



GOVERNMENT OF KERALA

No:CDN1/127/2023-GAD
 General Administration (Co-ordination) Department
 Thiruvananthapuram,
 Dated:11-08-2023

CIRCULAR

Sub: General Administration Department - Bye Election to 098-Puthuppally Legislative Assembly Constituency - Application of Model Code of Conduct - Guidelines from Election Commission of India - Instructions issued-Regarding.
 Ref: Note No.EL4/84/2023/Elec., dated, 08/08/2023 from Chief Electoral Officer, Kerala.

The Election Commission of India has announced Bye-election to 098- Puthuppally Legislative Assembly Constituency and the Model Code of Conduct has come into force with immediate effect from 08.08.2023 in Kottayam District, in which the whole of the Legislative Assembly Constituency going to poll is included, subject to partial modification as issued vide Commission's instruction no.437/6/INST/2016-CCS dated 29.06.2017 (copy enclosed).

The Manual on Model Code of Conduct (<http://eci.gov.in/files/file/9375-manual-on-model-code-of-conduct/>) and the Compendium of Instructions on Model Code of Conduct (<http://eci.gov.in/files/file/9166-compendium-of-instructions-on-model-code-of-conduct-2018/>) are available in the website of Election Commission of India.

K R JYOTHILAL
 ADDITIONAL CHIEF SECRETARY

To:

The Principal Secretary, Election Commission of India, Nirvachan Sadan, Asoka Road, New Delhi - 110 001.

The Chief Electoral officer and Principal Secretary to Government, Election Department, Thiruvananthapuram.

All Additional Chief Secretaries/Principal Secretaries/Secretaries

The Secretary to Governor

The Secretary, Kerala Legislative Assembly, Thiruvananthapuram

The Advocate General, Ernakulam

The Registrar, High Court of Kerala

The Secretary, Kerala Public Service Commission, Thiruvananthapuram

All District Collectors
All Heads of Departments.
The Chief Executives of all Public Sector Undertakings.
The Government owned Industrial Concerns (Through District Collectors concerned)
All Government Commercial Undertakings (Through District Collectors concerned)
All Departments in Government Secretariat including Law and Finance (They may be requested to give necessary directions to the offices under their administrative control)
The Station Director, All India Radio, Thiruvananthapuram.
The Labour Commissioner, Thiruvananthapuram
The Registrar, Kerala/Cochin/Calicut/Mahatma Gandhi/Kannur University
The Registrar, Kerala Agriculture University, Mannuthi, Thrissur
The Registrar, Sree Sankaracharya Sanskrit University, Kalady, Aluva
The Registrar, Kerala University of Health and Allied Sciences, Thrissur-680 596.
The Registrar, Kerala Veterinary & Animal Sciences University, Pookodu, Wayanad.
The Registrar, Kerala University of Fisheries and Ocean Studies, Panangad, Kochi
The Director, Information & Public Relations Department (for giving wide publicity through media and Govt. Website)
Web & New Media (for publishing in Government Website)
Stock File/Office Copy

Forwarded / By order

Signed by

Sreekumar T

Date: 11-08-2023 15:38:50
Section Officer

7/2023/CS-GAD

INSTRUCTION Sl. 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.