

राजस्थान सरकार
निर्वाचन विभाग

क्रमांक - एफ.3(1)(9)A/निर्वा/2018/ 7564

जयपुर, दिनांक -13-10-2018

प्रेषक: मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

प्रेषित: ^{समस्त} अतिरिक्त मुख्य सचिव/प्रमुख शासन सचिव/शासन सचिव
राजस्थान सरकार, जयपुर।

विषय - राजस्थान विधान सभा आम चुनाव-2018 आदर्श आचार संहिता की पालन -
अधिकारियों एवं कर्मचारियों के स्थानान्तरण के संबंध में।

संदर्भ - भारत निर्वाचन आयोग का पत्रांक 437/6/1/ECI/INST/ FUNCT/
MCC/2018 दिनांक 6.10.2018 एवं इस विभाग का पत्र क्रमांक एफ.
3(1)(9)A/निर्वा/2018/6939 दिनांक 7.10.2018, 6965 दिनांक 8.10.2018 एवं
7255 दिनांक 09.10.2018

महोदय,

उपरोक्त विषयान्तर्गत आयोग द्वारा दिनांक 06.10.2018 को राजस्थान में विधानसभा
के चुनाव कार्यक्रम की घोषणा के साथ ही राज्य में आदर्श आचार संहिता लागू हो गयी है।

भारत निर्वाचन आयोग एवं इस विभाग के संदर्भित पत्रों के द्वारा सभी राजकीय विभागों
एवं राजकीय उपक्रमों/संस्थाओं के अधिकारियों/कर्मचारियों के स्थानान्तरण/पदस्थापन नहीं
करने और जिनके स्थानान्तरण/पदस्थापन के आदेश जारी हो चुके हैं, उनकी क्रियान्विती
चुनाव समाप्ति तक नहीं करने के निर्देश दिये गये हैं। इस कार्यालय के पत्रांक 6965 दिनांक
8.10.2018 के द्वारा आदर्श आचार संहिता के संबंध में स्पष्टीकरण/शिथिलता चाहने पर
स्क्रीनिंग कमेटी के माध्यम से प्रकरण प्रेषित करने के निर्देश दिये गये हैं।

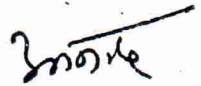
दिनांक 6.10.2018 को आदर्श आचार संहिता लागू होने से पूर्व लगभग सभी विभागों में
अधिकारियों/कर्मचारियों के स्थानान्तरण आदेश जारी किये गये हैं तथा उन आदेशों की
पालना में कतिपय अधिकारी नवीन पदस्थापन स्थान हेतु कार्यमुक्त भी हो चुके हैं, परंतु आदर्श
आचार संहिता के प्रभाव में आ जाने के कारण वे नवीन पदस्थापन स्थान पर कार्यग्रहण नहीं
कर पा रहे हैं। इस कारण संबंधित विभागों एवं अप्रत्यक्ष रूप से चुनाव संबंधित कार्य भी
प्रभावित होने की संभावना है।

आयोग के संदर्भित पत्र दिनांक 6.10.2018 के बिन्दु सं.-6 में उल्लेखित निर्देशों को
दृष्टिगत रखते हुए निम्नानुसार निर्देश जारी किये जाते हैं -

1. आयोग के पत्र दिनांक 6.10.2018 के बिन्दु सं.-6 में उल्लेखित अधिकारियों के स्थानान्तरण आदेशों की क्रियान्विती हेतु संबंधित विभाग द्वारा प्रस्ताव निर्वाचन विभाग को प्रेषित किया जावे, जिस पर आयोग से अनुमति प्राप्त होने पर ही संबंधित अधिकारियों का स्थानान्तरण किया जा सकेगा।
2. उपरोक्त के अतिरिक्त समस्त विभागों के ऐसे अधिकारी/कर्मचारी जिनके स्थानान्तरण आदेश दिनांक 5.10.2018 तक जारी हो चुके थे एवं उनकी पालना में दिनांक 6.10.18 तक वे कार्यमुक्त भी हो चुके हैं तथा यदि उनके नवीन पदस्थापन स्थान पर उक्त पद रिक्त है तो ही उन्हें नवीन पदस्थापन स्थान पर कार्यग्रहण कराया जा सकता है।
3. उपरोक्त बिन्दु सं.- 2 में वर्णित कार्यमुक्त किये गये अधिकारियों/कर्मचारियों के नवीन स्थानान्तरित पदस्थापन स्थान पर पद रिक्त नहीं है तो ऐसे अधिकारी/कर्मचारी का पूर्व पद पर स्थानान्तरण निरस्त कर दिया जावे। यदि पूर्व पद किसी अन्य अधिकारी/कर्मचारी के कार्यग्रहण करने के कारण रिक्त नहीं है तो उसके पदस्थापन/स्थानान्तरण के प्रस्ताव प्रशासनिक विभाग के माध्यम से निर्वाचन विभाग को भिजवाया जावे।
4. मुख्य चुनाव अधिकारी की अनुमति के बिना चुनाव प्रक्रिया समाप्ति तक आगे किसी अधिकारी/कर्मचारी का स्थानान्तरण नहीं किया जावे तथा पूर्व में जारी किये गये ऐसे स्थानान्तरण आदेश जिनकी क्रियान्विती दि. 6.10.2018 तक नहीं हुई है, तो ऐसी स्थिति में संबंधित अधिकारी/कर्मचारी को कार्यमुक्त नहीं किया जावे।

संलग्न:- आदेश का पत्र दिनांक 6/10/2018

भवदीय,




(आनन्द कुमार)
मुख्य निर्वाचन अधिकारी
राजस्थान, जयपुर।

क्रमांक:- एफ.3(1)(9)/1/निर्वा/2018/7564

जयपुर, दिनांक : 13.10.2018

प्रतिलिपि समस्त जिला निर्वाचन अधिकारी (कलेक्टर्स), को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।


संयुक्त मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

By Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/ECI/INST/FUNCT/MCC/2018

Dated: 6th October, 2018

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the
Government of:-
(i) Chhattisgarh, Raipur;
(ii) Madhya Pradesh, Bhopal;
(iii) Mizoram, Aizawl;
(iv) Rajasthan, Jaipur;
(v) Telangana, Hyderabad.
3. The Chief Electoral Officers of :-
(i) Chhattisgarh, Raipur;
(ii) Madhya Pradesh, Bhopal;
(iii) Mizoram, Aizawl;
(iv) Rajasthan, Jaipur;
(v) Telangana, Hyderabad.

Sub: Application of Model Code of Conduct - General Elections to the State Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana, 2018- reg.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Elections to the State Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana (Press Note No. ECI/PN/66/2018, dated 6th October, 2018 available at the Commission's web-site -<https://eci.nic.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 in the above States. 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 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 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 "<http://eci.nic.in/> under the heading 'Election Laws and ECI - 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,



(SUMIT MUKHERJEE)
PRINCIPAL SECRETARY