

राजस्थान सरकार
निर्वाचन विभाग

एफ.8(2)(2)/निर्वा/2013/796

जयपुर, दिनांक 12 मार्च, 2013

प्रेषक : मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

प्रेषिति : समस्त जिला निर्वाचन अधिकारी
(कलकटर्स) राजस्थान।

विषय : विधानसभा आम चुनाव 2013 – निर्वाचन कार्य के लिए स्टाफ का डाटाबेस तैयार करने बाबत।

उपरोक्त विषयांतर्गत लेख है कि राज्य की विधानसभा के आमचुनाव इस वर्ष के अंतिम त्रैमास में होने हैं। इसके लिए भारत निर्वाचन आयोग ने अभी से तैयारी करने के निर्देश प्रदान किए हैं। निर्वाचन हेतु मतदान/मतगणना कार्मिकों, सैक्टर ऑफिसर्स एवं माईक्रो पर्यवेक्षकों के लिए आवश्यक स्टाफ का आंकलन करलें तथा विभिन्न विभागों/ निकायों/बोर्डों एवं निगमों से अधिकारियों व कर्मचारियों की सूचियाँ प्राप्त कर डाटाबेस तैयार करलें। इसके सम्बन्ध में भारत निर्वाचन आयोग के पत्रांक 464/INST/2008/EPS दिनांक 19 सितम्बर, 2008 की छायाप्रति संलग्न कर प्रेषित की जा रही है।

आयोग के उक्त पत्र के पैरा 7 की तरफ ध्यान आकर्षित कर लेख है कि जिन कर्मचारियों की नियुक्ति मतदान दलों में की जाएगी उनका मतदाता होना एवं उनका मतदाता फोटो पहचान पत्र (EPIC) होना आवश्यक है। अतः आप अभी से अपने जिले के समस्त विभागों/निकायों/बोर्डों/निगमों के अधिकारियों एवं कर्मचारियों के नाम मतदाता सूची में दर्ज होना एवं उनको EPIC जारी होना सुनिश्चित करलें। यदि उनके नाम मतदाता सूची में नहीं हैं तो निरन्तर अद्यतन प्रक्रिया में उनके नाम जुड़वाने एवं EPIC जारी कराना सुनिश्चित करें। इसके लिए जिले के विभागों/निकायों/बोर्डों/निगमों के अध्यक्षों को भी अपने अधीनस्थ अधिकारी/कर्मचारी का नाम मतदाता सूची में अंकित होना एवं EPIC होना सुनिश्चित करने के लिए अनुरोध करें।

आपका ध्यान RP Act 1951 की धारा 159 के प्रावधानों की तरफ आकर्षित कर लेख है कि निर्वाचन के सम्बन्ध में किन्हीं कर्तव्यों के पालन के लिए मुख्य निर्वाचन अधिकारी के अनुरोध पर निम्न प्राधिकारी कर्मचारीवृन्द उपलब्ध करायेंगे :-

1. हर स्थानीय प्राधिकारी,
2. केन्द्रीय, प्रान्तीय या राज्य अधिनियम द्वारा स्थापित या निगमित हर विश्वविद्यालय,
3. कंपनी अधिनियम, 1956 (1956 का 1) की धारा 617 में परिभाषित कोई सरकारी कंपनी,
4. ऐसी कोई अन्य संस्था, समुत्थान या उपक्रम, जो केन्द्रीय, प्रान्तीय या राज्य अधिनियम द्वारा या उसके अधीन स्थापित किया गया है या जो केन्द्रीय सरकार या किसी राज्य सरकार द्वारा प्रत्यक्षतः या अप्रत्यक्षतः उपलब्ध कराई गई निधियों द्वारा पूर्णतः या सारतः नियंत्रित या वित्तपोषित है।

उपरोक्त प्राधिकारियों के कर्मचारियों की सेवायें लेने के क्रम में भारत निर्वाचन आयोग द्वारा विस्तृत निर्देश उनके पत्र क्रमांक 464/INST/2009/EPS दिनांक 30 दिसम्बर, 2009 के द्वारा दिए गए हैं जिसकी प्रति इस विभाग के द्वारा पत्र क्रमांक एफ.8(1)(8)/निर्वा/2009/621 दिनांक 2.3.2010 के द्वारा प्रेषित की गयी है। सुलभ संदर्भ हेतु इसकी प्रति पुनः प्रेषित की जा रही है। इन प्राधिकारों के अधिकारी/कर्मचारी का डाटाबेस तो तैयार करवा लिया जावे परन्तु निर्वाचन कार्य हेतु इनकी सेवाएं लेने से पूर्व निम्न निर्देशों की पालना सुनिश्चित कर ली जावे:-

1. इन प्राधिकारों के नोडल अधिकारियों से राय ले ली जावे।
2. आयोग के दिशानिर्देशों के मुताबिक जहाँ राजकीय कर्मचारी पर्याप्त संख्या में उपलब्ध नहीं हों उन्हीं परिस्थितियों में बैंक एवं भारतीय जीवन बीमा निगम के कम से कम संख्या में कर्मचारियों की सेवाएं ली जावे तथा यह ध्यान रखा जावे कि बैंकों एवं जीवन बीमा निगम का दैनिक कार्य प्रभावित नहीं हो।
3. जिन अधिकारियों/कर्मचारियों की सेवाएं ली जानी है उनका विवरण प्राधिकारवार विभाग को प्रेषित कर दिया जावे ताकि उनकी सेवाएं जिला निर्वाचन अधिकारी / निर्वाचन अधिकारी को उपलब्ध कराने हेतु लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 159 के अंतर्गत संबंधित प्राधिकारी को मुख्य निर्वाचन अधिकारी के स्तर से अनुरोध किया जा सके।

मतदानकर्मियों के डाटाबेस में भारत निर्वाचन आयोग के पत्र क्रमांक 485/Comp/ ERMS/ 2009 दिनांक 19.7.2010 (प्रति संलग्न) की पालना में उनके मोबाइल फोन के नम्बर भी सम्मिलित किए जाने हैं अतः उन्हें भी एकत्रित कर लेवे। आगामी निर्वाचनों में मतदान कार्मिकों का भुगतान कैश में नहीं किया जाकर बैंक खातों में जमा करने हेतु कर्मचारियों के बैंक खाता संख्या, बैंक व ब्रांच का नाम एवं IFSC कोड आदि भी संकलित कर डाटाबेस में समावेशित करलें।

डाटाबेस तैयारी करने का कार्य दिनांक 31 जुलाई, 2013 तक पूर्ण कर लिया जावे। मतदान दलों के गठन हेतु सॉफ्टवेयर विभाग द्वारा बाद में प्रेषित कर दिया जावेगा।

संलग्न: उपरोक्तानुसार

(अशोक जैन)
मुख्य निर्वाचन अधिकारी,
राजस्थान, जयपुर।

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

NO. 464/INST/2008/EPS

DATED: 19th September, 2008

To,

1. The Chief Secretaries of All States/UTs.
2. The Chief Electoral Officers of All States/UTs.

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

Sir,

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.

Yours faithfully,

(SHANGARA RAM)
PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

No.485/Comp/ERMS/2009

Dated : 19.07.2010.

To


All Chief Electoral Officers
of All States and UTs

Subject :- Inclusion of mobile numbers of Polling Personnel – regarding.

Sir / Madam,

I am directed to state that the mobile numbers of Polling Personnel, should be captured in Polling Personnel Databases in your State from the beginning. Subsequently, before the date of polling, when polling stations are allotted to Polling Personnel, use of these mobile numbers may be required.

Yours faithfully,



(J.K. RAO)

UNDER SECRETARY

Government of Rajasthan
Election Department

No.F.8(1)(8)Elec./2009/ 621

Jaipur, Dated: 02-03-2010

From: Chief Electoral Officer,
Rajasthan, Jaipur.

To: All District Election Officers(Collectors)
Rajasthan.

Sub: Requisition of Staff for election purpose - regarding.

Sir/Madam,

Kindly refer to the subject cited above. Copies of the following instructions of the Election Commission of India, New Delhi is forwarded for information and further necessary action: —

1. ECI letter No. 464/INST/2009/EPS Dated: 30th December, 2009. *205-c*
2. ECI letter No. 464/INST/2009/EPS Dated: 15th February, 2010 along with copy of order dated 25-9-2009 passed by the Hon'ble High Court of Mumbai. *part*
3. ECI letter No. 464/INST/2009/EPS Dated: 17th February, 2010. *2-2472*

Encl: As above.

Yours faithfully,

[Signature]
(P. C. Gupta)

Jt. Chief Electoral Officer

or Rajasthan, Jaipur

No.F.8(1)(8)Elec./2009/ 621

Jaipur, Dated: 02-03-2010

Copy alongwith copies of ECI instructions is forwarded to the Establishment Section, Election Department, Rajasthan, Jaipur for information and necessary action.

[Signature]
Assistant Chief Electoral Officer
Rajasthan, Jaipur

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

No.464/INST/2009/EPS

Dated:30th December, 2009

To,

The Chief Electoral Officers of
All States and Union Territories.

Subject: Requisition of Staff for election purpose – Regarding.

Sir/Madam,

I am directed to invite your attention to provisions of section 159 of the Representation of People Act, 1951 which, inter alia, provide that on a request of the Chief Electoral Officer of the State, the authorities specified in sub-section(2) shall make available to any returning officer such staff as may be necessary for the purpose of any duties in connection with an election. Under the said sub-section(2) of the section 159, the following authorities have been specified:

- (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 617 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.

2. Section 26 of the Representation of People Act, 1951 empowers the District Election Officers to appoint Presiding Officers and Polling Officers for polling stations falling in his district.

3. Further, under section 20A of the Representation of People Act, 1951, the District Election Officer is required to coordinate and supervise all work in the District in connection with conduct of elections. Therefore, by convention and for convenience, the District Election Officers have been requisitioning staff for conduct of election under Section 159 of the R. P. Act, 1951.

4. During the recently held general election to the Legislative Assembly of Maharashtra, the order of requisition of staff issued by the DEO and Collector of Thane district and Mumbai sub-urban district was quashed by the Hon'ble Bombay High Court in Writ Petition Nos. 8052 of 2009, No. 8039 of 2009, No. 8089 of 2009, No. 8111 of 2009, on the following grounds:-

- (i) that the action on the part of the DEOs, the Collectors in issuing of requisition orders by invoking sections 26 of R. P. Act, 1951 and 13 AA of the R.P. Act, 1950, without giving due regard to the provisions of section 159 of the R.P. Act, 1951 is improper and arbitrary; and
- (ii) that the orders of requisitioning of the staff by the District Election Officer without any delegation of powers to the DEOs by the CEO is in breach and in violation of Section 159 of the R.P. Act, 1951.

5. The Hon'ble Court further observed that the Chief Electoral Officer, under Section 159 of the R. P. Act, 1951, should issue legal and valid requisition orders for requisitioning of staff of the organisation covered by section 159 of R. P. Act, 1951 in accordance with law.

A copy of the common order dated 25th September, 2009 passed by Hon'ble Court of Bombay in W. P. Nos. 8052, 8039, 8089 and 8111 of 2009 is enclosed herewith.

6. In view of the position explained above, in order to avoid difficulties at the time of future elections, you must, in exercise of powers under section 159(1) of R.P. Act,

1951, either request the authorities mentioned in sub-section(2) of section 159 of Representation of the People Act, 1951 to make available to Returning Officer such staff as may be necessary for performance of any duties in connection with elections. The following guidelines should be observed: -

(a) While requisitioning the staff, availability of the staff from the authority concerned be considered. Thereafter, keeping in view the guidelines issued by the Commission, the staff of the institution may be requisitioned. Further, the requisitioning of staff of the institution covered under sub section 2(iv) of section 159 of the R. P. Act, 1951 be made in consultation with the Nodal Officer of that institution.

(b) During the process of requisitioning of staff for election duties, it is once again reiterated that employees of banks, LIC may be drafted on election duty to the minimum extent possible, only in a constituency where sufficient numbers of govt. employees are not available or in emergent circumstances such as strike etc. by the Govt. employees. Care should be taken to ensure that normal functioning of banks, LIC are not interrupted. Further, if practicable, their posting to any polling station outside their normal place of duty may be avoided. Care should further be taken to ensure that minimum numbers of employees of such institutions is requisitioned so that the business of these institutions is not hampered.

It is reiterated that while requisitioning of the staff for conduct of future elections, rank etc. should be kept in mind while making appointments and the above guidelines should be strictly adhered to in true spirit.

This may be brought to the notice of all concerned.

Yours faithfully,

SUMIT MUKHERJEE
(UNDER SECRETARY)