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No. 4/4/2024-1ELECTION
HARYANA GOVERNMENT
Chief Secretary's Office
Election Branch

Dated, Chandigarh the 19th January, 2024

To

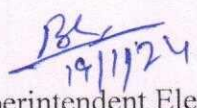
1. Chief Secretary to Government Haryana (in Services-II Branch),
2. All the Administrative Secretaries to Government Haryana,
3. All the Heads of Department in Haryana,
4. All the Managing Director of Boards/Corporations in Haryana,
5. All the Divisional Commissioner's in Haryana,
6. All the Deputy Commissioner's-cum-District Electoral Officers in Haryana,
7. All the Superintendent's of Police in Haryana,
8. All the Vice Chancellor's of the Universities in the Haryana.

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

Sir,

I am directed to refer to letter No. 437/6/INST/ECI/FUNCT/MCC/2024(BYE ELECTIONS)/215, dated 02nd January, 2024, received from Sh. Narendra N. Butolia, Sr. Principal Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi, on the subject noted above and forward the same for necessary action with the request that these instructions may be brought to notice of all concerned for information and strict compliance.

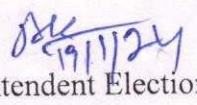
Yours faithfully


19/1/24
Superintendent Election.

Endst. No. 4/4/2024-1Election

Dated, Chandigarh the 19th January, 2024

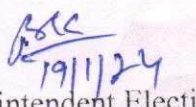
A copy is forwarded to Sh. Narendra N. Butolia, Sr. Principal Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi w.r.t. their letter No. 437/6/INST/ECI/FUNCT/MCC/2024(BYE ELECTIONS)/215, dated 02nd January, 2024, for information.


19/1/24
Superintendent Election.

Endst. No. 4/4/2024-1Election

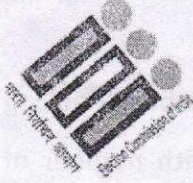
Dated, Chandigarh the 19th January, 2024

A copy of letter No. 437/6/INST/ECI/FUNCT/MCC/2024(BYE ELECTIONS)/215, dated 02nd January, 2024, is forwarded to the Chief Electoral Officer, Haryana, 30-Bays Building, Sector-17, Chandigarh, for information and necessary action.


19/1/24
Superintendent Election.

File No - 4/4/2024-12/1057340 -

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) / 215

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

CS (Busy)

PA/CS

09 JAN 2024

SSPS

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.SPs/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.

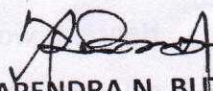
VI. Promises made by the Ministers/sitting MPs/MLAs on religious/communal grounds in those areas where MCC is not in force

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