

MOST URGENT
ELECTION MATTER


भारत सरकार/GOVERNMENT OF INDIA
रेल मंत्रालय/MINISTRY OF RAILWAYS
(रेलवे बोर्ड/RAILWAY BOARD)

CIRCULAR

Sub: Forms and Procedures of communications with Election Commission of India (ECI)

Enclosed please find a copy of O.M.No.1/41/2/2017-Cab dated 11.04.2019 from Addl. Secretary, Cabinet Secretariat on the above noted subject for information and necessary guidance for making a reference to the Election Commission of India (ECI).

All concerned are requested to note and ensure compliance of the Commission's instructions


Director (GA)
Railway Board

No 2018/G/32/1
Dated 23.04.2019

To:

All Officers and Branches in Board's Office including those working in Pragati Maidan Metro Station Building Complex and Dayabasti RPSF Camp.

No.1/41/2/2017-Cab
GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)
(RASHTRAPATI BHAVAN)

New Delhi, the 11th April, 2019.

OFFICE MEMORANDUM

Subject: Forms and Procedures of communication with Election Commission of India (ECI).

The undersigned is directed to enclose herewith a copy of Election Commission of India's (ECI) letter No.437/8/CG/ECI/LET/FUNCT/MCC/2019 dated 10.04.2019 on the above subject reiterating in a consolidated manner the existing instructions for making a reference to the Commission.

2. In addition to reiterating that communications to ECI should be addressed only to the Deputy Election Commissioner/ Principal Secretary/ Secretary in the letter form, with a 72-hour window to process such references etc.; the Commission has directed all Ministries/ Departments to designate one or more nodal officers not below the rank of Joint Secretary, who will be responsible to send references on Model Code of Conduct (MCC) to ECI in letter form only.

3. Further, the Commission has proposed to set up an online portal to facilitate processing of MCC references; and also to enable the Ministries/ Departments to track their status. The nodal officer concerned will be provided access to the said portal.

4. It is requested that the instructions for communications with ECI as reiterated in para 5 of the enclosed letter may be disseminated to all concerned for strict compliance. The said instructions, in particular Para 5(v), may also be brought to the notice of all Statutory/ Constitutional Bodies administratively in the domain of your Ministry/ Department.



(Rajesh Bhushan)
Additional Secretary
Tele No.2301 2697

All Secretaries to the Government of India

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI -110001

No. 437/6/CG/ECI/LET/FUNCT/MCC/2019

Dated: 10th April, 2019

To

Cabinet Secretary,
Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi- 110003

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 in the Election Commission and certainly not to the Chief Election Commissioner or Election Commissioner except in the 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. In this connection, I am to enclose a copy of letter no. 403/1/7/2010-TS dated 25th August, 2010 from Joint Secretary, Cabinet Secretariat issuing instructions to all Secretaries of Govt. of India.

4. However, the Commission is still receiving references from some ministries/departments of Government of India in the form of O.M. or D.O. letters addressed to Hon'ble Chief Election Commissioner or Election Commissioner. During the current general elections, the Commission has returned around 70 such references without processing the same.

5. The Commission has reviewed the matter and directed me to bring the following existing instructions to your kind notice-

1. All the communications with the Election Commission should be addressed only to Deputy Election Commissioner/Principal Secretary/Secretary in the Commission and not to the Chief Election Commissioner or Election Commissioner except in those cases, where the Secretary/Head of Department feels that something has to be

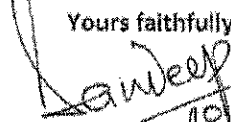
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brought to the personal notice of the Chief Election Commissioner or Election Commissioner.

- II. Each ministry/department should designate one or more than one nodal officers, who will be an officer not below the rank of Joint Secretary and who will be responsible to send Model Code references to the Commission. The details of such nodal officers will be sent to the Election Commission for information and record.
- III. All Model Code of Conduct references shall be sent to Commission only through formal letters addressed to Deputy Election Commissioner/Principal Secretary/Secretary in the Commission and signed by the nodal Joint Secretary or an officer of equivalent rank of the ministry.
- IV. Departments/Subordinate offices/PSUs/Boards under the ministries/departments should make reference to the Commission through the concerned ministry.
- V. The Statutory/Constitutional Bodies like Finance Commission, SC/ST Commission, UPSC and other such independent authorities/bodies can make reference to the Commission independently, under the signature of Secretary/Additional Secretary/Officer of equivalent rank of the said Commission.
- VI. Election Commission will require atleast 72 hours to process the references received from ministries. Only in case of references of top-most urgency, the processing time will be 48 hours. Therefore, the ministries/departments should send references well in time, alongwith all requisite details/information, etc, for clearance.
- VII. All communications, received not in a proper form or not signed by the nodal Joint Secretary or, an officer of equivalent rank shall be returned to the ministry/department concerned without processing the same in the Commission.

6. The Commission has directed me to request that these instructions may be reiterated and brought to the notice of all ministries/departments/offices of Govt. of India for strict compliance.

7. I am further to inform that for streamlining the processing of MCC references and to facilitate the ministries/departments to know the status and to download copy of the decision, the Commission has proposed to start an online portal whereon, the Nodal officer of the ministry/department can upload the reference alongwith the supporting documents. The Nodal officer will be able to see the status of the reference and the Commission's decision on the same.

Yours faithfully

(DR. SANDEEP SAXENA)
10.4.2019
DEPUTY ELECTION COMMISSIONER

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No. 160135/2004 C.S.M.
Government of India

Department of Administrative Reforms and Public Grievances

5th Floor, Sanjay Patel Bhawan,
Rajend Marg, New Delhi-110001
October 11, 2004

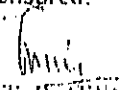
Office Memorandum

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 or 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.


C. R. GILL
Under Secretary to the Government of India
Tel: 23367060

To
DS, Dir of All Minis. Department
As per list attached

Dr. Taradatt
Joint Secretary
Tel. 2301 1964

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CABINET SECRETARIAT
BAGH EKRANTI BHAVAN
NEW DELHI-110004
August 25, 2010

No. 403/1/7/2010-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/VI/2010/421 dated 05.08.2010