

By Fax/Speed post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/INST/2010-CC&BE

Dated: 14th December, 2010

To

1. The Chief Secretaries of

- (i) Assam, Dispur
- (ii) Kerala, Thiruvanthapuram
- (iii) Tamil Nadu, Chennai
- (iv) West Bengal, Kolkata
- (v) Puducherry, Puducherry

2. The Chief Electoral Officers of

- (i) Assam, Dispur
- (ii) Kerala, Thiruvanthapuram
- (iii) Tamil Nadu, Chennai
- (iv) West Bengal, Kolkata
- (v) Puducherry, Puducherry

Subject: General Elections to the State Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Puducherry, – Transfer/Posting of Officers – regarding

Sir,

I am directed to state that the general elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Puducherry are required to be held during the first half of 2011. In order to ensure free, fair and peaceful conduct of elections in all these States, the Election Commission, in exercise of the powers vested in it under Article 324 of the Constitution read with the proviso to Section 15(2) of the Representation of the People Act, 1951, and taking into account the provisions of Section 13CC of the RP Act, 1950 and Section 28A of the RP Act, 1951, has decided that officers who are connected or are likely to be connected with the conduct of elections in the said States,

should not serve in their home districts or places where they have served for long and directed 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; or

(b) If she/he has completed three years in that district during the last four years or would be completing 3 years on or before 31st March, 2011.

(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 or any other officer proposed to be used for election work. As far as officers in the Police Department are concerned, these instructions shall be applicable to the Range IGs, DIGs, Commandants of State Armed Police, SSPs, SPs, Addl. SPs, Sub-Divisional Heads of Police, Inspectors, Sub-Inspectors, Sergeant Majors or equivalent ranks who are responsible for deployment of police force in the district at election time. The police officials who are posted in functional departments like computerization, special branch, training, etc. are not covered under these instructions. Apart from these, the Police Officers of the level of Sub-Inspectors should not be posted in their home Assembly Constituencies. 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.

(iii) The Commission further desires that a detailed review may, therefore, be undertaken before the General Election to State Legislative Assembly, in all districts and all such officers be posted out of their home districts or district where they have completed or will complete on the aforesaid date a tenure of three years out of the last four years, immediately. While moving such officers, care should be taken 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 in the State headquarters of the departments concerned.

(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 elections related work. shall not be assigned any election related duty.

(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 has in the past received complaints that while the State Government transfers officials in the above categories in pursuance of the directions issued by the Commission, the individuals try to circumvent the objective by proceeding 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 of the instructions referred to above shall be asked to move physically out of the districts from which they stand transferred immediately on receipt of the transfer orders.

(vii) Further, while implementing the above directions, the Commission desires that the Chief Electoral Officer of the State shall invariably 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.

(viii) The transfer orders in respect of officers/officials who are engaged in the electoral rolls revision work , if any, shall be implemented only after final publication of the electoral rolls in consultation with the Chief Electoral Officer.

(ix) 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 election duties during the elections.

(x) 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.

2. Details of the action taken may be intimated to the Commission for its information immediately and in any case not later than **31st January, 2011**.

3. It has been observed in the past that during the General Election, numerous references are received from various States seeking clarification with reference to the applicability of transfer order to individual cases. The Commission directs that all these issues should be basically handled at the Chief Electoral Officer's level. Only when it is absolutely necessary, individual references should be forwarded to the Commission after considering all aspects at the Chief Electoral Officer's level with his/her specific recommendations.

4. The above instructions may be brought to the notice of all concerned for compliance. Receipt of this letter may please be acknowledged.

Yours faithfully,

(K. AJAYA KUMAR)
SECRETARY