

**Office of the Chief Electoral Officer,
Jammu & Kashmir,
Old Secretariat, Srinagar**

**Telephone: -0194-2473609
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"Greater Participation for a stronger Democracy"

E-Mail
The Chief Secretary,
J&K, Government,
Srinagar.

No. *1749*/CEO/Elec/2016/*1265-66*

Dated:- *24*-05-2016

Subject: Bye-election to fill causal vacancy in the State State Legislative Assembly of Jammu and Kashmir- instructions on enforcement of Model Code of Conduct-regarding.

Sir,

Kindly find enclosed herewith letter No. 437/6/1/2016-CCS dated 21st May, 2016 alongwith its enclosures received from Election commission of India on the subject cited above for favour of information and necessary action.

Yours faithfully,

Encl- A/A

[Signature]
Dy. Chief Electoral Officer,
J&K, Srinagar.

Copy to the:-

1. District Election Officer, (Deputy Commissioner) Anantnag for information & necessary action.

By Fax/Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/2016-CCS

Dated: 21st May, 2016

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretary to the
Government of Jammu & Kashmir,
Srinagar.
3. The Chief Electoral Officer,
Jammu & Kashmir,
Srinagar.

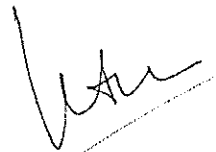
Subject:- Bye-election to fill casual vacancy in the State Legislative Assembly of Jammu and Kashmir - instructions on enforcement of Model Code of Conduct- regarding.

Sir,

I am directed to state that the Commission has announced, vide Press Note No.ECI/PN/48/2016, dated 21st May, 2016, bye-election from 40-Anantnag Assembly Constituency from the State of Jammu and Kashmir, and the provisions of the Model Code of Conduct have 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 comprised, subject to partial modification as issued by the Commission vide its letter No. 437/INST/2012/CC&BE, dated 26th April, 2012 and No. 437/INST/2013/CC&BE, dated 21st October, 2013 (copies enclosed).

2. This may be brought to the notice of all concerned.

Yours faithfully,



(K. AJAYA KUMAR)
SR. PRINCIPAL SECRETARY

By speed post / fan

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/INST/2012/CC&BE

Dated: 26th April, 2012

To

1. The Cabinet Secretary, Govt. of India
Cabinet Secretariat,
Rashtrapati Bhawan, New Delhi.
2. The Chief Secretaries of
 - a) Andhra Pradesh, Hyderabad
 - b) Goa, Panaji
 - c) Jharkhand, Ranchi
 - d) Kerala, Thiruvananthapuram
 - e) Madhya Pradesh, Bhopal
 - f) Maharashtra, Mumbai
 - g) Tamilnadu, Chennai
 - h) Tripura, Agartala
 - i) Uttar Pradesh, Lucknow
 - j) West Bengal, Kolkata
3. The Chief Electoral Officers of
 - a) ~~Andhra Pradesh, Hyderabad~~
 - b) ~~Goa, Panaji~~
 - c) Jharkhand, Ranchi
 - d) Kerala, Thiruvananthapuram
 - e) Madhya Pradesh, Bhopal
 - f) Maharashtra, Mumbai
 - g) Tamilnadu, Chennai
 - h) Tripura, Agartala
 - i) Uttar Pradesh, Lucknow
 - j) West Bengal, Kolkata

Subject:- Bye-elections to the Lok Sabha/State Legislative Assemblies - instructions on enforcement of Model Code of Conduct- - regarding.

Sir,

I am directed to state that the Commission has announced, vide Press Note dated 24th April, 2012, bye-elections from certain Parliamentary and Assembly Constituencies in various States. The Commission in that Press Note has issued instructions for enforcement of various provisions of the Model Code of Conduct in its entirety with the stipulation that such provisions of Model Code of Conduct will be enforceable in the district (s) in which the Assembly/Parliamentary Constituency is situated.

Many State Administrations have requested the Commission to reconsider the issue of enforcement of Model Code of Conduct in the entire district during bye-election as it


affects the developmental works in entire district, whereas only a part of the district may be involved in the election process.

The Commission, after taking into consideration all relevant factors in this regard, has decided, on experimental basis, that for the bye-elections announced vide Press Note, dated 24/4/2012, following instructions, in partial modification of the earlier instructions, shall be followed with regard to Model Code of Conduct: -

- (1) All instructions of the Commission issued regulating the implementation of the schemes of MNREGA, extending relief and starting works in case of Natural Calamities, Drought, Flood, Drinking Water, Digging of Bore-wells, Fodder, Agricultural inputs & input subsidies to farmers, New Developmental Work (whether beneficiary or work oriented) including work under MPLAD, MLA and MLC LAD Scheme, Announcement and commencement of New Projects, Programme, Concessions, Financial Grants, Defacement of Property, Use of Govt. Property for campaign purpose, etc. shall now be applicable only in respect of the areas falling in the Assembly constituency (s)/Parliamentary constituency going for bye-election and NOT TO the entire district (s) in which such constituency is situated.
- (2) However, all other existing instructions of the Commission on Model Code of Conduct on matters like Tours of Ministers, Vehicles, Advertisements, use of Govt. Guest Houses, and all prevailing Commission's instructions other than those mentioned in Para (1), transfers of officers etc. shall continue to remain applicable to the entire district (s) in which the constituency having the bye-election is situated.

This may be brought to the notice of all concerned.

Yours faithfully,


(K. N. BHAR)
SECRETARY

Copy to the President/General Secretaries of all recognised political parties.

By Special Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/INST/2013-CC&BE

Dated: 21st October, 2013

To

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


Subject:- Bye-elections to the Lok Sabha/State Legislative Assemblies - instructions on enforcement of Model Code of Conduct--regarding.

Sir/Madam,

In partial modification of the Commission's existing instructions No.437/6/INST/2012/CC&BE dated 26th April, 2012 on enforcement of various provisions of the Model Code of Conduct for the bye-elections to the Lok Sabha/State Legislative Assemblies, the Commission has directed that (i) restrictions, in respect of all developmental works, including relief works and (ii) ban on transfer of officers(except the District Election Officer, Returning Officer, Assistant Returning Officer and District Superintendent of Police and other officers directly concerned with the conduct of election), under the Model Code of Conduct shall be applicable only in the areas falling in the Assembly Constituency(s)/Parliamentary Constituency(s) going for bye-election and **NOT** in the entire district(s) in which such constituency is situated.

This may be brought to the notice of all concerned.

Yours faithfully,


(K. Ajaya Kumar)
Principal Secretary

By Fax/Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/2016-CCS

Dated: 21st May, 2016

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 Secretary to the
Government of Jammu & Kashmir,
Srinagar.
4. The Chief Electoral Officer;
Jammu & Kashmir,
Srinagar;

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

Sir,

I am directed to refer to the Commission's Press Note, dated 21st May, 2016 (available on the Commission's web-site:- "<http://eci.nic.in/>"), as per which the Commission has announced the operation of the Model Code of Conduct for the guidance of the Political Parties and Candidates from 21.05.2016 itself.


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 constituency where election is in progress till the completion of election process. 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 may 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.
- d) where schemes have been cleared and funds are provided or released and materials procured and reached the site such scheme may be executed as per programme.

Yours faithfully,



(K. AJAYA KUAMR)
SR. PRINCIPAL SECRETARY