

By Speed post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN ASHOKA ROAD NEW DELHI-110001

No.437/6/2006PLN-III

Dated: 06th November 2006

To

1. The Chief Secretaries of all the States & UT
2. The Chief Electoral Officers all the States & UT

Subject:- General Elections/Bye-elections to the Lok Sabha/Legislative Assemblies of the States/UTs- Posting of Officers - Regarding

Sir,

The Commission has, in the past, issued various instructions on transfer/posting of officers for conduct of free and fair elections. These instructions have now been consolidated for the convenience of all concerned, which are as under: -

(i) The Commission has followed the consistent policy to ensure that officers, who are connected with the conduct of elections in the States, do not serve in their home districts or places where they have served for long and decided that no officer connected with elections, directly or indirectly, should be allowed to continue in the present district of posting.

(a) If she/he is posted in her/his home district.

(b) If she/he has completed three years in that district during last four years.

(ii) These instructions will not only cover officers appointed for specific election duties like District Election Officers, Returning Officers and Assistant Returning Officers but also other district level officers like Additional District Magistrates, Deputy Collectors, Sub-Divisional Magistrates, Tehsildars, Block Development Officers. As far as officers in the Police Department are concerned, these instructions shall be applicable to range IGs, DIGs, SSPs, SPs and Sub-Divisional Heads of Police, Inspectors, Sub-Inspectors, Sergeant Majors or equivalent who are responsible for deployment of force in the district at election time.

(iii) The Commission has desired that a detailed review may, therefore, be undertaken before every election in all districts and all such officers should be posted out of their home districts or districts where they have completed a tenure of three years out of

last four years. While moving officers, who have completed three years in a district out of last four years, care should be taken so that they are not posted to their home districts. While calculating the period of three years, promotion to a post within the district is to be counted. While carrying out this review it must be borne in mind that these instructions do not apply to officers posted at the State headquarters.

(iv) The Commission also desires that the officers / officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in any election or election related work or who were transferred under the orders of the Commission previously may not be assigned any election related duty (ies)

(v) The Commission further desires that no officer / official against whom a criminal case is pending in any court of law, be associated with the election work or election related duty.

(vi) The Commission in the past has received complaints that while the State Government transfers officials in above categories in pursuance to the directions issued by the Commission, the individuals try to circumvent the objective by entering on leave and physically not moving out of the district from which they stand transferred. The Commission has viewed this seriously and desires that all such officials who stand transferred in pursuance to the instructions referred to above shall be asked to move physically out of the districts from which they stand transferred immediately on receipt of transfer orders.

(vii) The Commission's policy may be implemented prior to the formal announcement of the elections in order to ensure that the State Governments take necessary steps to transfer the officers/officials falling in the categories specified above early. If steps are taken immediately then large-scale dislocation of officers after the announcement of election shall not be necessary

(viii) Further, while implementing the above directions, the Commission desires that the Chief Electoral Officer of the State shall be consulted while posting the new persons in place of present incumbents who stand transferred as per this policy of the Commission. The copies of the transfer orders issued under these directions shall be given to the Chief Electoral Officers concerned without fail.

(ix) The transfer orders in respect of officers/officials who are engaged in the electoral rolls revision work shall be implemented only after final publication of electoral

rolls. (See Commission's instructions no. 437/6/2006-PLN-III (Vol-IV) dated 19th December 2005 & 437/6/2006-PLN-III Vol I dated 17th April, 2006)

(x) The police officials covered under the above instructions are those who are at present posted in the field or in police lines. The police officials who are posted in functional departments like computerization, special branch, training, etc. are not covered under these instructions. (See Commission's instructions no. PS/AK/2005, dated 14th January 2006)

(xi) The Police Officers of the level of Sub-Inspectors should not be posted in their home Assembly Constituencies.

(xii) The Police Officers of the level of Sub-Inspectors should be transferred out of their police sub-divisions if they have completed tenure of three years during last four years in that sub-division.

(xiii) The Police Officers of the level of Sub-Inspectors shall be transferred out of the district only if they cannot be continued there on the basis of criteria (xiii) and (xiv). (See Commission's letter no. 437/6/2006-PLN-III(Vol-IV) dated 4th February ,2006)

(xiv) Any officer who is due to retire within coming six months will be exempted from the purview of the above-mentioned directions of the Commission. Further such officers may not be engaged for performing elections duties during the elections. (See Commission's instruction no. 437/6/2006-PLN-III (Vol IV) , dated 20th February 2006))

(xv) It is further clarified that all the officials of the States/UTs who are on extension of service or re-employed in different capacities will not be associated with any election related work except those with the Office of CEOs.(See Commission's instructions no. 437/6/2006-PLN-III (Vol.IV) dated 6th, March 2006)

(xvi) For Union Territory of Pondicherry which has different territorial region like Mahe, Yanam, Karaikal and Pondicherry each territorial region may be considered as a separate unit for transfer in place of district, which means that an officer concerned under these instructions (a) should not be allowed to continue in his home region and (b) be transferred out of his present region, if he has completed a tenure of 3 years during last four years in that region. (See Election Commission's instruction no. 437/6/2006 PLN-III Vol. IV dated 20th January 2006)

(xvii) So far as Kolkata Police is concerned the transfers may be effected considering territorial divisions as unit in place of districts.

(xviii) For the personnel posted in Darjeeling District of West Bengal, the transfers are to be made by considering the sub-divisions as units in place of districts. (See Commission's instructions no. 437/6/2006-PLN-III, dated 29.12.2005)

2. The above instructions may be brought to the notice of all concerned for compliance and receipt of this letter kindly be acknowledged.

Yours faithfully,

Sd/-

(A.K.MAJUMDAR)
SECRETARY