

No.1/41/2014-Cab
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)
RASHTRAPATI BHAVAN

New Delhi, the 31st March, 2014

OFFICE MEMORANDUM

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

The undersigned is directed to enclose a copy of the Election Commission of India (ECI) letter No. 437/6/INST/2014-CC&BE dated 20.03.2014 on the above mentioned subject in the context of the applicability of the Model Code of Conduct for the guidance of political parties and candidates which are also available on the official website of the ECI viz. <http://www.eci.gov.in> and to say that the ECI has now decided that such references in case of notes for the Cabinet/Cabinet Committees should be made to the ECI through the Cabinet Secretariat. Accordingly, in cases, where the ECI had been requested to clear the proposal(s) for being placed for consideration of the Cabinet/Cabinet Committees, and where the ECI has not responded till date, the Ministries/Departments may examine whether: (i) there is any urgency for early consideration of the matter by the Cabinet/Cabinet Committees at this stage; and (ii) in the light of the applicability of the Model Code of Conduct for guidance of political parties and candidates, and the related instructions, prior clearance of the ECI would be required. Thereafter, in cases where the issues contained in such notes require clearance from the ECI and there is urgency for consideration of the matter by the Cabinet/Cabinet Committees, a self-contained but succinct/brief reference may be made to the Cabinet Secretariat with detailed justification for taking up the matter with the ECI including indicating the grounds of urgency. Similar procedure may also be followed, in cases, where the Ministries/Departments consider it necessary to place other proposals(s) for consideration of the Cabinet/Cabinet Committees requiring clearance by the ECI.

2. It is also requested that copies of correspondence made, if any with the ECI, may also be enclosed with such a reference. The Ministries/Departments are requested to strictly follow the above procedure.

get in
(S.G.P. Verghese)
Deputy Secretary (Cabinet)
Tele: 23011791

To

All Secretaries to the Government of India.

2234

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: 20th March, 2014

To

- 1) The Cabinet Secretary
Cabinet Secretariat,
Rashtrapati Bhawan, New Delhi.
- 2) The Chief Secretaries of
All States and Union Territories
- 3) The Chief Electoral Officers of
All States and Union Territories

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

Sir/Madam,

I am directed to state that the Commission has been receiving references seeking clarification of the applicability of Model Code of Conduct from various Ministries/Departments/PSUs etc. The Commission vides its letter No. 437/6/2009-CC&BE, dated 5th March, 2009 issued guidelines regarding implementation/processing of the various projects, schemes, rural development programmes etc. by the Central/State Governments. In item No. 14 of the said guidelines, it was clearly mentioned that "All Government of India references to the Election Commission of India shall be made preferably through the Cabinet Secretariat. In so far as reference from State Governments is concerned, the same shall be made to the Election Commission of India through the Chief Electoral Officer (CEO) of the state concerned.

Inspite of the above guidelines, the references from Central Governments are being directly received in the Commission without routing through the Cabinet Secretariat. Further, Departments, Sub-Departments, Public Sector Undertakings, Autonomous Bodies of the Ministry/Department are also forwarding references to the Election Commission directly. As a result innumerable references are pouring in, including those cases which have no urgency and which can wait till elections are over.

Further various Ministries/Departments keep forwarding references without examining the matter in the light of various standard instructions/guidelines/FAQs of the Commission already available in the Commission's website.

Considering the above, the Commission has directed that henceforth:-

- (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-Departments, Public Sector Undertakings, Autonomous Bodies of the Ministry/Department will make references to the Election Commission through the concerned Ministry/Department.
- (iii) All the references of the State Governments should be routed through the Chief Electoral Officer concerned i.e. no direct references should be made to the Election Commission by the State Governments.
- (iv) The Chief Electoral Officers should not send those references to the Commission in cases where there are clear-cut instructions of the Commission to deal with such case.
- (v) Only such references shall be made to the Election Commission where there is doubt whether the issues are covered under the existing instructions of the Commission or not.

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

Yours faithfully

(K.AJAYA KUMAR)
PRINCIPAL SECRETARY

Copy to the DECs/DGs/Principal Secretaries/Secretaries/Under Secretaries/Zonal Sections of the Election Commission of India.