

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड
विश्वकर्मा भवन, प्रथम तल, सुभाष रोड़, सचिवालय परिसर, देहरादून- 248001

फोन न० (0135) - 2713760, 2713551
फैक्स न० (0135) - 2713724

संख्या: 1239 /XXV-10 /2023 देहरादून: दिनांक 08 अगस्त, 2023.

सेवा में,

जिलाधिकारी एवं,
जिला निर्वाचन अधिकारी,
बागेश्वर।

विषय- Bue-elections to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh and Uttarakhand- Release of funds under MPs/MLAs Local Area Development Scheme.

महोदय,

उपरोक्त विषयक भारत निर्वाचन आयोग के पत्र संख्या-437/6/1/ECI/INST/FUNCT/MCC/2023 दिनांक 08 अगस्त 2023 (प्रति संलग्न) का सन्दर्भ ग्रहण करने का कष्ट करें। भारत निर्वाचन आयोग के प्रेस नोट संख्या-ECI/PN/47/2023 दिनांक 08 अगस्त 2023 के द्वारा 47-बागेश्वर (अ0जा0) विधान सभा निर्वाचन क्षेत्र से उप निर्वाचन-2023 के सम्पादनार्थ कार्यक्रम नियत किया गया है।

2- भारत निर्वाचन आयोग के उक्त पत्र दिनांक 08 अगस्त 2023 उप निर्वाचन की घोषणा की तिथि दिनांक 08 अगस्त 2023 से जनपद बागेश्वर में आदर्श आचार संहिता प्रभावी हो गयी है।

3- भारत निर्वाचन आयोग के पत्र संख्या-437/6/INST/2016-CCS दिनांक 29 जून 2017 में उप निर्वाचन के दौरान आदर्श आचार संहिता लागू होने के फलस्वरूप संसद सदस्य स्थानीय क्षेत्र विकास योजना (Member of Parliament Local Area Development Schemes) के तहत निधि आवंटन सम्बन्धी मामलों के सम्बन्ध में विस्तृत दिशा-निर्देश जारी किये गये हैं।

अतः भारत निर्वाचन आयोग के उक्त की प्रति संलग्न करते हुए अनुरोध कि आयोग के उक्त पत्रों में दिये गये निर्देशों का अक्षरशः अनुपालन सुनिश्चित करवाने का कष्ट करें।

संलग्नक-यथोपरि।

भवदीय,

(डॉ० वी० षण्मुगम)
मुख्य निर्वाचन अधिकारी।
उत्तराखण्ड।

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/2023

Dated: 8th August, 2023

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Secretary to the Government of India,
Department of Programme Implementation,
Sardar Patel Bhawan,
New Delhi.
3. 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.
4. The Chief Electoral Officer 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 - Release of funds under MPs'/MLAs' Local Area Development Scheme - reg.

Sir/Madam,

I am directed to refer to the Commission's Press Note, dated 8th August, 2023 (available at ECI's web-site:- "<https://eci.gov.in/>"), announcing schedule for Bye-election to 7(seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh and Uttarakhand and to state that with this announcement, the provisions of Model Code of Conduct for the guidance of the Political Parties and Candidates have come into force with immediate effect.

2. The matters relating to the release of funds under the Member of Parliament Local Area Development Schemes shall be dealt with in pursuance of the Commission's letter No. 437/6/INST/2016-CCS dated 29th June, 2017, regarding enforcement of Model Code of Conduct during bye-election, which inter-alia provides that-

- a) No fresh release of funds under the Member of Parliament (including Rajya Sabha members) Local Area Development fund shall be made in any part of the **district(s) in which the Assembly/Parliamentary Constituency is situated where election is in progress, till the completion of election process. In case the constituency is comprised in the State Capital/Metropolitan Cities/Municipal Corporations, the aforesaid instructions shall be applicable in the area of concerned Constituency only.** Similarly, no fresh release of funds under the MLAs'/MLCs' Local Area Development Fund shall be made, if any such scheme is in operation, till the completion of election process.
- b) No work shall start, in respect of which, work orders may have been issued before the issue of this letter but the work has actually not started in the field. These works can start only after the completion of the election process. However, if a work has actually started, that can continue.
- c) There shall be no bar to the release of payments for completed work(s) subject to the full satisfaction of the concerned officials.
- d) Where schemes have been cleared and funds are provided or released and materials procured and reached the site such scheme may be executed as per programme.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY



भारत निर्वाचन आयोग
Election Commission of India

No. 437/6/INST/2016-CCS

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].

Tel : 011-23052205-18 Fax: 011-23052223-25, Website : www.eci.nic.in

“मजबूत लोकतंत्र - सबकी भागीदारी”
Greater participation for a stronger democracy

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.

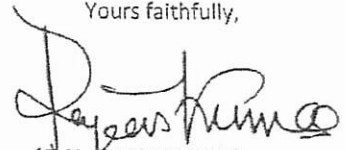
5. Regarding Announcement of D.A.

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