

ELECTION COMMISSION OF INDIA**NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.**

No.464/INST/2008/EPS

Date: 23rd December 2008.

To

The Chief Electoral Officers
of all States/UTs

Subject: Tracking the names of officers transferred by the order of the Election Commission of India charged with dereliction of duty etc.

Ref: No.437/6/2006-PLN.III dated 6th November,2006 & ECI message No.100/1994-PLN.I dated 28.3.1994 addressed to the CEOs of all States & UTs.

Sir/Madam,

The Election Commission of India vide the instruction referred to above had directed that a detailed review shall be undertaken before every election in all districts and all such officers should be posted out of their home districts or district where they have completed a tenure of 3 years out of 4 years, and had further directed that officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in election or election related work or who were transferred under the orders of the Commission in the matter may not be assigned to any election related duty.

However, it was observed during recent elections that in spite of efforts made by the CEOs and the DEOs to comply the above instruction of the Commission, there were still some instances of the officers who come under the above criteria and liable to be transferred out of the district to a non election related assignment but managed to stay back and the Commission came to know about this only at a later stage through complaints being raised by various political parties and members of public. These incidents, though few in numbers, send a wrong signal at the field level and non maintenance of proper information about the officers liable to be transferred on the above criteria has been recognised as a reason for some stray incidents of non-compliance. In order to remove the possibility of the occurrence of such incidents in future, the Commission has issued the following directions to make the existing instruction more effective:-

- I. The CEO of the State shall maintain a register in which the information about IAS/IPS officers, DEOs, ROs and EROs transferred by the order of the Election Commission and against whom Commission has recommended disciplinary action or who have been charged for any lapse in election or election related work shall be maintained.
- II. Similarly, the DEO will maintain a register containing information about other junior officers and other staff.
- III. Within 7 days of the announcement of elections by the Election Commission of India the CEO of the State will send a compliance letter to the Zonal Secretary in the Commission confirming that all the officers coming under

the above criteria have been transferred. Similarly he shall obtain a similar compliance certificate from all the DEOs confirming that all the officers/staff coming under the above criteria have been transferred to non election related assignment and out of the district.

- IV. With reference to transfer of officers coming under '3 years out of 4 years criteria' and the home district criteria, DEOs shall ensure compliance in respect of ROs, EROs, AROs and AEROs and other election related officials and send a letter to CEO within the time, if any, stipulated for this purpose by the Election Commission of India or CEO and if not, within 7 days of issue of press note announcing the elections. Similarly, information related to DEOs, SSP and SPs and other senior police officials connected with the election work shall be maintained by the CEO and compliance by the State Govt shall be ensured at his level Compliance regarding the transfer of these officers shall be collected from the DEOs and the CEO of the State shall send a consolidated letter of compliance to the Zonal Secretary within 7 days of the announcement of election.
- V. To facilitate the submission of this compliance letter within 7 days of the announcement of election, the CEO and DEO shall collect the information and ensure maintenance of register as stated above well in advance so that no time is lost.
- VI. There are many departments in the State Government that are involved in transferring officials and thereby accountable for the compliance of the above instructions of the Commission. The Commission's instruction regarding transfer of the officials during election shall be brought to the notice of the Secretaries of the departments concerned with a copy to the Chief Secretary. The Chief Secretary may be requested by the CEO to ensure that all the departments concerned comply with the Commission's instruction well in time.
- VII. With regard to bye-elections while the officers coming under the category, dealt within para marked as (I) shall be transferred out of the district within three days of announcement of bye-election and certainly before the first days of receipt of nomination whichever is earlier.
- VIII. The above instruction be followed without any deviation.

Yours faithfully,

(SHANGARA RAM)
PRINCIPAL SECRETARY