

**GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (ELECTIONS.B) DEPARTMENT**

Memo.No. 4646/Elecs. B/2009-1

Dated : 20 -11-2009.

Sub : Bye-Elections – Schedule for Bye-Election to 248-Pulivendla
A.C.- Applicable of Model Code of Conduct- Intimation –
Reg.

Ref :1) ECI Press Note No. ECI/PN/66/2009, Dated: 20-11-2009.
2) From the Under Secretary, ECI New Delhi Letter No.
437/61/09-CC & BE, Dated: 20-11-2009.

The Election Commission of India, among others, have announced schedule for Bye-election (copy enclosed) to fill up the casual vacancy from 248-Pulivendla A.C. With the announcement, the Model Code of conduct to all candidates and political parties has come into force in the entire district with immediate effect from 20-11-2009. The Guidelines issued by the Commission in the reference second cited is also enclosed. The Collector & Dist. Election Officer, Kadapa is requested to intimate all concerned for strict compliance and take necessary action accordingly.

Dr. I.V. SUBBA RAO
CHIEF ELECTORAL OFFICER &
E.O. PRINCIPAL SECRETARY TO GOVT.

To
The Collector & District Election Officer, Kadapa (w.es).

// FORWARDED :: BY ORDER //


SECTION OFFICER.

By Fax/Spl. Messenger/Speed Post**ELECTION COMMISSION OF INDIA**

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

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

Dated: 20th November, 2009

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the
Government of Andhra Pradesh,
Manipur and Tamil Nadu.
3. The Chief Electoral Officers of
Andhra Pradesh,
Manipur and Tamil Nadu.

Sub: Application of Model Code of Conduct - Bye-Elections to the Legislative Assemblies of Andhra Pradesh, Manipur and Tamil Nadu.

Sir,

I am directed to state that the Commission has announced the schedule for holding Bye-Elections to the State Legislative Assemblies from the following Assemblies Constituencies shown against the name of the States :-

Sl. No.	Name of State	Number and Name of Constituency
1.	Andhra Pradesh	248 - Pulivendla
2.	Manipur	14 - Yaiskul
3.	Tamil Nadu	225 - Tiruchendur 51 - Wandvasi (SC)

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 the districts in which the Constituencies going to bye poll is wholly or partially comprised. This may be brought to the notice of the Government, all Ministries/Departments and all other offices of the Union Government and the concerned State Governments.

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-CCHB 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. The receipt of the letter may kindly be acknowledged.

Yours faithfully,



(K. N. BHAR)
UNDER SECRETARY

By Speed Post**ELECTION COMMISSION OF INDIA**
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

Dated: 5th March 2009

No. 437/6/2009-CC&BE

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 to 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-effected 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 vends 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