

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 100/TN-LA/1/2013

Dated: 31st October, 2013

Whereas, the programme for holding Bye- election to the Tamil Nadu Legislative Assembly from 83-Yercaud (ST) Assembly Constituency, was announced by the Commission on the 4th October, 2013; and

Whereas the provisions of the Model Code of Conduct have come into force in the Salem district from the said date; and

Whereas, it had come to the notice of the Commission that you visited Government Mohan Kumaramangalam Medical College Hospital, Salem on 14.10.2013, as Minister for Health Government of Tamil Nadu, Chennai, used official vehicle and met officials without prior permission of the Commission; and

Whereas, the Model Code of Conduct lays down that Ministers shall not combine their election work with official work and in the instructions of the Commission issued vide letter No. 437/6/2007-PLN-III dated 23rd November, 2007, addressed to Cabinet Secretary, Government of India and to Chief Secretaries of all States and UTs, it is clearly mentioned 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. They shall return to their headquarters on completion of their officials' tours. 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 and such private visits should begin and end at the Minister's headquarters.



- (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/she shall not halt in the district(s) where Model Code of Conduct is in force and shall not attend to any political work.
- (iii) No official of any rank of the district(s) where the Bye-election is being held, shall be called to attend any meeting by any Minister in any district, that is to say, even in other districts where election is not being held.
- (iv) 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 People Act, 1951, he shall also be additionally considered to have violated the statutory of that Section and liable to penal action provided there under.

Whereas, none of the prerequisites to undertake the official tour of the poll bound District has been complied with by you. A show cases notice dated 21st October 2013 was issued affording you an opportunity to explain your position and in response thereof you have submitted your reply vide letter No. 3/M (H)/ 2013 dated 23.10.2013; and

Whereas, in your said reply, you stated that the visit to Government Mohan Kumaramangalam Medical College Hospital, Salem was part of a surprise check of the facilities available at Government hospital at Dharmapuri, Krishnagiri and Vellore Districts. You have also mentioned that your sources informed you that Model Code of Conduct is not in force in the entire district and is limited to said constituency only and as the hospital visited was not located in the constituency, there is no violation of Model Code of Conduct. You have further mentioned that you had no intention of violating Model Code of Conduct; and



Whereas, the explanation so submitted was considered by the Commission and observed that you have violated the instructions on Model Code of Conduct which prohibit Ministers for visiting poll bound districts without prior intimation and essentiality certificate from the Secretary of the concerned Department. However, there is no allegation that you visited district Salem for any political activity.

Now, therefore, the Commission has taken a lenient view and decided to caution you to be careful in future so that such instances do not reoccur.

By order,



(TAPAS KUMAR)
PRINCIPAL SECRETARY

Shri Veeramani,
Minister for Health
Government of Tamil Nadu,
Chennai