

राजेश भूषण, आईएएस
अपर सचिव

RAJESH BHUSHAN, IAS
ADDITIONAL SECRETARY

Tel. : 23012697
Telefax : 23018470
Email : bhushanr@ias.nic.in



MOST IMMEDIATE

मंत्रिमण्डल सचिवालय
राष्ट्रपति भवन, नई दिल्ली-110004

CABINET SECRETARIAT
RASHTRAPATI BHAWAN
NEW DELHI - 110004

D.O. No. 1/41/2/2019-Cab.

March 11, 2019

Dear Secretary,



Please find enclosed a copy of letter No. 437/6/1/ECI/INST/FUNCT/MCC/2019 dated 10.03.2019 received from the Election Commission of India (ECI) regarding General Elections to the Lok Sabha – 2019 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections.

JS(K) 2. As you are aware, with the announcement of the schedule for holding the General Elections, the provisions of the Model Code of Conduct for guidance of the Political Parties and Candidates has come into force. In the light of this, I am to inform you that while disposing of the business allocated to your Ministry/Department or placing proposals for approval of the competent authorities, or announcing their decisions, etc., it may be ensured that the Model Code and the related instructions are not violated. I wish to add that the Model Code, related instructions and updates thereon are available on the website of the Election Commission of India.

MS 3. In this regard, instructions issued by this office vide OM No. 1/41/1/2016-Cab dated 31.01.2017 regarding routing of references to ECI (copy enclosed), and DO no. 1/41/2/2017-Cab dated 27.12.2018 regarding forms of communications with ECI (copy enclosed) are also reiterated.

4. May I request you that all concerned in your Ministry/Department/Attached/Subordinate offices/other bodies, etc. may be advised to ensure compliance with the Model Code/related instructions.

With regards,

Yours sincerely,

(Rajesh Bhushan)

To
Shri Injeti Srinivas
Secretary,
Ministry of Corporate Affairs
New Delhi

Pl. Circulate to all Sections & D in COA for strict compliance.

435/DS(ND)
14/3/19

ASO/Coord (M. 2004) 13/3.
Dis CB/PE
22/3/19
12/3/19

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/ECI/INST/FUNCT/MCC/2019

Dated: 10th March, 2019

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the Governments of all States and
Chief Secretaries/Administrators of Union Territories.
3. The Chief Electoral Officers of
all States and Union Territories.

Sub: Application of Model Code of Conduct – General Elections to House of the People (Lok Sabha), 2019 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections - reg.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Elections to Lok Sabha and to the Legislative Assemblies of the States of Andhra Pradesh, Arunachal Pradesh, Orissa and Sikkim and certain bye-elections (Press Note No. ECI/PN/23/2019, dated 10th March, 2019, available at the Commission's web-site – www.eci.gov.in).

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 and will be in force till the completion of the General Elections and bye-elections, mentioned above. This may be brought to the notice of the Central and all State Governments/Union Territory Administrations, all Ministries/Departments/Offices of the Union Government and the State Governments/Union Territory Administrations. A copy of instructions issued by you to this effect, may be sent to the Commission for its information and record.

3. Your particular attention is drawn to the provisions of Model Code of Conduct for the guidance of Political Parties and Candidates and various instructions issued by the Commission, which, inter-alia, state that the party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular:-

- (i) (a) The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work;
- (b) Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;
- (ii) Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolised by the party in power. Other parties and candidates shall be allowed the use of such places and facilities, on the same terms and conditions, on which they are used by the party in power;
- (iii) Rest houses, dak bungalows or other Government accommodations in the States/Union Territories where elections have been announced or are taking place can be given to the political functionaries who are provided security by the State in 'Z' scale or above or equivalent by various State Governments or the Central Government under provisions of their laws, on equitable basis. This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or the Commission's Observers. Such political functionaries shall not carry out any political activity while staying in the Government Guest Houses/Rest Houses or other Government accommodation etc.;
- (iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided;
- (v) Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time, elections are announced by the Commission; and
- (vi) From the time, elections are announced by Commission, Ministers and other authorities shall not –
- (a) announce any financial grants, in any form or 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. As will be observed from Para 3{Clause IV} above, no advertisement shall be issued in electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. If any advertisement has already been released for telecast/broadcast or publication in the print media, it must be ensured that the telecast/broadcast of such ads on

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electronic media is stopped forthwith and that no such ad is published in any newspapers, magazines, etc., i.e. in print media, from today itself and it should be immediately withdrawn.


5. The instruction of the Commission contained in its letter No.437/6/2009-CCBE dated 5th March, 2009 is available on the Commission's web-site at path - "<https://eci.gov.in/important-instructions/>" for your information and necessary action. The Commission's all other relevant instructions, 'Manual on Model Code of Conduct' and 'Compendium of Instructions on Model Code of Conduct' are also available on the Commission's website for your guidance.

6. The Commission further 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 election;
- iv) Officers of the Police Department connected with the management of election, 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 Governments 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 concerned State Government may with full justification approach the Commission for prior clearance.

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

Yours faithfully,


(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY

SI No 26 (1)

16)

No.1/41/1/2016-Cab
Government of India (Bharat Sarkar)
Cabinet Secretariat (Mantrimandal Sachivalaya)
Rashtrapati Bhawan

Dated January 31st, 2017

OFFICE MEMORANDUM

Subject:- Reference received from Election Commission of India.

The undersigned is directed to enclose herewith a copy of Election Commission of India (ECI) letter No. 437/6/ECI/INST/FUNCT/MCC/2017-MCC&BE/618 dated 27.1.2017 regarding "General Elections to State Legislative Assemblies of Goa, Manipur, Punjab, Uttar Pradesh & Uttarakhand - Model Code of Conduct", enclosing therewith a copy of instructions of the ECI contained in letter No. 437/6/INST/2014-CC&BE dated 23.4.2014. — Pg 158/c

2. It is requested that the contents of above letters may be disseminated to all concerned for strict compliance. — Pg 159/c

Encl: as above

Deepti
(Deepti Umashankar)
Joint Secretary
Tel: 23019170

All Secretaries to the Government of India



भारत निर्वाचन आयोग
Election Commission of India

CS-1353/17
30/1/17

By e-mail / Gvt. Messenger
निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

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No.437/6/ECI/INST/FUNCT/MCC/2017-MCC&BE

618

Dated: 27th January, 2017

To

The Cabinet Secretary
Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi.

Subject:-

General Elections to State Legislative Assemblies of Goa, Manipur, Punjab, Uttar Pradesh & Uttarakhand - Model Code of Conduct - Regarding

Sir,

I am directed to state, with the announcement of schedule for elections of above referred five poll bound States on 4th January, 2017, the provisions of the Model Code of Conduct have come in force and this was intimated to you vide ECI letter dated 4th January, 2017. The provisions of MCC and various instructions issued by the Commission, inter alia, provides that the party in power whether at the Central or in the State or States concerned, shall ensure that no cause be given for any complaint that it uses its position to further its prospects in any election.

2. Further, in ECI's letter No. 437/6/INST/2014-CC&BE dated 23-D4-2D14 (copy enclosed), addressed to you it was directed that all references of cabinet/committee of cabinet should be routed through your good office and the matters of Ministries/Departments are to be referred by the Ministry concerned. The Commission has noted that in certain cases, the Ministries /Departments took decisions, which have effect of disturbing level playing fields of poll bound states, without referring the matter to Commission, particularly by NITI Aayog, Ministry of Defence and Ministry of Finance.

3. The Commission has expressed its concerns in this matter and has directed the undersigned to request you to issue necessary instructions to all Ministries/Departments of GOI to strictly adhere to the Commission's guidelines issued vide ECI letter 23rd April, 2014 and also to ensure that ECI concurrence is taken well in time wherever it is needed.

A copy of instructions issued to all Ministries/Departments in Government of India may kindly be endorsed to Election Commission of India for information and record.

Yours faithfully

[Signature]
(R. K. SRIVASTAVA)
SR. PR. SECRETARY

Immedately
30.01.17
AS(AT)
JS(MV)

30/1

CS (Ch-11)

on file
31/1/17
US (MBS)

30/1/17

159/163

By Fax/Speed post/Camp Bag

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/INST/2014-CC&BE

Dated: 23rd April, 2014

To
The Cabinet Secretary
Cabinet Secretariat,
Rashtrapati Bhawan, New Delhi.

Subject: General Elections - Enforcement of Model Code of Conduct - Regarding.

Sir,

I am directed to refer to the Commission's instructions of even number, dated 20th March, 2014. Whereby the Commission has directed that:-

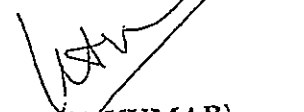
- (i) All the references of Government of India which are proposed to be placed before the Cabinet or any Committee of the Cabinet should be routed through the Cabinet Secretariat i.e. no such references should be made directly to the Election Commission by the Ministries.
- (ii) Departments, Sub-ordinate Offices, Public Sector Undertakings, Autonomous Bodies of the Ministry/Department will make references to the Election Commission through the concerned Ministry.

Inspite of this many references are still being received in the Commission without following the above guidelines. The Commission has now again directed that

- (i) the above guidelines should be strictly followed while sending the references to the Commission.
- (ii) a Nodal Officer may be designated in the Cabinet Secretariat with whom the Commission may contact for any clarification on such references.
- (iii) atleast 48 hours should be given to the Commission to process the references on MCC matters.

The above instructions of the Commission may kindly be brought to the notice of all concerned for strict compliance.

Yours faithfully



(K. AJAYA KUMAR)
PRINCIPAL SECRETARY

राजेश भूषण, आईएएस

अपर सचिव

RAJESH BHUSHAN, IAS
ADDITIONAL SECRETARY

Tel. : 23012697

Telefax : 23018470

Email : bhushanr@ias.nic.in



सत्यमेव जयते

मंत्रिमण्डल सचिवालय
राष्ट्रपति भवन, नई दिल्ली-110004
CABINET SECRETARIAT
RASHTRAPATI BHAWAN
NEW DELHI - 110004

D.O. No.1/41/2/2017-Cab

New Delhi, the 27th December, 2018

Dear Sir / Madam,

Please find enclosed the letter dated 18.12.2018 of Election Commission of India (ECI) expressing concern that in spite of clear instructions regarding the form and procedure in which the Constitutional Authorities, such as Election Commission are to be addressed, Ministries/ Departments are not conforming to these instructions. The ECI has observed that some Ministries/ Departments are still writing to the Commission in a routine manner in the form of Office Memorandum or demi-official letters addressed to the Chief Election Commissioner or Election Commissioners.

2. It is requested that all concerned may be instructed to strictly adhere to the extant instructions regarding communication with the ECI and other Constitutional authorities.

With regards,

Enclosure: As above


(Rajesh Bhushan)

All Secretaries to the Government of India

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CS-15882/18
19/12/18

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/INST/ECI/LET/FUNCT/MCC/2018 | 29

Dated: 18th December, 2018

To

The Cabinet Secretary
Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi.

Subject:- Form and Procedure of communication with Election Commission of India-
Regarding.

Sir,

Central Secretariat Manual of Office Procedure provides that communications to Constitutional Authorities like Election Commission are to be made normally in the letter form addressed to Deputy Election Commissioner/Principal Secretary/Secretary or any other officer of appropriate level and not to the Hon'ble Chief Election Commissioner or Election Commissioner.

2. In pursuance to above provision, Office Memorandum dated 11th October, 2004 was issued by the Department of Administrative Reforms and Public Grievances, addressed to all Ministries/departments stating that all correspondence with the Election Commission of India should be addressed to the Deputy Election Commissioner/Principal Secretary/Secretary of the division, certainly not to the Chief Election Commissioner or Election Commissioner except in rarest of the rare case where the Secretary/Head of Department feels that something has to be brought to the personal notice of the Chief Election Commissioner or the Election Commissioner.

3. Further, I am to draw your kind attention to the Commission's letter No.193/4/IV/2010 dated 5th August, 2010 addressed to Cabinet Secretary, whereby it was requested to direct the Govt. departments to correspond with Election Commission of India in appropriate manner and form and to circulate the instructions about communication with constitutional and statutory bodies to all Ministries/Departments of Govt. of India so as to ensure that communication with the Constitutional Authorities like the Election Commission of India is done in proper form and manner.

On file
19/12/18
AS (AB)

19/12/18
J.S. (CAB)

19/12/18
19/12/18
19/12/18

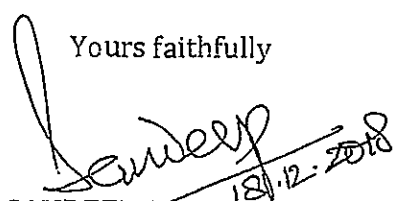
20/12/18
20/12/18

4. The Cabinet Secretariat issued instructions to all Secretaries of Government of India, vide Joint Secretary's D.O. letter No. 403/1/7/2010-TS dated 25th August, 2010 stating that references to constitutional and statutory authorities such as Election Commission of India will normally be made in the letter form addressed to Principal Secretary/Secretary. In no case Office Memorandum will be sent to such authorities by the Ministries/Departments.

5. However, the Commission is still receiving references from some Ministries/Department of the Government of India, in the form of Office Memorandum or letters/D.O. letters addressed to the Hon'ble Chief Election Commissioner/Election Commissioner. During General Election to the State Legislative Assemblies of Gujarat and Himachal Pradesh, 2017 references from M/o Civil Aviation and M/o Human Resource and Development, for grant of No Objection under Model Code of Conduct were received in the form of Office Memorandum. The Commission decided not to consider the said references and the same were returned to their respective Ministries. Similarly, during the recently concluded General Elections to State Legislative Assemblies of Chhattisgarh, Mizoram, Madhya Pradesh, Rajasthan and Telangana, reference was received from M/o Environment Forest and Climate Change, from Joint Secretary, addressed to the Hon'ble Chief Election Commissioner of India by name.

6. The Commission has taken a serious note of the way in which officers of various Central Govt. departments are sending references to it in violation of the instructions mentioned above, and directed me to request that these instructions may be reiterated and brought to the notice of all departments/offices of Govt. of India for strict compliance.

Yours faithfully



(DR. SANDEEP SAXENA)

DEPUTY ELECTION COMMISSIONER

18.12.2018

No. 1601 V5/2004 O&A

Government of India

Department of Administrative Reforms and Public Grievances

5th Floor, Sardar Patel Bhawan,
Raisad Marg, New Delhi-110001

October 11, 2004

Office Memorandum

Subject: Forms and Procedures for communication- Correspondence with the Election Commission of India.

The Election Commission of India has drawn the attention of the Government to the practice of endorsement of copies of the communications to it by the Ministries/Departments in a routine manner, against the relevant provisions contained in Para- 57 of the Central Secretariat Manual of Office Procedure (CSMOP, the 12th edition). This Para lays down that references to constitutional and statutory authorities such as Election Commission of India will normally be made in the letter form addressed to Principal Secretary/Secretary and that in no case office memorandum will be sent to such authorities.

2. The Commission has further stated that all the correspondence with it should be addressed to the Deputy Election Commissioner or Principal Secretary or Secretary or any other officer of appropriate level and not to the Chief Election Commissioner of Election Commissioners except in important cases where the Secretary/Head of the Department feels that something has to be brought to the personal notice of the Chief Election Commissioner or the Election Commissioners.

3. It is requested that strict compliance with these instructions may be ensured.

(T. R. Gill)

Under Secretary to the Government of India

Tel: 23367060

To

DS/Dir of all Ministries/Departments

As per list attached

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4/2/10

By special messenger

ELECTION COMMISSION OF INDIA

Niryachari Sadan, Ashoka Road, New Delhi-110001

No. 193/4/IV/2010/424

To

~~The Prime Minister~~
Government of India,
Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi - 110 004.

Subject: Form and procedure of communication with Election Commission of India - regarding.

Sir,

You are aware that according to the provisions contained in the ~~Central~~

~~Secretariat Manual of Office Procedure references to constitutional authorities such as the Election Commission of India are to be made normally in the letter form addressed to the Deputy Election Commissioner or Principal Secretary or Secretary or an officer of appropriate level and not to the Chief Election Commissioner or Election Commissioners.~~

2. The Dept. of Adm. Reforms and Public Grievances, Govt. of India vide its O.M. No 12/1/92-O & M dated 11th May, 1992 has instructed all the Ministries/Departments of the Govt. of India not to address the Election Commission in the form of "Office Memorandum". Attention of the Ministries/Department was invited to para 45(1) of the Central Secretariat Manual of Office procedure (10th edition) (para 57 of the 12th edition) which lays down the form of communication to be used for correspondence, among others, with statutory bodies including Election Commission, of India. The relevant provisions are quoted below -

References to constitutional/statutory Authorities - References to constitutional and statutory authorities, such as Election Commission of India will normally be made in the letter form addressed to Principal Secretary/Secretary. In no case office memorandum will be sent to such authorities by the Ministries/Departments.

ISSUED ON
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Election Commission of India
New Delhi-110001

o/c

7/11/14
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These instructions were again repeated to all Ministries vide their O.M. No. 46013/5/2004-O & M. dated October 11, 2004

3. It is, however, observed by the Election Commission that some of the Ministries/Departments of the Govt. of India have started communicating with the Commission in a routine manner in the form of Office Memorandum and in some cases these are addressed to "The Chairman, Election Commission, Chief Election Commissioner or the Election Commissioners". A copy of one such O.M. No. 24013/8/2010-CSR.H. dated 21st May, 2010 received from the CS Division of the Ministry of Home Affairs, North Block, New Delhi is sent herewith for your ready reference.

4. I have been directed by the Commission to request you to direct the Govt. Departments to correspond with the Election Commission in appropriate manner as well as ~~form and to re-circulate the instructions about communication with constitutional and statutory bodies to all Ministries/Departments of Govt. of India so as to ensure that communication with the Constitutional authorities like the Election Commission of India is done in proper form and manner.~~ A copy of the instructions issued may also be forwarded to the Commission.

Yours faithfully,

(ASHISH SRIVASTAVA)
DIRECTOR (ADM.)

ISSUED ON
21, 2010
Election Commission of India
New Delhi-110001

Mr. Taradatt
Joint Secretary
Pat. 2301, 1964

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CABINET SECRETARIAT
RASHTRAPATI BHAVAN,
NEW DELHI-110004
August 25, 2010

No. 403/17/2010-TS

Dear Sir/ Ma'am,

The Election Commission of India has observed that in spite of existence of clear instructions regarding the format in which the Constitutional Authorities such as Election Commission are to be addressed, some Ministries/ Departments are writing to the Commission in a routine manner in the form of Office Memorandum and are addressing the Chairman, Election Commission, Chief Election Commissioner or the Election Commissioners.

2. Paragraph 57 of the 12th edition of Central Secretariat Manual of Office Procedure lays down the form of communication to be used for correspondence with statutory bodies including Election Commission as under:

"References to constitutional and statutory authorities such as Election Commission of India will normally be made in the letter form addressed to Principal Secretary/ Secretary. In no case Office Memorandum will be sent to such authorities by the Ministries/ Departments."

3. I am desired to request that the above instructions may be noted for strict adherence while communicating with all Constitutional and statutory authorities including Election Commission of India.

With regards,

Yours sincerely,

(Signature)
25-8-10
(Taradatt)

All Secretaries to Government of India (by name)

N.O.O.

✓ Copy to Secretary, Election Commission of India, with reference to their letter No. 193/4/IV/2010/421 dated 05.08.2010.