



OFFICE OF THE
ELECTION AUTHORITY
UNDER PANCHAYATI RAJ ACT, 1989
(CHIEF ELECTORAL OFFICER, JAMMU & KASHMIR)
2ND FLOOR VIKAS BHAWAN, RAIL HEAD COMPLEX, JAMMU

**The District Panchayat Election Officer,
(Deputy Commissioner),
Kupwara/Baramulla/Bandipora/Ganderbal/Srinagar/Budgam/
Pulwama/Shopian/Kulgam/Anantnag/Kishtwar/Doda/Leh/Kargil
Ramban/Udhampur/Reasi/Kathua/Samba/Jammu/ Rajouri/Poonch.**

No. 5205 /Pyt/2011/3620 -55

Dated: 01/04/2011

Subject: Model Code of Conduct- regarding.

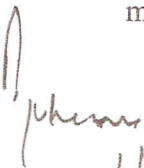
Sir/ Madam,

You may be aware of the fact that the Section 36 of the Panchayati Raj Act, 1989 vests powers of superintendence, direction and control for elections to be held for Panchayat Halqas and Chairman of the Block Development Council, in the Chief Electoral Officer of the State (Election Authority). The words superintendence, direction and control have been given meaning by their Lordships of the Supreme Court in a number of cases and these indicate widest amplitude of powers in the Chief Electoral officer under Article 324 of the Constitution, the parent article upon which Section 36 of the Panchayat Raj Act is also based.

In order to hold free and fair Elections, the Code of Conduct prescribed by this office is quite fortified by the powers exercised under Section 36 of the Panchayati Raj Act-1989. Since, the elections are being held on non-party basis, the Model Code of Conduct (MCC) devised by this office is slightly different from the MCC used for the Assembly and Parliament elections. The copies of the Model Code of Conduct have already been circulated.

With the issuance of notification under Rule 7 of Jammu and Kashmir Panchayati Raj Rules, 1996, published in the Government Gazette on 14th March, 2011, the provisions of Model Code of Conduct came into force with immediate effect for candidates, Political Parties and the State Government etc. Accordingly, the following instructions may be brought to the notice of all concerned for strict compliance:-

1. The model code of conduct and all instructions issued by the Election Authority are to be strictly followed by all concerned. No official can take shelter under the pretext that he has not been apprised of the coming into effect of the Model Code of conduct for the want of a separate communication in this regard. Any such attempt by any official will lead to the circumventing of the provisions of the Model Code of conduct and would be accordingly viewed seriously by the Election Authority.
2. The Election Authority has considered the release of funds under Member of Parliament Local Area Development / MLA/MLC CDF 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. Similarly, no fresh release


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of funds under the MLAs/ MLCs' local area development fund shall be made in any part of the State where election is in progress.

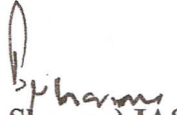
- b) No work shall start in respect of which work orders have been issued before the 14th of March but the work has actually not started in the field. These works can start only after the completion of election process. However, if work has actually started, that can continue.
- c) There shall be no bar to the release of payments for completed work (s) subject to the full satisfaction of the concerned officials.

Therefore, in order to maintain impartiality and to provide a level playing field to all the contesting candidates, the provisions of Model Code of Conduct may be followed in following manner for ensuring free and fair polls:-

- (i) The Model Code of Conduct has come into force from the date of announcement of elections i.e. 14th of March, 2011.
- (ii) Once the election process is over in a particular Block the Model Code of Conduct shall cease to apply in such Block/Blocks.
- (iii) The Model Code of Conduct shall not be applicable to the areas which do not fall within the purview of Panchayats.

The above instructions may be strictly adhered to, treating the matter as **Election/Most Urgent**.

Yours faithfully,


(B.R. Sharma) IAS 1/04/11.
Election Authority
Under Panchayati Raj Act, 1989
(Chief Electoral Officer, J&K)
Jammu

Copy for inf and n/a to the:-

- 1-2 Divisional Commissioner, Kashmir/Jammu.
- 3- Commissioner/Secretary to Govt. General Admn. Department
- 4-5 IGP Jammu/ Kashmir
- 6-27. Sr. Superintendant of Police _____ for information.
- 28-29 Director Rural Development Department, Kashmir/Jammu.
30. Special Assistant to Hon'ble Minister for Rural Development and Law, Justice and Parliamentary affairs for kind information of the Minister.
31. Principal Private Secretary to Chief Secretary, J&K, Jammu for the kind information of the Chief Secretary.
32. Pvt. Secretary to Director General of Police for the kind information of DGP.
- 33-34. Assistant Chief Electoral Officer, Kashmir/Jammu.