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No. 1/41/1/2022-Cab
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, the 18th August, 2023

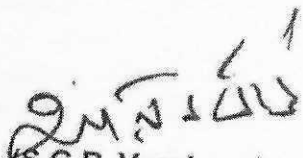
OFFICE MEMORANDUM

Subject: Bye-elections to 7 (seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh and Uttarakhand- Instructions on enforcement of Model Code of Conduct.


The undersigned is directed to enclose herewith a copy of the Election Commission of India letter No. 437/6/1/ECI/INST/FUNCT/MCC/2023/1735 dated 08.08.2023 on the above subject, for information and necessary action.

Encl.: as above


JS(A)


(S.G.P. Verghese)
Joint Secretary
Tele No. 2301 1791
Email: verghese.sgp@nic.in


All Secretaries to the Government of India



25/8/2023
Secy c/c
JS (E-1)


25-08


08/09/23
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CO (E-4)


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Sh. Vikash

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By Fax/Spl. Messenger/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.437/6/1/ECI/INST/FUNCT/MCC/2023 / 1735

Dated: 8th August, 2023

To

1. ✓ The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the Government of:-
 - 1.) Jharkhand, Ranchi;
 - 2.) Kerala, Thiruvananthapuram;
 - 3.) Tripura, Agartala;
 - 4.) West Bengal, Kolkata;
 - 5.) Uttar Pradesh, Lucknow;
 - 6.) Uttarakhand, Dehradun.
3. The Chief Electoral Officers of:-
 - 1.) Jharkhand, Ranchi;
 - 2.) Kerala, Thiruvananthapuram;
 - 3.) Tripura, Agartala;
 - 4.) West Bengal, Kolkata;
 - 5.) Uttar Pradesh, Lucknow;
 - 6.) Uttarakhand, Dehradun.

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Subject:- Bye-elections to 7(seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh and Uttarakhand - Instructions on enforcement of Model Code of Conduct- regarding.

Sir/Madam,

I am directed to state that the Commission has announced, vide Press Note No. ECI/PN/47/2023 dated 8th August, 2023, schedule for Bye-elections in Assembly Constituencies of following States :-

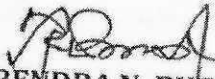
Name of the State	Name & No. of Constituency
Jharkhand	33-Dumri Assembly Constituency
Kerala	98-Puthuppally Assembly Constituency
Tripura	20-Boxanagar Assembly Constituency
	23-Dhanpur Assembly Constituency
West Bengal	15-Dhupguri (SC) Assembly Constituency
Uttar Pradesh	354-Ghosi Assembly Constituencies
Uttarakhand	47-Bageshwar(SC) Assembly Constituencies

2. The provisions of the Model Code of Conduct have come into force with immediate effect in the district(s) in which the whole or any part of the Assembly Constituency going for bye-election is

comprised, subject to partial modification as issued by Commission vide its letters No. 437/6/INST/2016-CCS dated 29th June, 2017, No. 437/6/MISC/ECI/LET/FUNCT/MCC/2017 dated 18th January, 2018 and No. 437/6/MISC/ECI/LET/FUNCT/MCC/2019 dated 14th October, 2019 (copies enclosed).

3. This may be brought to the notice of all concerned.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY

INSTRUCTION Sl. No. 25

Election Commission's letter No. 437/6/INST/2016-CCS dated 29.06.2017 addressed to the Chief Secretaries and CEOs of all the States/UTs and recognized Political parties of States/UT..

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

On the above cited subject, I am directed to state that the Commission has reviewed the issue and has issued the following modifications of its earlier instructions-

1. Enforcement of MCC

The Commission's instructions, contained in letters No. 437/6/INST/2012/CC&BE dated 26.04.2012 and No. 437/6/INST/2012/CC&BE dated 21.10.2013, list various provisions of applicability of MCC to the concerned district or the AC/PC concerned. These instructions are modified to the extent that *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. In all other cases the MCC would be enforced in the entire district(s) covering the Constituency going for bye-election(s).*

2. Publishing of Advertisements

The Commission on 25th June, 2013, directed that 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. [Subpara (ii) above stands modified].

3. Tours of Ministers

During bye elections from any constituencies, either Parliamentary or Assemblies, the following

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restrictions are applicable as per instruction issued by the Commission on 23rd November, 2007 with regard to the tours of Ministers which inter alia provides that:-

- (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.

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. [subpara (ii) above stands modified].

4. Regarding Transfer/Posting of Officers

For all officers, who are connected with the conduct of bye-election in the State, the existing ECI's instructions on implementation of transfer policy be applied within the area falling under the concerned AC/PC. 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.

5. Regarding Announcement of D.A.

There is no ECI's instruction in the context of bye-election prohibiting State Governments to take decisions which have State wide effect and consequently in the Constituency concerned.

The Commission, after taking into consideration all relevant factors in this regards, 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.

Kindly inform all concerned and give due publicity and ensure compliance in letter and spirit.

INSTRUCTION SL. No. 28

Election Commission's letter No. 437/6/1/ECI/INST/FUNCT/MCC/2017, dated 18.01.2018 addressed to the Chief Electoral Officers of all States/UTs

Subject: Clarification regarding enforcement of MCC during bye-election - regarding.

I am directed to refer to the Commission's letter No. 437/6/INST/2016-CCS dated 29th June, 2017 regarding application of Model Code of Conduct wherein it has been stated that in case the constituency is comprised in State Capital/Metropolitan Cities/Municipal Corporations, then MCC instructions would be applicable in the area of concerned Constituency only. In all other cases aforesaid instructions would be enforced in the entire district(s) covering the Constituency going for bye-election(s). (Copy enclosed for ready reference) (Instruction Sl. No. 25).

In this connection, a clarification was sought for by Returning Officer, Ajmer Parliamentary Constituency in Rajasthan, whether the MCC was to be enforced in the entire district of Jaipur or only in the Dudu Assembly segment of Jaipur District during the ensuing bye-election to Ajmer Parliamentary Constituency. Since Jaipur district has in it state capital municipal corporation, metropolitan city as well as rural area. The Commission considered the matter and clarified that in order to avoid dislocation/disturbance of normal administrative work in Jaipur District, MCC would be enforced only in Dudu Assembly segment of Jaipur district.

Now, the Commission has decided that above direction shall be applied in all future bye-elections in the Country involving State Capital/Metropolitan Cities/Municipal Corporations. Accordingly, any 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.