GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. E(G) 2021/EL 1-1

New Delhi, dated: 4.03.2021

The General Managers,
South Central Railway,
Secunderabad.

Sub: Biennial election to the Andhra Pradesh and Telangana Legislative Council Constituencies Applicability of Model Code of Conduct- regarding

****

Please find attached Cabinet Secretariat's O.M. No. 1/41/1/2021-Cab dated 15.02.2021 enclosing therein Election Commission's letter Nos. **322/ECI/LET/FUNC/TL-LC/BIEN/2021(G&T)/276, 322322/ECI/LET/FUNC/AP-LC/BIEN/2021(G&T)/265 dated 11.02.2021 and 322/ECI/INST/FUNC/BIEN-LC/2016 dated 26.12.2020** regarding applicability of Model Code of Conduct in connection with the Biennial election to the Andhra Pradesh and Telangana Legislative Council-02 Constituencies each.

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

DA: As above

o/c

4/3/21
(Anita Gautam)
Director/Estt. (Genl.)
Railway Board

MOST IMMEDIATE

No.1/41/1/2021-Cab
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)
RASHTRAPATI BHAWAN

New Delhi, the 15th February, 2021

OFFICE MEMORANDUM

Subject: Biennial Election to the Andhra Pradesh Legislative Council from 02 Teachers' Constituencies and Biennial Election to the Telangana Legislative Council from 02 Graduates' Constituencies – Instructions on Model Code of Conduct - reg.

The undersigned is directed to forward herewith a copy each of Election Commission of India letter No. 322/ECI/LET/FUNC/AP-LC/BIEN/2021(G&T)/265 dated 11.02.2021 and letter No. 322/ECI/LET/FUNC/AP-LC/BIEN/2021(G&T)/276 dated 11.02.2021 on the above subject for further necessary action.

Encl: A/a

15.2.2021

(Ashutosh Jindal)
Joint Secretary
Tel: 23012697

All Secretaries to the Government of India

CS-1226(2)
12/02

भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली-110001
ASHOKA ROAD, NEW DELHI-110001

No. 322/ECI/LET/FUNC/TL-LC/BIEN/2021(G&T)/276 Dated: 11th February, 2021

To

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

2. The Chief Secretary,
   Government of Telangana, Hyderabad.

3. The Chief Electoral Officer,
   Telangana, Hyderabad.

AS (CRS)
12/2/21
IS (Cab)
DS(GRA)

Sub:- Biennial Election to the Telangana Legislative Councils from 02 Graduates' Constituencies -reg.

Sir,

I am directed to state that the Commission has announced biennial election to the Telangana Legislative Council from Graduates' Constituencies vide Press Note No. ECI/PN/10/2021, dated 11th February, 2021.

2. With this announcement, the provisions of the Model Code of Conduct contained in Commission's instruction No. 322/ECI/INST/FUNC/BIEN-LC/2016, dated 26th December, 2016, for the guidance of the Political Parties and Candidates have come into force with immediate effect for these elections in the concerned Constituencies.

3. A copy of instruction No. 322/ECI/INST/FUNC/BIEN-LC/2016, dated 26th December, 2016 is enclosed. This may be brought to the notice of all concerned Departments of State/Central Government.

4. The receipt of this letter may kindly be acknowledged.

Yours faithfully

(SUMAN KUMAR DAS)
SECRETARY

US(MKB) & SO(CAA)

भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली-110001
ASHOKA ROAD, NEW DELHI-110001

No. 322/ECI/LET/FUNC/AP-LC/BIEN/2021(G&T) /265 Dated: 11th February, 2021

To

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

CS-1220/21
12/2/21

2. The Chief Secretary,
Government of Andhra Pradesh, Amaravati.

12-2-21
ASCRS

3. The Chief Electoral Officer,
Andhra Pradesh, Amaravati.

12/2/21
JS (Estt)

Sub:- Biennial Election to the Andhra Pradesh Legislative Councils from 02 Teachers' Constituencies -reg.

Admn Dir(SW&P)

Sir,

I am directed to state that the Commission has announced biennial election to the Andhra Pradesh Legislative Council from Teachers' Constituencies vide Press Note No. ECI/PN/10/2021, dated 11th February, 2021.

2. With this announcement, the provisions of the Model Code of Conduct contained in Commission's instruction No. 322/ECI/INST/FUNC/BIEN-LC/2016, dated 26th December, 2016, for the guidance of the Political Parties and Candidates have come into force with immediate effect for these elections in the concerned Constituencies.

3. A copy of instruction No. 322/ECI/INST/FUNC/BIEN-LC/2016, dated 26th December, 2016 is enclosed. This may be brought to the notice of all concerned Departments of State/Central Government.

4. The receipt of this letter may kindly be acknowledged.

Yours faithfully

(SUMAN KUMAR DAS)
SECRETARY

urgent
12/2/21
US(MKB) - FL
SO(CAB)

भारत निर्वाचन आयोग
Election Commission of India

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

No. 322/ECI/INST/FUNC/BIEN-LC /2016

Dated: 26th December, 2016

To

The Chief Electoral Officers
1. Maharashtra, Mumbai,
2. Uttar Pradesh, Lucknow,
3. Bihar, Patna,
4. Karnataka, Bangalore,
5. Andhra Pradesh, Hyderabad.
6. Telangana, Hyderabad.

Subject: Biennial/Bye-Elections to the Legislative Councils from Council Constituencies - by Graduates' and Teachers' and Local Authorities' Constituencies- MCC-instructions - regarding.

Sir,

I am directed to state that some experience during conduct of elections to Legislative Councils shows that there is lack of clarity with regard to applicability of provisions of Model Code of Conduct in such elections.

2 The Commission constituted a Working Group to examine the matter. The Commission, having considered the report of the Working Group and the matter in its entirety, has directed that all provisions of Model Code of Conduct for the political parties and candidates' shall apply ***mutatis mutandis*** in Biennial including Bye Elections to the State Legislative Councils from Graduates' & Teachers' Constituencies as well as Local Authorities' Constituencies. Consequently, various instructions issued by the Commission from time to time in clarification of the MCC provisions would also apply for such elections.

3. I am further to say that the following instructions of the Commission which have been issued from time to time to ensure level playing field and also to ensure that a party in power doesn't misuse its position for electoral gains, shall also be applicable in connection with Biennial/Bye Elections to the State Legislative Councils from Graduates' & Teachers' Constituencies as well as Local Authorities' Constituencies (from the date of announcement of election till the date of completion of election).

Tel: 011-23717391-98 Fax: 011-23713412 Website: www.eci.nic.in
"मजबूत लोकतंत्र - सबकी भागीदारी"
Greater participation for a stronger democracy

I. Ministers, whether Central or State (including Chief Minister) may make official visit to any district(s) in which any Biennial/Bye-election from a Council Constituency is being held subject to the following conditions: -

a. They shall not do any inauguration/laying of foundation stones of any educational institution, which are constituents of Graduates' and Teachers' Constituencies.

b. Official visit shall not be combined with "the election" related work/tours.

c. There shall be no announcement of new policy programme/ policy likely to influence the graduates, the teachers and members of Local Authorities who form the electorate of the Constituencies going to poll.

II. No official of any rank of the district(s) dealing with election related work where the biennial/bye-elections are being held shall be called to attend any meeting by any Minister at any place, even in another district, where election is not being held. Any official who meets the Minister on his private visit to the constituency where elections are being held shall be deemed to be guilty of misconduct under the relevant service rules; and if he happens to be an officer mentioned in Section 129 (1) of the Representation of People Act, 1951, he shall also be additionally considered to have violated the statutory provisions of that section and liable to penal action provided there under.

III. No member of any Local Authority which forms part of the electorate of a Local Authorities' Constituency shall be called for any meeting/video conference by any Minister (in his capacity as Minister). Routine meetings of the Local Bodies, when essential, may be held with the prior permission of the District Election Officer of the District concerned.

IV. No pilot car(s) or other car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind making his presence conspicuous shall be used by any Minister during his private visit to the constituency, even if the State administration has granted him a security cover requiring presence of armed guards accompanying him on tour.

V. No policy announcement or programme, which influences the electorate either directly or indirectly, shall be initiated in the Government Departments till the completion of elections.

2-15

VI. On need basis and in consultation with CEO of the state/ECI Observer, the DEO/RO should put in place for every tehsil a special video team to videograph political meeting at public places and to record visits of the Ministers and other important political functionaries. The ECI observer shall see the video recording in the evening of the same day so that he can report any violation to the Commission in prescribed format.

VII. In case of elections from Local Authorities' Constituencies, the restrictions on "Official Tours" by Central & State Ministers will also be applicable to the use of any "Official Cars" by "Office Bearers" of Local Authorities, like, Mayors of Municipal Corporations, Presidents of Municipal Councils & Zilla Parishads. The use of official cars by them shall only be allowed for travel to & from Office to Residence.

VIII. Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolized by the party in power. Other parties and candidates shall also be allowed to use them on first-cum-first served basis.

IX. No fresh Sanction of work using the IT Platform to be used depending upon the MP/MLA/MLC schemes for work that would amount to influencing the electorate.

X. There shall be a total ban on the transfer of Returning Officers and Assistant Returning Officers appointed for Biennial elections/bye-elections to State Legislative Councils after the announcement of elections and this ban will be in force till the completion of elections. The transfer orders in respect of the above officers issued prior to the date of announcement but not implemented should not be given effect to without obtaining the specific permission of the Commission. In those cases, where transfer of an officer is necessary on account of administrative exigencies, the State Govt. may with full justification approach the Commission for prior clearance.

XI. In order to conduct free and fair elections to keep a check on adverse role of money power and to check the movement of black money during biennial elections/bye-elections to Legislative Council, the Standard Operating Procedure (SOP) issued on 29.05.2015, excepting deployment of Static Surveillance Teams, should be made applicable.

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XII. State and District Media Certification and Monitoring Committee (MCMC) shall be appointed, as prescribed in the Compendium of Instructions on Election Expenditure Monitoring, immediately on announcement of biennial/ bye elections for pre-certification of election advertisements as in case of TV Channels / Cable Network, Radio including private FM Channels, Cinema Halls, Audio-Visual displays in public place and social media and also monitoring the general conduct of political functionaries during campaign.

XIII. The bulk SMSs/Voice messages on phone in election campaigning shall also be in the purview of pre-certification of election advertisements as in case of TV Channels / Cable Network, Radio including private FM Channels, Cinema Halls, Audio-Visual displays in public place and social media. The legal provisions, as applicable to other modes of electronic media shall also be applicable to bulk SMSs/ Voice messages.

XIV. Under Section 29 of the Representation of the People Act, 1951 read with Rule 69 of the Conduct of the Election Rules, 1961, a place of poll is fixed for conducting poll in respect of election to the Council of States and the State Legislative Councils by MLAs. As per Section 135C, "dry day" is to be declared in Polling Areas and polling area is defined in Section 25 of the Representation of the People Act, 1951, which is applicable to elections from Constituencies i.e. for elections to Lok Sabha, Legislative Assemblies and elections to Legislative Councils from Graduates', Teachers' and Local Authorities' Constituencies.

XV. The provision regarding prevention of misuse of vehicles and regulation of convoys during campaign period as in the case of elections to House of People / Legislative Assemblies shall be made applicable for Council elections also.

XVI. Restriction on the presence of political functionaries in a constituency after the campaign period is over i.e., 48 hours before the closure of the poll as in the case of elections to House of People / Legislative Assemblies shall be made applicable for Council elections from Council Constituencies also.

4. In the context of certain queries that have been raised in this connection, it is clarified that: -

(a) The practice of keeping the electors in hotels/resorts and other similar places during election period would amount to bribing of electors. It is clarified that

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such practice shall be construed as violation of sub Para (4) of Para I-General Conduct of MCC apart from being violation of Section 171 B of IPC.

(b) The phrase 'the rest houses/dak bunglows or other Government accommodation' in paragraph (VII- (iii)) of MCC would also include *Guest Houses* of all institutions that are getting Government assistance in any form of grant-in-aid etc.

(c) With regard to paragraph (VII-(v) & (vi)) of MCC, it is clarified that these would be made applicable only with regard to the Graduates'/Teachers'/Local Authorities' Constituencies where the election is being held.

Kindly inform all concerned including all registered and recognized parties based in your state.

Please ensure compliance.

Yours faithfully,

(R. K. SRIVASTAVA)
SR. PRINCIPAL SECRETARY

5-15

भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली110001-
ASHOKA ROAD, NEW DELHI-110001

No. ECI/PN/10/2021

Dated: 11th February, 2021

PRESS NOTE

Subject: Biennial election to the Legislative Councils of Andhra Pradesh and Telangana from Graduates' and Teachers' Constituencies-reg.

The term of office of 02 members of the Andhra Pradesh Legislative Council from Teachers' Constituencies and 02 members of the Telangana Legislative Council from Graduates' Constituencies is expiring on 29th March, 2021 due to the retirement of the sitting members as detailed below: -

Andhra Pradesh			
Sl. No.	**Name of Constituency**	**Name of the Member**	**Date of retirement**
i.	East-West Godavari Teachers'	Ramu Surya Rao (R.S.R. Master)	29.03.2021
ii.	Krishna-Guntur Teachers'	A. S. Ramakrishna	
Telangana			
i.	Mahabubnagar-Ranga Reddy-Hyderabad Graduates'	Ramachandra Rao N	29.03.2021
ii.	Warangal-Khammam-Nalgonda Graduates'	Dr. Palla Rajeshwar Reddy	

2. The Commission has now decided that above mentioned biennial election to the Andhra Pradesh State Legislative Council from Teachers' Constituencies and Telangana State Legislative Council from Graduates' Constituencies, be held in accordance with the following programme: -

Issue of Notification	16th February, 2021 (Tuesday)
Last date of making nominations	23rd February, 2021 (Tuesday)
Scrutiny of nominations	24th February, 2021 (Wednesday)
Last date for withdrawal of candidature	26th February, 2021 (Friday)
Date of Poll	**14th March, 2021 (Sunday)**
Hours of Poll	08:00 am to 04:00 pm
Counting of votes	17th March, 2021 (Wednesday)
Date before which election shall be completed	22nd March, 2021 (Monday)

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3. The Model Code of Conduct concerning these elections will come into force with immediate effect in the concerned Constituencies. Please see the details on Commission's website under the link: https://eci.gov.in/files/file/4070-biennial-bye-elections-to-the-legislative-councils-from-council-constituencies-by-graduates%E2%80%99-and-teachers%E2%80%99-and-local-authorities%E2%80%99-constituencies-%E2%80%93-mcc-instructions-%E2%80%93-regarding/

4. Broad Guidelines to be followed during entire election processes for all persons: -

I. Every person shall wear face mask during every election related activity

II. At the entry of hall/ room/ premises used for election purposes:

(a) Thermal Scanning of all persons shall be carried out:
(b) Sanitizer shall be made available at all locations

III. Social distancing shall be maintained as per the extant COVID-19 guidelines of the State Govt. and Ministry of Home Affairs.

IV. As far as practicable, large halls shall be identified and utilized to ensure social distancing norms.

V. Adequate number of vehicles shall be mobilized for movement of polling personnel, security personnel to ensure compliance of COVID-19 guidelines.

5. For broad guidelines to be followed strictly in conduct of election during COVID-19, please refer to the guidelines available on Commission's website under link:- https://eci.gov.in/files/file/12167-broad-guidelines-for-conduct-of-general-electionbye-election-during-covid-19/.

(PRAFULL AWASTHI)
UNDER SECRETARY