

**Bye Election Vidhan Sabha**  
**Most Immediate Date Bound**

No. 4/1/2019-1 Election  
Government of Haryana  
Chief Secretary Office  
(Election Branch)

Dated, Chandigarh the 2<sup>nd</sup> January, 2019.

To

1. All the Administrative Secretaries to Government Haryana.
2. All Heads of Department in Haryana.
3. All the MD's / CAs of Boards/Corporations in Haryana.
4. The Divisional Commissioner Hisar.
5. The Deputy Commissioner-cum- District Elections Officer Jind.

**Subject: -** 1. Bye-election to fill casual vacancies in State Legislative Assemblies of Haryana and Tamilnadu- instruction on enforcement of Model Code of Conduct - regarding  
2. Release of funds under MPs/MLAs Local Area Development Scheme.

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Sir/Madam,

I am directed to refer to the subject noted above and to say that the election scheduled for the Bye-election 36-Jind has been announced by the Election Commission of India. In this regard, the instructions issued by the Election Commission of India are also available at Commission's website [www.eci.gov.in](http://www.eci.gov.in). It is therefore requested that instructions issued by the Election Commission of India vide letter No. 437/6/1/ECI/ Inst/FUNCT/MCC/2018, dated 31.12.2018 and No. ECI/PN/81/2018, dated 31.12.2018 may be complied with strictly, which can be down loaded from website [csharyana.gov.in](http://csharyana.gov.in) under election branch alongwith this letter.

Yours faithfully,

  
Under Secretary Election.

Endst.No. 4/1/2019-1Election

Dated, Chandigarh the 2<sup>nd</sup> January, 2019.

A copy is forwarded to the Chief Electoral Officer, Haryana, Chandigarh w.r.t. their letter No. 2/Bye-Elec-2018/2AE-6772 ,dated 31.12.2018 for information and necessary action.

  
Under Secretary Election.

A copy alongwith a copy of ECI's letter No. 437/6/1/ECI/ Inst/FUNCT/MCC/2018, dated 31.12.2018 and No. ECI/PN/81/2018, dated 31.12.2018 is forwarded to the Senior Special Secretaries / Senior Secretaries /Secretaries/Private Secretaries to Chief Minister/Ministers/ State Ministers for bringing these instructions to the notice of Hon'ble Chief Minister/ Ministers/ State Ministers. It is also requested that all concerned may be apprised of the instructions for strict compliance.

  
Under Secretary Election.

To

The Senior Special Secretaries / Senior Secretaries / Secretaries / Private Secretaries to Chief Minister / Ministers / State Ministers.

U.O .No. 4/1/2019-1Election

Dated, Chandigarh the 2<sup>nd</sup> January, 2019.

CC: -  
PS/CS

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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/2018

Dated: 31<sup>st</sup> December, 2018

To

1. The Cabinet Secretary,  
Government of India,  
Rashtrapati Bhawan,  
New Delhi.
2. The Chief Secretary to the Government of :-  
(a) Haryana, Chandigarh,  
(b) Tamil Nadu, Chennai.
3. The Chief Electoral Officer of :-  
(a) Haryana, Chandigarh,  
(b) Tamil Nadu, Chennai.

**Subject:-** Bye-election to fill casual vacancies in State Legislative Assemblies of Haryana and Tamil Nadu – 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/81/2018, dated 31<sup>st</sup> December, 2018, schedule for bye-election to fill casual vacancies from the following Assembly Constituencies in the state of Haryana and Tamil Nadu :-

| Name of the State | Name & No. of Constituency             |
|-------------------|----------------------------------------|
| Haryana           | 36 - Jind Assembly Constituency        |
| Tamil Nadu        | 168 - Thiruvarur 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

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dated 29<sup>th</sup> June, 2017 and No. 437/6/MISC/ECI/LET/FUNCT/MCC/2017 dated 18<sup>th</sup> January, 2018 (copies enclosed).

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

Yours faithfully,



**(STANDHOPE YUHLUNG)**  
**PRINCIPAL SECRETARY**



भारत निर्वाचन आयोग  
Election Commission of India

No. 437/6/INST/2016-CCS

निर्वाचन सदन

NIRVACHAN SADAN

अशोक रोड, नई दिल्ली - 110 001  
ASHOKA ROAD, NEW DELHI - 110 001

Dated: 29<sup>th</sup> 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 25<sup>th</sup> 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 23<sup>rd</sup> 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].*

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.*

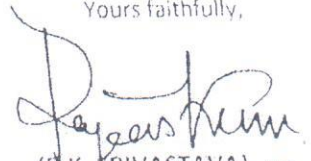
5. Regarding Announcement of D.A.

*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. PRIVASTAVA)  
SR. PR. SECRETARY

# ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.437/6/MISC/ECI/LET/FUNCT/MCC/2017

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.

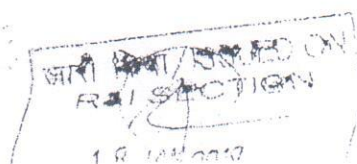
Sir,

I am directed to refer to the Commission's letter No. 437/6/INST/2016-CCS dated 29<sup>th</sup> 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 afore said 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

→ 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/2018

Dated: 31<sup>st</sup> December, 2018

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 Secretary to the Government of :-  
(a) Haryana, Chandigarh,  
(b) Tamil Nadu, Chennai.
4. The Chief Electoral Officer of  
(a) Haryana, Chandigarh,  
(b) Tamil Nadu, Chennai.

**Subject: - Bye-Election-Release of funds under MPs'/MLAs' Local Area Development Scheme.**

Sir,

I am directed to refer to the Commission's Press Note, dated 31<sup>st</sup> December, 2018 (available at ECI's web-site:- "<https://eci.nic.in/>"), announcing schedule for bye-elections to fill casual vacancies in State Legislative Assemblies of Haryana and Tamil Nadu and to state that with this announcement of bye-election, 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 29<sup>th</sup> June, 2017, regarding enforcement of Model Code of Conduct during bye-election, which inter-alia provides that-

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- 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 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,

  
(STANDHOPE YUHLUNG)  
PRINCIPAL SECRETARY

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/81/2018

Dated: 31<sup>st</sup> Decemeber, 2018

## PRESS NOTE

**Subject :** Schedule for bye-elections to fill casual vacancies in the State Legislative Assemblies of Haryana and Tamil Nadu – Regarding.

There are clear vacancies in the State Legislative Assemblies of Haryana and Tamil Nadu which need to be filled up:

| Sl. No. | State      | Number & Name of Assembly Constituency |
|---------|------------|----------------------------------------|
| 1       | Haryana    | 36-Jind                                |
| 2       | Tamil Nadu | 168-Thiruvavarur                       |

After taking into consideration various factors like local festivals, electoral rolls, weather conditions etc., the Commission has decided to hold bye-elections to fill these vacancies as per the programme mentioned as under: -

| Poll Events                                   | Schedule                 |
|-----------------------------------------------|--------------------------|
| Date of Issue of Gazette Notification         | 03.01.2019<br>(Thursday) |
| Last Date of Nominations                      | 10.01.2019<br>(Thursday) |
| Date for Scrutiny of Nominations              | 11.01.2019<br>(Friday)   |
| Last Date for Withdrawal of candidatures      | 14.01.2019<br>(Monday)   |
| Date of Poll                                  | 28.01.2019<br>(Monday)   |
| Date of Counting                              | 31.01.2019<br>(Thursday) |
| Date before which election shall be completed | 02.02.2019<br>(Saturday) |

## ELECTORAL ROLL

The Electoral Rolls for the aforesaid Assembly Constituencies w.r.t 01.01.2018 as the qualifying date have been finally published.

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**ELECTRONIC VOTING MACHINES (EVMs) and 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 polls are conducted smoothly with the help of these machines.

**IDENTIFICATION OF VOTERS**

In consonance with the past practice, the Commission has decided that the voter's identification shall be mandatory in the aforementioned bye-election at the time of poll. Electoral Photo Identity Cards (EPIC) shall be the main document of identification of a voter. However, in order to ensure that no voter is deprived of his/her franchise, if his/her name figures in the Electoral Rolls, separate instructions will be issued to allow additional documents for identification of voters at the time of poll in the said bye-election.

**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 bye-election is included, subject to partial modification as issued vide Commission's instruction No. 437/6/INST2016-CCS, dated 29<sup>th</sup> June, 2017 (available on the Commission's website). The Model Code of Conduct shall be applicable to all candidates, political parties and the State Government concerned. The Model Code of Conduct shall also be applicable to the Union Government for the district of the State concerned.

  
(JAYDEB LAHIRI)  
SECRETARY

# ELECTION COMMISSION OF INDIA

## MODEL CODE OF CONDUCT FOR THE GUIDANCE OF POLITICAL PARTIES AND CANDIDATES

### I. General Conduct

1. No party or candidate shall include in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.
2. Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided.
3. There shall be no appeal to caste or communal feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda.
4. All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters, impersonation of voters, canvassing within 100 meters of polling stations, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.
5. The right of every individual for peaceful and undisturbed home-life shall be respected, however much the political parties or candidates may resent his political opinions or activities. Organizing demonstrations or picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.
6. No political party or candidate shall permit its or his followers to make use of any individual's land, building, compound wall etc., without his permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans etc.
7. Political parties and candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organized by other parties. Workers or sympathisers of one political party shall not create disturbances at public meetings organized by another political party by putting questions orally or in writing or by distributing leaflets of their own party. Processions shall not be taken out by one party along places at which meetings are held by another party. Posters issued by one party shall not be removed by workers of another party.

### II. Meetings

1. The party or candidate shall inform the local police authorities of the venue and time any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.
2. A Party or candidate shall ascertain in advance if there is any restrictive or prohibitory order in force in the place proposed for the meeting if such orders exist, they shall be followed strictly. If any exemption is required from such orders, it shall be applied for and obtained well in time.

6. ensure that the candidate's camps shall be simple .They shall not display any posters, flags, symbols or any other propaganda material. No eatable shall be served or crowd allowed at the camps and
7. co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

## V. Polling Booth

Excepting the voters, no one without a valid pass from the Election Commission shall enter the polling booths.

## VI. Observers

The Election Commission is appointing Observers. If the candidates or their agents have any specific complaint or problem regarding the conduct of elections they may bring the same to the notice of the Observer.

## VII. Party in Power

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 –

1. (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;
2. Public places such as maidens etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolized 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;
3. Rest houses, dark 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;
4. 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.
5. Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission; and
6. From the time elections are announced by Commission, Ministers and other authorities shall not –
  - (a) announce any financial grants in any form or 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 favor of the party in power.

**Note :** The Commission shall announce the date of any election which shall be a date

of other provisions of Model Code of Conduct.

(ii) The Directive Principles of State Policy enshrined in the Constitution enjoin upon the State to frame various welfare measures for the citizens and therefore there can be no objection to the promise of such welfare measures in election manifestos. However, political parties should avoid making those promises which are likely to vitiate the purity of the election process or exert undue influence on the voters in exercising their franchise.

(iii) In the interest of transparency, level playing field and credibility of promises, it is expected that manifestos also reflect the rationale for the promises and broadly indicate the ways and means to meet the financial requirements for it. Trust of voters should be sought only on those promises which are possible to be fulfilled.

#### INSTRUCTION SI. No. 25

Election Commission's letter No. 437/6/INST/2016-CCS dated 29.06.2017 addressed to the Chief Secretaries and CEOs of all the States/UTs and recognized Political parties of States/UT.

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

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].

#### 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.