



भारत सरकार / GOVERNMENT OF INDIA
रेल मंत्रालय / MINISTRY OF RAILWAYS
रेलवे बोर्ड / RAILWAY BOARD



No. E(G)2025/EL1/1

New Delhi, Dated: 02.06.2025

The General Managers,
WR, SR, NR, ER and SER.

**Sub: Bye-elections to Assemblies Constituencies of various States –
Instructions on enforcement of Model Code of Conduct.**

Please find enclosed herewith a copy of Cabinet Secretariat's O.M. No. 1/41/1/2025-Cab dated 26.05.2025 addressed to all Secretaries to the Government of India, enclosing therewith a copy of the Election Commission of India (ECI)'s letter No. 437/6/1/ECI/INST/FUNCT/MCC/2025/835 dated 25.05.2025 on subject cited above, for compliance and further appropriate action.

DA: As above

(M. P. Meena)
Dy. Director Estt.(G)III
Railway Board
Tel.-011-23047193

Room No. 521, Rail Bhavan, New Delhi, Raisina Road-110001

MOST IMMEDIATE

No. 1/41/1/2025-Cab
 GOVERNMENT OF INDIA (BHARAT SARKAR)
 CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, the 26th May, 2025**OFFICE MEMORANDUM**

Subject: Bye-elections to Assemblies Constituencies of various States – Instructions on enforcement of Model Code of Conduct.

The undersigned is directed to enclose a copy of Letter No. 437/6/1/ECI/INST/FUNCT/MCC/2025/835 dated 25.05.2025 from Election Commission of India, for information and necessary action.

Encl.: As above

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

To

All Secretaries to the Government of India

72/Dir. GA
 29-5-25

CS/3742/25
26/5

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/2025 | 835

Dated: 25th May, 2025

To

1. ✓ The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the Government of:-
 - 1.) Gujarat, Gandhinagar;
 - 2.) Kerala, Thiruvananthapuram;
 - 3.) Punjab, Chandigarh;
 - 4.) West Bengal, Kolkata.
3. ✓ The Chief Electoral Officers of:-
 - 1.) Gujarat, Gandhinagar;
 - 2.) Kerala, Thiruvananthapuram;
 - 3.) Punjab, Chandigarh;
 - 4.) West Bengal, Kolkata.

Subject:-

Bye-elections to Assemblies Constituencies of various States - Instructions on enforcement of Model Code of Conduct- regarding.

I am directed to state that the Commission has announced, vide Press Note No. ECI/PN/220/2025 dated 25th May, 2025, schedule for Bye-elections in Assembly Constituencies of following States :-

| Name of the State | Name & No. of Constituency |
|-------------------|--|
| Gujarat | 24-Kadi (SC) Assembly Constituency 87-Visavadar Assembly Constituency |
| Kerala | 35-Nilambur Assembly Constituency |
| Punjab | 64-Ludhiana West Assembly Constituency |
| West Bengal | 80-Kaliganj 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 Assembly Constituency going

for bye-election is comprised, subject to partial modification as issued by Commission vide its letter No. 437/6/INST/ECI/FUNCT/MCC/2024 (BYE ELECTIONS) dated 2nd January, 2024 (copy enclosed).

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

Yours faithfully,



(ASHWANI KUMAR MOHAL)
SECRETARY

By Speed Post/E-Mail



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/INST/ECI/FUNCT/MCC/2024 (BYE ELECTIONS)

Dated: 2nd January, 2024

To,

- (i) The Chief Secretaries
of all States and Union Territories.
- (ii) The Chief Electoral Officers
of all States and Union Territories.

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

Reference: Commission's instructions:

- (i) No. 437/6/INST/2016-CCS dated 29.06.2017
- (ii) No. 437/6/1/ECI/INST/FUNCT/MCC/2017, dated 18.01.2018
- (iii) No. 437/6/MISC/ECI/FUNCT/MCC/2019, dated 14.10.2019
- (iv) No. 437/6/ECI/FUNCT/MCC/2021, dated 21.10.2021
- (v) No. 437/6/INST-2013/CC&BE, dated 25.06.2013
- (vi) No. 437/6/1/2014 dated 16.08.2014, and
- (vii) No. 437/6/1/2016-CCS, dated 21.04.2016

Madam/Sir,

The Commission has issued various instructions from time to time on observance of code of conduct during bye-elections. Following are the consolidated instructions in supersession of all the instructions issued vide letters listed above:

I. Enforcement of MCC

(i) 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.

(ii) In case of a 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.

(iii) In all other cases the MCC would be enforced in the entire district(s) covering the Constituency going for bye-election(s).

(iv) The above instructions 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 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.

(v) Further, it is advised that the political parties not to organize any political activities directly related to the bye-elections even in the areas adjoining the district/constituency where the bye-election are being held. The District Election Officers concerned will ensure that the MCC instructions and COVID guidelines relating to the norms of social distancing are followed in the districts adjoining to the poll going district/constituency.

II. Publishing of Advertisements

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.

III. Tours of Ministers

During bye elections from any constituencies, either Parliamentary or Assemblies, the following restrictions are applicable with regard to the tours of Ministers:-

- (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.
- (iii) No official of any rank of the district(s) where the bye-election is being held, shall be called to attend any meeting by any Minister in any district, that is to say, even in other districts where election is not being held.

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.

IV. Transfer/Posting of Officers

1. Bye-election to the Assembly Constituency (ies):

(1.1) The Commission, in supersession of existing instructions; has decided that no officer connected directly with the conduct of Bye-elections, should be allowed to continue in the present posting within the Assembly Constituency limits:-

- (i) If she/he is posted in her/his home Assembly Constituency limit;
- (ii) If she/he has completed three years during last four years or would be completing 3 years on or before the last day of the sixth month from the date of occurrence of the casual vacancy.

Such officers shall be shifted out of the Assembly Constituency limit.

(1.2) (i) These instructions cover Returning Officers and Assistant Returning Officers of the Assembly Constituencies going for bye-elections. These instructions will also cover other officers viz. Deputy/Assistant Collectors, Sub-Divisional Magistrates, Tehsildars and Block Development Officer located in Assembly Constituency Limits.

It is however clarified that officers appointed as Sector Officers, though directly involved in election duties will not be covered under these instructions as their duties are such that they are deployed in field duties where their knowledge of the area/terrain is crucial to their effective performance. The CEO, DEO and RO should, however, keep a close watch on them during the election period to ensure that their performance is strictly impartial.

(ii) As far as officer in the Police Department are concerned, these instructions shall be applicable to the Sub-Divisional Head of Police, Dy.SPs/Circle Officers, Inspectors, Sub-Inspectors or equivalent ranks posted in the field within the Assembly Constituency Limit.

(1.3) The Commission further desires that a detailed review may, therefore, be undertaken and all such officers be posted out of their home constituency limits where they have completed or will complete, on the aforesaid date, tenure of three years in Assembly constituency limit out of the last four years, immediately. Further, for uniformity, the three year period shall be reckoned backwards from the last day of the sixth month as mentioned at para 2.1(ii).

2. Bye-election to the Parliamentary Constituency (ies):

(2.1) The Commission, in supersession of existing instructions, has decided that no officer connected directly with the conduct of Bye-elections to the Parliamentary Constituency going for bye-election, shall be allowed to continue in the present posting within the Parliamentary Constituency limits:-

(i) If she/he is posted in her/his home district within the concerned Constituency limit;

(ii) If she/he has completed three years during last four years or would be completing 3 years on or before the last day of the sixth month from the date of occurrence of the casual vacancy.

Such officers shall be shifted out of the Parliamentary Constituency limit.

(2.2) (i) These instructions cover Returning Officers and Assistant Returning Officers of the Parliamentary Constituencies going for bye-elections. These instructions will cover only that District Election Officer who is designated as Returning Officer. Other District Election Officers, even if some part of their district falls in the Parliamentary Constituency going for bye-elections shall not be covered under these instructions. The instructions will however cover other officers viz. Additional Collector, Additional District Magistrate, Deputy Collectors, Assistant Collectors, Sub-Divisional Magistrates, Tehsildars and Block Development Officer located in Parliamentary Constituency Limit.

It is however clarified that officers appointed as Sector Officers, though directly involved in election duties will not be covered under these instructions as their duties are such that they are deployed in field duties where their knowledge of the area/terrain is crucial to their effective performance. The CEO, DEO and RO

should, however, keep a close watch on them during the election period to ensure that their performance is strictly impartial.

(ii) As far as officer in the Police Department are concerned, these instructions shall be applicable to the Superintendent of Police located in the District whose District Election Officer is also the Returning Officer. Other Superintendent of Police, even if some part of their district falls in the Parliamentary Constituency going for bye-elections shall not be covered under these instructions. These instruction will however cover Additional SP, Sub-Divisional Head of Police, Dy.SPs/Circle Officers, Inspectors, Sub-Inspectors or equivalent ranks posted in the field within the Parliamentary Constituency Limit.

(2.3) The Commission further desires that a detailed review may, therefore, be undertaken and all such officers be posted out of their home constituency limits where they have completed or will complete, on the aforesaid date, tenure of three years in Assembly constituency limit out of the last four years, immediately. Further, for uniformity, the three year period shall be reckoned backwards from the last day of the sixth month as mentioned at para 2.1(ii).

3. The Commission also desires that the officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in any election or elections related work in the past, shall not be assigned any election related duty.

4. The Commission further desires that no officer/official against whom a criminal case is pending in any Court of Law be associated with the election work or election related duty.

5. The Commission has in the past received complaints that while the State Government transfers officials in the above categories in pursuance of the direction issued by the Commission, the individuals try to circumvent the objective by proceeding on leave and physically not moving out of the district from which they stand transferred. The Commission has viewed this seriously and desires that all such officials who stand transferred in pursuance of the instructions referred to above shall be asked to move physically out of the district from which they stand transferred immediately on receipt of the transfer orders.

6. Normally, bye-election is held to fill up a casual vacancy within a period of six months from the date of occurrence of vacancy (excepting a situation beyond control of the Commission). Hence, it would be advisable if the State Government initiates steps for implementation of these guideline immediately after occurrence of a casual vacancy in a constituency so that last moment dislocation of officers can be avoided.

7. Any officer who is due to retire within coming six months will be exempted from the purview of the above-mentioned directions of the Commission. Further officers falling in category (home/3+ criteria) shall not be engaged for performing election duties during the elections, if they are due to retire within 6 months.

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.

V. Announcement of D.A.

The Commission 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.

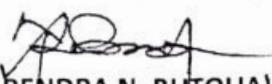
VI. Promises made by the Ministers/sitting MPs/MLAs on religious/communal grounds in those areas where MCC is not in force

It has come to the notice of the Commission that during the Bye-elections, the party in power as well as the sitting MPs/MLAs tend to make promises/appeals on religious/communal grounds in those parts of the districts/areas in their State/UT where Model Code of Conduct (MCC) is not in operation so as to avoid the violation of MCC. This has, however, indeed far-reaching implications as it would certainly influence the minds of electors of the Assembly Constituency/Parliamentary Constituency where the bye election(s) is going on and, thus, vitiate the free and fair elections in that Constituency(ies).

In view of the above, it is directed that as soon as Bye- election(s) to any Assembly Constituency/Parliamentary Constituency is announced in a State/UT, the CEO concerned shall issue an advisory to all the recognized political parties in the State/UT to request their Ministers and sitting MPs/MLAs not to make promises or statements on religious or communal ground even in areas where MCC is not in force and during the Bye-elections period so that the purity of election process is maintained and no ill feeling is generated among the general public which is essential for conducive atmosphere for conducting free and fair elections.

The above instructions of the Commission shall be brought to notice of all concerned for strict compliance.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.ECI/PN/220/2025

Dated: 25th May, 2025

PRESS NOTE

Subject: Schedule for Bye-election to 5 (Five) Assembly Constituencies of Gujarat, Kerala, Punjab and West Bengal-reg.

The Commission has decided to hold bye-election to fill vacancies in the following Assembly Constituencies of Gujarat, Kerala, Punjab and West Bengal:

| Sl. No. | Name of State/UT | AC No. & Name | Reason of vacancy |
|---------|--------------------|------------------|---|
| 1. | Gujarat | 24-Kadi (SC) | Death of Shri Karsanbhai Punjabhai Solanki |
| 2. | | 87-Visavadar | Resignation of Shri Bhayani Bhupendrabhai Gandubhai |
| 3. | Kerala | 35-Nilambur | Resignation of Shri P. V. Anvar |
| 4. | Punjab | 64-Ludhiana West | Death of Shri Gurpreet Bassi Gogi |
| 5. | West Bengal | 80-Kaliganj | Death of Shri Nasiruddin Ahamed |

The Schedule for the bye election is enclosed at **Annexure-I**.

1. ELECTORAL ROLLS

Commission firmly believes that pure and updated electoral rolls are the foundation of free, fair and credible elections. Hence, intensive and sustained focus is placed upon improving its quality, health and fidelity. After the amendment in Section 14 of the Representation of the People Act-1950 by the Election Laws (Amendment) Act-2021, there is a provision of four qualifying dates to enroll as a voter in a year. Accordingly, the Commission conducted the Special Summary Revision of Electoral Roll with reference to 1st April, 2025, as the qualifying date, wherein applications were invited from eligible citizens seeking

registration in electoral roll with respect to 1st April, 2025 as the qualifying date. After time-bound completion of Special Summary Revision of electoral rolls, the final publication of electoral roll was done on 5th May, 2025.

However, the process of continuous updation of electoral rolls will continue till the last date of filing nominations, **with respect to proximate qualifying date**, in respect to applications received till 10 days before last date of filling nomination.

2. ELECTRONIC VOTING MACHINES (EVMs) & VVPATs

The Commission has decided to use EVMs and VVPATs in the bye-election in all the polling stations. Adequate numbers of EVMs and VVPATs have been made available and all steps have been taken to ensure that the poll is conducted smoothly with the help of these machines.

3. IDENTIFICATION OF VOTERS

Electoral Photo Identity Card (EPIC) shall be the main document of identification of a voter. However, any of the below mentioned identification documents can also be shown at the polling station:

- i. Aadhar Card,
- ii. MGNREGA Job Card,
- iii. Passbooks with photograph issued by Bank/Post Office,
- iv. Health Insurance Smart Card issued under the scheme of Ministry of Labour,
- v. Driving License,
- vi. PAN Card,
- vii. Smart Card issued by RGI under NPR,
- viii. Indian Passport,
- ix. Pension document with photograph,
- x. Service Identity Cards with photograph issued to employees by Central/State Govt./PSUs/Public Limited Companies, and
- xi. Official identity cards issued to MPs/MLAs/MLCs.
- xii. Unique Disability ID (UDID) Card, M/o Social Justice & Empowerment, Government of India

4. MODEL CODE OF CONDUCT

The Model Code of Conduct shall come into force with immediate effect in the district(s) in which the whole or any part of the Assembly constituency going for election is included, subject to provision of the instruction vide Commission's letter No. 437/6/1NST/ECI/FUNCT/MCC/2024/(BYE ELECTIONS) dated 02nd January, 2024 (available on the Commission's website).

5. INFORMATION REGARDING CRIMINAL ANTECEDENTS

Candidates with criminal antecedents are required to publish information in this regard in newspapers and through Television channels on three occasions during the campaign period. A political party that sets up candidates with criminal antecedents is also required to publish information about criminal background of its candidates, both on its website and also in newspapers and Television channels **on three occasions.**

Commission vide its letter No. 3/4/2019/SDR/Vol. IV dated 16th September, 2020 has directed that the period specified will be decided with three blocks in the following manner, so that electors have sufficient time to know about the background of such candidates:

- a. Within first 4 days of withdrawal.
- b. Between next 5th - 8th days.
- c. From 9th day till the last day of campaign (the second day prior to date of poll)

(Illustration: If the last date for withdrawal is 10th of the month and poll is on 24th of the Month, the first block for publishing of declaration shall be done between 11th and 14th of the Month, second and third blocks shall be between 15th and 18th and 19th and 22nd of that Month, respectively.)

This requirement is in pursuance of the judgment of the Hon'ble Supreme Court in Writ Petition (C) No. 784 of 2015 (Lok Prahari Vs.


Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.).

The political parties shall also publish in newspapers and its official social media platforms and upload in its website, the details and the reasons for selecting candidates having criminal background within 48 hours of selection of such candidate. The details are contained in letter no. 3/4/2021/SDR/Vol.III dated 11.01.2022 available on the Commission's website.

This information will also be available on an App titled, '**know your candidates**'.

6. NO DUES CERTIFICATE

The Commission has issued directions to facilitate, if approached by any intending candidate, who has been in occupation of accommodation provided by the Government any time during the last 10 years before the date of notification of the election, to obtain "No dues certificate" from agencies/authorities/departments dealing with (a) rent, (b) electricity charges, (c) water charges and (d) telephone charges. The instructions are contained in Commission's letter no. 3/ER/2023/SDR/Vol.IV dated 03.05.2024 and is available in the Commission's website.


 25/05/2025

(SANJEEV KUMAR PRASAD)
SECRETARY

SCHEDULE FOR BYE-ELECTION

| Poll Events | Date and Day |
|--|--|
| Date of Issue of Gazette Notification | 26 th May, 2025 (Monday) |
| Last date for making of nominations | 2 nd June, 2025 (Monday) |
| The date for the scrutiny of nominations | 3 rd June, 2025 (Tuesday) |
| The last date for the withdrawal of candidatures | 5 th June, 2025 (Thursday) |
| Date of Poll | 19th June, 2025 (Thursday) |
| Date of Counting of Votes | 23rd June, 2025 (Monday) |
| Date before which election shall be completed | 25 th June, 2025 (Wednesday) |