

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.