

No. CD-14040/131/2023-Coord.
Government of India
Ministry of Road Transport & Highways
(Coordination Section)
Transport Bhawan, 1, Parliament Street, New Delhi - 110001


Dated 6th April, 2023

OFFICE MEMORANDUM

Subject :- Application of Model code of Conduct - General Election to State Legislative Assembly of Karnataka, 2023 and Bye-elections in parliamentary Assembly Constituencies of various States- reg.

The undersigned is directed to circulate herewith OM No. 1/41/1/2022-Cab dated 31.03.2023 received from Cabinet Secretariat enclosing therewith letter No. 437/6/1/ECI/INST/FUNCT/MCC/2023 dated 29.03.2023 received from Election Commission of India on the above mentioned subject for information & necessary action.

Encls: as above.


(A.K. Shrivastava)
Under Secretary to the Govt. of India
Tel: 011-23714001

To

- (i) DG (RD) & SS, MoRTH
- (ii) Chairman, NHAI
- (iii) MD, NHIDCL
- (iv) AS&FA, MoRTH
- (v) All ASs, MoRTH
- (vi) JS(EAP)/JS (Logistics), MoRTH
- (vii) All ADGs, MoRTH
- (viii) All CE, at Headquarter, MoRTH.
- (ix) All ROs, MoRTH

Copy for information to:-

- (i) PS to Hon'ble Minister (RTH)
- (ii) PS to Hon'ble MoS (RT&H)
- (iii) Sr. PPS to Secretary (RT&H)

Copy also to:

Sr. Tech Director, NIC- with a request to upload this OM on MoRTH's Website & E-office for information to all concerned officers/officials

MOST IMMEDIATE

Copy No. 66

No. 1/41/1/2022-Cab

GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, the 31st March, 2023

OFFICE MEMORANDUM

Subject: Application of Model Code of Conduct – General Election to State Legislative Assembly of Karnataka, 2023 and Bye-elections in Parliamentary/ Assembly Constituencies of various States.

The undersigned is directed to enclose herewith a copy of the Election Commission of India letter no. 437/6/1/ECI/INST/FUNCT/MCC/2023 dated 29.03.2023 on the above subject for information and necessary action.

Encl.: as above



(S.G.P. Verghese)

Joint Secretary

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All Secretaries to the Government of India

Secy to mtg

JS (Coord.)

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By Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/ECI/INST/FUNCT/MCC/2023

Dated: 29th March, 2023

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the Government of :-
(i) Karnataka, Bengaluru.
(ii) Meghalaya, Shillong;
(iii) Odisha, Bhubaneswar;
(iv) Punjab, Chandigarh; and
(v) Uttar Pradesh, Lucknow.
3. The Chief Electoral Officers of :-
(i) Karnataka, Bengaluru;
(ii) Meghalaya, Shillong;
(iii) Odisha, Bhubaneswar;
(iv) Punjab, Chandigarh; and
(v) Uttar Pradesh, Lucknow.

Sub: Application of Model Code of Conduct – General Election to State Legislative Assembly of Karnataka, 2023 and Bye-elections in Parliamentary/ Assembly Constituencies of various States – reg.

Sir/Madam,

I am directed to state that the Commission has announced the schedule for holding General Election to State Legislative Assembly of **Karnataka** and **Bye-elections in Parliamentary/ Assembly Constituencies of various States** (Press Note No. ECI/PN/24/2023 & Press Note No. ECI/PN/25/2023 both dated 29th March, 2023 available at the Commission's web-site – <https://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 which will be in force till the completion of the General Elections and Bye-Elections in the States mentioned above. This may be brought to the notice of the Central and State

Government, all Ministries/Departments/offices of the Union Government/the State Government. A copy of instructions issued by you to this effect, may be sent to the Commission for its information and record.

3. Your attention is drawn to the particular provisions of Model Code of Conduct relating to the 'party in power' which inter alia says that the party in power whether at the Centre or in the 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 also shall not 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 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 where elections have been announced or are taking place can be given to the political functionaries who are provided security by the State in Z scale or above or equivalent by various State Governments or the Central Government under provisions of their laws, on equitable basis. This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or Observers. Such political functionaries shall not carry out any political activity while staying in the Government Guest Houses/Rest Houses or other Government accommodation etc.;
- (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 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 on 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. The instruction of the Commission contained in its letter No.437/6/2009-CCBE dated 5th March, 2009 is available on the Commission's web-site "<https://eci.gov.in>"- under the heading 'Important instructions' for your information and necessary action. The Commission's all other instructions are also available in this link for your guidance.

6. The Commission further 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;
- 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 Governments 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 concerned State Government may with full justification approach the Commission for prior clearance.
7. The receipt of the letter may kindly be acknowledged.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY