GOVERNMENT OF INDIA भारत सरकार
MINISTRY OF RAILWAYS रेल मंत्रालय
RAILWAY BOARD रेलवे बोर्ड

No. E(G)/2018/EL 1 – 4                    New Delhi, dated 15. 10. 2018

The General Managers
All Indian Railways and
Production Units etc.

Sub:   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.

Please find enclosed a copy of Office Memorandum No.
1/41/1/2018-Cab dated 04.10.2018 along with its enclosure received from
Cabinet Secretariat on the above subject for information and compliance.

DA/ As above

(Anita Gautam)
Director Establishment (Genl.)
Railway Board
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 Shah)
Joint Secretary
Tel: 23016576

All Secretaries to the Government of India
No. 437/6/ECI/INST/FUNCT/MCC/2018 / 759

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.Bommaji 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;

Dated: 27th September, 2018
(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