

**Information under Right to Information Act, 2005 regarding Staff deployed on  
Election Duty**

Registered Post

**ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 4/RTI/51/2011/EPS

Dated: 2<sup>nd</sup> November, 2011.

To

Sh. Harchandan Singh,  
General Secretary IRTSA,  
C/o Navtej Singh,  
# 150 – 1, Sector 45A, Chandigarh.

Subject: Right to Information Act, 2005 – regarding.

Sir,

With reference to your letter dated 23.09.2011 received in the Commission on 27.10.2011, on the subject cited, I am to forward an item wise reply as follows:-

**Item No. I :-** As per Section 159 of R.P. Act, 1951, "Staff of certain authorities to be made available for election work: - (1) The authorities specified in sub-section (2) shall, when so requested by a Regional Commissioner appointed under clause (4) of Article 324 or the Chief Electoral Officer of the State, make available to any returning officer such staff as may be necessary for the performance of any duties in connection with an election.

The following shall be the authorities for the purpose of sub-section (1), namely:-

- (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 (1 of 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".

It is further stated that the Commission has issued latest instructions vide letter No. 464/INST/2009/EPS dated 18.02.2011. A copy of which is forward herewith for your information. It is also be stated that the Commission's said instruction is standing order in respect of Assembly and Lok Sabha Elections only which are conducted by the

Election Commission of India. The local bodies elections are conducted by State Election Commission, which is not concerned with Election Commission of India.

**Item No. II, III & IV:-** The Commission has issued the instructions regarding payment of 100% TA/DA as advance to person put on Election duty. In this regard, a copy of the Commission's letters Nos. 218/4/96/PLN-IV dated 09.02.1996, 464/INST/2009/EPS dated 9<sup>th</sup> January, 2009 and 464/INST/2009/EPS dated 22<sup>nd</sup> January, 2009 are forward herewith for your information.

The details of the First Appellate Authority are as under: -

Shri K.F. Wilfred,  
Principal Secretary & First Appellate Authority,  
Election Commission of India  
Nirvachan Sadan, Ashoka Road,  
New Delhi 110001. Contact No. 011 – 23052026.

Yours faithfully,



(T. C. KOM)  
UNDER SECRETARY & CPIO

**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.

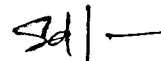
6. In view of the above, it may be ensured that the orders for requisitioning

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)**

## **INSTRUCTION SL. NO. 40**

Election Commission's Order No. 218/4/96/PLN-IV dated 09.02.1996.

**Subject: Payment of 100% T.A/D.A as advance to persons put on election duty**

At every general election, lakh of public servants will be on election duty. The Commission has been receiving a large number of complaints that the TA/DA admissible to the public servants put on election duty is not paid in time and unduly delayed. This leads not only to financial hardship to the individuals put on election duty but also generates resentment against election duty.

2. The Election Commission of India has carefully considered this issue and directs as follows:

- 2.1 All persons put on election duty should be paid as far as possible, 100% of the TA/DA admissible to them immediately within 24 hours of the completion of their duty.
- 2.2 If any State/Union Territory has adopted the practice of paying the 100% TA/DA as advance to the persons put on election duty, the practice may be continued.
- 2.3 In these States where it is not possible to pay 100% TA/DA to persons put on election duty either within 24 hours of the completion of the duty or as advance as directed at paras 2.1 and/ or 2.2 above, they may continue with the existing practice of payment of 80% of the TA/DA as advance and the balance shall be paid within 30 days of the completion of the election.
- 2.4 The District Election Officers/Returning Officers will be personally responsible for ensuring the payment as directed above.
- 2.5 The District Election Officers/Returning Officers, as the case may be, shall at the time of putting Officers/Officials on election duty direct the drawing and disbursing officers concerned to draw the amount calculated as being due to the persons put on election duty and disburse the same under proper acknowledgement either within 24 hours of performance of the duty as mentioned in para 2.1 above or as advance as mentioned in para 2.2 and 2.3 above.
- 2.6 The Drawing and Disbursement Officer shall not wait for any specific request from the officers appointed for election related duty for drawing the advance, but shall treat the appointment order issued by the District Election Officer/Returning Officer itself as the proof and request on behalf of the officers/officials concerned.
- 2.7 District Election Officers/Returning Officers are directed to call a meeting of the Heads of the Departments and Drawing and Disbursement Officers and make it clear to them well in time before the duties commence that prompt payment

of TA/DA as mentioned in para 2.1 or 2.2 or 2.3 above is an absolutely essential part of the election related work and omissions are not acceptable.

2.8 If after receipt of advance amount as mentioned in para 2.2 or 2.3 above, any official, for any reason whatsoever, does not find it possible to perform the official duty assigned to him, he shall forthwith return the amount so paid and obtain a receipt therefor.

3. The above directions are in supersession of the Order, dated 06-05-1994 issued by the Commission and shall be complied with without exception. These will be standing instructions for all general/bye- elections.

4. The Chief Electoral Officers shall bring the above directions to the notice of all District Election Officers/Returning Officers in the State/Union Territory.

## **INSTRUCTION SL. NO. 43**

Election Commissions letter No. 464/INST/2009/EPS Dated: 9<sup>th</sup> January, 2009 addressed to The Chief Electoral Officers of All States/Union Territories,

**Subject: Fixing of Uniform rate of remuneration for payment to staff deployed on poll/counting duty and for provision of minimum facilities-Regarding**

Sir/Madam,

In supersession of Commission's earlier instruction issued vide letter Nos. 458/4/95/PLN/IV dated 14<sup>th</sup> March, 1996 and 458/4/99/PLN/IV dated 10<sup>th</sup> September, 1999 regarding fixing of minimum rate of remuneration for staff deployed on poll/counting duty, the Commission has recommended the following rates in order to streamline and simplify the procedure for calculation of remuneration payable to polling/counting personnel:-

	Presiding officers/ Counting Supervisors	Polling officers/ Counting assistants	Class -IV
Per day or Part thereof	250/-	175/-	100/-

The above rates are payable to the staff for attending training classes, collecting polling materials, etc. and also for attending duty on the polling day/counting day.

2. The Commission has also directed that staff deployed at all polling stations/counting centres may be, provided with packed lunch and or light refreshment at the rate of Rs. 100/- per head per day. In case of difficulty in providing packed lunch, a cash payment @ Rs. 100/- per head may be made.
3. The expenditure incurred on this account will be shared between the Central and State Government on 50:50 basis when election to the House of the People and the State Legislative Assemblies are held simultaneously.
4. The rates recommended by the Commission at paragraph 1 & 2 above are MINIMUM rates. These rates will come into force prospectively and will have no retrospective effect.
5. The police personnel deployed on election work on poll day/Counting day including mobile Parties/Home Guards/Forest Guards/Gram Rakshak Dal/NCC (senior) Cadets/Ex-Army/CPF may be provided with packed lunch/refreshment or payment in lieu thereof as is being given to polling/counting personnel.



6. Sector Officer/Zonal Magistrate may be paid remuneration at a lump sum rate of Rs. 800/-.
7. The States/Union Territories which are paying more than the minimum rates recommended by the Commission may continue to pay at the higher rates.
8. Kindly acknowledge receipt immediately.

# ELECTION COMMISSION OF INDIA

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

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No.464/INST/2009/EPS

Dated: 22<sup>nd</sup> January, 2009.

To

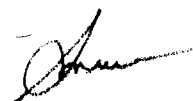
The Chief Electoral Officers of,  
All States and Union Territories.

Subject: Payment of remuneration to Micro observers –  
regarding.

Sir,

In continuation of the Commissions letter No. 464/OBS/Misc/2008/PLN-I dated 27<sup>th</sup> May 2008 on the subject cited, I am directed to say that the Commission recommends that a basic minimum remuneration of Rs.1000/- (One thousand only) lump sum should be fixed for Micro- Observers appointed on duty on poll day. However, the States/UTs, which pays such remuneration above the basic minimum, may continue to make such payments.

Yours faithfully,



(SUMIT MUKHERJEE)  
UNDER SECRETARY