

दिल्ली विधान सभा सचिवलय

समाचार भाग-2

(विधायी तथा अन्य मामलों से संबंधित सामान्य जानकारी)

मंगलवार 17 मार्च, 2009 / फाल्गुन 26 1930 (शक)

संख्या: 20

लोक सभा का आम चुनाव 2009 - आदर्श आचार संहिता प्रारम्भ

"मुख्य चुनाव अधिकारी, दिल्ली से प्राप्त उपर्युक्त विषय से संबंधित निम्नलिखित पत्रों की प्रतियाँ दिल्ली विधान सभा के माननीय सदस्यों के सूचनार्थ अग्रसरित की जा रही है: -
पत्र संख्या - सीईओ/ईएल.जी/102(13)/2009/13792-840
दिनांक 12 मार्च, 2009, 437/6/आईएनएसटी/2009-सीसी एण्ड
बीई दिनांक 5 मार्च, 2009, सीईओ/ईएल.जी/102(13)/
2009/13183-342 दिनांक 9 मार्च, 2009, 437/6/1/2009-सीसी
एण्ड बीई दिनांक 2 मार्च, 2009 व 437/6/1/2009-सीसी एण्ड
बीई दिनांक 2 मार्च, 2009"

सिद्धार्थ राव
सचिव

DELHI LEGISLATIVE ASSEMBLY

BULLETIN PART-II

(General information relating to Legislative & other matters)

Tuesday, 17th March, 2009 / Phalgun 26, 1930 (Saka)

No.20

Subject: "General Election to Lok Sabha 2009- Enforcement of Model Code of Conduct"

A copy of the letter No. CEO/EL.G/102 (13)/2009/13624-791 dated the 12th March, 2009 and letter Nos. 437/6/2009-CC&BE dt 5/3/2009, No.CEO/EL.G/102 (13)/2009/13792-840 dated 12/3/2009, No.437/6/INST/2009-CC&BE dated 9/3/2009, No. CEO/EL.G./102(13)/2009/13183-342 dated 9/3/2009, No.437/6/1/2009-CC&BE dated 2/3/2009 and No.437/6/1/2009-CC&BE dated 2/3/2009 on the above cited subject received from the Office of the Chief Electoral Officer, Delhi are being sent herewith for the information of the Hon'ble Members of Delhi Legislative Assembly.

SIDDHARATH RAO
SECRETARY



राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार कार्यालय,

मुख्य चुनाव अधिकारी, दिल्ली

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI

OFFICE OF THE CHIEF ELECTORAL OFFICER, DELHI

पुराना सेंट स्टीफन कॉलेज भवन,
कश्मीरी गेट, दिल्ली - 110 006

दूरभाष नं.: 23982711, 23982611, 23965176, 23933054

Old St. Stephen's College Building,
Kashmere Gate, Delhi - 110 006.

Fax. Nos. 23910683, 23981513, 23963604

No. CEO/EL.G/102 (13)/2009/ 13624-79/ Date: 12 MAR 2009
To

1. All Pr. Secretaries/Secretaries/HODs, Govt. of NCT of Delhi.
2. All Chairman/Managing Directors of Local and Autonomous Bodies/ Undertakings, Govt. of NCT of Delhi.
3. Commissioner of Police, Police HQ, New Delhi
4. All the seven Recognized National Political Parties in NCT of Delhi
4. Returning Officers of all the 7 Parliamentary Constituencies in NCT of Delhi
5. District Election Officers of all the nine districts in NCT of Delhi

Sub: **General Elections to Lok Sabha 2009-Enforcement of Model Code of Conduct**

Sir,

I am directed to forward herewith a copy of letter number 437/6/2009-CC&BE dated 5th March, 2009 on the subject cited above received from Election Commission of India for information and strict compliance.

Yours faithfully,

(J.K. SHARMA)

DY.CHIEF ELECTORAL OFFICER

Copy for information & necessary action to:

1. Secretary to L.G., Govt. of NCT of Delhi
2. OSD to Chief Secretary, Govt. of NCT of Delhi
3. Secretary, Delhi Legislative Assembly, Old Secretariat, Delhi
(with the request to circulate the schedule among all MLAs of Delhi)
4. Secretary to Chief Minister, Govt. of NCT of Delhi
5. Secretary to all Ministers , Govt. of NCT of Delhi, Delhi Secretariat
6. The Leader of Opposition in Delhi Legislative Assembly, Delhi
7. The Municipal Secretary, Municipal Council of Delhi, Town Hall , Delhi
(with the request to circulate the schedule among all Municipal Councilors)
8. State Election Commissioner, Nigam Bhawan, Kashmere Gate, Delhi
9. PA to CEO/Jt.CEO(A)/Jt.CEO(T)/Jt.CEO(IT)
10. All branch incharges at HQ
11. Guard File

Preparedness for election 2009

SLA/98
16/3/09

18/3/09
- 16/3/09

Issue Bulletin

Issue Bulletin
16/3

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By Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/2009-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 to following Guidelines regarding implementation/processing of the various projects, schemes, rural development programmes etc. by the Central/State Governments :-

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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.
- dy CEO*
PA
- 16/03/09*
13/03
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4. The following types of existing works can be continued by the government agency without reference to the Election Commission after the Model Code of Conduct comes into force:
- Work-Projects that have actually started on the ground after obtaining all necessary sanctions;
 - Beneficiary-projects where specific beneficiaries by name have been identified before coming of the Model Code of Conduct into force;
 - 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-
- Full funding has been tied up.
 - Administrative, technical and financial sanctions have been obtained
 - Tender has been floated, evaluated and awarded and
 - 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.
 - 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

Commission:

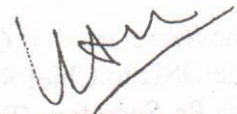
- a. New works and project cannot be taken up from discretionary funds of whatever nature. Discretionary fund, in this context, includes funds, which are provided for in the budget in a generic manner and for which no identified and sanctioned project exists prior to Model Code of Conduct coming into 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 vendes 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



राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार कार्यालय,
मुख्य चुनाव अधिकारी, दिल्ली

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI

OFFICE OF THE CHIEF ELECTORAL OFFICER, DELHI

पुराना सेंट स्टीफन कॉलेज भवन,
कश्मीरी गेट, दिल्ली - 110 006

Old St. Stephen's College Building,
Kashmere Gate, Delhi - 110 006.

दूरभाष नं०: 23982711, 23982611, 23965176, 23933054

Fax. Nos. 23910683, 23981513, 23963604

a. CEO/EL.G/102 (13)/2009/13792-840

Date: 12 MAR 2009

1. The Secretary to L.G., Govt. of NCT of Delhi.
2. The OSD to Chief Secretary, Govt. of NCT of Delhi
3. The Pr. Secretary (Finance), Govt. of NCT of Delhi
4. The Commissioner, MCD, Municipal Corporation of Delhi
5. The Chairman, NDMC, Palika Kendra, New Delhi
6. The Chief Executive Officer, Delhi Cantonment Board, Delhi Cantt.
7. Returning Officers of all the 7 Parliamentary Constituencies in NCT of Delhi
8. District Election Officers of all the nine districts in NCT of Delhi

ib: **General Elections to Lok Sabha 2009- Model Code of Conduct**

I am directed to forward herewith a copy of letter number 437/6/INST/2009-CC&BE dated 9th March, 2009 on the subject cited above received from Election Commission of India for information and strict compliance.

Yours faithfully,

(J.K. SHARMA)

DY.CHIEF ELECTORAL OFFICER

Copy for information & necessary action to:

1. Secretary, Delhi Legislative Assembly, Old Secretariat, Delhi
2. Secretary to Chief Minister, Govt. of NCT of Delhi
3. Secretary to all Ministers, Govt. of NCT of Delhi, Delhi Secretariat
4. The Leader of Opposition in Delhi Legislative Assembly, Delhi
5. PA to CEO/Jt.CEO(A)/Jt.CEO(T)/Jt.CEO(IT)
6. All branch incharges at HQ
7. Under Secretary, ECI w.r.t. to above referred letter
8. Guard File

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

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

Dated: 9th March, 2009

To

1. The Chief Secretaries of all States and Union Territories.
2. The Chief Electoral Officers of all States and Union Territories.

**Subject: General Election to the Lok Sabha-2009- Model Code of Conduct – reg.**

Sir,

As you are aware, the General Election to the Lok Sabha, 2009 has been announced by the Commission and Model Code of Conduct has come into force w.e.f. 2nd March, 2009. The Commission has received many references from various States in respect of the introduction of the Budget for the year 2009-10.

2. The Commission would like to point out the prevalent convention that is followed in most of the States is that instead of presenting full budget, only a vote on account is taken for 3-4 months in cases where a General Election is imminent or when the process of General Election has been announced and the Model Code of Conduct is in operation. It contributes to a healthy democratic practice.

3. The Commission, in deference to the State Legislatures, and having regard to such a convention and propriety, would not like to lay down a precept or prescribe a course of action. However, it would advise, in the case of States that are going for Assembly polls, that a vote on account should be taken.

4. The above instructions may be brought to the notice of all concerned and the receipt of this letter may please be acknowledged.

Yours faithfully,

(K.N. BHAR)

UNDER SECRETARY

STANDARD DISTRIBUTION



राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार कार्यालय,
मुख्य चुनाव अधिकारी, दिल्ली

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI

OFFICE OF THE CHIEF ELECTORAL OFFICER, DELHI

पुराना सेंट स्टीफन कालेज भवन,
कश्मीरी गेट, दिल्ली - 110 006

दूरभाष नं०: 23982711, 23982611, 23965176, 23933054

Old St. Stephen's College Building,
Kashmere Gate, Delhi - 110 006.
Fax. Nos. 23910683, 23981513, 23963604

No. CEO/EL.G/102 (13) /2009 / 13/83-342 Date: 9/3/09
To

1. All Pr. Secretaries/Secretaries/HODs, Govt. of NCT of Delhi.
2. All Chairman/Managing Directors of Local and Autonomous Bodies/ Undertakings, Govt. of NCT of Delhi..
3. Commissioner of Police, Police HQ, New Delhi
4. Returning Officers of all the 7 Parliamentary Constituencies in NCT of Delhi
5. District Election Officers of all the nine districts in NCT of Delhi

Sub: **General Elections to Lok Sabha 2009-Enforcement of Model Code of Conduct & Release of funds under MPs/MLAs Local Area Development Scheme**

Sir,

I am directed to forward herewith a copy of two letters number 437/6/1/2009-CC&BE both dated 2nd March.2009 on (i) Application of Model Code of Conduct and (ii) Release of Funds under MPs/MLAs Local Area Development Scheme received from Election Commission of India for information and strict compliance.

Yours faithfully,

(J.K. SHARMA)

DY.CHIEF ELECTORAL OFFICER

Copy for information & necessary action to:

1. Secretary to L.G., Govt. of NCT of Delhi
2. OSD to Chief Secretary, Govt. of NCT of Delhi
- ✓ 3. Secretary, Delhi Legislative Assembly, Old Secretariat, Delhi
(with the request to circulate the schedule among all MLAs of Delhi)
4. Secretary to Chief Minister, Govt. of NCT of Delhi
5. Secretary to all Ministers, Govt. of NCT of Delhi, Delhi Secretariat
6. The Leader of Opposition in Delhi Legislative Assembly, Delhi
7. The Municipal Secretary, Municipal Council of Delhi, Town Hall, Delhi
(with the request to circulate the schedule among all Municipal Councilors)
8. State Election Commissioner, Nigam Bhawan, Kashmere Gate, Delhi
9. PA to CEO/Jt.CEO(A)/Jt.CEO(T)/Jt.CEO(IT)
10. All branch incharges at HQ
11. Guard File

Preparedness for election 2009

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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 particuar 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 interes. of the party in power;

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(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;

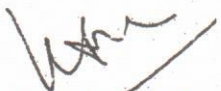
5) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till date should not be given effect to without obtaining specific permission from the Commission in this regard;

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

ELECTION COMMISSION OF INDIA

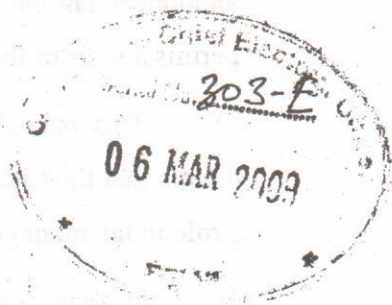
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

Dated: 2nd March, 2009

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

To

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



Subject: General Election to Lok Sabha - 2009 - Release of funds under
MPs'/MLAs' Local Area Development Scheme.

Sir,

I am directed to refer to the Commission's Press Note dated 2nd March, 2009 (Press Note available at Commission's web-site - www.eci.gov.in) as per which the Commission has announced the enforcement of the Model Code of Conduct for the guidance of the Political Parties and Candidates, consequent on the announcement of General Election to Lok Sabha and to the Legislative Assemblies of the States of Andhra Pradesh, Orissa and Sikkim including certain bye-elections.

2. The Commission has considered the release of funds under the Member of Parliament Local Area Development Schemes and has decided that-

- a) No fresh release of funds under the Member of Parliament (including Rajya Sabha members) Local Area Development fund shall be made in any part of the country where election is in progress. Similarly no fresh release of funds under

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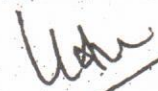
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the MLAs'/ MLCs' Local Area Development Fund shall be made, if any such scheme is in operation, till the completion of election process.

- b) No work shall start in respect of which work orders have been issued before the issue of this letter but the work has actually not started in the field. These works can start only after the completion of election process. However, if a work has actually started, that can continue.
- c) There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.

Yours faithfully,



(K. AJAY KUMAR)
SECRETARY