

पत्रांक: बी1-3-126/2019- 6823  
प्रेषक,

पटना, दिनांक 25 सितम्बर, 2019 ई०।

बैजूनाथ कुमार सिंह,  
उप मुख्य निर्वाचन पदाधिकारी, बिहार।

सेवा में,

अपर मुख्य सचिव,  
गृह विभाग,  
बिहार, पटना।

विषय :- 23-समस्तीपुर (अ.जा.) संसदीय निर्वाचन क्षेत्र तथा 54-किशनगंज, 76-सिमरी बख्तियारपुर, 109-दरौदा, 158-नाथनगर एवं 163-बेलहर विधान सभा निर्वाचन क्षेत्र का उप निर्वाचन, 2019 के अवसर पर लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 28ए के अंतर्गत पुलिस पदाधिकारियों एवं आरक्षियों को चुनाव कार्य के लिए नामित करने के संबंध में।

महाशय,

निदेशानुसार उपर्युक्त विषयक भारत निर्वाचन आयोग द्वारा जारी की गयी प्रेस विज्ञप्ति संख्या ECI/PN/84/2019 दिनांक 21.09.2019 की प्रति संलग्न करते हुए कहना है कि लोक प्रतिनिधित्व अधिनियम, 1951 की धारा-28ए के अंतर्गत समस्तीपुर, दरभंगा, किशनगंज, सहरसा, सिवान, भागलपुर एवं बांका जिले अंतर्गत पदस्थापित पुलिस सेवा के सभी पदाधिकारियों, आरक्षियों एवं चुनाव कार्य हेतु अध्यायित अन्य पुलिस पदाधिकारी/आरक्षी को चुनाव कार्य के लिए नामित करने की कार्रवाई की जानी है।

“Compendium of Instructions on Conduct of Elections, 2014 (Volume-1)” की पुस्तिका में Instruction SI.NO. -31 में उद्धृत भारत निर्वाचन आयोग के आदेश संख्या 434/1/ES026/94 MCS दिनांक 24.10.1994 की कड़िका 6,7 एवं 8 में उल्लिखित है कि :-

6. Regardless of the nature of election (whether a general election or a bye election) the State Govt. shall invariably designate:
  - i.) The Director General of Police/Additional Director General of Police, Inspector general of Police; and
  - ii.) In a general, all the police officers below the level of Director General of Police borne on the strength of the State Government; and
  - iii.) In the case of a bye-election the Additional DG/DIG/ Commissioner of police under whose jurisdiction the constituency falls, and all police officers below them in the districts/ constituencies concerned, as designated officers for the purpose of section 28A of the R.P. Act, 1951.
1. The Commission has further directed that where any State Government/Union Territory Administration fails to designate any individual police officer or class of police officers of any rank, as directed herein above under section 28A of the Representative of the People act, 1951, the Commission will insist and ensure that such police officers will not be allowed to deal with any election related work in any manner whatsoever.
2. The Commission has also directed that compliance report in this regard in respect of the State of Goa and Sikkim shall reach by 1700 hours on 25<sup>th</sup> October, 94 and in respect of the State of Andhra Pradesh and Kranatka after the 3<sup>rd</sup> day of the date of notification calling for the general elections.

अतः निदेशानुसार अनुरोध है कि भारत निर्वाचन आयोग के उपर्युक्त आदेश के आलोक में दिनांक 26.09.2019 तक पुलिस सेवा के सभी पदाधिकारियों एवं आरक्षियों को निर्वाचन कार्य करने के लिये नामित करने की कार्रवाई सुनिश्चित करने की कृपा की जाये।

अनु०:- यथा उपर्युक्त।

विश्वासभाजन

24-9-2019  
(बैजूनाथ कुमार सिंह)

उप मुख्य निर्वाचन पदाधिकारी, बिहार



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पटना, दिनांक 25 सितम्बर, 2019 ई०

प्रतिलिपि :- मुख्य सचिव, बिहार, पटना को सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।

25/9/2019  
(बैजूनाथ कुमार सिंह)

उप मुख्य निर्वाचन पदाधिकारी, बिहार

ज्ञापांक:- बी1-3-126/2019- 6823

पटना, दिनांक 25 सितम्बर, 2019 ई०।

प्रतिलिपि :- प्रमंडलीय आयुक्त, पूर्णिया प्रमंडल, पूर्णिया/कोशी प्रमंडल, सहरसा/सारण प्रमंडल, छपरा/भागलपुर प्रमंडल, भागलपुर/दरभंगा प्रमंडल, दरभंगा/जिला निर्वाचन पदाधिकारी-सह-जिला पदाधिकारी, समस्तीपुर, दरभंगा, किशनगंज, सहरसा, सिवान, भागलपुर एवं बांका/निर्वाची पदाधिकारी-सह-अनुमंडल पदाधिकारी, किशनगंज, निर्वाची पदाधिकारी-सह-अनुमंडल पदाधिकारी, सिमरी बख्तियारपुर, निर्वाची पदाधिकारी-सह-उप विकास आयुक्त, सिवान, निर्वाची पदाधिकारी-सह-अपर समाहर्ता, भागलपुर, एवं निर्वाची पदाधिकारी-सह-उप विकास आयुक्त, बांका को सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।

25/9/2019  
(बैजूनाथ कुमार सिंह)

उप मुख्य निर्वाचन पदाधिकारी, बिहार

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पटना, दिनांक 25 सितम्बर, 2019 ई०।

प्रतिलिपि :- उप मुख्य निर्वाचन पदाधिकारी, पूर्णिया प्रमंडल, पूर्णिया/कोशी प्रमंडल, सहरसा/सारण प्रमंडल, छपरा/भागलपुर प्रमंडल, भागलपुर/दरभंगा प्रमंडल, दरभंगा/उप निर्वाचन पदाधिकारी, समस्तीपुर, दरभंगा, किशनगंज, सहरसा, सिवान, भागलपुर एवं बांका को सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।

अनु०:- यथा उपर्युक्त।

25/9/2019  
(बैजूनाथ कुमार सिंह)

उप मुख्य निर्वाचन पदाधिकारी, बिहार



## **INSTRUCTION SL.NO. 31**

Election Commission's Order No.434/1/ES026/94 MCS, dated 24.10.1994 addressed to Chief Secretary/CEOs of all States/Uts

**Subject: Designation of Police Officers by State Govt. U/S 28A of RP Act, 1951**

### **ORDER**

The Commission vide its order no. 4/93/JS-II dated the 6th January, 1993, had clarified that all police officers and police personnel starting with the Directors General of Police/Inspectors General of Police/Commissioners of Police at the top level, officers immediately subordinate to them, including but not limited to Director Generals, Additional Director Generals, Senior Superintendent Polices Superintendent Polices, Deputy Superintendent Polices and down to Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Head Constables and Constables (including home guards, ex-servicemen etc.) who are involved in any way in election-related arrangements perform duties in connection with the conduct of elections. They all are thus, by law, officers of the Commission being on deputation to it and are subject to its control, superintendence and discipline and are answerable to the Election Commission for any acts of commission or omission on their part while performing any election-related duties.

2. The Commission had also clarified that like-wise the officers and personnel of Central Police Forces and armed police forces of a State or Special Security Forces, if any, deployed on election - related duties in any State/Union Territory, are also subject to the control, superintendence and discipline of the Commission.

3. The Commission further clarified that the legal position should be immediately brought to the notice of all police officers and police personnel mentioned above for their information and compliance. It may be impressed upon them that any lapse on their part in the performance of their election-related duties will be viewed by the Commission appropriately.

4. In its letter of even number dated 26th July, 1993 the Commission had further elaborated and clarified that in so far as election related arrangement and coordination is concerned, since these are supervised by the Chief Secretary to the Government, he will be deemed to be an officer of the Election Commission while coordinating and supervising the election-related work in the State/Union Territory and will be subject to its control, supervision and discipline within the meaning of Article 324(6) of the Constitution read with section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951. Further as the Home Secretary to the State Government coordinates and supervises the arrangements relating to the maintenance of law and order in the State at the time of elections and performs election related duties he will also be subject to the overall control, superintendence and discipline of the Election Commission within the meaning of the aforementioned provisions of the Constitution and the Representation of the People Act in so far as election related work is concerned.

5. In order that there are no lacunae and misgivings in any one's mind, the Commission has directed that in future the State Governments shall designate all police officers from the level of Director General of Police/Additional Director General of Police/Inspector General of Police/ Commissioner of Police at the top level,



officers immediately subordinate to them and up to the level of head-constable and constable involved in any way in election-related duties, specially under section 28A of the R.R Act, 1951, as soon as the elections are announced and in any case not later than the 3rd day after the date of notification of general election or bye election.

6. Regardless of the nature of election (whether a general election or a bye election) the State Govt. shall invariably designate:

i) The Director General of Police/Additional Director General of Police, Inspector General of Police; and

ii) In a general election, all the police officers below the level of Director General of Police borne on the strength of the State Government; and

iii) In the case of a bye-election the Additional DG/DIG/Commissioner of Police under whose jurisdiction the constituency falls, and all police officers below them in the districts/ constituencies concerned, as designated officers for the purpose of section 28A of the R.R Act, 1951.

7. The Commission has further directed that where any State Government/Union Territory Administration fails to designate any individual police officer or class of police officers of any rank, as directed herein above under section 28A of the Representation of the People Act, 1951, the Commission will insist and ensure that such police officers will not be allowed to deal with any election related work in any manner whatsoever.

8. The Commission has also directed that compliance report in this regard in respect of the State of Goa and Sikkim shall reach by 1700 hours on 25th October, 94 and in respect of the States of Andhra Pradesh and Karnataka after the 3rd day of the date of notification calling for the general elections.

This shall be treated as a standing order for all future elections/bye-elections.