

Election Department, Government of Himachal Pradesh
38-SDA Complex, Kasumpti, Shimla-9

No: 3-4/2016-ELN

Dated: 17th August, 2017.

From:

Chief Electoral Officer,
Himachal Pradesh.

To

1. The Chief Secretary,
to the Government of Himachal Pradesh,
Shimla-171002.
2. All the Addl. Chief Secretaries
to the Government of Himachal Pradesh,
Shimla-171002.
3. All the Principal Secretaries/Secretaries
to the Government of Himachal Pradesh,
Shimla-171002.
4. All the Head of Departments
Govt. of H.P. Stationed at Shimla.
5. All the Head of Departments/Offices
Central Govt. in Himachal Pradesh.
6. The Chairman/Managing Director of all Boards/Corporation/
Undertaking, Himachal Pradesh.
7. The Vice Chancellor, Himachal Pradesh University, Summer Hill,
Shimla-5/Dr. Y.S. Parmar Horticulture and Forestry University,
Nauli, Solan/Chaudhary Sarvan Kumar Agriculture University,
Palampur.

Subject:- General Election to the State Legislative Assemblies of Himachal Pradesh, Gujarat, 2017-Transfer /Posting of Officers-regarding.

Sir/Madam,

I am to enclose herewith instructions issued by Election Commission of India vide its letter No. 437/6/1/INST/ECI/FUNCT/MCC/2017, dated 9th August, 2017 and letter No. 464/INST/2008/EPS, dated 23rd December, 2008 on transfer and posting of officers connected with the conduct of elections.

The Commission has followed the consistent policy to ensure that officers directly connected with the conduct of elections, should not serve in their home districts or places where they have served for long & directed that no officers connected directly with elections shall be allowed to continue in the present district of posting:-

- (i) if she/ he is posted in her/ his home district.
- (ii) if she/ he has completed three years in that district during last four years or would be completing 3 years on or before 31st January, 2018.

The Commission has stressed that the cut-off date (31st January, 2018) should be strictly followed. While implementing the above said instructions/transferring officers, the concerned departments of the State Govt.


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should take care that they are not posted to their home districts. It shall also be ensured that no DEO/RO/ARO/Police Inspectors/Sub-Inspector or above is posted back or allowed to continue in the AC/district where he/she was posted in last Assembly Election/any bye-election held thereafter. 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. All the election related Officers will be required to give a declaration in the enclosed format to the District Election Officer (DC) concerned who will inform to CEO accordingly. Any officer who is due to retire within coming six months will be exempted from the purview of Commission's aforesaid instructions/directions and shall not be engaged for performing election duties during the elections. It has also been clarified by the Commission that all the officials who are on extension of service or re-employed in different capacities will not be associated with any election related work.

You are, therefore, requested to review all such cases in all the districts as per Commission's above referred letter and Officers coming under the purview of the above directions may be shifted immediately. Compliance, in this regard, may be sent to this department immediately but not later than **31st August, 2017**, for further submission to the Election Commission of India.

Yours faithfully,

Encl.: As above.


(Pushpendra Rajput)
Chief Electoral Officer
Himachal Pradesh.


Endst.No. 3-4/2016-ELN

Dated: 17th August, 2017.

Copy is forwarded to:-

1. All the District Election Officers(DCs) in Himachal Pradesh alongwith a copy of Commission's above referred letter, for information and necessary action. Compliance, in this regard, be reported to this department immediately but not later than **31st August, 2017** for further submission to the Election Commission of India. The DEOs should also maintain a register and ensure compliance on para II to V of the Commission's letter No. 464/INST/2008/EPS, dated 23rd December, 2008.
2. Sh. Narendra N. Butolia, Principal Secretary, Election Commission of India, New Delhi for information.
3. Section-I/Establishment/Electoral Roll Seat for similar immediate action. The officers who come in the purview of Commission's aforesaid instructions/ directions may be shifted immediately.
4. Guard Files of CEO/Addl.CEO/Jt.CEO/ACEO/EO.

Encl.: As above.


(Pushpendra Rajput)
Chief Electoral Officer
Himachal Pradesh.

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.437/6/1/INST/ECI/FUNCT/MCC/2017

Dated: 9th August, 2017

To

The Chief Secretaries/Chief Electoral Officers of:-

- (i) Himachal Pradesh; Shimla
- (ii) Gujarat; Gandhinagar

Subject:- General Election to the State Legislative Assemblies of Himachal Pradesh, Gujarat - Transfer/Posting of officers – regarding.

Sir/Madam,

I am directed to state that the term of existing Legislative Assemblies of Himachal Pradesh and Gujarat are up to 07th January, 2018 and 22nd January, 2018, respectively.

2. The Commission has been following a consistent policy that officers directly connected with conduct of elections in an election going State/UT are not posted in their home districts or places where they have served for considerably long period.

3. Hence, the Commission has decided that no officer connected directly with elections shall be allowed to continue in the present district of posting:-

(i) if she/he is posted in her/his home district.

(ii) if she/he has completed three years in that district during last four (4) years or would be completing 3 years on or before 31 January, 2018.

4. While implementing the above said instructions/transferring officers, the concerned departments of the State Govt. should take care that they are not posted to their home districts. It shall also be ensured that no DEO/RO/ARO/ Police inspectors/Sub-inspector or above is posted back or allowed to continue in the AC /district where he/she was posted in last Assembly election/any bye election held thereafter.

5. If any small state/UT with a few number of districts, face any difficulty in compliance of the above instruction, then it may refer the specific case with reasons to the Commission through CEO for exemption and the Commission would issue directions, if considered necessary.

6. Applicability-

6.1 These instructions shall cover not only officers appointed for specific election duties like DEOs, Dy. DEOs, RO/AROs, EROs/AEROs, officers appointed as nodal officers of any specific

election works but also district officers like ADMs, SDMs, Dy. Collector/Joint Collector, Tehsildar, Block Development Officers or any other officer of equal rank directly deployed for election works.

6.2 These instructions shall also be applicable to the police department officers such as Range IGs, DIGs, Commandants of State Armed Police, SSPs, SPs, Addl. SPs, Sub-Divisional Head of Police, SHOs, Inspectors, Sub-Inspector, RIs / Sergeant Majors or equivalent ranks, who are responsible for security arrangement or deployment of police forces in the district at election time.

7. Following clarifications/relaxations issued by the Commission, from time to time, are for information/guidance of all the concerned:-

- (i) The police officials who are posted in functional departments like computerization, special branch, training, etc. are not covered under these instructions.
- (ii) The Police Sub-Inspectors and above should not be posted in their home district.
- (iii) If a police sub-Inspector has completed or would be completing a tenure of 3 years out of four years on or before the cutoff date in a police sub-division, then he should be transferred out to a police sub-division which does not fall in the same AC. If that is not possible due to small size of district, then he/she should be transferred out of the district.
- (iv) During an election a large number of employees are drafted for different types of election duty and the Commission has no intention of massive dislocation of state machinery by large scale transfers. Hence, the aforesaid transfer policy is normally not applicable to officers/officials who are not directly connected with elections like doctors, engineers, teachers/principals etc. However, if there are specific complaints of political bias or prejudice against any such govt. officer, which on enquiry, are found to be substantiated, then CEO/ECI may order not only for transfer of such official but also for appropriate departmental action against the said officer.
- (v) The officers appointed as Sector Officer/Zonal Magistrate involved in election duties are not covered under these instructions. However, the observers, CEO/DEOs and ROs should keep a close watch on their conduct to ensure that they are fair and non-partisan in the performance of their duties.
- (vi) While calculating the period of three years, promotion to a post within the district is to be counted.
- (vii) These instructions do not apply to the officers posted in the State headquarters of the department concerned.

- (viii) It is further directed that the officers/officials against whom the Commission had recommended disciplinary action in past and which is pending or which has culminated with a penalty or the officers who have been charged for any lapse in any election or election related work in the past, shall not be assigned any election related duty. However, an officer who was transferred during any past election under the Commission's order without any recommendation of disciplinary actions will not be, just on this ground, considered for transfer, unless specifically so directed by the Commission. A copy of the Commission's instruction number 464/INST/2008-EPS dated 23rd December 2008 regarding tracking of names of tainted officers is enclosed. CEOs must ensure its compliance.
- (ix) The Commission further desires that no officer/official, against whom a criminal case is pending in any court of law, be associated with/deployed on election related duty.
- ✓ (x) Further, the Chief Electoral Officer of the State/UT shall invariably be consulted while posting the persons in place of present incumbents who stand transferred as per the above policy of the Commission. A copy of each of the transfer orders issued under these directions shall be given to the Chief Electoral Officer without fail.
- (xi) The transfer orders in respect of officers/officials, who are engaged in the electoral rolls revision work, if any, during an election year shall be implemented only after final publication of the electoral rolls, in consultation with the Chief Electoral Officer concerned. In case of any need for transfer due to any extra ordinary reasons, prior approval of the Commission shall be taken.
- (xii) Any officer, who is due to retire within the coming six months will be exempted from the purview of the Commission's above-mentioned directions. Further, officers falling in the category (home/3+ criteria, if they are due to retire within 6 months) shall not be engaged for performing election duties without permission of the Commission.
- (xiii) It is further clarified that all the officials of the State (except those posted in the office of the Chief Electoral Officer), who are on extension of service or re-employed in different capacities, will not be associated with any election related work.
- (xiv) All election related Officers will be required to give a declaration in the format given below to the DEO concerned, who shall inform to CEO accordingly.

DECLARATION

(To be submitted within 2 days after the last date of nomination papers)

I.....(Name).....presently postedfrom.....(Date)
 Do hereby make a solemn declaration, in connection with the current General/Bye election to Lok Sabha/.....(Legislative Assembly that.....

(a) I am not a close relative of any of the contesting candidates in the current election/leading political functionary of the state/district at the aforesaid election.

(b) No criminal case is pending against me in any court of law.

Note- If answer of (a) or (b) above is 'YES', then give full details in a separate sheet.

Dated..... (Name)
 Designation

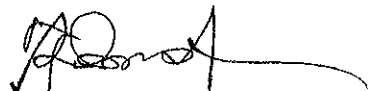
NOTE- Any false declaration made by any officer shall invite appropriate disciplinary actions.

8. The Commission's aforesaid instructions shall be brought to notice of the concerned departments/offices or State Govt. for their strict compliance. The DEO or concerned district officers shall ensure that officers/officials who are transferred should immediately handover their charge without waiting for their substitute.

9. Details of the action taken in all cases shall be furnished to the Commission for its information immediately.

10. Kindly acknowledge receipt of this letter.

Yours faithfully,



(NARENDRA N. BUTOLIA)
 PRINCIPAL SECRETARY

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INSTRUCTION SL.NO. 16

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.