

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/2009-CC&BE

Dated: 2nd March 2009

To

1. **The Cabinet Secretary,**
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. **The Chief Secretaries to the Governments of**
all States and Union Territories
3. **The Chief Electoral Officers of :-**
all States and Union Territories

Sub: Application of Model Code of Conduct – General Election to Lok Sabha - 2009 – reg.

Sir,

I am directed to state that the Commission has announced the schedule for holding General Elections to Lok Sabha and to the Legislative Assemblies of the States of Andhra Pradesh, Orissa and Sikkim including certain bye-elections (Press Note dated 2nd March 2009 available at Commission's web-site – www.eci.gov.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 will be in force till the completion of the General Elections. This may be brought to the notice of the Central / State Governments, all Ministries/Departments and all other offices of the Union Government and the State Government of the State.

3) Your particular attention is drawn to clause VII of Model Code, which states that :-

“Party in Power

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 aircrafts, 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 monopolized 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 Commission, Ministers and other authorities shall not –

(a) announce any financial grants in any form or 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.

(vii) Ministers of Central or State Government shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorised agent.”

4) 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 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;
- 5) 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;
- 6) 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;
- 7) 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.
- 8) The receipt of the letter may kindly be acknowledged.

Yours faithfully,

(K. AJAY KUMAR)
SECRETARY