

**COMPENDIUM OF INSTRUCTIONS
ON
CONDUCT OF ELECTIONS**



VOLUME – I

2009

**Nirvachan Sadan, Ashoka Road,
New Delhi – 110001**

VOLUME - I

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A – DISTRICT PLAN

INSTRUCTION SI. No. 1

Election Commission's Letter No. 464/INST/2008-ELN-1 Dated: 13.05.2008 addressed to the Chief Electoral Officers of All States and Union Territories.

Subject: Advance preparation for bye-polls in the State.

I am directed to say that bye-elections are held from time to time whenever seats are falling vacant in the Lok Sabha as well as In Legislative Assemblies due to various reasons. While future general elections In the States will be held on the basis of newly delimited constituencies, during the currency of the life of the present Houses (Be it Lok Sabha or the Legislative Assembly of the State concerned), any bye-election held for that House has to be conducted on the basis of the rolls of the pre delimited (old constituency) constituencies. For this purpose, there is a need to keep the electoral roll of the pre delimited constituency intact for use, if need arises.

In this context. The Commission directs that the CEOs will make the following preparative arrangement whenever a bye-election is likely to be held in any State:-

1. As soon as the information received about death, resignation or disqualification of any sitting member that causes vacancy of a seat In the House, the CEO shall pursue the issue and find out whether the Lok Sabha/Legislative Assembly has notified the vacancy, whether any Court in the context of disqualification order passed etc., and ascertain the vacancy position and inform the Zonal Secretary immediately with a copy to the Secretary, Planning Section in the Election Commission of India.
2. The bye-election will have to be held before the expiry of six months from the date of vacancy. The Election Commission decides the date keeping various aspects in mind. The CEOs instead of waiting for the formal announcement of bye-election schedule, shall initiate advance preparatory measures to ensure smooth conduct of poll. This includes preparation of electoral roll as per the existing guidelines; assessment,

of the presence of RO/ARO, vacancy, if any, of key posts connected with bye-election; past data about the constituency covering the previous election; the likely requirement of CPF of SAP in connection with the conduct of bye poll etc. The date of election schedule in the meanwhile.

3. Since the election roll for the old constituency will have to be reconstructed on the basis of the conversion table from the newly delimited constituencies, the CEO concerned will have to start this activity without losing any time immediately as and when a vacancy comes to his notice. For the purpose CEO will keep a constant watch on the vacancy position and shall not wait for formal notification of the vacancy for this activity to start. The electoral roll for the old constituency shall have to be completed minimum one week before the notification of the bye-election as per the existing practice.

The Commission desires strict adherence to this instruction.

INSTRUCTION SI. No. 2

Election Commission's Letter No. 464/INST/2008-EPS Dated: 24th October, 2008 addressed to the Chief Electoral Officers of All States and Union Territories.

Subject:- Preparation of District Election Plan - Regarding

I am directed to state that the Commission has been issuing instructions regarding poll management from time to time. The past experience shows that having a proper and timely district election plan helps the administration in many ways to manage the elections effectively in free, fair and peaceful manner. Therefore, all officers connected with elections should familiarize/acquaint themselves with each measure to be taken at various stages of election process with reference to the Commission's existing instructions/directions and also updated provisions of the R.P.Act, 1951 & Rules made thereunder. More specifically, the District Election Officers should prepare a District Election Plan listing out detailed arrangements for the poll well in advance, particularly on the following items: -

1. District Profile:

Prepare a district profile giving the following -

- 1.1 Important Officials and their contact numbers.
- 1.2 Geography.
- 1.3 Demography.
- 1.4 Administrative Units (including constituencies).
- 1.5 General Law & Order, History of District -Constituency specific - to the extent possible.
- 1.6 Past Electoral offences - action taken against each of them and list of pending cases.

2. Elector Details :

2.1 Sex ratio :

Provide information in Format 1B & 1C and provide explanation as in footnote to the format 1B & 1C.

2.2 Voter – Population Ratio

Provide information in Form 2C and as explained in footnote of 2C, provide information for each of the constituency within the administrative jurisdiction of the DEO.

2.3 Inclusion and Deletion

Provide information in Format 3B and 3C

2.4 EPIC Coverage

Provide information in format 5B and 5C.

3. Polling Stations :

3.1 Basic details on polling stations e.g. constituency-wise no. of polling stations, nos. of polling locations, polling stations categorized by no. of Voters etc.

3.2 Special information on polling stations like list of polling station nos. accessible by vehicle, their distance from road head; list of polling stations without telephone lines (telephone nos. against each polling station).

3.3 Vulnerable Villages/Hamlets: Provide a list of vulnerable villages/Hamlets in Format 8. The vulnerable Hamlets/villages have to be identified in accordance with Commission's instructions on the subject.

4. Logistic Plan:

4.1 Polling personnel

Assess the manpower requirement at various levels for appointment as polling personnel like sector/zonal magistrate, presiding officer, polling officer etc. For the purpose, particulars of officers/officials working in the Central/State Govt. Offices, PSUs etc. based in the Districts have to be obtained and compiled in electronic database. Please provide the basic details category-wise in terms of number of eligible personnel available in district; no. of personnel (Deptt.-wise entered in electronic database) and no. of personnel actually required.

5. Movement Plan :

5.1 Sector Movement Plan

Draw a plan of movement of polling parties/security forces, sector offices indicating sectors covering polling booths/polling centres, with detailed route-chart with physical and time distance. Mention whether route is metalled or *kachcha*. Provide a sketch map of constituency showing the sector routes in different columns and Polling Station No. also marked thereon.

5.2 Requirements of vehicles etc.

Assess the requirement of vehicles (buses, LMVs and heavy vehicles) for movement of polling parties and security forces deployed on poll and counting duties.

6. Police Deployment Plan:

Assess the requirement of police personnel (in various ranks) for Sectoral movement in the district and to man polling booths/polling centres. Prepare the return journey plan for polled EVMs/polling material, their storage and Security plan till counting.

7. Communication Plan:

Prepare list of landline telephones/cellular connections available in/nearby each of the polling station alongwith particulars of persons to be contacted. Also prepare list of polling personnel/sector/zonal magistrates with their cellular numbers. Plan mode of communication such as VHF/HF linkage to ensure connectivity with each polling booth on the day of poll where no landline/mobile telephone connection is available. Provide details thereof.

8. Counting Plan:

Identify the place(s) for storage of EVMs and polling material and also for counting of votes with reference to standing guidelines prescribed by the Commission. Furnish the proposal through Chief Electoral Officer for the counting centres so identified for the Commission's approval well in advance. Assess counting staff availability, detail other logistics arrangements for counting, media arrangements and security arrangements for counting centre.

9. Provision for Polling Staff Welfare

There shall be a separate chapter in the election arrangement booklet prepared by DEO/RO dedicated to the polling staff welfare. In this connection, attention is invited to the detailed guidelines contained in Commission's letter of even no. dated 12th September 2008. The receipt of this letter may please be acknowledged with the confirmation that the relevant instructions have been issued to all the concerned officers. It should be clarified that the above are only indicative topics/items for the detailed district election plan. A copy of instructions/directions so issued in this behalf may also be endorsed to the Commission for its information and record.

Election Plan For a Constituency

Step 1

Collect information on total number of polling stations (parts) in a constituency.

Step 2

Organize and classify them as 'rural area polling stations' and 'urban area polling stations'. For classifying 'urban area polling stations' take the 7 corporation area, all the district head quarters and established city like towns for example Morvi, etc. Very small towns with semi-rural characteristics should not be taken as urban area polling stations.

Step 3

For **urban area polling stations**, collect the information on number of buildings (locations) in which these polling stations are located. Organize the information under

following columns:

- number of locations (buildings) with 1 to 3 polling station;
- number of locations (buildings) with 4 to 6 polling station;
- number of locations (buildings) with 7 to 8 polling station;
- number of locations (buildings) with 9 to 12 polling station; and
- number of locations (buildings) with 13 to 16 polling station;

Step 4

Plot these locations on a map showing the approach road and route to these locations.

Step 5

Organize these locations into clusters (Sectors). One cluster ideally should not have more than 8 locations. The minimum can even be one location if that location has too many polling stations and has other sensitivities like not easily accessible or law and order problem prone area etc.

The cluster (Sector) formation is an important task and needs care. Most important care to be taken is that all the polling station locations of one cluster should fall on one common road route. Economy of time and ease of access is prime criteria. A circular route is ideal; however it may not always be possible. Another care required is that polling station locations within a cluster should not be at a greater distance than an hour. In other words, all polling stations of a cluster can be visited within one hour at the most. The lesser the time taken, the better it would be.

Step 6

Repeat step 3 & 4 & 5 for **rural area polling stations**. For rural area however the number of locations covered in one sector can be more. The time distance for coverage can be upto 2 hours.

campaigning beyond permitted hours, misuse of public building for campaign purposes, misuse of government vehicles.

About the voters served by the polling locations under him/her:

The catchment area (wards/locality or villages/hamlets) covered by each polling station

Generate awareness about the functionality of EVMs amongst voters of each polling station (demonstrate how it works) Give specific Information to voters under his jurisdiction about their EPIC coverage programme Inform voters about the helpline numbers and location of their polling stations where they have to vote

About vulnerability mapping:

During their 'voter contact programme' the sector officers shall also ascertain apprehensions if any of the voters, especially the minority community voters, dalits, tribal and backwards The Sector Officer shall also attempt to collect the names of trouble mongers as perceived by the vulnerable inhabitants in confidence and give the information in Format 8 to the RO/DEO without having to disclose the source. In every vulnerable population or settlement (hamlet/pocket etc) of the voters in his/her jurisdiction, the sector officer shall identify a nodal contact person/family of that community, obtain the contact number (if he/she has) and leave his own mobile number for contact by them in any emergency. The sector officer will make frequent visit to such identified pockets and hold meetings with vulnerable population in their hamlets as confidence building measure.

On the poll eve:

The sector officer shall be responsible for ensuring that the Polling team and all the materials/equipment has reached the polling stations. He will report any missing team/member of a team to the RO immediately. The sector officer shall also be responsible for reporting that the Force Deployed according to the plan has reached the polling stations

On Poll Day:

Sector Officer will visit all the polling stations during the first two hours of poll and give the poll commencement report to the RO for polling stations under his jurisdiction. Sector Officer will ensure replacement of any EVM that would not operate for whatsoever reason at the start and during the poll hours Thereafter the Sector Officer will oscillate between his polling stations and make himself available/contactable to every Presiding Officer under his jurisdiction and ensure that the poll is conducted in a free and fair manner and without interruptions. Sector officer will ensure that there is no obstruction to any of the vulnerable pockets/population identified earlier in approaching the polling station and casting of votes. Any such thing shall be reported to the RO immediately. Sector Officer will give an OK report on conduct of poll in polling stations under his jurisdiction.

Sector Officer will safely escort and get deposited the polled EVMs at designated counters.

In order that the Sector Officers are able to carry out their duties smoothly, the following arrangements should be made for them:

Best officers available within the district will have to be hand picked
Elaborate training of sector officers Wherever possible, they should be declared magistrates on duty They should be provided with a vehicle and sufficient fuel. This should be provided well in advance, as soon as possible but not later than one week before the gazette notification A videographer with him to monitor any breach of the Model Code of Conduct A route map of his sector, giving the broad layout and location of polling stations falling in his sector (It could be a sketch map, need not be a scale map) Polling part's detail viz the voter roll with hamlets name etc for him to be able to contact some voters of every section in the part; An EVM for awareness of and demonstration before the voters (This can be given by rotation and a programme for each sector officer should be drawn up so that each sector officer gets it for 2-3 days) On poll day, the urban sector officers will move with ½ section of CPF in same vehicle

The RO/DEO should take weekly review with all Sector Officers to monitor the works done by them as well as to review the action taken by officers/departments concerned on the reports (shortcomings) pointed in Sector Officer's reports.

INSTRUCTION SI. No. 3

Election Commission's Letter No.464/INST/2007-PLN-I Dated: 12th October, 2007 addressed to 1. The Chief Secretaries of All States and Union Territories.. 2. The Chief Electoral Officers of All States and Union Territories.

Sub: Measures to ensure free and fair elections- Prevention of intimidation to the voters of vulnerable sections of electorate- Mapping of Vulnerability regarding.

I am directed to state that the Commission has been issuing instructions regarding various measures to be taken to ensure free and fair elections. An atmosphere in which each and every elector is able to access the polling station without being obstructed or being unduly influenced by anybody is an important prerequisite to a free and fair election. Undue influence at elections is an electoral offence under section 171C of the IPC. Any voluntary interference or attempt at interfering with the free exercise of any electoral right constitutes the crime of undue influence at an election. Section 123 (2) of the R.P Act 1951 defines, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent with the free exercise of any electoral right, as a corrupt practice.

Taking due cognizance of the role being played by the muscle power in the Elections and taking into account of certain prevailing socio economic realities of the electoral politics, the Commission has decided to issue the following instructions to curb the menace of threat and intimidation at elections by identifying the locations within a polling station area vulnerable for such threat and intimidation.

1. An exercise to identify the villages/ hamlets/habitats and segments of electorate vulnerable to any threat, intimidation or interference with the free exercise of electoral right shall be taken up polling station wise. The sector officers for their respective polling stations shall do this exercise by visiting the catchments area of the polling stations. The local Thane officer (SHO) and local civil authorities such as BDO / Tehsildar shall also be consulted and their inputs taken into account before finalizing the list. They should identify the source of such threat/ intimidation and identify the names of persons who are likely to spearhead such offence of undue influence. While doing this exercise they shall take into account the past incidents, and current apprehensions.
2. They shall identify some point of contact within the habitat/ community vulnerable for such undue influence so that information related to such developments can be tracked constantly.

3. The Returning Officer of the Assembly Constituency should compile all such information and finalize the vulnerability mapping for the entire constituency, polling station wise in a format (enclosed).
4. The DEO and SP shall initiate all preventive measures to ensure that such intimidation/ obstruction do not really happen on the poll day. They shall initiate confidence-building measures to bolster the voters' confidence about the arrangements for free and fair poll. They shall undertake tours to such locations and meet the communities and explain the arrangements made for the free and fair poll.
5. The DEO/ RO shall interact with the candidates and representatives of political parties to gather regular feedback. The District Intelligence shall give regular feedback on the subject to the DEO through SP.
6. Upon the arrival of the Observers the DEO/ RO shall hand over the details of the polling station wise vulnerability mapping for the relevant Assembly Constituency. The Observer will also visit such locations and interact with the voters and constantly monitor the developments.
7. The DEO and Superintendent of Police of the District should hold a joint review on the subject and finalize a focused action plan to deal with the potential threats and intimidation points identified. The action plan may include, inter-alia, binding the identified trouble mongers under appropriate sections of the law, preventive detention if required, forcing their appearance in local police stations at reasonable intervals to ensure their good behavior, placement of police pickets, regular confidence building visits etc. It has to be ensured that all such measures are undertaken in absolutely non-partisan manner without fear or favor towards any particular party.
8. The Zonal/ and sector arrangements to monitor the events on the poll day shall take such pre-identified vulnerable locations into account for effective tracking. If the normal sector route map does not cover the vulnerable locations special arrangements shall be made for this purpose. The Sector officers shall make regular visits to those villages and hamlets in advance and collect information and keep the senior officers informed.
9. Where there is a cluster of such vulnerable pockets, the DEO shall arrange for dedicated police teams/squads and locate them at convenient locations in the vicinity, to be pressed into service for action on the day of poll without any loss of time. It should invariably form part of the district security plan.
10. On the day of poll, the sector officers shall give special attention to verify whether voters from the vulnerable habitats/ communities are

- turning up for voting or not. In case, they find (it can be gauged from the marked copy of the electoral roll where voters who have voted are ticked) that some section of voters is conspicuously absent, then they should inform the Returning Officer about this immediately. The Returning Officer and DEO shall dispatch the dedicated squad specifically meant for this purpose, to ascertain, by a visit to the area/hamlet, that there is no hindrance – overt or covert – in movement of that section of voters. They should closely monitor the developments and initiate effective interventions. After the closing hours on the poll day, the sector officers shall submit a special report, polling station wise, in writing to the Returning Officers indicating as to whether voters from the vulnerable habitats were able to vote or not.
11. At the time of Dispatch of the polling parties at the Dispatch Centers the RO should brief the Presiding Officer concerned about the vulnerable locations within the Polling Station area. In the electoral roll the Section within the Part should also be marked for proper monitoring. The Presiding officers shall submit a report indicating abnormally low percentage of voter turnout if any within any section/sections, particularly, with reference to the vulnerable locations.
 12. During the poll the Observers and other senior officers while visiting the polling station shall pay a special attention to this problem and find out whether any undue influence, intimidation/ obstruction is being caused.
 13. The police patrolling parties should keep track of the vulnerable locations and keep the control room informed. Wherever necessary police pickets shall be established to ensure free access to all voters to cast their votes without fear.
 14. The Commanders/Assistant Commanders of the CPF shall be given a list of such vulnerable locations. Wherever CPF arrives in advance for area domination, special attention shall be given for such locations. On the day of poll the Commanders/Assistant Commanders shall make it a point to visit such vulnerable pockets as a confidence building measure. In case they come across any obstruction they shall take note of that and immediately inform any of the electoral officials such as RO/DEO/SP/Observer/Sector Officer and keep a note of the time of their intimidation.
 15. If any complaint is received or information gathered from any sources about obstruction/threat to any voter/voters the same shall be enquired into by the local administration without any delay.

16. The Returning Officer shall take the inputs on mass scale intimidation/threat/obstruction if any into consideration while submitting their report after the poll.
17. The Observers shall give their full attention to this issue and verify at every stage (before poll/on poll day) and submit reports to the Commission from time to time. A special mention shall be made about this in their final report. Apart from this they should make an intelligent reading of the Form 17A and the marked copy of the electoral roll used in the polling stations at the time of Form 17A scrutiny, ordered if any, by the Commission after the poll.
18. The Commission directs that accountability of various police and civil officials for vulnerability mapping and follow up at every stage shall be clearly defined with reference to each polling station/constituency. Severe disciplinary action will be initiated in case of dereliction of duty on the part of any police/civil officials in this matter.

This shall be brought to the notice of all concerned.

Format for Collection of Information on Vulnerable Hamlets

District: _____

Constituency: _____

Polling Station no. and Name	Names of hamlets covered by the P.S.	Name of Hamlets identified as vulnerable	Name of persons identified as probable source of trouble	Remarks (Type of Threat, e.g. caste domination, communal tension, criminal gangs etc)
1	2	3	4	5

INSTRUCTION SI. No. 4

Election Commission's Letter No.464/INST/2008-EPS Dated: 24th October, 2008 addressed to 1. The Chief Secretaries of All States and Union Territories.. 2. The Chief Electoral Officers of All States and Union Territories.

Subject:- Identification of critical polling stations and measures to be taken to ensure free and fair elections

Sir,

In supersession of Commission's instructions contained in its letter No. 464/INST/2007-PLN-I dated the 12th October, 2007, I am directed to say that in order to ensure free and fair elections the Commission has decided to deploy CPF in all polling stations. However, in order to identify the critical polling stations, which may require some more additional measures, it is necessary to spell out certain objective criteria to be followed by the DEO/RO as under :-

1. An analysis of the polling station wise number of voters with EPIC and without EPIC (non EPIC voters) shall be made. The polling stations shall be sorted in descending order in terms of number of non-EPIC voters in order to prioritise.
2. The Commission had recently directed a survey of missing voters under two categories i.e. missing voters with family links and missing voters without family links. Out of these two categories the existence of missing voters without family links offers a scope for misuse and malpractice. The number of voters coming under the second category shall be analyzed polling station wise and the Polling Station with large number of such voters shall be marked. For this purpose the total number of such missing voters without family linkage shall be divided by the total number of polling stations to work out the assembly constituency average. Analyzing the deviation above the average shall identify the polling stations with large number of such voters.
3. During the election the DEOs/ROs may be asked to do a vulnerability mapping of hamlets/villages/electoral segments vulnerable for threat and intimidation. Polling stations identified as having vulnerable pockets shall be listed.

4. The polling station wise election results available in Form 20 with reference to the past general election shall be analyzed. All such Polling Station where percentage of poll recorded is more than 75% and where more than 75% of votes have been recorded in favors of one candidate shall be identified as critical polling station.
5. The polling stations that went for redpoll during the previous election due to reported electoral malpractices; the polling stations that witnessed any sort of electoral violence shall also be identified.
6. The DEOs and ROs shall factor all the above inputs while finally identifying the critical polling stations for additional measures. The ECI Observers shall be consulted while finalizing the list of critical polling stations as per the above instructions.
7. The response protocol to be followed with reference to the vulnerable villages/hamlets/electoral segments has been detailed vide Commission's letter 464/INST/2007-PLN-I Dated 12th October, 2007.
These instructions shall be implemented without fail.
8. With reference to polling stations identified as **critical polling stations** on account of other indicators listed above one or all of the following measures shall be put in place.
 - a. The presence of CPF to safe guard the polling station.
 - b. Digital camera or video camera shall be positioned in the polling station. The procedure for deploying such cameras has been given vide letter No.447/2007/PLN-IV, dated 17.01.2007.
 - c. The Presiding Officer shall be specially briefed to ensure that the EPIC/approved identification document, if any are properly verified and reflected in the remarks column of Form 17 A.
 - d. The list of such polling stations shall be given to the Commanding/Assistant Commanding Officers of CPF so that they can also keep an eye on such polling stations.
 - e. Deployment of a micro-observer inside the polling station.

9. This shall be brought to the notice of all concerned. A copy of the circular be handed over to all Observers through DEOs.

INSTRUCTION SI. No. 5

Election Commission's Letter No.22/2/2008-PLN-II Dated: 8th August, 2008 addressed to the Chief of Electoral Officers of All States and Union Territories.

Subject:- Integration, carrying out corrections, printing and sharing of photo-rolls with political parties and contesting candidates.

As per the Commission's existing policy, all the supplements to the mother roll should be integrated and consolidated every year before draft publication so that there is no supplement at the time of draft publication. Thereafter, only one supplement is appended to the draft roll at the time of final publication to list out Additions, Deletions and Corrections allowed after draft publication of roll and before final publication of roll. (Another supplement of continuous updation, wherever necessary, is appended for conduct of poll). A bare minimum of copies of draft electoral roll are printed and the basic roll (draft roll) is again reprinted at the time of final publication in order to mark all the deletions through computer-generated horizontal strike-through (in case of text rolls) of the deleted entry(ies). In case of photo-rolls, the word "D E L E T E D" is superimposed diagonally (again computer-generated) on the elector detail box concerned. Similarly, all corrections appearing in the supplement are carried out in the reprinted basic roll (draft roll) at the time of final publication. A hash sign (#) is also prefixed before the serial number of the entry corrected and 'E' 'S' 'R' 'Q' or 'M' letter is prefixed to each deletion to denote the reasons of deletions.

The electoral roll in most of the States/UTs is now being printed in the revised format with photograph of electors (Photo-Rolls). Multiple copies of the photo electoral roll can only be laser printed or made through digital photocopier as quality copies cannot be made by photocopying with normal photocopier machines. The printing of these new photo-rolls has thus become time consuming and expensive. In an election year, it would not be possible to supply one complete set of reprinted electoral roll to the candidates of recognised political parties within 3 days of withdrawal.

Keeping the above practical difficulties in case of photo electoral rolls in

mind, the Commission has reviewed its existing instructions for photo electoral rolls and has decided the following:

On Integration of Roll and Its Supplements before Draft Publication:

1. It would not be necessary to integrate all the supplements of an existing photo-electoral roll before publication as draft electoral roll each year, unless specified by the ECI in its revision order. In non-election years, the basic roll from previous years along with all its supplements from previous years should be published together, without integration, as the draft roll, unless there is a specific direction of the Commission in which case the direction of the Commission shall be scrupulously followed.
2. However, in an election year when general election to the State Assembly or the Parliament is due, the existing photo-electoral roll with all its supplements shall first be integrated into one roll and then published as the draft roll.

On Reprinting and Marking of Amendments Arising Out of Supplements in Mother Roll (Draft Roll):

3. Similarly, in a non-election year, the final roll will be in the form of the mother (published as draft) roll with an additional supplement of additions, deletions and corrections – without any of the changes indicated in the mother roll. The political parties shall be asked, in writing while supplying copies of final roll, to make necessary markings to indicate the deletions and corrections, if any, in the additional supplements.
4. As against this, in an election year, at the time of final publication, the basic mother (integrated draft) roll shall be reprinted. The reprinted mother roll shall remain the same as was published except in the following three manners –
 - (i) the word “D E L E T E D” shall be superimposed diagonally (computer-generated) on the elector detail box concerned to indicate that the entry has been deleted in the Supplement. (In the Supplement, the alphabets, ‘E’ ‘S’ ‘Q’

'R' or 'M' shall be pre - fixed against serial number of each deleted entry to denote the reason for deletion.)

- (ii) Secondly, a hash (#) sign shall be prefixed before serial number of the entry corrected to indicate that the entry has been corrected in the supplement but no correction actually should be carried out in the draft (mother) roll.
- (iii) **Similarly, photographs of electors corrected in the supplement of corrections will not be added/changed/corrected in the reprinted mother roll.** Photograph of an already registered elector received/captured subsequently, or corrected or replaced should be listed in the 'correction' list and retained therein. Such photographs should not be inserted in the reprinted mother roll while reflecting all other corrections. Instead, in the reprinted mother roll, in the space provided for photograph, the words "Photo as in Correction List" in bold should be printed. These words should be stamped / imprinted over an existing photograph in case the existing photograph was wrong or needs to be changed due to any other reason.

On Sharing the Copies of Electoral Roll with Political Parties:

5. Two copies of the electoral roll – one printed copy and another soft copy in PS-CD ROM – shall be supplied to the recognised political parties, free of cost, immediately at the time of draft publication as well as the final publication. While the hard (printed) copy shall have the electors' photographs, the soft copy of the roll shall be supplied without images of the electors.
6. **Complete set of the full roll in force should be shared. It means rolls inclusive of the last part of the roll for an assembly constituency (Service Voters) as available at the time of final publication of other parts of the rolls.**
7. Whenever any Supplement of Continuous Updation is brought out for conduct of poll, copies thereof should be supplied, free of cost, to the recognised political parties. It is clarified that in such cases it is not, repeat, **not necessary** to supply again a complete set of electoral roll.
8. Whenever copies of photo-electoral roll are supplied to the political parties or candidates of recognised political parties in a non-election year, they should be informed in writing to mark the deletions (and corrections) in the supplements by hand in the mother roll and previous supplements.

On Steps to ensure that Photo-Electoral Roll Supplied to Political Parties and the Copy Set Apart for Markings (For Use in Conduct of Poll) are Identical:

9. In an election year, there shall be one integrated draft roll; one supplement (of final publication); and another supplement of continuous updation upto the last date for making nominations appended to final publication.
10. The ERO shall supply one authenticated copy of the complete roll at each stage of publication alongwith PDF version thereof, to the DEO and the RO in a sealed cover, which shall be the reference copy in case of any dispute. The DEOs/ROs shall preserve the sealed copy of the electoral roll.
11. Besides, the ERO shall give a few more copies and a CD of the roll in printable form to the DEO/RO for making as many copies as may be necessary (for use in election).
12. It shall be the responsibility of the RO to reflect all the deletions and

- corrections, if any, appearing in the Supplements.
13. At supplement 1 stage (final publication) the roll is computer generated and all deletions/corrections are software generated. The RO shall share this computer generated roll with political parties. It shall be same, and therefore, identical to the final reprinted roll with supplement 1.
 14. At the 2nd supplement stage, which is the last day of nomination, it would not be possible to generate a reprinted mother roll with all deletions struck-through and changes indicated in the reprinted mother roll. The deletions in nd supplementary therefore shall be marked by hand through a rubber stamp D E L E T E D with 'E' 'S' 'R' 'Q' or 'M' written with red ink to indicate the reason.
 15. Similarly, all corrections in supplement 2 shall be indicated by putting a **(#)** sign **by hand in red ink** on the entry(ies) corrected just after the name of the elector concerned. In case of corrections/addition of a photograph, the photo-box in the mother roll should be hand written in red ink with "Photo as in Correction List".
 16. For authentication of the stamping/hand markings, the official entrusted to reflect the deletions/corrections of Supplements should put his/her signatures by the side of each and every relevant elector box without fail.
 17. The Returning Officer shall maintain a register showing names and designations of officials authorised to mark the above stated deletions and corrections of Supplement No. 2. Not more than 2 officers should be authorized to do the work per AC.
 18. The RO / ARO shall give a Certificate, as provided in the enclosed format, about the correctness of the copies of the roll. The certificate shall be signed in ink by the RO/ARO and attached on the top of the copy of the roll to be set apart for markings (like PB, EDC).
 19. RO will supply one such complete copy of the electoral roll to the contesting candidates of every recognised political party in the State within 3 days after the last date of withdrawal of candidatures. They should be asked in writing to mark the deletions and corrections in Supplement No.2 by hand.

The above revised instructions shall be brought to the notice of all concerned for strict compliance. This supercedes all previous instructions on the subject.

Certificate

(Refer Para 18 of the instructions)

2This is to certify that the electoral roll of part No.....of..... Assembly Constituency contains total ___ numbers of pages (From 1 to ____). The deletions in the nd supplementary of the roll resulting from continuous updation after final publication of rolls have been indicated by putting a rubber stamp on the original entry in final rolls and corrections have been indicated by putting a “#” sign on the original entry by _____ (name & designation of the employee authorised to be indicated).

➤ A total of _____ number of entries have been deleted;

➤ A total of _____ number of entries have been corrected;

This is the authentic copy of the electoral roll and in case of any discrepancy, whatsoever, this electoral roll shall prevail.

Place:

Signature & Seal of

Date :

the Returning Officer/Asstt. Returning Officer

INSTRUCTION SI. No. 6

Election Commission's NO. 447/2007-PLN-IV DATED: 17.01.07 addressed to the Chief Secretaries and all Chief Electoral Officers of All States and Union Territories.

Subject: Use of Videography and digital cameras during elections – Consolidated Instructions thereon;

I am directed to state that in supersession of its earlier instructions on the subject cited above, the Commission hereby issues the following consolidated instructions.

2. In order to enable the Commission to have a true, faithful and concurrent record of the violations of the election law and the standing instructions of the Commission and to assess the impact of its corrective measures, the Returning Officer of each constituency shall make arrangements to record through Videography of critical events during the process of electioneering, including but not restricted to the period of public campaign, the day of poll, the transport and receipt of polled ballot boxes and other materials, counting of votes and the declaration of results in an independent intelligent and purposeful manner.

3. For this purpose, the Returning Officers may make use of video cameras and crew available with the Governmental or semi-Governmental agencies within their jurisdiction or hire local private professional videographers.

4. The Returning Officer shall, while programming the itinerary of the Video teams, take into account the number of electors, the size of the constituency, the number of sensitive polling stations, previous history of booth capturing and other malpractices, the general law and order situation, the likelihood of commission of corrupt practices and electoral offences and other related factors.

5. On the basis of his assessment, the Returning Officer should decide the number of video teams needed. The Commission has not prescribed any maximum or minimum number of video teams for an assembly/parliamentary constituency and has left it to the discretion of the Returning Officers on a correct appreciation of the factors mentioned in paragraph 4 above.

6. The Commission has issued the following instructions in the matter of selection of videographers and their deployment:-

6.1 The private videographers to be hired shall be screened thoroughly as to their professional competence, track record, financial viability and other related factors.

6.2 The videographers should not belong to any political party and should not be known sympathizers or supporters or close relatives of any of the contesting candidates or any of the leaders of any political party or should not have been hired by any political party or contesting candidate.

6.3 The Returning Officer is required to provide tea, snacks food etc. to the videographers and they shall not be left to fend for themselves while on duty. It shall be ensured that the videographers DO NOT accept the hospitality of any contesting candidate or political party or their workers.

6.4 Video teams should be under the personal supervision and guidance of a senior election related officer.

6.5 As and when required the video teams may be asked to accompany the General/Election Expenditure Observers so that all critical events observed by them may also be videotaped.

6.6 The videographers shall be impressed that the principle behind the scheme is to record and videotape critical events only which are likely to vitiate the poll and not to just videotape all events in a routine manner in order to fill the cassette.

7. Following items should be considered for special watch and videography -
- Meeting addressed/attended by Ministers, top national/State level leaders of recognized parties.
 - Riots or riotous situations or commotions brick batting, free-for-all etc.
 - Violent incidents, damaging of property, looting, arson, brandishing of arms etc.
 - Booth capturing.
 - Intimidation of voters.
 - Inducement / bribing of voters by distribution of items like saree, dhoti, blankets etc.
 - Canvassing within 100 metres of polling stations.
 - Vulgar display of expenditure like huge cutouts etc.
 - Movement and activities of candidates with doubtful / criminal records
 - Hypersensitive & sensitive polling stations
 - Important events such as nomination, scrutiny and withdrawal of candidatures
 - Preparation of EVMs by ROs
 - Closure of strong room after deposit of EVMs therein

- Opening of strong rooms before taking out the EVMs for counting
- Counting process

Note: These are illustrative and not exhaustive. All video and digital photography should be done with date and time recording so that the real time and date can be verified

8. The video films thus prepared shall be viewed by the Returning Officer immediately to identify whether any of the organizers / speakers or other participants of the public meeting has committed any violations or infractions of statutory provisions and directions of the Commission or Model Code of Conduct relating to the conduct of elections.

9. In cases where the Returning Officer is himself competent, immediate corrective action including disciplinary action against all those found guilty shall be taken and the Commission informed of the same.

10. In cases of serious infringements, which the Returning Officer in his judgment decides to report to the Commission, a copy of the videotape concerned will be forwarded to the Commission by quickest means possible. The tapes will be carefully indexed and accompanied by a brief explanatory note of the infringement towards which the attention of the Commission is proposed to be invited. The explanatory note shall invariably mention the broad details of the violations, the persons responsible for the same and the action recommended.

11. The videographic clippings are required to be shown to one of the Observers available in the Constituency on a daily basis to enable him apprise the Commission of the situation prevailing in a particular constituency so that remedial measures, if any needed, can be taken promptly.

12. While seeking the clearance of the Commission for taking up of the counting of the votes and declaration of the results, the Returning Officer must include a categorical statement to the effect that all infringements observed in the videographed events have been appropriately and completely disposed of.

VIDEO/DIGITAL PHOTOGRAPHY OF PROCEEDINGS INSIDE THE POLLING STATION

13. In deference to the suggestions of Supreme Court, contained in its judgment dated 11th January 2005 in Civil Appeal No.9228 of 2003 - (Janak Bingham Vs. Das Rai and Other) the Commission directs that photography may now be carried inside the polling stations to photograph electors and cover poll proceedings without compromising the secrecy of voting. For such photography, arrangements will be made by the respective District Election Officer (DEO) in consultation with the Chief

Electoral Officer.

- 13.1 In particular cases where the Commission has specifically directed video/digital photography of voters in identified area/assembly segments/polling stations, care should be taken to ensure that faces of all electors coming to cast their vote but not having EPIC or other ECI approved photo identity card, is captured in same sequence as they are entered in form 17-A i.e. Register of Voters. The photograph of electors shall be taken immediately after an entry has been made in form 17-A.
- 13.2 Critical events in and around the polling station should also be captured on video/digital camera in such polling stations. For example,
- Mock poll and sealing of EVM before commencement of polls
 - Positioning of voting compartment
 - Presence of polling agents
 - Voters waiting outside at the close of scheduled hour of poll and the last voter in queue
 - Visits of sector officers, observers and other electoral functionaries etc.
- 13.3 The District Election Officers will issue digital cameras to the trained officers selected for the purpose under proper receipt for covering the specified polling station. These officers will capture the photographs of electors as indicted above during the period of poll and at the end of poll shall issue a certificate that **“I have captured photographs of all electors who voted at polling station number _____ on date _____ and total number of photographs in the camera are _____”**.
- 13.4 After completion of poll the officer who did the photography shall deposit the camera along with the above certificate at a separate counter to be erected for the purpose at collection center. These officers will be given proper duty passes to enable them to do photography inside the polling station. On receipt of such cameras District Election Officer shall make arrangements for downloading the photographs and their comparison. The Returning Officers and Observers will use the results of photo matching while making the recommendations for repoll. The downloaded data in respect of all polling stations will be kept by the DEOs in CDs for later use. The cameras will be cleared after downloading the photographs and their comparison for use in subsequent phases or elections as per the instructions issued by the Chief Electoral Officer in

this respect.

- 13.5 The training of personnel who will be engaged in digital photography inside the polling stations shall be arranged by the Chief Electoral Officer. The Chief Electoral Officer/District Election Officers will make sure that enough batteries are available for operation of cameras in remote areas. All 2nd Polling Officers, all Presiding Officers, all AROs/ ROs/ DEOs/ Observers/ Candidates and political parties should be apprised of these arrangements.

INSPECTION AND SUPPLY OF COPIES (Prints) OF VIDEO TAPES

14. Requests have been received from contesting candidates, office bearers of political parties and others interested for inspection and supply of copies (prints) of the video tapes produced in compliance with the above mentioned orders of the Commission.

15. The Commission considers it necessary to lay down some uniform guidelines and a standard procedure in this regard.

16. After careful consideration of all relevant factors, the Commission lays down the following procedure:

16.1 Each and every video cassette produced in compliance with the orders of the Commission shall form a part of the record of the concerned election and stored as such with due precautions for its safety until it is weeded out with the prior written approval of the Commission and in the manner prescribed, as in the case of other records of the election.

16.2 All such video-cassettes will be in the custody of the District Election Officer concerned as in the case of all other election related records.

16.3 Each videotape shall be indexed with a uniform code number in the following standard formulation: State/District/AC/Date of recording/Gist of event videographed

16.4 The locking seal of cassettes will be kept in tact and not broken, so that copying of the contents of cassette on another cassette does become impossible, but shall be covered by a tape before consigning the cassette for storage with a view to preventing accidental erasing of contents,

editing, manipulation, etc.

16.5 In pursuance of rule 93(2) read with section 76 of the Indian Evidence Act, 1872 the Commission has issued the following directions-

16.5.1 Inspection - (a) Every application for inspection of a videocassette shall be made in writing and should contain the full particulars concerning the cassette of which inspection is required, (b) an inspection of the cassette shall be allowed to any person applying for the same on payment of Rs. 25/- per hour of inspection or part thereof unless inspection is required to be made urgently in which case the fee shall be Rs. 50/- (c) Inspection on an ordinary application shall be allowed on the date following the date on which the application is made or on a subsequent day and inspection on an urgent application shall be made on the same day.

16.5.2 Certified copy - (a) Certified print of the video cassette shall be given to any person applying for the same on payment of Rs. 25/- as application fee and the actual cost of copying as may be locally applicable. The application should establish the right of the applicant for inspection or for supply of certified copies-(prints) and for that purpose should clearly disclose that the applicant has a direct and tangible interest in the videocassette and the nature of such interest. (b) No fee shall be charged when inspection or certified copy (print) of a cassette is required for official purposes. To avoid removal of any footage of the cassette or damage or mutilation of the cassette, effective supervision by officials shall be ensured and simultaneous inspection by a large number of persons shall not be allowed.

16.6 the video cassettes will be made available for inspection in the office of the District Election Officer or Chief Electoral Officer as the case may be;

16.7 No guarantee for authenticity and veracity of the contents of the cassettes will be undertaken under any circumstances and these will be made available on 'as is' basis.

17. The contents of the letter may be brought to the notice of all political parties and contesting candidates at every election to the House of the People and to the State Legislative Assembly.

18. Kindly acknowledge receipt.

INSTRUCTION SI. No. 7

Election Commission's letter No.464/Misc/2005/PLN-I, dated 22.12.2005 addressed to the Chief Electoral Officers of all States/Union Territories.

Subject:- Disposal of Grievances/Complaints received on electoral issues.

In order to redress the grievances/complaints that are received from public and various other Stake holders, on various electoral issues, the Commission has felt a need to set up grievance redressal mechanism.

2. Most of the complaints received can be clubbed in following categories: -
 - (1) Complaints from general public regarding missing names in the voter's list, non-availability of EPIC, shifting of name to an inconvenient booth, refusal to carry out inclusion in periods other than during summary revision or intensive revision, etc.
 - (2) Complaints from political parties and candidates regarding non-supply of electoral rolls, not taking them into confidence while shifting the booths, non-action on their complaints regarding Model code of Conduct, etc.
 - (3) Complaints from government staff regarding using their services for election work but not making necessary travel and accommodation arrangements, non-payment or delay in payment of TA/DA etc., vindictiveness towards some staff while favouring some other staff, etc.
 - (4) Complaints from suppliers of election material, transporters etc. regarding delays in payments.

3. Since these grievances are to be redressed at the ERO's, DEO's and CEO's level the Commission has decided that a Grievance Redressal Mechanism may be set up as follows: -
 - (i) Grievance cells-cum-control rooms may be opened in the office of each ERO to attend to any complaint regarding electoral rolls, EPIC, shifting of names from inconvenient booths etc.
 - (ii) Grievance cells-cum-Control rooms may be opened in the offices of DEOs where Deputy DEO who is usually a State

Civil Officer can be made in charge. He may attend to all complaints on all issues as have been categorized above.

- (iii) Grievance cells-cum-control rooms may be opened in the offices of CEOs, where Additional CEO or Deputy CEO who is usually a State Civil Officer can be made in charge. He may also attend to all complaints on all issues as have been categorized above.

4. All Grievances Cell-cum-control rooms opened in the offices of EROs, DEOs and CEOs may maintain a proper register detailing the complaints received and action taken. Registers maintained in the offices of EROs, DEOs may be checked by the CEOs from time to time. The registers maintained in the offices of CEOs shall be checked by the CEO and officers of the Commission. A time frame of 15 days may be fixed for attending to complaints and giving a reply to the complainant.

5. All concerned officers may be informed of above decisions immediately for compliance within 15 days.

6. Kindly acknowledge the receipt.

INSTRUCTION **SI. No. 8**

Election Commission's letter No. PS/AK/2005, dated 30.09.2005. addressed to the Chief Electoral Officer, Bihar

Subject : District Deployment Plan and the District Communication Plan to be brought to the notice of ROs, DEOs, SPs and Observers

The following points concerning the District Deployment Plan and the District Communication Plan may be brought to the notice of all ROs, DEOs, SPs and Observers so that they are squarely before them as they are in process of formulating these two plans: -

- (i) The deployment plan should be such that all polling booths are covered with effective static armed force and are backed up with proper mobile strike force. CPMF should be deployed on most sensitive booths followed by BMP and then DAP. In no circumstances CPMF shall be kept on reserve or used for any other purpose except with the prior approval of the CEO.
- (ii) The CPMF force will do area domination, flag marches, etc. in the district till poll day (-2) and will become static at polling booths assigned on day (-1) i.e. day prior to poll day.
- (iii) In Bihar it has been observed that polling party and static armed force party that are deployed to guard the polling booth move separately for reaching the assigned polling booth. During last election it was found that there was considerable lack of coordination between the two. The Commission has now decided that polling parties and the static armed force parties (to guard the polling booths) will merge at polling stations latest by 3.00 P.M. in naxal areas and 5.00 P.M. in non-naxal areas on the day prior to poll day. .
- (iv) It will be the responsibility of the concerned District Magistrate and concerned Superintendent of Police to ensure that polling parties and static armed force party reach polling booths in time on the day prior to the poll day.

- (v) In Bihar, Patrolling/Sector Magistrate distribute EVMs in the morning of the poll day to 4 to 5 polling booths under their charge. They shall be instructed not to hand over EVMs to the polling parties if they find that static armed force party as per district deployment plan is not present at the polling booth. The polling for such booths shall take place alongwith other repolls.
- (vi) The Patrolling Magistrate should have the details of what kind of static force parties have been allocated to polling booths under his charge as per the district deployment plan.
- (vii) After handing over the EVMs to the polling booths, the Patrolling Magistrate must oscillate between all those booths throughout the day that are under their charge to monitor the polling process. They shall ensure that Presiding Officers fill up their diaries at regular intervals.
- (viii) On reaching a booth under his charge, the Patrolling Magistrate must get down from his vehicle, enter the booth, oversee the polling process that is going on and record his observations in the Presiding Officer's diary. In addition to his observations on the nature of polling, peaceful or otherwise, and any incident that might have taken place, he shall also record at every visit the number of electors who have cast their votes in that booth as per form 17A and as per EVM at the time of his visit. He must also ensure that no unauthorized persons are present in the booth.
- (ix) As per instructions from the Commission regarding district communication plan a landline connection, public or private, should be tagged to each polling booth from which communications including complaints regarding that booth shall flow to the control room. Presiding Officer / Patrolling/Sector/Zonal Magistrates may communicate all complaints/messages regarding the polling booth through this landline phone.
- (x) The Patrolling Magistrate, after visiting a booth each time, shall go to the designated telephone attached to that booth and convey his findings to the control room every time he visits the control room. If any complaint is received by him in respect of any polling booth under his charge, he shall enquire into the same and thereafter inform his findings to the district control room.

- (xi) The Patrolling Magistrates, therefore, shall move in a pre-determined manner from booth to booth and after inspection at every booth, shall communicate over phone to the district/sub-division/ thana control room the situation prevailing there before moving to the next polling station.
- (xii) Where there is three-tier system of Magistrates monitoring the poll process, namely, Patrolling Magistrate, Sector Magistrate and Zonal Magistrate, the Sector Magistrate also shall move in a pre-determined manner from booth to booth under his charge and record his observations in the Presiding Officer's diary as has been contemplated for the Patrolling Magistrate. The third tier of Magistrates, namely, Zonal Magistrate shall function as strike force to be rushed to any place where there is information about considerable disruption of the poll process.
- (xiii) In the district control room, a separate register shall be maintained for every assembly constituency in the district. On the left hand page, the complaints received in respect of the polling booths will be logged in and on the opposite page, the instructions issued to field and response received from the field level on these complaints will be recorded. Besides this, any information received from any of the inspecting officers in the control room in respect of polling booths covered by them are also to be logged into these registers.
- (xiv) In respect of isolated booths located in jungle areas etc., it may be necessary to adopt some deviations from the standard methods adopted for the district deployment and district communication plans. For every such case, the deviations will have to be got ratified through CEO.
- (xv) The randomization, deployment of polling parties and correct preparation of EVMs for the poll shall be the responsibility of the concerned District Collector and officials below him.
- (xvi) The responsibility regarding timely operation of EVMs on the day of poll shall lie with Presiding Officer, Patrolling Magistrate and Sector Magistrate.
- (xvii) The deployment of forces within the district and at the polling booths as per the district deployment plan shall be the responsibility of the concerned District Superintendent of Police and officers below him.

A copy of these instructions may be given to all ROs, DEOs, SPs and Observers immediately for strict compliance.

**B – ELECTION
MACHIENERY**

INSTRUCTION SI. No. 9

Election Commission's Letter No. 62/84, dated 06.11.1984 to Chief Secretaries to State/Union Territories, all Chief Electoral Officers and Ministries of Home Affairs and Law and Justice.

Subject: General Elections/Bye-elections - Guidelines for the conduct of Government servants

I am directed to invite your attention to sections 129 and 134 of the Representation of the People Act, 1951, relating to the conduct of Government servants during elections and to say that the Government of India as well as the State Government have been, before conduct of a general election, issuing instructions regarding the conduct of Government servants in relations to an election, stressing that all the Government employees should maintain an attitude of strict impartiality.

2. The Government employees should not only be impartial but should also appear to be so in relation to the elections. They are required to conduct themselves in such a manner as to inspire confidence in the public in regard to their impartiality so that there might not be any occasion for the people to think that the elections would not be held in a free, fair and pure atmosphere. It should be stressed that they should avoid giving room for any suspicion that they are favouring any party or any candidate. They are not expected to take part in any election campaign or canvassing and should take scrupulous care not to lend their names, official position or authority to assist one individual as against another or one group as against another.
3. With particular reference to the tours that the Ministers might undertake on the eve of the elections, it is necessary that while Government Officers should make all the usual arrangements to enable the Ministers to carry out their responsibilities as Ministers, the Government Officers should not themselves organize any election meetings or be present in person during any such meetings except those who may have to be present to the extent necessary for maintaining law and order and making necessary security arrangements.

The question as to whether a public meeting addressed by a Minister is officially sponsored or is held for election propaganda has to be decided by the Minister himself. In the meeting, the arrangement for organizing it is to be made on the Minister's behalf unofficially and the expenditure in that connection is to be borne by him or his party.

It is further made clear that a public meeting held on the eve of an election is normally to be considered to be an election meeting and the expenses thereof are not to be borne from public funds. The preservation of law and order at every meeting will, however, be the responsibility of the Government officials responsible for law and order.

4. In this connection I am also to enclose a copy of the Ministry of Home Affairs' O.M. No. 25/44/49- Ests, dated 10th October 1949, which clarifies the position regarding the participation of Government servants in political activities vis-d-vis the attendance by Government servants at political meetings, for your information. The

contents of the said O.M. may also be brought to the notice of all Government servants for their guidance.

5. In the matter of election meetings in a public place, the Government officers should not make any distinction between one political party and another in granting permission to hold such meetings. If more parties than one apply for holding a meeting at any place on the same day and at the same hour, the party which applies first should be given preference.

6. Further your attention is specially invited to the provisions of section 134-A of the Representation of the People Act, 1951, which reads as follows:

"134-A Penalty for Government Servants for acting as Election Agent, Polling Agent or Counting Agent:

If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election he shall be punishable with imprisonment for a term which may extend to three months with fine, or with both."

7. In this connection, I am also to forward herewith an extract of rule 5 of the Central Civil Service (Conduct) Rule, 1964, which inter alia prohibits the Government servants from taking part in politics and elections. It is presumed that similar provisions exist in the rules governing the conduct of Government servants of your State.

8. I am, therefore, to request that necessary instructions in the above regard may kindly be issued by the State Governments emphasizing upon the Government servants that any disregard of instructions would be considered by the Government as a serious act of indiscipline and that in cases of doubt a Government servant should not hesitate to consult his superior officer.

9. A copy of the instructions issued by the State Government may be forwarded for the Commission's record.

The receipt of this letter may please be acknowledged.

[The Commission's letter No. 62/79, dated the 13th November 1979 is hereby superseded.]

Ministry of Home Affairs O.M. No.25/44/49-Estts. dt. 10th October 1949

Subject: Participation by Government servants in political activities-attendance by Government servants political meeting

Attention is invited to the Ministry of Home Affairs Office Memorandum No. 25/44/49-Estt., dated the 17th September 1949 dealing with the scope of rule 23 (i) of the Government Servant's Conduct Rules which lays down that no Government servant shall take part in, subscribe in aid of, or assist in any way, any political movement in India.

2. Enquiries have been received as to whether attendance by a Government Servant at public meetings organized by political parties would amount to participation in a political movement within the meaning of the rule referred to. Even in regard to this narrower question the position must necessarily remain as stated in the Office Memorandum referred to in paragraph I, viz :

(i) that whether or not the conduct of any particular nature amounts to participation in a political movement is a question of fact to be decided on merits and in the circumstances of each particular case; and

(ii) that the responsibility for the Government servant's conduct must rest squarely on his shoulders and that a plea of ignorance or misconception as to Government's attitude would not be tenable.

3. The following observations may, however, be of assistance to Government servants in deciding their own course of action :-

(1) Attendance at meetings organized by a political party would always be contrary to rule 23 (i) of the Government Servant's Conduct Rules unless all the following conditions are satisfied:

- (a) that the meeting is a public meeting and not in any sense a private or restricted meeting.
- (b) that the meeting is not held contrary to any propitiatory order or without permission where permission is needed, and
- (c) that the Government servant in question does not himself speak, at or take active or prominent part in organizing or conducting the meeting.

(2) Even where the said conditions are satisfied, while occasional attendance at such meetings may not be construed as a participation in a political movement, frequent or regular attendance by a Government servant at meetings of any particular political party is bound to create the impression that he is a sympathizer of the aims and objects of that party and that in his official capacity he may favor or support the members of that particular party. Conduct which gives cause for such an impression may well be construed as assisting a political movement.

- (3) Government servants have ample facilities through the medium of the press to keep themselves informed regarding the aims, objects and activities of the different political parties and to equip themselves to exercise intelligently their civic right, e.g. the right to vote at elections to Legislature or Local Self-Government institutions.

4. I am to request that Government servant under the control of the Ministry of Finance etc., may be informed accordingly.

To

All Ministries of the Government of India etc., etc.

Extract of Rule 5 of the Central Civil Services (Conduct) Rules, 1964

"Rule 5. Taking part in politics and elections:

(1) No Government servant shall be a member of nor be otherwise associated with any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every Government servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive or the Government as by law established and where a Government servant is unable to prevent a member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity he shall make a report to that effect to the Government.

(3) If any question arises whether a party is a political or whether any organization takes part in politics or whether any movement or activity falls within the scope of sub-rule (2) the decision of the Government thereon shall be final.

(4) No Government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in, an election to any legislature or local authority;

Provided that-

(1) A Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted:

(2) A Government servant shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation: The display by a Government servant on his personal vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

INSTRUCTION SL.NO. 10

Election Commission's letter No. 4/93/J.S.II, dated 06.01.1993 addressed to 1. The Chief Secretaries to the Government of all States (except Jammu & Kashmir) and Union Territories. 2. The Cabinet Secretary to the Government of India, New Delhi and copy endorsed to the Chief Electoral Officers of all States/ Union Territories (except Jammu and Kashmir).

Subject: Officers and staff employed in connection with the conduct of elections police officers regarding

I am directed to state that the Constitution of India vide clause (1) of Article 324 has vested the superintendence, direction and control of, inter alia, the conduct of all elections to Parliament and to the Legislature of every State in the Election Commission. Clause (6) of Article 324 provides that the President or the Governor of a State, shall, when so requested by the Election Commission, make available to the Election Commission such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1).

2. The Parliament has clarified by section 13CC of the Representation for the People Act, 1950, as inserted by the Representation of the People (Amendment) Act, 1988 with effect from 15-3-89, as under: 13CC. Chief Electoral Officers, District Election Officers, etc. deemed to be on deputation to Election Commission. The officers referred to in this Part and ANY OTHER OFFICER or staff employed in connection with the preparation, revision and correction of the electoral rolls for, 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.

3. By Section 28A of the Representation of People Act, 1951, as inserted by the above mentioned Amendment Act with effect from 15-3-89, the Parliament has also further clarified that any police officer designated for the time being by the State Government for the conduct of any election shall also be likewise deemed to be on deputation to the Election Commission and be subject to its control, superintendence and discipline. The said section 28A is reproduced below :-

28A. Returning Officer, Presiding Officer, etc., deemed to be on deputation to Election Commission:-The returning officer, assistant returning officer, presiding officer, polling officer and any other officer appointed under this part, 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 the Election Commission for the period commencing on and from the date of the notification calling for such election and ending with the date of declaration of the results of such election and accordingly, such officers SHALL, during that period, be subject to the control, superintendence and discipline of the Election Commission.

4. At the time of any election in a State/Union Territory, it is essential that proper law and order is maintained in the whole of the State/Union Territory, during the entire election period from the time the elections are announced by the Commission and till the same are completed by the due constitution of the House concerned. Equally important is it to provide due protection and security 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.

5. The above arrangements are the responsibility, duty and function of the police officers and police personnel not only at the constituency level but also of the police officers at the District level and State level. All police officers and police personnel starting with the Director General of Police/Inspector General of Police/Commissioner of Police at the top

level, officers immediately subordinate to them, including but not limited to DIGs, SSPs, SPs, Dy SPs, 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 the above mentioned 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 Commission for any acts of commission on their part while performing any election related duties.

6. Likewise, the officers and personnel of Central 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 Control, superintendence and discipline of the Commission.

7. The Commission desires that the above 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 relation duties will be viewed by the Commission appropriately.

8. The receipt of this letter may kindly be acknowledged. A copy of the instructions issued by the Government/Administration in this behalf should be endorsed to the Commission for its information and record before 31 -01 -1993.

INSTRUCTION SL.NO. 11

Election Commission's letter No. 508/94-PS-I, dated 13.01.1994 addressed to The Chief Electoral Officers of all States and Union Territories.

Subject: Criteria for appointment of District Election Officer, Returning Officer, Electoral Registration Officer, Assistant Returning Officer and Assistant Electoral Registration Officer.

I am directed to invite your attention to the Commission's circular letter No. 508/93- PS-I dated 11th June, 1993 forwarding the objective criteria formulated by the Commission for appointment of District Election Officers, Returning Officers, Electoral Registration Officers, Assistant Returning Officers and Assistant Electoral Registration Officers.

2. Some of the Chief Electoral Officers had pointed out certain difficulties in adhering to the said objective criteria in toto while making recommendations for appointment of District Election Officers, Returning Officers, Electoral Registration Officers, Assistant Returning Officers and Assistant Electoral Registration Officers.

3. The Commission after carefully considering the matter has since revised the criteria, a copy of which is sent herewith.

4. You are requested to undertake a review of the existing notifications regarding appointment of the said officers in the light of the present criteria and submit, wherever necessary, fresh proposals to the Commission within 2 (two) months i.e. latest by 15th March, 1994, after adopting the prescribed procedure under law.

5. Kindly acknowledge the receipt of the letter before 21st January, 1994, positively.

CRITERIA FOR APPOINTMENT OF DISTRICT ELECTION OFFICER/ RETURNING OFFICER/ELECTORAL REGISTRATION OFFICER/ ASSISTANT RETURNING OFFICER/ ASSISTANT ELECTORAL REGISTRATION OFFICER

1. District Election Officer

(a)The District Magistrate/Deputy Commissioner/District Collector/District Officer of the district (by whatever designation known in each State), shall, subject to the provision of subpara.

(c), be designated as District Election Officer and no one lower in rank should be designated as the District Election Officer.(b)There shall be a separate District Election Officer for each district and no officer should be designated as District Election Officer for more than one district.

(c)Because of the difficult terrain or other justifiable reasons, if the Commission is satisfied that the functions of the office in respect of the whole district cannot be performed satisfactorily by one officer, the Commission may, in terms of proviso to section 13AA (i) of the Representation of the People Act, 1950, designate more than one District Election Officer for a district. In such cases the District Magistrate/Deputy Commissioner/District Collector/District Officer of the District shall be designated as the District Election Officer for that part of the district which covers his

headquarter and another officer of the district level who is next only to the District Magistrate/Deputy Commissioner/District Collector/District Officer in the level of seniority and enjoying civil, criminal and revenue powers not less than those of the District Magistrate/Deputy Commissioner/District Collector/District Officer shall be designated as the District Election Officer for the remaining part of the district covering his headquarter. However, while designating more than one District Election Officer, no Assembly Constituency shall be split among more than one District Election Officer. All such officers should be appointed by designation and should be drawn from the general administration (including Revenue and Land Administration) Departments. The intention behind drawing officers from general administrative services/Revenue and Land Administration is to ensure that such officers have, by their training and background, experience of work similar in nature to the conduct of elections and other election-related matters. There will be no exceptions.

2. Returning Officer for a Parliamentary Constituency

(a) The District Magistrate/Deputy Commissioner/ District Collector/District Officer alone shall, subject to the provisions of sub-para (c), be designated as the Returning Officer for a parliamentary Constituency.

*(b) In cases where there are two parliamentary constituencies totally contained within one district, the District Magistrate/Deputy Commissioner/District Collector/District Officer of the district shall be the Returning Officer of both the parliamentary constituencies.

(c) In cases where there are 3 or more parliamentary constituencies contained wholly or partly in one district, the District Magistrate/Deputy Commissioner/District Collector/District Officer of the district should be the Returning Officer of the parliamentary constituency in which the district headquarter falls and the adjoining parliamentary constituency major portion of which falls in the district. Another officer of the district level who is next only to the District Magistrate/Deputy Commissioner/District Collector/ District Officer in the level of seniority and enjoy civil, criminal and revenue powers not less than those of the District Magistrate/Deputy Commissioner/District Collector/District Officer, should be designated as the Returning Officer for the remaining but not more than two, parliamentary constituencies. All such officers should be appointed by designation and should be selected/drawn from the general administration (including Revenue and land Administration) Departments. The intention behind drafting officers from General Administration Service/Revenue and Land Administration is to ensure that such officers have by their training and background, experience in the conduct of elections and other election related matters. There will be no exceptions.

(d) In cases where a parliamentary constituency spreads over more than one district, the District Magistrate/Deputy Commissioner/District Collector/District Officer having the jurisdiction over the comparatively larger part of the constituency should be designated as the Returning Officer. The size of the part of the constituency should be determined on the basis of the number of component assembly segments falling in each District and not on the basis of the geographical size or population. Where, however, the District Magistrate/Deputy Commissioner/District Collector/District Officer of the district having jurisdiction over the larger part of the constituency is already the Returning Officer for two other parliamentary constituencies and the District Magistrates/Deputy Commissioner/District Collector/District Officer having jurisdiction over the smaller part of the constituency is not the Returning Officer of

any parliamentary constituency or is Returning Officer of only one parliamentary constituency the later District Magistrate/Deputy Commissioner/District Collector/District Officer should be the Returning Officer for such a constituency.

(e) In cases where a parliamentary constituency spreads over more than one district and all the Districts contain the same number of Assembly segments the District Magistrate/Deputy Commissioner/ District Collector of any of those districts may be appointed as the Returning Officer. The Chief Electoral Officer will take a decision to recommend the Returning Officer in such cases keeping in view the considerations like easy accessibility to the Returning Officer's headquarter from all parts of the constituency, means of communications and other facilities available for conduct of elections at such headquarter like spacious counting halls, etc., and recommend a suitable District Magistrate/Deputy Commissioner/District Collector/District Officer for designation as the Returning Officer for that Parliamentary Constituency.

* Substituted by letter dated 18th December 2008

3. Returning Officer for Assembly Constituency

(a) Sub-Divisional Magistrates/Sub-Divisional Officers/Revenue Divisional Officers shall subject to the provisions of sub-para (d), alone be designated as the Returning Officer for an assembly constituency within the sub-division/revenue division.

(b) No officer, other than an officer drawn from general administration (including Revenue and Land Administration), lower in rank than that of a Sub-Divisional Magistrate/Sub-Divisional Officer/Revenue Divisional Officer shall be designated or nominated as Returning Officer for any assembly constituency.

(c) In case where there are two assembly constituencies within a sub-division/revenue division, the Sub-Divisional Magistrate/Sub-Divisional Officer/Revenue Divisional Officer shall be designated as the Returning Officer for both the assembly constituencies within the sub-division/revenue division.

(d) In case where there are more than two assembly constituencies within a subdivision/revenue division, the Sub-Divisional Magistrate/Sub Divisional Officer/Revenue Divisional Officer shall be designated as the Returning Officer for the assembly constituency in which his headquarter is located and the adjoining assembly constituency. Another officer of the sub-divisional level who is next only to the Sub- Divisional Magistrate/Sub-Divisional Officer/Revenue Divisional Officer in the level of seniority and enjoying civil, criminal and revenue powers not less than those of the Sub-Divisional Magistrate/Sub-Divisional Officer/Revenue Divisional Officer should be designated or nominated as the Returning Officer for the remaining, but not more than two, assembly constituencies covering his headquarter. All such officers should be appointed by designation and should be drawn from General Administration (including Revenue and Land Administration) Departments.

(e) In cases where an assembly constituency spreads over more than one subdivision/revenue division, the Sub-Divisional Magistrate/Sub-Divisional Officer/Revenue Divisional Officer in whose jurisdiction the larger portion of the constituency falls should be designated as the Returning Officer. The larger or smaller portion should be determined on the basis of the total number of polling stations falling in each sub-division/revenue division and not on the basis of the geographical size of those divisions.

(f) In case where an assembly constituency spreads over more than one subdivision or revenue division and each sub-division/revenue division covers more or less equal portion, the Sub-Divisional Officer/Revenue Divisional Officer of either subdivision/revenue division may be appointed as the Returning Officer. Where, however, the portions covered are unequal and it is difficult to ascertain in the subdivision or revenue division in which larger portion of the constituency lies, the Chief Electoral Officer will take a decision to recommend the Returning Officer keeping in view considerations like easy accessibility to the Returning Officer's headquarter from all parts of the constituency, means of communication and other facilities for conduct of elections like spacious counting halls, etc., and recommend a suitable Sub-Divisional Magistrate/Sub-Divisional Officer/Revenue Divisional Officer for designation as Returning Officer for that particular assembly constituency.

4. Electoral Registration Officer

(a) The Returning Officer for the assembly constituency should be designated as Electoral Registration Officer for the assembly constituency. Even in cases where there are more than two assembly constituencies within a sub-division/revenue division and an officer other than the Sub-Divisional Magistrate/ Sub-Divisional Officer/Revenue Divisional Officer is appointed as Returning Officer for any assembly constituency, the Sub-Divisional Magistrate/Sub-Divisional Officer/Revenue Divisional Officer alone should be appointed as the Electoral Registration Officer for all the assembly constituencies within the sub division/revenue division.

(b) The appointment should be by designation and the officer should be drawn from the General Administration (including Revenue and Land Administration) Departments.

5.1 Assistant Returning Officers for Parliamentary Constituencies

(a) For every parliamentary constituency, the Returning Officers of all the assembly constituencies comprised within such parliamentary constituency shall be the Assistant Returning Officers.

(b) All such officers should be appointed by designation and they should be drawn from General Administration (including Revenue and Land Administration) Departments.

5.2 Assistant Returning Officers for an Assembly Constituency

(a) There should be a separate set of not exceeding three Assistant Returning Officers for each assembly constituency.

(b) The Tehsildars or Block Development Officers (if they belong to the general administration service) alone should be designated as Assistant Returning Officers.

(c) No officer lower in rank than a Tehsildar/Block Development Officer should be appointed as Assistant Returning Officer. All such officers should be appointed by designation and they should be drawn from General Administration (including Revenue and Land Administration) Departments.

6. Assistant Electoral Registration Officers for Assembly Constituency

The Assistant Returning Officers for assembly constituencies shall be designated as Assistant Electoral Registration Officers. However, such number of additional officers may be appointed as Assistant Electoral Registration Officers, as may be considered necessary, keeping in view the extent of the constituency, geographical and physical factors, means of communication, etc. They shall be appointed by designation and drawn from General Administration (including Revenue and Land Administration) Departments.

7. Electoral Registration Officers and Assistant Electoral Registration Officers for Parliamentary Constituencies in the State of Jammu and Kashmir and Union Territories (Not having Legislative Assembly)

(a) In case of the State of Jammu & Kashmir, and such of the Union Territories as do not have a Legislative Assembly, where the parliamentary constituency as a whole is taken as a unit for revision of electoral rolls, under the Representation of the People Act, 1950, the Returning Officer for the Parliamentary Constituency shall be designated as the Electoral Registration Officer for the Parliamentary Constituency.

(b) The Assistant Returning Officers of the Parliamentary Constituency shall be designated as the Assistant Electoral Registration Officers. However, such number of additional officers may be appointed as Assistant Electoral Registration Officers as may be considered necessary, keeping in view the extent of the constituency, geographical and physical factors, means of communication etc. They shall be appointed by designation and drawn from General Administration (including Revenue and Land Administration) Departments.

8. General

Only Officers drawn from the General Administration (including Revenue and Land Administration) Departments shall be appointed as District Election Officers/Returning Officers/Electoral Registration Officers/Assistant Returning Officers/Assistant Electoral Registration Officers and all such appointments shall be by designation.

INSTRUCTION SL.NO. 12

Election Commission's letter No. 508/2008-EPS, Dated: 18th December, 2008 addressed to The Chief Electoral Officers of all States and Union Territories.

Subject: Criteria for appointment of District Election Officer/Retuning Officer – clarification regarding.

In supersession of the Commission's letter No. 508/94/PS-I dated. 7.9.1994 addressed to the Chief Electoral Officers of all States/UTs on the above subject, I am directed to say that as you are aware that the conduct of election has undergone a paradigm change, as such the role of Retuning Officer has gained more focus. It has been observed in the past elections that one officer had been made incharge of many Assembly Constituencies. Even the District Election Officers were allowed to remain as Returning Officers of more than one Parliamentary Constituencies. In the present context, the Commission has decided that: -

- (i) In para 2(b) of the Commission's letter No. 508/94-PS-I dated.13.01.94 (copy enclosed), the criteria for appointment of Retuning Officer for a Parliamentary Constituency, may be read as that there will be a separate Retuning Officer for each and every Parliamentary Constituency.
- (ii) In cases where there are two or more Parliamentary Constituencies totally coming within one district, the District Election Officer cum District Magistrate/Deputy Commissioner/Collector will be the Returning Officer of only one Parliamentary Constituency and another seniormost officer not below the rank of ADM shall remain incharge of the second Parliamentary Constituency falling in the same district. However, the District Election Officer will take care of electoral administration of the whole district.
- (iii) In cases where a Parliamentary Constituencies in contained in partly in two districts, the District Election Officer of that district where major parts of the Parliamentary Constituency falls shall be the Returning Officer of that Parliamentary Constituency. In case the District Election Officer of that district is already a Returning Officer of another Parliamentary Constituency in the district, an ADM rank officer will be Returning Officer provided prior permission of the Commission is obtained.

INSTRUCTION SL.NO. 13

Election Commission's letter No. 434/94/PS-I, dated 11.05.1994 addressed to The Chief Electoral Officers of all States and Union Territories.

Subject: Appointment of ROs and AROs-Commission's written prior approval absolutely necessary – regarding

An instance has come to the notice of the Commission where Assistant Returning Officer for a Parliamentary Constituency where the bye-election is scheduled to be held on 26th May, 1994, has been changed in anticipation of the Commission's approval. The Returning Officer of that Parliamentary Constituency also assigned certain statutory functions to the newly designated Assistant Returning Officer prior to receipt of the Commission's written approval for the appointment.

2. The Commission has taken a very serious view of the matter and directs that no officer shall be assigned any duties of Returning Officers/Assistant Returning Officers unless a proposal to that effect has been sent to the Commission and the Commission's approval for such appointment has been obtained in writing.
3. Any appointment and entrustment of statutory duties without the prior written approval of the Commission will be a gross violation of the Commission's instructions and will be viewed very seriously. Disciplinary proceedings will be initiated against all the officials responsible for the lapse.

INSTRUCTION SL.NO. 14

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 commission 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.

INSTRUCTION SL.NO. 15

Election Commission's letter No.154/98/PLN-IV, dated 31.08.1998 addressed to Chief Secretaries of all States and UTs and copy endorsed to CEOs of all States and UTs.

Subject: Office of the Chief Electoral Officer - Changes in the officers & staff – regarding

I am directed to state that frequent changes are effected by the State Governments among incumbents in the officers and staff like Additional CEOs., Joint CEOs., Deputy CEOs., Assistant CEOs., etc., posted in the office of the Chief Electoral Officers which impair the important work relating to Electoral management like implementation of the scheme of Electors Photo Identity cards, Computerization of the Electoral Rolls, etc. The Chief Electoral Officers are also greatly inconvenienced by such changes.

The Commission had to intervene in many cases in the past in the interest of important democratic process of preparing and conducting free and fair elections. The Commission, therefore, hereby directs that henceforth the officers posted in the offices of the Chief Electoral Officer shall not be relieved unless the Commission approves such transfer or posting. Prior concurrence of the Election Commission of India shall be obtained for any change or transfer of the incumbents in the office of the Chief Electoral Officer. This may kindly be noted by all the State Governments and the Administrations of the Union territories. Kindly acknowledge.

INSTRUCTION SL.NO. 16

Election Commission's Order No.4/2001/JS.II dated 07.02.2001 addressed to the Chief Secretary and Chief Electoral Officers of all States/UTs.

Subject: Disciplinary proceedings against officials appointed on election duty

The question of true purport and extent of disciplinary jurisdiction of the Commission under Section 13CC of the Representation of the People Act, 1950 and Section 28A of Representation of the People Act, 1951, was raised before the Hon'ble Supreme Court in Writ Petition (C) No.606 of 1993 (Election Commission of India Vs. Union of India and others).

2. The Hon'ble Supreme Court, by its order dated 21.9.2000, disposed of the above writ petition in terms of the Terms of Settlement arrived at between the Commission and the Union government and accepted in toto by the State Governments of Tripura, Maharashtra, Tamil Nadu, Andhra Pradesh and Mizoram.

The Terms of Settlement referred to above are reproduced below:

"That the disciplinary functions of the Election Commission of India over officers, staff and police deputed to perform election duties during election period shall extend to -

(a) Suspending any officer/official/police personnel for insubordination or dereliction of duty;

(b) Substituting any officer/official/police personnel by another such person, and returning the substituted individual to the cadre to which he belongs, with appropriate report on his conduct;

(c) Making recommendation to the competent authority, for taking disciplinary action, for any act of insubordination or dereliction of duty, while on election duty. Such recommendation shall be promptly acted upon by the disciplinary authority, and action taken will be communicated to the Election Commission, within a period of six months from the date of the Election Commission's recommendations;

(d) The Government of India will advise the State Governments that they too should follow the above principles and decisions, since a large number of election officials are under their administrative control."

3. In supersession of the Commission's order No.509/General/96 JS.I, dated 18th March, 1996, the Commission hereby directs that the disciplinary action against Officers, Staff and Police Personnel deputed to perform election duties during an election shall hereafter be governed by the above principles and decisions agreed to between the Union Government and the Election Commission and as recorded by the Supreme Court of India in its Order dated 21.9.2000 in writ Petition (C) No.606 of 1993 (Election Commission of India Vs. Union of India and Others).

4. In this connection, a copy each of the letters dated 7-11 -2000 and 8-11 -2000 issued by the Govt. of India, Department of Personnel and Training is enclosed.

No. 11012/7/98-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi, dated the 7th November, 2000

OFFICE MEMORANDUM

Subject: Disciplinary jurisdiction of Election Commission of India over Government servants deputed for election duties

The undersigned is directed to say that one of the issues in Writ Petition (C) No.606/1993 in the matter of Election Commission of India Vs Union of India & Others was regarding jurisdiction of Election Commission of India over the Government servants deputed for election duties under section 28A of the Representation of the People Act, 1951 and section 13CC of the Representation of the People Act, 1950. The Supreme Court by its order dated 21.9.2000 disposed of the said petition in terms of the settlement between the Union of India and Election Commission of India. The said Terms of Settlement are as under:-

"The disciplinary functions of the Election Commission of India over officers, staff and police deputed to perform election duties shall extend to-

- a) Suspending any officer/official/police personnel for insubordination or dereliction of duty;
- b) Substituting any officer/official/police personnel by another such person, and returning the substituted individual to the cadre to which he belongs, with appropriate report on his conduct;
- c) Making recommendation to the competent authority, for taking disciplinary action, for any act of insubordination or dereliction of duty, while on election duty. Such recommendation shall be promptly acted upon by the disciplinary authority, and action taken will be communicated to the Election Commission, within a period of six months from the date of the Election Commission's recommendations;
- d) The Government of India will advise the State Governments that they too should follow the above principles and decisions, since a large number of election officials are under their administrative control."

2. The implication of the disposal of the Writ Petition by the Supreme Court in terms of the above settlement is that the Election Commission can suspend any officer/official/police personnel working under the Central Government or Public Sector Undertaking or an autonomous body fully or substantially financed by the Government for insubordination or dereliction of duty and the Election Commission can also direct substituting any officer/official/police personnel by another person besides making recommendations to the Competent Authority for taking disciplinary action for insubordination or dereliction of duty while engaged in the preparation of electoral rolls or election duty. It is also clarified that it is not

necessary to amend the services rules for exercise of powers of suspension by the Election Commission in this case since these powers are derived from the provisions of section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951 since provisions of these Acts would have overriding effect over the disciplinary rules. However, in case there are any conflicting provisions in an Act governing the disciplinary action, the same are required to be amended suitably in accordance with the Terms of Settlement.

3. All Ministries/Departments are requested to bring the above Terms of Settlement to the notice of all concerned for information and compliance.

Sd/-
(Smt. S. Bandopadhyay)
Director

No.11012/7/98-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi, dated the 8th November, 2000

To

The Chief Secretaries of all the State Governments/UT Administrations.

Subject: Disciplinary jurisdiction of Election Commission of India over Government servants deputed for election duties.

I am directed to say that one of the issues in Writ Petition (C) No.606/1993 in the matter of Election Commission of India Vs Union of India & Others was regarding jurisdiction of Election Commission of India over the Government servants deputed for election duties under section 28A of the Representation of the People Act, 1951 and section 13CC of the Representation of the People Act, 1950. The Supreme Court by its order dated 21.9.2000 disposed of the said petition in terms of the settlement between the Union of India and Election Commission of India. The said Terms of Settlement are as under:-

"The disciplinary functions of the Election Commission of India over officers, staff and police deputed to perform election duties shall extend to-

- a) Suspending any officer/official/police personnel for insubordination or dereliction of duty;
- b) Substituting any officer/official/police personnel by another such person and returning the substituted individual to the cadre to which he belongs, with appropriate report on his conduct;
- c) Making recommendation to the competent authority, for taking disciplinary action, for any act of insubordination or dereliction of duty, while on election duty. Such recommendation shall be promptly acted upon by the disciplinary authority, and action taken will be communicated to the Election Commission, within a period of six months from the date of the Election Commission's recommendations;
- d) The Government of India will advise the State Governments that they too should follow the above principles and decisions, since a large number of election officials are under their administrative control."

2. Government of India has issued instructions to bring the above terms of settlement to the notice of all concerned for information and compliance vide OM NO. 11012/7/98-Estt. (A) dated 7th November, 2000 (Copy enclosed). It is requested that the State Governments may follow the Terms of Settlement above mentioned in the case of officials deputed for election duties by the State Governments.

Yours faithfully,

d/-
(HARINDER SINGH)
Joint Secretary (E)

INSTRUCTION SI. No. 17

No. 4/2008/JS.II

Dated: 30th July, 2008

OFFICE MEMORANDUM

Subject: Disciplinary proceedings against officials appointed on election duty.

The Commission has considered the issue of fixing a uniform policy approach in the cases of disciplinary action against election officials. Disciplinary issues against election officials arise on account of violations of provisions of Law/Rules, Model Code of Conduct and instructions of the Commission and for omissions and commission on the part of the officials which adversely affect the smooth conduct of elections. Individual cases of disciplinary action against the election related officials will be handled by the Zonal Section dealing with the election to which the case relates. For uniform approach in such cases, the following guidelines have been prescribed :

1. In the case of disciplinary cases arising out of violations of Model Code of Conduct and the provisions of the law (Representation of the People Act, etc) :
 - (i) In the cases involving senior level officials such as ERO, AERO, RO, ARO, DEO, ADM, SP, DSP, RCS, etc., the cases of violation of law should be treated differently as compared to junior level functionaries. In the case of such senior level officers, the approach should be to take exemplary disciplinary action, so that the signal goes loud and clear to all other officials that there would be zero tolerance on such violation affecting election management.

- (ii) The cases involving junior level staff functionaries, such as clerical cadre, constables, etc, appropriate disciplinary action should be taken on the basis of facts and the gravity of the case, keeping in view the fact that action against such junior level functionaries do not reverberate in terms of signals beyond a limited jurisdiction. Out of these, any case of partisan behavior should be viewed seriously as distinguished from procedural lapses, which may be viewed differently.

2. In disciplinary cases involving major seizure of cash and other materials in election related matters:

- (i) Exemplary disciplinary action should be taken against officials at all levels who are involved in omissions and commissions related to violation of laws & instructions in such cases.

- (ii) The CEO of the concerned State should be directed to monitor and intensely follow up such cases involving violations of laws related to election management, which results in police cases.

3. Disciplinary action against officials representing the Election Commission of India.

(i) District Election Officer (DEO), Returning Officer (RO), Electoral Registration Officer (ERO), etc. have the most important and sensitive statutory as well as managerial role in the conduct of free and fair elections. In the case of violation, of instructions, omissions and commissions by these officials, especially ROs and EROs, exemplary disciplinary action should be taken so as to ensure that the purity of the election process is upheld.

(ii) The observers, are senior Officers selected from the premier services of the country and they directly represent the Election.

Commission. Hence for willful violations by them severe disciplinary action should be taken. For minor lapses or transgressions, warnings can be issued, if the officer concerned shows contrition and makes amends for any loss to exchequer.

INSTRUCTION SI. No. 18

Election Commission's letter No.437/6/2006/PLN- III, Dated : 06th November, 2006 addressed to The Chief Secretaries to all States and Union Territories & The Chief Electoral Officers of all States and Union Territories.

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

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 district 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 (xi) and (xii). (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.

INSTRUCTION **SL.NO. 19**

Election Commission's letter No.464/INST/2008/EPS, Date: 23rd December 2008. addressed to The Chief Electoral Officers of all States and Union Territories.

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.

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.

INSTRUCTION SI. No. 20

Election Commission's letter No. 464/INST/2008-EPS Dated: 26th December, 2008 addressed to The Chief Electoral Officers of all States and Union Territories.

Subject: - General Election to Lok Sabha, 2009 – Deployment of officers and staff – regarding.

I am directed to state that the Commission has decided that: -

- (a) The officers and staff of following departments will not be requisitioned for deployment of election duty: -
 - (i) Senior officers of the Indian Forest Service.
 - (ii) Doctors and Compounders working in veterinary hospitals.
 - (iii) Officers working in Grade – B (Cattle Extension Officer) in veterinary hospitals.
 - (iv) Medical Practitioners.
 - (v) Territorial Staff of Forest Department.
 - (vi) All India Radio.
 - (vii) Doordarshan.
- (b) The operational/technical staff of BSNL, MTNL, UPSC and educational institutions will be requisitioned for election duty only in unavoidable circumstances.
- (c) Officer/staff of Commercial Bank located in rural area and if happens to be a single officer branch, need not be deployed.
- (d) It is clarified that while drawing persons for election duties, you should explore the possibility of asking for persons from all such Corporations/PSUs in the area instead of asking from one Corporation/PSU only so that it is not too much of a strain on a particular organization.

Kindly acknowledge the receipt of the letter.

INSTRUCTION SI. No. 21

Election Commission's letter No.464/INST/2008/EPS Date: 23rd December 2008 addressed to The Chief Electoral Officers of all States and Union Territories.

Sub.- Drafting of physically challenged personnel for election duty-regarding.

I am directed to invite your attention to the Commission's letter no. 458/4/98-PLN-IV dated 30.10.1998 **(copy enclosed)** on the above matter. Subject to the condition stipulated in the above said letter, the physically challenged personnel in the past have been used as polling staff. Recently, the Election Commission has introduced the concept of micro-observer. Feedbacks have been received that in some places physically challenged personnel have been deployed as micro observer in recent elections.

A letter received from one such micro observer reveals that the sensitivity required and expected to be shown while drafting physically challenged personnel for such an assignment has not been displayed by the field officials. In this context, the Election Commission while reiterating the earlier instructions in this regard has issued some new instructions as follow:

The persons with disabilities have been defined under the "Persons With Disabilities (Equal Opportunities Protection of Rights & Full Participation) Act, 1995". The relevant extract of this Act is enclosed. Considering the nature of assignment and to avoid making hardship to such individuals, the Commission is of the view that the physically challenged persons with disabilities as defined under this Act should not be deployed on election duty. However, subject to compliance of the above circular relating to physically challenged persons if any such person is required to be used on election duty, prior approval of the Observer may be obtained giving full detail. The DEO and the RO shall make personal efforts to ensure that the special needs and requirements of the physically challenged persons are taken into account while choosing the polling station for deployment. It shall be ensured that they are not posted in any remote areas, rather they should invariably be posted at the polling stations located in the headquarter. This can be incorporated in the randomization software itself so that the database contains information about the physically challenged personnel, if any and if drafted on election duty those persons are not be posted any difficult location even inadvertently. The RO should make a special effort to identify such individuals at the time of training itself and personally meet and discuss with them in order to appreciate their nature of disabilities and limitations and

decide the deployment. In case any such physically challenged person even inadvertently deputed to any difficult location, the RO should be in a position to make necessary change manually in consultation with the Observer. The CEOs shall sensitize all the field officials about this instruction.

(Copy)

Election Commission's letter No. 458/4/98-PLN-IV dated 30.10.1998 addressed to CEOs of Assam, Bihar, Gujarat, Himachal Pradesh, Mizoram, Madhya Pradesh, Nagaland, NCT of Delhi, Punjab, Rajasthan, Uttar Pradesh and West Bengal.

Subject: Drafting of handicapped personnel for election duty

Preparations for the current elections are in full swing. The field officers would be finalizing the list of personnel to be deployed for elections duty primarily as polling and counting staff in this connection a suggestion has been received from the Chief Commissioner for Disabilities, Govt. of India to exempt disabled persons from being deployed for such election related duties.

The persons with disabilities have been defined under the Equal Opportunities Protection of Rights & Full Participation Act 1996. The relevant extracts of this is enclosed. The Commission desires that as far as possible persons with disabilities as defined under the Act should not be deployed for election duty. This aspect may be kept in mind for selection and deployment of staff for election duty.

THE GAZETTE OF INDIA EXTRAORDINARY

Short Title, extent and commencement

Definitions

Be it enacted by Parliament in the Forty-Sixth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

- (1) This act may be called the Persons With Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may by notification, appoint. 2. In this Act, unless the context otherwise requires :-

Definitions

(a) "appropriate Government" means-

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonment Act, 1924, the Central Government;

(ii) in relation to a State Government or any establishment wholly or substantially financed by that Government or any local authority, other than a Cantonment Board, the State Government;

- (iii) in respect of the Central Coordination Committee and the Central Executive Committee, the Central Government;
- (iv) in respect of the State Coordination Committee and the State Executive Committee, the State Government;
- (b) "blindness" refers to a condition where a person suffers from any of the following condition, namely :-
 - (i) total absence of sight; or
 - (ii) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses; or 2 of 1924
 - (iii) limitation of the field of vision subtending an angle of 20 degree or worse;
- (c) 'Central Coordination Committee' means the Central Coordination committee constituted under sub-section (I) of section 3;
- (d) 'Central Executive Committee' means the Central Coordination Committee constituted under sub-section (I) of section 9;
- (e) "cerebral palsy" means a group of non-progressive conditions of a person characterized by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development;
- (f) 'Chief Commissioner' means the Chief Commissioner appointed under sub-section (I) of section 57;
- (g) "Commissioner" means the Commissioner appointed under sub-section (I) of section 60:
- (h) 'Competent authority' means the authority appointed under sub-section 50;
- (l) "disability" means-
 - (i) blindness;
 - (ii) low vision;
 - (iii) leprosy-cured;
 - (iv) hearing impairment;
 - (v) locomotor disability;
 - (vi) mental retardation;
 - (vii) mental illness;
- (j) "employer" means-
 - (i) in relation to a Government the authority notified by the Head of the Department in this behalf or where no such authority is notified, the head of the department; and
 - (ii) in relation to an establishment, the chief executive officer of that establishment:

(k) "establishment" means a corporation established by or under Central, Provincial or State Act, or an authority or a Government company as defined in section 617 of the Companies Act, 1956 and includes Departments of a Government;

(l) "hearing impairment" means loss of sixty decibels or more in the better year in the conversational range of frequencies;

(m) "institution for person with disabilities" means an institution for the reception care, protection, education, training, rehabilitation or any other service of persons with disabilities;

(n) "leprosy cured person" means any person who has been cured of leprosy but is suffering from-

(i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them engage in normal economic activity.

(iii) extreme physical deformity as well as advanced age which prevents him from undertaking any gainful-occupation.

and the expression "leprosy cured" shall be construed accordingly;

(o) "locomotor disability" means disability of the bones joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;

(p) "medical authority" means any hospital or institution specified for the purposes of this Act by notification by the appropriate Government;

(q) "mental illness" means any mental disorder other than mental retardation;

(r) "mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterized by sub normality of intelligence;

(s) "notification" means a notification published in the official Gazette;

(t) "person with disability" means a person suffering from not less than forty percent of any disability as certified by a medical authority.

(u) "person with low vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device;

(v) "prescribed" means prescribed by rules made under this Act;

(w) "rehabilitation" refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric or social functional levels;

(x) "Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, respecting-

- (i) persons who seek to engage employees from amongst the persons suffering from disabilities;
 - (ii) persons with disability who seek employment;
 - (iii) vacancies to which person with disability seeking employment may be appointed;
- (y) "State Coordination Committee" means the State Coordination Committee constituted under sub-section (l) of section 13;
- (z) "State Executive Committee" means the State Executive Committee constituted under sub-section (l) of section 19.

CHAPTER H

The Central Coordination Committee

- 3 (1) The Central Government shall by notification constitute a body to be known as the Central Central Coordination Committee to exercise the powers conferred on and to perform

Central Coordination

Committee the functions assigned to it,

under this Act.

- (2) The Central Coordination Committee shall consist of-

- (a) The Minister in charge of the Department of Welfare in the Central Government, Chairperson, ex-officio;
- (b) The Minister of State in charge of the Department of Welfare in the Central Government, Vice-Chairperson, ex-officio;
- (c) Secretaries to the Government of India in-charge of the Departments of Welfare, Education, Woman and Child Development, Expenditure, Personnel, Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Legal Affairs, Public Enterprises, Members ex-officio;
- (d) Chief Commissioner, Member, ex-officio;
- (e) Chairman Railway Board, Member, ex-officio;
- (f) Director-General of Labour Employment and Training, Member ex-officio;
- (g) Director National Council for Educational Research and Training Member ex-officio;
- (h) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States, Members;
- (i) three person to be nominated by the Central Government to represent the interests which in the opinion of that Government ought to be represented, Members;

- (j) Directors of the-
 - (i) National Institute of the Visually Handicapped, Dehradun;
 - (ii) National Institute for the Mentally Handicapped, Secundrabad;

INSTRUCTION SI. No. 22

Election Commission's letter No. 437/7/84 dated 09.11.1984 to all Chief Electoral Officers.

Subject: General Election/Bye election-constitution of Standing Committees of political parties at District level for securing their co-operation for revision of rolls and conduct of elections

I am directed to say that after consultation with Chief Electoral Officers and in the light of past experience, it has been decided that there should not be multiplicity of Committees for election purposes and only one committee at the district level should be constituted for election purposes comprising representatives of National and State recognised political parties and district officials and higher level police officers in the district.

2. I am accordingly to request that immediate instructions may be issued for constitution of standing committee comprising representatives of National and State recognised political parties and district officials to enlist the co-operation of the parties (i) in the preparation of the electoral rolls and bringing them as up-to-date as practical; (ii) drawing of lists of polling stations; and (iii) for actual conduct of elections.

3. The meetings of the Committees can be held by the Chief Electoral Officers/District Election Officers/Returning Officers concerned at different stages, e.g.

(1) at the time of draft publication of the rolls (2) before the final publication of the rolls, (3) preparation of lists of polling stations and (4) during conduct of elections.

4. Necessary instructions may be issued to the District Election Officers etc., to hold regularly meetings with the representatives of National and State recognised political parties and also the contesting candidates at the elections to sort out any problem that may be faced by them in the conduct of election. The meetings of the above committees may be held as many times as possible and particularly during the general election and revision of rolls.
5. Minutes of the meetings may also be prepared and kept for record.
6. A Report to the effect such meetings are being held regularly may be sent to the Chief Electoral Officer by concerned officer.
7. The recognised political parties are being addressed separately for necessary action on their part.
8. The earlier instructions contained in the Commission's letter No. 56/4/79 (PP), dated 26th September 1979 may be treated as superseded.

9. The receipt of this letter may kindly be acknowledged.

INSTRUCTION SI. No. 23

Election Commissions letter No. 464/INST/2008/EPS Dated:21st January, 2009 addressed to the Chief Secretaries of all states & Union Territories.

Subject: Appointment of micro observer-additional instruction – Regarding.

I am directed to say that the Commission has been appointing micro observer in selected constituencies and selected polling stations depending on the availability staff of Government of India and Central Public sector undertaking available for the appointment as a micro observer. In this connection, the Commission has issued the following instructions: -

1. The District Election Officer will take an advance inventory of availability of staff of Government of India and Central Public Sector Undertaking to be appointed as micro observer and incorporate their names, along with all the required details as in case of State Govt. staff, in the randomization database.
2. In case Government of India staff not being available in adequate number, the Divisional Commissioner (if the D.C system exists in a particular State) will coordinate and ensure that inter-district sharing of micro observer takes place and the Divisional Commissioner will monitor this process. If the Divisional Commissioner system is not available, the Chief Electoral Officer will coordinate and ensure that the micro observers from the neighbouring districts or from the neighbouring urban centre are diverted to particular district not having Government of India staff to be appointed as a micro observer.

The Commission has further instructed that the conditionalities being applied for the State Govt. staff being appointed as polling personnel (that he should not be posted as a polling staff in the constituency where he is a voter / where he is working / in his native constituency) will be equally applied to the micro observers also. That means, a micro observer while working as a micro observer within the district or outside the district, within the Parliamentary Constituency (preferably) or outside his Parliamentary Constituency cannot be appointed as a micro observer in an Assembly Constituency / assembly segment where he is a voter, working or in his native Assembly Constituency / assembly segment. This aspect may be taken care of during randomization process.

INSTRUCTION SI. No. 24

Election Commissions letter No. 4/2008/JS.II Dated: 19th August, 2008 addressed to the Chief Secretaries of all states & Union Territories.

Subject: Violation of law and instructions by election related officials - action to be taken - regarding.

I am directed to send herewith a copy of the Commission's O.M. No. 4/2008/J.S.II dated 30-7-2008, in the matter of disciplinary action against election officials for acts of omission and commission on their part, for your information. As per para 2 of the O.M., the Chief Electoral Officers is to closely monitor cases involving violations of laws, which result in police cases, so that the cases are intensely followed up.

Kindly acknowledge receipt of this letter.

Copy to : Principal Secretaries /Zonal Secretaries

INSTRUCTION SL NO. 25

Election Commission's Letter No. 576/11/94/JS.II dated 15.11.1994 addressed to The Chief Electoral Officers of all States and Union Territories.

Subject: Period of duty of Presiding and Polling Officers - Clarifications regarding

The appointment of Presiding Officers and Polling Officers is done by the District Election Officer under the powers vested in him under section 26 of the Representation of the People Act, 1951. Section 26 reads as follows:-

(1) The District Election Officer shall appoint a Presiding Officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election:

Provided that if a polling officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the polling officer during the absence of the former officer, and inform the District Election Officer accordingly:

Provided further that nothing in this sub-section shall prevent the District Election Officer from appointing the same person to be the Presiding Officer for more than one polling station in the same premises.

- (2) A polling officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under this Act or any rules or orders made there under.
- (3) If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorized by the district election officer to perform such functions during any such absence.

2. The Commission has given detailed instructions in this regard which are contained in Para 10.1 of Chapter III of 'Handbook for Returning Offices (1994 edition) wherein, inter alia, it has been directed that the Presiding and Polling Officers should be formally appointed, both for the Assembly constituency and for the Parliamentary Constituency also in the case of a simultaneous election.

3. The Commission has also prescribed a standard proforma for use by the District Election Officer for the appointment of the Presiding Officer and the Polling Officers, which is contained as Annexure IX in the 'Handbook for Returning Officers'.

4. Instructions are also contained in Chapter XXI of 'Handbook for Presiding Officers' that after the poll the Presiding Officer shall hand over to the officials in charge of the Collecting Centre, all polled ballot boxes, election papers and materials and shall obtain a receipt there of. It has also been clarified that only after the above items are checked by the Receiving Officials at the Collecting Centre in the presence of the Presiding Officers/Polling Officers these personnel will be relieved.

5. The time taken for reaching the Collecting Centre with the polled ballot boxes and other materials will differ from place to place depending upon the distance of the polling station from the Collecting Centre, terrain and facility for transport, etc.
6. After the deposit of sealed ballot boxes and other materials by the Presiding Officers/Polling Officers these personnel will have to be given reasonable period for travelling back to their destinations wherever they come from since the deposit of the ballot boxes often goes late into the night of the date of poll, wherever they are able to reach the Collection Centre the same night, for the polling personnel to reach their headquarters takes time.
7. The Commission therefore, has directed that the day following the date of poll, and in the case of re-poll, the date following the date of re-poll, as the case may be, will also be treated as period of election duty and the polling personnel will not be required to report for duty in their normal place on such day. For instance, if the date of poll is 15th December and the polled ballot boxes, etc., are reached at the receiving centre on 15th/16th December by the Presiding Officer/Polling officers, such officers will not be treated as absent from their normal duty if they do not report for their duty on 16th December, after completion of the election duty but report on 17th December, for their normal duties. In areas where the travelling time is longer, suitable allowance will be further made for this and the day following the date of deposit of polled material, etc, shall be treated as duty period.
8. The Commission has directed that suitable instructions in this regard be issued by the State Govt/ Chief Electoral Officer for strict compliance of all concerned

The receipt on this letter should be acknowledged forthwith.

INSTRUCTION SL NO. 26

Election Commission's Letter No. 458/4/96/-PS-IV/Vol-II dated 22.07.1996 addressed to the Chief Electoral Officers of all States & Union Territories.

Subject: Provision of minimum facilities to pregnant women polling personnel during poll

1. I am directed to invite your attention to Commission's letter No. 458/4/84 dated 9.11.1984 and message No. 458/4/96-PLN-IV dated 16th April, 1996 regarding minimum facilities of shelter, water and toilet at polling stations for polling personnel and voters.

2. The Hon'ble High Court of Andhra Pradesh has, in its order in Writ Petition No. 7659 of 1996 (Sumathi vs. Chief Electoral Officer, Andhra Pradesh and others directed that;

(a) The respondents shall exempt all such women who are in advanced stage of pregnancy, whether are no maternity leave or not, or who are otherwise on medical advice not fit for any rigorous or hazardous work from being requisitioned for election duty. The same will apply to women who are breast feeding a newly born child; and

(b) The respondent shall inform well in advance every woman called for election duty of the arrangements for her stay, private and separate arrangement for women only at the place of duty to meet the calls of nature as well as for bath and dressing and unless such arrangement is made and information in this behalf is delivered to such woman, she shall not be called to perform any election duty at any such place where the above arrangements are not available.

3. The Commission directs that above directions shall be scrupulously followed during all future elections and any failure to comply with these directions will be viewed seriously.

4. Kindly acknowledge the receipt of this letter.

INSTRUCTION SL NO. 27

Election Commission's letter No. 3/1/98/J.S.II, dated 11.08.1998 addressed to CEOs of all States and UTs.

Subject: Requisitioning of Staff for Election Duties - Amendment to Section 159 of the Representation of the People Act, 1951 - regarding

I am directed to refer to the Commission's letter of even No., dated 13th May, 1998, forwarding therewith a copy of the Representation of the People (Amendment) Ordinance, 1998 regarding requisitioning of staff for election duties.

2. The Parliament has now passed the Representation of the People (Amendment) Act, 1998 (No. 12 of 1998) as published in the Gazette of India, Extraordinary, Part-II, Section (I), dated 23.06.1998 to substitute new section for section 159 of the Representation of the People Act, 1951 in the above matter. The Representation of the People (Amendment) Ordinance, 1998 has been repealed. A copy of the Gazette of India, dated 23.06.1998 publishing the aforesaid amended Act is forwarded herewith.
3. It will be observed from the amended Section 159 of the Representation of the People Act, 1951 that the following authorities shall make available such staff as may be necessary for the performance of any duties in connection with an election:
 - (i) every local authority;
 - (ii) every university established or incorporated by or under a Central Provincial or State Act;
 - (iii) a Government company as defined in section 17 of the Companies Act, 1956;
 - (iv) any other institution, concern or undertaking which is established by or under a Central Provincial or State Act or which is controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government.
4. In accordance with the amended provision of Section 159 of the Representation of the People Act, 1951, employees of local authorities, universities, Nationalized Banks, Life Insurance Corporation, Government Undertakings etc. can now be requisitioned for deployment on elections duties. It is, however, reiterated once again that bank employees may be drafted on election duty to the minimum extent possible, only in a constituency where sufficient number of Government employees are not available and/or in emergent circumstances such as strikes etc. by the Government employees. Care should be taken to see that normal functioning of the banks are not interrupted. Further, if practicable, their posting to any polling station outside their normal place of duty may be avoided.
5. The implications of the Representation of the People (Amendment) Act, 1998 (amending Section 159 of the Act) may be brought to the notice of all District Election Officers, Returning Officers and other election related authorities immediately for their information and necessary action. The above-amended provision may be

incorporated in the Manual of Election Law, 1997 and in the Handbook for Returning Officers, (1998 edition) and also in the "Compendium of Instructions on Conduct of Elections, 1998."

The receipt of this letter may kindly be acknowledged.

INSTRUCTION SL NO. 28

Election Commission's letter No. 576/3/2004/JS-II, dated 09.08.2004 addressed to the Chief Electoral Officers of all the States / Union Territories.

Sub: - Assigning election duties - Seniority of officials to be taken into consideration.

Ref: - Commission's letter No. ECI/GE 98-464/Inst./98-PLN-I, dated 18.10.98

I am directed to say that in paragraph 2.7 of Chapter III of the Handbook for Returning Officers (2004 Edition), it has been directed that while assigning election duties to various officials, their seniority should be taken into account and it should be ensured that a senior official is not put on duty under an official who is junior to him.

2. In a petition before the Punjab and Haryana High Court (C. W.P. NO.6895 of 2004 - Punjab and Chandigarh College Teachers Union Vs. Election Commission of India & Others), the Hon'ble High Court has made an observation that as far as possible, the seniority of officials put on election duty should be given due regard while assigning them election duties.

3. The Commission, keeping in view the guidelines already laid down, has directed that while assigning election duty, the following principles are to be followed strictly: -

- (i) Adequate care should be taken by the District Election Officers in calling for names of officials from different government departments (both Central and State), PSUs, Banks, other institutions etc. The scale of pay, rank and status of officials to be requisitioned need to be set out in the requisition order itself for which the Chief Electoral Officer should set a uniform criteria for the State as a whole. 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. By way of illustration, in Group-A category of employees, a level upto and including a certain rank needs to be prescribed instead of calling for all Group-A employees,
- (ii) In drawing up the seniority list of officials required for election duty, the District Election Officer should take into account at the outset the pay, rank and status of the officials nominated and classify them accordingly for purposes of randomization for which detailed instructions are available. A Presiding Officer should be of higher scale/grade/rank in comparison to all Polling Officers appointed in his group.
- (iii) 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 be taken into account and not merely the pay scale. By way of illustration, if a Group-D employee from any pool, even if drawing a higher scale should not be assigned duties of a Presiding Officer or Polling Officer.

4. This may be brought to the notice of all District Election Officers and Returning Officers

INSTRUCTION SL. NO. 29

Election Commission's letter No. 464/INST/2007/PLN-I, Date: 12th October, 2007. addressed to The Chief Secretaries of All States/Uts & The Chief Electoral Officers of all States and Union Territories.

Subject: Issue of photo identity card to the polling personnel.

In order to ensure that the identity of all Presiding Officers, polling officers, counting supervisors and counting assistants engaged in election work is clearly established while discharging their duties, the Commission has decided to direct the issue of identity card for them. This identity card shall be issued by the District Election Officer (DEO)/Returning Officer (R.O). The Presiding Officers, polling officers, counting supervisors and counting assistants shall display their identity card on person on the day of poll/counting for easy and quick identification. Such identity cards shall be prepared in the prescribed format as enclosed containing all relevant details of the Govt. officials/employees concerned. The photograph pasted on the ID card shall be duly attested by the concerned DEO/RO. In order to ensure the photo images of the Govt. official/employee concern is properly collected in time to enable the preparation of the identity card, the Commission directs that the DEOs can exercise any one of the following option(s):_

The DEO can organize the capturing of the photography of the polling personnel at the time of first round training so that the ID card is prepared before second round training and handed over to the polling personnel concerned by obtaining proper acknowledgement.

Wherever possible, the polling personnel can also bring copy of his/her passport size photograph and deposit at the time of first round training for the purpose of preparation of the ID card.

A combination of both the above options can also be used by the DEOs, if necessary.

While reiterating that the issue of the ID card as directed above shall be ensured without fail, the Commission would like to give necessary operational flexibility to the DEO in the process of preparing the ID card so that they can adopt a method that is functionally suitable to the district concerned. The CEO shall ensure that the ID cards are prepared following a uniform pattern as per the format prescribed in the enclosure.

Action taken in this matter be confirmed for the information of the Commission.

(For Presiding Officer)

General Election to

IDENTITY CARD	
Name of the Presiding Officer :	Photograph duly attested By DEO/RO
Age :	
Name of the sponsoring Deptt. :	
Designation of the sponsoring Authority :	

(For Polling Officer)

General Election to

IDENTITY CARD	
Name of the polling officer :	Photograph duly attested By DEO/RO
Age :	
Name of the sponsoring Deptt. :	
Designation of the sponsoring Authority :	

INSTRUCTION SL NO. 30

Election Commission's letter No. 464/INST/2008/EPS, Date: 12.09.2008 addressed to The Chief Secretaries of All States/Union Territories & The Chief Electoral Officers of all States and Union Territories.

Subject: HR issues in the polling personnel management.

The conduct of election in a vast country like ours is a mammoth exercise. An efficient human resource management forms an essential part of the election management planning and execution. The personnel involved in the conduct of elections particularly the polling staff carry out their duty in challenging circumstances. However, the Election Commission of India has received feedback that enough efforts are not being made to provide basic facilities to enable the polling staff to deliver their work in a hassle free manner. The Commission considers the well being of the polling personnel to be one of the priority areas of election management. In order to ensure that the welfare of the polling personnel receives adequate attention of the District Election Officers and Returning Officers, the Election Commission of India has directed that the following instructions be followed without any deviation.

There shall be a separate chapter in the election arrangement booklet prepared by DEO/RO dedicated to staff welfare. In this chapter, the measures envisaged by the District Election Officer/R.O to ensure polling personnel welfare shall be listed. While preparing the district machinery for the conduct of election, the DEO shall identify a senior officer as the nodal officer to coordinate and supervise polling personnel welfare measures. Similarly, each RO shall identify a nodal officer for the above purpose. The name and designation, office and residential address, telephone numbers including mobile number and e-mail ID, if any, of the nodal officer shall be mentioned in the district/constituency election management plan. The contact numbers should also be brought to the notice of the polling personnel drafted for election duty.

The DEO should also hold a separate review on the subject and identify the areas of concern and take necessary advance measures to address the facilitation issues.

Right from the beginning enough care shall be taken to ensure that the information regarding training programme, dispatch and reception centre arrangement etc. is conveyed to the polling personnel in a proper and timely manner

through the sponsoring authorities. The responsibility of the officer who sponsors the polling personnel is not merely to send the names of the government staff to be used for election duty. As and when the DEO or RO sends information to be passed on to the polling personnel drafted for training/poll duty, the same information shall be conveyed by the sponsoring authority to all the staff drafted for election with due care. Apart from informing the training schedule and dispatch schedule etc. through the letter, sponsoring authority, the DEO and RO shall also use the local media to convey the schedule to the staff at large so that there is no misunderstanding about reporting time and venue.

Proper arrangement shall be made at the training venue; care should be taken while choosing the venue for the training purpose to ensure that there is proper arrangement of basic amenities. There should be a proper provision for drinking water and toilet facilities at the training venue. There should also be 'help desk' to help the polling personnel when they arrive for training. Similarly, at the dispatch centre too, due care should be taken to provide civic amenities and facilitate orderly dispatch. On the day of dispatch, the nodal officer identified to take care of staff welfare shall physically remain present at the dispatch centre. There shall be adequate provision of drinking water, toilet etc. at the dispatch location. The process of dispatch shall be closely monitored by the senior officers so that polling personnel are not unduly held up at the dispatch centre. Also, if the dispatch process takes time, there should be proper arrangement for refreshments for the polling personnel while they are waiting for transport for taking them to their polling stations. The coordination between the police personnel deputed to accompany the polling personnel should be perfect so that there is no communication gap in this matter. It will be the duty of the sector officers to ensure that the polling personnel deputed to perform their duty at the polling stations assigned to the sector officer are taken care of and they are not unduly held up at the dispatch centre.

A senior officer should supervise the arrangement made for providing transport vehicle for the travel of the polling personnel. The movement of the polling personnel/security forces shall be tracked closely and a confirmatory report should be obtained through sector officer on the safe arrival of the polling personnel at the polling station.

The DEO and the RO shall do an advance exercise well before the election to get the conditions of the polling stations physically verified by the field officials. With some advance intervention at the level of DEO, the conditions at the polling stations

can be vastly improved. There are reports about polling stations not being provided even with rudimentary facilities like tables and chairs. The DEO, through the sector officers shall get the physical condition of the polling stations verified well in advance and ensure that provision for basic amenities like tables, chairs, benches, drinking water/toilet, shade for voters etc. are made available. If the power connection is available, the status of switches/bulbs/fans should be checked. If power connection is not there, alternative arrangement should be made.

There are inputs about polling personnel being put to difficulty for lack of provision in remote areas for getting their food. An exercise shall be done through sector officers as to how such problems can be sorted out. It is relevant to note that it may not be desirable on the part of polling personnel to venture out for the sake of getting food in remote locations. It is also undesirable to avail the local hospitality as that may lead to some complaint. In some States there is a practice of providing a Gr.-IV staff in the polling team who cooks food & serves the polling party. The DEO shall review the situation and ensure that proper alternative arrangements are made depending on the local condition and limitations.

The health care of the polling personnel is another important concern. At the training centre as well as in dispatch/reception centres, there should be separate arrangements for providing health care/first aid assistance to the polling personnel. Medical staff/para-medical staff shall be stationed in those locations to be available in case of any requirement.

The reception centre for polled election materials shall be managed efficiently and professionally. Here too, health care staff and equipments should be on duty and arrangement for refreshment, in a manner that would not disturb the receiving of EVM/other documents, should be meticulously planned. It is at this time that the polling party is fatigued and exhausted and tempers might run high. The polling personnel shall not be held up unnecessarily at the reception centre. The reception centre should not be handled by the junior staff of the District Election Office alone and the senior officers shall remain physically present at the reception centre in order to ensure the effective handling of the reception centre. Once EVMs and other documents are handed over, the polling staff shall be relieved from the duty without any delay. Advance measures should be in place to ensure that transport facility including public bus service etc. is available for them to reach home at the earliest.

Apart from this, the CEO shall do a review of present existing system of making ex gratia/compensation payment in case of an unfortunate event of injury or

death of polling personnel. There are States where specific problems like Maoist extremism prevail, insurance coverage for those engaged in election duty have been extended. There are States where such compensatory mechanism is extended directly by the State Government. The CEO of the State shall, in consultation with the State Govt, should review the present policy and submit a factual report to the Election Commission of India indicating the ex gratia/compensation payment mechanism adopted/proposed to be adopted in the State for casualties on election duty.

The Commission desires that the polling personnel facilitation to ensure their well being should become an integral part of election management plan and starting from the CEO of the State down to the RO, this aspect of the election management shall receives adequate attention.

The receipt of this letter may be acknowledged and action taken in this matter may be reported to the Commission.

INSTRUCTION SL NO. 31

Election Commission's letter NO. 464/INST/2008/EPS, Dated: 19th September, 2008 addressed to The Chief Secretaries of All States/Union Territories & The Chief Electoral Officers of all States and Union Territories.

Subject: Drafting of Polling Personnel for election duty – Randomization of Polling Personnel.

It has always been endeavor of the Commission to ensure free and fair elections and towards that end it has issued instructions from time to time on various aspects of election process including formation of polling parties. The duties discharged by polling personnel in the conduct of elections are of vital importance. They are the face of the Commission in the minds of electorate, polling agents, media and the candidates etc. Therefore, sufficient care is needed to draft and deploy such personnel and formation of unbiased polling parties in the interest of free and fair election. Accordingly, the Commission lays down the following instructions for formation of polling parties:-

- (i) A District Election Officer-wise database, of all eligible poll personnel shall be maintained in electronic format, which can facilitate computerized randomization. All relevant particulars like Name, Sex, Place (constituency) of residence, work place, Home Constituency, Designation, Office and Department/Institutions should be entered.
- (ii) The database shall contain, distinctly and separately, the State Govt. employees including Public Sector Undertakings, teachers etc. who can be employed as polling personnel.
- (iii) Similarly the data base shall distinctly and separately contain all Central Govt. employees including PSU, Bank, etc.
- (iv) Separate database shall be prepared of Retired Government of India and State Government officials as well as of Members of NCC & NSS [and reputed NGOs, if & as approved by the Commission]. They shall be used in specified manner only with express prior approval of the Commission.
- (v) Unless otherwise advised, the polling parties shall be formed out of the State Govt. employees. The Central Govt. employees including PSUs and Banks, etc. shall be utilized for selecting suitable persons as Micro Observers.
- (vi) Presiding Officers and Polling Officers shall be classified on the basis of scale of pay and their post and rank. As far as practicable, Gazetted Officers will be deployed as Presiding Officers and failing that officials who are working in supervisory capacity only should be deployed as Presiding Officers. The Presiding Officer should be of higher scale/grade in comparison to other Polling Officers of that formation.
- (vii) In view of the recent instructions regarding issue of postal ballot papers, Assembly Constituency No., Part No., Sl. No. of each and every official shall be indicated. In case, he is not a voter, in the process of continuous updation he should be enrolled in the electoral roll of Assembly Constituency concerned and Elector Photo Identity Card issued. Similarly, the personnel

meant for being appointed as Micro observers should invariably be enrolled as voter and Elector Photo Identity Card issued. Therefore, persons put on polling duties should invariably be voters. Further, no person will be assigned polling duties in an assembly constituency in which he is posted or in which he resides or the constituency, which is his home constituency.

- (viii) In order to avoid any allegation of collusion among the polling personnel in favour of any candidate or political party and to instill confidence in the minds of Political Parties and candidates about free and fair elections, proper mix of polling personnel drawn from different offices and departments at the time of formation of a polling party should be ensured. Two officials of the same serial group/category should not be put together. Further, two members of the polling party should not be from the same department (in case of school teachers, they should not be from the same school).
- (ix) Polling personnel database should include personnel both from the State Government departments as well as the Central government offices. Central Government employees should be utilized for micro observer duties to be decided by Observers. Polling personnel to be posted within the district unless specifically directed otherwise.

Following procedure should be adopted for formation of polling parties:-

- (x) Database & software should be prepared and developed by the CEO and distributed among DEOs. District Election Officers should obtain a complete database of officers eligible for polling party duties from respective authorities. All relevant information should be entered into an electronic database of the computerized randomization application software approved by the CEO for that state.
- (xi) From this full database of officers, a list of 120% of the required number of polling persons should be generated (including reserve) randomly, using the software. This is the first of the three-stage randomization process. Presence of observers is not required at this stage. It should be noted that this randomized list is DEO-wise and not at any other level like subdivision, tehsil, block, assembly constituency etc. This is only to identify and select the officials that would be given training for poll duties as presiding and polling officers in whichever constituency of that district. In no case, at this stage, the identity of the assembly constituency to which the polling personnel are likely to be deployed will be known. All that the polling personnel will know at this stage is whether he (or she) is a presiding officer or a polling officer and the venue and time of trainings.
- (xii) The second stage of randomization exercise should be done in the presence of the Observers deployed in the constituency. At this stage actual polling parties shall be formed on random basis using the randomization software. **The Observer must be present at this stage.** At this stage though the actual polling station will not be known, however, the Assembly Constituency and the team composition may be known. This randomization should not take place before 6 or 7 days from the day of poll. For the purpose of serving the appointment letters, the DEO can use the services of the sponsoring departments/ authority and/or organize a training programme of poll personnel in team formation on that date when final briefing can be given and

appointment letters issued to them. It will also facilitate Postal Balloting.

- (xiii) The third stage of randomization exercise shall take place at the time of dispersal of polling parties when the allocation of polling stations to the polling parties will be done. This third stage randomization for final allocation of Polling Stations to each Polling Party should also be done in the presence of Observers. The actual polling station allotted to individual polling personnel is to be disclosed just before the polling party actually leaves the dispersal centre.
- (xiv) In order to ensure that above instructions are complied with strictly, the Commission directs that the District Election Officer shall furnish to the Election Commission through the Observers and separately to the Chief Electoral Officer of the State/UT a certificate to the following effect immediately after the polling parties have been formed for an election:-

“Certified that:-

(I) The polling parties have been formed by a proper mix of officials drawn from different offices and departments, in presence of Observers and

(II) The officers have been drawn from the State Government departments as well as from the State Public Undertaking etc. as far as practicable.

(III) For the purpose of making polling parties complete data base of all eligible employees in the district has been used.”

- (xv) It is clarified that the entire randomization exercise except the first stage must invariably be done in the presence of the Observers sent to the constituency. If, by any chance, the forming of the polling parties through randomization (second stage) has been done in the absence of the Observers, then the 2nd stage randomization exercise should be done afresh in the presence of Observers and compliance report should be submitted in this regard. The Observers should make a special reference to the randomization exercise observed by them in their constituencies while submitting the report.

Kindly acknowledge receipt.

INSTRUCTION SL NO. 32

Election Commission's letter No. 464/INST/2008/EPS, Dated: 5th November, 2008 addressed to The Secretary to the Government of India, Ministry of Defence, New Delhi.

Subject: - Drafting 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 duties relating to general elections at the polling stations like manning of queues etc.

2. You are requested to issue necessary instructions to authorities concerned to provide necessary assistance in this regard in all the States. The immediate need is in the six States of Chhattisgarh, Madhya Pradesh, Rajasthan, Delhi, Mizoram and Jammu & Kashmir.

3. The Cadets will be required for Poll day duty within their districts only. It will be restricted to poll day (single day). This will be needed in uniform but 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 poll day when they would be needed on duty is declared a holiday everywhere. The expenditure on logistics of picking up the Cadets and dropping them back will also be borne by State Government concerned.

Copy to: - The Chief Electoral Officers of All States/UTs.

INSTRUCTION SL. NO. 33

Election Commission's letter No.464/INST/2008/EPS, Dated: 10th December, 2008 addressed to The Chief Electoral Officers of All States and Union Territories.

Subject: Appointment of Micro Observer – regarding.

I am directed to state that in view of the limitations in deploying Central Police Force on every booth for smooth conduct of poll, alternative arrangements have become imperative. The Commission has already experimented with use of Central Govt. officials as Micro-Observers in the recently held general election to the Legislative Assemblies of Gujarat & Karnataka. In this regard in the light of the experience gained, the Commission has issued guidelines and check list vide its letter of even number dated the 24th October, 2008. The Commission has further decided that following category personnel can be considered for use in election management as Micro-Observers or election volunteers at the polling booths to ensure the purity of the election process –

- (i) Serving Govt. of India officials may be used as Micro-Observers in the polling stations within the resident district. They should not be used in their home ACs.
- (ii) Retired Govt. of India and State Govt. officials can also be used as Micro-Observers within their resident districts. However, they should not be used in their home ACs. The list of such persons should be prepared in advance by the DEO and their availability, suitability and willingness shall be ascertained.
- (iii) The members of National Service Scheme (NSS) and Bharat Scouts (Rangers & Reserved) can be used as Micro-Observers. The Chief Electoral Officers may get in touch with NSS coordinator, work out and propose the detailed modalities of their deployment.
- (iv) Serving State Govt. officials brought in from other States may also be used as Micro-Observers. As this will require logistical arrangements and mobilization, it should be resorted to only in rare cases.

Senior division members of the NCC may be used in their uniform for maintenance of discipline and order in the conduct of poll at the polling stations.

- (v) The Election Commission of India may also select individual volunteers (not necessarily belonging to any NGO) out of reputed persons with experience and integrity.

2. To facilitate the whole exercise, the DEO should identify nodal officers. The name and designation, office and residential address, telephone numbers including mobile number and e-mail ID, if any, of the nodal officer shall be mentioned in the district/constituency election management plan. The contact numbers should also be brought to the notice of all micro observers drafted. The DEOs should also hold a separate review on the subject and identify the areas of concern and take necessary advance measures to address the facilitation issues.

Proper arrangement shall be made at the training venue, care should be taken while choosing the venue for training purpose to ensure amenities such as

drinking water and toilet facilities.

Advance measures should be in place to ensure that transport facility including bus service etc. is provided for them for pick up and dropping them at home.

On poll day they will be provided food facility at par with the polling teams.

Besides the above, for poll duty, an appropriate honorarium, to be decided by the state government concerned, shall be paid to each Micro-Observers. The state of Gujarat has paid Rs.700/- lump sum while Karnataka has paid Rs.500/- lump sum to the Micro Observers appointed on duty on poll day.

This payment of honorarium should be made by the Returning Officer, to the extent possible, on completion of duty at the EVM receipt center itself, on receipt of Micro-Observers's report by the Observer.

3. You are, therefore, requested to workout the availability of above mentioned category of personnel and get ready a computerized database, category wise, with full particulars viz. name, designation, address, contact no., their elector details etc. and also draw a detailed programme of training and orientation of the approved category of persons who are proposed to be utilized in the forthcoming elections. Training materials and handout should be prepared, logistical requirement should be worked out and adequate financial provision should be made in the budget provisions.

INSTRUCTION SL. NO. 34

Election Commission's letter No. 464/INST/2008/EPS Dated: 18th December, 2008 addressed to The Chief Electoral Officers of All States and Union Territories.

Subject: General Election to the House of People, 2009 – Providing of additional Polling Personnel for polling stations having more than 1200 electors –Regarding.

I am directed to state on the subject cited that for the polling stations where the number of electors is more than 1200, and extra polling officer would be provided who shall share the duty of Second Polling Officer and these two Polling Officers will be called Second Polling Officer (A) and Second Polling Officer (B). At such polling stations, Second Polling Officer (A) will be in charge of indelible ink and will inspect the elector's left forefinger to see that it does not bear any sign or trace of indelible ink and then put a mark with the indelible ink in the manner prescribed i.e. from the upper tip of the nail to bottom of the first joint of the forefinger of left hand in form of a line.

2. Second Polling Officer (B) will be in-charge of the Register of Voters in Form-17A and will be responsible for maintaining that Register and making all relevant entries therein. He will also issue a voter's slip to each elector after he has entered elector's particulars in the Register of Voters in accordance with the prescribed procedure. However, before issuing the Voter's Slip to the elector he will ensure that a clear line of indelible ink is marked on the forefinger.

3. An additional person may also be provided in the polling parties who will verify whether the electors standing in the queue to cast vote are carrying proper identification documents. Only those electors should be allowed to stand in queue who are either carrying Electoral photo Identity Card (EPIC) or any one of the alternative documents, if permitted by the Commission.

C – TRAINING

INSTRUCTION SL. NO. 35

Election Commission's letter No. PS/AK/2005, dated 06.09.2005. addressed to the Chief Electoral Officer, Bihar

Subject: Training of officials/Presiding Officers/ Patrolling & Sector Magistrates on EVMs

The Commission as per its letter no. 51/8/16/8/2004-PLN IV dated December 23, 2004 had issued instructions for proper training of officials/ Presiding Officers/ Patrolling & Sector Magistrates to ensure that EVMs are properly prepared and operated on the day of poll.

2. All District Election Officers/ Returning Officers are hereby directed to ensure that preparation of EVMs must be in accordance with the instructions of the Commission and all Presiding Officers/ Patrolling & Sector Magistrates be trained in EVM operation properly. Necessary certificates must be obtained by them as per enclosed instructions.

3. All Presiding Officers and Polling Officers should also be instructed to ensure that the electors at the time of casting vote should put on the Register of Electors (Form 17A) either full signature or thumb impression. Under no circumstance, an elector having a left thumb be allowed to put any other finger mark on the Register of Electors (Form 17A).

INSTRUCTION SL. NO. 36

Election Commission's Letter No. 464/INST/2008/EPS Dated: 21st January, 2009 addressed to The Chief Electoral Officers of All States and Union Territories.

Subject: General Election to the Lok Sabha, 2009 – Training of polling parties on EVMs and procedure to be followed at the polling station - regarding

During previous elections, it has come to the notice of the Commission that there were some difficulties in the operation of Electronic Voting Machines at few polling stations due to the fact that they were not prepared correctly as per the operational manual at the time of initial preparation at the Returning Officers' level. While in some 'slide switch' on the balloting unit was found to be in wrong position, in others, certain other preparatory defects were noticed.

It has further come to the notice of the Commission that some of the Presiding Officers/Sector Magistrates do not take EVM training seriously with the result that they fail to operate the machine at the time of poll.

It has also been noted that some Polling Officers do not apply indelible ink on the elector's left finger properly in the manner prescribed by the Commission and apply it in a very casual manner leaving ample scope for electors to wipe off the ink mark.

Furthermore, it has been observed that in many cases, impression of various fingers of illiterate electors have been obtained on the Register of Electors (Form 17A) instead of their thumb impression as required under the rules.

The Commission has noted these irregularities seriously and issues following instructions to ensure that the same are not repeated in future:-

- (i) Proper intensive and hands-on training should be given to all the concerned polling and counting personnel for preparation and operation of EVMs as well as their sealing after poll and counting.
- (ii) Officers preparing the machines, after preparing them, should give a certificate that they have prepared the machines as per the instructions given and checked them, and that they

understand fully that in case of any error found, they would be held responsible for lapse.

- (iii) All Presiding Officers and Sector Magistrates may be asked to give a certificate that they have been properly trained in the working of EVM and they are confident of using them at the time of poll and that they understand fully that in case they are unable to operate them at the time of poll, they would be held responsible for lapse.
- (iv) During training, proper instructions should be given to polling personnel regarding the correct manner of application of indelible ink.
- (v) All Presiding Officers and Polling Officers should be instructed to ensure that the electors at the time of casting their vote put on the Register of Electors Form (17A) either their full signature or their thumb impression. Under no circumstance, an elector having a left thumb be allowed to put any other finger mark on the Register of Electors (Form 17A).

Kindly bring these instructions to the notice of all District Election Officers, Returning Officers and Observers for strict compliance.

INSTRUCTION SL. NO. 37

Election Commission's letter No. 464/INST/2008/EPS, Date: 26th December, 2008 addressed to The Chief Electoral Officers of All States and Union Territories.

Subject: - General Election to the Lok Sabha, 2009 – Training of Presiding Officers – Filling up of Presiding Officer's Diaries – Regarding.

It has come to the notice of the Commission that in the past General Election to the Legislative Assemblies, some Presiding Officers did not write the Presiding Officer's Diaries properly which led to a doubt on the purity of the electoral process. Besides few cases of mismatch of Form 17A and Form 17C, instances have been noticed when the Polling Agents were not provided with attested copies of the account of votes recorded in Form 17C in spite of clear instructions in this regard in the Handbook for Presiding Officers.

2. At the time of training of the Presiding Officers, this should be kept in mind and the Presiding Officers should be asked to be very careful while filling up the Presiding Officer's Diary. If, for any reason, there is any difference in the number of electors casting their votes as reflected in Form 17A, Form 17C and the votes recorded in EVM, the discrepancy must be explained clearly in the Presiding Officer's Dairy.

3. The Sector Officers shall personally ascertain from the Presiding Officer of the polling station coming under his jurisdiction and confirm that the Presiding Officers have properly written their diaries. Over and above this at the reception centre at the time of receiving EVM and other statutory, non-statutory documents from the Presiding Officer, a question shall be asked whether he has written the Presiding Officer's diary or not. Only after confirming this, the Presiding Officer shall be relieved from the reception centre.

4. The above instructions may be reiterated and brought to the notice of all concerned appropriately.

INSTRUCTION SL. NO. 38

Election Commission's letter No.464/INST/2008/EPS Date: 23rd December 2008 addressed to The Chief Electoral Officers of All States and Union Territories.

Sub: - Training of election machinery including polling and police officials associated with conduct of elections.

Elections in India involves the largest event management exercise in the world. Millions of Govt. servants and other persons are directly or indirectly involved in the election process and this inevitably throws up a major human resource management challenge to the election managers and administrators.

A proper and a professionally organized training forms the core of the Human Resource management. Almost all the problems/difficulties confronted during pre-poll process and on the poll day can be traced back to lack of adequate training at various levels.

The importance of imparting proper training has been highlighted in the instructions issued by the Election Commission of India in the past to the CEOs. The Handbook For Returning Officers also underlines the importance of training. After the universal use of EVMs in all polling stations in the elections to the Lok Sabha, 2004, imparting training about the technical and procedural aspect of EVM elections has become the central focus of the training to the election machinery. Besides, there has been a gradual shift in the approach and methodology involved in the conduct of elections and the elections are now very closely supervised. In such a situation, if proper training is not given at every level, the objective of ensuring free and fair election will suffer a serious setback. Considering this, the Election Commission of India has decided to issue a comprehensive instruction on human resource management in elections with a specific focus on training at various levels. The instructions are as follows: -

1. CEO's office

A checklist for the CEOs office shall be prepared by the CEO well in advance. The officers in the CEOs office as per the distribution of the works should get themselves equipped with up-to-date information/instructions/circulars given by the Election Commission of India on various aspects of election management. For example, if an officer is entrusted with the responsibility of EVM management in the State, he should not only be coordinating with EVM manufacturer concerned (BEL or ECIL) and monitor the availability of power packs, availability of EVM at different

districts etc. but should also get himself thoroughly informed about new instructions such as EVM randomization, mock poll certificate, dummy EVM at polling stations etc. so that he will be in a position to guide the DEOs and other nodal officers at the district level who deal with the EVM management. He will also ensure proper training material is prepared and standardized for use at the district level. This is only an illustrative example. Like this on various aspect of election management, the officers in the office of CEO should get themselves fully equipped with up-to-date information.

The CEO shall review the learning and training material available in the State for the purpose of imparting training to the field functionaries as well as aiming at voter awareness. He should prepare a set of multimedia training input on EVM elections as well as prepare a good power point presentation separately on various aspect of election management. While preparing this presentation, he shall make use of the services of some of the efficient DEOs and ROs so that the presentation material has the benefit of field experience. The CEO shall review as to whether the Handbook for Returning Officer, Handbook For Presiding Officer and copies of other relevant books and guidelines are available in adequate number.

The CEO in consultation with some of the efficient DEOs and ROs shall prepare a work chart and a checklist for key election functionaries such as DEOs/ROs/Zonal Officers/Sector Officers/Presiding Officers and micro observers. He shall also prepare an effective FAQ (Frequently Asked Questions) covering all aspects of election management so that the doubts at various levels are cleared.

Recently, in NCT of Delhi and Madhya Pradesh an experiment was made at the level of CEOs by organizing an E-Mail group in which all the stakeholders in election such as DEOs, ROs, SLA and others are included and this platform was used for raising questions and clearing doubts. This E-Mail group functioned as an effective tool in disseminating information and clearing doubts. This can be adopted by all the CEOs right from the beginning during General Election to the Lok Sabha, 2009.

2. District Election Officers

At the district level, the wheel of election machinery revolves around the DEO. The DEO shall provide an effective leadership to the election machinery. Most of the DEOs will have the dual responsibility of being the DEO as well as the RO of a parliamentary constituency. The DEO should prepare a separate checklist for

himself as DEO as well as RO. He will hold a meeting with all key election functionaries such as AROs and other senior officials of the district administration associated with elections and explain to them all the new circulars issued by the Election Commission of India in recent times. He will identify a nodal officer for each thematic activity of the election management. For example there shall be a nodal officer for EVM management and EVM training; another nodal officer for tracking Model Code violations and another one for observer coordination and so on. These officers shall get themselves familiarize with relevant instructions and guidelines so that they are in a position to clarify doubts which could be raised by their subordinate officers.

Further, the DEO shall develop a good work chart and checklist for all key functionaries such as AROs, nodal officers, Zonal Officers, Sector Officers, Presiding Officers and so on. If the CEO of the State has developed and supplied such checklist, the DEO can suitably modify that to suit the local condition so that the outcome will be more functional and elaborate. The RO and ARO shall equip themselves thoroughly with all the statutory aspect of the election management so that the statutory processes such as nomination, scrutiny, allotment of symbol etc. are performed effectively and as per law.

3. Training of polling personnel

The date and venue for training of polling personnel shall be decided well in advance. The polling personnel selected for undergoing training through randomization process should be informed about the training programme in time through sponsoring authorities. The nodal officers appointed by the sponsoring authority shall be made accountable for ensuring the polling staff appointed to attend the training without fail. For this purpose, the sponsoring authority-wise nodal officers' name, designation and contact numbers shall be maintained separately.

Before organizing the training programme, DEO shall review the training material. He should have proper power point presentation, printed leaflets etc. so that the training is effectively conducted. The training programme should not be converted into a huge *mela*. The training should be conducted in smaller group so that there is adequate opportunity for interaction and clearing doubts. More emphasis should be given for 'hands on' training rather than classroom lecture mode. The polling staff shall be encouraged to ask questions and get their doubts clear. It is relevant to note that in the recent past, in many places repolls had to be

ordered not on account of any electoral malpractices and vitiation of poll but due to mistakes committed by the Presiding Officers while handling the EVMs. The reason was very basic and the lack of training resulted in such mistakes. This is avoidable. Hence, the Commission directs that a clear emphasis should be given to impart proper training to the staff.

The Commission has recently issued an instruction to run postal ballot facilitation centers for the benefit of polling staff. Whenever and wherever such facilitation center are organized, care shall be taken by the DEOs to ensure that the operation of facilitation center does not result in compromise of training. A proper record of attendance shall be maintained for each and every training schedule so that no untrained person even inadvertently gets deployed as a polling staff. Apart from imparting training on the technical and procedural aspect of EVM election, the importance of mock poll and mock poll certificate, use of dummy EVM for explaining the method of voting to the illiterate voters also shall be highlighted. A complete set of election material which would be handed over to the Presiding Officer at the time of dispatch shall be kept in the training hall as a model kit so that each and every document, forms and election related material kept in the Presiding Officer kit is explained to them properly. Besides, a copy of the electoral roll, a copy of supplementary roll and other additional information such as list of absentee voter etc. shall also be shown to the Presiding Officers so that they would become aware of those documents and perform duty as per the instruction of the Election Commission of India on the poll day.

Apart from the statutory and non-statutory reports, the Election Commission has directed the Presiding Officers to submit an additional report in the newly prescribed format for quick tracking of information by the RO and the Observer. This form should also be explained to the Presiding Officers so that there is no confusion in their mind.

4. Dissemination of recent and subsequent instructions

During the course of election process, the Election Commission may be issuing various instructions on day-to-day basis. There is every possibility of some of the instructions being sent after the training programmes are over. In such cases, the DEO shall take care to ensure that all the subsequent instructions are printed in the form of leaflet circulated among the polling staff at the time of dispatch of EVM and other election material at the disposal center.

5. Accountability for imparting training

There should be a clear accountability which should be spelt out by the DEO as to who will impart training to whom. As the polling staff cannot perform the polling duty in a constituency where he is a voter, where he is working and in his native constituency, he will end up doing his election duty in another assembly segment but may be within the same district/PC. In some places, the training is conducted by the sponsoring RO/ARO. In some places, the receiving RO conducts the training and in some places, the officials deputed by the receiving RO/ARO conducts the training in the location of the sponsoring RO/ARO. Whatever the system is adopted, there shall be a clear accountability spelt out by the DEO in this regard. The DEO himself should visit the training location and supervise the training. If the observer is available, he will also participate in the training programme. The process of training shall be videographed and kept for the inspection by the observer or any other officials of the ECI. The CEO will track the system being adopted by the districts.

6. Facilitation at training centre

At the training location, in the light of the recent instructions of the Commission, proper facility should be ensured for the polling staff. Proper drinking water facility provision for first-aid, medical facilities and toilets shall be ensured. The choice of the training hall should be personally supervised by the DEO from the ventilation point of view.

7. Training counter at the dispatch center

Whatever inputs given at the time of training, there is every possibility of some of the Presiding Officers and polling staff still having some doubts about various aspects of poll day management. In order to clear the last moment doubts and give opportunity for 'hands on' training at the dispatch center depending on the strength of the polling staff, few training counters shall be set up at the dispatch center. In this counter, a master trainer who has thorough knowledge about all the aspects of EVM election will explain and clear the doubts of the Presiding Officer about handling EVM. He should encourage Presiding Officers and polling staff to ask questions and clear the doubts. If this is not done, there is a possibility of the Presiding Officer and polling staff experimenting with the EVM machine after reaching the polling station which may result in draining of power pack as well as

give scope for rumour among the rural voters about the staff handling EVM on the previous day. In order to avoid this situation, emphasis shall be given for last moment 'hands on' training and leaflet containing recent instructions in the form of bullet points; important dos and don'ts etc. can be prepared and circulated at the training counter at the dispatch center. Apart from this, other procedural aspects of election and maintenance of Form-17A register, Form 17C, mock poll certificate, visitor sheet, entry pass system etc. shall also be explained.

There is a tendency among the polling staff who have conducted election during the previous years to remain complacent as they believe that they have enough experience in conducting elections. It is relevant to note that lot of new instructions have been given by the Election Commission in recent times. There is possibility of the Presiding Officers not performing their duty properly if they do not become familiar with new instructions. Hence, the importance of training shall be emphasized at every stage and at every level.

As the Commission attaches very high importance to the human resource management, the instruction given in the circular shall be followed scrupulously.

Any deviation from this will be viewed seriously.

INSTRUCTION SL. NO. 39

Election Commission's letter No.464/INST/2009-EPS Dated: 9th January, 2009 addressed to The Chief Electoral Officers of All States and Union Territories.

Subject: Training of police officials associated with conduct of elections.

I am directed to say that the police machinery plays a key role in the conduct of elections in a peaceful and orderly manner. But a peaceful election free from violence need not necessarily be a free and fair election. Therefore, correct and unbiased implementation of the election laws and Election Commission's directions is necessary. That presupposes a familiarity with the laws and instructions and can come about only through the proper/periodic training. Commission has earlier issued instructions for the training of election staff other than the police. Now the following directions are issued regarding training of police personnel associated with conduct of elections:

1. Police headquarter level

The State police headquarters should develop a checklist for the key officials associated with the conduct of election indicating their duties and responsibilities in the light of new instructions being issued from the Election Commission of India from time to time. Besides, a reference material should also be prepared indicating the relevant Sections of Indian Penal Code, the R.P Act and Model Code of Conduct (MCC) that are relevant during the course of elections. This reference material book should indicate the nature of offence and the relevant Sections whether cognizable or noncognizable and the action to be taken in case of any violation.

This reference material should be made available to all field officials as well. There should be a proper coordination between the CEO's office and the police headquarters. Whenever the Election Commission of India issues any instruction connected with maintenance of law and order preparation of State/district level deployment plan of CPF etc., the guidelines should be immediately brought to the notice of police headquarters. **The DGP may identify a senior officer who would function as a nodal officer to remain in touch with the CEO on day-to-day basis so that the Commission's instructions from time to time are followed up and implemented.**

2. At district level

The DEO-cum-District Collector/DM will hold a meeting with SP and senior police officials and apprise them of all the recent instructions of the Election Commission of India. In this meeting, the attention of the police officials should be drawn to Commission's instructions regarding maintenance of law and order, execution of non-bailable warrants, seizure of illegal arms, surrender of licensed weapons, enforcement of excise law, action against bootleggers, restriction on use of vehicles, instruction regarding prior permission for campaign vehicles, ban on use of any vehicle for transporting voters on the day of poll etc.

The enforcement of MCC is the joint responsibility of the district electoral administration as well as the police administration. Clear accountability should be spelt out when the district administration/RO forms MCC squads/teams. There

should be a specific accountability for the police officials at the Thana level. A Complaint Monitoring System should also be introduced for tracking election related violence and offence and case book in that connection. The DEO and SP will review the status of the election related cases while during the previous election and expedite follow up action in this regard.

3. Concept of vulnerability mapping and identification of critical polling station and critical clusters

The training to be organized by the district administration (DEO and SP) for police officials should be planned in advance and proper training material should be prepared. Copies of the relevant circulars of the Election Commission of India and extracts of relevant law should also be circulated in the training programme. The Commission has introduced a new concept of vulnerability mapping and specific process for identifying the critical polling stations and critical clusters (refer circular no. 464/INST/2008 dt. 24.10.08).

The conventional method of identifying hyper sensitive/sensitive/normal polling stations adopts the law and order and past events of violence as the major criteria. However, the new system of identifying critical polling stations and critical clusters gives lots of importance for the factors associated with free and fair election process. As the vulnerability mapping gives valid inputs for identification of critical polling stations and critical clusters, the entire concept should be explained to the police officials properly by the DEO and SP.

4. Misuse of money power and election expenditure

The misuse of money power has emerged as a big challenge to the free and fair election process. Feedback has been received about candidates indulging in various methods to induce the voters which includes outright payment of cash that amounts to bribery and other forms of inducements such as supply of liquor, food packets, holding of lunch and dinner parties in the name of “birthdays” and other “anniversaries” to give election related inducement, distribution of gifts in the name of masswedding and so on. During the election process, a close tracking by each and every Thana officer of such payments and other forms of inducement at their level is essential. The field level election machinery/police administration should work as a team to track such types of malpractices.

Whenever such event takes place, video coverage of such events shall be ensured so that sufficient documentary evidence is created. It is noticed that liquor is transported even from the far away States to the election going States. Proper checking at the inter-State border and commercial tax check post will be helpful in tracking such transportation of liquor. Whenever a consignment of such liquor is intercepted, proper investigation should follow to trace the origin of such supply and the destination. A proper investigation is essential to establish linkage between the election process and the supply of such inducements. Media should be briefed whenever such consignments are seized. A proper orientation about this should be given to the police officials during training programmes.

Information on the Commission's instructions about ceiling for expenditure in election, the details of Section 77 of R.P Act regarding the list of star campaigners to be submitted by the recognized party and the implications therein should be

explained to the police officials. Section 171 H which deals with the illegal payment by any person for furthering interest of a candidate should be explained to the police officials during training programme.

5. Defacement of Public properties

The Election Commission has been issuing a detailed instructions regarding prevention of Defacement of Public Property and other connected issues. In this regard, the latest Commission's instruction vide no. 3/7/2008/JS II dated 07.10.08 needs to be properly studied. The steps to be taken to implement the Commission's order in the context of prevailing law if any, applicable to the State should be properly explained. The methodology to be adopted for enforcement of Commission's instruction should be discussed in the training programme and explained to the field officials.

6. Discipline during nomination process

Commission has issued instructions to ensure proper discipline during the process of filing of nomination. During the filing of nomination, the candidate can be accompanied by only the four other persons (refer 464/inst/2007/PS I dated 09.02.07). This restriction by and large is being strictly followed. However, there are instances in which these instructions are not followed resulting in chaotic situation inside the RO's room. In order to ensure that proper discipline is maintained and the Commission's instructions regarding restriction of persons, a nodal officer needs to be identified by the SP of the district who would be responsible for sanitizing the area of RO's premises and ensure that only the permitted number of people are allowed to go inside the RO's room and the entire proceeding should be video graphed. Duties and responsibilities of the nodal officer in this regard, should be properly explained by the SP to the nodal officer during training session. Publication of election pamphlets in violation of Section 177 A of the RP Act, 1951 needs close tracking and monitoring.

7. Communal harmony

The police administration should remain vigilant about circulation of campaign material which can affect the communal harmony. In this regard, a strict vigil needs to be kept. The provisions of electoral law as well as model code of conduct in this regard shall be explained to the police officials during training programme.

8. Poll day and counting day duties

An orientation should be given to the police officials about the polling process on the poll day and other connected issues and about the duties and responsibilities of various police officials on poll day with reference to security at polling station, patrolling of the catchments areas, tracking of areas identified as vulnerable, transportation of polled EVMs, sealing and guarding of strong rooms and the counting day arrangements.

9. CPF coordination

Whenever CPF are deployed in a district/constituency, a proper coordination

has to be ensured so that the deployment of CPF becomes more effective and functional. Hence, a proper orientation needs to be given about the role of CPF vis-à-vis State police/local police and other coordination responsibilities.

10. Directory of electoral administration

A directory of key functionaries of the electoral administration both civil and police should be prepared indicating the names, designation, landline and mobile numbers so that coordination between civil authorities and the police authorities is ensured.

These instructions may be brought to the notice of all concerned for compliance.

D – HONORARIUM / REMUNERATION

INSTRUCTION SL. NO. 40

Election Commission's Order No. 218/4/96/PLN-IV dated 09.02.1996.

Subject: Payment of 100% T.A/D.A as advance to persons put on election duty

At every general election, lakh of public servants will be on election duty. The Commission has been receiving a large number of complaints that the TA/DA admissible to the public servants put on election duty is not paid in time and unduly delayed. This leads not only to financial hardship to the individuals put on election duty but also generates resentment against election duty.

2. The Election Commission of India has carefully considered this issue and directs as follows:

- 2.1 All persons put on election duty should be paid as far as possible, 100% of the TA/DA admissible to them immediately within 24 hours of the completion of their duty.
- 2.2 If any State/Union Territory has adopted the practice of paying the 100% TA/DA as advance to the persons put on election duty, the practice may be continued.
- 2.3 In these States where it is not possible to pay 100% TA/DA to persons put on election duty either within 24 hours of the completion of the duty or as advance as directed at paras 2.1 and/ or 2.2 above, they may continue with the existing practice of payment of 80% of the TA/DA as advance and the balance shall be paid within 30 days of the completion of the election.
- 2.4 The District Election Officers/Returning Officers will be personally responsible for ensuring the payment as directed above.
- 2.5 The District Election Officers/Returning Officers, as the case may be, shall at the time of putting Officers/Officials on election duty direct the drawing and disbursing officers concerned to draw the amount calculated as being due to the persons put on election duty and disburse the same under proper acknowledgement either within 24 hours of performance of the duty as mentioned in para 2.1 above or as advance as mentioned in para 2.2 and 2.3 above.
- 2.6 The Drawing and Disbursement Officer shall not wait for any specific request from the officers appointed for election related duty for drawing the advance, but shall treat the appointment order issued by the District Election Officer/Returning Officer itself as the proof and request on behalf of the officers/officials concerned.
- 2.7 District Election Officers/Returning Officers are directed to call a meeting of the Heads of the Departments and Drawing and Disbursement Officers and make it clear to them well in time before the duties commence that prompt payment

of TA/DA as mentioned in para 2.1 or 2.2 or 2.3 above is an absolutely essential part of the election related work and omissions are not acceptable.

2.8 If after receipt of advance amount as mentioned in para 2.2 or 2.3 above, any official, for any reason whatsoever, does not find it possible to perform the official duty assigned to him, he shall forthwith return the amount so paid and obtain a receipt therefor.

3. The above directions are in supersession of the Order, dated 06-05-1994 issued by the Commission and shall be complied with without exception. These will be standing instructions for all general/bye- elections.

4. The Chief Electoral Officers shall bring the above directions to the notice of all District Election Officers/Returning Officers in the State/Union Territory.

INSTRUCTION SL. NO. 41

Election Commission's letter No. 458/4/98/Vol.II/PLN-IV dated 08.12.1998 addressed to CEOs of all States and UTs. [This facility of remuneration has been extended to the police personnel actually deployed on election related duties also vide Commission letter No.458/4/99-PLN-IV, Dated 9th August, 1999 (Item No.44)]

Subject: Payment of remuneration to staff deployed on poll/counting duty-extension of facilities to police personnel who are deployed in election related work-regarding

I am directed to invite your attention to Commission's letter No. 458/4/95/PLN-IV, dated 14th March, 1996 and letter No. 458/4/96/RS.IV/Vol. I, dated 20th May, 1996, on the subject cited and to state that Commission have been receiving requests from the police personnel who are deployed for election related duties, for extending the same facilities to them as is being given to the staff who are deployed on polling/counting duties.

The Commission has further examined the matter and directed that the police personnel who are called for training in pursuance of Commission's order no. 62/ESO14/94/RS.L, dated 14.9.1994 and also the police personnel actually deployed on election related duties may also be paid remuneration etc. on the same criteria as is being paid to the polling/counting personnel.

INSTRUCTION SL. NO. 42

Election Commissions letter No. 218/6/2003 PLN-I dated 06.02.2003 addressed to the Chief Secretaries/ CEOs of all States and Unions Territories.

Subject: Payment of Ex-gratia Compensation to the families of polling personnel who die or sustain injuries while on election duty

Reference: Commission's letters (1) No. 218/6/96-PS-II dated 8-10-1996
(2) No. 218/6/98-PLN-I dated 25-11-1998

I am directed to say that during the General Elections to Bihar Legislative Assembly held in February 2000, the Government of Bihar had taken a Group Personal Accident Insurance policy for persons assigned with election duties. A Memorandum of Understanding was signed with the Insurance companies (Copy enclosed). In the election process, one Shri Pershram Singh, polling officer, died because of heart attack and the insurance company rejected the claim for compensation preferred by his widow. The widow moved the Patna High Court, which decided the case in her favour.

2. While deciding the case, the High Court has made the following observations:-

"Before parting with the records of the case, this Court would like to observe that in order to avoid any such controversy in future, the Election Commission must insist on a suitable amendment in the cover clause of MOU. It appears to me that in place of the expression "death only resulting solely and directly from accident caused by external violence and any other visible means" the expressions used in Section 3 of the Workmen Compensation Act may be substituted, that is to say, "death arising out of and in the course of election duty."

3. Accordingly I am to request that the above observations of the Patna High Court may be kept in view and the relevant clause worded accordingly while taking Group Insurance cover for polling personnel and signing Memorandum of Understanding with the insurance companies.

4. The receipt of the letter may kindly be acknowledged.

MEMORANDUM OF UNDERSTANDING

Re: Group Personal Accident Insurance for persons assigned with election duties

In consideration of the premium to be received from the Chief Electoral Officer, as per the computation made below the following points have been mutually agreed upon and placed on record.

1. Persons Covered

Any person deployed by the Competent Authority for the election related work for the ensuing Bihar Assembly Elections in the month of February, 2000.

2. Numbers and category of persons

S.No.	Category A	Number of Persons
01.	Presiding Officers	83124
02.	Polling Officers	249372
03.	Gram Raksha Dal & Chowkidars	83124
04.	Patrolling & other Magistrates	7151
05.	Drivers of Patrolling Vehicles	27151
06.	Drivers associated with polling team & other Officers on election duty	20781
07.	Police Force on deputation from other state	3330
08.	Bihar Military Police	7440
09.	District Police Force (First Phase)	17412
10.	District Police Force (Second Phase)	11011
11.	District Police Force (Third Phase)	8098
12.	Home Guards	54420
13.	Other Civil Servants & Police Officers Associated with election process like DM/DC,SRDDC,ADM,RO,SDPO. etc.	500
	Total	592914

Sum Insured for above category will be Rs. 10 lacs per person

Category B

Members of Central Para Military Forces (C.R.RF.,B.S.F.,C.I.S.F.,I.T.B.R/SSB etc.) deployed on election duty = 32670.

The Sum Insured for the above category will be Rs.2.50 lac per person.

3. Scope of Cover

The Insurance is intended to provide for the payment of compensation in the event of death only resulting solely and directly from accident caused by external violent and any other visible means.

4. Period of Cover

The period of insurance shall commence from the date of receipt of premium and will continue to remain in force for the next 30 days.

5. Compensation Payable

A. In the event of death due to accident while performing election duty for Category specified as 2A above Rs. 10 lac per person

In the event of death due to accident while performing election duty for Category specified as 2B above Rs.2.50 lac per person

6. Claims Procedure

Following documents will be required for the settlement of the claim

Claim Form, Post Mortem Report/Death certificate, F.I.R. Competent Authority's certificate in confirmation of election duty assigned to the deceased duly forwarded by the concerned DM/DC.

All possible cooperation would be extended by the Govt. Authorities for expeditious disposal of the claim.

7. Notice of Claim: The claim will be intimated to the National Insurance Co. Ltd. immediately on its occurrence at its Regional Office, Sone Bhawan, Bircchand Patel Marg, Patna. (Phone:220979, 223103. Fax: 0612-220973). On receipt of the intimation, the local office at the place of occurrence shall be liaising with the govt. agencies in getting the desired papers completed in all respect.

8. Payment of Compensation

It is agreed that the payment of compensation shall be made to the nominee of the deceased as confirmed & certified by the concerned DM/DC. In such cases where nominee's name is not confirmed/ certified by the concerned DM/DC, the payment would directly be made in the name of the DM/DC within 7 days of the submission of above mentioned required papers. The Chief Electoral Officer, Bihar will be kept posted with the status of the claim.

9. Computation of Premium

Category Premium	S.I. Per Person	No. of Persons		
2A	Rs. 10 lacs	592914	@Rs.79/-	Rs. 46840206/-
2B	Rs. 2.50 lacs	32670	@Rs.19.75	Rs.645233/-
			Total	Rs.47485439/-

The premium cheque to be issued in favour of National Insurance Company Ltd. who will receive the premium on behalf of all the four Insurance Companies.

The premium bill is enclosed herewith.

This MOU is being signed by the representatives of all the four Insurance Companies.

Sd/-
(A. K. BASU)
Chief Electoral Officer,
BIHAR

Sd/-
(S. Rasul)
Dy Manager
National
Insurance
Regional Office
PATNA

Sd/-
(B.N. Prasad)
Sr.D.M.
New India Insurance
Divisional Office
PATNA

Sd/-
(Rajan)
Sr.D.M.
Oriental Insurance
Divisional Office
PATNA

Sd/-
(M.K.Sinha)
Sr. D.M.
United India Insurance
Divisional Office
PATNA

INSTRUCTION SL. NO. 43

Election Commissions letter No. 464/INST/2009/EPS Dated: 9th January, 2009 addressed to The Chief Electoral Officers of All States/Union Territories,

Subject: Fixing of Uniform rate of remuneration for payment to staff deployed on poll/counting duty and for provision of minimum facilities-Regarding

Sir/Madam,

In supersession of Commission's earlier instruction issued vide letter Nos. 458/4/95/PLN/IV dated 14th March, 1996 and 458/4/99/PLN/IV dated 10th September, 1999 regarding fixing of minimum rate of remuneration for staff deployed on poll/counting duty, the Commission has recommended the following rates in order to streamline and simplify the procedure for calculation of remuneration payable to polling/counting personnel:-

	Presiding officers/ Counting Supervisors	Polling officers/ Counting assistants	Class -IV
Per day or Part thereof	250/-	175/-	100/-

The above rates are payable to the staff for attending training classes, collecting polling materials, etc. and also for attending duty on the polling day/counting day.

2. The Commission has also directed that staff deployed at all polling stations/counting centres may be, provided with packed lunch and or light refreshment at the rate of Rs. 100/- per head per day. In case of difficulty in providing packed lunch, a cash payment @ Rs. 100/- per head may be made.

3. The expenditure incurred on this account will be shared between the Central and State Government on 50:50 basis when election to the House of the People and the State Legislative Assemblies are held simultaneously.

4. The rates recommended by the Commission at paragraph 1 & 2 above are MINIMUM rates. These rates: will come into force prospectively and will have no retrospective effect.

5. The police personnel deployed on election work on poll day/Counting day including mobile Parties/Home Guards/Forest Guards/Gram Rakshak Dal/NCC (senior) Cadets/Ex-Army/CPF may be provided with packed lunch/refreshment or payment in lieu thereof as is being given to polling/counting personnel.

6. Sector Officer/Zonal Magistrate may be paid remuneration at a lump sum rate of Rs. 800/-.
7. The States/Union Territories which are paying more than the minimum rates recommended by the Commission may continue to pay at the higher rates.
8. Kindly acknowledge receipt immediately.

INSTRUCTION SL. NO. 44

Election Commissions letter No.218.6//2006/EPS Dated: 5th November, 2008 addressed to The Chief Secretaries and the Chief Electoral Officers of all States/UTs

Subject: Payment of Ex-gratia compensation to the families of polling personnel who die or sustain injuries while on election duty.

I am directed to state that on a reference from the Chief Electoral Officer, Bihar vide letter no. EIS-1/2006 dated 12.11.2007 seeking further amplification of the term election duty for the purpose of grant of ex-gratia compensation, the Commission took up the matter with Govt. of India in the Ministry of Law & Justice for consideration and recommendation. The Ministry of Law and Justice vide its letter No. G-27031/16/99-B & A (Pt) dated 14-08-2008 clarified that it would be reasonable to consider a person on election duty as soon as he leaves his residence/office to report for any election related duty including training and until he reaches back his residence/office after performance of his election duty. If any mishap takes place during this period, it should be treated as having occurred on election duty **subject to the condition that there should be a causal connection between occurrence of death/injury and the election duty.** A copy of the said letter dated 14-08-2008 is enclosed herewith.

2. In view of the above clarification given by the Ministry of Law & Justice, the Commission desires that the relevant clause be worded accordingly to describe the meaning of the word "election duty" while entering Group Insurance cover for polling personnel and signing Memorandum of Understanding with the insurance Companies.

3. The receipt of the letter may kindly be acknowledge.

No. G-27031/16/99-B&A(Pt.)
Government of India
Ministry of Law and Justice
Legislative Department

New Delhi, the 14th August, 2008

To:

Shri K. Ajay Kumar, Secretary,
Election Commission of India
Nirvachan Sadan,
Ashoka Road,
New Delhi-110005

Sub: Payment of Ex-gratia compensation to the families of polling personnel who die or sustain injuries while on election duty - regarding.

Sir,

I am directed to refer to your letter No. 218/6/2006/PLN-I/3397 dated 17.06.2008, on the subject cited above, and to say that the matter has been examined in consultation with the Department of Pension & Pensioners' Welfare.

2. It is clarified that it would be reasonable to consider a person on election duty as soon as he leaves his residence/office to report for many election related duty including training and until he reaches back his residence/office after performance of his election related duty. If any mishap takes place during this period, it should be treated as having occurred on election duty subject to condition that there should be a causal connection between occurrence of death/injury and the election duty.

Yours faithfully,

(Daya Chand)
Deputy Secretary to the Govt. of India

**E – REQUISITION OF
PREMISES /
VEHICLES**

INSTRUCTION SL. NO. 45

Election Commission's Letter No. 458/84, dated 06.11.1984 addressed to all Chief Electoral Officers and Ministry of Home Affairs and Ministry of Law and Justice.

Subject: General Election to Lok Sabha/Legislative Assemblies and Bye-elections-Assistance by Government of India employees and use of Government Vehicles, etc.

I am directed to say that at the time of the general election to Lok Sabha and to the Legislative Assemblies, the State Governments generally seek assistance of the Central Government Offices and Departments located in the States for deployment of their employees in connection with the conduct of elections. The civil employees of Defence, Central para-military forces like the Border Security Force, Central Reserve Police Force, Central Industrial Security Force, etc. and employees of Public Undertakings may also be required for such election duty.

2. Since the State Governments always experience difficulty in mobilizing a large number of vehicles to meet their requirements on account of their limited resources, they look to the Central Government offices and departments in the States for placing their vehicles at the disposal of the election authorities for a specified period during elections.
3. It has been brought to the notice of the Commission that in the past, some of the Central Government Offices and departments located in the States/Union Territories were not extending full-co operation in the matter despite the instructions given by the Central Government and wanted exemption from those instructions on one pretext or the other. The Commission has already instructed that in the formation of polling parties, personnel should be drawn from both the Central and State Government Offices and departments and they should be properly mixed in order to create confidence in the minds of the political parties and candidates about the impartiality of the officers manning the polling stations.
4. In this context, attention is invited to the similar instructions issued earlier by your Ministry to all the Ministries and Departments of the Government of India instructing them to place at the disposal of the election authorities in the State the service of all Government of India employees wherever a demand is made and also for the use of the Central Government vehicles in the State for the work connected with the elections.
5. Similar standing instructions may be issued now to all the Central Government Ministries and Departments concerned who are having their offices located in the States and Union Territories. Instructions are also required to be issued to cover the Public Undertakings (of the Central Government located in the States.)
6. The grant of leave or exemption from election duty should be scrupulously avoided unless there are very compelling reasons. The Heads of the Departments or the offices of the Central Government in the States should be instructed to get in touch with the Chief Electoral Officer of the State and offer their assistance in whatever manner it is required.
7. A copy of the instructions issued in the above matters may also be endorsed to the Commission.
8. The receipt of this letter may kindly be acknowledged.

INSTRUCTION SL. NO. 46

Ministry of Law and Justice (Legislative Department) (Budget and Accounts Unit) O.M. No. G. 27031 (6)/ 87-B & A, dated 12.11.1986 to all Ministries and Departments of the Govt. of India, all State Govt., all C.E.Os. and C.A.G., New Delhi.

Subject: Requisition of buildings belonging to Central Government Departments for election purposes

Clause (1) of the article 324 of the Constitution state that the conduct of all elections to the Parliament and to the Legislative Assembly of every State shall be vested with the Election Commission of India. According to sub-section 10(a) of section 160 of the Representation of the People Act, 1951, the premises should be requisitioned only if it is "needed or likely to be needed for the purpose of being used as polling stations or for storage of ballot boxes after a poll has been taken".

2. The States/Union Territories Governments have been requisitioning the buildings/premises owned by Central/State Governments, etc. for being used as polling Stations or for the storage of ballot boxes after a poll has been taken and the latter are not charging any rent, etc., therefore. But instances have come to notice that some Central Government departments are charging the rent, etc., from the State/ Union Territories Governments on requisition of the Central Government buildings for the above purpose. In this connection it is stated that the part of the election expenditure is shared by the Government of India, Ministry of Law and Justice. Keeping in view the above, the Election Commission of India have requested this Ministry to issue standing instructions to all the Central Government departments, etc., not to charge any rent, etc., if their buildings or premises are requisitioned for the purpose of conduct of Elections either to Lok Sabha or State Legislative Assemblies.

3. After careful consideration of the matter in consultation with the Ministries concerned, it has been decided not to charge any hire charges/rent, etc., if any Central Government buildings or premises are requisitioned for period the same are required for use as polling/counting stations and storage of polled ballot boxes after a poll has been taken in connection with conduct of election to Parliament or State Legislative Assemblies.

4. All the Ministries/Departments are requested to issue standing instructions to the Heads of Departments and their subordinate/attached Offices under their control in Delhi and State/Union Territories to afford facilities to the States/Union Territories Governments in the matter given above, without charging any rent. A copy of the instructions issued in this behalf may kindly be endorsed to this Ministry.

5. The above arrangement will come into force from the date of issue of this OM and will not cover public sector undertakings and local bodies.

6. This supersedes this Ministry's O.M. of even number dated 11 th November 1986.

INSTRUCTION SL. NO. 47

Ministry of Law and Justice (Legislative Department), (Budget and Accounts Unit) O.M. No.G. 27031 (6)/ 87-B & A dated 17.12.1987 to Ministries etc., Comptroller and Auditor General, New Delhi, Ministry of Finance, all State Governments and Chief Electoral Officers.

Subject: Payment of hire/rental charges for vehicles of Government/Semi-Government departments requisitioned for conduct of elections to the Parliament and State Legislative Assemblies

In terms of section 160 of the Representation of the People Act, 1951, the State Governments are empowered to requisition premises or any vehicle or vessel in connection with an election in that State. The word "premises" would include any land, building or part of the building and includes a hut, shed or other construction or any part thereof; "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled, mechanical or otherwise. In terms of section 161 of the Representation of the People Act, 1951, whenever a vehicle is requisitioned, the owner of the vehicle shall be paid compensation by the State Government, determined on the basis of the fares or rates prevailing in the locality for the hire of such a vehicle.

2. Sometimes, the State Governments are obliged to requisition vehicles belonging to offices of the Central Government situated in the locality or the vehicles belonging to a public sector enterprise functioning under the jurisdiction of the Central Government. The question whether such Central Government offices or public sector enterprises should prefer hire charges for the vehicles placed at the disposal of the State Government's requisition order has been considered. It has been decided with effect from the date of issue of this office memorandum, that Central Govt. offices as well as the autonomous statutory bodies and autonomous public sector undertakings under the control of the Central Govt. may not prefer hire charges whenever their vehicles are requisitioned by the concerned State Governments or Union Territory Administrations, for the conduct of elections. However whenever such vehicles are requisitioned, the cost of petrol, oil and minor repairs during the period of requisition would be borne by the concerned State Government as hitherto.

All Ministries and Departments are requested to issue suitable instructions to Subordinate/Attached Offices as well as the statutory autonomous bodies and public sector undertakings under their control.

INSTRUCTION SL. NO. 48

Election Commission's letter No. 4/98/J.S.II dated 10.03.1998 addressed to CEOs of all States and UTs.

Subject: General Elections to Lok Sabha, 1998 - requisition of vehicles - Payment of Compensation in case of accident - Liability of insurance - regarding

I am directed to invite your attention to Section 160 of the Representation of the People Act, 1951, which inter-alia provides for requisitioning of vehicles, etc., for election purposes, and Section 161 of the said Act which provides for payment of compensation. Under these, there is no provision for compensation in respect of such vehicles under requisition, in case of accident, loss or damage during the period of requisition.

2. The matter was brought to the notice of Govt. of India, Ministry of Law and Justice (Legislative Department) for its clarification. In reply, the Ministry of Law and Justice has forwarded a copy of O.M. No. 64(7)Ins.I/98, dated 24th February, 1998 of Ministry of Finance, which is self-explanatory. I am to forward a copy of Ministry of Law & Justice letter No. 7(2)/98-Leg.II, dated 2nd March, 1998, together with a copy of Ministry of Finance, Department of Economic Affairs, Insurance Division, O.M. dated 24th February, 1998, referred to above.

3. The instructions/directions contained in the above quoted O.M. dated 2.3.98 of the Ministry of Finance are of standing nature and may be brought to the notice of all District Election Officers and other concerned authorities for their information and necessary action.

No. 7 (2)/98-Leg. II
Government of India
Ministry of Law and Justice
Legislative Department New Delhi

2nd March, 1998

To

The Secretary,
Election Commission of India,
Nirvachan Sadan,
Ashok Road, New Delhi

Subject: General Election to Lok Sabha 1998 and certain Legislative Assemblies, 1998 -Requisition of Vehicle Payment of compensation in case of accident-Liability of insurance

Sir,

I am directed to refer to the Commission's letter No.4-98-JS-II/1 35 dated the 8th January, 1998 on the above subject and to enclose herewith a copy of O.M. No. 64 (7)-Ins.I/9 dated 24.2.98 of Ministry of Finance, Department of Economic Affairs, containing the requisite clarifications sought by the commission.

Yours faithfully

(Dr. D.B. Singh)
Under Secretary to the Govt. of India
Tel: 3359014

No. 64 (7) - Ins. I/98
Government of India, Ministry of Finance
Department of Economic Affairs Insurance Division
Lok Nayak Bhavan, Khan Market, New Delhi.

OFFICE MEMORANDUM

Dated - 24th Feb'98

Subject: General Election to Lok Sabha, 1998 and certain Legislative Assemblies, 1998 -Requisition of Vehicles - Payment of Compensation in case of accident - Liability of Insurance

The undersigned is directed to refer to the correspondence on the above subject resting with the OM. No. 7(2)/98-Leg.II dated 27th January, 1998 from the Ministry of Law.

The matter has been examined in consultation with General Insurance Corporation of India. The following three situations may arise in respect of private vehicles requisitioned for election duty :

- (1) The vehicles so requisitioned may have been comprehensively insured, which is not compulsory.
- (2) The insurance cover may be against third party risk only, which is compulsory.
- (3) The vehicle may be uninsured in breach of provisions of section 146 of Motor vehicles Act.

It may be pointed out that while revising the Motor Tariff in the year 1990, the standard exclusion regarding insurance company's liability during the period of requisition or commandeering by the Government for any purpose has been deleted from; the insurance policy and thus there is no need for the endorsement on the policy during the period of requisition. The Motor insurance policy which may be in force in respect of vehicles requisitioned for election duty need not be amended and only a notice to the concerned insurance company by the insured for the vehicle to the effect that the vehicle has been requisitioned will suffice.

As regards vehicles falling under category (3) above, the Election Commission may ascertain the insurance status of the vehicles before election.

(Dr. D.C. Srivastava)
DIRECTOR to Ministry of Law and Justice
(Dr. D.B. Singh Under Secretary),
Legislative Department.
Shastri Bhavan, New Delhi

INSTRUCTION SL. NO. 49

Election Commission's letter No. 576/26/2004/PLN-I/136C/1361, dated 26.03.2004 addressed to the Chief Secretaries/Chief Electoral Officers of all the States and Union Territories

Subject: - Requisition of vehicles for Election duties - Payments regarding

I am directed to forward herewith a copy of a letter no. AITWA/2003-04/352 dated 25th March 2004 received from All India Transporters Welfare Association for your information and necessary action.

2. In the current General Elections to the Lok Sabha. Only vehicles registered in the concerned districts should be requisitioned and vehicles, which are in transit, whether loaded or empty, should be exempted from requisitioning. Similarly, only the minimum required number of vehicles should be requisitioned and any vehicle(s) found extra of the requirements should be released immediately after making payment for the detention period. It may please be ensured that no inconvenience is caused to the vehicle owners.
3. You are also requested to revise the rates for the requisitioning of vehicles taking into account the escalation of costs.
4. I am also to request that payment for the requisitioned vehicles should be made to the transport owners for performing elections duty immediately after completion of the election.
5. Kindly acknowledge the receipt.

INSTRUCTION SL. NO. 50

Election Commission's letter No. 464/INST/2008-EPS Dated:26th December, 2008 addressed to the Chief Secretaries/Chief Electoral Officers of all the States and Union Territories

Subject: - General Election to Lok Sabha, 2009 – Deployment of Vehicles - regarding.

I am directed to state that the Commission has decided that: -

- (a) Vehicles of BSNL, MTNL, UPSC and the vehicles of educational institutions which are specifically meant for carrying the students from their residence to educational institution will be requisitioned for election duty only in unavoidable circumstances and as a last resort.
- (b) The vehicles of Forest Department, All India Radio, Doordarshan, World Health Organisation, UNICEF and all the organisations of UN will not be requisitioned for election duty.

Kindly acknowledge the receipt of the letter.

**F – ELECTION
MATERIAL**

INSTRUCTION SL. NO. 51

Election Commission's letter No. 54/2/99-PLN-IV date 07.04.1999 addressed to CEOs of all States and UTs.

Subject: Quantum of reserve of Indelible Ink to be kept during Election period - regarding

I am directed to state that at present the quantum of reserve stock of indelible ink kept during the election period varies from State to State. The matter has been considered by the Commission.

2. The Commission has decided that the quantity of indelible ink to be kept at reserve stock may be restricted to a maximum of 10% of the actual requirement. The location to keep the reserve stock should as far as possible be District Headquarters but the Chief Electoral Officers may at their discretion decide the location and the quantity to be retained at each such location so long as the overall requirement of the State for reserves is within 10% of the projected total for each election event.

Kindly acknowledge the receipt of this letter.

INSTRUCTION SL. NO. 52

Election Commission letter No.3/1/2003/JS-II dated 13.11.2003 addressed to the Chief Electoral Officers of all States/Union Territories.

Subject: Conduct of Elections (Amendment) Rules, 2003

I am directed to refer to Commission's letter of even number dated 14th October, 2003 enclosing therewith a copy of the Election and other Related Laws (Amendment) Act, 2003 and to forward herewith a copy of the Conduct of Elections (Third Amendment) Rules, 2003, framed by the Govt. of India in pursuance of the amended provision of the Act. A copy of the Notification dated 10.11.2003, issued by the Ministry of Law and Justice under clause (a) of Explanation to Section 39A of Representation of the People Act, 1951 is also enclosed.

2. In terms of the new Rule 85D the Commission has specified that one copy of the electoral roll of the constituency concerned shall be supplied free of cost to the candidate of every recognized political party for a general election to the House of the People or Legislative Assembly of a State. The Commission has also specified the Returning Officer of the constituency concerned, as the officer through whom such copies shall be supplied to the candidates of recognized political parties.
3. At the current general elections to the Assemblies of Delhi, Chhattisgarh, Madhya Pradesh and Rajasthan, the Returning Officers shall supply copy of the electoral roll as specified above, within 7 days after the last date fixed for withdrawal of candidature at the election under proper acknowledgement of receipt from the candidate.
4. For all future general elections copy of the electoral roll shall be supplied within 3 days after last date of withdrawal of candidatures.
5. This may be brought to the notice of all District Election Officers/Returning Officers and other authorities concerned immediately. This may also be brought to the notice of all political parties based in your State.

Kindly acknowledge receipt.

INSTRUCTION SL. NO. 53

Election Commission's letter No. 464/OBS/EVM/2004, dated 12.04.2004, addressed to the Chief Electoral Officers of All States and Union Territories and all Observers/Special Observers (through the CEO, DEO)

Sub: - General Elections - 2004 - Security Measures for Electronic Voting Machines -regarding.

I am directed forward herewith the instructions relating to security measures for Electronic Voting Machines to be used for the General Elections 2004. These instructions have been prepared from the point of view of strategy for ensuring the security and safety of Electronic Voting Machines.

The district administration, particularly the Collector Deputy Commissioner, who is also the District Election Officer, should make themselves thorough with these security measures so that, the instructions are complied with in letter and spirit. Needless to add any laxity in implementing these measures will be viewed seriously by the Commission.

Kindly ensure delivery of these instructions to all Observers Special Observers appointed for your state, the District Election Officers and acknowledge receipt.

GENERAL ELECTIONS - 2004 Security Measures for EVMs

Standard Security measures:

- (i) Guard the storage centres with Armed Police of at least section strength.
- (ii) Systems of double lock from the day the Observers arrive.
- (iii) One key kept with District Election Officer (DEO): another with Observer
- (iv) Register for movement inside the campus where EVMs stored.
- (v) Register for movement inside the store rooms.
- (vi) Arrangements for storage at counting centres as per standing instruction. except that Armed Police will have to guard the locations.
- (vii) DEOs/SPs personally responsible for any lapse in arrangement and security
- (viii) Storage Room for EVMs shall be waterproof from all sides in such way that no dampness can cause harm to EVMs either from ram or from accumulated water around such storage room.

Pre-Poll

The Observers deputed by the Commission on their arrival in the district shall inspect along with the DEO the storage centre in the district for the EVMs and randomly check the stock register with the stock stored. Thereafter, the storage center will be sealed by the Observer and the DEO with double locks. The keys of one lock will be kept with the Observer and the keys of the second lock shall be kept with the DEO. (The arrangements amongst Observers for holding the key will be worked out mutually amongst themselves and his name shall be communicated to the Zonal Secretary in the Commission. Ordinarily the senior-most Observer shall take this responsibility.)

Note: For polling to be held on April 20, 2004 and April 22, 2004 the Observers should immediately take stock of the EVMs and check the storage centers, if not already done.

To streamline the security of these EVMs following measures are to be taken:

- (i) Detailed log of machines indicating the numbers of balloting and control units to be prepared.
- (ii) Test check report to be entered in log book.
- (iii) Machines requiring repair (i.e. opening of either control or balloting unit) will be segregated and their details kept,
- (iv) For such repaired machines where either the control unit or the balloting unit have been opened proper entry will be made in log book specifying the repairs done and part(s) replaced,
- (v) Only the technicians from ECIL/BEL will work on the machines and keep a record of repairs carried out.
- (vi) No outsiders will be allowed inside the storage centres,
- (vii) The machines that have undergone repairs will be kept aside and trial tests carried out on them before using them.
- (viii) After complete checking, the machines will be placed under double lock with the seals of the DEO and the Observer special!} deployed for the purpose.

Preparation for the Poll

- The machines will be prepared for poll by the ROs in this phase after the finalization of list of candidates.
- Preparation of machines to be done strictly as per the guidelines and in the presence of Observers.
- Observers shall ensure that representatives of political parties candidates wherever required are present. DEOs and ROs will be responsible in case of failure to involve political parties candidates and the Observer Special Observer will keep the Commission informed of any such lapse on part of the DEO/RO.
- Machines after preparation shall be kept in storage centres/dispersal centres.
- The prepared EVMs shall ordinarily be kept under double-lock at the dispersal centers.
- In cases where these have to be transported to other locations outside the district headquarters where dispersal of polling parties have been arranged,

the DEO shall apprise the Observer and keep him informed of the movement plan. At such locations one Observer will invariably be responsible for checking the storage facilities, security aspects and the general plan for dispersal of polling parties. As per standard instructions referred to above, the EVMs at such places will also be kept under a double-lock arrangement with one key with the Observer and the other with the DEO or the RO as the case may be. Armed security of at least a section strength shall be posted at all such dispersal centers.

- Detailed plan for distribution of EVMs will be prepared by the DEO and the Observer will closely monitor the distribution.
- Machines used for training will not be used for poll. All such machines will be segregated and stored in a separate room under double lock.
- Zonal Magistrates and Area Officers who are given EVMs from reserve stock will maintain a register where the particulars of balloting units (BU) and control units (CU) issued are mentioned and a receipt shall be obtained from them. At the end of poll these machines will be received at a separate counter and tallied with the issue register for such machines.
- Zonal Magistrates, Area Officers should visit every polling station their jurisdiction as many times as possible on the poll day.
- In cases where the Zonal Magistrate Area Magistrate has replaced any unit at the polling station due to some defect or malfunction, he shall keep a record of it in the above said Register and inform the receipt desk at the end of poll. The information furnished by the Zonal Magistrate/Area Magistrate shall be tallied with the Presiding Officer's diary by the RO and the Observer
- The unused BUs and CUs returned by me Zonal Magistrate. Area Magistrates will be stored separately in a room other than the strong room where polled EVMs are kept and the Observers will keep a key of this room¹ in his custody.

Post-poll arrangements:

- After poll, the machines are kept in strong rooms at the counting centres for which detailed instructions already exist. These are to be followed strictly.
- Armed Police will guard all counting centers without any exception.

Necessary fire fighting equipments shall also be installed around all Strong room to meet any exigency.

INSTRUCTION SL. NO. 54

Election Commission's letter No. 51/8/2/2004 PLN-IV, dated 23.04.2004 addressed to the Chief Electoral Officers of All the States/UTs

Subject: - Supply of additional Power Pack for EVMs to Polling Parties-reg.

I am directed to state that clarifications are being sought regarding supply of additional Power Pack to Polling Parties specially in remote areas. Following guidelines are being issued for compliance.

1. No additional power pack (battery) should be supplied to the polling parties.
2. In order to manage unforeseen situations of malfunctioning of machines, the standard arrangement is to provide an alternative machine at the earliest. For this purpose, Sector Officers, in-charge of a group of Polling Stations are expected to do the needful by providing spare machines to the Polling Stations where such a problem arises.
3. The malfunctioning may be due to battery level being low or any other reasons as already stressed during training. Before coming to conclusion, the machine's connection between ballot unit and control unit be thoroughly checked. If it is found that the machine is actually malfunctioning for whatever reason, the steps indicated in the above paragraph are to be followed.
4. It may be noted that in case the machine malfunctions after some votes have already been recorded and a new machine is provided for continuing the voting process, the machines initially used should be properly sealed by recording the total number of votes polled in the first machine and the information, should be recorded clearly in the Presiding Officer's diary. Details of the number of machines used and their Unique Serial Numbers are also to be noted.
5. For remote locations, adequate planning is to be made in advance for meeting such contingencies by allotting spare machines with the Sector

Officer within reasonable distance. Therefore, in such cases, a smaller group of Polling Stations can be put in charge of the Sector Officer.

6. In the worst case, if no spare machine can be provided to the Polling Station in time to continue the poll and complete it on the poll date, a re-poll with a new machine can be arranged. Such cases should be promptly reported to the Commission and a formal permission for conducting the re-poll should be obtained in time by the Returning Officer.
7. The receipt of the letter may kindly be acknowledged by return fax.

INSTRUCTION SL. NO. 55

Election Commission's letter No. 51/8/2/2004-PLN-IV, dated 01.02.2005 addressed to the Chief Electoral Office of All the State/Union Territories.

Subject: Disposal of unserviceable/expired batteries of Electronic Voting Machine.

I am directed to state that the Commission has received reference regarding disposal of unserviceable/expired batteries used in the electronic Voting Machine during poll.

Suggestions on the method of safe disposal of the power pack was called for from both the manufactures (M/s BEL & ECIL) of EVMs who are also the suppliers of power packs, used in these EVMs. The manufacturers have suggested some measures which are detailed below for strict compliance during such-disposal of power packs.

- (i) If the quantity of batteries is less, then the same may be disposed with regular trash after removing from the plastic box.
- (ii) Discarded batteries are often not completely dead. Concentrating used batteries in a container can bring these live batteries into electrical contact with one another, creating a safety risk. Any collection programme must be organized only after minimizing such risk.
- (iii) Disposing of the used batteries in small quantities, as far as possible is recommended.
- (iv) As far as possible, accumulation of expired batteries in large quantity may be avoided.
- (v) If the quantity of batteries is more and accumulated at one place, then batteries should be disposed off at a secure land fill in accordance with state and local regulations,
- (vi) Discarded batteries should never be crushed, dismantled, short circuited or recharged.
- (vii) Batteries should not be disposed-off in fire or high heated area.

- (viii) It is also desirable to consult the local Government Waste Management Authority regarding recycling regulations in respective communities.
- (ix) EVM battery packs consist of Plastic Moulded Box. Though environmentally beneficial and economically feasible recycling process has not yet been developed for Alkaline Batteries, the Plastic Moulded Boxes can be scrapped and recycled for other uses.

INSTRUCTION SL. NO. 56

Election Commission's Letter No.51/8/7/2008-EMS (Inst.-I) Dated: 11/08/08 addressed to the Chief Electoral Officers of All States and Union Territories.

Sub: Use of EVM in the elections- additional transparency measures – Randomisation.

The Election Commission of India used the Electronic Voting Machines (EVM) on an experimental basis for the first time in 1982 in an election in Kerala. After that the use of EVM was gradually increased and finally the universal use of EVM in the country became a reality in the year 2004 when EVM was used in all polling stations in the General Election to the Lok Sabha. The efficacy of EVM has stood the judicial scrutiny and the independent studies made on the use of EVM have also confirmed the voters' satisfaction about the use of EVM in elections.

The Election Commission of India, from time to time, has been issuing instructions on various measures to be taken at the time of preparation of EVM for use in the elections (vide no 51/8/7/2007-PLN-IV 12th October, 2007); protocol for first level checking of EVMs before elections (vide 51/8/16/4/2007, dated 12th October, 2007) and on protocol for security measures for EVMs (vide 464/OBS/EVM/2007 PLN-IV, 12th October, 2007). The Handbook for Returning Officers (at elections where electronic voting machines are used) published by the Commission provides detailed instructions on the various aspects of the EVM management.

As an additional measure that aims at greater transparency, the Commission has decided to introduce a randomization protocol for the deployment of EVM in various assembly constituencies/ assembly segments and has issued the following instructions to be followed meticulously without any deviation:-

1. STORAGE

As a general policy, the Commission desires that all EVMs available within a district shall be stored at the district headquarters under the direct control of the District Election Officer. It may be possible that due to want of storage space the EVMs may be stored in a decentralized manner in different locations. Even in such cases, for the purpose of first level checking and randomization procedure proposed to be introduced through this instruction, all EVMs available in the district shall be brought to the district headquarters under proper escort.

2. FIRST LEVEL CHECKING

- a. The first level checking as prescribed in the earlier instructions shall from now onwards be carried out only by the BEL/ECIL engineers, as the case may be, only at the district head quarters. For coordinating all activities connected with the first level checking, the DEO shall nominate a nodal officer at his level and intimate the name of such officer to the CEO. The first level checking will be done by following the existing instructions and procedures.

- b. For the purpose of tracking various steps taken in the process of first level checking, randomization and deployment of EVM, an adhesive label (pre-printed sticker) will be prepared and kept ready for use. (This can be organized centrally by the CEO or the DEO can print at their level as per the decision of CEO in this regard). A sample model of such label is given in Annexure 1.

3. NUMBERING OF EVMs

As soon as the first level check is over the sticker will be pasted on the back side of the CU and the checking- engineer will put his signature indicating the date in the relevant slot provided in the sticker. This would mean that the CU is in order in every respect. The unique machine number of the control unit (CU) will be also indicated in the relevant slot in the sticker; besides, a running serial number will also be allotted to the CU and will be indicated in the relevant slot. Simultaneously, the representative of DEO duly authorized for this purpose will also put his signature in the relevant space. After this, CU shall be stored with due precaution and care. In case of any CU found to be defective during checking, such CUs shall be isolated and kept separately for follow up action for rectification of defect. The above procedure will also be applicable for the Balloting Units which will be verified, signed and numbered in the above manner.

4. DATABASE

A database of the CUs and BUs verified and certified will be prepared separately and kept in readiness for randomization. The data base structure will contain details of CUs and BUs indicating the machine number (original number given by the manufacturer as inscribed on a metallic plate at the back side of the CU/BU as the case may be.) The CUs/ BUs so verified shall be kept under proper lock and key.

5. SCHEDULE FOR RANDOMIZATION OF EVM

The DEO will fix up a schedule, which should in any case be fixed before the start of training of polling personnel, for randomization of CUs/ BUs for distribution to ACs in the presence of the representatives of recognized political parties. The randomization will be done in such a way that the CUs /BUs are randomly selected by grouping them to match the poll day requirement including the reserve required for each constituency. Again, the surplus CUs/BUs shall also be randomly grouped and distributed AC wise for the purpose of training (for the training of the polling staff as well as for the purpose of voter awareness). A sticker of different color shall be affixed at the front side of the CUs/ BUs set aside for training purpose clearly indicating “.....**(Name of State/UT along with year): Training CU/ BU**”. While randomizing the CUs/ BUs the DEO shall take the number of polling stations in each constituency into account.

6. ALLOCATION OF ID

After AC wise grouping of CUs/ BUs is done in the above manner, a 'current ID' shall be assigned to each of CU/ BU in the relevant slot provided in the sticker. The 'current ID' would mean 'the AC no followed by a new running serial number for that AC'. For example if AC No 56 is allotted 280 CUs and BUs the current ID for the CUs would be from '56/CU/001' to '56/CU/280'. Similarly the current ID for BU would read '56/BU/001 to 56/BU/280'.

7. DISTRIBUTION OF LIST & EVM TO RETURNING OFFICER

- a. The randomized list of CUs and BUs allotted to each AC for use at polling stations as well as the training EVMs shall be prepared separately and signed by the DEOs representative and the R.O and that list shall be handed over to all representatives of the recognized political parties. Even if a representative is not available at the time of randomization the list shall still be sent to the party office and a receipt obtained.
- b. Thereafter, the R.O of the constituency, shall take charge of the CUs/Bus randomly allotted to his constituency. The CUs/BUs meant for use at the election shall be separately taken to R.O's strong room under proper escort and will be guarded. The training EVMs shall be distributed to the relevant officers for the training purpose. At the time of sealing the strong room, the representatives of political parties can remain present and they can also affix their seal on the lock.

8. PREPARATION OF EVM

- a. On the day fixed for preparing the CUs/BUs for use in the election, the R.O will ensure that the preparation of CUs/BUs is done invariably in the presence of the candidate or his agent or authorized representative and in the presence of observer as per the existing instructions. Now, the R.O will do the second randomization of the CUs/ BUs to allot the CU/ BU to specific polling stations. After that he will write the PS No to which the CU/BU has been randomly allotted in the slot provided for it in the adhesive label. The remaining CUs/BUs (not allotted to any specific PS) shall be kept as 'Reserve' for use if needed. Such CUs /BUs shall be marked as 'R' – meaning 'Reserve' in the slot meant for PS No.
- b. At this stage, the CU and BU randomly earmarked PS wise as above shall be identified by matching the PS no and kept in pair by tagging them together. Any candidate/ agent present at the preparation hall may choose to get the CU/BU again checked by the master trainers/ technical personnel if available through a 'mock poll cum result verification' in order to satisfy himself about the functioning of the EVM. The R.O should also, as a proactive measure, do a random verification of at least 10% of such CU-BU pairs to test the working status of the EVMs.
- c. Then a Polling Station wise list indicating the Current ID and machine number of the CU/BU allotted to each PS will be prepared and signed by the R.O. The R.O will also prepare a separate list of CUs/BUs marked as 'R' indicating the current ID and machine number. Both the above lists will be signed by R.O and copies shared with the candidates/ agents/ representatives and their signature shall be obtained as the token of receipt.
- d. As per the existing instructions two types of address tags – one for use on CU and another on BU have been prescribed. From now on wards, the tag shall also contain the current ID no (as mentioned in the sticker- read para 7 above). The address tag attached to reserve CU/ BU shall indicate the 'Reserve' status of the unit. The tagging of address tag shall also be done at this stage itself – in the presence of candidates/ agents/ observer. All the CUs/ BUs allotted to Polling Stations as above as well as the reserve machines shall be kept in the strong room in the presence of candidates/ agents. They can also be allowed to affix their seal on the lock of the strong room.

9. DISPERSAL OF EVMs FOR ACTUAL POLL

- a. When the EVMs are taken out of the strong room for dispatch the usual precaution of informing the date and time of opening of strong room in writing to the candidates/ agents shall be followed.
- b. At the time of dispatch the Presiding Officers shall be advised to compare

the machine number inscribed on the metal label and the adhesive sticker and also verify the PS no indicated on the sticker compared with PS no mentioned in the address tag before accepting the EVM. Discrepancy if any shall be brought to the notice of the officer in charge of dispatch arrangement and be reconciled.

- c. The candidates may be advised to share the current ID and machine number of the EVM (both CU/ BU) allotted to the specific PS with their polling agent/ agents appointed by them so that they are in a position to inspect the EVM for their satisfaction before the commencement of mock poll on the poll day. The Presiding Officers shall be advised to display the sticker containing the machine number and current ID etc., to the agents present before the commencement of the mock poll. It is relevant to note that as per the existing instructions the presiding officer is supposed to mention the number of CU/ CUs used; serial numbers of CU/CUs used; numbers of BU/BUs used and serial numbers of BU/BUs used at the polling station in the Presiding Officer's Diary (refer: Chapter XXVIII, Para 1 of Handbook for Presiding Officers- At elections where electronic voting machines are used, 2004). This instruction shall be scrupulously followed.

10. REPLACEMENT OF EVM DURING POLL

In case of replacement of CU or BU due to reason at any polling station the sector officer or any authorized officer who effects such replacement shall prepare a special report indicating the machine number and current ID of the existing CU/BU and new CU /BU separately. The officer shall also mention in the special report, the reason for deployment of the spare CU/BU and the time of such replacement, votes polled in the replaced machine at that point of time and leave one copy of the special report with the Presiding Officer while retaining a copy to be handed over to the R.O..

11. RECEPTION OF EVMs AFTER POLL

The machines shall be escorted back after the poll is over to the reception centres under proper escort. After all formalities are completed, the EVMs shall be kept in strong room and the room sealed in the presence of the candidates/their agents and observer.

12. RE POLL

- a. In case of repoll, the EVM required for repoll shall be drawn from the reserve list and the CU/BU number shall be informed to the candidates/agents in writing. Care shall be taken to ensure that the address tag on the CU and BU clearly mentions it to be the EVM for use in the repoll indicating the date and PS no..
- b. After repoll, for the storage of the repolled EVM, the strong room shall be re-opened in the presence of the candidates/ their agents and observer. This repoll EVM should be placed together with the old EVM which was used earlier in the original poll. A tag '**Not to be counted**' shall be put prominently on the old EVM and another tag '**Repoll EVM – to be counted**'

shall be put on the new repoll EVM. RO shall put signature on both the tags.

13. COMMUNICATION TO POLITICAL PARTIES/ CANDIDATES

The political parties/candidates should be advised in writing to properly train their counting agents and that they should bring (for tallying purpose) their copies of Form 17-C which shows the machine numbers used at the polling station and was handed over to them at the close of the polling by the presiding officer. Besides, the candidates have also been given a consolidated list of polling station wise list of CUs used during the polls (Read Para 12 above). This along with the additional information given by RO in writing to the candidates regarding the machine numbers of CUs used as replacement and the CUs used during repoll will give a complete picture of the all the EVMs used at polling stations. In order to further facilitate, additionally, the RO shall paste the EVM deployment account indicating the CU numbers of EVM used polling station wise in the relevant counting hall itself for everyone to see.

14. VIDEOGRAPHY OF THE EVENTS

All the stages enumerated above shall invariably be fully covered with videography and records kept properly.

15. The above instructions should be complied with without any deviation and brought to the notice of all concerned, viz. the political parties, contesting candidates, all field officers concerned and the Observers.

16. The receipt of the letter may kindly be acknowledged.

ANNEXURE-I

Name of the State/UT:				
Name of the election:				
District Name:				
Control Unit No.		District Running Sri.No.		
Current ID				
First Level Check			CU Randomization 1	
Date	Rep.BEL/ ECIL	Rep. D.E.O	Date	Rep D.E.O/ R.O
Randomization 2	Deployment Status	Polling Station No.		R.O./ARO.
Date				

INSTRUCTION SL. NO. 57

Election Commission's Letter No.51/8/7/2008-EMS (Inst.-II) Dated: 11/08/08 addressed to The Chief Electoral Officers of All States and Union Territories.

Sub: Use of EVM at polling stations additional instructions to ensure purity of elections.

Feedbacks have been received about some polling officers and polling staff frequently going to the voting compartment at the time of actual poll to explain to the illiterate voters about how to use EVM. This gives scope for the polling agents of the candidates and political parties to make allegations about the neutrality of the polling staff. In order to ensure that the conduct of the presiding officer and other polling staff in no way gives scope for any complaint the Commission has issued the following instruction for the strict adherence:-

1. The D.E.O shall supply a printed sample of EVM ballot unit pasted on a cardboard (real size) to all the presiding officers along with other polling materials at the time of dispatch. While printing such model ballot care shall be taken to ensure that only dummy name and dummy symbols that are not in use, are used and not any real names or symbols. It shall be printed in color so that 'blue button' 'green light' and 'red light' etc are clearly represented.
2. Whenever any voter asks for help or expresses inability to vote using EVM, the presiding officer can explain to the voter the voting process using the cardboard model of the EVM ballot in such a manner that the voter is able to understand. This shall be done outside the voting compartment only in the presence of polling agents and never inside the voting compartment.
3. The Presiding Officer or other polling staff shall not frequent the voting compartment as that may give scope for complaints.

4. In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/ names / ballot button, the presiding officer may from time to time make an inspection of ballot unit (BU)- but he should make it a point to do so in the immediate presence of polling agents when there is no voter inside the voting compartment.
5. Any complaint about the conduct of the polling staff at the polling station shall be taken seriously and properly enquired. The Observers are being instructed to take serious note of such complaints and conduct or cause enquiry into such allegations and submit reports to the Commission.

This instruction shall be brought to the notice of all Presiding Officers during their training. Besides, a copy of this shall also be put in the kit handed over to the presiding officers along with other documents handed over at the time of dispatch. All political parties and candidates may also be informed about this new instruction.

The Receipt of the letter may kindly be acknowledged.

INSTRUCTION SL. NO. 58

Election Commission's Letter No. 51/8/7/2007-PLN-IV Dated: 12th October, 2007 addressed to The Chief Electoral Officers of All States and Union Territories.

Subject: Preparation of Electronic Voting Machines (EVMs) during election(s)- regarding.

I am directed to say that the Commission has directed that the following steps may be followed in preparation and setting up of Electronic Voting Machines during election(s) in your state:-

1. The EVMs should be stored in properly guarded strong room. Returning Officer should ensure that a system is in place whereby only authorized persons have access to the EVMs and a proper record of the persons entering and leaving the storage area for EVMs is being maintained. The strong room should have double locking system and one key of the strong room should be kept with the District Election Officer (DEO) and other key should be with the Returning Officer (RO).
2. The RO shall ensure that intimation in writing is sent to all the contesting candidates well in time regarding the dates and venue of preparation of EVMs. He shall ensure that the signatures of the contesting candidates or their authorized agents are put on the seal at the stage of preparation of machines etc. A proper record of the candidates or their authorized agents who have put their signatures and those who have not done so should be maintained.
3. The Returning Officer shall test the machines for correct setting through an exercise similar to the mock poll in the presence of candidates or their authorized representatives.
4. The District Election Officer shall make random selection of EVMs for allocation to polling parties in every assembly segment within the Assembly Constituency.
5. At the time of preparation slide switch on the Balloting Unit may be secured with the help of transparent tape (except 2006-07 models of EVMs).
6. The Presiding Officers should give the unique numbers of EVMs used at a polling station to the polling agents.
7. The Presiding Officers should obtain the signature of candidates or their agents at the polling stations and keep the record of the same. The

candidates or their agents should also be allowed to affix their signatures on the Green and Outer Strip Seal.

8. After the poll is over and the Presiding Officer seals the EVM, the candidates or their agents should be allowed to follow the vehicles carrying the EVMs to storage centres.
9. Immediately after the EVMs are received back from the polling stations and stored in the strong room, the room should be locked and sealed forthwith. The candidates, their election agents or authorized representatives may be permitted to affix their seals on the doors and windows of the storage place. If any of the candidate so desires, he may be permitted to post an agent to keep a watch from a considerable distance over the room where the machines are stored pending the counting of votes.
10. The instructions given in para 52, Chapter XIII of the Hand Book for Returning Officers 2007 (EVMs) and instructions issued vide letter no. 51/8/2001 Pln-IV dated 3.12.2001(copy enclosed) regarding sealing of the result section of the control unit of EVMs with strip seals by Presiding Officers at the polling stations should be followed scrupulously.
11. EVMs used for training are to be taken back and stored separately. They should, in no case, be used for poll.

The above instructions should be brought to the notice of all the Returning Officers, Presiding Officers and Observers during election(s).

The receipt of the letter may kindly be acknowledged.

INSTRUCTION SL. NO. 59

Election Commission's Letter No. 464/OBS/EVM/2007 PLN-IV Dated: 12th October, 2007 addressed to The Chief Electoral Officers of All States and Union Territories.

Subject: Protocol for Security Measures for Electronic Voting Machines during election(s)- regarding.

I am directed to forward herewith the instructions relating to security measures for Electronic Voting Machines to be used for the election(s) in your State. These instructions have been prepared from the point of view of strategy for ensuring the security and safety of EVMs.

2. The district administration, particularly the District Collector/ Deputy Commissioner, who is also the District Election Officer, shall ensure that these instructions are complied with in letter and spirit. Needless to add, any laxity in implementing these instructions will be viewed seriously by the Commission.

3. Kindly ensure delivery of these instructions to all District Collectors /DEOs /ROs /AROs / Observers during election(s) and acknowledge receipt.

Security Measures for Electronic Voting Machines

1. Pre-Poll

- i. The Observers deputed by the Commission on their arrival in the district shall inspect along with the DEO and RO the storage center for the EVMs in the district and randomly check the stock register with the stock stored. Thereafter, the storage centre will be sealed by the DEO and RO with double locks in presence of Observer. The keys of one lock will be kept with the RO concerned and the keys of the second lock shall be kept with the DEO.
- ii. To streamline the security of these EVMs, following measures are to be taken:
 - a. Detailed log of machines indicating the number of balloting and control units to be prepared.
 - b. Test check report to be entered in each log book against every EVM entry.
 - c. EVMs requiring repair (i.e. opening of their control or balloting unit) will be segregated and their details kept.
 - d. For such repaired machines where either the control unit or the balloting unit have been opened, details will be entered in log book specifying the repairs done and part(s) replaced.
 - e. Only the technicians from ECIL/BEL will work on the machines and keep a record of repairs carried out.
 - f. No outsider will be allowed inside the storage centres.
 - g. The machines that have undergone repairs will be kept aside and trial tests carried out on them before using them.
 - h. After complete checking, the EVMs will be placed under double lock with the seals of the DEO and the RO.

2. Preparation for the Poll

- i. The machines will be prepared for poll by the ROs phase wise after the finalisation of list of candidates.
- ii. Preparation of machines to be done strictly as per the guidelines and in the presence of Observers and candidates or representatives of candidates

- (written notice to be served on them giving time and place).
- iii. DEOs/ROs/Observers shall ensure that representatives of political parties/candidates are informed of time and venue of EVM preparation. DEOs and ROs will be responsible for failure to involve political parties/candidates and the Observers. Observer will keep the Commission informed of any such lapse on part of the DEO/RO.
 - iv. EVMs after preparation shall be kept in storage centres/dispersal centres.
 - v. The prepared EVMs shall be kept under double-lock at the storage/dispersal centres.
 - vi. In cases where these have to be transported to other locations outside the district headquarters where dispersal of polling parties have been arranged, the DEO/RO shall apprise the Observer, political parties and candidates and keep them informed of the movement plan. The candidates or their agents can follow the vehicles in which EVMs are carried. At such locations one Observer will invariably be responsible for checking the storage facilities, security aspects and the general plan for dispersal of polling parties. As per standard instructions referred to above, the EVMs at such places will also be kept under a double-lock arrangement with one key with the DEO and the other with the RO as the case may be. Armed security of at least a section strength, round the clock, shall be posted at all such dispersal centres.
 - vii. Detailed plan for distribution of EVMs will be prepared by the DEO/RO and Observer will closely monitor the distribution.
 - viii. Machines used for training shall not be used for poll. All such machines will be segregated and stored in a separate room under double lock, again with one key with DEO and other with the RO.
 - ix. Commission's instructions No.464/OBS/EVM/2006 PLN-IV dated 29th December, 2006 (copy enclosed) should be complied with for ensuring the movement of EVMs by Zonal/Sector/Area Magistrates.

3. Standard Security measures:

- i. Two cordoned security, round the clock, one outer and one inner

- outer of State Armed Police, inner of CPMF (if available)
otherwise also of State Armed Police for strong rooms- i.e. after polling.
- ii. Guard the storage centres (i.e. inner cordon) with Armed Police of at least one section strength, round the clock.
- iii. Systems of double lock from the day the Observers arrive- one key kept with District Election Officer, another with Returning Officer concerned.
- iv. Register for movement inside the campus where EVMs stored.
- v. Register for movement inside the store rooms.
- vi. Arrangements at counting centres as per standing instruction, except that Armed Police will have to guard the locations.
- vii. DEOs/SPs personally responsible for any lapse in arrangement and security.

4. Post-poll arrangements

- i. After poll, the EVMs are kept in strong rooms at the counting centres for which detailed instructions already exist. These shall be followed strictly.
- ii. State Armed Police/CPMF will guard all strong room without any exception- make two cordons as mentioned in para 1.
- iii. Necessary fire fighting equipments shall also be installed around all Strong room to meet any exigency.

INSTRUCTION SL. NO. 60

Election Commission's Letter No. 51/8/16/4/2007 PLN-IV Dated: 12th October, 2007 addressed to The Chief Electoral Officers of All States and Union Territories.

Subject: Protocol for First Level Checking of EVMs before elections.

I am directed to state that the Commission has decided that 'First Level Checking' of EVMs before election(s) shall be done by authorized engineers/technicians of Bharat Electronics Limited, Bangalore (BEL)/Electronics Corporation of India Limited, Hyderabad (ECIL), as the case may be.

2. In the past it has been noticed that malfunctioning of various switches comes to notice soon after the commencement of poll leading to the suspicion that possibly all switches are not properly checked during pre poll check.

3. To ensure proper checking of all switches of the EVM the first level checking will be done in the presence of representative of CEO or DEO who will ensure that at the time of checking the EVM the following must be checked –

- a. All the 16 Candidate Buttons in the Balloting Unit
- b. Off-On Switch
- c. Set Candidate button
- d. Ballot releasing button
- e. Close button
- f. Total button
- g. Result button
- h. Display during operation of all above button
- i. Buzzer sound with each button
- j. Real Time Clock with IST (in case of 2006-07 model EVMs i.e. upgraded EVMs)

4. In order to ensure proper testing and random check of EVMs, the Commission has given following directions:-

- a. All the EVMs, in each and every location, should be tested with the minimum 10 dummy votes /polled for each candidate.

- b. At least 1% of the machines at each and every location should be tested with minimum of 50 dummy votes.
5. A certificate (a sample proforma enclosed) to this effect duly signed with date by both (Engineers of ECIL and CEO/DEO's representative) may be pasted on lower part of the back of the EVM i.e. Ballot Unit and Control Unit (without hiding any vital information i.e. date of manufacturing, machine S. No. etc. The dimension of the certificate should not be more than 13 cms X 8 cms.
6. You may get in touch with BEL/ECIL for this purpose and chalk out the programme of first level check during election(s).

Copy to:

1. **The Chairman-cum-Managing Director
Bharat Electronics Limited,
Nagavara, Outer Ring Road,
Bangalore-560045, Karnataka.**

2. **The Chairman-cum-Managing Director
Electronics Corporation of India Limited,
Hyderabad, Andhra Pradesh.**

Design of Proforma Certificate regarding First level checking of EVM,
to be pasted on the back of Control Unit and Balloting Unit is as
below:

Name of the State	
Name of the election (specify the election)	
Date of testing/checking	
It is certified that this Control Unit/Ballot Unit of EVM has been tested and checked in accordance with the prescribed protocol for this purpose (tick the appropriate option)	
Found to be O.K.	Found defective
Signature of Authorized Engineer of M/s ECIL/BEL	
Signature of Representative of CEO/DEO	

INSTRUCTION SL. NO. 61

Election Commission's D.O. letter No. 464/INST/2006/PLN-I, dated 17.03.2006 addressed to the Chief Electoral Officers of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry.

Subject: Material and dimensions for making of Voting Compartment and placement thereof for secrecy of voting

During last few elections, it has come to the notice of the Commission that in many polling stations the voting compartments were not erected in desirable manner. While in some, the voting compartments made with the help of cardboards were not of sufficient height, in others the cloth used was of poor quality and transparent. In such cases the secrecy of voting could have been compromised.

In certain other cases, it was noticed that voting compartments were placed next to windows / doors. In such cases, it was quite possible that others could see electors casting their votes.

In order to maintain secrecy of vote at the time of poll, the Commission desires that during the forthcoming General Elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry, the voting compartment shall be made only of cardboard and shall be of dimension 21"X21"X21" and that in no case voting compartment should be placed near the window / door.

INSTRUCTION SL. NO. 62

Election Commission's letter No. 51/8/7/2009/EMS Date: 23.01.2009 addressed to the Chief Electoral Office of All the State/Union Territories.

Subject: - Accountability for spreading awareness about EVM voting in rural and remote areas.

I am directed to say that the introduction of EVM in elections in India took place in phases and finally the universal use of EVM at all polling stations in a general election became a reality in 2004. At that time, the Commission took various initiatives to spread the awareness about EVM among all sections of voters. After that in various general elections to Legislative Assemblies, the EVMs have been used. The fact that EVMs have been repeatedly used in all elections in recent times should not result in EVM awareness being taken for granted. There is a need to renew the campaign as there are millions of voters who have become eligible to be voters in the meanwhile and there is a considerable gap between one general election and another general election.

For spreading EVM awareness among rural voters, various innovative methods can be used but there is no substitute for giving an opportunity to the voter to handle the EVM prior to the election so that the voter has 'hands on experience' about voting using EVM even before elections. Considering the need for giving a 'hands on training' to the voters on EVMs, the Commission has issued the following directions based on some methods adopted in Orissa during general election in 2004.

1. Accountability for taking EVM to all villages and hamlets should be fixed on a govt. servant at the Gram Panchayat level by identifying one govt. servant for each Gram Panchayat who would be the nodal point for spreading awareness about EVM in all villages and hamlets coming under that Panchayat. In view of the fact that the BLO system in the meanwhile has become operational and functioning successfully, if the CEO desire he can create such accountability polling station-wise instead of Gram

Panchayat-wise so that the EVM awareness spread in all villages and hamlets coming under that polling station area by the officer responsible for it, may be BLO. Whether the Gram Panchayat approach is adopted or the polling station approach is adopted, the accountability factor should be very clear.

2. The CEO should fix a time frame for a focused campaign so that the time frame is used uniformly throughout the State. It is relevant to note that such a focused approach in itself will generate its own momentum.
3. The DEO will direct the Sub-Divisional Officers/BDOs/ARO of the assembly segment to identify Gram Panchayat-wise or polling station-wise officer-in-charge of this exercise and approve the same. A directory of such GP-wise or PS-wise nodal officers will be maintained by DEO/ARO for his respective jurisdiction.
4. The DEO will make the required number of EVMs needed for this campaign for the specific period. The EVM used for this purpose should bear the label indicating "T" (meaning Training).
5. A schedule for this awareness campaign should be prepared by the DEO assembly segment-wise and he should give adequate publicity by informing the media about the campaign. Leaflets shall be printed in this regard and circulated in the villages.
6. During the schedule for campaign, the nodal officer will carry the EVM and give exposure to the voters by convening Gram Sabha/Palli Sabha meeting at village/hamlet level. The campaign should make use of such locations where the people normally congregate in the rural and tribal areas for example, the weekly Hat (weekly market place) is an important place where the public congregate once in every week.

7. During the campaign period, supervisory officers such as SDOs/BDOs should take test check to find out whether the schedule is being followed by the nodal officers. At the end of the campaign, the nodal officer shall submit a certificate in the proforma attached to this letter. This certificate will be given by the nodal officer to the BDO and the BDO send a similar certificate to the SDO who in turn will send a certificate to the DEO. Finally, the CEO will obtain a certificate about EVM awareness in all the villages and hamlets of the district from the respective DEOs. A clear timetable should be adopted for this purpose. No deviation shall be allowed in this matter.
8. Simultaneously, before launching of the campaign period, the CEO will identify one officer for each district who will be called "EVM awareness observer". This officer should be preferably drawn from various Departments in headquarters. Alternatively, this officer can be identified with the help of Divisional Commissioner (if the Divisional Commissioner system exists in the State) from within the Division. Immediately after the campaign period at the district level is over, this EVM awareness observer will be deputed to the field. They should be given independent mobility. These officers will obtain the details of awareness campaign done in a district and travel at random in the interior pockets and meet the voters at random in market places/villages and check up with them as to whether they had seen the EVM and whether they are aware about the EVM voting. For this purpose, these officers should also carry one EVM with them wherever they travel. In case of the observer finding that EVM exposure was not done at the village level and the voters were not aware of the EVM voting, they should bring that fact immediately to the notice of the DEO and local officer concerned. Simultaneously, they will also inform the CEO's office. Observer should also submit a consolidated

report after their return to the headquarters. Whenever such lack of awareness is detected, the DEO/ARO of the assembly segment should make immediate intervention for creating further awareness and he should also simultaneously fix up responsibility on the officer who was responsible for creating awareness during the campaign period and initiate necessary disciplinary action against that officer.

9. After the campaign period is over, after obtaining certificate from all the DEOs and after obtaining report from the EVM awareness observer, the CEO should send a report to the Commission's headquarters to Sh. K.N. Bhar, Under Secretary (Fax-011-23052014, E-mail: knbhar@eci.gov.in..
10. For the purpose of spreading EVM awareness, the Commission in the past had prepared audio visual campaign materials which are available in the Commission's website and already been circulated to the CEOs also, in the past. Besides, the CEOs at their level also have prepared audio visual campaign materials in the respective vernacular language for the purpose of better dissemination. The CEOs may review the availability of such audio visual campaign materials. They should also finalize suitable posters and leaflets for spreading EVM awareness in the rural areas. Besides, CEO should also make use of the services of the Directorate of Field Publicity and Song & Drama Division of Ministries of Information & Broadcasting may be made use of. The CEO should take initiative to explore various folk medium that would attract the attention of rural voter in the process of EVM awareness.

This instruction may be brought to the notice of all concerned and be followed without any deviation.