



सां/No. : 5-1(638)/2019-PD

दिनांक/Dated: 28.09.2021

प्रेषक / From : संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

सेवा में / To : सी.एस.आई.आर. की सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों/मुख्यालय/एककों के निदेशक/प्रधान
The Directors/Heads of all CSIR National Labs./Instts./Hqrs./Units

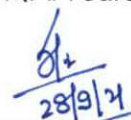
महोदय/Sir / महोदया/Madam,

मुझे भारत सरकार द्वारा जारी किए गए निम्नलिखित कार्यालय ज्ञापन को आपकी जानकारी, मार्गदर्शन और अनुपालन के लिए अग्रेषित करने का निदेश हुआ है:

I am directed to forward herewith the following Office Memorandum issued by the Government of India for your information, guidance and compliance:

क्रम सं. Sl. No.	कार्यालय ज्ञापन सं/. Office Memorandum No.	विषय/ Subject
1.	भारत सरकार, मंत्रिमंडल सचिवालय, राष्ट्रपति भवन के दिनांक 09.09.2021 का कार्यालय ज्ञापन सं० 1/41/1/2021-Cab Government of India, Cabinet Secretariat, Rashtrapati Bhawan Office Memorandum No. 1/41/1/2021-Cab dated 09.09.2021	ओडिशा और पश्चिम बंगाल की राज्य विधानसभाओं में आकस्मिक रिक्तियों को भरने के लिए उपचुनाव - आदर्श आचार संहिता लागू करने के अनुदेश - के संबंध में। Bye-elections to fill casual vacancies in State Legislative Assemblies of Odisha and West Bengal – Instructions on enforcement of Model Code of Conduct – reg.

भवदीय/Yours faithfully


28/9/21

संतोष कुमार/Santosh Kumar
अनु.अधि.(नीति प्रभाग)/Section Officer (PD)

संलग्न/Encl. : यथोपरि/As above

प्रतिलिपि/Copy to:

- आई.टी. प्रभाग प्रमुख वेबसाइट और पॉलिसी रिपॉजिटरी पर इस परिपत्र को उपलब्ध कराने के अनुरोध के साथ/
Head, IT Division with the request to make this circular letter available on the website & Policy Repository.
- कार्यालय प्रति/Office copy.

MOST IMMEDIATE

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

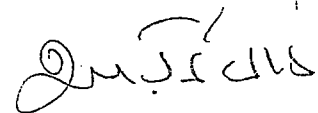
New Delhi, the 9th September, 2021

OFFICE MEMORANDUM

Subject: Bye-elections to fill casual vacancies in State Legislative Assemblies of Odisha and West Bengal – Instructions 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/2021/582 dated 04.09.2021 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

कार्यालय संपुक्त सचिव श्री एन.आइ.आर./
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पुनः आवेग सं०
फाईल संख्या सं०
दिनांक 19-09-2021

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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/2021/582

Dated: 4th September, 2021

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the Government of:-
a) Odisha, Bhubaneswar; and
b) West Bengal, Kolkata.
3. The Chief Electoral Officers of:-
a) Odisha, Bhubaneswar; and
b) West Bengal, Kolkata.

Subject:- Elections to fill casual vacancy and adjourned poll in the Assembly Constituencies of Odisha and West Bengal- 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/77/2021 dated 4th September, 2021, schedule for elections to fill casual vacancy and adjourned poll in the following Assembly Constituencies of Odisha and West Bengal:-

Name of the State	Name & No. of Constituency
Odisha	110-Pipili Assembly Constituency
West Bengal	56- Samserganj Assembly Constituency 58- Jangipur Assembly Constituency 159- Bhabanipur 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/adjourned poll 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,

(SUMIT MUKHERJEE)
SR. PRINCIPAL SECRETARY

JS(Cab.)

6/9

Abgls

JS(PS)
For you
M.

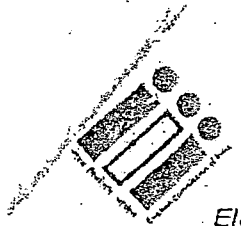
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भारत निर्वाचन आयोग
Election Commission of India

No. 437/6/INST/2016-CCS

निर्वाचन सदन
 NIRVACHAN SADAN

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

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.

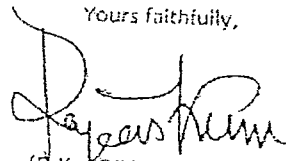
5. Regarding Announcement of D.A.

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. PG. SECRETARY

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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 2013

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,

NOTED
RAJ SECTION
18 JAN 2013

(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA
निर्वाचन भवन, 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/2015-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