

**BYE-ELECTION - 2017**  
**MOST URGENT**

**OFFICE OF THE CHIEF ELECTORAL OFFICER, ANDHRA PRADESH &  
TELANGANA**  
**South 'H' Block, Secretariat, Hyderabad - 500 022**

**Memo.No.4078/Elec. B/A1/2017-18, Dated:29.07.2017.**

Sub: Elections - Bye-Election to 139-Nandyal Assembly Constituency, Kurnool district of Andhra Pradesh State scheduled to be held on 23.08.2017 - Selection, appointment and training of polling personnel - Deployment of Officers and Staff - ECI instructions - Communicated - Regarding.

- Ref:1.From the ECI Letter No.464/INST/2008-EPS, dt.26.12.2008  
2. From the ECI Letter No.464/INST/2009/EPS, Dt.18.2.2011.  
3. From the ECI Letter No.52/2013/SDR, dated 18.06.2013.  
4. From the Secretary, Election Commission of India, New Delhi, Press Note No.ECI/PN/64/2017, dated 27.07.2017.  
5.This Office Memo No.4078/Elecs.B/A1/2017-1,dt.27.7.2017  
6. CEO's letter No.4078/Elecs.B/A1/2017-19, dt:29.7.2017 addressed to the Vice-Chancellors of Universities, Commissioners of Municipalities, Managers of State Bank of India/ State Bank of Hyderabad/Andhra Bank/Life Insurance Corporation of India etc.

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In continuation of this office Memo fifth cited, copies of the references 1<sup>st</sup> to 3<sup>rd</sup> cited are sent herewith to the Collector & District Election Officer, Kurnool district. He is requested to make proper assessment of the requirement, preparatory work with regard to appointment and training of Polling Personnel (State/Central Government, Public Sector Undertakings of State & Central Government, Banks and allied Organizations) and Videographers, drivers etc. to be involved in election duty and for their franchise as instructed by the Election Commission of India, vide its letter No.52/2013/SDR, dated 18<sup>th</sup> June 2013 (reference 3<sup>rd</sup> cited) immediately and take necessary action for selection of Micro Observers for posting as per the norms prescribed by the Commission for smooth conduct of bye-election to 139-Nandyal Assembly Constituency of Kurnool District.

2. He is also requested to take further necessary action for drafting the personnel from various Organizations viz., State & Central Government, Public Sector Under takings / Universities/Banks and allied Organizations, if necessary, for appointment as Polling Personnel as well as Micro Observers. As per the instructions of the Commission, vide its letter No.464/INST/2009 /EPS, dated 18<sup>th</sup> February 2011 (reference 2<sup>nd</sup> cited), a letter from the Chief Electoral Officer, requesting the Universities/Banks and other allied organizations for sparing the services of their personnel for conduct of Bye-Election-2017 is enclosed herewith. (reference 6<sup>th</sup> cited),

3. He is further requested to keep in mind the Departments that were exempted from Election Duty by the Commission, vide its letter No.464/INST/2008-EPS, dated 26<sup>th</sup> December 2008 (reference 1<sup>st</sup> cited) and to prepare the database of all such employees to be involved in election duty and for their franchise as instructed vide its letter 3<sup>rd</sup> cited.

4. The action taken in this regard shall be intimated to this office.

**BHANWAR LAL**  
**CHIEF ELECTORAL OFFICER &**  
**E.O. SPL. CHIEF SECRETARY TO GOVT.**

To  
The Collector & District Election Officer, Kurnool district. (w.e)  
SF/SC

//FORWARDED::BY::ORDER//

  
SECTION OFFICER

## INSTRUCTION SI. No. 17

Election Commission's letter No. 464/INST/2008-EPS Dated: 26<sup>th</sup> 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.

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

No.464/INST/2009/EPS

Dated: 18<sup>th</sup> February,

2011

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 refer to Section 159 of the Representation of the People Act, 1951, which deals with requisitioning of staff for election work. It has been provided that the authorities mentioned in sub-section(2) of the said Section 159 shall make available to the Returning Officers such staff as may be necessary for the performance of any duty in connection with an election, on request made by the Chief Electoral Officer of the State.

2. The following authorities have been so specified under the said sub-section(2) of the section 159:

- (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.

3. 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. Further, under section 20A of the Representation of the 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 general election to the Legislative Assembly of Maharashtra, in 2009, the orders of requisitioning of staff issued by the DEOs and Collectors of Thane district and Mumbai sub-urban district were 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 ground that the action on the part of the DEOs in issuing of requisition orders by invoking sections 26 of R. P. Act, 1951 and 13AA of the R.P. Act, 1950, without giving due regard to the provisions of Section 159 of the R.P. Act, 1951 were improper. The Hon'ble High Court held that the power under Section 159 is of the Chief Electoral Officer, and the CEO should requisition the staff keeping in mind the guidelines issued by the Commission. The High Court has also made an observation that while requisitioning staff, all the organizations should be considered so that some institutions are not picked up selectively ignoring the fact that deployment of large number of staff from a few institutions would be likely to result in hardships in the business of such institutions.

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

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

6. In view of the above, it may be ensured that the orders for requisitioning staff for election work are issued by the Chief Electoral Officer under section 159(1) of R.P. Act, 1951, requesting 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 duties in connection with elections. Appointments of staff so seconded to Returning Officer should, however, be made by the District Election Officer under Section 26 of the Representation of the People Act, 1951.

7. The following guidelines should be kept in mind:

- (a) Based on the availability of staff in the institutions covered under Section 159(2), and the requirement of staff, the staff may be requisitioned from such institutions.
  - (b) The Commission has exempted certain offices/institutions for the purposes of election duty in view of the essential nature of duties/services discharged by the institutions. This should be kept in mind.
  - (c) 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. 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.
8. It is reiterated that while requisitioning of the staff for conduct of future elections, their rank, salary etc. should be kept in mind while making appointment and assigning duties to them.
9. The instructions in the earlier letter No. 464/INST/2009/EPS, dated 30<sup>th</sup> December, 2009, shall be treated as superseded by the instructions in the present letter.
10. These instructions may be brought to the notice of all concerned.

Yours faithfully,

**SUMIT MUKHERJEE**  
**(UNDER SECRETARY)**

# ELECTION COMMISSION OF INDIA

NirvachanSadan, Ashoka Road, New Delhi-110001

No. 52/2013/SDR

New Delhi, 18<sup>th</sup> June, 2013

To

Chief Electoral Officers of all  
States and Union Territories

**Sub: - Preparatory activities for Exercise of Franchise by persons on election duty.**

Sir,

You are aware that very large numbers of persons are put on duty for the purpose of conduct of elections. In the last Lok Sabha election approximately one crore persons were put on election duty. These include person in polling teams including Presiding Officers and Polling Officers, Police personnel used in elections, sector and zonal officers, Returning Officers, Assistant Returning Officers, District Elections Officers and their staff, micro-observers, Assistant Expenditure Observers, Observers of the Commission, drivers conductors and cleaners of vehicles used in elections and police personnel, etc. It is a known fact that many of these persons are not able to exercise their franchise because of being on election duty. The Commission is keen that all persons on election duty are able to exercise their franchise as per law.

2. Under the law, there are two ways in which franchise can be exercised by a person on election duty. If the person is on duty in the same constituency where he is enrolled as an elector, he is given in the Election Duty Certificate (EDC), which entitles him to cast his vote in the polling station of the constituency where he is on election duty. If on the other hand, the person is on duty in some constituency other than the one in which he is enrolled as an elector, he is entitled to vote by Postal Ballot.
3. Common reasons why a person may not be able to exercise his franchise when on election duty are: -

- 3.1. Problems with enrolment in electoral rolls –
  - 3.1.1. Many Persons on Election Duty are not enrolled at all.
  - 3.1.2. Many Persons on Election Duty are not enrolled at their ordinary place of residence, but continue to be enrolled in their native villages or towns where they are not living any longer.
  - 3.1.3. Many Persons on Election Duty are enrolled at more than one place.
- 3.2. Problems with requesting Postal Ballot or EDC –
  - 3.2.1. Many Persons on Election Duty are not aware that they are entitled to EDC or Postal Ballot.
  - 3.2.2. Many Persons on Election Duty are not aware of the application forms required to be filled for the purpose of applying for EDC or Postal Ballot.
  - 3.2.3. Many Persons on Election Duty do not know their enrolment details and are therefore not able to fill the application forms correctly.
  - 3.2.4. Many Persons on Election Duty do not have access to the application forms.
  - 3.2.5. Many Persons on Election Duty are not able to send the application forms to the concerned Returning Officer in time.
- 3.3. Problems with issuance of EDC and Postal Ballot –
  - 3.3.1. Returning Officers do not receive request forms for EDC and Postal ballot from most persons on poll duty in time.
  - 3.3.2. Many request forms received are either incomplete or have wrong information, thus making it difficult to issue an EDC or Postal Ballot. There is no time to send the form back for correction.
  - 3.3.3. Even if EDC or Postal Ballot is issued, it is difficult to get them delivered to the Person on Election Duty in time.
- 3.4. Problems with return of marked postal ballot for counting –
  - 3.4.1. There are postal delays due to which postal ballots do not come back to the Returning officer in time for counting.
- 4. Recently, the Commission has tried to improve the system of Postal Balloting by persons on poll duty. This has resulted in significant improvement. One of the important lessons learnt in the process is the fact that it is difficult to collect all information required for Postal Balloting and

also ensure enrollment of persons on election duty at their place of ordinary residence in the short time available after the announcement of elections. It will be much better if these preparatory activities are undertaken much before the announcement of elections.

5. **Preparatory Activities** – The following preparatory activities should be undertaken immediately by all DEOs: -

5.1. **Preparation of a database of Persons likely to be on election duty** –

There are existing instructions of the Commission to prepare a database of all Government Employees posted in the district for the purpose of randomization and allocation of election duties. So far this database has been prepared after announcement of elections. The Commission has directed that every district should prepare this database immediately and keep it updated if there are transfers, retirements or new recruitments. The database should include not only employees of the State Government, it should include all employees of State Government, Central Government and Central and State PSUs. It should also include all police personnel posted in the district including Home Guards etc. This database should include drivers, conductors and cleaners of Government vehicles, vehicles of State Road Transport Corporation etc. An effort should be made to get the information of drivers, conductors and cleaners of private vehicles in the district like trucks, buses, minibuses etc. with the help of vehicle owners associations. Apart from other things, Information relating to Cell Phone numbers and Email Ids of all persons shall also be collected and stored in the database. The software for preparation of this database shall be developed by the Commission and be made available on the website of the Commission soon. The work of preparation of the database should be completed by the end of August 2013.

5.2. **Checking the enrolment status of persons in the database** –

Information about enrolment status and EPIC numbers shall be collected in the database. Based on this information the DEO should undertake a search in the elector database to find, whether any person is not enrolled at all, or enrolled at more than one place or enrolled at a place other than place of ordinary residence. This search should be completed by end of September 2013.



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- 5.3. **Correction in electoral roll entries** –Based on the search described above, if any correction in the enrollment in electoral roll becomes necessary, appropriate forms should be got filled from the persons concerned and corrections in electoral roll entries should be made after following statutory procedure. This activity will coincide with the summary revision of electoral rolls for the next year. After all corrections are made, all persons in the database should be enrolled at the place of their ordinary residence. They should be enrolled only once and all of them should have an EPIC. It should be made clear to all Government Employees by a circular sent to all Government Offices that enrolment at more than one place is an offence and that a person is entitled to be enrolled only at the place of his or her ordinary residence and not in the native village or town.
  - 5.4. **Linking of database of persons likely to be used for elections with electoral roll database**– The database of persons likely to be used for elections prepared in the manner described above should then be linked with the electoral roll database on the basis of the EPIC number. This will be useful at the time of elections for filling on-line Form 12 for issue of Postal Ballot or Form 12A for issue of EDC.
  - 5.5. **Information regarding Home District and posting history in the entire service**– Information regarding home district and previous posting shall also be collected in the database of employees. This information will be useful for transfers of employees according to the transfer policy of the Commission.
  6. **On-line Applications in Form 12 and Form 12A** –Software for on-line applications in Form 12 and Form12A requesting Postal Ballot and EDC is being developed and will be released for use soon. This will simplify the task of collecting Form12 and Form12A.
  7. **Issue of Postal Ballots and EDC and preparation of Marked Copy of the Electoral Roll** – Software for issue of EDC and Postal Ballots and automation of preparation of marked copy of electoral rolls is also being prepared and will be soon released. It is therefore recommended that arrangements for printing of Form 12 and Form 12A, printing of EDC and postal ballots and printing of marked copies of electoral roll in adequate number should be kept ready at the time of elections. For this purpose, a small cell with

adequate number of computers, laser printers and Internet connection should be kept ready.

8. These instructions should be communicated to all concerned and strict monitoring should be done to ensure that all preparatory activities are carried out according to the deadlines given in this letter.

Yours faithfully,

(Ashish Chakraborty)  
Secretary

**BYE-ELECTION-2017**  
**MOST URGENT**

**OFFICE OF THE CHIEF ELECTORAL OFFICER, ANDHRA PRADESH &  
TELANGANA**  
**South 'H' Block, Secretariat, Hyderabad - 500 022**

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**Letter No.4078/Elec.B/A1/2017-19, Dated:29.07.2017.**

To  
The Vice Chancellor, \_\_\_\_\_  
The Commissioner, \_\_\_\_\_  
The Manager,  
State Bank of India/ State Bank of Hyderabad/ Andhra Bank/LIC

**(Through : The Returning Officer, 139-Nandyal Assembly Constituency  
of Kurnool district)**

Sir,

Sub: Elections - Bye-Election to 139-Nandyal Assembly  
Constituency, Kurnool district of Andhra Pradesh State  
scheduled to be held on 23.08.2017- Requisition of staff for  
election purpose to appointment as Poll personnel / Micro  
Observers / counting personnel etc., - Reg.

Ref:1.From the ECI, New Delhi, Lr.No.464/INST/2009/EPS,  
Dt.18.02.2011.  
2.From the Secretary, Election Commission of India, New  
Delhi, Press Note No.ECI/PN/64/2017, dated 27.07.2017.  
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In exercise of the powers conferred under Sub-Section (1) of Sec. 159 of Representation of People Act, 1951 the authorities addressed above are hereby requested to make available the services of any of the officers/staff/ employees working under their control to the Returning Officer for 139-Nandyal Assembly Constituency of Kurnool district as required by him/her for the performance of any duty/duties in connection with the Bye-Election to 139-Nandyal Assembly Constituency of Kurnool district, scheduled to be held on 23.08.2017 and also to relieve those personnel as per the requisition given by the Returning Officer.

Yours faithfully,



**CHIEF ELECTORAL OFFICER &  
E.O. SPL. CHIEF SECRETARY TO GOVT.**