

भारत सरकार / Government of India  
परमाणु ऊर्जा विभाग / Department of Atomic Energy  
सचिवालय समन्वय अनुभाग / Secretariat Coordination Section

अणुशक्ति भवन / Anushakti Bhavan,  
छत्रपति शिवाजी महाराज मार्ग / C.S.M. Marg,  
मुंबई / Mumbai - 400 001  
इ-मेल / Email: [sectcord@dae.gov.in](mailto:sectcord@dae.gov.in)

No.16/48/2021-SCS(E-File)/ 12689

Dated: 25/10/2021.

पृष्ठांकन / ENDORSEMENT

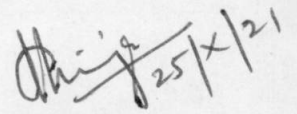
विषय / Subject: Bye-elections in Parliamentary /Assembly Constituencies of various States - Instructions of ECI on enforcement of Model Code of Conduct - Regarding.

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उपरोक्त विषय पर मंत्रिमंडल सचिवालय, नई दिल्ली द्वारा प्राप्त दिनांक 30/09/2021 के कार्यालय ज्ञापन संख्या No.1/41/1/2021-Cab की एक प्रति इसके अनुलग्नकों के साथ सूचना एवं आवश्यक कार्रवाई हेतु अग्रेषित है।

A copy of the Office Memorandum No.1/41/1/2021-Cab dated 30/09/2021 received from Cabinet Secretariat, New Delhi along with its enclosures on the above-mentioned subject is enclosed herewith for information and further necessary action.

संलग्न / Encl.: 08 Pages.



(मिनिजा रमेश / Minija Ramesh)

अनुभाग अधिकारी (एस. सी. एस) / Section Officer (S.C.S)

All Administrative Heads of Constituent Units / PSUs / Aided Institutions of DAE.

प्रतिलिपि / Copy also to:

- I. All Heads of Constituent Units / PSUs/AIs of DAE
- II. All Officers and Section of DAE - दर्पण पोर्टल - प ऊ वि. / DARPAN PORTAL - DAE
- III. सचिव, स्टाफ साइड, पऊवि विभागीय परिषद् / Secretary, Staff Side, DAE Departmental Council.
- IV. E-File: 16/48/2021-SCS/E-File: for digital filing.

**MOST IMMEDIATE**

No.1/41/1/2021-Cab  
GOVERNMENT OF INDIA (BHARAT SARKAR)  
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)  
RASHTRAPATI BHAWAN

New Delhi, the 30 September, 2021

**OFFICE MEMORANDUM**

**Subject: Bye-elections in Parliamentary/ Assembly Constituencies of various States – Instructions of ECI on enforcement of Model Code of Conduct - reg.**

The undersigned is directed to forward herewith a copy of Election Commission of India letter No.437/6/1/ECI/INST/FUNCT/MCC/2021/677 dated 28.09.2021 on the above subject for further necessary action.

**Encl: As Above**

  
**(S.G.P. Verghese)**  
**Joint Secretary**  
**Tel: 23011791**

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/2021 / 677

Dated: 28<sup>th</sup> September, 2021

CS-744/21  
29/9/21

To

1. ✓ The Cabinet Secretary,  
 Government of India,  
 Rashtrapati Bhawan,  
 New Delhi.

2. The Chief Secretaries to the Government of:-

- |   |   |
|---|---|
| a) Andhra Pradesh, Amaravati Velagapudi | i) Meghalaya, Shillong;                                 |
| b) Assam, Dispur;                       | j) Mizoram, Aizawl;                                     |
| c) Bihar, Patna;                        | k) Nagaland, Kohima;                                    |
| d) Haryana, Chandigarh;                 | l) Rajasthan, Jaipur;                                   |
| e) Himachal Pradesh, Shimla;            | m) Telangana, Hyderabad;                                |
| f) Karnataka, Bangaluru;                | n) West Bengal, Kolkata                                 |
| g) Madhya Pradesh, Bhopal;              | o) UT of Dadra & Nagar Haveli<br>and Daman & Diu, Daman |
| h) Maharashtra, Mumbai;                 |   |

29-9-21  
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29-9

3. The Chief Electoral Officers of:-

- |   |   |
|---|---|
| a) Andhra Pradesh, Amaravati Velagapudi | i) Meghalaya, Shillong;                                 |
| b) Assam, Dispur;                       | j) Mizoram, Aizawl;                                     |
| c) Bihar, Patna;                        | k) Nagaland, Kohima;                                    |
| d) Haryana, Chandigarh;                 | l) Rajasthan, Jaipur;                                   |
| e) Himachal Pradesh, Shimla;            | m) Telangana, Hyderabad;                                |
| f) Karnataka, Bangaluru;                | n) West Bengal, Kolkata                                 |
| g) Madhya Pradesh, Bhopal;              | o) UT of Dadra & Nagar Haveli<br>and Daman & Diu, Daman |
| h) Maharashtra, Mumbai;                 |   |

Am you

JSC (N)

**Subject:- Bye-elections in Parliamentary/Assembly Constituencies of various States - 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/83/2021 dated 28<sup>th</sup> September, 2021, schedule for Bye-elections in Parliamentary/Assembly Constituencies of following States/UT :-

2

30/9/21

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Name of the State	Name & No. of Constituency
UT of Dadra & Nagar Haveli and Daman & Diu	Dadra & Nagar Haveli Parliamentary Constituency
Andhra Pradesh	124-Badvel (SC) Assembly Constituency
Assam	28-Gossaigaon Assembly Constituency 41-Bhabanipur Assembly Constituency 58-Tamulpur Assembly Constituency
	101-Mariani Assembly Constituency 107-Thowra Assembly Constituency

30/9/21 CAE/JS.

Bihar	78-Kusheshwar Asthan (SC) Assembly Constituency 164-Tarapur Assembly Constituency
Haryana	46-Ellenabad Assembly Constituency
Himachal Pradesh	2-Mandi Parliamentary Constituency 08-Fatehpur Assembly Constituency 50-Arki Assembly Constituency 65-Jubbal- Kotkhai Assembly Constituency
Karnataka	33-Sindgi Assembly Constituency 82-Hangal Assembly Constituency
Madhya Pradesh	28-Khandwa Parliamentary Constituency 45-Prithvipur Assembly Constituency 62-Raigaon (SC) Assembly Constituency 192-Jobat (ST) Assembly Constituency
Maharashtra	90-Degpur (SC) Assembly Constituency
Meghalaya	13-Mawryngkneng (ST) Assembly Constituency 24-Mawphlang (ST) Assembly Constituency 47-Rajabala Assembly Constituency
Mizoram	4-Tuirial (ST) Assembly Constituency
Nagaland	58-Shamtorr-Chessore (ST) Assembly Constituency
Rajasthan	155-Vallabhnagar Assembly Constituency 157-Dhariawad (ST) Assembly Constituency
Telangana	31-Huzurabad Assembly Constituency
West Bengal	7-Dinhata Assembly Constituency 86-Santipur Assembly Constituency 109-Khardaha Assembly Constituency 127-Gosaba(SC) Assembly Constituency

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 Parliamentary/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 29<sup>th</sup> June, 2017, No. 437/6/MISC/ECI/LET/FUNCT/MCC/2017 dated 18<sup>th</sup> January, 2018 and No. 437/6/MISC/ECI/LET/FUNCT/MCC/2019 dated 14<sup>th</sup> October, 2019 (copies enclosed).
3. This may be brought to the notice of all concerned.

Yours faithfully,



(ASHWANI KUMAR MOHAL)  
SECRETARY



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: 29<sup>th</sup> 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 23<sup>rd</sup> 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.*

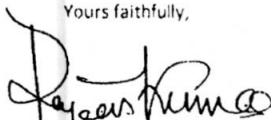
5. Regarding Announcement of D.A.

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.

Yours faithfully,



(R.K. SRIVASTAVA)

SR. P.S. SECRETARY



# ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

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

235-990

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.

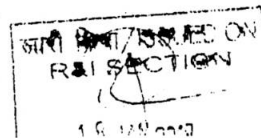
Sir,

I am directed to refer to the Commission's letter No. 437/6/INST/2016-CC5 dated 29<sup>th</sup> 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: 14<sup>th</sup> October, 2019

To

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

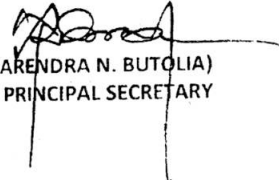
**Subject: - Clarification regarding enforcement of MCC during bye-election - regarding.**

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



chmn

**From:** Cabinet Secretariat <cabsec@gov.in>  
**Sent:** Thursday, September 30, 2021 7:07 PM  
**To:** chmn@dae.gov.in  
**Cc:** cabsec@gov.in  
**Subject:** Office Memorandum (OM) on Bye-elections in Parliamentary/ Assembly Constituencies of various States – Instructions of ECI on enforcement of Model Code of Conduct  
**Attachments:** 202109300702\_SK281G.pdf

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This mail has been scanned by IMSVA4  
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Dear Sir,

Office Memorandum (OM) No 1/41/1/2021-Cab. dated 30.09.2021 of this Secretariat on Bye-elections in Parliamentary/ Assembly Constituencies of various States along with instructions of ECI bearing No. 437/6/1/ECI/INST/FUNCT/MCC/2021/677 dated 28.09.2021 on enforcement of Model Code of Conduct, is enclosed. It is also available on <https://esamiksha.gov.in>

With Regards,  
**eSamikSha Team**  
Cabinet Secretariat  
Rashtrapati Bhawan  
New Delhi - 110004