

DEPARTMENT OF WOMEN & CHILD DEVELOPMENT,
GOVT. OF NCT OF DELHI
PANDIT RAVI SHANKAR SHUKLA LANE; K.G MARG,
NEW DELHI- 110001

F.(40)/DWCD/FAS/O&C/2018-19/43944-47

Dated :-

28 MAR 2019

CIRCULAR

The Lok Sabha Elections for 2019 have been announced by Election Commission of India (ECI) on 10.03.2019. All the District officers of Department of Women Child Development, GNCTD who are the sanctioning authority for Financial Assistance Schemes of the Department are advised to comply with the Model Code of Conduct as per the guidelines issued by ECI.

Photocopy of consolidated guidelines issued by ECI are enclosed herewith for ready reference and compliance.

This issues with the prior approval of the Director (WCD).

Inderpreet
(Inderpreet Pathak)
Deputy Director (FAS)

All the District Officers
Department of Women and Child Development,
GNCTD.

F.No-F.(40)/DWCD/FAS/O&C/2018-19/43944-47

Dated :-
28 MAR 2019

Copy to:

1. P.A. to Director (WCD), Department of WCD, GNCTD.
2. P.A. to Joint Director II (FAS), Department of WCD, GNCTD.
3. System Analyst for uploading on the Department's Website.

(Inderpreet Pathak)
Deputy Director (FAS)

5.2 Consolidated Guidelines

5.2.1 During general elections to the House of the People and certain State Legislative Assemblies in 2009, on request from some State Governments for relaxation in instructions on humanitarian ground, the Election Commission revisited its existing instructions and issued consolidated guidelines with modifications or clarifications, wherever necessary, on 5 March 2009 (**Annexure VI**). These guidelines are as detailed below:

Financial matters

- (i) Model Code related directions shall be issued only by the Election Commission.
- (ii) The Cabinet Secretariat or any other government agency should reiterate and disseminate the directions of the Election Commission for compliance.
- (iii) All references from Government of India to the Election Commission shall be made preferably through the Cabinet Secretariat.
- (iv) In so far as reference from State Governments are concerned, the same shall be made to the Election Commission through the Chief Electoral Officer of the State concerned after getting cleared from the Screening Committee.
- (v) Reserve Bank of India may continue to take decisions unhindered on monetary policy issues.
- (vi) Ministry of Finance will need to take prior approval of the Election Commission on any policy announcements, fiscal measures, taxation related issues and such other financial relief. Similarly, other ministries and departments will need to take prior approval of the Election Commission before announcing any relief or benefit.
- (vii) The following types of existing works can be continued by the government agencies **without reference to the Election Commission:**

- (a) work-projects that have actually started on the ground after obtaining all necessary sanctions;
 - (b) beneficiary-projects where specific beneficiaries have been identified, by name, before coming of Model Code into force;
 - (c) registered beneficiaries of MNREGA may be covered under existing projects. New projects under MNREGA that may be mandated under the provisions of the Act may be taken up only if it is for the already registered beneficiaries and the project is already listed in the approved and sanctioned shelf of projects for which funds are also already earmarked.
 - (d) there shall be no bar to release of funds for the completed portion of any work subject to observance of laid down procedures and concurrence of Finance Department.
 - (e) payments directly to the hospitals from Chief Minister's Relief Fund/Prime Minister's Relief Fund, in lieu of direct cash payment to individual patients (beneficiaries), will be permissible without reference to the Election Commission;
- (viii) Following types of new works (whether beneficiary or work oriented) can be taken up **under intimation to the Election Commission only if they fulfill the given conditions before Model Code comes into effect** (in case of any of the conditions not being met, prior approval of the Election Commission shall be obtained).
- (a) full funding has been tied up;
 - (b) administrative, technical and financial sanctions have been obtained;
 - (c) tender has been floated, evaluated and awarded;
 - (d) in case there is contractual obligation to start and end the work within a given time frame and failing which there is an obligation to impose penalty on the contractor; and
 - (e) emergency relief works and measures that are aimed at

mitigating the hardships, directly and solely, of the persons affected in a disaster may be taken up under intimation to the Election Commission;

(ix) The following types of activities will require **prior permission of the Election Commission:**

- (a) new works and projects cannot be taken up from discretionary funds of whatever nature. (Discretionary fund, in this context, includes funds, which are provided for in the budget in a generic manner and for which no identified and sanctioned project exists prior to Model Code coming into effect)
- (b) proposals for revival of sick public sector undertakings, governmental takeover of enterprises, etc. (or any policy decision on similar lines) cannot be taken up
- (c) fresh auctions of liquor vendis, etc., cannot be held even if the annual auction time falls within Model Code period. Where necessary, the government should make interim arrangements as provided in its respective laws;
- (d) area of operation of any existing project or scheme or programme cannot be extended or expanded;
- (e) no land allocation shall be made by the government to any entity, whether individual or an enterprise; and
- (f) signing an MOU or an agreement where the government is a party will also require prior clearance by the Election Commission.
- (g) tenders other than global tenders, if already floated may be evaluated but not finalized. If these are not floated, shall not be floated without prior permission of the Election Commission.
- (h) where works are to be undertaken or functions are to be held in fulfillment of international commitments, prior concurrence of the Election Commission shall be taken.

- (i) ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the persons affected at the current rates or scales of assistance presently in force, under intimation to the Election Commission. No change in the extant and prescribed scales of payments, however, shall be made in the existing rates or scales without prior permission of the Election Commission;
 - (j) however, new works that may be necessitated by way of preventive measures to mitigate the likely effects of natural disasters, like repair of embankments, water channels etc. can be taken up only with prior permission of the Election Commission;
 - (k) also, an area shall not be declared drought or flood affected or any such calamity affected without prior approval of the Election Commission. The extent of area already declared to be calamity-affected cannot be expanded without prior approval of the Election Commission; and
 - (l) similarly, any selective assistance to a group of persons from the Chief Minister's Relief Fund/Prime Minister's Relief Fund will require prior approval of the Election Commission.
- (x) Global tenders already floated, can be evaluated and finalized where any time limits are specified for such purpose. Tenders other than global tenders, that are already floated may be evaluated but not finalized without prior approval of the Election Commission. If they are not already floated, they shall not be floated without prior approval of the Election Commission.
- (xi) While starting any work (including any relief work) or development activity, no formal function shall be held involving any political functionary. As a matter of good practice, normal functions and publicity even with the presence of official functionaries should be kept to the minimum.
- (xii) Regular recruitment or appointment or promotion through

the UPSC, State Public Service Commissions or Staff Selection Commission or any other statutory authority can continue. Recruitments through non-statutory bodies will require prior clearance of the Election Commission.

- 5.2.2 In subsequent General elections, these guidelines are being reiterated and issued with necessary additions/clarifications.

5.3 Presentation of Annual Budget

- 5.3.1 As per the established practice in the country, union budget for a fiscal year is presented to the Parliament in the month of February. The Election Commission, in deference to the State Legislatures, and having regard to convention and propriety, has not laid down any precept or prescribed a course of action for presentation of annual budgets, though an advisory was issued to all states at the time of 2009 general elections (**Annexure VII**).
- 5.3.2 In absence of clear and specific guidelines on this issue, different views have been taken during different elections. At several occasions in the past, presentation of annual budget was deferred. In January 2000, the Election Commission announced the programme for the general elections to the legislative assemblies of Bihar and Odisha. A session of the Bihar Legislative Assembly had already been called before the announcement of elections and that session was scheduled to commence on 10 January 2000. During that session, state budget was to be presented. However, the state government decided overnight not to present the budget or seek the vote-on-account in that session. Even the customary address of the Governor of the State to be made on the inaugural day of the session was substantially pruned down, so as to avoid any mentioning of the state government's achievements during the previous year or announcement of any new schemes or welfare measures in the coming year.
- 5.3.3 In some cases, State Governments and even the Parliament, instead of presenting full budget, sought only a vote on account for 3-4 months.
- 5.3.4 During general elections to Legislative Assemblies of Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh in January-March 2017, the Election Commission allowed the Union government to present budget