

भारतीय कृषि अनुसंधान परिषद
कृषि भवन नई दिल्ली

मि.स. GAE 21-2/18 समन्वय

दिनांक 30 अक्टूबर, 2018

सेवा में,

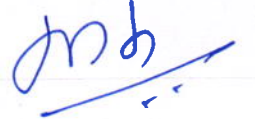
भारतीय कृषि अनुसंधान परिषद
संस्थानों /राष्ट्रिय अनुसंधान केन्द्रों के
समस्त निदेशक /परियोजना निदेशक

महोदय,

कृपया इस पत्र के साथ सलग्न पत्र आवश्यक कार्यवाही हेतु देखे

धन्यवाद

भवदीय



(विन्सेंट टी)

अनुभाग अधिकारी (समन्वय)

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN: NEW DELHI

F. No. GAC-21-2/2018-CDN

Dated the 30 October, 2018

ENDORSEMENT

Cabinet Secretariat, Govt. of India, New Delhi vide O.M No 1/41/1/2018-Cab dated 04.10.2018 has forwarded copies of Election Commission of India's letter No.437/6/ECI/INST/FUNCT/MCC/2018/720/ and 437/6/ECI/INST/FUNCT/MCC/2018/759 dated 27.9.2018 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. The above mentioned O.M. alongwith copies of the letter of Election of India are being uploaded on the ICAR website www.icar.org.in and e-office for information.

Ajainr
2018/10/30
(Ajai Verma)

Under Secretary (CDN and R&D)

Distribution :-

1. Directors/Project Directors of all ICAR Institutes/National Research Centres/ Project Coordinators/Coordinated Research Projects/ATARIs/Bureaux for information.
2. Sr.PPS to DG, ICAR/ sssPPS to FA (DARE)/PPS to Secretary, ICAR
3. Media Unit for placing on the ICAR website.
4. All Officers/Sections at ICAR Krishi Bhawan/KAB – I & II/NASC
5. Guard file/Spare copies

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No. 1/41/1/2018-Cab
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)
RASHTRAPATI BHAWAN

सचिव (देवर) एवं म.मि. (भा.क.अनु.प.) का कार्यालय
Office of Secy (DARE) & DG (ICAR)

Office Dy. No. 255859/R

Date..... 05/10/18

New Delhi, the 4th October, 2018

OFFICE MEMORANDUM

Subject: ECI directions 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.

The undersigned is directed to enclose herewith a copy each of Election Commission of India letter No. 437/6/ECI/INST/FUNCT/MCC/2018/720 and No. 437/6/ECI/INST/FUNCT/MCC/2018/759 dated 27.09.2018 on the above subject, for information and necessary action.

Encl: A/a

Rachna
(Rachna Shah)
Joint Secretary
Tel: 23016576

All Secretaries to the Government of India

Secy (D) - on tour
SS (D) - on tour
Asst. Secy (D)
bq
10/10
US (D) (AC)
10/10/18
Smt. K.K.
10/10/18
Asst. Secy (D)

CS-12241/18
27/9/18

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By Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

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

720

Dated: 27th September, 2018

To

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

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:-

27.09/18

AS/RB

28/09/18

AS/RB

- (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;

28/9/18

AS/RB

Urgent

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AS/RB

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

12242/18
27/9/18

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By Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/ECI/INST/FUNCT/MCC/2018 / 759

Dated: 27th September, 2018

To

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

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;

27-09-18
A.S.(A.B.)
J.S.(P.B.)

28/9/18

US MKB


28/9/18
S.C. (A.B.)

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.