

Most Immediate
Bye-Election-2017

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

Memo.No.4078/Elec. B/A1/2017-5

Dated:27.07.2017.

Sub: Elections - Bye-Election to 139-Nandyal Assembly Constituency, Kurnool district of Andhra Pradesh State scheduled to be held on 23rd August, 2017 (Wednesday) - Transfer and posting of Officers connected with conduct of Bye-Elections - ECI instructions- Communicated - Reg.

Ref: 1. From the ECI, New Delhi, Lr.No.437/6/1/2014-CC&BE, dt.16.08.2014.
2. From Election Commission of India, New Delhi, Press Note No.ECI/PN/64/2017, dated 27th July, 2017.

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The attention of the Collector & District Election Officer, Kurnool district and the Superintendent of Police, Kurnool district is invited to the references cited. They are informed that the Election Commission of India, vide reference 1st cited (copy enclosed) has issued instructions in its task of conducting free and fair elections as a consistent policy to ensure that no officer connected directly with the conduct of bye-elections to the Assembly Constituency should be allowed to continue in the present place of posting within the Assembly Constituency limits: (i) if she/he is posted in her/his home Assembly Constituency limit; (ii) if she/he has completed three years during last four years or would be completing 3 years on or before the last day of the sixth month from the date of occurrence of the casual vacancy (ie., 12.03.2017); **such officers, as specified in para 2 of instructions, shall be shifted out of the Assembly Constituency limit.**

2. The Commission has further desired that the officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in any election or elections related work in the past, shall not be assigned any election related duty; and also 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.

3. They are, therefore, requested to take immediate necessary action for transfer of all such officers connected with the bye-election to 139-Nandyal Assembly Constituency and falling under the conditions specified by the Commission, duly furnishing the names of those officers to their respective transferring authority, under a copy to this office and to ensure to get posted a new officer who is not falling under the said conditions/categories of the Commission, immediately.

4. They are further informed that no separate permission of the Commission is required for transfer and postings of officers under these conditions. The transferring authority shall make transfers duly following the said instructions of the Commission and complete this exercise by 29.07.2017, i.e., prior to issue of notification of bye-election.

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

To
The Collector & District Election Officer, Kurnool district (w.e)
The Superintendent of Police, Kurnool district (w.e)

Copy to:

The Director General of Police, Police Head Quarters, Andhra Pradesh,
Suryaraopet, Vijayawada, Krishna district (w.e)

The Chief Commissioner of Land Administration, Andhra Pradesh, D.No.22-19, Floor
II, Block A, Jasthi Towers, Saipuram Colony Road, Gollapudi, Vijayawada. (w.e)

P.T.O

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The Commissioner of Municipal Administration, Annapurna Nagar, 5th Lane, 4/7 Inner Ring Road, GORANTLA-522034, Guntur, Andhra Pradesh (w.e)

The Principal Secretary to Govt., Revenue Department, AP Secretariat, Velagapudi, Guntur District, Andhra Pradesh (w.e)

The Principal Secretary to Govt., MA & UD Dept., AP Secretariat, Velagapudi, Guntur District, Andhra Pradesh (w.e)

All sections in the O/o the CEO, Andhra Pradesh & Telangana.
SC/SF.

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SECTION OFFICER



By e-mail/Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/2014-CC&BE

Dated: 16th August, 2014

To

1. The Chief Secretaries to the Government of All States and Union Territories
2. The Chief Electoral Officers of All States and Union Territories

Subject: Bye-Election to the Parliamentary/Assembly Constituency(ies)- Transfer/Posting of Officers- regarding.

Sir,

The Commission, in its task of conducting free and fair elections has followed the consistent policy to ensure that officers, who are connected with the conduct of bye-election in the States, do not serve in the areas falling in the Assembly/Parliamentary Constituency(ies) where they have served for long and is not their home constituency.

2. Bye-election to the Assembly Constituency (ies):

(2.1) The Commission, in supersession of existing instructions, has decided that no officer connected directly with the conduct of Bye-elections, should be allowed to continue in the present place of posting within the Assembly Constituency limits:-

- (i) if she/he is posted in her/his home Assembly Constituency limit;
- (ii) if she/he has completed three years during last four years or would be completing 3 years on or before **the last day of the sixth month from the date of occurrence of the casual vacancy.**

Such officers shall be shifted out of the Assembly Constituency limit.

(2.2) (i) These instructions cover Returning Officers and Assistant Returning Officers of the Assembly Constituencies going for bye-elections. These instructions will also cover other officers viz. Deputy/Assistant Collectors, Sub-Divisional Magistrates, Tehsildars and Block Development Officers located in Assembly Constituency Limits.

It is however clarified that officers appointed as Sector Officers, though directly involved in election duties will not be covered under these instructions as their duties are such that they are deployed in field duties where their knowledge of the area/terrain is crucial to their effective performance. The CEO, DEO and RO should, however, keep a close watch on them during the election period to ensure that their performance is strictly impartial.

(ii) As far as officers in the Police Department are concerned, these instructions shall be applicable to the Sub-Divisional Head of Police, Dy.SPs/Circle Officers,

Inspectors, Sub-Inspectors or equivalent ranks posted in the field within the Assembly Constituency limit.

(2.3) The Commission further desires that a detailed review may, therefore, be undertaken and all such officers be posted out of their home constituency limits where they have completed or will complete, on the aforesaid date, tenure of three years in Assembly constituency limit out of the last four years, immediately. Further, for uniformity, the three year period shall be reckoned backwards from the last day of the sixth month as mentioned at para 2.1 (ii).

3. Bye-election to the Parliamentary Constituency (ies):

(3.1) The Commission, in supersession of existing instructions, has decided that no officer connected directly with the conduct of Bye-elections to the Parliamentary Constituency going for bye-election, shall be allowed to continue in the present place of posting within the Parliamentary Constituency limits:-

(i) if she/he is posted in her/his home district within the concerned constituency limit;

(ii) if she/he has completed three years during last four years or would be completing 3 years on or before **the last day of the sixth month from the date of occurrence of the casual vacancy.**

Such officers shall be shifted out of the Parliamentary Constituency limit.

(3.2) (i) These instructions cover Returning Officers and Assistant Returning Officers of the Parliamentary Constituencies going for bye-elections. These instructions will cover only that District Election Officer who is designated as Returning Officer. Other District Election Officers, even if some part of their district falls in the Parliamentary Constituency going for bye-elections shall not be covered under these instructions. The instructions will however cover other officers viz. Additional Collector, Additional District Magistrate, Deputy Collectors, Assistant Collectors, Sub-Divisional Magistrates, Tehsildars and Block Development Officers located in Parliamentary Constituency Limit.

It is further clarified that officers appointed as Sector Officers, though directly involved in election duties **will not be covered under these instructions** as their duties are such that they are deployed in field duties where their knowledge of the area/terrain is crucial to their effective performance. The CEO, DEO and RO should, however, keep a close watch on them during the election period to ensure that their performance is strictly impartial.

(ii) As far as officers in the **Police Department** are concerned, these instructions shall be applicable to the Superintendent of Police located in the District whose District Election Officer is also the Returning Officer. Other Superintendents of Police, even if

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some part of their district falls in the Parliamentary Constituency going for bye-elections shall not be covered under these instructions. These instruction will however cover Additional SP, Sub-Divisional Head of Police, Inspectors, Sub-Inspectors or any other senior field officers posted within the Parliamentary Constituency limit.

(3.3) The Commission further desires that a detailed review may, therefore, be undertaken and all such officers be posted out of their home constituency limits where they have completed or will complete, on the aforesaid date, tenure of three years in a constituency limit out of the last four years, immediately. Further, for uniformity, the three year period shall be reckoned backwards from the last day of the sixth month as mentioned at para 3.1(ii).

(4) 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 elections related work in the past, shall not be assigned any election related duty.

(5) 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.

(6) The Commission has in the past received complaints that while the State Government transfers officials in the above categories in pursuance of the direction issued by the Commission, the individuals try to circumvent the objective by proceeding on leave and physically not moving out of the limits from which they stand transferred. The Commission has viewed this seriously and desires that all such officials who stand transferred in pursuance of the instructions referred to above shall be asked to move physically out of the limits of the constituencies concerned from which they stand transferred immediately on receipt of the transfer orders.

(7) Normally, bye-election is held to fill up a casual vacancy within a period of six months from the date of occurrence of vacancy (excepting a situation beyond control of the Commission). Hence, it would be advisable if the State Government initiates steps for implementation of these guideline immediately after occurrence of a casual vacancy in a constituency so that last moment dislocation of officers can be avoided.

(8) 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 officers falling in category (home/3+ criteria) shall not be engaged for performing election duties, if they are due to retire within 6 months.

(9) Details of action taken may be intimated to the Commission for its information.

(10) These instructions will begin to apply from the Bye-elections announced by the Commission vide its Press Note No. ECI/PN/37/2014, dated 16th August, 2014, onwards and shall be applicable scrupulously in all the bye-elections to the Assembly/Parliamentary Constituency(ies) that will be held from time to time.

Yours faithfully,



(K Ajaya Kumar)
Principal Secretary