

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/2011-CC&BE

Dated: Ist March, 2011

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the
Government of Assam, Kerala, Tamil Nadu,
West Bengal and UT of Puducherry.
3. The Chief Electoral Officers of
Assam, Kerala, Tamil Nadu,
West Bengal and UT of Puducherry

Sub: Application of Model Code of Conduct – General elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Puducherry-regarding.

Sir,

I am directed to state that the Commission has announced the schedule for holding General Elections to the Legislative Assemblies of the States of Assam, Kerala, Tamil Nadu, West Bengal and Union Territory of Puducherry.

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. This may be brought to the notice of the Government, all Ministries/Departments and all other offices of the Union Government and the State Governments of Assam, Kerala, Tamil Nadu, West Bengal and Union Territory of Puducherry.

3. Your particular attention is drawn to clause VII (vi) of Model Code, which, inter-alia, states the party in power whether at the Centre or in the State or 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 shall not also 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 shall not be monopolized by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premises appertaining thereto) as a campaign office or for holding any public meeting for the purposes of election propaganda;

(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 make promises 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 or 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. A copy of the instruction of the Commission contained in its letter No.437/6/2009-CCBE dated 5th March, 2009 is enclosed for your information and necessary action.

6. The Commission 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 Elections;
- iv) Officers of the Police Department connected with the management of elections 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 Government 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 State Government may with full justification approach the Commission for prior clearance.

7. You are also requested to kindly refer to the Compendium of Instructions (Vol.3) on Model Code of Conduct which is available on the website (<http://eci.nic.in>) of the Election Commission of India. (A hard copy of this volume is also enclosed herewith).

8. The receipt of the letter may kindly be acknowledged.

Yours faithfully,

**(DILIP KUMAR VARMA)
UNDER SECRETARY**