachal Pradesh Shimla-171001.
Dated, Shimla-2 the 13th July, 2017.

Subject: Model Code of Conduct- instructions-Bye-Election of
Parliament/to Assembly Constituency -reg.

Sir,

I am directed to invite your kind attention to letter No. 3-4/2016-ELN-252, dated: 06.07.2017 (along with its enclosers), received from Sh. Vikas Sood, Joint Chief Electoral Officer HP Shimla, addressed to Chief Secretary/all Addl. Chief Secretaries/Pr. Secretary to the Chief Minister/all administrative Secretaries to the Govt. of HP/HOD/others, on the subject cited above and to request you to adhere these guidelines/instructions of Election Commission of India during elections and brought to the notice of all concerned.

Yours faithfully

Naresh

Joint Secretary (Hr. Edu.) to the
Government of Himachal Pradesh
the July, 2017.

Endst No. As above. Dated: Shimla
Copy to:

1. The Sh. Vikas Sood, Chief Electoral Officer, Election Department HP 38-SDA Complex, Kasumpti, Shimla-9 for w.r.t. letter no. referred to above.
2. Guard file.

125842
13 JUL 2017

(Naresh Thakur)

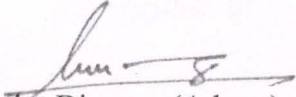
Joint Secretary (Hr. Edu.) to the,
Government of Himachal Pradesh.
Email-nthakur_78@yahoo co.in
Ph. No.0177-2628501.

Directorate of Hr. Education
Himachal Pradesh

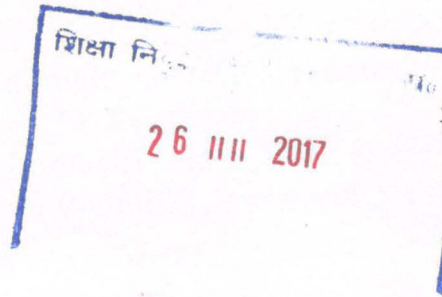
Endst. No.EDN-HE(1)B(6)-1/98-4-II Dated Shimla – 171001 the
Copy for information and further necessary action is forwarded to:-

25/7/2017

1. The Addl. Chief Secretary (Education) to the Govt. of H.P. w.r.t. to his letter No. EDN-A-Kha(15)-12/2016 & EDN-B-Ga(17)-6/2016-VII Dated 13.07.2017 & 15.07.2017 for information please.
2. The Joint Secretary (Hr.Edu.) to the Govt. of HP w.r.t. EDN- A-Kha(15)-12/2016 & EDN-B-Ga(17)-6/2016-VII Dated 13.07.2017 & 15.07.2017 for information please.
3. The Additional Director of Hr. Education (S), H.P.
4. The Joint Director of Hr. Education (Admn.), H.P.
5. The Joint Director of Hr. Education, C-I/ C-II, H.P.
6. The Joint Controller (F&A), Dte. of Hr. Education, H.P.
7. The OSD(C)/ OSD (Skt.) Directorate of Hr. Education, H.P.
8. The DDO, Directorate of Higher Education, Shimla, H.P.-1.
9. All the Principal, GDC/ PG Colleges GCTE Dharamshala / Skt. Colleges in Pradesh.
10. The Deputy Director of Hr. Education H.P. with the direction that further action be taken as per instructions issued vide letter of even number dated 13.07.2017 & 15.07.2017 and be conveyed for compliance to all the field offices/ institutions under your control.
11. All the Superintendent Establishment Branches / Transfer Cell, Directorate of Hr.Edu. with the direction that further action be taken as per instruction issued by the Chief Electoral Officer, HP vide letter of even number dated 13.07.2017 & 15.07.2017 for information please.
12. The CSL, Library Solan District Solan H.P.
13. The PS to the Director of Higher Education, H.P.
14. The Technical Officer, Dte. of Hr. Education, H.P. (*for the uploading on deptt. Website.*)
15. Guard File.


Joint Director (Admn.)
Himachal Pradesh

25/7/17



No. EDN-B-Ga(17)-6/2016-VII
Government of Himachal Pradesh
Department of Higher Education

From

The Addl. Chief Secretary (Edu) to the
Government of Himachal Pradesh

To

✓ The Director, Higher Education,
Himachal Pradesh, Shimla-171001

Dated: Shimla-171002

15-7-2017

Subject:-

Regarding Model Code of Conduct-Instructions-by election of
Parliamentary/Assembly Constituency.

Sir,

I am directed to enclose herewith a copy of letter letter No- 3-4/2016-ELN-252 (alongwith enclosure) dated 06th July, 2017 received from Joint Chief Electoral Officer, Himachal Pradesh, on the subject cited above and to request you to take further necessary action in the matter under intimation to this department.

Yours faithfully,

Joint Secretary (Edu) to the
Government of Himachal Pradesh

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17 JUL 2017
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Handwritten initials

Handwritten signature and date: 19/7

Secy, Election Commission

13-07-2017

Edu-B

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Fax/Email/By Post

Election Department, Government of Himachal Pradesh
38-SDA Complex, Kasumpti, Shimla-9

(57)

No: 3-4/2016-ELN-2521

Dated:

6 July, 2017.

From:

Chief Electoral Officer,
Himachal Pradesh.

To

1. The Chief Secretary to the Government of Himachal Pradesh, Shimla-171002.
2. The Addl. Chief Secretaries, Government of Himachal Pradesh Shimla-171002.
3. The Principal Secretary to the Hon'ble Chief Minister, Himachal Pradesh, Shimla-171002.
4. All the Administrative Secretaries to the Government of Himachal Pradesh, Shimla-171002.
5. All Heads of Departments, Stationed at Shimla.
6. The Divisional Commissioner, Shimla/Kangra/Mandi.
7. All the Deputy Commissioners in Himachal Pradesh.

7/7

(Edu)

Subject: - Model Code of Conduct- instructions -bye-election of Parliamentary/ Assembly Constituency -regarding.

(Edu)

Sjr/Madam,

I am directed to enclose herewith a copy of Commission's letter No. 437/6/INST/2016-CCS, dated 29th June, 2017 on the above cited subject alongwith its enclosures, for information and necessary action. The Commission has reviewed and modified of its earlier instructions regarding Enforcement of MCC, Publishing of Advertisements, Tours of Ministers, Transfer/Posting of Officers and Announcement of DA.

You are, therefore, requested to adhere these guidelines/ instructions during elections and brought to the notice of all concerned.

Yours faithfully,

Encls: 12 Pages

[Handwritten signature]
10-7-17

[Handwritten signature]
(Vikas Sood)

Joint Chief Electoral Officer,
Himachal Pradesh.
Telephone No: 2621551



भारत निर्वाचन आयोग
Election Commission of India

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निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

No. 437/6/INST/2016-CCS

Dated: 29th June, 2017

To,

1. The Chief Electoral Officers of all States and Union Territories.
2. The Chief Secretaries of all States and Union Territories.
3. Recognized political parties of all States/UTs

Subject:- Model Code of Conduct- instructions- bye-election of Parliamentary/Assembly Constituency -regarding.

Sir,

On the above cited subject, I am directed to state that the Commission has reviewed the issue and has issued the following modifications of its earlier instructions-

1. **Enforcement of MCC**

The Commission's instructions, contained in letters No. 437/6/INST/2012/CC&BE dated 26.04.2012 and No. 437/6/INST/2012/CC&BE dated 21.10.2013, list various provisions of applicability of MCC to the concerned district or the AC/PC concerned. These instructions are modified to the extent that in case the constituency is comprised in State Capital/Metropolitan Cities/Municipal Corporations, then aforesaid instructions would be applicable in the area of concerned Constituency only. In all other cases the MCC would be enforced in the entire district(s) covering the Constituency going for bye-election(s).

2. **Publishing of Advertisements**

The Commission on 25th June, 2013, directed that the release /publishing of advertisements during the period of operation of Model Code of Conduct in connection with bye-elections would be regulated as follows:-

- (i) Advertisement of general nature in connection with specific occasions of importance may be published. However, such publishing shall be restricted to the dates coinciding with the special occasion only, and it shall not be published on other days. The advertisement shall not bear photographs of any Minister and other political functionaries.
- (ii) No advertisement having any specific/pointed reference or connotation to the areas covered by the bye-election constituencies shall be released/published on any date during the period.

Further, it is clarified that no new schemes should be advertised in the districts where the bye-election is being conducted. [Subpara (ii) above] stands modified.

3. **Tours of Ministers**

During bye elections from any constituencies, either Parliamentary or Assemblies, the following restrictions are applicable as per instruction issued by the Commission on 23rd November, 2007 with regard to the tours of Ministers which inter alia provides that:-

- (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. 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.
- (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 attend to any political work.

Further, it is clarified that the Ministers or persons holding equivalent rank/status cannot combine their official visit with campaign by en routing their journey for official purposes to a place where MCC is not in force, and then proceeding from that place to the area where MCC is in force for election campaign. In case it is done, the entire journey expense shall be treated as election expense. [subpara (ii) above stands modified].

INSTRUCTION SL. NO. 14

ECI letter No. 437/6/INST/2012/CC&BE dated 26th April, 2012 addressed to the Cabinet Secretary, Govt. of India, Chief Secretaries and Chief Electoral Officers of Andhra Pradesh, Goa, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal. Copy endorsed to the President/General Secretaries of all recognized political parties.

Subject:- Bye-elections to the Lok Sabha/State Legislatives Assemblies -
Instructions on enforcement of Model Code of Conduct - regarding.

I am directed to state that the Commission has announced, vide Press Note dated 24th April, 2012, bye-elections from certain Parliamentary and Assembly Constituencies in various States. The Commission in that Press Note has issued instructions for enforcement of various provisions of the Model Code of Conduct in its entirety with the stipulation that such provisions of Model Code of Conduct will be enforceable in the district (s) in which the Assembly/Parliamentary Constituency is situated.

Many State Administrations have requested the Commission to reconsider the issue of enforcement of Model Code of Conduct in the entire district during bye-election as it affects the developmental works in entire district, whereas only a part of the district may be involved in the election process.

The Commission, after taking into consideration all relevant factors in this regards, has decided, on experimental basis, that for the bye-elections announced vide Press Note, dated 24/4/2012, following instructions, in partial modification of the earlier instructions, shall be followed with regard to Model Code of Conduct:-

- (1) All instructions of the Commission issued regulating the implementation of the schemes of MNREGA, extending relief and starting works in case of Natural Calamities, Drought, Flood, Drinking Water, Digging of Bore-wells, Fodder, Agricultural inputs & input subsidies to farmers, New Developmental Work (whether beneficiary or work oriented) including work under MPLAD, MLA and MLC LAD Scheme, Announcement and commencement of New Projects, Programme, Concessions, Financial Grants, Defacement of Property, Use of Govt. Property, Concessions, Financial Grants, Defacement of Property, Use of Govt. Property for campaign purpose, etc. shall now be applicable only in respect of the areas falling in the Assembly constituency(s)/Parliamentary constituency going for bye-election and NOT to the entire district (s) in which such constituency is situated.

INSTRUCTION SL.NO. 15

ECI letter No. 437/6/INST/2013/CC&BE, dated 21.10.2013 addressed to the Cabinet Secretary, Chief Secretaries and Chief Electoral Officers of all States and UTs.

Subject: Bye- Elections to the Lok Sabha/State Legislative Assemblies- Instructions on enforcement of Model Code of Conduct-reg.

In partial modification of the Commission's existing instructions No.437/6/INST/2012/CC&BE dated 26th April, 2012 on enforcement of various provisions of the Model Code of Conduct for the bye-elections to the Lok Sabha/State Legislative Assemblies, the Commission has directed that (i) restrictions, in respect of all developmental works, including relief works and (ii) ban on transfer of officers(except the District Election Officer, Returning Officer, Assistant Returning Officer and District Superintendent of Police and other officers directly concerned with the conduct of election), under the Model Code of Conduct shall be applicable only in the areas falling in the Assembly Constituency(s)/Parliamentary Constituency(s) going for bye-election and **NOT** in the entire district(s) in which such constituency is situated.

This may be brought to the notice of all concerned.

(ii) No advertisement having any specific/pointed reference or connotation to the areas covered by the bye-election constituencies shall be released/published on any date during the period.

4. It may be noted that these instructions apply only in relation to bye-elections. At general elections, the prohibition on advertisements at the cost of public exchequer shall continue to be strictly enforced.

5. These guidelines may be taken note of and also brought to the notice of all authorities concerned for compliance in future.

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 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

Govt. of India
Ministry of Home Affairs

Office Memorandum

Subject: General Election to Lok Sabha Tours of Minister in Connection with election campaign

The undersigned is directed to say that whenever elections to the Lok Sabha are held, questions are invariably raised in Parliament about the tours undertaken by the Ministers in connection with the election campaign. In reply, as a general policy it has always been made clear that according to existing instructions, tours in connections with election campaign are not to be treated as official tours and that the services of Government officials cannot be utilized for party of election work. The Ministry of Home Affairs have been issuing instructions regarding tours of ministers for non official purposes, including election tours from time to time. These instructions had been summarized and a copy thereof was laid on the Table of the Lok Sabha on 31 st July, 1980. As the general election to the Lok Sabha are due to be held in November, 1989 a copy of the summary of these instructions is enclosed with the request that its contents may be brought to the notice of the Ministers.

Instructions regarding the tours of Minister for non-official purposes including election tours, are contained in several communications issued and reissued from time to time.

General Instructions:

(1) Until a Minister demits office he is in charge of public affairs and accordingly even while on tours, whether for official or private purposes, he must continue to discharge the responsibilities as Minister Hence,

(a) he can take with him the minimum personal staff needed for this purpose and such staff is entitled to draw travelling and daily allowance under the rules; and

(b) when he visits any place, the district officers must arrange for normal courtesies and security.

(2) A Minister may claim travelling and daily allowance only in respect of tours undertaken for official purposes i.e. tours, actually necessitated by duties which he could not perform, at headquarters. If an official tour is combined with private business of the Minister, which includes party work, and he has to undertake any additional journey for this purpose, he is not entitled to any travelling allowance for the additional journey. If a Minister while on official tour devotes any day of his halt exclusively for private business he is not entitled to day allowance for that day.

Special instructions regarding election tours:

(3) Whenever a Minister decides that meeting which is going to be addressed by him as an election meeting he should ask for arrangements to be made on his behalf non-officially and not by Government Servants. During the election tours Government meetings would be rare and normally public meetings should be considered election meetings and all expenses except those relating to maintenance of law and order, borne privately.