

# **ELECTION COMMISSION OF INDIA**

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

**No. 437/6/1/2009-CC&BE**

**Dated: 12<sup>th</sup> August, 2009**

To

1. The Cabinet Secretary,  
Government of India,  
Rashtrapati Bhawan,  
New Delhi.
2. The Chief Secretaries to the  
Government of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh,  
Sikkim, Uttarakhand and NCT of Delhi.
3. The Chief Electoral Officers of  
Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh,  
Sikkim, Uttarakhand and NCT of Delhi.

**Sub: Application of Model Code of Conduct – Bye-Election to the Legislative Assemblies of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Sikkim, Uttarakhand and NCT of Delhi.**

Sir,

I am directed to state that the Commission has announced the schedule for holding Bye-Elections to the Legislative Assemblies of following Assemblies Constituencies

Sl. No.	Name of State	Number and Name of Constituency
1.	Andhra Pradesh	122-Tekkali
2.	Bihar	60-Bochaha (SC) 62-Aurai 93-Kalyanpur 94-Warisanagar (SC) 210-Ramgarh 213-Chainpur 215-Chenari (SC)
3.	Gujarat	10-Chotila 16-Jasdan 22-Dhoraji 47-Kodinar 66-Dehgam 93-Sami 102-Danta

4.	Madhya Pradesh	13-Gohad 120-Tendukheda
5.	Sikkim	11-Namchi Singithong
6.	Uttarakhand	11-Vikasnagar
7.	NCT of Delhi	33-Dwarka

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. This may be brought to the notice of the Government, all Ministries/Departments and all other offices of the Union Government and the State Governments of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Sikkim, Uttarakhand and NCT of Delhi.

3. Your particular attention is drawn to clause VII (vi) of Model Code, which, inter-alia, states:—

“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. 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.

5. The receipt of the letter may kindly be acknowledged.

**Yours faithfully,**

**(K. N. BHAR)**  
**UNDER SECRETARY**