

By Speed Post



ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 43716/2009-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.

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:
 - a. 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.
 - 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.
 - 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



By Fax/E-Mail/Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

Dated: 23rd October, 2009

No. 437/6/2009-CC&BE

To

The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.

2. The Chief Secretary to the Government of Jharkhand, Ranchi.
3. The Chief Electoral Officer, Jharkhand, Ranchi.

Sub: Application of Model Code of Conduct – General Election to the State Legislative Assembly of Jharkhand - reg.

Sir,

I am directed to state that the Commission has announced the schedule for holding General Election to the Legislative Assembly of the State of Jharkhand. The Press Note dated 23rd October, 2009 is available on the Commission's web-site :- "<http://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 in Jharkhand. This may be brought to the notice of the Government, all Ministers/ Departments and all other offices of the Union Government and State Government of Jharkhand.

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
- appointments of 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. in print media from today (16/3) and it should be**

5. A copy of the instruction of the Commission contained in its letter No.431/6/2009-CC&BE 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) 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. The receipt of the letter may kindly be acknowledged.

Yours faithfully,



(K.N. BHAR)
UNDER SECRETARY



D.O. No. _____ /CS

Ranchi, Dated October, 2009

Dear Deputy Commissioners

Please recall development review meeting taken by His Excellency the Governor of Jharkhand at Ranchi on 21.10.2009. You are requested to comply with the following instructions:

1. Distribution of free food grains to BPL households for next three months i.e. January, 2010. All the Deputy Commissioners must vigorously monitor availability of stocks in FCI godowns, lifting and doorstep delivery to Fair Price Shops and distribution by Fair Price Shops to the BPL card holders on a regular basis. Problems arising therein must be sorted out at the local level. In case any help is needed, Principal Secretary, Food and Civil Supplies should be contacted. Every Deputy Commissioner shall ensure that there is no break in distribution of free food grains.
2. All districts will ensure provision of at least 75 mandays on an average to NREGS card holders till 31.12.2009. Target of achieving 60 days till 31.10.2009 could not be achieved by most of the Deputy Commissioners. Hence, special efforts must be made to ensure compliance. Achieving of the above target should not be a problem in case every district takes up 3000 to 5000 farm ponds depending upon the area under 1 lakh farm ponds scheme announced by H.E. the Governor. This scheme can alone generate 20 crore mandays.
4. Ensure regular payments to job card holders at least once in a fortnight through banks/post office accounts.
5. Monitor disbursement of consumption loans to the BPL families by the banks in view of the serious drought situation.
6. Deputy Commissioners to ensure coordination with District Medical Officers in holding of health camps at Sub Centres and bigger habitations and full utilization of Medial Mobile Units being made available to them. Money provided for holding health camps should be utilized for procurement of necessary medicines, if necessary.

कृषि निदेशालय, झारखंड, रांची।

आपांक 4683 कोवि. रांची, दिनांक 28/10/09
प्रतिनिधि सयुक्त कृषि निदेशालय, रांची/हजारीबाग/दुमका को सूचनाय एवं आवश्यक कार्रवाई हेतु प्रेषित। कृषि निदेशालय, रांची के संकेत में सभी जिला कृषि पदाधिकारी/अधीनस्थ पदाधिकारियों को प्रतिनिधि हस्ताक्षर करके इसे अनुपालन सुनिश्चित करावे।

आपांक 4683 कोवि. रांची, दिनांक 28/10/09
प्रतिनिधि निदेशालय, रांची/रांची, निदेशालय, राष्ट्रीय बाण्डरानी मिशन, रांची को सूचनाय एवं आवश्यक कार्रवाई हेतु प्रेषित।

कृषि निदेशालय, झारखंड, रांची।
कृषि निदेशालय, झारखंड, रांची।

Div Agri
Pl ensure compliance
of para 10 & 21
give a copy to
Dep. Secy/WHM
for compliance
send to
10/21 to
DD(A)/Dist
Mony Kabi
Hobs. de 4/10
di
28/10/09

सचिव
मुख्य विभाग
4/10/09
4/10/09



Please ensure uninterrupted supply of essential medicines including anti rabies, anti snake venom and malarial drugs. State has recruited 900 doctors and it should be possible for the Health Department to post at least three doctors in every PHC for making them functional. The Deputy Commissioners may get in touch with Secretary, Health in case of any deficiency.

7. Welfare Department has provided allotment to districts for distribution of matric and post matric scholarship. In case of any problem in allotment, Deputy Commissioners may contact Smt. Alka Tiwary, Secretary, Welfare Department. Deputy Commissioners must hold camps for distribution of scholarships.
8. Date for inviting claims and distribution of forest pattas has been extended till 31.12.2009. Please ensure expeditious disposal.
9. Home Department has issued orders for withdrawal/dropping of cases relating to minor forest produce against tribals. Deputy Commissioners to ensure that concerned forest officials do the needful regarding filing of petitions in concerned courts for dropping these cases.
10. Agriculture Department has made seeds for rabbi crops available. Please ensure distribution of seeds in time and also ensure that all Block Agriculture Officers and VLWs are available to farmers at the Block and Panchayat level. In case of any absenteeism, please report matter to the Secretary, Agriculture.
11. DCs to get feed back regarding functioning of drilled tube wells through Chaukidars/ Panchayats and ensure timely repairs by the concerned Drinking Water and Sanitation division.
12. Rigorous monitoring of Mid-day meal scheme to ensure that children get quality food in all the schools.
13. DCs to keep SHG ready for disbursement of seed money of Rs. 10,000/- as and when funds are made available by the Department of Panchayati Raj.
14. Take up the matter with the lead banks Managers for provision of Rs. 20,000/- to AAY beneficiaries at 4% interest rate.

Shiv Basant
Chief Secretary to Government



Government of Jharkhand
Mantralaya, Dhurwa
Ranchi-834 004, India
Tele. : 91-651-2400240/250/627/628
Fax : 91-651-2400255
E-mail : cs-jharkhand@nic.in

15. Monitor charging of villages electrified under RGGVY scheme.
16. Monitor repair of important roads. In case of any problem, may get in touch with Secretary, Road Construction Department.
17. Holding of regular Janata Darbars in interior blocks and review developmental schemes at the grass root level.
18. Monitor functioning of Ashram schools, Eklavya schools and Kasturba Gandhi schools and Welfare Department schools and hospitals.
19. Ensure full coverage of Primitive Tribe families under IAY.
20. Monitor progress under SGSY scheme.
21. Monitor progress under Rashtriya Krishi Vikas Yojna and National Horticulture Mission.

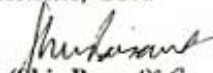
While wishing you all the best, it is expected from all of you to put in hundred percent efforts for streamlining administrative machinery and delivery of essential public services to the people.

Yours Sincerely,
Sd/-
(Shiv Basant)

**All Deputy Commissioners,
Jharkhand.**

Memo No. 1333 /CS

Ranchi, Dated 23 October, 2009
Copy to Development Commissioner/All Principal Secretaries/Secretaries, Govt. of Jharkhand, Ranchi for providing fullest assistance to DCs.


(Shiv Basant) 13.10

cell
AIJDA/DAO/Dir SANET
Dir. Soil/Cons/Dir NRM
Dir Hort. 28/10/09

From,

Shiv Basant,
 Chief Secretary,

All Principal Secretaries/Secretaries,
 Govt. of Jharkhand.

Ranchi, Dated 23rd October, 2009

Sub: Application of Model Code of Conduct-General Election to the State Legislative Assembly-reg.

Sir/Madam,

I am directed to state that Election Commission of India has announced the schedule for holding General Election to the Legislative Assembly of the State of Jharkhand vide their communication No. 437/6/2009-CC&BE dated 23rd October, 2009 (copy enclosed).

I am enclosing herewith guidelines issued by the Commission regarding enforcement of Model Code of Conduct dated 5th March, 2009 which are self explanatory.

You are directed hereby to ensure compliance of the enclosed guidelines regarding enforcement of the Model Code of Conduct. All your actions should be guided by the enclosed guidelines and in case of any doubt, Chief Electoral Officer, Jharkhand may be formally consulted.

Yours faithfully,

Shiv Basant
 23.10.09
 (Shiv Basant)

Encl: As above.

उपान सचिव/सचिव
 पशुपालन एवं गन्तव्य विभाग
 7-4-08
 26 OCT 2009
 आरखण्ड, राँची

कृषि निदेशालय, झारखंड, राँची

ज्ञापांक 4678 क०नि०, राँची, दिनांक 28/10/09

प्रतिलिपि संयुक्त कृषि निदेशक, राँची/हजारीबाग/
 दुमका को सूचनार्थ एवं आषयक कार्रवाई हेतु प्रेषित। कृपया उक्त विभाग
 के संबंध में अपने अधीनस्थ सभी जिला कृषि पदाधिकारियों/अधीनस्थ
 पदाधिकारियों को प्रतिलिपि हस्तान्त कराना सुनिश्चित करें।

ज्ञापांक 4678 क०नि०, राँची, दिनांक 28/10/09
 प्रतिलिपि निदेशक, समिति/निदेशक, भूमि संरक्षण/निदेशक,
 उपान/निदेशक, राष्ट्रीय वायुमानी विमान को सूचनार्थ एवं आषयक कार्र-
 वाई हेतु प्रेषित।

कृषि निदेशक, झारखंड
 राँची।

28/10/09
28/10/09
Manoj Kishor
Website
28/10/09