

DELHI LEGISLATIVE ASSEMBLY

BULLETIN PART-II

(General information relating to Legislative & other matters)

Monday, 17th August, 2009 / Sravana 26, 1930 (Saka)

No. 42

Subject: "Application of Model Code of Conduct – Bye-Election to the Legislative Assemblies of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Sikkim, Uttarakhand and NCT of Delhi"

A copy of the letter No. CEO/EL.G/102 (49)/2009/42049-208 dated the 13.8.2009 endorsed with letter Nos. 437/6/1/2009-CC&BE dt 12-8-2009, No.437/6/1/2009-CC&BE dated 12-08-2009 and ECI/PN/42/2009 dated 12-08-2009 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**

दिल्ली विधान सभा सचिवालय समाचार भाग-2

**(विधायी तथा अन्य मामलों से संबंधित सामान्य जानकारी)
सोमवार, 17 अगस्त, 2009 / श्रावण 26, 1930 (शक)**

संख्या-42

विषय:- आचार संहिता लागू होने के संबंध में – आन्ध्रप्रदेश, बिहार, गुजरात, मध्य प्रदेश, सिक्किम, उत्तराखंड एवं रा. रा. क्षे. दिल्ली की विधान सभाओं के उप-चुनाव हेतु।

उपरोक्त विषय के संबंध में मुख्य निर्वाचन अधिकारी कार्यालय, दिल्ली से प्राप्त पत्र संख्या सी ई ओ/ई एल.जी/102(49) 2009/42049-208 दिनांक 13.8.2009 तथा पत्र संख्या 437/6/1/2009. सी सी एव बी.ई. दिनांक 12.08.2009, संख्या तथा ईसी.आई./पी. एन/42/2009 दिनांक 12.08.2009 की प्रतियां दिल्ली विधान सभा के माननीय सदस्यों के सूचनार्थ अग्रसरित की जा रही है।

**सिद्धार्थ राव
सचिव**



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.
Fax. Nos. 23969611, 23963604

दूरभाष नं.: 23977130, 23981513, 23970498, 23933054

No.CEO/EL.G/102(49)/2009/42049-208 Dated:- 13-08-09

To

1. Secretary to Lt. Governor, Delhi
2. O.S.D. to Chief Secretary, Delhi
3. Commissioner of Police, Police Head Quarter, ITO, New Delhi.
4. Commissioner, Municipal Corporation Of Delhi, Town Hall, Delhi.
5. All Secretaries/HODs of Govt. of NCT of Delhi.
6. The Divisional Commissioner, Govt. of NCT of Delhi.
7. General Manager, Delhi Metro Rail Corporation, Delhi .
8. Heads of all Autonomous Bodies/Local Bodies, Govt. of NCT of Delhi.
9. Secretary to all Ministers of Govt. of NCT of Delhi.
10. Secretary, Delhi Legislative Assembly, Delhi.
11. Municipal Secretary, Municipal Corporation of Delhi, Town Hall, Delhi.
12. District Election Officer, District South West, Delhi.
13. Returning Officer of 33- Dwarka Assembly Constituency of NCT of Delhi.

Bulletin ho.

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DS(C)

Sub:- Application of Model Code of Conduct - Bye-Election to the Legislative Assemblies of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Sikkim, Uttarakhand and NCT of Delhi.

Sir/Madam,

Election Commission of India has announced on 12-08-2009 for conducting Bye-election to 33-Dwarka Assembly Constituency in NCT of Delhi. In this regard, I am directed to forward herewith a copy of the following letters received from the Commission, for information and taking further necessary action:-

S.No.	Letter no.& date	Subject
1.	437/6/1/2009-CC&BE dated 12-08-09	Application of Model Code of Conduct - Bye-Election to the Legislative Assemblies of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Sikkim, Uttarakhand and NCT of Delhi.
2.	437/6/1/2009-CC&BE dated 12-08-09	Release of funds under MPs' /MLAs' Local Area Development Scheme.
3.	ECI/PN/42/2009 dated 12-08-09	Press note - Schedule for bye-elections to fill the casual vacancies in the Legislative Assemblies of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Sikkim, Uttarakhand and NCT of Delhi.

Encl: As above.

Yours faithfully,

(J.K.SHARMA)

DY. CHIEF ELECTORAL OFFICER

13/08/09

Copy for information to: -

1. The Secretary, Election Commission of India w.r.t. their letter referred above.
2. All Branch Incharges at HQs.
3. P.A. to CEO/Addl.CEO /Jt. CEO (IT)/Jt.CEO (Trg.).
4. All the seven National Recognized Political Parties.



(J.K.SHARMA)

DY. CHIEF ELECTORAL 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: 12th August, 2009

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the
Government of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh,
Sikkim, Uttarakhand and NCT of Delhi.
3. The Chief Electoral Officers of
Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh,
Sikkim, Uttarakhand and NCT of Delhi.

Sub: Application of Model Code of Conduct – Bye-Election to the Legislative Assemblies of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Sikkim, Uttarakhand and NCT of Delhi.

Sir,

I am directed to state that the Commission has announced the schedule for holding Bye-Elections to the Legislative Assemblies of following Assemblies Constituencies

Sl. No.	Name of State	Number and Name of Constituency
1.	Andhra Pradesh	122-Tekkali
2.	Bihar	60-Bochaha (SC) 62-Aurai 93-Kalyanpur 94-Warisanagar (SC) 210-Ranigarh 213-Chainpur 215-Chenari (SC)
3.	Gujarat	10-Chotila 16-Jasdan 22-Dhoraji 47-Kodinar 66-Dehgam 93-Sami 102-Danla

4.	Madhya Pradesh	13-Gohad
		120-Tendukheda
5.	Sikkim	11-Namechi Singithong
6.	Uttarakhand	11-Vikasnagar
7.	NCT of Delhi	33-Dwarka

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 State Governments of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Sikkim, Uttarakhand and NCT of Delhi.

Your particular attention is drawn to clause VII (vi) of Model Code, which, inter-alia, states:

"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.

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;

- Yours faithfully,



(K. N. BHAR)

UNDER SECRETARY

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: 12th August, 2009

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
Government of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh,
Sikkim, Uttarakhand and NCT of Delhi.
4. The Chief Electoral Officers of
Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh,
Sikkim, Uttarakhand and NCT of Delhi.

Subject: Release of funds under MPs'/MLAs' Local Area Development Scheme.

Sir,

I am directed to refer to the Commission's Press Note dated 12th August, 2009 (copy enclosed) as per which the Commission has announced the operation of the Model Code of Conduct for the guidance of the Political Parties and Candidates.

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 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. N. BIHAR)

UNDER SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/ 42/2009

Dated: 12th August, 2009.

PRESS NOTE

Subject : Schedule for bye-elections to fill the casual vacancies in the Legislative Assemblies of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Sikkim, Uttarakhand and NCT of Delhi.

There are casual vacancies in the State Legislative Assemblies of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Sikkim, Uttarakhand and NCT of Delhi, which need to be filled up early. After taking into consideration various factors like requirement of Police Forces, festivities, position of electoral rolls, etc., the Commission has decided to hold bye-elections to fill up the vacancies indicated below: -

Sl. No.	Name of State	Number and Name of Assembly Constituency
1.	Andhra Pradesh	122-Tekkali
2.	Bihar	60 – Bochaha (SC) 62 – Aurai 93 – Kalyanpur 94 – Warisnagar (SC) 210 – Ramgarh 213 – Chainpur 215 – Chenari (SC)
3.	Gujarat	10 – Chotila 16 – Jasdan 22 – Dhoraji 47 – Kodinar 66 – Dehgam 93 – Sami 102 – Danta

4.	Madhya Pradesh	13 - Gohad 120 - Tendukheda
5.	Sikkim	11 - Namchi Singithong
6.	Uttarakhand	11 - Vikasnagar
7.	NCT of Delhi	33 - Dwarka

The Programme to hold the said bye-elections shall be as under:

Event	Date
1. Issue of Notification	17.08.09 (Monday)
2. Last date of making Nominations	24.08.09 (Monday)
3. Scrutiny of Nominations	25.08.09 (Tuesday)
4. Last date for withdrawal of Candidatures	27.08.09 (Thursday)
5. Date of Poll	10.09.09 (Thursday)
6. Counting of Votes	14.09.09 (Monday)
7. Date before which election shall be completed	17.09.09 (Thursday)

ELECTORAL ROLL

The electoral rolls w.r.t. 01.01.2009 as the qualifying date as per pre-delimitation order in Bihar, Gujarat and Uttarakhand have been revised and published. The general elections to the Legislative Assemblies of Andhra Pradesh, Madhya Pradesh, Sikkim and NCT of Delhi were held on post delimitation basis. Hence, there is no need of electoral roll on pre-delimitation basis in these States/NCT of Delhi.

ELECTRONIC VOTING MACHINES (EVMs)

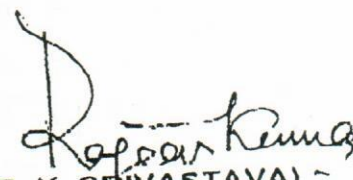
The Commission has decided to use EVMs in these bye-elections in all the polling stations. Adequate numbers of EVMs have been made available and all steps have been taken to ensure that the poll is conducted smoothly with the help of these machines.

IDENTIFICATION OF VOTERS

In consonance with the past practice, the Commission has decided that the voter's identification shall be mandatory in the aforementioned bye-elections at the time of poll. In order to ensure that no voter is deprived of his/her franchise, if his/her name figures in the Electoral Rolls, separate instructions will be issued to allow additional documents for identification of voters at the time of poll in these bye-elections.

MODEL CODE OF CONDUCT

The Model Code of Conduct shall come into force with immediate effect in the district (s) in which the whole or any part of the Assembly Constituency going for bye-election is (are) included. The Model Code of Conduct shall be applicable to all candidates, political parties and the State Government. The Model Code of Conduct shall also be applicable to the Union Government as far as these States are concerned.


(R. K. SRIVASTAVA) -
SECRETARY