

कार्यालय मुख्य निर्वाचन अधिकारी, उत्तर प्रदेश।

चतुर्थ तल, विकास भवन, जनपथ मार्केट, हजरतगंज, लखनऊ-226001

संख्या-2574 / सी0ई0ओ0-1-142/1-2008
सेवा में,

लखनऊ: दिनांक: 15 अक्टूबर, 2024

जिलाधिकारी/जिला निर्वाचन अधिकारी,

मुजफ्फरनगर, मुरादाबाद, गाजियाबाद, अलीगढ़, मैनपुरी, कानपुर नगर, प्रयागराज, अम्बेडकरनगर एवं मीरजापुर।

विषय:- विधान सभा निर्वाचन क्षेत्र 16-मीरापुर (मुजफ्फरनगर), 29-कुन्दरकी (मुरादाबाद), 56-गाजियाबाद (गाजियाबाद), 71-खैर (अ0जा0) (अलीगढ़), 110-करहल (मैनपुरी), 213-सीसामऊ (कानपुर नगर), 256-फूलपुर (प्रयागराज), 277-कटेहरी (अम्बेडकरनगर) एवं 397-मझवाँ (मीरजापुर) के उप निर्वाचन-2024 के दौरान लागू आदर्श चुनाव आचार संहिता के संबंध में।

महोदय/महोदया,

उपर्युक्त विषय पर कृपया भारत निर्वाचन आयोग के पत्र संख्या-437/6/1 /ECI/ INST/ FUNCT/MCC/2024 दिनांक-15.10.2024 का अवलोकन करने का कष्ट करें, जिसके माध्यम से भारत निर्वाचन आयोग द्वारा प्रेस नोट-संख्या-ई0सी0आई0/पी0एन0/150/2024, दिनांक- 15.10.2024 के द्वारा जो विधान सभा निर्वाचन क्षेत्र 16-मीरापुर (मुजफ्फरनगर), 29-कुन्दरकी (मुरादाबाद), 56-गाजियाबाद (गाजियाबाद), 71-खैर (अ0जा0) (अलीगढ़), 110-करहल (मैनपुरी), 213- सीसामऊ (कानपुर नगर), 256-फूलपुर (प्रयागराज), 277-कटेहरी (अम्बेडकरनगर) एवं 397-मझवाँ (मीरजापुर) विधान सभा निर्वाचन क्षेत्र का उप निर्वाचन-2024 की घोषणा कर दी गई है तथा एम0सी0सी0 का उपबन्ध प्रेस नोट में उल्लिखित आयोग के निर्देश संख्या-437/6/INST/ECI/FUNCT/ MCC/2024 (BYE ELECTIONS) दिनांक-02.01.2024 में दिये गये प्राविधानों के अनुसार लागू हो गये हैं।

अतः भारत निर्वाचन आयोग के पत्र संख्या-437/6/1/ECI/INST/FUNCT/MCC/2024 दिनांक-15.10.2024 एवं भारत निर्वाचन आयोग द्वारा जारी प्रेस नोट-संख्या-ई0सी0आई0/पी0एन0/150/2024, दिनांक-15.10.2024 एवं आयोग के निर्देश संख्या-437/6/INST/ECI/FUNCT/ MCC/2024 (BYE ELECTIONS) दिनांक-02.01.2024 को संलग्न कर इस आशय से प्रेषित किया जा रहा है कि कृपया उक्त निर्देशों का समस्त संबंधितों के संज्ञान में लाते हुए तदनुरूप आवश्यक कार्यवाही सुनिश्चित कराने का कष्ट करें।

संलग्नक यथोक्त।

भवदीय,

(चन्द्रशेखर)

अपर मुख्य निर्वाचन अधिकारी।

संख्या:-2574 (1)/सी0ई0ओ0-1-तददिनांक।

प्रतिलिपि उक्त संलग्नक सहित निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- समस्त अपर मुख्य सचिव/प्रमुख सचिव/सचिव उत्तर प्रदेश शासन।
- 2- प्रमुख स्टाफ आफीसर, मुख्य सचिव, उत्तर प्रदेश शासन।
- 3- मण्डलायुक्त, सहारनपुर, मुरादाबाद, मेरठ, अलीगढ़, आगरा, कानपुर, प्रयागराज, अयोध्या एवं विन्ध्याचल मण्डल।
- 4- विशेष सचिव, निर्वाचन अनुभाग, उत्तर प्रदेश शासन।
- 5- गोपन अनुभाग-1 उत्तर प्रदेश शासन।
- 6- कार्यालय मुख्य निर्वाचन अधिकारी के समस्त अधिकारी/अनुभाग।
- 7- प्रभारी अनुभाग अधिकारी/कम्प्यूटर कक्ष को पीडीएफ हेतु।

(चन्द्रशेखर) 15.10.24

अपर मुख्य निर्वाचन अधिकारी।

By Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/INST/ECI//FUNCT/MCC/2024

Dated: 15th October, 2024

To

1. **The Cabinet Secretary,**
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. **The Chief Secretaries to the Government of:-**
 - (i) Assam, Dispur;
 - (ii) Bihar, Patna;
 - (iii) Chhattisgarh, Raipur;
 - (iv) Gujarat, Gandhinagar;
 - (v) Jharkhand, Ranchi ;
 - (vi) Karnataka, Bengaluru;
 - (vii) Kerala, Thiruvananthapuram;
 - (viii) Madhya Pradesh, Bhopal ;
 - (ix) Maharashtra, Mumbai;
 - (x) Meghalaya, Shillong;
 - (xi) Punjab, Chandigarh;
 - (xii) Rajasthan, Jaipur;
 - (xiii) Sikkim, Gangtok;
 - (xiv) Uttar Pradesh, Lucknow;
 - (xv) Uttarakhand, Dehradun; and
 - (xvi) West Bengal, Kolkatta.
3. **The Chief Electoral Officers of:-**
 - (i) Assam, Dispur;
 - (ii) Bihar, Patna;
 - (iii) Chhattisgarh, Raipur;
 - (iv) Gujarat, Gandhinagar;
 - (v) Jharkhand, Ranchi ;
 - (vi) Karnataka, Bengaluru;
 - (vii) Kerala, Thiruvananthapuram;
 - (viii) Madhya Pradesh, Bhopal ;
 - (ix) Maharashtra, Mumbai;
 - (x) Meghalaya, Shillong;
 - (xi) Punjab, Chandigarh;
 - (xii) Rajasthan, Jaipur;
 - (xiii) Sikkim, Gangtok;

- (xiv) Uttar Pradesh, Lucknow;
- (xv) Uttarakhand, Dehradun; and
- (xvi) West Bengal, Kolkatta.

Sub: Application of Model Code of Conduct - General Elections to State Legislative Assemblies of Jharkhand & Maharashtra, 2024 and Bye-elections in Parliamentary/ Assembly Constituencies of various States- reg.

Sir/Madam,

I am directed to state that the Election Commission has announced the schedule for holding **General Elections to State Legislative Assemblies of Jharkhand & Maharashtra, 2024 and Bye-elections in Parliamentary/ Assembly Constituencies of various States** (Press Notes No.ECI/PN/149/2024 and No.ECI/PN/150/2024, both dated 15th October, 2024, available at the Commission's website - www.eci.gov.in).

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 and will be in force till the completion of the General Elections and bye-elections mentioned above**. This may be brought to the notice of the Central and State Governments, all Ministries/Departments/offices of the Union Government/the State Governments. A copy of instructions issued by you to this effect may be sent to the Commission for its information and record.

3. Your particular attention is drawn to the provisions of Model Code of Conduct for the guidance of Political Parties and Candidates and various instructions issued by the Commission, which, inter-alia, state that the party in power whether at the Centre or in the State or States/Union Territory concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purpose 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 air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;
- (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 the party in power. 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, dak bungalows or other Government accommodations in the States/Union Territories where elections have been announced or are taking place can be given to the political functionaries who are provided security by the State in 'Z' scale or above or equivalent by various State Governments or the Central Government under provisions of their laws, on equitable basis. This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or the Commission's Observers. Such political functionaries shall not carry out any political activity while staying in the Government Guest Houses/Rest Houses or other Government accommodation etc.;

(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 Commission, Ministers and other authorities shall not –

(a) announce any financial grants, in any form or 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 advertisement 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 on 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.

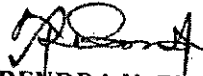
5. The instruction of the Commission contained in its letter No.437/6/INST/ECI/FUNCT/MCC/2024(MCC ENFORCEMENT) dated 2nd January, 2024 is available on the Commission's website at path -⁷<https://www.eci.gov.in/issue-details->

relevant instructions, 'Manual on Model Code of Conduct' and 'Compendium of Instructions on Model Code of Conduct' are also available on the Commission's website for your guidance.

6. The Commission further 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 election;
 - iv) Officers of the Police Department connected with the management of election, like range IGs and DIGs, 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 Governments 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 concerned State Government may with full justification approach the Commission for prior clearance.
7. The receipt of the letter may kindly be acknowledged.
8. Hindi version will follow.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.ECI/PN/150/2024

Dated: 15th October, 2024

PRESS NOTE

Subject: Schedule for bye-election to 48 Assemblies Constituencies and 2 Parliamentary Constituencies of 15 States - reg.

The Commission has decided to hold bye-elections to fill vacancies in the following Assembly/Parliamentary Constituencies:

Sl. No.	Name of State	No. and Name of AC/PC	Reason of Vacancy [along with name of the incumbent member (Sh./Smt./Ms.)]
1.	Assam	11-Dholai (SC) AC	Resignation of Parimal Suklabaidya
2.		31-Sidli (ST) AC	Resignation of Joyanta Basumatary
3.		32-Bongaigaon AC	Resignation of Phani Bhusan Choudhury
4.		77-Behali AC	Resignation of Ranjit Dutta
5.		88-Samaguri AC	Resignation of Rakibul Hussain
6.	Bihar	196-Tarari AC	Resignation of Sudama Prasad
7.		203-Ramgarh AC	Resignation of Sudhakar Singh
8.		227-Imamganj (SC) AC	Resignation of Jitan Ram Manjhi
9.		232-Belaganj AC	Resignation of Surendra Prasad Yadav
10.	Chhattisgarh	51-Raipur City South AC	Resignation of Brijmohan Agrawal
11.	Gujarat	7-Vav AC	Resignation of Geniben Nagaji Thakor
12.	Karnataka	83-Shiggaon AC	Resignation of Basavaraj Bommai
13.		95-Sandur (ST) AC	Resignation of E Tukaram
14.		185-Channapatna AC	Resignation of H D Kumaraswamy
15.	Kerala	56-Palakkad AC	Resignation of Shafi Parambil
16.		61-Chelakkara (SC) AC	Resignation of K.Radhakrishnan
17.		4-Wayanad PC	Resignation of Rahul Gandhi

18.	Madhya Pradesh	156-Budhni AC	Resignation of Shivraj Singh Chouhan
19.		02-Vijaypur AC	Resignation of Ramnivas Rawat
20.	Maharashtra	16-Nanded PC	Death of Chavan Vasantao Balwantrao
21.	Meghalaya	56-Gambegre (ST) AC	Resignation of Saleng A. Sangma
22.	Punjab	10-Dera Baba Nanak AC	Resignation of Sukhjinder Singh Randhawa
23.		44-Chabbewal (SC) AC	Resignation of Dr. Raj Kumar
24.		84-Gidderbaha AC	Resignation of Amarinder Singh Raja Warring
25.		103-Barnala AC	Resignation of Gurmeet Singh Meet Hayer
26.	Rajasthan	27-Jhunjhunu AC	Resignation of Brijendra Singh Ola
27.		67-Ramgarh AC	Death of Zubair Khan
28.		88-Dausa AC	Resignation of Murari Lal Meena
29.		97-Deoli-Uniara AC	Resignation of Harish Chandra Meena
30.		110-Khinwsar AC	Resignation of Hanuman Beniwal
31.		156- Salumber (ST) AC	Death of Amrit Lal Meena
32.		161-Chorasi (ST) AC	Resignation of Rajkumar Roat
33.		Sikkim	07-Soreng-Chakung AC
34.	11-Namchi-Singhithang AC		Resignation of Krishna Kumari Rai
35.	Uttar Pradesh	16-Meerapur AC	Resignation of Chandan Chauhan
36.		29-Kundarki AC	Resignation of Zia Ur Rehman
37.		56-Ghaziabad AC	Resignation of Atul Garg
38.		71-Khair (SC) AC	Resignation of Anoop Singh alias Anoop Pradhan Balmiki
39.		110-Karhal AC	Resignation of Akhilesh Yadav
40.		213-Sishamau AC	Disqualification of Haji Irfan Solanki
41.		256-Phulpur AC	Resignation of Praveen Patel
42.		277-Katehari AC	Resignation of Lalji Verma
43.		397-Majhawan AC	Resignation of Dr. Vinod Kumar Bind
44.	Uttarakhand	07-Kedarnath AC	Death of Shailarani Rawat
45.	West Bengal	6-Sitai (SC) AC	Resignation of Jagadish Chandra Barma Basunia
46.		14-Madarihat (ST)	Resignation of Manoj Tigga

		AC	
47.		104-Naihati AC	Resignation of Partha Bhowmick
48.		121-Harua AC	Resignation of SK. Nurul Islam (Haji)
49.		236-Medinipur AC	Resignation of June Maliah
50.		251-Taldangra AC	Resignation of Arup Chakraborty

The Schedule for the bye elections is enclosed at **Annexure-I**.

1. ELECTORAL ROLLS

(I) Commission firmly believes that pure and updated electoral rolls are the foundation of free, fair and credible elections. Hence, intensive and sustained focus is placed upon improving its quality, health and fidelity. After the amendment in Section 14 of the Representation of the People Act-1950 by the Election Laws (Amendment) Act-2021, there is a provision of four qualifying dates to enroll as a voter in a year. Accordingly, the Commission conducted the Special Summary Revision of Electoral Roll with reference to 1st January, 2024, as the qualifying date, wherein applications were invited from eligible citizens seeking registration in electoral roll with respect to 1st January, 2024 as the qualifying date. After time-bound completion of Special Summary Revision of Electoral Rolls with reference to 1st January, 2024 as the qualifying date, the final publication of the electoral roll has been done on –

- i) 5th January 2024 for Gujarat, Meghalaya and Sikkim;
- ii) 22nd January 2024 for Bihar, Kerala, Karnataka, Punjab, Uttarakhand and West Bengal;
- iii) 23rd January 2024 for Uttar Pradesh; and
- iv) 8th February, 2024 for Chhattisgarh, Madhya Pradesh, and Rajasthan.

(II) For the State of Maharashtra, in view of impending General Elections to legislative Assembly, the Commission conducted 2nd SSR-2024 w.r.t 1st July, as the qualifying date. After time-bound

completion of 2nd Special Summary Revision of Electoral Rolls with reference to 1st July, 2024 as the qualifying date, the final publication of the electoral roll in the State of Maharashtra has been done on 30.08.2024

(III) The General Election to the Legislative Assembly of Assam was held in 2021 as per Delimitation of Parliamentary and Assembly Constituencies Order, 1976. After that in 2023, hence, the delimitation of Assembly and Parliamentary Constituencies of Assam was done. The existing Legislative Assembly of Assam has been constituted prior to the delimitation exercise which was completed in 2023, the bye-election in 5 vacancies of Assam legislative Assemblies shall be held as per pre-delimitation status. The Commission has also prepared a special electoral roll w.r.t 1st July as the qualifying date for conduct of bye-election of these Assemblies. The final publication of the electoral roll with reference to 1st July, 2024 as the qualifying date for these constituencies has been done on 20.08.2024

The process of continuous updation of electoral rolls in all the above States will continue till the last date of filing nominations, **with respect to proximate qualifying date.**

2. ELECTRONIC VOTING MACHINES (EVMs) & VVPATs

The Commission has decided to use EVMs and VVPATs in the bye-election in all the polling stations. Adequate numbers of EVMs and VVPATs have been made available and all steps have been taken to ensure that the poll is conducted smoothly with the help of these machines.

3. IDENTIFICATION OF VOTERS

Electoral Photo Identity Card (EPIC) shall be the main document of identification of a voter. However, any of the below

mentioned identification documents can also be shown at the polling station:

- i. Aadhar Card,
- ii. MGNREGA Job Card,
- iii. Passbooks with photograph issued by Bank/Post Office,
- iv. Health Insurance Smart Card issued under the scheme of Ministry of Labour,
- v. Driving License,
- vi. PAN Card,
- vii. Smart Card issued by RGI under NPR,
- viii. Indian Passport,
- ix. Pension document with photograph,
- x. Service Identity Cards with photograph issued to employees by Central/State Govt./PSUs/Public Limited Companies, and
- xi. Official identity cards issued to MPs/MLAs/MLCs.
- xii. Unique Disability ID (UDID) Card, M/o Social Justice & Empowerment, Government of India

4. MODEL CODE OF CONDUCT

The Model Code of Conduct shall come into force with immediate effect in the district(s) in which the whole or any part of the Assembly constituency going for election is included, subject to provision of the instruction vide Commission's letter No. 437/6/1NST/ECI/FUNCT/MCC/2024/(BYE ELECTIONS) dated 02nd January, 2024 (available on the Commission's website).

5. INFORMATION REGARDING CRIMINAL ANTECEDENTS

Candidates with criminal antecedents are required to publish information in this regard in newspapers and through Television channels on three occasions during the campaign period. A political party that sets up candidates with criminal antecedents is also required to publish information about criminal background of

its candidates, both on its website and also in newspapers and Television channels **on three occasions.**

Commission vide its letter No. 3/4/2019/SDR/Vol. IV dated 16th September, 2020 has directed that the period specified will be decided with three blocks in the following manner, so that electors have sufficient time to know about the background of such candidates:

- a. Within first 4 days of withdrawal.
- b. Between next 5th - 8th days.
- c. From 9th day till the last day of campaign (the second day prior to date of poll)

(Illustration: If the last date for withdrawal is 10th of the month and poll is on 24th of the Month, the first block for publishing of declaration shall be done between 11th and 14th of the Month, second and third blocks shall be between 15th and 18th and 19th and 22nd of that Month, respectively.)

This requirement is in pursuance of the judgment of the Hon'ble Supreme Court in Writ Petition (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.).


This information will also be available on an App titled, '**know your candidates**'.

6. NO DUES CERTIFICATE

The Commission has issued directions to facilitate, if approached by any intending candidate, who has been in occupation of accommodation provided by the Government any time during the last 10 years before the date of notification of the election, to obtain "No dues certificate" from agencies/authorities/departments dealing with (a) rent, (b) electricity charges, (c) water charges and (d)

telephone charges. The instructions are contained in Commission's letter no. 3/ER/2023/SDR/Vol.IV dated 03.05.2024 and is available in the Commission's website. Under Para 5, the following may be added before the last sub-Para : -

The political parties shall also publish in newspapers and its official social media platforms and upload in its website, the details and the reasons for selecting candidates having criminal background within 48 hours of selection of such candidate. The details are contained in letter no. 3/4/2021/SDR/Vol.III dated 11.01.2022 available on the Commission's website.


15/10/2024

(SANJEEV KUMAR PRASAD)
SECRETARY

SCHEDULE FOR BYE-ELECTIONS

Poll Events	Date and Day (For all bye elections except in 16-Nanded PC Maharashtra and 07-Kedarnath AC of Uttarakhand)	Date and Day (For 16-Nanded PC Maharashtra and 07- Kedarnath AC of Uttarakhand)
Date of Issue of Gazette Notification	18.10.2024 (Friday)	22.10.2024 (Tuesday)
Last date of making nominations	25.10.2024 (Friday)	29.10.2024 (Tuesday)
Date for scrutiny of nominations	28.10.2024 (Monday)	30.10.2024 (Wednesday)
Last date for the withdrawal of candidatures	30.10.2024 (Wednesday)	04.11.2024 (Monday)
Date of Poll	13.11.2024 (Wednesday)	20.11.2024 (Wednesday)
Date of Counting	23.11.2024 (Saturday)	
Date before which election shall be completed	25.11.2024 (Monday)	



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/INST/ECI/FUNCT/MCC/2024 (BYE ELECTIONS)

Dated: 2nd January, 2024

To,

- (i) The Chief Secretaries
of all States and Union Territories.
- (ii) The Chief Electoral Officers
of all States and Union Territories.

**Subject:- Model Code of Conduct – Instruction- Bye-election of Parliamentary/Assembly Constituency
– Regarding.**

Reference: Commission's instructions:

- (i) No. 437/6/INST/2016-CCS dated 29.06.2017
- (ii) No. 437/6/1/ECI/INST/FUNCT/MCC/2017, dated 18.01.2018
- (iii) No. 437/6/MISC/ECI/FUNCT/MCC/2019, dated 14.10.2019
- (iv) No. 437/6/ECI/FUNCT/MCC/2021, dated 21.10.2021
- (v) No. 437/6/INST-2013/CC&BE, dated 25.06.2013
- (vi) No. 437/6/1/2014 dated 16.08.2014, and
- (vii) No. 437/6/1/2016-CCS, dated 21.04.2016

Madam/Sir,

The Commission has issued various instructions from time to time on observance of code of conduct during bye-elections. Following are the consolidated instructions in supersession of all the instructions issued vide letters listed above:

I. Enforcement of MCC

- (i) In case the constituency is comprised in State Capital/Metropolitan Cities/Municipal Corporations, then aforesaid instructions would be applicable in the area of concerned Constituency only.
- (ii) In case of a district in which Corporation/ Metro/Municipal Corporation is located, MCC would be enforced in the particular Assembly Constituency Segment only and not in the whole of the district.

(iii) In all other cases the MCC would be enforced in the entire district(s) covering the Constituency going for bye-election(s).

(iv) The above instructions shall cover the district in which all or maximum number of polling stations of constituency going to bye-election are located. For the district(s) with number of polling stations less than 10% of the total polling stations of the constituency concerned, the instructions would be applicable only in the area under jurisdiction of those polling stations. However, it must be ensured that the other instructions regarding deployment of staff, etc., are strictly observed in all districts irrespective of number of polling stations situated therein.

(v) Further, it is advised that the political parties not to organize any political activities directly related to the bye-elections even in the areas adjoining the district/constituency where the bye-election are being held. The District Election Officers concerned will ensure that the MCC instructions and COVID guidelines relating to the norms of social distancing are followed in the districts adjoining to the poll going district/constituency.

II. Publishing of Advertisements

The release /publishing of advertisements during the period of operation of Model Code of Conduct in connection with bye-elections would be regulated as follows: -

- (i) Advertisement of general nature in connection with specific occasions of importance may be published. However, such publishing shall be restricted to the dates coinciding with the special occasion only, and it shall not be published on other days. The advertisement shall not bear photographs of any Minister and other political functionaries.
- (ii) No advertisement having any specific/pointed reference or connotation to the areas covered by the bye-election constituencies shall be released/published on any date during the period.

Further, it is clarified that no new schemes should be advertised in the districts where the bye-election is being conducted.

III. Tours of Ministers

During bye elections from any constituencies, either Parliamentary or Assemblies, the following restrictions are applicable with regard to the tours of Ministers:-

- (i) All Ministers, whether Central or State, shall not combine in any manner their official tours with election work after the announcement of the bye elections. All and any visits to the

district(s) where bye-election is being held and where Model Code of Conduct is, therefore, in force, have to be completely private in nature.

(ii) In case where a Minister travelling on official work transits through the district(s) where the bye-election is being held en route to any other district on official visit, he shall not attend to any political work.

(iii) No official of any rank of the district(s) where the bye-election is being held, shall be called to attend any meeting by any Minister in any district, that is to say, even in other districts where election is not being held.

Further, it is clarified that the Ministers or persons holding equivalent rank/status cannot combine their official visit with campaign by en routing their journey for official purposes to a place where MCC is not in force and then proceeding from that place to the area where MCC is in force for election campaign. In case it is done, the entire journey expense shall be treated as election expense.

IV. Transfer/Posting of Officers

1. Bye-election to the Assembly Constituency (ies):

(1.1) The Commission, in supersession of existing instructions, has decided that no officer connected directly with the conduct of Bye-elections, should be allowed to continue in the present posting within the Assembly Constituency limits:-

(i) If she/he is posted in her/his home Assembly Constituency limit;

(ii) If she/he has completed three years during last four years or would be completing 3 years on or before the last day of the sixth month from the date of occurrence of the casual vacancy.

Such officers shall be shifted out of the Assembly Constituency limit.

(1.2) (i) These instructions cover Returning Officers and Assistant Returning Officers of the Assembly Constituencies going for bye-elections. These instructions will also cover other officers viz. Deputy/Assistant Collectors, Sub-Divisional Magistrates, Tehsildars and Block Development Officer located in Assembly Constituency Limits.

It is however clarified that officers appointed as Sector Officers, though directly involved in election duties will not be covered under these instructions as their duties are such that they are deployed in field duties where their knowledge of the area/terrain is crucial to their effective performance. The CEO, DEO and RO should, however, keep a close watch on them during the election period to ensure that their performance is strictly impartial.

(ii) As far as officer in the Police Department are concerned, these instructions shall be applicable to the Sub-Divisional Head of Police, Dy.SPs/Circle Officers, Inspectors, Sub-Inspectors or equivalent ranks posted in the field within the Assembly Constituency Limit.

(1.3) The Commission further desires that a detailed review may, therefore, be undertaken and all such officers be posted out of their home constituency limits where they have completed or will complete, on the aforesaid date, tenure of three years in Assembly constituency limit out of the last four years, immediately. Further, for uniformity, the three year period shall be reckoned backwards from the last day of the sixth month as mentioned at para 2.1(ii).

2. Bye-election to the Parliamentary Constituency (ies):

(2.1) The Commission, in supersession of existing instructions, has decided that no officer connected directly with the conduct of Bye-elections to the Parliamentary Constituency going for bye-election, shall be allowed to continue in the present posting within the Parliamentary Constituency limits:-

(i) If she/he is posted in her/his home district within the concerned Constituency limit;

(ii) If she/he has completed three years during last four years or would be completing 3 years on or before the last day of the sixth month from the date of occurrence of the casual vacancy.

Such officers shall be shifted out of the Parliamentary Constituency limit.

(2.2) (i) These instructions cover Returning Officers and Assistant Returning Officers of the Parliamentary Constituencies going for bye-elections. These instructions will cover only that District Election Officer who is designated as Returning Officer. Other District Election Officers, even if some part of their district falls in the Parliamentary Constituency going for bye-elections shall not be covered under these instructions. The instructions will however cover other officers viz. Additional Collector, Additional District Magistrate, Deputy Collectors, Assistant Collectors, Sub-Divisional Magistrates, Tehsildars and Block Development Officer located in Parliamentary Constituency Limit.

It is however clarified that officers appointed as Sector Officers, though directly involved in election duties will not be covered under these instructions as their duties are such that they are deployed in field duties where their knowledge of the area/terrain is crucial to their effective performance. The CEO, DEO and RO

should, however, keep a close watch on them during the election period to ensure that their performance is strictly impartial.

(ii) As far as officers in the Police Department are concerned, these instructions shall be applicable to the Superintendent of Police located in the District whose District Election Officer is also the Returning Officer. Other Superintendent of Police, even if some part of their district falls in the Parliamentary Constituency going for bye-elections shall not be covered under these instructions. These instructions will however cover Additional SP, Sub-Divisional Head of Police, Dy.SPs/Circle Officers, Inspectors, Sub-Inspectors or equivalent ranks posted in the field within the Parliamentary Constituency Limit.

(2.3) The Commission further desires that a detailed review may, therefore, be undertaken and all such officers be posted out of their home constituency limits where they have completed or will complete, on the aforesaid date, tenure of three years in Assembly constituency limit out of the last four years, immediately. Further, for uniformity, the three year period shall be reckoned backwards from the last day of the sixth month as mentioned at para 2.1(ii).

3. The Commission also desires that the officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in any election or elections related work in the past, shall not be assigned any election related duty.

4. The Commission further desires that no officer/official against whom a criminal case is pending in any Court of Law be associated with the election work or election related duty.

5. The Commission has in the past received complaints that while the State Government transfers officials in the above categories in pursuance of the direction issued by the Commission, the individuals try to circumvent the objective by proceeding on leave and physically not moving out of the district from which they stand transferred. The Commission has viewed this seriously and desires that all such officials who stand transferred in pursuance of the instructions referred to above shall be asked to move physically out of the district from which they stand transferred immediately on receipt of the transfer orders.

6. Normally, bye-election is held to fill up a casual vacancy within a period of six months from the date of occurrence of vacancy (excepting a situation beyond control of the Commission). Hence, it would be advisable if the State Government initiates steps for implementation of these guideline immediately after occurrence of a casual vacancy in a constituency so that last moment dislocation of officers can be avoided.

7. Any officer who is due to retire within coming six months will be exempted from the purview of the above-mentioned directions of the Commission. Further officers falling in category (home/3+ criteria) shall not be engaged for performing election duties during the elections, if they are due to retire within 6 months.

While implementing this policy the DEO/RO should take care that in case of deployment of any officer from outside the constituency for any election related duty, shall also conform to the transfer policy of the Commission.

V. **Announcement of D.A.**

The Commission has decided that announcement of D.A. by the state government may be done as a routine affair but it should not be publicized as the Government's achievement.

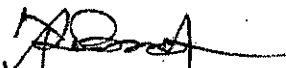
VI. **Promises made by the Ministers/sitting MPs/MLAs on religious/communal grounds in those areas where MCC is not in force**

It has come to the notice of the Commission that during the Bye-elections, the party in power as well as the sitting MPs/MLAs tend to make promises/appeals on religious/communal grounds in those parts of the districts/areas in their State/UT where Model Code of Conduct (MCC) is not in operation so as to avoid the violation of MCC. This has, however, indeed far-reaching implications as it would certainly influence the minds of electors of the Assembly Constituency/Parliamentary Constituency where the bye election(s) is going on and, thus, vitiate the free and fair elections in that Constituency(ies).

In view of the above, it is directed that as soon as Bye- election(s) to any Assembly Constituency/Parliamentary Constituency is announced in a State/UT, the CEO concerned shall issue an advisory to all the recognized political parties in the State/UT to request their Ministers and sitting MPs/MLAs not to make promises or statements on religious or communal ground even in areas where MCC is not in force and during the Bye-elections period so that the purity of election process is maintained and no ill feeling is generated among the general public which is essential for conducive atmosphere for conducting free and fair elections.

The above instructions of the Commission shall be brought to notice of all concerned for strict compliance.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY