

No. 15/1/2020-IFD Section-MOWR-Part(1)
Ministry of Jal Shakti
Department of Water Resources,
River Development and Ganga Rejuvenation

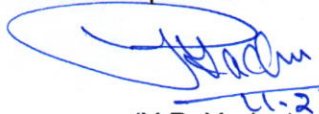
Shram Shakti Bhawan,
New Delhi, Dated: // February, 2022

OFFICE MEMORANDUM

Subject: By-election to fill casual vacancy in the State Legislative Assembly of Assam - Enforcement of Model Code of Conduct -regarding.

The undersigned is directed to forward OM No. 1/41/1/2022-Cab dated 9th February, 2022 received from Cabinet Secretariat (copy enclosed) on the above mentioned subject.

2. It is accordingly requested to ensure that Model Code of Conduct is not violated while proposing any release of fund to Govt. of Assam under any scheme/project of this Department.


(Y.P. Yadav)
Under Secretary (Finance-II)
Tel. No. 23719302

To

(i) All Wings/Divisions/Sections/Organizations under DoWR, RD&GR

Copy to:-

DS (Finance)

MOST IMMEDIATE

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

New Delhi, the 8th February, 2022
gth

OFFICE MEMORANDUM

Subject: Bye-election to fill casual vacancy in the State Legislative Assembly of Assam - Enforcement of Model Code of Conduct - regarding.

The undersigned is directed to enclose herewith a copy of Election Commission of India's Letter No. 437/6/1/ECI/INST/FUNCT/MCC/2022/551 dated 05.02.2022 on the above mentioned subject, for information and further necessary action.

Encl: As Above


(S.G.P. Verghese)
Joint Secretary
Tel: 2301 1791

All Secretaries to the Government of India

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/2022 /551

Dated: 5th February, 2022

To

1. ✓ The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretary to the
Government of Assam,
Dispur.
3. The Chief Electoral Officer,
Assam,
Dispur.

CS-884/22
7/2/22

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7-2-22
AB (Lab. 2)
JS(V)

Subject:- Bye-election to fill casual vacancy in the State Legislative Assembly of Assam
- Instructions on enforcement of Model Code of Conduct- regarding.

Sir,

I am directed to state that the Commission has announced, vide Press Note No. ECI/PN/16/2022 dated 5th February, 2022, schedule for bye-election to fill casual vacancy of 99-Majuli (ST) Assembly Constituency from the State of Assam.

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,



(ASHWANI KUMAR MOHAL)
SECRETARY

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08/02/22

Sh Poojeep



भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN

अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

No. 437/6/INST/2016-CCS

Dated: 29th June, 2017

To,

1. The Chief Electoral Officers of all States and Union Territories.
2. The Chief Secretaries of all States and Union Territories.
3. Recognized political parties of all States/UTs

Subject:- Model Code of Conduct- instructions- bye-election of Parliamentary/Assembly Constituency -regarding.

Sir,

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 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].

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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.

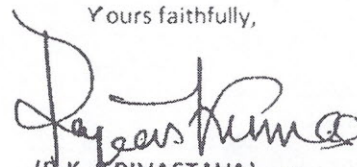
5. Regarding Announcement of D.A.

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.

Yours faithfully,


(R.K. SRIVASTAVA)
SR. PR. SECRETARY

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.437/6/MISC/ECI/LET/FUNCT/MCC/2017

935-970

Dated: 18 January 2018

To

The Chief Electoral Officers of
All States and Union Territories.

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

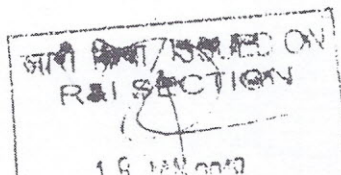
Sir,

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)

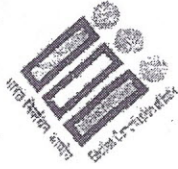
In this connection, a clarification was sought for by Returning Officer, Ajmer Parliamentary Constituency in Rajasthan, whether the MCC was to be enforced in the entire district of Jaipur or only in the Dudu Assembly segment of Jaipur District during the ensuing bye-election to Ajmer Parliamentary Constituency 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.

Yours faithfully,



(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY



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/MISC/ECI/LET/FUNCT/MCC/2019

Dated: 14th October, 2019

To

1. The Chief Secretaries of all States and Union Territories.
2. The Chief Electoral Officers of all States and Union Territories.

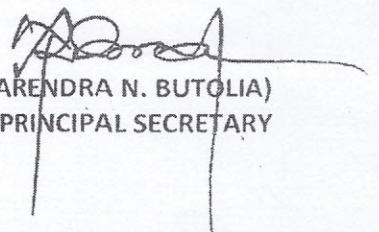
Subject: - Clarification regarding enforcement of MCC during bye-election - regarding.

Sir/Madam,

I am directed to refer to the Commission's Instructions issued vide letter No. 437/6/INST/2016-CCS dated 29.06.2017 and to state that the Commission has been receiving various requests seeking clarifications regarding enforcement of MCC during bye-elections where a small number of polling stations of the Constituency fall under jurisdiction of other district(s).

The Commission has considered the matter and directed that the instructions contained in the para-1 of the aforesaid letter 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 contained in the para-1 of the aforesaid letter 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.

Yours faithfully,


(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY