

GOVERNMENT OF INDIA (भारत सरकार)
MINISTRY OF RAILWAYS (रेल मंत्रालय)
(रेलवे बोर्ड)

No. E(G)/2019/EL 1 – 4

New Delhi, dated 27. 03. 2019

The General Managers
All Indian Railways and
Production Units etc.

Sub: Application of Model Code of Conduct – General Elections to Lok Sabha and Legislative Assemblies in Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim, 2019.

Further to Board's letter of even number dated 11.03.2019, a copy of DO letter No. 1/41/2/2019-Cab dated 22.03.2019 from Addl. Secretary, Cabinet Secretariat, addressed to Chairman, Railway Board along with its enclosure is sent herewith for compliance and necessary action.

2. In order to assist the Ministries/Department to identify the cases that may require prior approval of the Commission, the ECI has brought out a detailed "Manual of Model Code of Conduct" (March 2019), along with specific illustrations, which is available on their website (<https://eci.gov.in>). An "FAQ" for interpretation and explanation of various provisions of Model Code is also available on ECI website.

DA: As above.

Rc
27-3-19
(R. Kunchappan)
Deputy Director Establishment (Genl.)
Railway Board

राजेश भूषण, आईएएस
अपर सचिव

RAJESH BHUSHAN, IAS
ADDITIONAL SECRETARY

Tel. : 23012697
Telefax : 23018470
Email : bhushanr@ias.nic.in



CRB

मंत्रिमण्डल सचिवालय
राष्ट्रपति भवन, नई दिल्ली-110004

CABINET SECRETARIAT
RASHTRAPATI BHAWAN
NEW DELHI - 110004

S.No 28

Chairman, Railway Board
FTS No. 538960
Date 28/3/19

D.O. No.1/41/2/2019-Cab

Dear Sir/Madam,

Please refer to my D.O. letter of even number dated 11.03.2019, inter alia, advising that while disposing of the business allocated to Ministries/Departments or placing proposals for approval of the competent authorities, or announcing their decisions, etc., the provisions Model Code of Conduct in respect of General Elections to the Lok Sabha – 2019 and the related instructions of Election Commission of India (ECI) may be complied with.

2. In order to assist the Ministries/ Departments to identify the cases that may require prior approval of the Commission, the ECI has brought out a detailed "Manual of Model Code of Conduct" (March, 2019), along with specific illustrations, which is available on their website (<https://eci.gov.in>). An "FAQ" for interpretation and explanation of various provisions of Model Code is also available on the ECI website. In this regard, it may be noted that only references proposed to be placed before the Cabinet or its Committees are required to be routed through the Cabinet Secretariat (para 4.2 of the Manual).

3. May I request you to direct all concerned in your Ministry/Department to examine all cases in light of the detailed clarifications/ illustrations available in the aforesaid Manual and FAQ; and to seek clearance of ECI only in respect of cases where it is considered necessary.

With regards,

Yours sincerely,

(Rajesh Bhushan)

Shri V. K. Yadav
Chairman,
Railway Board

Dir/GA
IMMEDIATE
Pl. circulate to
all concerned
27.03.2019

hpl
secy 25/3/19
22nd March, 2019
Pl. download a copy
28/3

राजेश भूषण, आईएएस
अपर सचिव

RAJESH BHUSHAN, IAS
ADDITIONAL SECRETARY

Tel : 23012697
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Email : bhushanr@ias.nic.in



MOST IMMEDIATE
मंत्रिमण्डल सचिवालय
राष्ट्रपति भवन, नई दिल्ली-110004
CABINET SECRETARIAT
RASHTRAPATI BHAWAN
NEW DELHI - 110004

D.O. No. 1/41/2/2019-Cab.

Chairman, Railway Board
FTS No. 535013
Date: 13.3.19

March 11, 2019

Dear Sir,

Please find enclosed a copy of letter No. 437/6/1/ECI/INST/FUNCT/MCC/2019 dated 10.03.2019 received from the Election Commission of India (ECI) regarding General Elections to the Lok Sabha – 2019 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections.

2. As you are aware, with the announcement of the schedule for holding the General Elections, the provisions of the Model Code of Conduct for guidance of the Political Parties and Candidates has come into force. In the light of this, I am to inform you that while disposing of the business allocated to your Ministry/Department or placing proposals for approval of the competent authorities, or announcing their decisions, etc., it may be ensured that the Model Code and the related instructions are not violated. I wish to add that the Model Code, related instructions and updates thereon are available on the website of the Election Commission of India.

3. In this regard, instructions issued by this office vide OM No. 1/41/1/2016-Cab dated 31.01.2017 regarding routing of references to ECI (copy enclosed), and DO no. 1/41/2/2017-Cab dated 27.12.2018 regarding forms of communications with ECI (copy enclosed) are also reiterated.

4. May I request you that all concerned in your Ministry/Department/Attached/Subordinate offices/other bodies, etc. may be advised to ensure compliance with the Model Code/related instructions.

With regards,

Yours sincerely,

(Rajesh Bhushan)

To Shri. V. K. Yadav
Chairman,
Railway Board
Ministry of Railways
New Delhi

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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/2019

Dated: 10th March, 2019

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the Governments of all States and
Chief Secretaries/Administrators of Union Territories.
3. The Chief Electoral Officers of
all States and Union Territories.

Sub: Application of Model Code of Conduct - General Elections to House of the People (Lok Sabha), 2019 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections - reg.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Elections to Lok Sabha and to the Legislative Assemblies of the States of Andhra Pradesh, Arunachal Pradesh, Orissa and Sikkim and certain bye-elections (Press Note No. ECI/PN/23/2019, dated 10th March, 2019, available at the 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 and bye-elections, mentioned above. This may be brought to the notice of the Central and all State Governments/Union Territory Administrations, all Ministries/Departments/Offices of the Union Government and the State Governments/Union Territory Administrations. A copy of instructions issued by you to this effect, may be sent to the Commission for its information and record.

3. Your particular attention is drawn to the provisions of Model Code of Conduct for the guidance of Political Parties and Candidates and various instructions issued by the Commission, which, inter-alia, state that 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 the party in power. 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 accommodations in the States/Union Territories 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 the Commission's 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 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 advertisement 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.

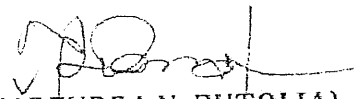
5. The instruction of the Commission contained in its letter No.437/6/2009-CCBE dated 5th March, 2009 is available on the Commission's web-site at path - "<https://eci.gov.in/important-instructions/>" for your information and necessary action. The Commission's all other relevant instructions, 'Manual on Model Code of Conduct' and 'Compendium of Instructions on Model Code of Conduct' are also available on the Commission's website 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)
PRINCIPAL SECRETARY