

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/77/2021

Dated: 04.09.2021

PRESS NOTE

Subject: Schedule to fill casual vacancy and adjourned poll in the Assembly Constituencies - regarding

The Commission vide press note No. ECI/PN/61/2021 dated 3rd May 2021 deferred the adjourned poll (which was scheduled to be held on 16.05.2021) and extended the period of elections in 110-Pipli Assembly Constituency (AC) of Odisha and 58-Jangipur & 56-Samsanganj AC of West Bengal after taking note of lockdown/restrictions under Disaster Management Act, 2005, as issued by NDMA/SDMA. Further, the Commission vide press note No. ECI/PN/64/2021 dated 5th May 2021 deferred the bye-elections in various States/UT, after taking all material facts and inputs of Chief Electoral Officers of various States/UT in view of the pandemic.

2. As on date there are three deferred adjourned polls (two in the state of West Bengal and one in the state of Odisha), three vacancies in Parliamentary Constituencies and 32 vacancies in Legislative Assemblies of various States/UT.

3. In order to assess the feasibility of holding bye-elections in various States/UT, a meeting was held through video conferencing on 01.09.2021 with Chief Secretaries, senior officers from the department of Health & Home Affairs, DGPs from the concerned States/UT and Chief Electoral Officers from concerned States/UT. The Chief Secretaries/Chief Electoral Officers shared their inputs, constraints, issues and challenges in conducting bye-elections in their States/UT in view of COVID-19 pandemic, flood situation and festivals in near future and so on. The Chief Secretaries from the concerned poll going States have also sent their views and inputs in writing.

4. The Chief Secretaries of States of Andhra Pradesh, Assam, Bihar, Haryana, Himachal Pradesh, Madhya Pradesh, Meghalaya, Rajasthan, Telangana, Uttarakhand, Uttar Pradesh and Adviser of UT of Dadra and Nagar Haveli and Daman & Diu, brought to the notice of the Commission the constraints related to flood situations, festivals and pandemic. They suggested that it would be advisable to have bye-elections after the end of festival season.

5. Besides these, some states have also brought to the notice of the Commission that Government of India, various research institutions, technical expert committees and professionals have predicted the possibility of third wave of COVID-19 October onwards. MHA has also issued detailed instructions on prevention of COVID-19 on August 28, 2021.

6. The Chief Secretary, Odisha also informed that COVID situation is under control and poll can be held. The Chief Secretary West Bengal informed that COVID-19 situation is fully under control. He also brought to the notice that the flood situation in the state has not affected the poll bound Assembly Constituencies and the State is fully geared up to hold the elections. He also cited that under Article 164(4) of the Constitution of India, a Minister who is not a member of the Legislature of the State for a period of six consecutive months shall at the expiration of that period cease to be a Minister and there will be a constitutional crisis and vacuum in the top executive posts in the Government unless elections are held immediately. He has also informed that in view of administrative exigencies and public interest and to avoid vacuum in the state, bye-elections for 159- Bhabanipur, Kolkata from where Ms. Mamata Banerjee, Chief Minister intends to contest elections may be conducted.

7. After taking into consideration the inputs and views of the Chief Secretaries of the concerned States and respective Chief Electoral Officers, while the Commission has decided not to hold bye-elections in other 31 Assembly Constituencies and 3 Parliamentary Constituencies and considering the constitutional exigency and special request from State of West Bengal, it has decided to hold bye-election in 159- Bhabanipur AC. Much stricter norms have

been kept by the Commission as an abundant caution to safeguard from COVID-19 pandemic. **The schedule for the bye-election is attached at Annexure-1.**

8. Further, the Commission has also decided to hold polls in 3 Assembly Constituencies namely **56-Samserganj, 58- Jangipur of West Bengal and 1 Assembly Constituency 110-Pipli of Odisha** where the adjourned poll was deferred vide Commission's notification 4th May, 2021, as per the schedule given in **Annexure- 2**. Separate notifications are being issued in this regard.

The candidates/political parties for these 3 ACs have already availed the campaign period from 29.04.2021 to 03.05.2021. In view of this, **the Commission has now decided to allow the campaign from 20.09.2021 only in these constituencies.**

9. ELECTORAL ROLL

The published Electoral Rolls for the aforesaid Assembly Constituencies w.r.t **01.01.2021** will be used for these elections.

10. 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.

11. IDENTIFICATION OF VOTERS

Electoral Photo Identity cards (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
- xi. Official identity cards issued to MPs/MLAs/MLCs.

12. **MODEL CODE OF CONDUCT**

The Model code of conduct shall come into force with immediate effect from **04.09.2021** onwards 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).

13. **BROAD GUIDELINES TO BE FOLLOWED DURING THE CONDUCT OF BYE-ELECTIONS /ADJOURNED POLL DURING the period of COVID-19**

The Commission has issued broad guidelines on 21st August, 2020. Also, it has issued further guidelines on 09.10.2020, 09.04.2021,16.04.2021, 21.04.2021, 22.04.2021, 23.04.2021 and 28.04.2021 available on Commission's website eci.gov.in or link <https://eci.gov.in/candidate-political-parties/instructions-on-covid-19/>. Also, vide letter No.40-3/2020-DM-I(A) dated 28th August, 2021, instructions for implementation of targeted and prompt actions for COVID management has been extended by MHA up to 30th September, 2021. After taking inputs from the political parties/Chief Electoral Officers and keeping the extant instructions of MHA/MoHFW in view, the Commission has further strengthened these guidelines. Further, the Commission's all instructions relating to conduct of General Election in West Bengal during the COVID-19 period shall also be *mutatis mutandis* applicable for these bye-elections/adjourned poll.

All stake holders shall abide by these instructions. State Government concerned shall take all appropriate actions/measures in compliance to these instructions as follows.

1	Nomination	During Pre and post nomination procession, public meeting prohibited / Only three vehicles permitted within a periphery of 100 meters of RO's office. No procession for nomination shall be permitted.
2	Campaign period	
	(a) Meeting for	
	(i) Indoor	30% of allowed capacity or 200 persons, whichever is less. A register will be maintained to count the number of people attending the meeting.
	(ii) Outdoor	With 50% of capacity (as per Covid-19 guidelines) or 1000 in the case of Star Campaigners and 50% of the capacity or 500 in all other cases. In either case, the allowed number is whichever is less. The entire area will be cordoned off and will be guarded by the police. The count of people entering the ground will be monitored. Expenditure for the cordoning/barricading will be borne by the candidate/party. Only those grounds which are cordoned/barricaded completely will be used for rallies.
	(b) Star Campaigners	Number of Star Campaigners restricted to 20 for these bye-elections for National /State recognized parties and 10 for un-recognized registered parties in the wake of the Covid-19 pandemic.
	(c) Road show	No Roadshow shall be allowed and No Motor/Bike/Cycle rallies to be allowed
	(d) Street corner meeting	Maximum 50 persons shall be allowed (Subject to availability of space and compliance to COVID-19 guidelines.)
	(e) Door to door campaign	Door to door campaign with 5 persons including candidates/their representatives.
	(f) Campaign through video van	Not more than 50 audiences shall be allowed in one cluster point subject to availability of space and compliance to covid guidelines.

	(g) Use of vehicles for campaign	Total vehicles allowed for a candidate/political party (excluding Star Campaigner):- 20 Maximum no. of persons allowed per vehicle 50% of the capacity.
3	Silence period	The silence period is 72 hours before the end of poll.
4	Poll day activities	1. Maximum 2 vehicles with 3 persons each shall be allowed. Security as per the applicable extant guidelines. 2. Poll day activity on polling station as per ECI guidelines.
5	Counting day	DEOs to take appropriate measures to prevent crowding. Social distancing and other COVID safety protocols to be strictly adhered to at all the times during counting.

6. All such activities will be strictly complied as per the Covid-19 guidelines issued by competent authorities. Social distancing and use of mask, sanitizers, thermal scanning, face shield, hand gloves, etc., as per COVID-19 protocol, have to be complied with. SDMA is responsible for all preventive and mitigation measures to ensure adherence to COVID protocol. Chief Secretary and DG and district level authorities will be responsible for monitoring, supervision and compliance of covid-19 guidelines.
7. If a candidate or political party violates any of the above guidelines, no more permission shall be given to the concerned candidate/party for rallies, meetings etc. If any star campaigner violates the COVID protocols, he shall not be allowed to campaign further in that constituency/district.
8. All polling personnel and election officials including the private persons engaged in the election duty shall be **double vaccinated** before taking their services.
9. Candidate/election agent/polling agent counting agent/driver etc. whoever is coming in contact with the public or election officials have to be **double vaccinated**.
10. One health worker to be appointed as COVID nodal officer for each Polling Station.

11. CS/DG and concerned DMs/SPs shall take enough preventive measures and make necessary arrangements to ensure that no poll related violence occurs during pre and post poll.
12. In the light of advisory issued by the Health Ministry of GoI, ECI will keep a close watch on the evolving situation and may further tighten the guidelines for the upcoming elections.

Annexure -1

Schedule for bye-election in 159- Bhabanipur AC in West Bengal

Poll Events	Date and Day
Date of Issue of Gazette Notification	06.09.2021, Monday
Last Date of Nominations	13.09.2021, Monday
Date for Scrutiny of Nominations	14.09.2021, Tuesday
Last Date for Withdrawal of candidatures	16.09.2021, Thursday
Date of Poll	30.09.2021, Thursday
Date of Counting	03.10.2021, Sunday
Date before which election shall be completed	05.10.2021, Tuesday

Annexure-2

Schedule for polls in 56-Samserganj & 58- Jangipur Assembly Constituencies in West Bengal and 110-Pipli AC in Odisha where the adjourned polls were deferred

Poll Events	Date and Day
Date of Poll	30.09.2021, Thursday
Date of Counting	03.10.2021, Sunday
Date before which election shall be completed	05.10.2021, Tuesday



**(SANJEEV KUMAR PRASAD)
SECRETARY**