

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड

विश्वकर्मा भवन प्रथम तल, 4 सुभाष रोड़ सचिवालय परिसर, देहरादून-248001

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संख्या: 3252 /XXV-31/2023

देहरादून

दिनांक 10 जून, 2024

सेवा में,

Election-Urgent

जिलाधिकारी एवं
जिला निर्वाचन अधिकारी,
चमोली/हरिद्वार।

विषय : उत्तराखण्ड राज्य के अन्तर्गत जनपद चमोली की 04-बद्रीनाथ एवं जनपद हरिद्वार की 33-मंगलौर विधान सभा निर्वाचन क्षेत्र के लिए उप निर्वाचन, 2024-निर्वाचन कार्यक्रम की घोषणा के साथ आदर्श आचार संहिता के अनुपालन के संबंध में।

महोदय,

उपरोक्त विषयक भारत निर्वाचन आयोग के प्रेस नोट संख्या-ECI/PN/120/2024 दिनांक 10 जून, 2024 के द्वारा उत्तराखण्ड राज्य के अन्तर्गत जनपद चमोली की 04-बद्रीनाथ एवं जनपद हरिद्वार की 33-मंगलौर विधान सभा निर्वाचन क्षेत्र के लिए उप निर्वाचन की घोषणा के साथ ही जनपद चमोली के सम्पूर्ण भाग में एवं हरिद्वार के 33-मंगलौर विधान सभा निर्वाचन क्षेत्र में तत्काल प्रभाव से आदर्श आचार संहिता प्रभावी हो गयी है। निर्वाचन कार्यक्रम की घोषणा के पश्चात आदर्श आचार संहिता लागू करने के लिए तत्काल की जाने वाली कार्यवाही के अक्षरशः अनुपालन हेतु निम्नानुसार प्रभावी कार्यवाही की जानी नितान्त आवश्यक है। जिसका संक्षिप्त विवरण निम्न प्रकार है :-

1-Defacement of Property-

(a) **Defacement of Government Property:-** आयोग द्वारा निर्वाचन कार्यक्रम की घोषणा के 24 घण्टे के अन्दर किसी भी शासकीय कार्यालय, भवन, परिसर जिसमें राजकीय कार्यालय स्थापित हैं, आदि से सभी प्रकार के पोस्टर, पम्पलेट, बैनर, झण्डे, होर्डिंग्स, वालपेटिंग एवं कटआउट आदि हटवाए जाने होंगे।

(b) **Defacement of public property and misuse of public space:-** निर्वाचन कार्यक्रम की घोषणा के 48 घण्टे के अन्दर, विभिन्न जनसम्पत्तियों यथा रेलवे स्टेशन, बस स्टण्ड, एयरपोर्ट, रेलवे ब्रिज, रोडवेज, सरकारी बस, विद्युत/टेलीफोन पोल, नगर निगम, नगर पालिका परिषद/नगर पंचायत आदि से सभी प्रकार की अनाधिकृत राजनैतिक प्रचार सामग्री यथा पोस्टर, पम्पलेट, बैनर, झण्डे, होर्डिंग्स, वालपेटिंग एवं कटआउट आदि हटवाए जाने होंगे।

(c) **Defacement of private property:-** निर्वाचन कार्यक्रम की घोषणा के 72 घण्टे के अन्दर, विभिन्न निजी परिसम्पत्तियों से सभी प्रकार की अनाधिकृत राजनैतिक प्रचार सामग्री हटवाई जानी होगी। सम्पत्ति विरूपण के संबंध में समस्त जिलाधिकारियों को पूर्व में भी निर्देश निर्गत किए जा चुके हैं।

2- Misuse of official vehicle :- निर्वाचन कार्यक्रम की घोषणा के 24 घण्टे के अन्दर यह सुनिश्चित करना होगा कि किसी भी राजनैतिक दल, अभ्यर्थी आदि के द्वारा किसी भी प्रकार के विभागीय वाहन/वाहनों का दुरुपयोग तो नहीं किया जा रहा है। उक्त के संबंध में आयोग का पत्र संख्या 464/L&O/2023EPS(Use of Veh.) दिनांक 26 जून, 2023 का अनुपालन सुनिश्चित किया जाना है।

3- Advertisement at the cost of public exchequer :- निर्वाचन कार्यक्रम की घोषणा के तत्काल पश्चात यह सुनिश्चित कराना होगा कि, समाचार पत्रों, इलेक्ट्रॉनिक मीडिया, मॉस मीडिया आदि के माध्यम से सत्तापक्ष द्वारा अपनी उपलब्धियों आदि के सन्दर्भ में पक्षतापूर्ण राजनैतिक प्रचार-प्रसार के लिए किसी भी प्रकार से सरकारी धन का दुरुपयोग तो नहीं किया जा रहा है। कदाचित यदि ऐसा कोई तथ्य संज्ञान में आता है तो इस पर तत्काल प्रतिबन्ध लगाया जाना चाहिए। उक्त संबंध में आयोग के पत्र संख्या 437/6/INST/ECI/FUNCT/MCC/2024 (ADVERTISEMENTS) दिनांक 2 जनवरी, 2024 का अनुपालन सुनिश्चित किया जाना है।

4- Photograph of political functionary at official website :- निर्वाचन कार्यक्रम की घोषणा के तत्काल पश्चात विभागीय/Official website से मा० मुख्यमंत्री, मा० मंत्रीगणों, राजनेता, राजनैतिक दलों आदि के सभी प्रकार के फोटोग्राफ एवं उपलब्धियों आदि का विवरण हटाना होगा। उक्त संबंध में आयोग के पत्र संख्या 437/6/INST/ECI/FUNCT/MCC/2024 (MCC ENFORCEMENT) दिनांक 2 जनवरी, 2024 का अनुपालन सुनिश्चित किया जाना है।

5. Development/Construction related activities :- निर्वाचन कार्यक्रम की घोषणा के 72 घण्टे के अन्दर विभिन्न

ELE-ELE/COND(VS)/1/2024-ELECT-1-Election Department

2-ऐसे कार्यों की सूची जो धरातल पर प्रारम्भ नहीं हुए हैं।

1/216841/4024 Activities for Expenditure Monitoring and enforcement of MCC :- निर्वाचन कार्यक्रम की घोषणा के साथ ही आयोग के दिशा-निर्देशों के अनुसार निर्वाचन व्यय लेखों के अनुश्रवण, पर्यवेक्षण एवं प्रभावी क्रियान्वयन हेतु निर्वाचन व्यय लेखा/आदर्श आचार संहिता संबंधी समस्त टीमों प्रभावी रूप से कार्य प्रारम्भ करना सुनिश्चित करेंगी।

7- Complaint Monitoring System :- निर्वाचन कार्यक्रम की घोषणा के साथ ही शिकायत प्रकोष्ठ/कन्ट्रोल रूम भी 24 X 7 प्रभावी रूप से कार्य करना प्रारम्भ करेगा। इस हेतु दिशा-निर्देशों के अनुसार तत्काल सभी आवश्यक प्रबन्ध सुनिश्चित करते हुए ड्यूटी रोस्टर भी तैयार कर लें।

8- IT Applications :- निर्वाचन कार्यक्रम की घोषणा के साथ ही आयोग की सभी IT Applications विभागीय वेबसाईट एवं Social Media सहित कार्य प्रारम्भ करेंगी। समस्त जिला निर्वाचन अधिकारी इन सभी IT Applications के संबंध में भिन्न हैं और आयोग के दिशा-निर्देशों के अनुसार इनके संचालन और क्रियान्वयन के संबंध में सभी आवश्यक तैयारियां सुनिश्चित कर लें।

9- Dissemination of information for Awareness of Voters and political parties :- निर्वाचन संबंधी विभिन्न महत्वपूर्ण क्रिया-कलापों, प्रक्रियाओं आदि का जनसामान्य के मध्य मतदाता शिक्षा सामग्री का सभी आवश्यक माध्यमों, रेडियो-टीवी चैनलों, सिनेमाघरों आदि से CEO/DEO/RO आदि के द्वारा व्यापक प्रचार-प्रसार किया जाय।

10- Active cooperation from Educational Institution and Civil Societies :- निर्वाचन संबंधी विभिन्न महत्वपूर्ण क्रिया-कलापों, प्रक्रियाओं आदि का जनसामान्य एवं अन्य हितधारकों के मध्य विभिन्न शैक्षणिक संस्थानों, सामाजिक संगठनों आदि के माध्यम से व्यापक प्रचार-प्रसार हेतु इनके साथ निरन्तर प्रभावी समन्वय स्थापित किया जाय।

11- Media Centre :- ईवीएम-वीवीपीएटी के प्रयोग तथा निर्वाचन संबंधी अन्य महत्वपूर्ण प्रक्रिया के संबंध में मतदाताओं, जनसामान्य-राजनैतिक दलों और अन्य हितधारकों के मध्य जनजागरूकता के लिए मीडिया सेन्टर की स्थापना कर ली जाय।

12- MCMC/DEMC :- आयोग द्वारा तद् विषयक समय-समय पर जारी दिशा-निर्देशों के अनुसार राजनैतिक दलों एवं निर्वाचन लड़ने वाले अभ्यर्थियों आदि के विज्ञापनों के पूर्व प्रमाणीकरण आदि हेतु शीघ्र MCMC/DEMC का गठन सुनिश्चित किया जाय। उक्त संबंध में आयोग के पत्र संख्या 491/MCMC/5/2023/Communication दिनांक 24 अगस्त, 2023 का अनुपालन सुनिश्चित किया जाना है।

13- Control Room :- पूर्व में समय-समय पर जारी दिशा-निर्देशों के अनुसार निर्वाचन कार्यक्रम की घोषणा होते ही तत्काल सभी आवश्यक सुविधाओं के साथ शिकायत निवारण-अनुश्रवणयुक्त कन्ट्रोल रूम स्थापित किया जाय, जो 24 X 7 निरन्तर कार्य करेगा।

अतः अनुरोध है कि, भारत निर्वाचन आयोग के निर्देश संख्या 437/6/INST/ECI/FUNCT/MCC/2024 (BYE ELECTIONS) दिनांक 02 जनवरी, 2024 के अनुसार आदर्श आचार संहिता संबंधी उक्त दिशा-निर्देशों का कड़ाई से अनुपालन सुनिश्चित किये जाने हेतु सभी सम्बन्धितों को निर्देशित करने का कष्ट करें एवं कृत कार्यवाही तथा प्रगति से समय-समय पर अधोहस्ताक्षरी को भी अवगत कराना सुनिश्चित करें। मान्यता प्राप्त राजनैतिक दलों तथा निर्वाचन लड़ने वाले अभ्यर्थियों को भी समय-समय पर आदर्श आचार संहिता संबंधी आयोग के मार्गदर्शी सिद्धान्तों से अवगत कराना सुनिश्चित करें।

संलग्नक : यथोपरि।

भवदीय,

Signed by Basava Venkata

Rama Chandra Purushottam

(डॉ. बी.वी.आर.सी. पुरुषोत्तम)

Date: 10-06-2024 13:46:35

Reason: Approved

मर्यादा निर्वाचन अधिकारी,

उत्तराखण्ड।

संख्या- 3252 /XXV-31/2024 तददिनांकित।

प्रतिलिपि:- निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. मुख्य सचिव, उत्तराखण्ड शासन।
2. अपर मुख्य सचिव, उत्तराखण्ड शासन।
3. पुलिस महानिदेशक, उत्तराखण्ड, देहरादून।
4. आयुक्त, गढ़वाल मण्डल, पौड़ी।
5. समस्त अध्यक्ष/महासचिव/सचिव, मान्यता प्राप्त राजनैतिक दल, उत्तराखण्ड।

(डॉ. बी.वी.आर.सी. पुरुषोत्तम)

मर्यादा निर्वाचन अधिकारी

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.ECI/PN/120/2024

Dated:10th June, 2024

PRESS NOTE

Subject: Schedule for bye-election to 13 Assemblies Constituencies of 7 States – reg.

The Commission has decided to hold bye-elections to fill vacancies in the following Assembly Constituencies:

Sl. No.	Name of State	Assembly Constituency No. & Name	Reason for Vacancy
01.	Bihar	60-Rupauli	Resignation of Smt. Bima Bharti
02.	West Bengal	35-Raiganj	Resignation of Shri Krishna Kalyani
03.		90-Ranaghat Dakshin (SC)	Resignation of Dr. Mukut Mani Adhikari
04.		94-Bagda (SC)	Resignation of Shri Biswajit Das
05.		167-Maniktala	Death of Shri Sadhan Pandey
06.	Tamil Nadu	75-Vikravandi	Death of Thiru. N. Pugazhenthii
07.	Madhya Pradesh	123-Amarwara (ST)	Resignation of Shri Kamlesh Pratap Shah
08.	Uttrakhand	04-Badrinath	Resignation of Shri Rajendra Singh Bhandari
09.		33-Manglaur	Death of Shri Sarwat Karim Ansari
10.	Punjab	34-Jalandhar West (SC)	Resignation of Shri Sheetal Angural
11.	Himachal Pradesh	10-Dehra	Resignation of Shri Hoshyar Singh
12.		38-Hamirpur	Resignation of Shri Ashish Sharma
13.		51-Nalagarh	Resignation of Shri K.L. Thakur

The Schedule for the bye elections is enclosed at **Annexure-I**.

1. ELECTORAL ROLLS

Commission firmly believes that pure and updated electoral rolls are the foundation of free, fair and credible elections. Hence, intensive and sustained focus is placed upon improving its quality, health and fidelity. After the amendment in Section 14 of the Representation of the People Act-1950 by the Election Laws (Amendment) Act-2021, there is a provision of four qualifying dates to enroll as a voter in a year. Accordingly, the Commission conducted the Special Summary Revision of Electoral Roll with reference to 1st January, 2024, as the qualifying date, wherein applications were invited from eligible citizens seeking registration in electoral roll with respect to 1st January, 2024 as the qualifying date. After time-bound completion of Special Summary Revision of Electoral Rolls with reference to 1st January, 2024 as the qualifying date, the final publication of the electoral roll has been done on –

- i) 5th January, 2024 for Gujarat, Himachal Pradesh and Tripura;
- ii) 22nd January, 2024 for Bihar, Jharkhand, West Bengal, Karnataka and Tamil Nadu;
- iii) 23rd January, 2024 for Uttar Pradesh and Maharashtra; and
- iv) 8th February, 2024 for Telangana and Rajasthan.

However, the process of continuous updation of electoral rolls will continue till the last date of filing nominations, **with respect to proximate qualifying date.**

2. ELECTRONIC VOTING MACHINES (EVMs) & VVPATs

The Commission has decided to use EVMs and VVPATs in the bye-election 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 poll is 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. MGNREGA 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 provision of the instruction vide Commission's letter No. 437/6/1NST/ECI/FUNCT/MCC/2024/(BYE ELECTIONS) dated 02nd January, 2024 (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 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. COVID RELATED ARRANGEMENT DURING BYE-ELECTION

The Commission has issued COVID Guidelines to be followed during the conduct of the General Election and Bye Elections which are available at Commission's website.



10/06/2024

(SANJEEV KUMAR PRASAD)
SECRETARY

Annexure-I

SCHEDULE FOR BYE-ELECTION

Poll Events	Schedule
Date of Issue of Gazette Notification	14.06.2024 (Friday)
Last Date of Filling of Nominations	21.06.2024 (Friday)
Date for Scrutiny of Nominations	24.06.2024 (Monday)
Last Date for Withdrawal of candidatures	26.06.2024 (Wednesday)
Date of Poll	10.07.2024 (Wednesday)
Date of Counting	13.07.2024 (Saturday)
Date before which election shall be completed	15.07.2024 (Monday)



By Speed Post/E-Mail

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

No. 437/6/INST/ECI/FUNCT/MCC/2024 (BYE ELECTIONS)

Dated: 2nd January, 2024

To,

- (i) The Chief Secretaries
of all States and Union Territories.
- (ii) The Chief Electoral Officers
of all States and Union Territories.

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

Reference: Commission's instructions:

- (i) No. 437/6/INST/2016-CCS dated 29.06.2017
- (ii) No. 437/6/1/ECI/INST/FUNCT/MCC/2017, dated 18.01.2018
- (iii) No. 437/6/MISC/ECI/FUNCT/MCC/2019, dated 14.10.2019
- (iv) No. 437/6/ECI/FUNCT/MCC/2021, dated 21.10.2021
- (v) No. 437/6/INST-2013/CC&BE, dated 25.06.2013
- (vi) No. 437/6/1/2014 dated 16.08.2014, and
- (vii) No. 437/6/1/2016-CCS, dated 21.04.2016

Madam/Sir,

The Commission has issued various instructions from time to time on observance of code of conduct during bye-elections. Following are the consolidated instructions in supersession of all the instructions issued vide letters listed above:

I. Enforcement of MCC

(i) 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.

(ii) In case of a 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.

(iii) In all other cases the MCC would be enforced in the entire district(s) covering the Constituency going for bye-election(s).

(iv) The above instructions 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 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.

(v) Further, it is advised that the political parties not to organize any political activities directly related to the bye-elections even in the areas adjoining the district/constituency where the bye-election are being held. The District Election Officers concerned will ensure that the MCC instructions and COVID guidelines relating to the norms of social distancing are followed in the districts adjoining to the poll going district/constituency.

II. Publishing of Advertisements

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.

III. Tours of Ministers

During bye elections from any constituencies, either Parliamentary or Assemblies, the following restrictions are applicable with regard to the tours of Ministers:-

- (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.
- (iii) No official of any rank of the district(s) where the bye-election is being held, shall be called to attend any meeting by any Minister in any district, that is to say, even in other districts where election is not being held.

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.

IV. Transfer/Posting of Officers

1. Bye-election to the Assembly Constituency (ies):

(1.1) The Commission, in supersession of existing instructions, has decided that no officer connected directly with the conduct of Bye-elections, should be allowed to continue in the present posting within the Assembly Constituency limits:-

- (i) If she/he is posted in her/his home Assembly Constituency limit;
- (ii) If she/he has completed three years during last four years or would be completing 3 years on or before the last day of the sixth month from the date of occurrence of the casual vacancy.

Such officers shall be shifted out of the Assembly Constituency limit.

(1.2) (i) These instructions cover Returning Officers and Assistant Returning Officers of the Assembly Constituencies going for bye-elections. These instructions will also cover other officers viz. Deputy/Assistant Collectors, Sub-Divisional Magistrates, Tehsildars and Block Development Officer located in Assembly Constituency Limits.

It is however clarified that officers appointed as Sector Officers, though directly involved in election duties will not be covered under these instructions as their duties are such that they are deployed in field duties where their knowledge of the area/terrain is crucial to their effective performance. The CEO, DEO and RO should, however, keep a close watch on them during the election period to ensure that their performance is strictly impartial.

(ii) As far as officer in the Police Department are concerned, these instructions shall be applicable to the Sub-Divisional Head of Police, Dy.SP/Circle Officers, Inspectors, Sub-Inspectors or equivalent ranks posted in the field within the Assembly Constituency Limit.

(1.3) The Commission further desires that a detailed review may, therefore, be undertaken and all such officers be posted out of their home constituency limits where they have completed or will complete, on the aforesaid date, tenure of three years in Assembly constituency limit out of the last four years, immediately. Further, for uniformity, the three year period shall be reckoned backwards from the last day of the sixth month as mentioned at para 2.1(ii).

2. Bye-election to the Parliamentary Constituency (ies):

(2.1) The Commission, in supersession of existing instructions, has decided that no officer connected directly with the conduct of Bye-elections to the Parliamentary Constituency going for bye-election, shall be allowed to continue in the present posting within the Parliamentary Constituency limits:-

(i) If she/he is posted in her/his home district within the concerned Constituency limit;

(ii) If she/he has completed three years during last four years or would be completing 3 years on or before the last day of the sixth month from the date of occurrence of the casual vacancy.

Such officers shall be shifted out of the Parliamentary Constituency limit.

(2.2) (i) These instructions cover Returning Officers and Assistant Returning Officers of the Parliamentary Constituencies going for bye-elections. These instructions will cover only that District Election Officer who is designated as Returning Officer. Other District Election Officers, even if some part of their district falls in the Parliamentary Constituency going for bye-elections shall not be covered under these instructions. The instructions will however cover other officers viz. Additional Collector, Additional District Magistrate, Deputy Collectors, Assistant Collectors, Sub-Divisional Magistrates, Tehsildars and Block Development Officer located in Parliamentary Constituency Limit.

It is however clarified that officers appointed as Sector Officers, though directly involved in election duties will not be covered under these instructions as their duties are such that they are deployed in field duties where their knowledge of the area/terrain is crucial to their effective performance. The CEO, DEO and RO

should, however, keep a close watch on them during the election period to ensure that their performance is strictly impartial.

(ii) As far as officer in the Police Department are concerned, these instructions shall be applicable to the Superintendent of Police located in the District whose District Election Officer is also the Returning Officer. Other Superintendent of Police, even if some part of their district falls in the Parliamentary Constituency going for bye-elections shall not be covered under these instructions. These instruction will however cover Additional SP, Sub-Divisional Head of Police, Dy.SPs/Circle Officers, Inspectors, Sub-Inspectors or equivalent ranks posted in the field within the Parliamentary Constituency Limit.

(2.3) The Commission further desires that a detailed review may, therefore, be undertaken and all such officers be posted out of their home constituency limits where they have completed or will complete, on the aforesaid date, tenure of three years in Assembly constituency limit out of the last four years, immediately. Further, for uniformity, the three year period shall be reckoned backwards from the last day of the sixth month as mentioned at para 2.1(ii).

3. The Commission also desires that the officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in any election or elections related work in the past, shall not be assigned any election related duty.

4. The Commission further desires that no officer/official against whom a criminal case is pending in any Court of Law be associated with the election work or election related duty.

5. The Commission has in the past received complaints that while the State Government transfers officials in the above categories in pursuance of the direction issued by the Commission, the individuals try to circumvent the objective by proceeding on leave and physically not moving out of the district from which they stand transferred. The Commission has viewed this seriously and desires that all such officials who stand transferred in pursuance of the instructions referred to above shall be asked to move physically out of the district from which they stand transferred immediately on receipt of the transfer orders.

6. Normally, bye-election is held to fill up a casual vacancy within a period of six months from the date of occurrence of vacancy (excepting a situation beyond control of the Commission). Hence, it would be advisable if the State Government initiates steps for implementation of these guideline immediately after occurrence of a casual vacancy in a constituency so that last moment dislocation of officers can be avoided.

7. Any officer who is due to retire within coming six months will be exempted from the purview of the above-mentioned directions of the Commission. Further officers falling in category (home/3+ criteria) shall not be engaged for performing election duties during the elections, if they are due to retire within 6 months.

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.

V. **Announcement of D.A.**

The Commission 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.


VI. **Promises made by the Ministers/sitting MPs/MLAs on religious/communal grounds in those areas where MCC is not in force**

It has come to the notice of the Commission that during the Bye-elections, the party in power as well as the sitting MPs/MLAs tend to make promises/appeals on religious/communal grounds in those parts of the districts/areas in their State/UT where Model Code of Conduct (MCC) is not in operation so as to avoid the violation of MCC. This has, however, indeed far-reaching implications as it would certainly influence the minds of electors of the Assembly Constituency/Parliamentary Constituency where the bye election(s) is going on and, thus, vitiate the free and fair elections in that Constituency(ies).

In view of the above, it is directed that as soon as Bye- election(s) to any Assembly Constituency/Parliamentary Constituency is announced in a State/UT, the CEO concerned shall issue an advisory to all the recognized political parties in the State/UT to request their Ministers and sitting MPs/MLAs not to make promises or statements on religious or communal ground even in areas where MCC is not in force and during the Bye-elections period so that the purity of election process is maintained and no ill feeling is generated among the general public which is essential for conducive atmosphere for conducting free and fair elections.

The above instructions of the Commission shall be brought to notice of all concerned for strict compliance.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY