

राजेश भूषण, आईएएस
अपर सचिव

RAJESH BHUSHAN, IAS
ADDITIONAL SECRETARY

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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

Shri Injeti Srinivas
Secretary,
Ministry of Corporate Affairs
New Delhi

(Rajesh Bhushan)

14/08(NB)
03/01/2019

7/COOA
03/01/2019

~~Director + AA~~
Director + AA
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4/4(NB) ~ B
50(COA) 4/1/19

CS-15853/18
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 (ATB)

19/12/18
JS (CAB)
19/12/18

URGENT
19/12/18
VS (ATB)

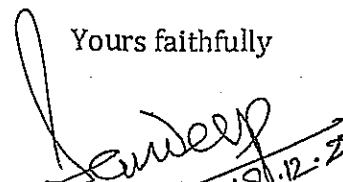
20/12/18
NSC

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

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2/11
4/2/10

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By special messenger

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 193/4/IV/2010/421

~~193/4/IV/2010/421~~

To

~~Secretary~~
Secretary,
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 any other officer of appropriate level and ~~not to the Chief Election Commissioner or Election Commissioners.~~

2.1 The Deptt. of Adm. Reforms and Public Grievances, Govt. of India vide its O.M. No 012/1/92-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
13 AUG 2010
Election Commission of India
New Delhi-110001

o/c

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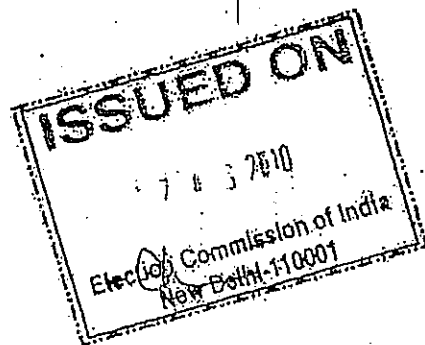
Instructions were again repeated to all Ministries vide their O.M. No. 24013/8/2004-O & M dated October 11, 2004.

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. 24013/8/2004-O & M 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 to re-iterate 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.)



Dr. Taradatt
Joint Secretary
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CABINET SECRETARIAT
RASHTREEPATI 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,

Taradatt
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.

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No. 1601 X.5/2004 O&M
Government of India
Department of Administrative Reforms and Public Grievances

5th Floor, Sardar Patel Bhawan,
Sansad 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.


(T. K. Gill)

Under Secretary to the Government of India
Tel: 23367060

To

DS/Dir of all Ministries/Departments
As per list attached