

कार्यालय मुख्य निर्वाचन अधिकारी, राजस्थान
शासन सचिवालय, जयपुर

क्रमांक: प.8(2)(19)निर्वा/2023/ 6852

जयपुर, दिनांक 13/10/23

प्रेषक : मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

प्रेषित : समस्त जिला निर्वाचन अधिकारी
(कलक्टर्स) राजस्थान।

विषय: विधानसभा आम चुनाव, 2023 – आदर्श आचार संहिता राजकीय वाहनों का चुनाव प्रचार के लिए दुरुपयोग।

उपरोक्त विषयान्तर्गत लेख है कि भारत निर्वाचन आयोग के आदेश क्रमांक 437/6/96/पीएलएन-।।। दिनांक 15.01.1996 के द्वारा सभी प्रकार के सरकारी वाहनों को राजनैतिक दलों, अभ्यर्थियों या राजनैतिक व्यक्तियों के द्वारा चुनाव प्रचार अभियान में या चुनाव संबंधी दौरो के लिए पूर्णतया प्रतिबंधित किया हुआ है। राजकीय वाहनों के अन्तर्गत राज्य सरकार, केन्द्र सरकार, राज्य/केन्द्र सरकार के उपक्रमों, राज्य/केन्द्र सरकार के संयुक्त उपक्रमों, स्थानीय निकायों, नगर पालिका संस्थाओं, मार्केटिंग बोर्ड, सहकारी संस्थाओं और ऐसी अन्य सभी संस्थाओं जिसमें Public Fund का पूर्णतः या अंशतः निवेश हो ऐसे सभी संस्थाओं के वाहन शामिल माने गए हैं। वाहनों में ट्रक, बसें, टेम्पो, कार, आटो रिक्शा, हेलीकॉप्टर, एयर क्राफ्ट, नावें आदि सभी प्रकार के वाहन शामिल हैं।

आयोग द्वारा यह भी निर्देश दिए गए हैं कि चुनाव कार्यक्रम की घोषणा से चुनाव प्रक्रिया की समाप्ति तक इन वाहनों की आवाजाही पर निगरानी रखी जावे और यदि कोई वाहन किसी अभ्यर्थी या राजनैतिक दल के कार्यकर्ता/व्यक्ति या राजनैतिक व्यक्ति द्वारा चुनाव प्रचार के लिए या चुनाव संबंधी दौरो के लिए उपयोग में लेते हुए पाया जावे तो उस वाहन को जिला निर्वाचन अधिकारी के द्वारा अपने चुनाव कार्यों के लिए अधिग्रहित कर लिया जावे।

मंत्रिगणों द्वारा सरकारी वाहनों के उपयोग पर प्रतिबंध के संबंध में आप सभी को निर्देश पूर्व में ही स्पष्ट रूप से दिए हुए हैं जिसमें कोई भ्रम नहीं है। इसी क्रम में आपका ध्यान आयोग के पत्र क्रमांक 437/6/2008/सीसी एण्ड बीई दिनांक 19.10.2008 के परिपत्र में वर्णित निम्नांकित निर्देशों की ओर आकर्षित किया जाता है :-

"...the functionaries of all the Autonomous Organisations may be instructed to use the official vehicle only for commuting between office and residence and to attend any official meeting within the Head Quarters itself. The District Administration may be advised to keep strict vigil on the movement of such vehicle and any vehicle found being misused may be confiscated forthwith".

यह ध्यान में लाया गया है कि राज्य सरकार के विभिन्न निगमों/बोर्डों/आयोगों/समितियों के मनोनीत अध्यक्ष या मनोनीत सदस्य जिनका मुख्यालय जयपुर में है उनमें से कुछ निगमों/बोर्डों/आयोगों/समितियों के वाहन का उपयोग बाहर की यात्राओं में कर रहे हैं। यदि ऐसा पाया जाता है तो आयोग के उक्त निर्देशों की पालना कर कार्यवाही की जावे और ऐसे वाहन का जिस स्थान पर भी दुरुपयोग पाया जाता है उसे वहीं पर संबंधित जिला निर्वाचन अधिकारी द्वारा तुरन्त अधिग्रहित कर लिया जावे।

चूंकि उक्त निगमों/बोर्डों/आयोगों/समितियों के मनोनीत अध्यक्षों को कार्यालय के वाहन से अपने मुख्यालय पर स्थित आवास से कार्यालय तक ही आने-जाने की अनुमति है। यदि ऐसे वाहन का उपयोग किसी राजनैतिक दल के कार्यालय में आने-जाने के लिए या राजनैतिक बैठकों में आने-जाने के लिए किया जाता है या उसमें अन्य व्यक्ति जो राजनैतिक कार्यकर्ता हो भी भ्रमण करता है तो वाहन का दुरुपयोग माना जाएगा।

अतः उपरोक्त निर्देशों की सख्ती से पालना करायी जावे।

संलग्न :- उपरोक्तानुसार।

(प्रवीण गुप्ता)
मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर

क्रमांक:- एफ.8(2)(19)निर्वा/2023/ 6852

जयपुर, दिनांक 13/10/23

प्रतिलिपि निम्न को मय आयोग के प्रासंगिक पत्रों की छायाप्रतियों सहित सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित हैं:-

1. समस्त अतिरिक्त मुख्य सचिव/प्रमुख शासन सचिव/शासन सचिव, राजस्थान सरकार, जयपुर
2. महानिदेशक पुलिस, राजस्थान, जयपुर।
3. पुलिस आयुक्त, जयपुर एवं जोधपुर।
4. समस्त विधानसभा निर्वाचन क्षेत्र के लिए रिटर्निंग ऑफिसर, राजस्थान।
5. समस्त जिला पुलिस अधीक्षक, राजस्थान।

संलग्न: उपरोक्तानुसार

विशेषाधिकारी, निर्वाचन विभाग
राजस्थान, जयपुर।

INSTRUCTION SI. No. 37

Election Commission's Order No. 437/6/96/PLN -III, dated 15.01.1996.

ORDER

Subject: General elections/bye-elections - Prevention of misuse of 'official vehicles' during elections.

In the interest of preserving the purity of election process and rendering the same reflective of true choice of the people, the Commission has been issuing instructions and directions regarding the use of official vehicles. The Commission has been particularly concerned about the increasingly vitiating role of criminality and muscle power at elections and has been giving directions for taking a number of measures for ensuring peaceful, free and fair poll.

2. The Commission has now decided that the following shall be standing instructions for all general/bye elections to the Lok Sabha, and in State Legislative Assemblies. This will be equally applicable to all biennial/bye-elections from Graduates' and Teachers' constituencies of Legislative councils in the concerned States. These shall be in supersession of all earlier instructions on the subject.
3. These instructions shall come into effect from the date of announcement of elections till the completion of elections.
4. For the purpose of these instructions vehicles means, and shall include, any vehicles used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise and will include trucks, lorries, tempos, jeeps, cars, auto rickshaws, buses, belonging to the (1) Central Government, (2) State Government, (3) Public Undertakings of the Central and State Government, (4) Joint Sector Undertakings of Central and State Government, (5) Local Bodies, (6) Municipal Corporations, (7) Municipalities, (8) Marketing Boards, (by whatever name known) (9) Cooperative Societies, (10) 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 Organisations under the Ministry of Home Affairs and State Government.
5. The Commission directs that there shall be a total and absolute ban on the use of official vehicles for campaigning, electioneering or election related travel during elections. There shall be a total prohibition on the use of any vehicles such as helicopters, aircraft, (except as regulated by the Commission's order on the subject) cars, jeeps, in automobiles, boat, hovercrafts etc. belonging to the (i) Central Government, (ii) State Government, (iii) Public undertakings of the Central and State Government, (iv) Joint sector undertakings Central and State Government, (v) Local bodies, (vi) Marketing boards, (vii) Co-operative societies, (viii) Autonomous District Councils or any other body in which public



funds, however, portion of the total, are invested for any purpose connected with the elections, by any political party, candidate or any other person connected with election.

6. It is clarified that the ban on the use of vehicles will equally apply to the vehicles in or from any States not going to the polls but whose 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 will be personally responsible for preventing misuse of any vehicle within his State and the Secretary to the Government of India in the concerned Department will be personally responsible for any misuse of any vehicle under Ministry/Department and also belonging to any of the public sector or joint sector undertakings or Autonomous Bodies or attached and offices under that Ministry/Department. The officers under whose charge such vehicles are entrusted will also be equally responsible for any violation.
7. 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, for campaigning or on tours connected with elections but with the alleged and bogusly certified purpose of election work in their capacity as Ministers is totally prohibited. The only exception from the 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 any statutory provisions made by Parliament or the State Legislature in this behalf. The above restrictions shall also not apply in the case of 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. In the case of Speaker, 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. It is, however, clarified that such exceptions shall not be made in respect of any Ministers of the Union or any State Government.
- 7 (a) The Commission would like to make it clear that if it has any material to doubt that the assessment of security requirements made by the 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 Commission will bring the matter to the notice of the concerned Government for immediate and appropriate corrective steps.
- 7.(b) For this purpose, the Commission may call for any information from the Central Government or the State Government concerned with regard to the assessment of the security requirements made in respect of any such personality. Such information shall be furnished to the Commission by the concerned government forthwith.

8. The Commission further directs that cars/vehicles shall, under no circumstances, be allowed to move in convoys of more than three vehicles. All bigger convoys shall be broken up, even if they are carrying any Minister of Central or State Government or any other person. This shall, however, be subject to any security instructions issued in respect of any such individual.
9. The Commission further directs that from the date of announcement of elections till the completion of elections, the District Administration shall keep a close watch on the use of all the abovementioned vehicles to see whether any such vehicles is being misused for electioneering for, or by, any candidate. If it is found that any of the abovementioned vehicles of Central Government or State Government, including those of public sector undertakings or local bodies is being used for electioneering purposes, the District Magistrate shall, forthwith, requisition or cause to be requisitioned such vehicles, after following due procedure, for election work, to be used by officers performing election related duties under Section 160 of the Representation of the People Act, 1951. The vehicles so requisitioned shall not be released until after the completion of the process of elections.
10. The above directions of the Commission are issued under the powers conferred on it by Article 324 of the Constitution and all other powers enabling it in that behalf.
11. This should be brought to the notice of all concerned. A copy of this order in English/Hindi and any local official language(s) shall be made available to the units of all recognised National and State political parties and to each candidate or the agent authorized by him, at the time of his nomination(s) (repeat nomination and not scrutiny of nomination) under acknowledgement.

INSTRUCTION SI. No. 61

Election Commissions letter No. 437/6/2008/CC&BE Dated : 19th October, 2008 addressed to the Chief Electoral Officers of (1) Chhattisgarh, Raipur, (2) Jammu & Kashmir, Jammu, (3) Madhya Pradesh, Bhopal, (4) Mizoram, Aizwal, (5) NCT of Delhi, Delhi, (6) Rajasthan, Jaipur.

Subject: General Election to the Legislative of Assemblies, 2008 - Use of official vehicle by the functionaries of the various Boards/Commissions etc.- regarding.

It has been brought to the notice of the Commission that the vehicles provided by the State Government to non-official functionaries viz. Chairman, Dy. Chairman, President, Vice President, Commissioners etc. of the various autonomous organizations are likely to be misused during the electioneering. The provisions of the Model Code Conduct and various instructions issued from time to time prohibits the use of official vehicle for the purpose of electioneering to ensure a level playing field among the parties and candidates in the fray.

The Commission, after taking into account all relevant factors, has decided that the functionaries of all the autonomous organizations may be instructed to use the official vehicle only for commuting between office and residence and to attend any official meeting within the Head Quarters itself. The District Administration may be advised to keep strict vigil on the movement of such vehicle and any vehicle found being misused may be confiscated forthwith.

This may be brought to the notice of the all concerned for strict compliance.