No. 1/41/1/2018-Cab
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)
RASHTRAPATI BHAWAN

New Delhi, the 13th February, 2018

OFFICE MEMORANDUM

Subject: Immediate action to be taken for enforcement of Model Code of Conduct after announcement of Bye-elections in the Parliamentary Constituencies of Bihar and Uttar Pradesh.

The undersigned is directed to enclose herewith a copy of Election Commission of India letter No. 437/6/1/ECO/INST/FUNCT/MCC/2018 dated 09.02.2018 on the above subject for information and necessary action.

Encl: A/a

(Rachna Shah)
Joint Secretary
Tel: 23016576

All Secretaries to the Government of India

Pl. circulate

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DIV (S.K.KV) 28/2/18

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M. Circulate
ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.437/6/1/ECI/INST/FUNCT/MCC/2018 Dated: 9th February, 2018

To

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

2. The Chief Secretaries to the Government of:
   a) Bihar, Patna;
   b) Uttar Pradesh, Lucknow.

3. The Chief Electoral Officers of:
   a) Bihar, Patna;
   b) Uttar Pradesh, Lucknow.

Subject: Bye-election to fill casual vacancies in the Lok Sabha from Parliamentary Constituencies of Bihar and Uttar Pradesh and in the State Legislative Assembly of Bihar-- 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/16/2018, dated 9th February, 2018, schedule for bye-election to fill casual vacancies from the following Parliamentary/Assembly Constituencies in the States of Bihar and Uttar Pradesh:

<table>
<thead>
<tr>
<th>Name of the State</th>
<th>Name &amp; No. of Constituency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bihar</td>
<td>9- Araria Parliamentary Constituency</td>
</tr>
<tr>
<td></td>
<td>205-Bhabua Assembly Constituency</td>
</tr>
<tr>
<td></td>
<td>216-Jehanabad Assembly Constituency</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>51-Phulpur Parliamentary Constituency</td>
</tr>
<tr>
<td></td>
<td>64-Gorakhpur Parliamentary Constituency</td>
</tr>
</tbody>
</table>

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.

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

Yours faithfully,

[Signature]

(NARENDRA N. BUTOLIA)
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- 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/CCB dated 26.04.2012 and No. 437/6/INST/2012/CCIB dated 23.10.2013, 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 all relevant 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) containing the Constituency being polled 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/on point 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 tour to the district(s) where bye-elections are 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 by-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 DED/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 by-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 publicized as the Government's achievement.

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

Yours faithfully,

(Pl. GRIVASTAVA)
SR. PI. SECRETARY
ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001
No.437/6/MISC/ECI/LET/FUNCT/MCC/2017 235-270 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 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. BUTOLIA)
PRINCIPAL SECRETARY
OFFICE MEMORANDUM

Subject: Immediate action to be taken for enforcement of Model Code of Conduct after announcement of Bye-Elections in the Parliamentary Constituencies of Bihar and Uttar Pradesh

The undersigned is directed to refer to OM No.1/41/1/2018-Cab dated 13th February, 2018 on the subject cited above received from the Joint Secretary, Cabinet Secretariat, Rashtrapati Bhawan enclosing therewith following three communications:

(i) Letter No.437/6/1/ECI/FUNCT/MCC/2018 dated 9th February, 2018 from Election Commission of India regarding instructions on enforcement of Model Code of Conduct (MCC) in Bihar (9-Araria Parliamentary Constituency, 205-Bhabua Assembly Constituency and 216-Jehanabad Assembly Constituency) and Uttar Pradesh (51-Phulpur Parliamentary Constituency and 64-Gorakhpur Parliamentary Constituency)

(ii) Letter No.437/6/INST/2016-CCS dated 29th June, 2017 from Election Commission of India regarding modification of instruction on enforcement of MCC, Publishing of Advertisements, Tours of Ministers, Transfer/Posting of Officers and Announcement of D.A.


2. The above communications highlight the need for immediate action to be taken for enforcement of Model Code of Conduct pursuant to announcement of Bye-elections in the Parliamentary Constituencies of Bihar and Uttar Pradesh.

3. All concerned may please peruse/download the communications which are being uploaded on the Website of the Ministry of AYUSH: www.ayush.gov.in to economise on usage of stationery. The pathway for viewing the documents is: www.ayush.gov.in →Tender/Vacancy→Communication received from other Ministries for information of Officers under Ministry of AYUSH.

Under Secretary to the Government of India

(K.B.Sinha)

To:
1. CEO, NMPB/ Adv.Ay. (MN)/ (DCK)/Adv. (H)/DDG(RCA)
2. Dir. (FLK)/(SRKV)/Dy. CEO (NMPB)/Jt. Adv.(Yoga)
3. DS (RM)/Dy.Dir (NMPB)/ Dy. Adv. (Dr. Qasmi)/Dr. Raghu /Dr. Qayoom/Sr.Con(SS)
4. US(YVS)/ US (AB)/ US (BN)/ US (RK)/ US(S)/US(AR)/DD (P&E)
   Asstt. Adv. (IGM)/(Chinta)
6. All Directors General of Research Councils and all Directors of National Institutes/Secretary. CCIM/CCH/Managing Director, IMPCL/ HPL/PLIM/PCIM&H
7. NIC Cell, Ministry of AYUSH with a request to upload the enclosed communications on the Website of the Ministry of AYUSH

Copy to:
1. PPS to Secretary (AYUSH)
2. PPS to JS (PKP)/PS to JS (RJ)/Sr.PPS to JS (PNRK)