

General Election Vidhan Sabha, 2014  
Most Immediate Date Bound

No. 4/28/2014-1 Election  
Government of Haryana  
Chief Secretary Office  
(Election Branch)

Dated, Chandigarh, the 30<sup>th</sup> September, 2014.

- To  
In No 2 only  
(m)  
30/9/14
1. All the Administrative Secretaries to Govt., Haryana.
  2. The Director General of Police Haryana.
  3. All the Divisional Commissioner in Haryana.
  4. All the Deputy Commissioner-cum- District Elections Officer in Haryana.

**Subject: - General Elections to the State Assemblies- holding of meeting with civil servants and police officers of the District Administration by the Chief Secretaries or other senior Secretaries-Reg.**

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Sir/Madam,

I am directed to refer to the subject noted above and to enclose a copy of letter No. 437/6/INST/2014-CC&BE/ 920, dated 26.09.2014 received from Sh. K. Ajaya Kumar, Principal Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi for immediate appropriate action.

2. It may be ensured that directions of the Election Commission of India are complied strictly to implement the above measures.

Yours faithfully,

*Jarnail Singh*  
Superintendent Election.  
30/9

Endst.No.4/28/2014-1Election

Dated, Chandigarh the 30<sup>th</sup> September, 2014.

A copy is forwarded to Sh. K. Ajaya Kumar, Principal Secretary,, Election Commission of India, Nirvachan Sadan; Ashoka Road, New Delhi w.r.t. their letter No 437/6/INST/2014-CC&BE/ 920, dated 26.09.2014 for information.

*Jarnail Singh*  
Superintendent Election.  
30/9

Endst.No.4/28/2014-1Election

Dated, Chandigarh the 30<sup>th</sup> September, 2014.

A copy is forwarded to the Chief Electoral Officer Haryana for information and necessary action.

*Jarnail Singh*  
Superintendent Election.  
30/9

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110001.

No. 437/6/INST/2014-CC&BE / 1926

Dated 26<sup>th</sup> September, 2014

To

The Chief Secretaries to the Govt.s of

1. Haryana, Chandigarh
2. Maharashtra, Mumbai
3. All other States and Union Territories

<p>हरियाणा सिविल सचिवालय झण्डीगढ़</p> <p>26 09 2014</p> <p>परिचालन संख्या नं. _____</p>
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Subject:- General Elections to the State Assemblies – holding of meeting with civil servants and police officers of the District Admin by the Chief Secretaries or other senior Secretaries - regarding-

Sir,

I am directed to state that there have been reports in the past that even after the announcement of elections the Chief Secretaries and other senior Secretaries of the State Govts. hold meetings and video conferences with the District Collectors/Superintendents of Police etc to review election preparedness, progress regarding preparation/revision of electoral rolls and other election related activities. The Commission has taken a serious note of the same. In this connection, your attention is invited to the instructions contained in Commission's letter No. 23/GOA/2008 dated 2<sup>nd</sup> September 2008 (copy enclosed) which strictly prohibits holding of such meetings/video conferences by the executive machinery of the States for the reasons explained therein. As already stated therein, the work related to the conduct of elections and preparation of the electoral rolls are activities which exclusively fall within the domain of the constitutional duties of the Election Commission and for which separate set up is already in existence. Needless to say any interference by the State executive in those works shall be violative of the provisions of the Constitution. The Commission hereby reiterates the instructions already communicated by it in the above referred letter for strict adherence by all concerned.

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दिनांक 30/09/2014

2. It has also been brought to the notice of the Commission that Senior Officers of the State Govt. like the Chief Secretaries and other senior Secretaries call senior civil and Police officers of the District Administration for meetings to review some Administrative issue or other. The matter was considered by the Commission. In this connection it may be stated that all the top District Civil servants like District Collectors (DMs), SPs, ADMs, SDMs etc are officers directly connected with conduct of election and are therefore deemed to be on deputation to Election Commission in terms of Section 13 CC of R P Act 1950 and are therefore under the superintendence, direction and control of the Election Commission. Further, under Section 28A of RP Act, 1951, officers designated as the Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers and all Police Officers designated by the State Govt. for the conduct of election are also deemed to be on deputation to the Commission and are therefore under the superintendence, direction and control of the Election Commission. As such, holding any meeting(s) whether at State or Divisional or District level with such election related officers during election period would disturb/dislocate the preparations for the conduct of elections, and hence holding of such meetings without Commission's permission/concurrence during the election/MCC period is not advisable. However, if any exigency exists which warrants such meeting to be held by Chief Secretaries or DGPs, the Govt. shall take prior permission of the Commission in the matter, giving reasons for holding such meetings.

The above matter may be brought to the notice of all concerned.

Yours faithfully,



(K.AJAYA KUMAR)

PRINCIPAL SECRETARY

Copy to

1. The CEOs of Haryana and Maharashtra
2. The CEOs of other States and UTs

He is the JCEO  
on this letter

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi -110001

No. 23/GOA/2008

Dated: 2nd September, 2008

To

The Chief Secretaries  
to the Government of  
all States/Union Territories.

Sub:

Preparation of Electoral Rolls - regarding.

Sir,

कार्यालय मुख्य निर्वाचन अधिकारी  
एन पीएन एमएन शासन भवन  
निर्वाचन विभाग, नई दिल्ली  
हाथी क्रमांक ..... 2833  
दिनांक ..... 2/9

I am directed to invite your attention to the Commission's letter No.30/2007/ERS dated 2-11-2007(a copy of which is enclosed for ready reference) in which it is clearly stated that under Article 324(1) of the Constitution of India; the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the Office of President and Vice- President held under the Constitution is vested in the Election Commission of India. In the discharge of its Constitutional obligations of preparation/revision of electoral rolls and conduct of elections, the Commission issues various directions under the Representation of the People Act of 1950 and 1951 and the Registration of Electors Rules, 1960 and Conduct of Elections Rules, 1961 from time to time. All the above constitutional provisions, Acts and Rules constitute the framework under which all the works related to the conduct of elections and preparation and revision of electoral rolls are carried out. Under Section 13 A of the Representation of the People Act, 1950, there is a Chief Electoral Officer for each State/UT who is designated or nominated by the Election Commission in consultation with the State Government. Similarly, under Sections 13AA, 13B and 13 C of the 1950 Act, there is a District Election Officer in each district, an Electoral Registration officer for each constituency and one or more Assistant Electoral Registration Officers who supervise the preparation and revision of electoral rolls of the State/district/constituencies within their respective jurisdictions subject to the superintendence, direction and control of the Election Commission. Likewise, there are Returning Officers and Assistant Returning Officers appointed under Sections 21 and 22 of the Representation of People Act, 1951.

2. It is also stated in the above said letter that for conduct of administrative business related to the elections, many States have either a separate department or a separate division in a department and, in most of these cases, the Chief Electoral Officer is designated as the ex-officio Secretary. These departments discharge their duties under the Government of their respective state headed by the Chief Secretary to that

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State Government and the Minister allotted elections as the subject. However, it is clarified that this administrative arrangement does not make the above mentioned officers in Part II-A of the R.P. Act, 1950 and Part-IV of the R.P. Act, 1951 subject to superintendence, direction and control of the Chief Secretary or the said Minister while these officers are assigned the duties relating to the conduct of elections and preparation of electoral rolls.

3. It has come to the notice of the Commission that perhaps unwittingly ignoring the above said instructions of the Commission, Chief Secretary of a State recently chaired a video conferencing meeting with the District Election Officers for a review of the preparation of EPICs and disposal of claims and objections with reference to the revision of the rolls by the Electoral Registration Officers which was also attended by the Chief Electoral Officer of the concerned State. The Commission has considered this as violation of the provisions of Constitution stated above and those of R.P. Act, 1950. It is directed that any officer or staff required by or under the R.P. Act, 1950 or R.P. Act, 1951 to perform any official duty in connection with preparation, revision or correction of electoral rolls or conduct of elections, shall not attend or arrange a meeting on the subject by or for anyone, other than the persons authorized under law or nominated by the Election Commission in that behalf.

4. The Commission again directs that it shall be ensured that there is no such interference by the executive in the process of conduct of elections and revision of electoral rolls and related activities.

5. Whenever there is a change of incumbent of the office of the Chief Secretary, the instructions contained in the present letter may be brought to the notice of the new Chief Secretary.

Yours faithfully,

(Satyendra Kumar Rudola)  
Secretary

Copy to the CEOs of all States and Union Territories for their information, with the direction that the contents of the letter should be brought to the notice of all DEOs/EROs/AEROs for their information and compliance. The Commission has further directed that it would be the responsibility of the CEOs to prevent unauthorised interference of the nature referred to above. They should bring to the notice of the Commission any instance that may lead to such interference by the executive.

(Satyendra Kumar Rudola)  
Secretary