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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/EPS/2023(Election Official)

Dated:7th June, 2023

To

1. The Secretary,
Department of Personnel & Training,
Ministry of Personnel, P G and Pensions
Government of India
North Block, New Delhi - 110 001.
2. The Secretary,
Ministry of Defense,
Government of India,
199-A, South Block, New Delhi.
3. The Chief Secretaries of
All States/UTs.
4. The Chief Electoral Officers of
All States/UTs

Subject: Officials for Election Duty - Requisition, Seniority, Exempted Category and other related issues etc. - regarding.

Reference: Commission's Instructions issued vide No. and dated

- (i) No. 4/93/J.S. II, dated 06.01.1993.
- (ii) No.434/1/ES026/94 MCS dated 24.10.1994
- (iii) No. 458/4/96/-PS-IV/Vol-II dated 22.07.1996.
- (iv) No. 3/1/98/J.S. II, dated 11.08.1998
- (v) No.154/98/PLN-IV dated 31.08.1998
- (vi) No. 576/3/2004/JS-II dated 09.08.2004
- (vii) No. 464/INST/2007/PLN-I dated 12.10.2007
- (viii) No. 464/INST/2008/EPS dated 05.11.2008
- (ix) No.464/INST/2008/EPS dated 23.12.2008
- (x) No. 464/INST/2008-EPS dated 26.12.2008
- (xi) No.464/INST/2009/EPS dated 18.02.2011
- (xii) No. 464/INST/2013-EPS dated 18.09.2013

Madam/Sir,

Under Article 324(1) of the Constitution of India, superintendence, direction, and control of the preparation, revision and correction of electoral roll and conduct of all elections to the Parliament and State Legislature and election to the offices of President and Vice-President shall be vested in the Election Commission of India. For this purpose, Article

324(6) further provides that the President or the Governor of a State, shall, when so requested by the Election Commission, make available such staff as may be necessary for the discharge of the above functions conferred on the Election Commission of India.

2. Conduct of elections and preparation of electoral rolls involve diverse activities at various levels which require involvement of sizeable number of officials and field level functionaries of various authorities, including the Governments, in such exercises. The Commission has always endeavored to ensure free and fair elections and, in this regard, has issued numerous instructions on various crucial aspects of election process including requisition of staff for election duties. Now, in supersession of all the previous instructions in the matter, a revised and consolidated instruction is being issued by the Commission for scrupulous compliance by all concerned authorities.

3. In pursuance of the above Constitutional provisions contained in Article 324(6), a well derived structure of electoral machinery has been provided in the election laws contained in *Part II A* (Section 13A to 13CC) of the Representation of the People Act, 1950 and corresponding provisions given in *Part IV* (Section 20 to 29) of the Representation of the People Act, 1951.

Further, Section 159 of R P Act, 1951 lists out the authorities who shall make their staff available to the Returning Officers, when so requested by the CEO of the State. Under this provision, the Chief Electoral Officer can issue orders for requisitioning of staff from the authorities mentioned in the said legal provision to make available to Returning Officers as may be necessary for performance of duties in connection with elections. However, appointments of staff so seconded to Returning Officer, should be made by District Election Officer under Section 26 of the Representation of People Act 1951. Sections, 27, 28, 28A and 29 of the Representation of People Act 1951 are also relevant in this context.

Section 26 of the Representation of People Act, 1951 empowers the District Election Officers to appoint Presiding Officers and Polling Officers for polling stations falling in his district. Further, under Section 20A of the Representation of the People Act, 1951, the District Election Officer is

required to coordinate and supervise all work in the district in connection with conduct of elections. Therefore, the Commission directs that the District Election Officers, by convention and for convenience as narrated above, shall requisition staff for conduct of election under Section 159 of the Representation of the People Act, 1951.

4. OFFICERS UNDER DEEMED DEPUTATION WHILE PERFORMING ELECTION RELATED WORK:

4.1 Section 13CC of the Representation of the People Act, 1950 mentions that the officers referred to in Part II A of the Act and any other officer or staff employed in connection with the preparation, revision and correction of electoral rolls and the conduct of all elections shall be deemed to be on deputation to the Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Election Commission.

4.2 Section 28A of the Representation of the People Act, 1951 provides that the returning officer, assistant returning officer, presiding officer, polling officer and any other officer appointed under Part IV of the Act and any police officer designated for the time being by the State Government, for the conduct of any election, shall be deemed to be on deputation to Election Commission for the period commencing on and from the date of notification calling for such election and ending with the date of declaration of results of such election and accordingly, such officers shall, during that period, be subject to control, superintendence and discipline of Election Commission.

4.3 In view of Section 28A of the Representation of the People Act, 1951, all the State Govt. Officers other than those designated as DEO/RO/ARO and Presiding Officer and have been involved in elections in any capacity shall also be deemed to be on deputation to the Commission. Those include Chief Secretary, Home Secretary and all police officers and police personnel starting from the Director General of Police all other officers subordinate to them, including but not limited to DIGs, SSPs, SPs, Dy. SPs, Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Head Constables, and Constables (including home guards, ex-servicemen, etc.) during election period. They are, thus by law, officers of the Commission being on

deputation to it and are subject to its superintendence, direction, and control and are answerable to the Commission for any acts of commission or omission on their part while performing any election related duties. The police machinery shall ensure that law and order is maintained during the election period from the date of announcement of election to the date of completion of election process. Due protection and security shall be provided to the election officers, polling personnel and polling materials as well as to the candidates, leaders of political parties and other important functionaries in each constituency, so as to ensure free and fair election.

4.4 Accordingly, 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, regardless of the nature of election, the State Govt. under the provision of Sec 28A shall invariably designate the following police officers for the conduct of elections:

- i. The Director General of Police/Additional Director Generals of Police, Inspector Generals of Police
- ii. In a general election, all the police officers/ police personnel below the level of Director General of Police borne on the strength of the State Government
- 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.

4.5 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, then such police officers will not be allowed to deal with any election related work in any manner whatsoever.

4.6 Likewise, the officers and personnel of Central Armed Police Forces and any Armed Police Force of a State or Special Security Forces, when deployed on election related duties in any State/Union Territory, are also subject to the superintendence, direction, and control of the Commission.

4.7 The extent of disciplinary jurisdiction over officers, staff and police deputed to perform election duties during election period shall be governed by the Hon'ble Supreme Court's order dated 21.09.2000 and instructions of



the Commission No.11012(4)/2008-Estt.(A) dated 28.07.2008 and 08.12.2009. In this regard, the Commission has issued detailed instruction separately which may be referred to while initiating any disciplinary action against the official/staff/police.

5. OFFICERS IN O/o CHIEF ELECTORAL OFFICER:

In the interest of democratic process of conducting free and fair elections, the Commission has directed that the officers posted in the offices of the Chief Electoral Officer shall not be changed unless the Commission approves such change. Prior concurrence of the Commission shall be obtained for any change or transfer of the incumbents in the office of the Chief Electoral Officer.

6. ASSIGNING ELECTION DUTIES - SENIORITY OF OFFICIALS TO BE TAKEN INTO CONSIDERATION:

The Returning Officer while assigning election duties to various officials, shall take their seniority into account, and it should be ensured that a senior official is not put on duty under an official who is junior to him.

The Commission, has laid down the following guidelines for assignment of election duty for strict compliance by the District Election Officers and Returning Officers:

- a) Adequate care should be taken by the District Election Officers in calling for names of officials from different Departments of Central and State Governments, PSUs, Banks, other Institutions and Authorities etc. The scale of pay, rank and status of officials to be requisitioned need to be set out in the requisition order itself.
- b) The Chief Electoral Officer should set a uniform criterion for the State as a whole for requisition of staff on the basis of rank, status, pay scale etc. Considering the varying scales of pay and rank prevailing in different organizations, an upper benchmark set by the Chief Electoral Officer would be most appropriate to avoid confusion and litigation. For illustration, in Group-A category of employees, a level up to and including a certain rank needs to be prescribed instead of calling for all Group-A employees.
- c) In drawing up the seniority list of officials required for election duty, the



District Election Officer should consider, at the outset, the pay, rank and status of the officials nominated and classify them accordingly for purposes of randomization as per the detailed instructions already available. A Presiding Officer should be of higher scale/grade/rank in comparison to all Polling Officers appointed in his group.

- d) In determining the rank and status of officials drawn from different pools with different pay scales, the relative position of the official in his cadre/organization may also be considered and not merely the pay scale. For example, a Group-D employee from any pool, even drawing very high pay, should not be assigned duties of Presiding Officer or Polling Officer.

7. REQUISITION OF SENIOR DIVISION NCC CADETS FOR ELECTIONS:

The Commission has decided that the services of Senior NCC Cadets shall be utilized by deploying them for election related duties at the polling stations like queue management, assistance to PwD/infirm voters etc. The Cadets will be requisitioned for poll day duty within their districts and span of duty shall be restricted only to poll day (single day). They shall be deployed in uniform and without any arms. The Cadets would be paid remuneration at the same rate as any other polling personnel going to polling station for election duty. The expenditure on logistics of picking up the Cadets and dropping them back will also be borne by State Government.

8. STAFF TO BE REQUISITIONED TO MINIMUM EXTENT:

Care should be taken to ensure that wherever employees of any Government Departments/ Institutions/PSUs/authorities are requisitioned, only minimum number required are drafted for election duty, so that the regular activities of these institutions are not hampered. While requisitioning of staff, all Government Departments/ Institutions/PSUs/authorities in the area should be considered and no selective picking up of institutions shall be allowed so that there is not too much strain on only a few institutions.

9. REQUISITION OF STAFF IN CATEGORY OF PwDs AND WOMEN:

- 9.1 Considering the nature of duty and to avoid causing hardship to such employees, the Commission is of the view that the employees under PwD category “**persons with benchmark disability**” as defined under Section 2 (r) of The Rights of Persons with Disabilities Act, 2016 should not be



deployed on election duty **unless required for deployment at PwD-managed Polling Stations.**

9.2 However, if any such person is required to be used on election duty, prior approval of the General Observer may be obtained giving full details and justification. The DEO and the RO shall make personal efforts to identify such individuals and appreciate their nature of disabilities and discuss their limitations. Appropriate facilities and assistance should be provided, if deployed for election duty.

9.3 It shall be ensured that they should invariably be posted in proximity to their residence. If any PwD is inadvertently deputed to any difficult location, the Returning Officer should be able to make necessary changes in deployment manually in consultation with the General Observer.

9.4 All such women personnel who are in advance stage of pregnancy (whether are on maternity leave or not) or on medical advice being unfit for any rigorous or hazardous work or lactating women shall be exempted from being requisitioned for election duty.

9.5 Further, every woman employee called for election duty shall be informed, in advance, of arrangements of transport and appropriate stay at the place of duty with basic amenities and unless such arrangement is made and prior information in this behalf is given to such woman employee, she shall not be called to perform any election duty at any such place where the above arrangements are not available.

10. STAFF TO BE EXEMPTED:

10.1 The Commission has exempted certain categories of personnel from being requisitioned for election duty in view of essential nature of duties/service discharged by them. They are as follows:

- (i) Senior officers of the Indian Forest Service
- (ii) Medical staff including doctors, nurses, ANMs etc. (except on health-related election duty)
- (iii) Ayurvedic Medical Officer (AMO), Unani Medical Officer (UMO) and Homoeopathic Medical Officer (HMO) of AYUSH Department (except on health-related election duty)
- (iv) Doctors and Compounders working in veterinary hospitals.



- (v) Territorial Staff of Forest Department.
- (vi) Staff of All India Radio and Doordarshan.
- (vii) Officers of Food Corporation of India
- (viii) Officers of rural branch of Commercial Banks if it is a single-officer branch
- (ix) Operational officers/staff of UPSC

10.2 Official due to retire within 6 months' time or who has already retired but is on extension of service or re-employed should not be requisitioned for any election related duty.

10.3 The operational/technical staff of BSNL, MTNL, Electricity companies will be requisitioned for election duty only in unavoidable circumstances. However, they can be requisitioned to perform duty related to their department for election purpose.

10.4 Employees of Banks and LIC will be drafted on regular election duty to the minimum extent possible and only in constituencies where there is inadequate number of manpower or in emergent circumstances such as strike etc. However, they can be requisitioned to perform duty of micro observers.

10.5 The present practice of obtaining the prior approval of the High Court before engaging Judicial Officers/staff, under exceptional circumstances, for election work should continue.

11. ISSUE OF PHOTO IDENTITY CARD TO THE POLLING PERSONNEL:

11.1 To ensure that the identity of all Presiding Officers, Polling Officers, Counting Supervisors, Counting Assistants, Micro Observers and all such officials engaged in election work is clearly established while discharging their duties, the Commission has directed that the DEO/RO shall issue Identity Cards to them.

11.2 The election officials shall display their identity cards on person during election period/on the day of poll/on counting day for easy and quick identification.

11.3 Identity cards shall be prepared in the prescribed format (**Annexure-I**), as enclosed, containing all relevant details of the bearer. The photograph pasted on the ID card shall be duly attested by the concerned DEO/RO.



11.4 In order to ensure, ID cards are prepared and handed over to the election officials in time, the photos of the Govt. officials/employees to be deployed on election duty shall be collected or captured well in advance by the following options:

- (a) The polling personnel be directed to deposit his/her passport size photograph at the time of first round training for the purpose of preparation of the Identity Cards.
- (b) If that is not possible, the DEO can organize the capturing of the photographs of the polling personnel at the time of first round of training so that the prepared Identity Cards are handed over to the polling personnel concerned by obtaining proper acknowledgement in the second round of the training.

12. The above consolidated instructions are being issued in suppression of all existing instructions issued from time to time in the matter. All the election authorities shall be sensitized about the instruction for further compliance.

Yours faithfully,



07/06/2023

(SANJEEV KUMAR PRASAD)
SECRETARY

Specimen of IDENTITY CARD

IDENTITY CARD	
General/Bye Election toYear.....	<div style="border: 1px solid black; padding: 5px;">PHOTOGRAPH DULY ATTESTED BY DEO/RO</div>
DEPLOYED FOR ELECTION DUTY: (Name of Post)	
Name of AC/PC:	
NAME:	
AGE:	
NAME OF SPONSORING DEPTT.:	
DESIGNATION OF SPONSORING AUTHORITY:	
Mobile No.:	
 (Signature & Seal of DEO/RO)