

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 437/6/INST/2009/CC&BE

Dated :26th April, 2009

To

1. The Chief Secretaries of all States and UTs
2. The Chief Electoral Officers of all States and UTs

Subject:- General Election, 2009- Model Code of conduct- briefing of CM/HM by police officers-reg.

Ref : Commission's letter No. 464/MT-HP/2009 dated 8th April, 2009

Sir,

I am directed to state that the Commission has issued instructions to the effect that security briefings of Chief Minister or the Home Ministers when considered essential, should be undertaken by the Home Secretary or the Chief Secretary, who in turn should be briefed by the police agencies. The instructions further state that in case where police agency's/official's presence is considered essential, the Chief Secretary/Home Secretary may require the police agency/official to be present in such briefings.

2. The spirit behind the Commission's instruction is to safeguard a free, fair and transparent election and 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. It is reiterated that these instructions should, however, not be construed as any restriction to any **security related activity** of the law and order enforcing agencies. Therefore, in situations where it is so warranted, the law and order enforcing agencies should not take the plea of ECI instructions for any inaction or delay in action to be taken by them. Whatever is required under the circumstances, including informing the political executives by the DGP and taking directions from them, should be undertaken by the police agencies in the bonafide performance of their duty or exercise of their authority.

3. This may be brought to the notice of all concerned.

Yours faithfully,

(K. AJAYA KUMAR)
SECRETARY