



Government of West Bengal
Irrigation & Waterways Department
Jalasampad Bhawan, 3rd Floor, Western Block
Bidhannagar, Salt Lake City, Kolkata-700 091

No.2205-IE

Date: 23/08/2023

From: Assistant Secretary to the Government of West Bengal.

To:

1. The Chief Engineer, South, I & W Directorate.
2. The Chief Engineer, West, I & W Directorate
3. The Chief Engineer, South West, I & W Directorate
4. The Director of Personnel & Ex. Officio Chief Engineer, I & W Directorate
5. The Chief Engineer, North, I & W Directorate
6. The Chief Engineer, (Design & Research), I & W Directorate
7. The Chief Engineer, North East, I & W Directorate
8. The Chief Engineer, Teesta Barrage Project, I & W Directorate
9. The Chief Engineer (Mechanical & Electrical), I & W Directorate
10. The Chief Engineer (Project Director, WBMIFMP), Irrigation & Waterways Directorate

Sub: Bye-election to WBLA from 15-Dhupguri AC, 2023- Instructions on enforcement of Model Code of Conduct-regarding.

Ref :- Memo no. 488(57) -Home (Cons)/RIM(Cons)- 70/2023 dated 17.08.2023 of Special Secretary to the Govt. of West Bengal, Home and Hill Affairs Department, Nabanna.

The undersigned is directed to enclose the above referred memorandum and request them to circulate the same to their subordinate offices to take necessary actions from their end.

Enclo: As stated above.

Sdt

Assistant Secretary to the Government of West Bengal

No.:2205-1/(1)-IE

Date:23/08/2023

Copy forwarded for information and necessary action to:

- ✓ The Executive Engineer, DVC Study Cell, I&W Dte.----With a request to upload the same in this Department's official website.

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Assistant Secretary to the Government of West Bengal

SC(E)
21/8/23
1635-PS
17/8/23

EA-2270
21.08.23



GOVERNMENT OF WEST BENGAL

Home and Hill Affairs Department
(Co-ordination Branch)
'NABANNA'

[4th Floor, Room No.410]

325, Sarat Chatterjee Road, Howrah - 711 102

e-mail: homeelectionwb@gmail.com

Secretary
a
19.8

No. 488(57) -Home (Cons)/RIM(Cons)- 70/2023

Date: 17.08.2023

From : Special Secretary to the Government of West Bengal

To : 1. The Additional Chief Secretary/ Principal Secretary/ Secretary,

Department:

2. The Director General & Inspector General of Police, West Bengal;

3. The District Magistrate & District Election Officer, Jalpaiguri.

Subject : Bye-election to WBLA from 15-Dhupguri AC, 2023- Instructions on enforcement of Model Code of Conduct-regarding.

Madam/ Sir,

With reference to the subject mentioned above, I am directed to enclose a photocopy of letter No. 2076- Home (Elec) dated 08.08.2023 of the Chief Electoral Officer, West Bengal along with ECI's instructions no. 437/6/1/ECI/INST/FUNCT/MCC/2023 dated 08.08.2023 and to request you to kindly take immediate action.

Yours faithfully

Encl: As stated

Special Secretary

1635-PS
17/8/23

Copy forwarded for information to:

1. The Chief Electoral Officer, West Bengal;
2. Sr. PS to the Chief Secretary, West Bengal
3. PS to the Additional Chief Secretary, Home & Hill Affairs, Govt. of West Bengal;
4. Office copy.



Special Secretary

D.S.(S.K.A.)

OFFICE OF THE CHIEF ELECTORAL OFFICER
WEST BENGAL
21 N S ROAD KOLKATA-700 001

No. 2076 -Home (Elec)

Dated 8th August, 2023

From: Chief Electoral Officer
West Bengal

To: 1. Chief Secretary
to the Government of West Bengal

2. Additional Chief Secretary
to the Government of West Bengal &
Home Secretary
Home & Hill Affairs Department

09-08-23
SS (AS)
<i>[Signature]</i>
Chief Secretary
Home & Hill Affairs Dept.
West Bengal

Subject: Bye-election to west bengal Legislative Assembly from 15 Dhupguri (SC) Assembly Constituency, 2023- Instruction on enforcement of Model Code of Conduct-Regarding.

Sir

I am to forward herewith a copy of letter bearing No. 437/6/1/ECI/INST/FUNCT/MCC/2023 dated 8th August, 2023 and its enclosure received from Senior Principal Secretary, Election Commission of India on the subject cited above for your kind information and taking necessary action.

Yours faithfully

[Signature]

Chief Electoral Officer
West Bengal

Encl.: As stated above

Don
Date 16/08/23

L-7354
11.08.23

2023-08-07

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/2023

Dated: 8th August, 2023

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the Government of:-
 - 1.) Jharkhand, Ranchi;
 - 2.) Kerala, Thiruvananthapuram;
 - 3.) Tripura, Agartala;
 - 4.) West Bengal, Kolkata;
 - 5.) Uttar Pradesh, Lucknow;
 - 6.) Uttarakhand, Dehradun.
3. The Chief Electoral Officers of:-
 - 1.) Jharkhand, Ranchi;
 - 2.) Kerala, Thiruvananthapuram;
 - 3.) Tripura, Agartala;
 - 4.) West Bengal, Kolkata;
 - 5.) Uttar Pradesh, Lucknow;
 - 6.) Uttarakhand, Dehradun.

Subject:- Bye-elections to 7(seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh and Uttarakhand - Instructions on enforcement of Model Code of Conduct- regarding.

Sir/Madam,

I am directed to state that the Commission has announced, vide Press Note No. ECI/PN/47/2023 dated 8th August, 2023, schedule for Bye-elections in Assembly Constituencies of following States :-

Name of the State	Name & No. of Constituency
Jharkhand	33-Dumri Assembly Constituency
Kerala	98-Puthuppally Assembly Constituency
Tripura	20-Boxanagar Assembly Constituency 23-Dhanpur Assembly Constituency
West Bengal	15-Dhugguri (SC) Assembly Constituency
Uttar Pradesh	354-Ghosi Assembly Constituencies
Uttarakhand	47-Bageshwar(SC) Assembly Constituencies

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 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 faith fully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY

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.

INSTRUCTION Sl. No. 28

Election Commission's letter No. 437/6/1/ECI/INST/FUNCT/MCC/2017, dated 18.01.2018 addressed to the Chief Electoral Officers of all States/UTs

Subject: Clarification regarding enforcement of MCC during bye-election - regarding.

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) (Instruction Sl. No. 25).

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.

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भारत निर्वाचन आयोग मन्दिपालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA
निर्वाचन मन्दन, अशोक रोड, नई दिल्ली-110001
Nirvaahan Sadan, Ashoka Road, New Delhi-110001.

No.437/6/MISC/ECI/LET/FUNCT/MCC/2019

Dated: 14th October 2019

To

1. The Chief Secretaries of all States and Union Territories.
2. The Chief Electoral Officers of all States and Union Territories.


Subject: - Clarification regarding enforcement of MCC during bye-election - regarding.

Sir/Madam,

I am directed to refer to the Commission's Instructions issued vide letter No. 437/G/INST/2016-CCS dated 29.06.2017 and to state that the Commission has been receiving various requests seeking clarifications regarding enforcement of MCC during bye-elections where a small number of polling stations of the Constituency fall under jurisdiction of other district(s).

The Commission has considered the matter and directed that the instructions contained in the para-1 of the aforesaid letter 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 contained in the para-1 of the aforesaid letter 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 ~~also~~ observed in all districts irrespective of number of polling stations situated therein.

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/2023

Dated: 8th August, 2023

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 Secretaries to the Government of
 - 1.) Jharkhand, Ranchi;
 - 2.) Kerala, Thiruvananthapuram;
 - 3.) Tripura, Agartala;
 - 4.) West Bengal, Kolkata;
 - 5.) Uttar Pradesh, Lucknow;
 - 6.) Uttarakhand, Dehradun.
4. The Chief Electoral Officer of
 - 1.) Jharkhand, Ranchi;
 - 2.) Kerala, Thiruvananthapuram;
 - 3.) Tripura, Agartala;
 - 4.) West Bengal, Kolkata;
 - 5.) Uttar Pradesh, Lucknow;
 - 6.) Uttarakhand, Dehradun.

Subject: - Bye-elections to 7(seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh and Uttarakhand - Release of funds under MPs'/MLAs' Local Area Development Scheme - reg.

Sir/Madam,

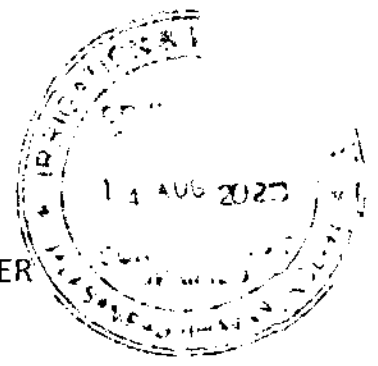
I am directed to refer to the Commission's Press Note, dated 8th August, 2023 (available at ECI's web-site:- "<https://eci.gov.in/>"), announcing schedule for Bye-election to 7(seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh and Uttarakhand and to state that with this announcement, 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 29th June, 2017, regarding enforcement of Model Code of Conduct during bye-election, which inter-alia provides that-

- 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 the 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,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY



OFFICE OF THE CHIEF ELECTORAL OFFICER
WEST BENGAL
21 N S ROAD KOLKATA-700 001

No. 2075-Home (Elec)

Dated 8th August, 2023

From: Chief Electoral Officer
West Bengal

Secretary

To: 1. Additional Chief Secretary
Irrigation and Waterways Department

2. Principal Secretary/Secretary
_____ Department

3. P.S. to the Minister-in-Charge of
_____ Department

4. P.S. to the Minister of State
_____ Department

NO. 1583-P.S
Dt. 17.8.23

Subject: Bye-election to West Bengal Legislative Assembly from 15 - Dhugguri (SC)
Assembly Constituency, 2023- regarding.

Sir,

The Election Commission of India through its Press Note bearing No.ECI/PN/47/2023, dated 8th August, 2023 (copy enclosed), has announced the schedule for Bye-election, 2023 to West Bengal Legislative Assembly from 15 - Dhugguri (SC) Assembly Constituency.

The schedule for bye-election is given as under-

Poll Events	Date and Day
Date of Issue of Gazette Notification	10.08.2023 (Thursday)
Last date for making Nominations	17.08.2023 (Thursday)
Date for Scrutiny of Nominations	18.08.2023 (Friday)
Last date for Withdrawal of Candidatures	21.08.2023 (Monday)
Date of Poll	05.09.2023 (Tuesday)
Date of Counting	08.09.2023 (Friday)
Date before which election shall be completed	10.09.2023 (Sunday)

This is for favour of your kind information.

Yours faithfully,

Chief Electoral Officer
West Bengal

Encl.: As stated

SO(E)
10/8/23
21/2/23

OFFICE OF THE CHIEF ELECTORAL OFFICER
WEST BENGAL
21 N S ROAD KOLKATA-700 001



No. 2084-Home (Elec)

Dated 8th August, 2023

From: Chief Electoral Officer
West Bengal

Secretary

To: 1. Additional Chief Secretary
Irrigation and Waterways Department

16.8.23

2. Principal Secretary/Secretary
_____ Department

No. 1587-PS
dt. 17.8.23

3. P.S. to the Minister-in-Charge of
_____ Department

4. P.S. to the Minister of State
_____ Department

Subject: Bye-elections to West Bengal Legislative Assembly from 15-Dhugguri (SC) Assembly Constituency, 2023- Release of funds under MPs'/MLAs' Local Area Development Scheme - Regarding

Madam/Sir

I am to send herewith a copy of letter bearing No.437/6/1/ECI/INST/FUNCT/MCC/2023 dated 8th August, 2023 received from Senior Principal Secretary, Election Commission of India on the subject cited above for your kind information and taking necessary action.

Yours faithfully

his

Chief Electoral Officer
West Bengal

Encl.: As stated

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.ECI/PN/47/2023

Dated:8th August, 2023

PRESS NOTE

Subject: Schedule for Bye-election to 7 (Seven) Legislative Assemblies of Jharkhand, Tripura, Kerala, West Bengal, Uttar Pradesh and Uttarakhand – reg.

The Commission has decided to hold bye-election to fill vacancies in 7(Seven) Assembly Constituencies of 6 States i.e. Jharkhand, Kerala, Tripura, West Bengal, Uttar Pradesh and Uttarakhand, the list of constituencies is as follows -

Sl. No.	Name of State	Assembly Constituency No. & Name	Reason of vacancy
1.	Jharkhand	33-Dumri	Death of Shri Jagarnath Mehto
2.	Kerala	98-Puthuppally	Death of Shri Oommen Chandu
3.	Tripura	20-Boxanagar	Death of Shri Samsul Haque
4.	Tripura	23-Dhanpur	Resignation of Smt Pratima Bhoumik
5.	West Bengal	15-Dhupguri (SC)	Death of Shri Bishnu Pada Ray
6.	Uttar Pradesh	354-Ghosi	Resignation of Shri Dara Singh Chauhan
7.	Uttarakhand	47-Bageshwar (SC)	Death of Shri Chandan Ram Das

Schedule for the bye election is as follows:

Schedule for Bye-election for Assembly Constituencies	
Poll Events	Schedule
Date of Issue of Gazette Notification	10 th August, 2023 (Thursday)



Last Date for making nominations	17 th August, 2023 (Thursday)
Date for the Scrutiny of Nominations	18 th August, 2023 (Friday)
Last Date for Withdrawal of candidatures	21 st August, 2023 (Monday)
Date of Poll	5th September, 2023 (Tuesday)
Date of Counting	8 th September, 2023 (Friday)
Date before which election shall be completed	10 th September, 2023 (Sunday)

1. ELECTORAL ROLLS

The Electoral Rolls for the aforesaid Assembly Constituencies finally published on 5th January, 2023 with reference to 01.01.2023 as the qualifying date and supplements of subsequent qualifying dates, namely 1st April & 1st July, 2023, updated till the last date of making nominations will be used for these elections.

2. ELECTRONIC VOTING MACHINES (EVMs) & VVPATs

The Commission has decided to use EVMs and VVPATs in the bye-elections 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.

3. IDENTIFICATION OF VOTERS

Electoral Photo Identity Card (EPIC) shall be the main document of identification of a voter. However, any of the below mentioned identification documents can also be shown at the polling station:

- i. Aadhar Card,
- ii. MNREGA Job Card,
- iii. Passbooks with photograph issued by Bank/Post Office,
- iv. Health Insurance Smart Card issued under the scheme of Ministry of Labour,
- v. Driving License,
- vi. PAN Card,
- vii. Smart Card issued by RGI under NPR,
- viii. Indian Passport,
- ix. Pension document with photograph,
- x. Service Identity Cards with photograph issued to employees by Central/State Govt./PSUs/Public Limited Companies, and

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- xi. Official identity cards issued to MPs/MLAs/MLCs.
- xii. Unique Disability ID (UDID) Card, M/o Social Justice & Empowerment, Government of India

4. 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 election is included, subject to partial modification as issued vide Commission' s instruction No. 437/6/1NST/2016-CCS, dated 29th June, 2017 (available on the commission's website).

5. INFORMATION REGARDING CRIMINAL ANTECEDENTS

Candidates with criminal antecedents are required to publish information in this regard in newspapers and through Television channels on three occasions during the campaign period. A political party that sets up candidates with criminal antecedents is also required to publish 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)

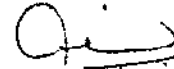
(Illustration: If the last date for withdrawal is 10th of the month and poll is on 24th of the Month, the first block for publishing of declaration shall be done between 11th and 14th of the Month, second and third blocks shall be between 15th and 18th and 19th and 22nd of that Month, respectively.)

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. COVID RELATED ARRANGEMENT DURING BYE-ELECTION

The Commission has issued COVID guidelines, October, 2022 on 14.10.2022 which are available on the Commission's website <https://eci.gov.in/files/file/14492-covid-guidelines-for-general-electionbye-elections-to-legislative-assemblies-reg/> to be followed during conduct of elections.



06/08/2023

**(SANJEEV KUMAR PRASAD)
SECRETARY**