

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/2012-CC&BE(MCC&MPLAD)

Dated: 24th April, 2012

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the
Government of Andhra Pradesh, Goa, Jharkhand,
Kerala, Madhya Pradesh, Maharashtra, Tamil Nadu,
Tripura, Uttar Pradesh & West Bengal.
3. The Chief Electoral Officers of,
Andhra Pradesh, Goa, Jharkhand, Kerala,
Madhya Pradesh, Maharashtra, Tamil Nadu,
Tripura, Uttar Pradesh & West Bengal.

Sub: Application of Model Code of Conduct – Bye-Elections to the Parliamentary Constituency/ Legislative Assemblies of the States of Andhra Pradesh, Goa, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Tamil Nadu, Tripura, Uttar Pradesh & West Bengal.

Sir,

I am directed to state that the Commission has announced the schedule for holding bye-elections from one Parliamentary Constituency of Andhra Pradesh and from some Assembly Constituencies of various States. The details as given below:-

S.No.	State	Parliamentary/Assembly Constituency
1.	Andhra Pradesh	39- Nellore Parliamentary Constituency
2.		104-Parkal AC
3.		127-Narasannapeta AC
4.		152-Payakaraopet (SC) AC
5.		161-Ramachandrapuram AC
6.		177-Narasapuram AC
7.		186-Polavaram (ST) AC
8.		212-Prathipadu (SC) AC
9.		220-Macherla AC

10.	Andhra Pradesh	227-Ongole AC
11.		242-Udayagiri AC
12.		244-Rajampet AC
13.		246-Kodur(SC) AC
14.		247-Rayachoti AC
15.		253-Allagadda AC
16.		263-Yemmiganur AC
17.		267-Rayadurg AC
18.		272-Anantapur Urban AC
19.		286-Tirupati AC
20.	Goa	27-Cortalim AC
21.	Jharkhand	64-Hatia AC
22.	Kerala	140-Neyyattinkara AC
23.	Madhya Pradesh	183-Maheshwar (SC) AC
24.	Maharashtra	232-Kaij (SC) AC
25.	Tamil Nadu	180-Pudukkottati AC
26.	Tripura	21-Nalchar (SC) AC
27.	Uttar Pradesh	82-Mant AC
28.	West Bengal	230-Daspur AC
29.		252-Bankura AC

2. With this announcement, the provisions of the Model Code of Conduct for the guidance of the Political Parties and Candidates have come into force with immediate effect in the districts in which the Constituencies going to bye poll is wholly or partially comprised. The provisions of Model Code of Conduct will cease to be in operation immediately after the formal declaration of the result of the bye-elections by the Returning Officers concerned. This may be brought to the notice of the Government, all Ministries/ Departments and all other offices of the Union Government and the concerned State Government.

3. Your particular attention is drawn to clause VII (vi) of Model Code, which, inter-alia, states the party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular:-

(i) (a) The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work;

(b) Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;

(ii) Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolised by itself. Other parties and

candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;

(iii) Rest houses, dak bungalows or other Government accommodation shall not be monopolized by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premises appertaining thereto) as a campaign office or for holding any public meeting for the purposes of election propaganda;

(iv) Issue of advertisement 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;

(v) Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission; and

(vi) From the time elections are announced by the Commission, Ministers and other authorities shall not -

(a) Announce any financial grants in any form or make promises thereof; or

(b) (Except civil servants) lay foundation stones etc. of projects or schemes of any kind; or

(c) Make any promise of construction of roads, provision of drinking water facilities etc.;
or

(d) Make any ad-hoc appointments in Government, Public Undertakings etc. which may have the effect of influencing the voters in favour of the party in power.

4. As will be observed from Para 3{Clause IV} above, 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 or electronic media is stopped forthwith and that no such ad is published in any newspapers, magazines, etc., i.e. in print media from today itself and it should be immediately withdrawn..**

5. The Commission's instruction issued vide letter No. 437/6/2009-CC&BE dated 5th March, 2009 of the in this regard is available on the Commission's website (<http://eci.nic.in/>).

6. The Commission directs that there shall be a total ban on the transfer of all officers/officials connected with the conduct of the election. These include but are not restricted to: -

i) The Chief Electoral Officer and Additional/Joint/Deputy Chief Electoral Officers;

ii) Divisional Commissioners;

- iii) The District Election Officers, Returning Officers, Assistant Returning Officers and other Revenue Officers connected with the Conduct of Elections;
 - iv) Officers of the Police Department connected with the management of elections like range IGs and DIGs, Senior Superintendents of Police and Superintendents of Police, Sub-divisional Police Officers like Deputy Superintendents of Police and other Police officers who are deputed to the Commission under section 28A of the Representation of the People Act, 1951;
 - v) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till date should not be given effect to without obtaining specific permission from the Commission in this regard.
 - vi) This ban shall be effective till the completion of the election. The Commission further directs that the State Government should refrain from making transfers of senior officers who have a role in the management of election in the State.
 - vii) In those cases where transfer of an officer is necessary on account of administrative exigencies, the State Government may with full justification approach the Commission for prior clearance.
7. You are also requested to kindly refer to the Compendium of Instructions (Vol.3) on Model Code of Conduct which is available on the website of the Election Commission of India.
8. The receipt of the letter may kindly be acknowledged.

Yours faithfully,

(K. AJAY KUMAR)
PRINCIPAL SECRETARY