

वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
अनुसंधान भवन, 2 रफी मार्ग, नई दिल्ली-110001
Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001



No. 5-1(17)/2008 -PD

Date: 17.08.2017
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From
संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

सेवा में/To :

The Directors/Heads of all
CSIR National Labs./Instts./Hqrs.
/Complex/Centres/Units.

विषय/Sub: Model Code of Conduct- Instructions – bye - election of Parliamentary /
Assembly Constituency-regarding.

Sir,

I am directed to forward herewith the Govt. of India, Cabinet Secretariat, Rashtrapati Bhawan OM No. 1/41/1/2016-Cab dated 3rd August, 2017, Election Commission of India letter No. 437/6/1/ECI/INST/FUNCT/MCC/2017/354 dated 27th July, 2017 and letter No. 437/6/INST/2016-CCS dated 29th June, 2017 for information guidance and compliance.

भवदीय /Yours faithfully,

- विनोद कुमार

(विनोद कुमार/Vinod Kumar)
अवर सचिव/Under Secretary

प्रतिलिपि/Copy to:

1. Head, IT Division with the request to make this circular letter available on the website & Policy Repository.
2. कार्यालय प्रति/Office copy

371
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/2017 / 354

Dated: 27th July, 2017

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the Government of :-
a) Andhra Pradesh, Hyderabad;
b) Goa, Panaji;
c) NCT of Delhi, Delhi..
3. The Chief Electoral Officers of :-
a) Andhra Pradesh, Hyderabad;
b) Goa, Panaji;
c) NCT of Delhi, Delhi..

Subject:- Bye-elections to fill clear vacancy in State Legislative Assemblies of Andhra Pradesh, Goa and NCT of Delhi - 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/64/2017, dated 27th July, 2017, bye-elections from the following Assembly Constituencies in the States of Andhra Pradesh, Goa and NCT of Delhi :-

| Name of States | Name & No. of Assembly Constituency |
|----------------|--|
| Andhra Pradesh | 139-Nandyal Assembly Constituency |
| Goa | 19-Valpoi Assembly Constituency 11-Panaji Assembly Constituency |
| NCT of Delhi | 07-Bawana (SC) Assembly Constituency |

A
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 letter No. 437/6/INST/2016-CCS dated 29th June, 2017 (copy enclosed).

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

Yours faithfully,


(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY

No. 1/41/1/2016-Cab
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)
RASHTRAPATI BHAWAN

New Delhi, the 3rd August, 2017

OFFICE MEMORANDUM

Subject: By-elections to fill clear vacancy in State Legislative Assemblies of Andhra Pradesh, Goa and NCT of Delhi- instructions on enforcement of Model Code of Conduct- regarding.

The undersigned is directed to enclose herewith a copy of Election Commission of India letter No. 437/6/1/ECI/INST/FUNCT/MCC/2017/354 dated 27.07.2017 on the above subject, enclosing therewith a copy of "Model Code of Conduct- instructions-bye-election of Parliamentary/Assembly Constituency" for information and necessary action.

Encl: A/a

Rachna
(Rachna Shah)
Joint Secretary
Tel: 23016576

All Secretaries to the Government of India

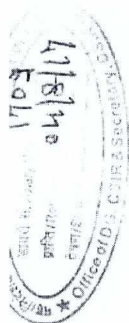
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उप सचिव (स. प्र.)
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भारत निर्वाचन आयोग
Election Commission of India

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].

(375)

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.

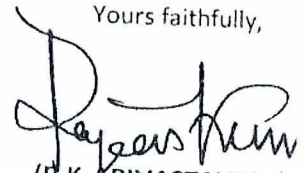
5. Regarding Announcement of D.A.

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