

By fax/Camp Bag

तार : निर्वाचन
नई दिल्ली
GRAM: ELECCOM
NEW DELHI

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA

फैक्स : 23716617
FAX: 23716617
Phone- 2377338
23717391/280

संख्या
NO: 464/UP-LA/2012
तारीख
Dated 24th January, 2012

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

To
The Chief Secretary,
Government of Uttar Pradesh
Lucknow

Sub: General Election to UP Legislative Assembly, 2012 – oral directions issued by the senior officers to CEO/DMs/SPs etc during elections- compliance thereof-regarding

Sir,

To ensure free and fair elections in the country, the Constitution of India, under the provisions of Article 324, has vested in Election Commission, the responsibility of superintendence, direction and control of the conduct of elections. This responsibility may cover power, duties and functions of many sorts including administration during elections. In pursuance of these powers, the Commission has been issuing various instructions during the current general election to the Legislative Assembly of Uttar Pradesh to provide a level playing field to all political parties as also to ensure that there is no scope for public complaints that the political executive/government of the day is misusing the governmental machinery for political purposes.

2. It has come to the notice of the Commission that some senior officers in the State Secretariat, other than Election Department, are issuing oral/telephonic instructions to the election related officers posted in the state/district which may be at variance with the instructions of the Commission.

3. In this connection, I am to draw your attention to the provisions of Section 28A of Representation of Peoples Act, 1951, which, inter alia, provides that the returning officer, assistant returning officer, presiding officer, polling officer, and any other officer appointed under this Part, and any police officer designated for the time being by the State Government, for the conduct of any election shall be deemed to be on deputation to the Election Commission for the period commencing on and from the date of the

notification calling for such election and ending with the date of declaration of the results of such election and accordingly, such officers shall, during that period, be subject to the control, superintendence and discipline of the Election Commission.

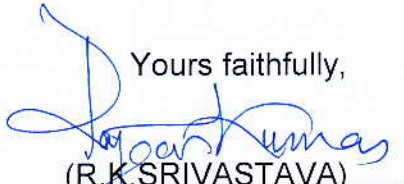
4. You will appreciate that issuing any instructions to any officer designated for conduct of election/assigned election related duties, including DEOs, is not only unwarranted but also may jeopardize the election process and in many cases create confusion in field machinery for elections.

5. Taking a serious note of the situation, the Commission has directed that the district officers may be asked to comply with only those written orders which are in consonance with the instructions of the Commission.

6. The officers of the state secretariat may be told not to issue any oral/telephonic or otherwise instructions regarding election management to the state/district authorities which are outside their jurisdiction.

7. Kindly ensure compliance and inform all concerned.

Yours faithfully,


(R.K. SRIVASTAVA)
PRINCIPAL SECRETARY