

**Bye-Election**  
**Most Immediate**

No.4/108/2009-1Election  
Government of Haryana  
Chief Secretary Office  
(Election Branch)

Dated Chandigarh, the 23<sup>rd</sup> December, 2009.

To

1. All the Financial Commissioner & Principal Secretaries/ Commissioners & Secretaries to Govt., Haryana.
2. All the Heads of Departments in Haryana
3. All the MDs/CAs of Boards/Corporations in Haryana.
4. The Commissioner Hisar Division, Hisar, Haryana.
5. The Deputy Commissioner-cum-District Election Officer, Sirsa.
6. The Superintendent of Police, Sirsa.

**Subject: -**

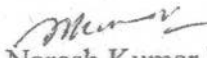
1. **Application of Model Code of Conduct - Bye-Election to the Legislative Assemblies of Gujarat, Haryana, Maharashtra and Tamil Nadu.-reg.**
2. **Release of funds under MP's/MLAs' Local Area Development Scheme.**

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Sir/Madam,

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No.41/Bye-46AC/Elec-2009/2AE-10812, dated 23.012.2009 received from the Chief Electoral Officer, Haryana alongwith its enclosures for immediate and necessary action. It is requested to ensure that the instructions issued by the Election Commission of India are followed strictly compliance during the application of Model Code of Conduct.

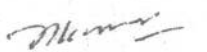
Yours faithfully,

  
( Naresh Kumar )  
Superintendent Election.

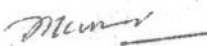
Endst.No.4/108/2009-1Election

Dated Chandigarh, the 23<sup>rd</sup> December, 2009.

A copy is forwarded to the Chief Electoral Officer, Haryana, Chandigarh with reference to his letter No.41/Bye-46AC/Elec-2009/2AE-10812, dated 23.012.2009 for information.

  
( Naresh Kumar )  
Superintendent Election.

A copy is forwarded to the Senior Secretaries/Secretaries/Private Secretaries to Chief Minister/Ministers/ State Ministers for bringing these instructions to the notice of Hon'ble Chief Minister/ Ministers/ State Ministers it is also requested that all concerned may be apprised of the instructions contained in the enclosed letter for compliance.

  
( Naresh Kumar )



-1-

# Department of Elections, Haryana, Chandigarh

## निर्वाचन विभाग, हरियाणा, चण्डीगढ़

### Bye-Election/Most Immediate

No. 41/Bye-46AC/Elec-2009/2AE-10812 Dated: - 23 Dec, 09.

124442 To

The Chief Secretary  
to Government, Haryana.

23/12/09

Subject: -

1. Application of Model Code of Conduct - Bye-Election to the Legislative Assemblies of Gujarat, Haryana, Maharashtra and Tamil Nadu. - reg.
2. Release of funds under MPs'/MLAs' Local Area Development Scheme.

23.12.09

Sir,

On the subjects cited above, please find enclosed herewith a copy of each of letter received from the Election Commission of India bearing No. 437/6/1/2009-CC&BE and No. 437/6/1/2009-CC&BE both are dated 22.12.2009 for information and strict compliance.

23/12/09

P.S.

Suplt. Elections

Yours faithfully,

(S.K. SETIA)

Addl. Chief Electoral Officer, Haryana.

Endst. No. Elec-2009/2AE- 10813

Dated: - 23-12-2009

A copy for information and necessary action is forwarded to:-

1. The Deputy Commissioner-cum-District Election officer, Sirsa.
2. The Superintendent of Police Sirsa.
3. The Returning Officer/Assistant Returning Officer for 46-Ellenabad Assembly Constituency.
4. The Election Tehsildar Sirsa.

EA-1

(S.K. SETIA)  
Addl. Chief Electoral Officer, Haryana.

For Internal Distribution:

1. PS to CEO.
2. PA to Addl. CEO.
3. RKE (with 5 spare copies)

कॉम सारखी... 2462...  
दिनांक... 23-12-09...

- 2 -

FEBRUARY 18, 1992 04:40

PAGE 01

FAX:

Add CEO

D. CEO

By Fax/Spl. Messenger/Speed Post

# ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI 110001

Dec  
23/12/09

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

Dated: 22<sup>nd</sup> December, 2009

To

1. The Cabinet Secretary,  
Government of India,  
Rashtrapati Bhawan,  
New Delhi.
2. The Chief Secretaries to the  
Government of Gujarat, Haryana, Maharashtra  
and Tamil Nadu.
3. The Chief Electoral Officers of  
Gujarat, Haryana, Maharashtra  
and Tamil Nadu

MH  
23/12/09  
AG 2

**Sub: Application of Model Code of Conduct - Bye-Elections to the Legislative Assembly of Gujarat, Haryana, Maharashtra and Tamil Nadu..**

Sir,

I am directed to state that the Commission has announced the schedule for holding Bye Elections to the State Legislative Assemblies from the following Assemblies Constituencies show against the name of the States :-

Sl. No.	Name of State	Number and Name of Constituency
1.	Gujarat	10-Chotila
2.	Haryana	46 Ellenabad
3.	Maharashtra	137-Bhivandi East
4.	Tamil Nadu	83 Pennagaram

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 concerned State Government.

where election is in progress. Similarly no fresh release of funds under the MLAs'/ ML.Cs' 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

-4-

FAX:

Addl CEO  
 J CEO  
 A CEO  
 23/12  
 By Fax/Spl. Messenger/Speed Post  
 Dy. Secy

3-12-09

# ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

M-18 23/12/09 AB2

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

Dated: 22<sup>nd</sup> December, 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 Gujarat, Haryana, Maharashtra  
and Tamil Nadu.
4. The Chief Electoral Officers of  
Gujarat, Haryana, Maharashtra  
and Tamil Nadu.

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

Sir,

I am directed to refer to the Commission's Press Note dated 22<sup>nd</sup> December, 2009 (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.

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

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

FAX:

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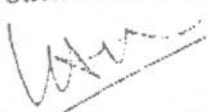
4. As will be observed from Para 3{Clause IV} above, no advertisements shall be issued in electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. **If any advertisement has already been released for telecast/broadcast or publication in the print media, it must be ensured that the telecast/broadcast of such ads or 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. A copy of the instruction of the Commission contained in its letter No.437/6/2009-CCBE dated 5th March, 2009 is enclosed for your information and necessary action.

6. 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 ROs and DIOs, 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 Government 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 State Government may with full justification approach the Commission for prior clearance.

7. 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

No. ECI/PN/73/ 2009

Dated: 22<sup>nd</sup> December, 2009

## PRESS NOTE

**Subject :** Schedule for bye-elections to fill the casual vacancies in the Legislative Assemblies of Gujarat, Haryana, Maharashtra and Tamil Nadu

There are casual vacancies in the State Legislative Assemblies of Gujarat, Haryana, Maharashtra and Tamil Nadu 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 casual vacancies in the above State Legislative Assemblies as indicated below: -

Sl. No.	Name of State	Number and Name of Assembly Constituency
1.	Gujarat	10-Chotila
2.	Haryana	46-Ellenabad
3.	Maharashtra	137-Bhiwandi East
4.	Tamil Nadu	83-Pennagaram

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

Event	Date
1. Issue of Notification	26.12.09 (Sat)
2. Last date of making Nominations	02.01.10 (Sat)
3. Scrutiny of Nominations	04.01.10 (Mon)
4. Last date for withdrawal of Candidatures	06.01.10 (Wed)
5. Date of Poll	20.01.10 (Wed)
6. Counting of Votes	23.01.10 (Sat)
7. Date before which election shall be completed	24.01.10 (Sun)



C.E.  
23.12.09

23/12/09

P.S.

Suppl. Elections

### **ELECTORAL ROLL**

The electoral rolls with reference to 1.1.2009 as the qualifying date as per pre-delimitation order in Tamil Nadu and Gujarat have been revised and published. The general elections to the Legislative Assemblies of Haryana and Maharashtra were held on post delimitation basis with electoral rolls revised with reference to 1.1.2009 as the qualifying date. Hence, there is no need to revise electoral rolls further and the bye-elections shall be held on post delimitation basis in the States of Haryana and Maharashtra.

### **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**