

Vidhan Sabha General Election-2009
Most Immediate/Date Bound

No. 4/68/2009-2Election
Haryana Government
Chief Secretary Office
Election Branch

Haryana Civil Secretariat
Dated 1st September, 2009

To

1. All the Financial Commissioners & Principal Secretaries / Commissioners and Secretaries to Government Haryana.
2. All the Heads of Department in Haryana.
3. All the Divisional Commissioners in Haryana.
4. All the Deputy Commissioners in Haryana.
5. All the MD of Boards/ Corporation in Haryana.
6. Registrar General, Hon'ble Punjab & Haryana High Court, Chandigarh.
7. All the Vice Chancellor of Universities in Haryana State

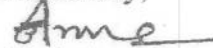
Subject: Application of the Model Code of Conduct- General Election to the State Legislative Assembly-reg.

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Sir/Madam,

I am directed to refer to the subject noted above and to say that the election schedule for the General Vidhan Sabha Elections 2009 has been announced by the Election Commission of India. In this regard, the instructions issued by the Election Commission of India are available at Commission's website www.eci.nic.in. It is therefore requested that instructions issued by the Election Commission of India vide letter No. 437/6/1/2009-CC&BE, dated 31.8.2009 (copy enclosed) may be complied with strictly. A copy of the Press Note issued by the Election Commission of India vide No. ECI/PN/47/2009 dated 31.8.2009 is also enclosed.

Yours faithfully,

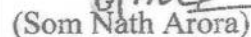


(Som Nath Arora)

Under Secretary Election
Tel.No. 0172-2743492

Endst. No. 4/68/2009-2Election Dated Chandigarh the 1st September, 2009

A copy is forwarded to the Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi w.r.t. his letter No 437/6/1/2009-CC&BE, dated 31.8.2009 for information and necessary action.

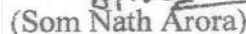


(Som Nath Arora)

Under Secretary Election
Tel.No. 0172-2743492

Endst. No. 4/68/2009-2Election Dated Chandigarh the 1st September, 2009

A copy is forwarded to the Chief Electoral Officer, Haryana, Chandigarh w.r.t. his letter No. Elec-2009/2AE-7117 dated 1st September, 2009 for information and necessary action.



(Som Nath Arora)

Under Secretary Election
Tel.No. 0172-2743492

Endst. No. 4/69/2009-2Election Dated Chandigarh the 1st September, 2009

A copy is forwarded to the Secretary to Governor, Haryana, Chandigarh with the request to comply with the last para of the press note dated 31.8.2009 (copy enclosed) issued by the Election Commission of India.



(Som Nath Arora)

Under Secretary Election
Tel.No. 0172-2743492

By Fax/E-Mail/Spl. Messenger/Speed Po

ELECTION COMMISSION OF INDIA

Nilvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/1/2009-CI & RE

Dated: 31st August, 2009

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi
2. The Chief Secretaries to the
Government of Arunachal Pradesh,
Haryana & Maharashtra.
3. The Chief Electoral Officers of
Arunachal Pradesh, Haryana &
Maharashtra

Sub: Application of Model Code of Conduct - General Election to the State Legislative Assembly - reg.

Sir,

I am directed to state that the Commission has announced the schedule for holding General Elections to the Legislative Assemblies of the States of Arunachal Pradesh, Haryana and Maharashtra.

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. This may be brought to the notice of the Government, all Ministries/Departments and all other offices of the Union Government and the State Government of Arunachal Pradesh, Haryana & Maharashtra.

Your particular attention is drawn to clause VII (vi) of Model Code, which, inter-alia states the party in power whether at the Centre or in the State or 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 shall not also make use of official machinery or personnel during the electioneering work;

(b) Government transport including official aircrafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;

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(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, lak bungalows or other Government accommodation shall not be monopolised by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premises appertaining thereto) as campaign office or for holding any public meeting for the purposes of election propaganda;

(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 make 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 or 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..

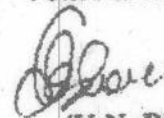
5. A copy of the instruction of the Commission contained in its letter No.437/6/2009-CCB dated 5th March, 2009 is enclosed for your information and necessary action.

6. The Commission 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 Elections;
 - iv) Officers of the Police Department connected with the management of elections like range IGs and DICs, 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 Government 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 State Government may with full justification approach the Commission for prior clearance.
7. The receipt of the letter may kindly be acknowledged.

Yours faithfully,



(K.N. BHARI)

UNDER SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/ 47/2009

Dated: 31st August, 2009

PRESS NOTE

Subject: Schedule for General Elections to the Legislative Assemblies of Arunachal Pradesh, Maharashtra and Haryana

The terms of the Legislative Assemblies of Arunachal Pradesh and Maharashtra are due to expire on 24-10-2009 and 03-11-2009 respectively. The Legislative Assembly of Haryana has been dissolved by the Governor of Haryana under sub-clause (b) of clause (2) of Article 174 of the Constitution vide Notification No. HVS-LA-89/2009/72 dated 21-08-2009 with immediate effect. By virtue of its powers, duties and functions under Article 324 read with Article 172 (1) of the Constitution and Section 15 of Representation of People Act, 1951, and having regard to the constitutional provisions as interpreted by the Supreme Court in Special Reference No. 1 of 2002 (AIR 2003 SC 87), the Commission is under the constitutional mandate to hold General Elections to constitute the new Legislative Assemblies in the States of Arunachal Pradesh, Maharashtra and Haryana within a period of six months before the expiry of the present term or within six months of the premature dissolution of the Legislative Assembly.

Assembly Constituencies

2. The total number of Assembly Constituencies of the above States and the seats reserved for the Scheduled Castes and the Scheduled Tribes as determined by the Delimitation Commission under the Delimitation Act, 2002 and having regard to Order dated 08-02-2008 of the President of India deferring the delimitation exercise in the State of Arunachal Pradesh in terms of Section 10 A of the Delimitation Act, 2002, are as under:

State	Total No. ACs	ACs reserved for SC	ACs reserved for ST
Arunachal Pradesh	60	Nil	59
Maharashtra	288	29	25
Haryana	90	17	Nil

Electoral Rolls

The electoral rolls of the three States were revised with reference to 1.1.2009 as the qualifying date before the General Election to the House of People, 2009. In view of the fact that the General Elections to the Legislative Assemblies of the States of Arunachal Pradesh and Maharashtra are normally due to be held during this year, the Commission once again ordered a special summary revision of electoral roll in these States with the same qualifying date of 1st January, 2009. In case of Haryana, a special revision was again undertaken in two assembly constituencies' viz. 76-Badshahpur and 77-Gurgaon as there were complaints about omission of names in the electoral roll used for conduct of Lok Sabha election. The electoral roll of these two constituencies will be finally published on 3rd September, 2009. Special revision was also ordered in 6 parts of electoral roll of 86-Faridabad NIT assembly constituency, 4 parts of electoral roll of 88-Ballabgarh assembly constituency and 3 parts of electoral roll of 90-Tigaon assembly constituency to rectify the defects in the areas assigned to these assembly constituencies as per the new Delimitation Order 2008. The electoral roll of the affected 13 parts of electoral rolls of the 3 assembly constituencies of Haryana shall be finally published on 11th September, 2009. The General Elections in the States of Maharashtra and Haryana will be conducted on the basis of the electoral rolls revised with reference to 01.01.09 as the qualifying date prepared in accordance with constituencies newly delimited by the Delimitation Commission and as per the earlier constituencies in

Arunachal Pradesh. As per final rolls, there are 7,50,575 electors in the State of Arunachal Pradesh, 1,20,63,257 (approximately) electors in the State of Haryana and 7,56,34,525 electors in the State of Maharashtra.

Photo Electoral Rolls

The Electoral Rolls now have photos of the majority of electors in the roll. These photo electoral rolls will be used in these States during the forthcoming general elections for easy and correct identification of voters. Arunachal Pradesh has 87.00 %, Haryana 99 % and Maharashtra 73.28 % of electors with photographs in the rolls.

Efforts are continuing to increase the photo coverage in the electoral roll during the continuous revision period and all the residual electors without photograph in the rolls are advised to contact their nearest Designated Photography Location (DPL) or the Electoral Registration Officer of their AC for inclusion of photographs in the roll against their names.

Identification of Electors and Electors Photo Identify Cards (EPIC)

Identification of the voters at the polling booth at the time of poll shall be compulsory. Electors who have been provided with EPIC shall be identified through EPIC only. Presently, Arunachal Pradesh has 88.42 %, Haryana 99 % and Maharashtra 80.35 % EPIC holders.

As advised above, all those electors who have not got their EPICs are advised to obtain their Elector' Photo Identity Cards from the Electoral Registration Officers of their Assembly Constituencies urgently.

Electronic Voting Machines (EVMs)

The poll in these States will be conducted at all polling stations using EVMs. The Commission has already made arrangements to ensure availability of adequate number of EVMs for the smooth conduct of elections. A two-stage

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randomization of EVMs will be made. In the first stage, all the EVMs stored in the district storage center will be randomized by the District Election Officer (DEO) in the presence of the representatives of the recognized political parties for allocation of EVMs to specific assembly constituency of the district. Next, after the candidates are finalized and the EVMs of a constituency are prepared for the poll by the Returning Officer (including affixing of ballot papers on balloting units), the EVMs will once again be randomized to decide the actual polling stations within the Assembly Constituency in which they will be ultimately used. This second stage randomization will be done in the presence of Observers, candidates or their election agents.

Polling Stations

There are 2,061 polling stations in Arunachal Pradesh, 12,894 in Haryana and 82,028 in Maharashtra. For the facility of physically challenged persons, instructions have been issued to ensure that all polling stations as far as practicable, are located at ground floor and ramps are provided. Facilitation shall also be provided for locating elector's name against a polling station or a group of polling stations through help lines and facilitation centers.

Law and Order and Deployment of Forces

Based on the assessment of the ground situation, Central Police Forces (CPF) and State Armed Police (SAP) drawn from other States will be deployed during the ensuing general elections. The CPF and SAP will be used generally for safeguarding the polling stations and for providing security to the electors and polling personnel at the polling stations on the poll day. Besides, these forces will also be used for securing the strong rooms where the EVMs are stored and for securing the counting centers. Wherever needed, the CPF will be deployed in advance for area domination and other election related duties. The identification of polling stations requiring static coverage by CPF in various assembly

constituencies will be made by district election machinery in consultation with the ECI Observers.

The Commission has been issuing instructions from time to time with regard to the advance preventive measures to be taken by the District Magistrates and Police authorities to maintain the Law & Order and to create atmosphere conducive for conduct of free and fair elections. The Commission will be constantly monitoring the ground situation closely and will take appropriate measures to ensure peaceful, free and fair polls in these States.

Observers

The Commission will deploy Observers in adequate number to ensure smooth conduct of forthcoming General Elections in these States. The Observers will be asked to keep a close watch on every stage of the electoral process to ensure free and fair elections. Their names, addresses within the district/constituency and their telephone numbers will be publicized in local newspapers so that the general public can quickly approach them for any grievance redressal. The Observers will be given a detailed briefing by the Commission before their deployment.

Micro Observers

In addition to the General Observers, the Commission will also deploy Micro-Observers to observe the poll proceedings in the polling station on the poll day in selective and critical polling stations. They will be chosen from the Central Government/Central PSU officials. The Micro-Observers will observe the proceedings on the poll day right from the mock poll to the completion of poll and the process of sealing of EVMs and other documents to ensure that all instructions are complied with by the Polling Parties and the Polling Agents. These micro-observers would directly work under control and supervision of the Observer. They will be tasked to ensure the purity of the polling process and will report to the Observers directly about any observed vitiation of the poll

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proceedings in their allotted polling stations for the Commission to take appropriate instructions on the reports thus received.

Conduct of Officials

The Commission expects all officials, including police officials, engaged in the conduct of elections to discharge their duties in an impartial manner without any fear or favour. All of them shall be deemed to be on deputation to the Commission and shall be subject to its control, supervision and discipline. Several instructions have been issued from time to time to ensure impartiality of officials who are engaged in conduct of elections. The conduct of all government officials who have been entrusted with election related responsibilities and duties would remain under constant scrutiny of the Commission.

The Commission has already given instructions that no election related official or Police officer of the rank of sub Inspector and above should continue in his home district. Besides, instructions have also been issued that all the election related officials including the police officials who have been there for three years in a district during last four years should be transferred out of that district. The governments of the States have also been asked to transfer all those officers against whom the Commission has recommended disciplinary action or who have been charged for any lapse during previous elections or for any election related work, from positions entailing any election work.

The Commission has also instructed the State Governments not to associate any officer with the electoral process against whom charges have been framed in a court of law in any case.

Protection to SC/ST Electors

As per Section 3 (1) (vii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whoever, not being a member of a Scheduled Caste or Scheduled Tribe, forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine. The Commission has asked the State Governments to bring these provisions to the notice of all concerned for prompt action.

Formation of Polling Parties through Randomization

Polling parties shall be formed randomly, through special computerized application software. Three-stage randomization will be adopted. First, from a wider district database of eligible officials, a shortlist of about 120% of the required numbers will be randomly picked. This group will be trained for polling duties. In the second stage, from this trained manpower, actual polling parties as are required shall be formed by random selection software in the presence of ECI Observers. In the third randomization, the polling stations will be allocated randomly, just before the polling party's departure to the polling stations.

District Election Plan

The District Election Officers have been asked to prepare a comprehensive district election plan including communication plan for conduct of elections. The communication plan should include all resources such as landline telephones, mobile telephones, wireless sets, satellite phones etc., to facilitate

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effective monitoring and control on the day of poll. The State Chief Electoral Officers have also been asked to open Help Lines and Control Rooms in each Assembly Constituency for the convenience of electors.

Videography

All critical events will be videographed. District Election Officers will arrange sufficient number of video and digital cameras and camera teams for the purpose. The events for Videography will include filing of nomination, scrutiny thereof and allotment of symbols, preparations and storage thereafter of Electronic Voting Machines, important public meetings, processions etc. during campaign, process of dispatching of postal ballot papers, polling process in identified vulnerable polling stations, storage of polled EVMs, counting of votes etc. Digital cameras will also be deployed inside the booths wherever needed. The CDs of video recordings will be available on payment to anyone who wishes to obtain copy of the same.

Model Code of Conduct

The Model Code of Conduct comes into effect immediately from now onwards. All the provisions of the Model Code will apply to the whole of the above States and will be applicable to all candidates, political parties, the State Governments concerned and the Union Government from today itself. Attention of the political parties and candidates is particularly invited to the following provisions of the Code:-

"There shall be no appeal to caste or communal feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda."

Schedule

The Commission has prepared the schedule for holding General Elections to the Legislative Assemblies of Arunachal Pradesh, Maharashtra and Haryana after taking into consideration all relevant aspects, like the climatic conditions, academic schedules, festivals, prevailing law and order situation in the States, availability of Central Police Forces, time needed for movement and proper deployment of forces, and assessment of other ground realities. Accordingly, the commission has finalized the following Schedule for general elections to all the Assembly Constituencies of Arunachal Pradesh, Haryana and Maharashtra:

SCHEDULE FOR ARUNACHAL PRADESH, HARYANA AND MAHARASHTRA

Date of issue of notification	Last date for nominations	Date for scrutiny of nominations	Last date for withdrawal of candidatures	Date of poll if necessary	Date before which the election shall be completed
Friday, the 18 th September 2009	Friday, the 25 th September 2009	Saturday, the 26 th September 2009	Tuesday, the 29 th September 2009	Tuesday, the 13 th October 2009	Sunday, the 25 th October 2009

Counting shall be done on Thursday, the 22nd October 2009.

The Commission after considering all relevant aspects has decided to recommend to the Governors of Arunachal Pradesh, Maharashtra and Haryana to issue notifications for the General Elections to the Legislative Assemblies of the respective States under the relevant provisions of the Representation of the People Act, 1951 as per the schedule given above.

Sd/-
(R.K. Srivastava)
Secretary