



मध्यप्रदेश शासन, वन विभाग

2279/10-1
क्रमांक / 2023 / 10-10 /
प्रति,

मंत्रालय, वल्लभ भवन, भोपाल

भोपाल, दिनांक 17.10.2023

समस्त कलेक्टर एवं जिला निर्वाचन अधिकारी,
मध्य प्रदेश
विषय:- विधान सभा निर्वाचन 2023 हेतु वन विभाग के अधिकारियों एवं कर्मचारियों को निर्वाचन ड्यूटी से मुक्त रखने बाबत ।

चुनाव आयोग नई दिल्ली के पत्र क्रमांक 3622-3726 दिनांक 5 मार्च 2001 से वन्य प्राणी संरक्षण में संलग्न कर्मचारी/अधिकारियों एवं वन विभाग के क्षेत्रीय स्टॉफ को निर्वाचन कार्य की ड्यूटी से छूट प्रदान की गई है इस बाबत पूर्व में मुख्य निर्वाचन पदाधिकारी मध्यप्रदेश के पत्र क्रमांक 2018/चार/मतदान दल/12725 दिनांक 01/10/2018 (छायाप्रति संलग्न) एवं उल्लेखित निर्देशों का पालन सुनिश्चित करने हेतु समस्त कलेक्टर को लेख किया गया है साथ ही चुनाव आयोग, भारत के पत्र क्रमांक 2023 दिनांक 7 जून 2023 के द्वारा भी बिन्दु क्रमांक 10 (1) एवं (अ) में क्षेत्रीय अमले वन विभाग को छूट प्रदान की गई है। (छायाप्रति संलग्न)

वन विभाग के क्षेत्रीय एवं वन्य प्राणी राष्ट्रीय उद्यानों, टाईगर रिजर्व एवं अभ्यारण्यों में पदस्थ अमले को विधान सभा निर्वाचन 2023 के कार्यों में ड्यूटी से मुक्त रखा जावे। वन विभाग के क्षेत्रीय एवं वन्यप्राणी स्टॉफ की ड्यूटी न लगाई जाने हेतु आवश्यक निर्देश जारी करने का कष्ट करें। जिससे वन एवं वन्यप्राणी संरक्षण के कार्यों पर विपरीत असर न पड़े।

संलग्न- उपरोक्तानुसार

(जे०एन० कन्सोदिया)

अपर मुख्य सचिव,

मध्यप्रदेश शासन, वन विभाग

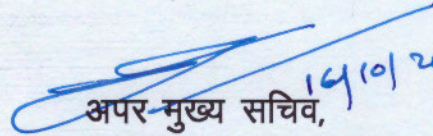
2280/10-1
पृ.क्रमांक / 2023 / 10-10 /
प्रतिलिपि-

भोपाल, दिनांक 17.10.2023

1. मुख्य निर्वाचन, पदाधिकारी मध्यप्रदेश, 17 अरेरा हिल्स की ओर सूचनार्थ प्रेषित है।
2. प्रधान मुख्य वन संरक्षक एवं वन बल प्रमुख की ओर सूचनार्थ प्रेषित है।
3. प्रधान मुख्य वन संरक्षक (वन्यप्राणी) मध्यप्रदेश की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

4. प्रधान मुख्य वन संरक्षक (संरक्षण) मध्यप्रदेश की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।
5. समस्त क्षेत्र संचालक राष्ट्रीय उद्यान मध्यप्रदेश,
6. समस्त वनमण्डलाधिकारी (क्षेत्रीय/वन्यप्राणी/उत्पादन) वनमण्डल मध्यप्रदेश की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु अग्रेषित। कृपया अपने स्तर से अपने जिले के जिलाध्यक्ष एवं पुलिस अधीक्षक से सम्पर्क करें, यदि ड्यूटी लगाई गई है तो उसे निरस्त करवाने की कार्यवाही करे।

संलग्न- उपरोक्तानुसार


अपर मुख्य सचिव, 14/10/2023
मध्यप्रदेश शासन, वन विभाग

कार्यालय मुख्य निर्वाचन पदाधिकारी, मध्यप्रदेश

17, अरेरा हिल्स, पोस्ट बॉक्स नंबर 1184 भोपाल

दूरभाष- 2532488, 2530449, 2531309, 2531283 फ़ैक्स-0755-665167

E-mail: chiefelectoralofficernp@gmail.com, website: ecomadhyapradesh.nic.in

सा.क्र. 26/2018/ चार/मतदान दल/12425

भोपाल, दिनांक 01/10/2018

प्रति,

समस्त कलेक्टर एवं
जिला निर्वाचन अधिकारी,
मध्यप्रदेश।

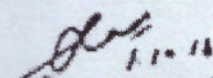
विषय-विधानसभा निर्वाचन 2018-कुछ विभागों के अधिकारियों एवं कर्मचारियों को निर्वाचन
ड्यूटी से मुक्त रखने बाबत।

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उपरोक्त विषयातर्गत आपका ध्यान रिटर्निंग आफिसर पुस्तिका 2014 के अध्याय तीन
के पैरा 33 की ओर आकर्षित किया जाता है। जिसमें निर्वाचन ड्यूटी से छूट प्राप्त श्रेणियों
का उल्लेख किया गया है।

आगामी निर्वाचन में निर्वाचन आयोग के उपरोक्त उल्लेखित निर्देशों का पालन
सुनिश्चित करें।

संलग्न उपरोक्तानुसार


(सदीप यादव)

अपर मुख्य निर्वाचन पदाधिकारी
मध्यप्रदेश

चाहिए। यह सुनिश्चित करने के लिए ध्यान रखा जाना चाहिए कि ऐसे संस्थानों का व्यवसाय बाधित न हो।

- (छ) यदि स्थानीय निकायों अर्थात् नगरपालिकाओं, पंचायत समितियों, जिला परिषदों आदि के कर्मचारियों को मतदान केंद्र में मतदान ड्यूटी के लिए तैनात किया जाता है तो यह सुनिश्चित किया जाना चाहिए कि मतदान केंद्र का पीठासीन अधिकारी एवं कनिष्ठ मतदान अधिकारी (जिसका पीठासीन अधिकारी की अनुपस्थिति की स्थिति में पीठासीन अधिकारी के रूप में कार्य करना होता हो) दोनों को स्थानीय प्राधिकरणों का कर्मचारी नहीं होना चाहिए। इसके प्रतिरिक्त मुख्य मतदान अधिकारी जो पहचान करने संबंधी कार्य करता है कि सिवाय अन्य मतदान अधिकारी स्थानीय प्राधिकरणों के कर्मचारी हो सकते हैं।

3.3 छूट प्राप्त श्रेणियां

3.3.1 आयोग न कुछ अधिकारियों द्वारा निर्वहन की जाने वाली ड्यूटियों/सेवा की अनिवार्य प्रकृति को ध्यान में रखते हुए निर्वाचन ड्यूटी के लिए लगाए जाने से कतिपय ऐसे अधिकारियों को छूट दी है।

(क) निम्नलिखित विभागों के अधिकारियों एवं कर्मचारी को निर्वाचन ड्यूटी के लिए तैनाती हेतु अधिगृहीत नहीं किया जाएगा -

- (i) भारत निर्वाचन आयोग द्वारा यथाअधिसूचित भारतीय वन सेवा के ऐसे अधिकारी।
- (ii) पशुचिकित्सा अस्पतालों में कार्यरत डाक्टर एवं कम्पाउण्डर।
- (iii) पशुपालन अस्पतालों में ग्रैंड-ख (पशु विस्तार अधिकारी) में कार्यरत अधिकारी।
- (iv) डाक्टर, नर्स, ए.एन.एम. आदि सहित मेडिकल स्टाफ।
- (v) वन विभाग का क्षेत्रीय स्टाफ।

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Election Commission of India
New Delhi
Shri Ram, New Delhi - 110 001

437/G2(KH)-PLN-III | 8615 | 3721

Dated: 5th March 2001

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|----------|--|----------------------------------|
| 1. | The Chief Secretaries | All States and Union Territories |
| 2. | The Chief Electoral Officers | All States and Union Territories |
| Subject: | Vehicles and Staff of Wild Life Sanctuaries, National Sanctuaries and National Games Parks - not to be requisitioned for election duty | |

I am directed to invite your attention to the Commission's letter No. 437/G2(KH)-PLN-III dated 30th January 1998 on the subject mentioned above exempting vehicles and staff of Wild Life Sanctuaries, National Sanctuaries and National Games Parks from requisitioning for election duty. These instructions were repeated during the General Election to Lok Sabha held in 1999 and General Election to certain Legislative Assemblies in 2000. The Commission once again emphasises that vehicles and staff of Wild Life Sanctuaries, National Sanctuaries and National Games Parks in your state should not be requisitioned for election duty. They will be exempted to protect India's diminishing wild life values.

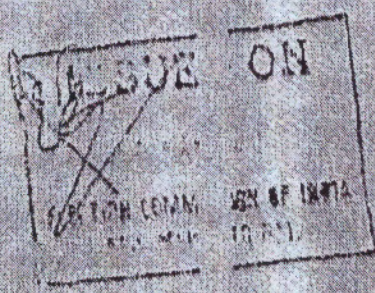
Kindly ensure that this direction is strictly followed and intimated to all the sanctuaries and parks under your control. These instructions are to be treated as Standing Instructions of the Commission and will apply to all future elections.

Yours faithfully

(Sharan Pal Singh)
Secretary

Copy to the Forest Secretaries to State Governments for information and necessary action.

(Sharan Pal Singh)
Secretary





By Email/ Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/EPs/2023(Election Official)

Dated:7th June, 2023

To

1. The Secretary,
Department of Personnel & Training,
Ministry of Personnel, P G and Pensions
Government of India
North Block, New Delhi - 110 001.
2. The Secretary,
Ministry of Defense,
Government of India,
199-A, South Block, New Delhi.
3. The Chief Secretaries of
All States/UTs.
4. The Chief Electoral Officers of
All States/UTs

Subject: Officials for Election Duty - Requisition, Seniority, Exempted Category and other related issues etc. - regarding.

Reference: Commission's Instructions issued vide No. and dated

- (i) No. 4/93/J.S. II, dated 06.01.1993.
- (ii) No.434/1/ES026/94 MCS dated 24.10.1994
- (iii) No. 458/4/96/-PS-IV/Vol-II dated 22.07.1996.
- (iv) No. 3/1/98/J.S. II, dated 11.08.1998
- (v) No.154/98/PLN-IV dated 31.08.1998
- (vi) No. 576/3/2004/JS-II dated 09.08.2004
- (vii) No. 464/INST/2007/PLN-I dated 12.10.2007
- (viii) No. 464/INST/2008/EPs dated 05.11.2008
- (ix) No.464/INST/2008/EPs dated 23.12.2008
- (x) No. 464/INST/2008-EPs dated 26.12.2008
- (xi) No.464/INST/2009/EPs dated 18.02.2011
- (xii) No. 464/INST/2013-EPs dated 18.09.2013

Madam/Sir,

Under Article 324(1) of the Constitution of India, superintendence, direction, and control of the preparation, revision and correction of electoral roll and conduct of all elections to the Parliament and State Legislature and election to the offices of President and Vice-President shall be vested in the Election Commission of India. For this purpose, Article

324(6) further provides that the President or the Governor of a State, shall, when so requested by the Election Commission, make available such staff as may be necessary for the discharge of the above functions conferred on the Election Commission of India.

2. Conduct of elections and preparation of electoral rolls involve diverse activities at various levels which require involvement of sizeable number of officials and field level functionaries of various authorities, including the Governments, in such exercises. The Commission has always endeavored to ensure free and fair elections and, in this regard, has issued numerous instructions on various crucial aspects of election process including requisition of staff for election duties. Now, in supersession of all the previous instructions in the matter, a revised and consolidated instruction is being issued by the Commission for scrupulous compliance by all concerned authorities.

3. In pursuance of the above Constitutional provisions contained in Article 324(6), a well derived structure of electoral machinery has been provided in the election laws contained in Part II A (Section 13A to 13CC) of the Representation of the People Act, 1950 and corresponding provisions given in Part IV (Section 20 to 29) of the Representation of the People Act, 1951.

Further, Section 159 of R P Act, 1951 lists out the authorities who shall make their staff available to the Returning Officers, when so requested by the CEO of the State. Under this provision, the Chief Electoral Officer can issue orders for requisitioning of staff from the authorities mentioned in the said legal provision to make available to Returning Officers as may be necessary for performance of duties in connection with elections. However, appointments of staff so seconded to Returning Officer, should be made by District Election Officer under Section 26 of the Representation of People Act 1951. Sections, 27, 28, 28A and 29 of the Representation of People Act 1951 are also relevant in this context.

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

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required to coordinate and supervise all work in the district in connection with conduct of elections. Therefore, the Commission directs that the District Election Officers, by convention and for convenience as narrated above, shall requisition staff for conduct of election under Section 159 of the Representation of the People Act, 1951.

4. OFFICERS UNDER DEEMED DEPUTATION WHILE PERFORMING ELECTION RELATED WORK:

4.1 Section 13CC of the Representation of the People Act, 1950 mentions that the officers referred to in Part II A of the Act and any other officer or staff employed in connection with the preparation, revision and correction of electoral rolls 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.

4.2 Section 28A of the Representation of the People Act, 1951 provides that the returning officer, assistant returning officer, presiding officer, polling officer and any other officer appointed under Part IV of the Act 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 Election Commission for the period commencing on and from the date of notification calling for such election and ending with the date of declaration of results of such election and accordingly, such officers shall, during that period, be subject to control, superintendence and discipline of Election Commission.

4.3 In view of Section 28A of the Representation of the People Act, 1951, all the State Govt. Officers other than those designated as DEO/RO/ARO and Presiding Officer and have been involved in elections in any capacity shall also be deemed to be on deputation to the Commission. Those include Chief Secretary, Home Secretary and all police officers and police personnel starting from the Director General of Police all other officers subordinate to them, including but not limited to DIGs, SSPs, SPs, Dy. SPs, Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Head Constables, and Constables (including home guards, ex-servicemen, etc.) during election period. They are, thus by law, officers of the Commission being on

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deputation to it and are subject to its superintendence, direction, and control and are answerable to the Commission for any acts of commission or omission on their part while performing any election related duties. The police machinery shall ensure that law and order is maintained during the election period from the date of announcement of election to the date of completion of election process. Due protection and security shall be provided 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.

4.4 Accordingly, 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, regardless of the nature of election, the State Govt. under the provision of Sec 28A shall invariably designate the following police officers for the conduct of elections:

i. The Director General of Police/Additional Director Generals of Police, Inspector Generals of Police

ii. In a general election, all the police officers/ police personnel below the level of Director General of Police borne on the strength of the State Government

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.

4.5 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, then such police officers will not be allowed to deal with any election related work in any manner whatsoever.

4.6 Likewise, the officers and personnel of Central Armed 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 superintendence, direction, and control of the Commission.

4.7 The extent of disciplinary jurisdiction over officers, staff and police deputed to perform election duties during election period shall be governed by the Hon'ble Supreme Court's order dated 21.09.2000 and instructions of

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the Commission No.11012(4)/2008-Estt.(A) dated 28.07.2008 and 08.12.2009. In this regard, the Commission has issued detailed instruction separately which may be referred to while initiating any disciplinary action against the official/staff/police.

5. OFFICERS IN O/o CHIEF ELECTORAL OFFICER:

In the interest of democratic process of conducting free and fair elections, the Commission has directed that the officers posted in the offices of the Chief Electoral Officer shall not be changed unless the Commission approves such change. Prior concurrence of the Commission shall be obtained for any change or transfer of the incumbents in the office of the Chief Electoral Officer.

6. ASSIGNING ELECTION DUTIES - SENIORITY OF OFFICIALS TO BE TAKEN INTO CONSIDERATION:

The Returning Officer while assigning election duties to various officials, shall take their seniority into account, and it should be ensured that a senior official is not put on duty under an official who is junior to him.

The Commission, has laid down the following guidelines for assignment of election duty for strict compliance by the District Election Officers and Returning Officers:

- a) Adequate care should be taken by the District Election Officers in calling for names of officials from different Departments of Central and State Governments, PSUs, Banks, other Institutions and Authorities etc. The scale of pay, rank and status of officials to be requisitioned need to be set out in the requisition order itself.
- b) The Chief Electoral Officer should set a uniform criterion for the State as a whole for requisition of staff on the basis of rank, status, pay scale etc. 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. For illustration, in Group-A category of employees, a level up to and including a certain rank needs to be prescribed instead of calling for all Group-A employees.
- c) In drawing up the seniority list of officials required for election duty, the

15/ District Election Officer should consider, at the outset, the pay, rank and status of the officials nominated and classify them accordingly for purposes of randomization as per the detailed instructions already available. A Presiding Officer should be of higher scale/grade/rank in comparison to all Polling Officers appointed in his group.

- d) 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 also be considered and not merely the pay scale. For example, a Group-D employee from any pool, even drawing very high pay, should not be assigned duties of Presiding Officer or Polling Officer.

7. REQUISITION 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 election related duties at the polling stations like queue management, assistance to PwD/infirm voters etc. The Cadets will be requisitioned for poll day duty within their districts and span of duty shall be restricted only to poll day (single day). They shall be deployed in uniform and 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 expenditure on logistics of picking up the Cadets and dropping them back will also be borne by State Government.

8. STAFF TO BE REQUISITIONED TO MINIMUM EXTENT:

Care should be taken to ensure that wherever employees of any Government Departments/ Institutions/PSUs/authorities are requisitioned, only minimum number required are drafted for election duty, so that the regular activities of these institutions are not hampered. While requisitioning of staff, all Government Departments/ Institutions/PSUs/authorities in the area should be considered and no selective picking up of institutions shall be allowed so that there is not too much strain on only a few institutions.

9. REQUISITION OF STAFF IN CATEGORY OF PwDs AND WOMEN:

9.1 Considering the nature of duty and to avoid causing hardship to such employees, the Commission is of the view that the employees under PwD category "persons with benchmark disability" as defined under Section 2 (r) of The Rights of Persons with Disabilities Act, 2016 should not be



(12)

deployed on election duty as required for deployment at PwD-managed Polling Station

9.2 However, if any such person is required to be used on election duty, prior approval of the General Observer may be obtained giving full details and justification. The DEO and the RO shall make personal efforts to identify such individuals and appreciate their nature of disabilities and discuss their limitations. Appropriate facilities and assistance should be provided, if deployed for election duty.

9.3 It shall be ensured that they should invariably be posted in proximity to their residence. If any PwD is inadvertently deputed to any difficult location, the Returning Officer should be able to make necessary changes in deployment manually in consultation with the General Observer.

9.4 All such women personnel who are in advance stage of pregnancy (whether are on maternity leave or not) or on medical advice being unfit for any rigorous or hazardous work or lactating women shall be exempted from being requisitioned for election duty.

9.5 Further, every woman employee called for election duty shall be informed, in advance, of arrangements of transport and appropriate stay at the place of duty with basic amenities and unless such arrangement is made and prior information in this behalf is given to such woman employee, she shall not be called to perform any election duty at any such place where the above arrangements are not available.

10. STAFF TO BE EXEMPTED:

10.1 The Commission has exempted certain categories of personnel from being requisitioned for election duty in view of essential nature of duties/service discharged by them. They are as follows:

- (i) Senior officers of the Indian Forest Service
- (ii) Medical staff including doctors, nurses, ANMs etc. (except on health-related election duty)
- (iii) Ayurvedic Medical Officer (AMO), Unani Medical Officer (UMO) and Homoeopathic Medical Officer (HMO) of AYUSH Department (except on health-related election duty)
- (iv) Doctors and Compounders working in veterinary hospitals.

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- (v) Territorial Staff of Forest Department.
 - (vi) Staff of All India Radio and Doordarshan.
 - (vii) Officers of Food Corporation of India
 - (viii) Officers of rural branch of Commercial Banks if it is a single-officer branch
 - (ix) Operational officers/staff of UPSC

10.2 Official due to retire within 6 months' time or who has already retired but is on extension of service or re-employed should not be requisitioned for any election related duty.

10.3 The operational/technical staff of BSNL, MTNL, Electricity companies will be requisitioned for election duty only in unavoidable circumstances. However, they can be requisitioned to perform duty related to their department for election purpose.

10.4 Employees of Banks and LIC will be drafted on regular election duty to the minimum extent possible and only in constituencies where there is inadequate number of manpower or in emergent circumstances such as strike etc. However, they can be requisitioned to perform duty of micro observers.

10.5 The present practice of obtaining the prior approval of the High Court before engaging Judicial Officers/staff, under exceptional circumstances, for election work should continue.

11. ISSUE OF PHOTO IDENTITY CARD TO THE POLLING PERSONNEL:

11.1 To ensure that the identity of all Presiding Officers, Polling Officers, Counting Supervisors, Counting Assistants, Micro Observers and all such officials engaged in election work is clearly established while discharging their duties, the Commission has directed that the DEO/RO shall issue Identity Cards to them.

11.2 The election officials shall display their identity cards on person during election period/on the day of poll/on counting day for easy and quick identification.

11.3 Identity cards shall be prepared in the prescribed format (Annexure-I), as enclosed, containing all relevant details of the bearer. The photograph pasted on the ID card shall be duly attested by the concerned DEO/RO.

