

Eastern Railway
(Personnel Department)
17, N. S. Road, Kolkata - 700 001

No. E.4142/0/3/Vol. XIII

Kolkata, Dated: 11/10/2019

ALL CONCERNED

Sub: Application of Model Code of Conduct - reg.

Copies of Railway Board's letters No. E(G)2019/EL 1-4 dated 24/09/2019 and E(G) 2019/EL 1-5 dated 30/09/2019 along with their enclosures on the above cited subject are enclosed for compliance and necessary action.

DA: As above.


(Anjan Ray)
Dy. Chief Personnel Officer/Gaz.
Phone No. 24104

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

No. E(G)2019/EL 1-4

New Delhi, Dated: 24.09.2019

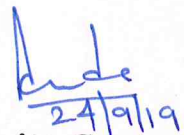
The General Manager,
All Indian Railways
(Including Production Units)

Sub: Application of Model Code of Conduct – Bye Election to fill casual vacancies in the State Legislative Assemblies of Chhattisgarh, Kerala, Tripura and Uttar Pradesh.

Please find enclosed the letter No. 437/6/1/ECI/INST/FUNCT/MCC/2019/01 dated: 25th August, 2019 of Election Commission of India regarding Bye-Election to fill casual vacancies in the State Legislative Assemblies of Chhattisgarh, Kerala, Tripura and Uttar Pradesh received vide cabinet Secretariat O.M. No. 1/41/5/2019-Cab dated 2nd September, 2019 for compliance and necessary action.

2. Besides the above, the provisions of the Model code of conduct as mentioned on 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
FTS No. 593630
Date 5.9.19

12/1
MOST IMMEDIATE

No. 1/41/5/2019-Cab

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

2nd Sept

New Delhi the August, 2019

CRB Ch meeting
S. S. S. S. S.
Secy G/S
OFFICE MEMORANDUM

Subject: [Bye-Election to fill casual vacancies in the State Legislative Assemblies of Chhattisgarh, Kerala, Tripura and Uttar Pradesh] Instructions on enforcement of Model Code of Conduct - reg.

JS
06.9
The undersigned is directed to enclose herewith a copy of Election Commission of India letter No. 437/6/1/ECI/INST/FUNCT/MCC/2019/01 dated 25.08.2019 on the above subject for information and necessary action.

(As/08m) Encl: A/a

(G)/ACC
Pl. Pant up.
9/9/19
50/6
Rachna
(Rachna Shah)
Joint Secretary
Tel: 23016576

All Secretaries to the Government of India

CS- 848/13

12/2

26/8/19

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/2019

Dated: 25th August, 2019

To

- ✓ 1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretary to the Government of:-
a) Chhattisgarh, Raipur;
b) Kerala, Thiruvananthapuram;
c) Tripura, Agartala;
d) Uttar Pradesh, Lucknow.
3. The Chief Electoral Officer of:-
a) Chhattisgarh, Raipur;
b) Kerala, Thiruvananthapuram;
c) Tripura, Agartala;
d) Uttar Pradesh, Lucknow.

Subject:- Bye-election to fill casual vacancies in the State Legislative Assemblies of Chhattisgarh, Kerala, Tripura and Uttar Pradesh - 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/77/2019, dated 25th August, 2019, schedule for bye-election to fill casual vacancies from the following Assembly Constituencies in the States of Chhattisgarh, Kerala, Tripura and Uttar Pradesh:-

Name of the State	Name & No. of Constituency
Chhattisgarh	88- Dantewada (ST) Assembly Constituency
Kerala	93- Pala Assembly Constituency
Tripura	14- Badharghat (SC) Assembly Constituency
Uttar Pradesh	228- Hamirpur 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

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 and No. 437/6/MISC/ECI/LET/FUNCT/MCC/2017 dated 18th January, 2018 (copies enclosed).

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

Yours faithfully,



(SUMIT MUKHERJEE)
PRINCIPAL SECRETARY



भारत निर्वाचन आयोग
Election Commission of India

No. 437/6/INST/2016-CCS

निर्वाचन सदन

NIRVACHAN SADAN

अशोक रोड, नई दिल्ली - 110 001

ASHOKA ROAD, NEW DELHI - 110 001

Dated: 29th June, 2017

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/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 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.

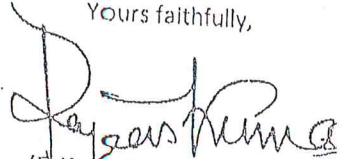
5. Regarding Announcement of D.A.

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.

Yours faithfully,


(R.K. SRIVASTAVA)
SR. PR. SECRETARY

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

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

935-270

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.

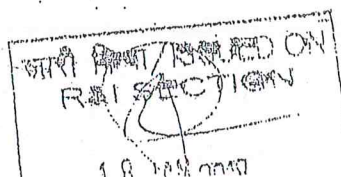
Sir,

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,



(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/77/2019

Dated: 25th August, 2019

PRESS NOTE

Subject : Schedule for bye-election to fill casual vacancy in the State Legislative Assemblies of Chhattisgarh, Kerala, Tripura and Uttar Pradesh- Regarding.

There are four clear vacancies in the State Legislative Assemblies of Chhattisgarh, Kerala, Tripura and Uttar Pradesh which needs to be filled up:

Sl. No.	State	Number & Name of Assembly Constituency
1.	Chhattisgarh	88 - Dantewada (ST)
2.	Kerala	93 - Pala
3.	Tripura	14 - Badharghat (SC)
4.	Uttar Pradesh	228-Hamirpur

After taking into consideration various factors like local festivals, electoral rolls, weather conditions etc., the Commission has decided to hold bye-elections to fill these vacancies as per the programme mentioned as under: -

Poll Events	Schedule
Date of Issue of Gazette Notification	28.08.2019 (WEDNESDAY)
Last Date of Nominations	04.09.2019 (WEDNESDAY)
Date for Scrutiny of Nominations	05.09.2019 (THURSDAY)
Last Date for Withdrawal of candidatures	07.09.2019 (SATURDAY)
Date of Poll	23.09.2019 (MONDAY)
Date of Counting	27.09.2019 (FRIDAY)
Date before which election shall be completed	29.09.2019 (SUNDAY)

ELECTORAL ROLL

The Electoral Rolls for the aforesaid Assembly Constituencies w.r.t 01.01.2019 as the qualifying date has been finally published.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. E(G) 2019/EL 1-5

New Delhi, dated: 30.09.2019

The General Manager,
All Indian Railways
(including Production Units)

Sub: Application of Model Code of Conduct- General Election to the
Legislative Assemblies of Haryana and Maharashtra.

Please find enclosed the letter No. 437/6/ECI/INST/FUNCT/MCC/ 2019 dated 21.09.2019 of Election Commission of India regarding General Elections to the Legislative Assemblies of Haryana and Maharashtra for compliance and necessary action.

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


30/9/19
(Anita Gautam)
Director/Estt. (Genl.)
Railway Board

S.No. 01

By Spl. Messenger/mail

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/ECI/INST/FUNCT/MCC/2019

Dated: 21st September, 2019

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the
Government of:-
(i) Haryana, Chandigarh; and
(ii) Maharashtra, Mumbai.
3. The Chief Electoral Officer of:-
(i) Haryana, Chandigarh; and
(ii) Maharashtra, Mumbai.

Subject: Immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Elections to the Legislative Assemblies of Haryana and Maharashtra, 2019- regarding.

Sir/Madam,

I am directed to state that the Election Commission has announced the schedule for holding General Elections to Legislative Assemblies of Haryana and Maharashtra, operation of 'MODEL CODE OF CONDUCT' comes into effect with the announcement of elections by the Commission. In view of the general elections to the Legislative Assemblies of Haryana and Maharashtra, the Commission has given following directions for effective enforcement of provisions of MCC:-

1. **Defacement of Property-** ECI instructions contained in letters, No. 437/6/INST/2015-CCS, dated 29th December, 2015, No. 437/6/INST/2012-CC&BE dated 18th January, 2012 and No. 3/7/2008 JS-II dated 7th October, 2008, provide for prevention of defacement of property. The Commission has directed to ensure strict compliance of its instructions and to take time bound action as prescribed below.
(a) **Defacement of Government property-** For this purpose a Government premise would include any Government office and the campus wherein the office building is situated. All wall writing, posters/papers or defacement in any other form,

cutout/hoardings, banners, flags etc, on Government property shall be removed within 24 hours from the announcement of elections

(b) **Defacement of public property and misuse of public space-** All unauthorized political advertisement, in the form of wall writing/posters/papers of defacement in any other form, cutout/hoardings, banners flags etc. at public property and in public space like railway station, Bus stands, Airports, railway Bridges, Roadways, Govt. Buses, Electric/Telephone poles, municipal/local bodies' buildings etc., shall be removed within 48 hours from the announcement of elections by the Commission.

(c) **Defacement of private property-** All unauthorized political advertisement displayed at private property and subject to local law and court's directions, if any, shall be removed within 72 hours from the announcement of elections by the Commission.

2. **Misuse of official vehicle-** The ECI's Consolidated instructions contained in letter No. 464/INST/2014/EPS, dated 10th April 2014, among other things, provides that there shall be a total ban on use of official vehicle by any political party, candidate or any other person connected with election (except officials performing any election related official duty) for campaigning, electioneering or election related travel during elections (subject to certain exception mentioned therein). The expression official vehicle means and shall include, any vehicle used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise and will include trucks, lorries, tempos, jeeps, cars, auto rickshaws, e-rickshaws, buses, belonging to Central Government, State Government/UT Administrations, public undertakings of Central/State Government, Joint sector undertakings of Central/State Government, local bodies, municipal corporations, marketing boards, cooperative societies or any other body in which public funds, however small a portion of the total, are invested. The CEOs/DEOs shall take necessary action for compliance of ECI instructions within 24 hrs of the announcement of the elections.

3. **Advertisement at the cost of public exchequer-** ECI instructions contained in letters, No. 437/6/1/2014-CC&BE, dated 5th March, 2014 provides that at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided. No advertisements shall be issued in electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. If any advertisement has already been released for telecast/broadcast or publication in the print media, it must be ensured that the telecast/broadcast of such ads on electronic

media is stopped forthwith and that no such ad is published in any newspapers, magazines, etc., i.e. in print media, from the date of announcement and it should be immediately withdrawn. The CEOs/DEOs has to take immediate action to remove/stop any advertisement, in the print/electronic media, showing the achievements of the Government soon after the announcement of elections.

4. Photograph of political functionary at official website- ECI instruction contained in letter No. 437/6/INST/2014-CC&BE dated 20th March, 2014 provides that all references of Ministers, Politicians or political parties available on central/state Government's official website, shall be removed. The CEOs have to take immediate action to remove/hide the photographs of any political functionary from official websites of state department.
5. Development/construction related activities- within 72 hours of announcement of elections, the CEO/DEO shall obtain the following list of works for reference in case of validating any complaint on violation of MCC:
 - (i) List of work which has already been started on ground.
 - (ii) List of fresh work which has not started on ground.
6. **Activities for Expenditure Monitoring and enforcement of MCC-** Flying squad, FST, video team, intensive checking for liquor/Cash/Contra banned drugs, flying squads of excise department to check illicit trafficking of Drug/Narcotics to be immediately activated after announcement.
7. **Complaint Monitoring System-** The poll going states shall have a complaint redressal mechanism based on website and call center. The toll free number of call center is 1950. Complaints can be registered by making calls to the toll free call center numbers or on the web site. Complainants will also be informed of the action taken by SMS and by the call center. Complainants can also see the details of the action taken on their complaints. This system should be operational within 24 hours of the announcement. All complaint should be dealt with promptly and properly. The 24x7 control Room at the district level must be activated and sufficient deployment of manpower and other logistics be ensured in particular, round the clock personnel should be deployed in the control room and their duty roster must be issued to avoid any evasion or confusion.
- IT Application-** All IT applications including official website and social media shall be operational with the announcement.
- Dissemination of information for Awareness of Voters and political parties.** Publicity of major election activity would be given through CEO/DEO/RO. For this

purpose, all necessary information shall be disseminated through radio, tv, cinema. Government channel to display voter education material.

10. **Active cooperation from Educational Institution and Civil Societies-** Cooperation can be sought from educational institution and civil societies for giving wide publicity to the election related information to the general public and other stakeholders.
11. **Media Centre-** Effort should be made for awareness among the voters, political parties and other stakeholder through media center about election system including use of EVM/VVPAT.
12. **MCMC/DEMC-** ECI instruction contained in letter no. 491/MCMC/2014/Communication dated 24th March, 2014 provides that all registered political parties will approach the Media Certification and Monitoring Committees (MCMC) at District and State level, as the case may be, for pre-certification of their political advertisements proposed to be issued on electronic media. The Commission has directed to ensure strict compliance of its instructions contained in above said letter.
13. **Control Room-** The 24x7 control room at district level must be activated immediately and sufficient deployment of manpower and other logistics be ensured by the DEO/CEO. A control room with complaint Monitoring Centre would also be set up at ECI Secretariat during the entire election process.

Yours faithfully,


(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY