

राजस्थान सरकार
निर्वाचन विभाग

क्रमांक एफ.3(1)(7) प्रथम/निर्वा/2018/ 7130

जयपुर, दिनांक: 9-10-2018

प्रेषक :- मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

प्रेषित :- मुख्य सचिव,
राजस्थान सरकार, जयपुर।

महानिदेशक, पुलिस
राजस्थान, जयपुर।

समस्त अति० मु० सचिव/प्रमुख शासन
सचिव/शासन सचिव,
राजस्थान, जयपुर।

समस्त संभागीय आयुक्त
राजस्थान।

समस्त जिला निर्वाचन अधिकारी
(कलक्टर्स) राजस्थान।

विषय:- विधानसभा आम चुनाव 2018 - आदर्श आचार संहिता की पालना
बाबत।

प्रसंग:- भारत निर्वाचन आयोग की पत्र सं 437/6/1/ECI/INST/FUNCT/
MCC/2018 दिनांक 6.10.18

महोदय,

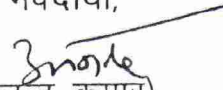
भारत निर्वाचन आयोग द्वारा दिनांक 6.10.2018 को आगामी विधानसभा आम
चुनाव 2018 के कार्यक्रम की घोषणा की जा चुकी है। घोषणा के साथ ही आदर्श आचार
संहिता प्रभाव में आ चुकी है।

भारत निर्वाचन आयोग के प्रासंगिक पत्र के द्वारा आदर्श आचार संहिता प्रभाव में
रहने के दौरान राज्य सरकार, मंत्रीगण एवं राजनैतिक व्यक्तियों के द्वारा पालना हेतु आदर्श
आचार संहिता के प्रावधानों की ओर ध्यान आकर्षित किया है। साथ ही सांसदों एवं
विधायकों के द्वारा उनके स्थानीय विकास कोष से राशि स्वीकृत करने को भी प्रतिबन्धित
किया है।

आयोग के प्रासंगिक पत्र के प्रति आदर्श आचार संहिता के पालना हेतु सलंगन
कर प्रेषित की जा रही है। कृपया अपने अधीनस्थ विभागों/सार्वजनिक उपक्रमों को भी
आयोग के निर्देशों की पालना हेतु निर्देशित करें।

सलंगन:- उपरोक्तानुसार

भवदीया,


(आनन्द कुमार)

मुख्य निर्वाचन अधिकारी,
राजस्थान जयपुर

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01:24 PM : 09/10/2018

By Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/ECI/INST/FUNCT/MCC/2018

Dated: 6th October, 2018

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the
Government of:-
(i) Chhattisgarh, Raipur;
(ii) Madhya Pradesh, Bhopal;
(iii) Mizoram, Aizawl;
(iv) Rajasthan, Jaipur;
(v) Telangana, Hyderabad.
3. The Chief Electoral Officers of :-
(i) Chhattisgarh, Raipur;
(ii) Madhya Pradesh, Bhopal;
(iii) Mizoram, Aizawl;
(iv) Rajasthan, Jaipur;
(v) Telangana, Hyderabad.

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Sub: Application of Model Code of Conduct - General Elections to the State Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana, 2018- reg.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Elections to the State Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana (Press Note No. ECI/PN/66/2018, dated 6th October, 2018 available at the Commission's web-site -<https://eci.nic.in/>).

2. With this announcement, the provisions of the Model Code of Conduct for the guidance of the Political Parties and Candidates have come into force with immediate effect and which will be in force till the completion of the General Elections in the above States. This may be brought to the notice of the Central and State Government, all Ministries, Departments/offices of the Union Government, the State Government. A copy of

instructions issued by you to this effect, may be sent to the Commission for its information and record.

3. Your attention is drawn to the particular provisions of Model Code of Conduct relating to the 'party in power' which inter alia says that the party in power whether at the Centre or in the States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular: -

- (i) (a) The Ministers shall not combine their official visit with electioneering work and also shall not make use of official machinery or personnel during the electioneering work;
 - (b) Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;
- (ii) Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolised by itself. Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;
- (iii) Rest houses, dak bungalows or other Government accommodation where elections have been announced or are taking place can be given to the political functionaries who are provided security by the State in Z scale or above or equivalent by various State Governments or the Central Government under provisions of their laws, on equitable basis. This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or Observers. Such political functionaries shall not carry out any political activity while staying in the Government Guest Houses/Rest Houses or other Government accommodation etc.;
- (iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided;
- (v) Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission; and
- (vi) From the time elections are announced by the Commission, Ministers and other authorities shall not -
 - (a) announce any financial grants in any form or premises thereof; or

- (b) (except civil servants) lay foundation stones etc. of projects or schemes of any kind; or
- (c) make any promise of construction of roads, provision of drinking water facilities etc.; or
- (d) make any ad-hoc appointments in Government, Public Undertakings etc. which may have the effect of influencing the voters in favour of the party in power.

4. As will be observed from Para 3{Clause IV} above, no advertisements shall be issued in electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. If any advertisement has already been released for telecast/broadcast or publication in the print media, it must be ensured that the telecast/broadcast of such ads on electronic media is stopped forthwith and that no such ad is published in any newspapers, magazines, etc., i.e. in print media, from today itself and it should be immediately withdrawn.

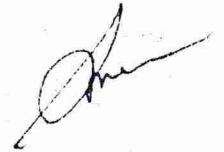
5. The instruction of the Commission contained in its letter No.437/6/2009-CCBE dated 5th March, 2009 is available on the Commission's web-site "<http://eci.nic.in/> under the heading 'Election Laws and ECI - instructions' for your information and necessary action. The Commission's all other instructions are also available in this link for your guidance.

6. The Commission further directs that there shall be a total ban on the transfer of all officers/officials connected with the conduct of the election. These include but are not restricted to: -

- i) The Chief Electoral Officer and Additional/Joint/Deputy Chief Electoral Officers;
- ii) Divisional Commissioners;
- iii) The District Election Officers, Returning Officers, Assistant Returning Officers and other Revenue Officers connected with the Conduct of Election;
- iv) Officers of the Police Department connected with the management of election like range IGs. and DIGs, Senior Superintendents of Police and Superintendents of Police, Sub-Divisional Police Officers like Deputy Superintendents of Police and other Police officers who are deputed to the Commission under section 28A of the Representation of the People Act, 1951;
- v) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till date should not be given effect to without obtaining specific permission from the Commission in this regard;

- vi) This ban shall be effective till the completion of the election. The Commission further directs that the State Governments should refrain from making transfers of senior officers who have a role in the management of election in the State;
- vii) In those cases where transfer of an officer is necessary on account of administrative exigencies, the concerned State Government may with full justification approach the Commission for prior clearance.
7. The receipt of the letter may kindly be acknowledged.

Yours faithfully,



(SUMIT MUKHERJEE)
PRINCIPAL SECRETARY

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/2009-CC&BE

Dated: 5th March 2009

To

1. The Chief Secretaries to the Governments of
All States and Union Territories

2. The Chief Electoral Officers of
All States and Union Territories

3. All Recognized Political Parties

**Sub: General Elections – Enforcement of the Model Code of Conduct -
reg.**

Sir,

I am directed to state that the Commission has considered various aspects in the context of the Model Code of Conduct during General Elections and decided to issue the following Guidelines regarding implementation/processing of the various projects,

schemes, rural development programmes etc. by the Central/State Governments

1. All Model Code of Conduct related directions shall be issued only by the Commission. The Cabinet Secretariat or any other government agency should reiterate and disseminate the directions of the Commission for compliance.

2. RBI may continue to take decisions unhindered on monetary policy issues.

3. After the Model Code of Conduct comes into effect, the Ministry of Finance will need to take prior approval of the Commission on any policy announcements, fiscal measures, taxation related issues and such other financial relief. Similarly, other Ministries/Departments will need to take prior approval of the Commission before

announcing any relief/benefit.

P.T.O

4. The following types of existing works can be continued by the government agencies without reference to the Election Commission after the Model Code of Conduct comes into force:

a. Work-Projects that have actually started on the ground after obtaining all necessary sanctions;

b. Beneficiary-projects where specific beneficiaries by name have been identified before coming of the Model Code of Conduct into force;

c. Registered beneficiaries of NREGA may be covered under existing projects. New projects under NREGA that may be mandated under the provisions of the Act may be taken up only if it is for the already registered beneficiaries and the project is already listed in the approved and sanctioned shelf of projects for which funds are also already earmarked.

5. There shall be no bar to release of funds for the completed portion of any work subject to observance of laid down procedures and concurrence of finance department.

6. The following type of new works (whether beneficiary or work oriented) that fulfill all the following conditions before Model Code of Conduct comes into effect, can be taken up under intimation to the Commission. Full funding has been tied up.

b. Administrative, technical and financial sanctions have been obtained

c. Tender has been floated, evaluated and awarded and

d. There is contractual obligation to start and end the work within a given time frame and failing which there is an obligation to impose penalty on the contractor.

e. In case of any of the above conditions not being met in such cases prior approval of the Commission shall be sought and obtained.

7. Global tenders already floated, can be evaluated and finalized where any time limits are specified for such purpose.

8. Tenders other than global tenders, that are already floated may be evaluated but not finalized without prior approval of the Commission. If they are not already floated, they shall not be floated without prior approval of the Commission.

9. Commission invariably takes a humanitarian view on the work that are necessitated due to man-made or natural calamities.

- e. No land allocation shall be made by the government to any entity, whether individual or an enterprise.
- f. Signing a MOU or an agreement where the government is a party will also require prior clearance by the Commission.
11. Regular recruitment/appointment or promotion through the UPSC, State Public Service Commissions or the Staff Selection Commission or any other statutory authority can continue. Recruitments through non-statutory bodies, will require prior clearance of the Commission.
12. While starting any work (including any relief work) or developmental activity no formal function shall be held involving any political functionary. As a matter of good practice, normal functions and publicity even with the presence of official functionaries should be kept to the minimum.
13. Where works are to be undertaken or functions are to be held in fulfillment of international commitments, prior concurrence of the Commission shall be taken.
14. All Government of India references to the Election Commission of India shall be made preferably through the Cabinet Secretariat. In so far as reference from State Governments are concerned, the same shall be made to the Election Commission of India through the Chief Electoral Officer (CEO) of the state concerned.

This may be brought to the notice of all concern authorities.

Yours faithfully,

(K. AJAY KUMAR)
SECRETARY

- a. Ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the persons affected at the current rates/scales of assistance presently in force, under intimation to the Commission. No change in the extant and prescribed scales of payments, however, shall be made in the existing rates/scales without prior permission of the Commission.
 - b. Payment directly to the hospitals from CM's/PM's Relief Fund, in lieu of direct cash payment to individual patients (beneficiaries) will be permissible without reference to the Commission.
 - c. Emergent relief works and measures that are aimed to mitigate the hardships, directly and solely, of the persons affected in a disaster may be taken up under intimation to the Commission.
 - d. However, new works that may be necessitated by way of preventive measures to mitigate the likely effects of natural disasters like repair of embankments, water channels etc. can be taken up only with prior permission of the Commission.
 - e. Also, an area shall not be declared drought/flood affected or any such calamity affected without prior approval of the Commission. The extent of area already declared to be calamity-affected cannot be expanded without prior approval of the Commission.
 - f. Similarly, any selective assistance to a group of persons from the PM's or the CM's Relief Fund will require prior approval of the Commission.
10. The following type of activities will require prior permission of the Commission:
- a. New works and project cannot be taken up from discretionary funds of whatever nature. Discretionary fund, in this context, includes funds, which are provided for in the budget in a generic manner and for which no identified and sanctioned project exists prior to Model Code of Conduct coming into effect.
 - b. Proposals for revival of sick PSUs, governmental take-over of enterprises etc. (or any policy decision on similar lines) cannot be taken up.
 - c. Fresh auctions of liquor vendis etc. cannot be held even if the annual auction time falls within the Model Code of Conduct period. Where necessary, the government should make Interim arrangements as provided in their respective laws.
 - d. Area of operation of any existing project/scheme/programme can not be extended or expanded.

P.T.O