GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. E(G) 2021/EL 1-3 New Delhi, dated: 24.09.2021

The General Managers,
Eastern, East Coast,
South Eastern and
South East Central Railway

Sub: Model Code of Conduct announcement of
Bye elections to fill casual vacancies in State
Legislative Assemblies of Odisha and West
Bengal.

****


2. Besides the above, the provisions of the Model code of conduct as mentioned in the website of the Election Commission of India and the earlier instructions on the subject issued from time to time also be strictly complied with till the duration of the Election Schedule.

DA: As above

(Anita Gautam)
Director/Estt. (Genl.)
Railway Board
Chairman, Railway Board
E-Office No. 977348
Date 16/09/21

MOST IMMEDIATE

GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)
RASHTRAPATI BHAWAN

New Delhi, the 16th 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.437/8/1/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
ELECTION COMMISSION OF INDIA  
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001  

No.437/6/1/ECI/INST/FUNCT/MCC/2021  
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:—

<table>
<thead>
<tr>
<th>Name of the State</th>
<th>Name &amp; No. of Constituency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Odisha</td>
<td>110-Pipili Assembly Constituency</td>
</tr>
<tr>
<td>West Bengal</td>
<td>56- Samserganj Assembly Constituency</td>
</tr>
<tr>
<td></td>
<td>58- Jangipur Assembly Constituency</td>
</tr>
<tr>
<td></td>
<td>159- Bhabanipur Assembly Constituency</td>
</tr>
</tbody>
</table>

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
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 - by-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/IN/1/2012/CCEBE dated 25.04.2012 and No. 437/6/IN/1/2012/CCEBE 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 aresaid 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 by-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) An 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 (i) 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, the 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 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/HO 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,

[Signature]

(SR. PD, SECRETARY)
ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 3376/MISC/ECI/LET/FUNC/MCC/2017

Dated: 15 January 2018

To

The Chief Electoral Officers of
All States and Union Territories.

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

Sir,

I am directed to refer to the Commission’s letter No. 4376/6/MST/2016-EC dated 29th June, 2017 regarding application of Model Code of Conduct wherein it had 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 Ajmer 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 Ajmer 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,

[Signature]

Principal Secretary

[Handwritten Notes]
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
PRESS NOTE

Subject: Schedule to fill casual vacancy and adjourned poll in the Assembly Constituencies - regarding

The Commission vide press note No. ECI/PN/61/2021 dated 3rd May 2021 deferred the adjourned poll (which was scheduled to be held on 16.05.2021) and extended the period of elections in 110-Pipli Assembly Constituency (AC) of Odisha and 58-Jangipur & 56-Samserganj AC of West Bengal after taking note of lockdown/restrictions under Disaster Management Act, 2005, as issued by NDMA/SDMA. Further, the Commission vide press note No. ECI/PN/64/2021 dated 5th May 2021 deferred the bye-elections in various States/UT, after taking all material facts and inputs of Chief Electoral Officers of various States/UT in view of the pandemic.

2. As on date there are three deferred adjourned polls (two in the state of West Bengal and one in the state of Odisha), three vacancies in Parliamentary Constituencies and 32 vacancies in Legislative Assemblies of various States/UT.

3. In order to assess the feasibility of holding bye-elections in various States/UT, a meeting was held through video conferencing on 01.09.2021 with Chief Secretaries, senior officers from the department of Health & Home Affairs, DGPs from the concerned States/UT and Chief Electoral Officers from concerned States/UT. The Chief Secretaries/Chief Electoral Officers shared their inputs, constraints, issues and challenges in conducting bye-elections in their States/UT in view of COVID-19 pandemic, flood situation and festivals in near future and so on. The Chief Secretaries from the concerned poll going States have also sent their views and inputs in writing.
11. CS/DG and concerned DMs/SPs shall take enough preventive measures and make necessary arrangements to ensure that no poll related violence occurs during pre and post poll.

12. In the light of advisory issued by the Health Ministry of GoI, ECI will keep a close watch on the evolving situation and may further tighten the guidelines for the upcoming elections.

Annexure -1

Schedule for bye-election in 159- Bhabanipur AC in West Bengal

<table>
<thead>
<tr>
<th>Poll Events</th>
<th>Date and Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Issue of Gazette Notification</td>
<td>06.09.2021, Monday</td>
</tr>
<tr>
<td>Last Date of Nominations</td>
<td>13.09.2021, Monday</td>
</tr>
<tr>
<td>Date for Scrutiny of Nominations</td>
<td>14.09.2021, Tuesday</td>
</tr>
<tr>
<td>Last Date for Withdrawal of candidatures</td>
<td>16.09.2021, Thursday</td>
</tr>
<tr>
<td>Date of Poll</td>
<td>30.09.2021, Thursday</td>
</tr>
<tr>
<td>Date of Counting</td>
<td>03.10.2021, Sunday</td>
</tr>
<tr>
<td>Date before which election shall be completed</td>
<td>05.10.2021, Tuesday</td>
</tr>
</tbody>
</table>

Annexure-2

Schedule for polls in 56-Samsorganj & 58- Jangipur Assembly Constituencies in West Bengal and 110-Pipli AC in Odisha where the adjourned polls were deferred

<table>
<thead>
<tr>
<th>Poll Events</th>
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</tr>
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</table>

(SANJEEV KUMAR PRASAD)  
SECRETARY