File No.NER-HQ0PERS(POLI)/10/2022-O/o SPO/HQ/HQ/NER

कार्यालय महाप्रबन्धक (कार्मिक), पूर्वोत्तर रेलवे / गोरखपुर -273012
Office of the General Manager (P), N. E. Railway Gorakhpur-273012

क्रमांक - 41
पत्र सं -निल
File No: NER-HQ0PERS(POLI)/10/2022-O/o SPO/HQ/HQ/NER(**Comp. No:** 68278) दिनांक 22.04.2022

सचिव / महाप्रबन्धक
सचिव / अपर महाप्रबन्धक
सभी विभागाध्यक्ष
सभी मण्डल रेल प्रबन्धक
सभी कार्मिक अधिकारी
सभी मुख्य कारखाना प्रबन्धक
सभी अतिरिक्त मण्डलाधिकारी / स्थापना

विषय :– Bye Elections in Parliamentary/Assembly Constituencies of various States-Instructions on enforcement of Model Code of Conduct-regarding.

रेलवे बोर्ड का पत्र E(G)2022/EL 1-2 Dated 30.03.2022 की प्रतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्यवाही हेतु संलग्न कर प्रेषित की जा रही है।

संलग्नक / यथोपरि

Digitally Signed by Ajit Kumar Srivastava
Date: 26-04-2022 11:28:39
Reason: Approved

(अजीत कुमार श्रीवास्तव)
सकोधि / एमपीपी
कृते महाप्रबन्धक / कार्मिक

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :–

1) महामंत्री / एन.ई. रेलवे मजदूर यूनियन / गोरखपुर ।
2) महामंत्री / प्रमोटी अधिकारी संघ / पूर्वोत्तर रेलवे / गोरखपुर ।
3) पूर्वोत्तर रेलवे प्रथम श्रेणी अधिकारी संघ / गोरखपुर ।
4) महामंत्री / एस.सी. / एस.टी. एवं ओबीसी एशोसियेशन / गोरखपुर ।

कृते महाप्रबन्धक / कार्मिक

22/O/o GM/NER

PCPO

मo प्र० 8/4/22

महाप्रबन्धक कार्यालय
पूर्वोत्तर रेलवे, गोरखपुर
RB32
06 APR 2022
महाप्रबन्धक सचिव

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. E(G)2022/EL1-2

New Delhi, dated: 30.03.2022

45

The General Managers,
East Central, Eastern, North Eastern, Western,
Central, South Eastern, Metro (Kolkata), South East Central Railways.

Sub: Bye Elections in Parliamentary/Assembly Constituencies of various States- Instructions on enforcement of Model Code of Conduct- regarding

Please find enclosed herewith Cabinet Secretariat's OM No. 1/41/1/2022-Cab dated 15.03.2022 forwarding therewith Election Commission of india's letter no. **437/6/1/ECI/INST/FUNCT/MCC/2022/4680 dated 12.03.2022,** alongwith enclosures regarding applicability of Model Code of Conduct with respect to aforementioned elections.

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 may also be complied with strictly till the duration of the Election Schedule.

DA: As above

Please circulate.
Sri Brijesh Jee
22.4.22

(Harish Chander)
Director/Estt.(Genl.)
Railway Board

2022/G/32/1/MCC

2/O/o GM/NER
2/General

Chairman, Railway Board
E-Office No. :1112832
Date :17.3.22

MOST IMMEDIATE

No.1/41/1/2022-Cab.
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)
RASHTRAPATI BHAWAN

New Delhi, the 15th March, 2022

OFFICE MEMORANDUM

Subject: Bye-elections in Parliamentary/ Assembly Constituencies of various States - Enforcement of Model Code of Conduct - reg.

The undersigned is directed to enclose herewith a copy of Election Commission of India's Letter No. 437/6/1/ECI/INST/FUNCT/MCC/2022/4680 dated 12.03.2022 on the above mentioned subject, for information and further necessary action.

Encl: As Above

(S.G.P. Verghese)
Joint Secretary
Tel: 2301 1791

All Secretaries to the Government of India

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/2022 /4680 **Dated: 12th March, 2022**

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.

2. The Chief Secretaries to the Government of:-
a) Bihar, Patna;
b) Chhattisgarh, Raipur;
c) Maharashtra, Mumbai;
d) West Bengal, Kolkata.

3. The Chief Electoral Officers of:-
a) Bihar, Patna;
b) Chhattisgarh, Raipur;
c) Maharashtra, Mumbai;
d) West Bengal, Kolkata.

Subject:- Bye-elections in Parliamentary/Assembly Constituencies of various States – 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/32/2022 dated 12th March, 2022, schedule for Bye-elections in Parliamentary/Assembly Constituencies of following States/UT :-

Name of the State	Name & No. of Constituency
Bihar	91 – Bochahan (SC) Assembly Constituency
Chhattisgarh	73 - Khairagarh Assembly Constituency
Maharashtra	276 - Kolhapur North Assembly Constituency
West Bengal	40 - Asansol Parliamentary Constituency 161 - Ballygunge 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*, *No. 437/6/MISC/ECI/LET/FUNCT/MCC/2017 dated 18th January, 2018* and *No. 437/6/MISC/ECI/LET/FUNCT/MCC/2019 dated 14th October, 2019* (copies enclosed).

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

Yours faithfully,

AMIT KUMAR

2/O/o GM/NER

2022/G/32/1/MCC

2/General

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

भारत निर्वाचन आयोग
Election Commission of India

No. 437/6/INST/2016-CCS

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].

O/o GM/NER

2022/G/32/1/MCC

/General

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.437/6/MISC/ECI/LET/FUNCT/MCC/2017 | 335-336 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

RAI SECTION

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/32/2022

Dated: 12th March, 2022.

PRESS NOTE

Subject: Schedule for Bye-election in 40-Asansol P.C. of West Bengal and 4(Four) Assembly Constituencies of West Bengal, Chhattisgarh, Bihar and Maharashtra– reg.

The Commission has decided to hold the bye-election to fill vacancies in the following Parliamentary Constituency and Assembly Constituencies of West Bengal, Chhattisgarh, Bihar and Maharashtra: -

Sl. No.	Name of State	Parliamentary/Assembly Constituency No. & Name
1	West Bengal	40- Asansol P.C.
2	West Bengal	161-Ballygunge A.C.
3	Chhattisgarh	73-Khairagarh A.C.
4	Bihar	91-Bochahan (SC) A.C.
5	Maharashtra	276-Kolhapur North A.C.

The schedule of bye elections is as follows:

Schedule for Bye Elections	
Poll Events	**Schedule**
Date of Issue of Gazette Notification	17th March, 2022, (Thursday)
Last Date of Nominations	24th March, 2022 (Thursday)
Date for Scrutiny of Nominations	25th March, 2022 (Friday)
Last Date for Withdrawal of candidatures	28th March, 2022 (Monday)
Date of Poll	12th April, 2022 (Tuesday)
Date of Counting	16th April, 2022 (Saturday)
Date before which election shall be completed	18th April, 2022 (Monday)

1. ELECTORAL ROLLS

The published Electoral Rolls for the aforesaid Assembly Constituency w.r.t 01.01.2022

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. **REVISED BROAD GUIDELINES, 2022 TO BE FOLLOWED DURING THE CONDUCT OF BYE-ELECTION DURING THE PERIOD OF COVID-19**

i. The Commission has issued revised broad guidelines on 8th January, 2022 available on Commission's website https://eci.gov.in/files/file/13932-revised-broad-guidelines-for-conduct-of-general-electionsbye-elections-during-covid-19/. Also, the Commission time to time has reviewed the situation of COVID-19 with Ministry of Health and Family Welfare, Govt. of India and State Governments and has issued directions in the matter, which is available at Commission's website https://eci.gov.in/.

ii. All stake holders shall abide by these instructions. State Government concerned shall take all appropriate actions/measures in compliance to these instructions as follows.

iii. All such activities will be strictly complied as per the COVID-19 guidelines issued by competent authorities. Social distancing and use of mask, sanitizers, thermal scanning, face shield, hand gloves, etc., as per COVID-19 protocol, have to be complied with. SDMA is responsible for all preventive and mitigation