GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. E(G)2022/EL1-2

New Delhi, dated: 30.03.2022

The General Managers,
East Central, Eastern, North Eastern, Western,
Central, South Eastern, Metro (Kolkata), South East Central Railways.

Sub: Bye Elections in Parliamentary/Assembly Constituencies of various States-
Instructions on enforcement of Model Code of Conduct - regarding

Please find enclosed herewith Cabinet Secretariat’s OM No. 1/41/1/2022-Cab
dated 15.03.2022 forwarding therewith Election Commission of India’s letter no. 437/6/1/ECI/INST/FUNCT/MCC/2022/4680 dated 12.03.2022, alongwith enclosures regarding applicability of Model Code of Conduct with respect to aforementioned elections.

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 may also be complied with strictly till the duration of
the Election Schedule.

DA: As above

(Harish Chander)
Director/Estt.(Genl.)
Railway Board
NO. 1/41/1/2022-CAB.
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)
RASHTRAPATI BHAWAN

New Delhi, the 15th March, 2022

OFFICE MEMORANDUM

Subject: Bye-elections in Parliamentary/ Assembly Constituencies of various States - Enforcement of Model Code of Conduct - reg.

The undersigned is directed to enclose herewith a copy of Election Commission of India's Letter No. 437/6/1/ECI/INST/FUNCT/MCC/2022/4680 dated 12.03.2022 on the above mentioned subject, for information and further necessary action.

Encl: As Above

(S.G.P. Verghese)
Joint Secretary
Tel: 2301 1791

All Secretaries to the Government of India
IMMEDIATE

No. 114/19.1.93-CEP
GOVERNMENT OF INDIA (BRARAT SARKAR)
CABINET SECRETARIAT (MINISTRANTAL DEPARTMENT)
RAJNATH SIR CHAWAN

New Delhi, the 12th March 1993

OFFICE MEMORANDUM

Subject: Replacement of Parliamentary Assembly Consultative Committee and various other posts - Enhancement of Monthly Cash Allowance

The undersigned is pleased to announce insertion of a new post of

Chairman of the Parliamentary Consultative Committee

with effect from 01.04.1993 in the above Department subject to intimation and further personnel action.

Ends as Above

(S.C. Verma)
Joint Secretary
Department of Personnel and Training

All Secretaries to the Government of India

[Signature]
ELECTION COMMISSION OF INDIA  
NIRVACHAN SANAD, ASHOKA ROAD, NEW DELHI-110001

No.437/6/1/ECI/INST/FUNCT/MCC/2022 Dated: 12th March, 2022

To

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

2. The Chief Secretaries to the Government of:-
   a) Bihar, Patna;  
   b) Chhattisgarh, Raipur;
   c) Maharashtra, Mumbai;
   d) West Bengal, Kolkata.

3. The Chief Electoral Officers of:-
   a) Bihar, Patna;
   b) Chhattisgarh, Raipur;
   c) Maharashtra, Mumbai;
   d) West Bengal, Kolkata.

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/36/2022 dated 12th March, 2022, schedule for Bye-elections in Parliamentary/Assembly Constituencies of following States/UT:

<table>
<thead>
<tr>
<th>Name of the State</th>
<th>Name &amp; No. of Constituency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bihar</td>
<td>91 - Bochahan (SC) Assembly Constituency</td>
</tr>
<tr>
<td>Chhattisgarh</td>
<td>73 - Kairagarh Assembly Constituency</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>276 - Kolhapur North Assembly Constituency</td>
</tr>
<tr>
<td>West Bengal</td>
<td>40 - Asansol Parliamentary Constituency</td>
</tr>
<tr>
<td></td>
<td>161 - Ballygunge 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 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,

AMIT KUMAR  
SECRETARY
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

No.437/6/MISC/ECI/LET/FUNCT/MCC/2019

Dated: 14th October, 2022

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.

Sirs/Madams,

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,

(Signed)
NARENDRA N. BUTOLA
PRINCIPAL SECRETARY
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/CCS dated 26-04-2012 and No. 437/6/INST/2012/CCS 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, the aforesaid instructions would be applicable in the area of concerned Constituency only, in all other cases the MCC would be enforced in the guilty 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 constituency, either Parliamentary or Assembly, 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].

No. 437/6/INST/2015-CCS

Election Commission of India

Dated: 29th June, 2017

The Chief Electoral Officers of all States and Union Territories,

The Chief Secretaries of all States and Union Territories,

Recognised political parties of all States/UTs

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 DDO/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 this 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 regard, has decided that announcement of D.A. by the State government may be done as a routine affair but it should not be publicised as the Government's achievement.

Kindly inform all concerned and give due publicity and ensure compliance in letter and spirit.

Yours faithfully,

[Signature]

[R.K. Prajapati]
Sr. P.S. Secretary
ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

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

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-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 the 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,

[Signature]

(NARENDRA N. BUTODA)
PRINCIPAL SECRETARY
ELECTION COMMISSION OF INDIA
Nirvachan Sada, Ashoka Road, New Delhi-110001

No. ECI/PN/32/2022


PRESS NOTE

Subject: Schedule for Bye-election in 40-Asansol P.C. of West Bengal and 4(Four) Assembly Constituencies of West Bengal, Chhattisgarh, Bihar and Maharashtra—reg.

The Commission has decided to hold the bye-election to fill vacancies in the following Parliamentary Constituency and Assembly Constituencies of West Bengal, Chhattisgarh, Bihar and Maharashtra:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of State</th>
<th>Parliamentary/Assembly Constituency No. &amp; Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>West Bengal</td>
<td>40-Asansol P.C.</td>
</tr>
<tr>
<td>2</td>
<td>West Bengal</td>
<td>161-Ballygunge A.C.</td>
</tr>
<tr>
<td>3</td>
<td>Chhattisgarh</td>
<td>73-Khairagarh A.C.</td>
</tr>
<tr>
<td>4</td>
<td>Bihar</td>
<td>91-Bochahar (SC) A.C.</td>
</tr>
<tr>
<td>5</td>
<td>Maharashtra</td>
<td>276-Kolhapur North A.C.</td>
</tr>
</tbody>
</table>

The schedule of bye-elections is as follows:

<table>
<thead>
<tr>
<th>Schedule for Bye Elections</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poll Events</td>
<td></td>
</tr>
<tr>
<td>Date of Issue of Gazette Notification</td>
<td>17th March, 2022, (Thursday)</td>
</tr>
<tr>
<td>Last Date of Nominations</td>
<td>24th March, 2022, (Thursday)</td>
</tr>
<tr>
<td>Date for Scrutiny of Nominations</td>
<td>25th March, 2022, (Friday)</td>
</tr>
<tr>
<td>Last Date for Withdrawal of candidatures</td>
<td>28th March, 2022, (Monday)</td>
</tr>
<tr>
<td>Date of Poll</td>
<td>12th April, 2022, (Tuesday)</td>
</tr>
<tr>
<td>Date of Counting</td>
<td>16th April, 2022, (Saturday)</td>
</tr>
<tr>
<td>Date before which election shall be completed</td>
<td>18th April, 2022, (Monday)</td>
</tr>
</tbody>
</table>

1. ELECTORAL ROLLS

The published Electoral Rolls for the aforesaid Assembly Constituency w.r.t 01.01.2022
will be used for these elections.

2. **ELECTRONIC VOTING MACHINES (EVMs) & VVPATs**

   The Commission has decided to use EVMs and VVPATs in the bye-elections 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 polls are 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. MNREGA 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.

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 partial modification as issued vide Commission’s instruction No. 437/6/INST/2016-CCS, dated 29th June, 2017 (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/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.).

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

6. REVISED BROAD GUIDELINES, 2022 TO BE FOLLOWED DURING THE CONDUCT OF BYE-ELECTION DURING THE PERIOD OF COVID-19

i. The Commission has issued revised broad guidelines on 8th January, 2022 available on Commission’s website https://eci.gov.in/files/file/13932-revised-broad-guidelines-for-conduct-of-general-electionsby-elections-during-covid-19/. Also, the Commission time to time has reviewed the situation of COVID-19 with Ministry of Health and Family Welfare, Govt. of India and State Governments and has issued directions in the matter, which is available at Commission’s website https://eci.gov.in/.

ii. All stake holders shall abide by these instructions. State Government concerned shall take all appropriate actions/measures in compliance to these instructions as follows.

iii. All such activities will be strictly complied as per the COVID-19 guidelines issued by competent authorities. Social distancing and use of mask, sanitizers, thermal scanning, face shield, hand gloves, etc., as per COVID-19 protocol, have to be complied with. SDMA is responsible for all preventive and mitigation
measures to ensure adherence to COVID protocol. Chief Secretary and DG and district level authorities will be responsible for monitoring, supervision and compliance of COVID-19 guidelines.

iv. If a candidate or political party violates any of the above guidelines, no more permission shall be given to the concerned candidate/party for rallies, meetings etc. If any star campaigner violates the COVID protocols, he shall not be allowed to campaign further in that constituency/district.

v. In the light of advisory issued by the Ministry of Health and Family Welfare, Govt of India, Commission will keep a close watch on the evolving situation and may further tighten the guidelines for the upcoming elections.

7. All Commission’s extant instructions/guidelines relating to conduct of recently held General Elections in Five States shall be applicable for these bye-elections also.

(SUMIT MUKHERJEE)
SR. PRINCIPAL SECRETARY