



**Government of India/भारत सरकार**  
**Ministry of Railways रेल मंत्रालय**  
**Railway Board/रेलवे बोर्ड**

No. E(G)-2023/EL-1/1

New Delhi, dated 01.09.2023

**The General Managers,  
ECR, ER, SER, NR, NFR, NCR, NER, SR**

**Sub: Bye-elections to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh and Uttrakhand- Instructions on enforcement of Model Code of Conduct.**

Please find enclosed herewith Cabinet Secretariat's O.M. No. 1/41/1/2022-Cab dated 18.08.2023 enclosing therewith Election Commission of India's letter No. 437/6/1/ECI/INST/FUNCT/MCC/2023/1735 dated 08.08.2023 with enclosures regarding enforcement of Model Code of Conduct with respect to above mentioned subject.

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

DA: As above.

**(S.K. Roy)**  
**Deputy Director, Estt.(G)**  
**Railway Board**  
**Tel:- 011-23047194**

Chairman, Railway Board

E-Office No. 1549501

Date: 19-8-23

**MOST IMMEDIATE**

# 3429209

Copy No. \_\_\_\_\_

No. 1/41/1/2022-Cab

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

New Delhi, the 18<sup>th</sup> August, 2023

OFFICE MEMORANDUM

**Subject: Bye-elections to 7 (seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh and Uttarakhand- Instructions on enforcement of Model Code of Conduct.**

The undersigned is directed to enclose herewith a copy of the Election Commission of India letter No. 437/6/1/ECI/INST/FUNCT/MCC/2023/1735 dated 08.08.2023 on the above subject, for information and necessary action.

Encl.: as above

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

All Secretaries to the Government of India

श्री कुलदीप 'TOP PRIORITY'

Pl. put up on fire for issue of  
Model Code of Conduct.

22.08.2023



CS/5517/23

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By Fax/Spl. Messenger/Speed Po

# ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.437/6/1/ECI/INST/FUNCT/MCC/2023

Dated: 8<sup>th</sup> August, 2023

To

1. ✓ The Cabinet Secretary,  
Government of India,  
Rashtrapati Bhawan,  
New Delhi.
2. The Chief Secretaries to the Government of :-  
1.) Jharkhand, Ranchi;  
2.) Kerala, Thiruvananthapuram;  
3.) Tripura, Agartala;  
4.) West Bengal, Kolkata;  
5.) Uttar Pradesh, Lucknow;  
6.) Uttarakhand, Dehradun.
3. The Chief Electoral Officers of:-  
1.) Jharkhand, Ranchi;  
2.) Kerala, Thiruvananthapuram;  
3.) Tripura, Agartala;  
4.) West Bengal, Kolkata;  
5.) Uttar Pradesh, Lucknow;  
6.) Uttarakhand, Dehradun.

**Subject:-** Bye-elections to 7(seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh and Uttarakhand - Instructions on enforcement of Model Code of Conduct- regarding.

Sir/Madam,

I am directed to state that the Commission has announced, vide Press Note No. ECI/PN/47/2023 dated 8<sup>th</sup> August, 2023, schedule for Bye-elections in Assembly Constituencies of following States :-

Name of the State	Name & No. of Constituency
Jharkhand	33-Dumri Assembly Constituency
Kerala	98-Puthuppally Assembly Constituency
Tripura	20-Boxanagar Assembly Constituency 23-Dhanpur Assembly Constituency
West Bengal	15-Dhupguri (SC) Assembly Constituency
Uttar Pradesh	354-Ghosi Assembly Constituencies
Uttarakhand	47-Bageshwar(SC) Assembly Constituencies

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 letters No. 437/6/INST/2016-CCS dated 29<sup>th</sup> June, 2017, No. 437/6/MISC/ECI/LET/FUNCT/MCC/2017 dated 18<sup>th</sup> January, 2018 and No. 437/6/MISC/ECI/LET/FUNCT/MCC/2019 dated 14<sup>th</sup> October, 2019 (copies enclosed).

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

Yours faithfully,

  
(NARENDRA N. BUTOLIA)  
SR. PRINCIPAL SECRETARY



## INSTRUCTION SI. No. 25

Election Commission's letter No. 437/6/INST/2016-CCS dated 29.06.2017 addressed to the Chief Secretaries and CEOs of all the States/UTs and recognized Political parties of States/UT..

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

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

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**INSTRUCTION SI. No. 28**

Election Commission's letter No. 437/6/1/ECI/INST/FUNCT/MCC/2017, dated 18.01.2018 addressed to the Chief Electoral Officers of all States/UTs

**Subject: Clarification regarding enforcement of MCC during bye-election – regarding.**

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) (Instruction SI. No. 25).

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.



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].**

#### **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.

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.ECI/PN/47/2023

Dated:8<sup>th</sup> August, 2023

## PRESS NOTE

**Subject: Schedule for Bye-election to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh and Uttarakhand - reg.**

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The Commission has decided to hold bye-election to fill vacancies in 7(Seven) Assembly Constituencies of 6 States i.e. Jharkhand, Kerala, Tripura, West Bengal, Uttar Pradesh and Uttarakhand, the list of constituencies is as follows -

Sl. No.	Name of State	Assembly Constituency No. & Name	Reason of vacancy
1.	Jharkhand	33-Dumri	Death of Shri Jagarnath Mahto
2.	Kerala	98-Puthuppally	Death of Shri Oommen Chandy
3.	Tripura	20-Boxanagar	Death of Shri Samsul Haque
4.	Tripura	23-Dhanpur	Resignation of Smt Pratima Bhoumik
5.	West Bengal	15-Dhupguri (SC)	Death of Shri Bishnu Pada Ray
6.	Uttar Pradesh	354-Ghosi	Resignation of Shri Dara Singh Chauhan
7.	Uttarakhand	47-Bageshwar (SC)	Death of Shri Chandan Ram Das

Schedule for the bye election is as follows:

Schedule for Bye-election for Assembly Constituencies	
Poll Events	Schedule
Date of Issue of Gazette Notification	10 <sup>th</sup> August, 2023 (Thursday)



Last Date for making nominations	17 <sup>th</sup> August, 2023 (Thursday)
Date for the Scrutiny of Nominations	18 <sup>th</sup> August, 2023 (Friday)
Last Date for Withdrawal of candidatures	21 <sup>st</sup> August, 2023 (Monday)
Date of Poll	5 <sup>th</sup> September, 2023 (Tuesday)
Date of Counting	8 <sup>th</sup> September, 2023 (Friday)
Date before which election shall be completed	10 <sup>th</sup> September, 2023 (Sunday)

### 1. **ELECTORAL ROLLS**

The Electoral Rolls for the aforesaid Assembly Constituencies finally published on 5<sup>th</sup> January, 2023 with reference to 01.01.2023 as the qualifying date and supplements of subsequent qualifying dates, namely 1<sup>st</sup> April & 1<sup>st</sup> July, 2023, updated till the last date of making nominations 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.  
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 partial modification as issued vide Commission' s instruction No. 437/6/1NST/2016-CCS, dated 29<sup>th</sup> 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/Vol. IV dated 16<sup>th</sup> 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 5<sup>th</sup> - 8<sup>th</sup> days.
- c. From 9<sup>th</sup> day till the last day of campaign (the second day prior to date of poll)

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

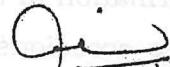
This requirement is in pursuance of the judgment of the Hon'ble Supreme Court in Writ Petition (C) No. 784 of 2015 (Lok Prahari Vs. Union of India & Others) and Writ Petition (Civil) No. 536 of 2011 (Public Interest Foundation & Ors. Vs. Union of India & Anr.).



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

#### **6. COVID RELATED ARRANGEMENT DURING BYE-ELECTION**

The Commission has issued COVID guidelines, October, 2022 on 14.10.2022 which are available on the Commission's website <https://eci.gov.in/files/file/14492-covid-guidelines-for-general-electionbye-elections-to-legislative-assemblies-reg/> to be followed during conduct of elections.



08/08/2023

**(SANJEEV KUMAR PRASAD)**  
**SECRETARY**



भारत निर्वाचन आयोग मन्त्रिवालय  
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA  
निर्वाचन मन्दिर, अशोक रोड, नई दिल्ली-110001  
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

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

Dated: 14<sup>th</sup> October 2019

To

1. The Chief Secretaries of all States and Union Territories.
2. The Chief Electoral Officers of all States and Union Territories.

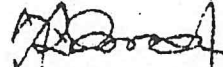
**Subject: - Clarification regarding enforcement of MCC during bye-election - regarding.**

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