

**GOVERNMENT OF RAJASTHAN  
(ELECTION DEPARTMENT)**

No. F3(1)(9)I/Elec./2018/

6634

Jaipur, Dated : 29-9-2018

**From : The Chief Electoral Officer,  
Rajasthan, Jaipur.**

**To : All District Election Officers (Collectors),  
Rajasthan.**

**Sub.: -Regarding- Applicability of Model Code of Conduct in cases of  
premature dissolution of Legislative Assembly followed by the  
caretaker Government in position till the formation of new  
Government after fresh election.**

Sir,

I am directed to send a copy of letter No. 437/6/ECI/INST/FUNCT/MCC/2018 dated 27th September, 2018 received from Election Commission of India on the subject cited above.

It is, therefore, requested that these intructions of Election Commission of India relating to Applicability of Model Code of Conduct in cases of premature dissolution of Legislative Assembly followed by the caretaker Government in position till the formation of new Government after fresh election may kindly be followed strictly for ensuing General Elections to Legislative Assembly, 2018 as well as these intructions may also kindly be brought to the notice of all Returning Officers of Assembly Constituencies of your district and other election related authorities for compliance.

Yours faithfully,

Encl: As above.

( Surendra Maheshwari )  
Joint Chief Electoral Officer,  
Rajasthan, Jaipur.

No. F3(1)(9)I/Elec./2018/

Jaipur, Dated :

Copy forwarded to All Recognised Political Parties for information and necessary action:-

Dy. Chief Electoral Officer,  
Rajasthan, Jaipur.

CEO  
27/9  
(D. B. Gupta)

By Spl. Messenger/Speed Post

# ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/ECI/INST/FUNCT/MCC/2018

Dated: 27<sup>th</sup> September, 2018

To

मुख्य सचिव कार्यालय  
राजस्थान, जयपुर  
प्रति संख्या 280197/18/0  
दिनांक 28-09-18

Addl. CEO (R/J)

28.9.2018

1. The Cabinet Secretary, Government of India, Rashtrapati Bhawan, New Delhi.
2. The Chief Secretaries to the Government of All States/UTs.

31624  
By  
28.9.18

**Subject: Applicability of Model Code of Conduct in cases of premature dissolution of Legislative Assembly followed by the caretaker Government in position till the formation of new Government after fresh election - regarding.**

Sir/Madam,

I am directed to state that the Commission has considered the matter of application of the Model Code of Conduct in the cases of premature dissolution of Legislative Assembly where a caretaker government has been asked to carry on the administration of that State/UT for the purposes of free, fair, transparent, and robust electoral process. On careful consideration of the matter, keeping the observation of Hon'ble Supreme Court in S.R.Bomma and Ors Vs. Union of India & Ors. (1994), that **the caretaker Government should merely carry on the day-to-day Government and desist from taking any major policy situation decision** in view, Commission has directed the following:-

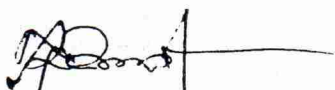
- (i) In such an eventuality as described above, the provisions of Part-VII (Party in Power) of the Model Code of Conduct shall come into operation with immediate effect in the State concerned and shall continue to be in force till the completion of the election to constitute the new Legislative Assembly;
- (ii) The provisions of the aforesaid Part-VII of Model Code of Conduct shall apply on the caretaker State Government as well as on the Central Government in so far as matters relating to that State are concerned;

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CEI  
28/9/18

- (iii) Consequently, neither the caretaker State Government nor the Central Government shall announce any new schemes, projects, etc. in respect of that State or undertake any of the activities prohibited under the aforesaid Part-VII of the Model Code of Conduct;
- (iv) All other prohibitions under Part-VII, such as use of official resources for any non-official purposes, combining of official visit with electioneering work, etc. shall apply on all Ministers and other authorities of the caretaker State Government, the Central Government as well as Governments of other States.

2. This may be brought to the notice of all concerned and the receipt of this letter may please be acknowledged.

Yours faithfully,

  
(Narendra N. Butolia)  
Principal Secretary

**Copy to:-** The Chief Electoral Officers of all States and UTs with the request to inform the recognized political parties in their respective States about the Commission's directions.