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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

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

Dated: 27th September, 2018

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the Government of
All States/UTs.

Subject: Applicability of Model Code of Conduct in cases of premature dissolution of Legislative Assembly followed by the caretaker Government in position till the formation of new Government after fresh election – regarding.

Sir/Madam,

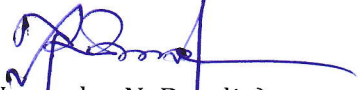
I am directed to state that the Commission has considered the matter of application of the Model Code of Conduct in the cases of premature dissolution of Legislative Assembly where a caretaker government has been asked to carry on the administration of that State/UT for the purposes of free, fair, transparent, and robust electoral process. On careful consideration of the matter, keeping the observation of Hon'ble Supreme Court in S.R.Bomma and Ors Vs. Union of India & Ors. (1994), that ***the caretaker Government should merely carry on the day-to-day Government and desist from taking any major policy situation decision*** in view, Commission has directed the following:-

- (i) In such an eventuality as described above, the provisions of Part-VII (Party in Power) of the Model Code of Conduct shall come into operation with immediate effect in the State concerned and shall continue to be in force till the completion of the election to constitute the new Legislative Assembly;
- (ii) The provisions of the aforesaid Part-VII of Model Code of Conduct shall apply on the caretaker State Government as well as on the Central Government in so far as matters relating to that State are concerned;

- (iii) Consequently, neither the caretaker State Government nor the Central Government shall announce any new schemes, projects, etc. in respect of that State or undertake any of the activities prohibited under the aforesaid Part-VII of the Model Code of Conduct;
- (iv) All other prohibitions under Part-VII, such as use of official resources for any non-official purposes, combining of official visit with electioneering work, etc. shall apply on all Ministers and other authorities of the caretaker State Government, the Central Government as well as Governments of other States.

2. This may be brought to the notice of all concerned and the receipt of this letter may please be acknowledged.

Yours faithfully,


(Narendra N. Butolia)
Principal Secretary