

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 4/2008/JS.II

Dated: 19th August, 2008

To

The Chief Electoral Officers of
all States/Union Territories.

Subject: Violation of law and instructions by election related officials -
action to be taken - regarding.

Sir/Madam,

I am directed to send herewith a copy of the Commission's O.M. No. 4/2008/J.S.II dated 30-7-2008, in the matter of disciplinary action against election officials for acts of omission and commission on their part, for your information. As per para 2 of the O.M., the Chief Electoral Officer is to closely monitor cases involving violations of laws, which result in police cases, so that the cases are intensely followed up.

Kindly acknowledge receipt of this letter.

Yours faithfully,



(K.F. WILFRED)
SECRETARY

Copy to : Principal Secretaries /Zonal Secretaries

*To be
circulated to
all DEOS &
Commissioners
immediately.*

23 AUG 2008

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ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 4/2008/JS.II

Dated: 30th July, 2008

OFFICE MEMORANDUM

Subject: Disciplinary proceedings against officials appointed on election duty.

The Commission has considered the issue of fixing a uniform policy approach in the cases of disciplinary action against election officials. Disciplinary issues against election officials arise on account of violations of provisions of Law/Rules, Model Code of Conduct and instructions of the Commission and for omissions and commission on the part of the officials which adversely affect the smooth conduct of elections. Individual cases of disciplinary action against the election related officials will be handled by the Zonal Section dealing with the election to which the case relates. For uniform approach in such cases, the following guidelines have been prescribed :

1. In the case of disciplinary cases arising out of violations of Model Code of Conduct and the provisions of the law (Representation of the People Act, etc) :

- (i) In the cases involving senior level officials such as ERO, AERO, RO, ARO, DEO, ADM, SP, DSP, RCS, etc., the cases of violation of law should be treated differently as compared to junior level functionaries. In the case of such senior level officers, the approach should be to take exemplary disciplinary action, so that the signal goes loud and clear to all other officials that there would be zero tolerance on such violation affecting election management.

(ii) The cases involving junior level staff functionaries, such as clerical cadre, constables, etc, appropriate disciplinary action should be taken on the basis of facts and the gravity of the case, keeping in view the fact that action against such junior level functionaries do not reverberate in terms of signals beyond a limited jurisdiction. Out of these, any case of partisan behavior should be viewed seriously as distinguished from procedural lapses, which may be viewed differently.


2. In disciplinary cases involving major seizure of cash and other materials in election related matters:

- (i) Exemplary disciplinary action should be taken against officials at all levels who are involved in omissions and commissions related to violation of laws & instructions in such cases.
- (ii) The CEO of the concerned State should be directed to monitor and intensely follow up such cases involving violations of laws related to election management, which results in police cases.

3. Disciplinary action against officials representing the Election Commission of India.

- (i) District Election Officer (DEO), Returning Officer (RO), Electoral Registration Officer (ERO), etc. have the most important and sensitive statutory as well as managerial role in the conduct of free and fair elections. In the case of violation, of instructions, omissions and commissions by these officials, especially ROs and EROs, exemplary disciplinary action should be taken so as to ensure that the purity of the election process is upheld.
- (ii) The observers, are senior Officers selected from the premier services of the country and they directly represent the Election

Commission. Hence for willful violations by them severe disciplinary action should be taken. For minor lapses or transgressions, warnings can be issued, if the officer concerned shows contrition and makes amends for any loss to exchequer.


(K.F. WILFRED)
SECRETARY

Standard Distribution.

BY SPEED POST

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

K.N.BHAR
UNDER SECRETARY

No.51/8/7/2008-EMS (Inst.-II)

Date: 11/08/08

To,

The Chief Electoral Officers of
All the States and Union Territories

Sub: Use of EVM at polling stations additional instructions to ensure purity of elections.

Sir,

Feedbacks have been received about some polling officers and polling staff frequently going to the voting compartment at the time of actual poll to explain to the illiterate voters about how to use EVM. This gives scope for the polling agents of the candidates and political parties to make allegations about the neutrality of the polling staff. In order to ensure that the conduct of the presiding officer and other polling staff in no way gives scope for any complaint the Commission has issued the following instruction for the strict adherence:-

The D.E.O shall supply a printed sample of EVM ballot unit pasted on a cardboard (real size) to all the presiding officers along with other polling materials at the time of dispatch. While printing such model ballot care shall be taken to ensure that only dummy name and dummy symbols that are not in use, are used and not any real names or symbols. It shall be printed in color so that 'blue button' 'green light' and 'red light' etc are clearly represented.

2. Whenever any voter asks for help or expresses inability to vote using EVM, the presiding officer can explain to the voter the voting process using the cardboard model of the EVM ballot in such a manner that the voter is able to understand. This shall be done outside the voting compartment only in the presence of polling agents and never inside the voting compartment.
3. The Presiding Officer or other polling staff shall not frequent the voting compartment as that may give scope for complaints.

To be sent to
all DEOs &
Commissioners
Annex

23 AUG 2008

ACGD

4. In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/ names / ballot button, the presiding officer may from time to time make an inspection of ballot unit (BU)- but he should make it a point to do so in the immediate presence of polling agents when there is no voter inside the voting compartment.
5. Any complaint about the conduct of the polling staff at the polling station shall be taken seriously and properly enquired. The Observers are being instructed to take serious note of such complaints and conduct or cause enquiry into such allegations and submit reports to the Commission.

This instruction shall be brought to the notice of all Presiding Officers during their training. Besides, a copy of this shall also be put in the kit handed over to the presiding officers along with other documents handed over at the time of dispatch. All political parties and candidates may also be informed about this new instruction.

The Receipt of the letter may kindly be acknowledged.

(Hindi version follows)

Yours faithfully,



(K.N.BHAR)