



महात्मा ज्योतिबा फुले रुहेलखण्ड विश्वविद्यालय, बरेली
MAHATMA JYOTIBA PHULE ROHILKHAND UNIVERSITY, BAREILLY

A State University-Government of Uttar Pradesh; NAAC A++ Accredited; ISO 9001:2015 & 14001:2015 Certified

पत्रांक : एम.जे.पी.रू.वि. / सम्बद्धता / 2024 / 1731 - 42

दिनांक : 15.04.2024

महत्वपूर्ण

सेवा में,

- 1-समस्त संकायाध्यक्ष/विभागाध्यक्ष/निदेशक, विश्वविद्यालय परिसर, बरेली।
- 2-समस्त प्राचार्य/प्राचार्या/निदेशक/प्रबन्धक/सचिव,
समस्त सम्बद्ध-राजकीय/संघटक/अनुदानित/स्वयत्तपोषित महाविद्यालय,
महात्मा ज्योतिबा फुले रुहेलखण्ड विश्वविद्यालय, बरेली।

**विषय-Disciplinary proceeding against officials appointed for election related activities-
consolidated instructions-regarding.**

महोदय/महोदया,

कृपया उपर्युक्त विषयक उप सचिव, उच्च शिक्षा अनुभाग-3, उत्तर प्रदेश शासन, लखनऊ के पत्रांक : 723/सत्तर-3-2024, दिनांक 10 अप्रैल, 2024 का संदर्भ ग्रहण करने का कष्ट करें। उक्त के माध्यम से अपर मुख्य निर्वाचन अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी के संलग्न पत्रांक : 834/सी0ई0ओ0-1-142/1-2008, दिनांक 01.04.2024 के साथ संलग्न भारत निर्वाचन आयोग के पत्रांक : 4/2023/SDR/Vol.I, दिनांक 31.05.2023, पत्रांक : 464/INST/2019/EP, दिनांक 17.12.2019, पत्रांक : 464/INST/2009-EP, दिनांक 31.03.2009, पत्रांक : 51/8/6/2019-EMPS/213, दिनांक 19.07.2019 एवं Government of India, Ministry of Personnel Public Grievances and (Department of Personnel and Training) के कार्यालय ज्ञाप संख्या : 11012(4)/2008-Estt(A), दिनांक 28.07.2008 में Disciplinary proceeding against officials appointed for election duty के सम्बन्ध में दिये गये दिशा-निर्देश के सम्बन्ध में अग्रतर कार्यवाही किये जाने की अपेक्षा की गयी है।

अतः कृपया उपर्युक्तानुसार संलग्न दिशा-निर्देशों से समस्त सम्बन्धित को अवगत कराते हुए प्रश्नगत प्रकरण में अपेक्षानुसार आवश्यक कार्यवाही सुनिश्चित किये जाने का कष्ट करें। साथ ही कृत कार्यवाही की आख्या ई-मेल आई0डी0 : draffiliationmjpru@gmail.com पर उपलब्ध कराने का कष्ट करें, जिससे कि आख्या समयान्तर्गत शासन को प्रेषित की जा सके।

संलग्नक : उपर्युक्तानुसार।

भवदीय

कुलसचिव

प्रतिलिपि : निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. वित्त अधिकारी।
2. परीक्षा नियन्त्रक।
3. अधिष्ठाता, छात्र कल्याण/चीफ प्राक्टर/क्रीडा सचिव/समस्त वार्डन।
4. क्षेत्रीय उच्च शिक्षा अधिकारी, बरेली-गुरादावाद परिक्षेत्र, बरेली।
5. समन्वयक, राष्ट्रीय सेवा योजना।
6. कार्यक्रम अधिकारी, राष्ट्रीय सेवा योजना, विश्वविद्यालय परिसर, बरेली।
7. मीडिया प्रभारी।
8. उप-कुलसचिव (परीक्षा)
9. उप-कुलसचिव (प्रशासन)
10. प्रभारी, वेबसाईट।
11. निजी सचिव-कुलपति।

कुलसचिव

प्रेषक,

एसओपीओ मिश्र,
उप सचिव,
उओप्रओ शासन।

सेवा में,

1. निदेशक,
उच्च शिक्षा उओप्रओ,
प्रयागराज।

2. कुलसचिव,
समस्त राज्य/निजी विश्वविद्यालय,
उओप्रओ।

उच्च शिक्षा अनुभाग-3

लखनऊ : दिनांक 10 अप्रैल, 2024

विषय: Disciplinary proceeding against officials appointed for election related activities- consolidated instructions-regarding.

नहोदय,

उपर्युक्त विषयक अपर मुख्य निर्वाचन अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी के पत्र संख्या-834/सीओईओओ-1-142/1-2008, दिनांक 01.04.2024 (छाया प्रति संलग्न) का कृपया संदर्भ ग्रहण करने का कष्ट करें।

2- उक्त संदर्भित पत्र के माध्यम से संलग्न भारत निर्वाचन आयोग के पत्र संख्या-4/2023/SDR/Vol.I, दिनांक 31.05.2023, पत्र संख्या-464/INST/2019/EPS, दिनांक 17.12.2019, पत्र संख्या-464/INST/2009-EPS, दिनांक 31.03.2009, पत्र संख्या-51/8/6/2019-EMPS/ 213, दिनांक 19.07.2019 एवं Government of India, Ministry of Personnel Public Grievances and (Department of Personnel and Training) के कार्यालय ज्ञाप संख्या-11012(4)/2008-Estt(A), दिनांक 28.07.2008 में Disciplinary proceeding against officials appointed for election duty के सम्बन्ध में दिये गये दिशा-निर्देश के संबंध में अग्रतर कार्यवाही किये जाने की अपेक्षा की गयी है।

3- इस सम्बन्ध में अपर मुख्य निर्वाचन अधिकारी, कार्यालय मुख्य निर्वाचन अधिकारी के पत्र संख्या-834/सीओईओओ-1-142/1-2008, दिनांक 01.04.2024 की छाया प्रति संलग्नक सहित प्रेषित करते हुये मुझे यह कहने का निदेश हुआ है कि है कि प्रश्नगत प्रकरण में की गयी अपेक्षानुसार आवश्यक कार्यवाही करने का कष्ट करें।

संलग्नक-यथोक्त।

श्री प्रसन्नप्रित
आख्या
प्रस्तुत

एवं पत्र तैयार कर
करें।

15.4.24
कुलसचिव

भवदीय,
एसओपीओ मिश्र
उप सचिव।

संख्या 17-23 / उत्तर प्रदेश-2024

कार्यालय मुख्य निर्वाचन अधिकारी, उत्तर प्रदेश।

संख्या- 955/सीओडब्ल्यू-1-142/1-2008 तखतक दिनांक 01 अप्रैल, 2024

सबसे अधिकार प्रमुख सचिव / प्रमुख सचिव / सचिव

उत्तर प्रदेश शासन।

विषय- Discretionary proceedings against officials appointed for election related activities- Consolidated instructions- regarding

संबंध- उत्तर प्रदेश विधान पर कृपया इस कार्यालय के पत्र संख्या- 950 / सीओडब्ल्यू-1-142

1-1-2008 दिनांक 01.08.2003 का संदर्भ प्रदान करने का कष्ट करें।

उत्तर प्रदेश पर के साथ भारत निर्वाचन आयोग, नई दिल्ली के पत्र संख्या-

4644NST/2009-EP5, दिनांक 31.05.2023, पत्र संख्या- 4644NST/2019/EP5, दिनांक 17.12.2019,

पत्र संख्या- 4644NST/2009-EP5, दिनांक 31.03.2009, पत्र संख्या- 518&6/2019-EMPS/ 213,

दिनांक 19.07.2019 एवं Government of India, Ministry of Personnel Public Grievances and

Pensions (Department of Personnel and Training) के कार्यालय आग संख्या- 11012(4)2008-

Empl दिनांक 28.07.2008 की प्रति उपलब्ध कराते हुए Disciplinary proceedings against

officials appointed for election duty के संबंध में विस्तृत विवरण-निर्देश उपलब्ध कराते हैं।

अतः आयोग से प्राप्त उत्तर प्रदेश दिनांक 31.05.2023, दिनांक इस कार्यालय के उत्तर

पत्र दिनांक 01.08.2023 के द्वारा पूर्व में परिचालित किया गया है, की समस्त संलग्नकों सहित

कामकायें चलाने का एक अंशोपर कार्यवाही हेतु प्रेषित है।

भवदीय,

(प्रमुख निर्वाचन अधिकारी)

संख्या- 955(1)/सीओडब्ल्यू-1-वर्गदिनांक- 01.04.2024

उत्तर प्रदेश शासन, मुख्य सचिव, उत्तर प्रदेश शासन

उत्तर प्रदेश शासन

1037/US/2024

1/12

01/04/24

01/04/24

संख्या 1037/US/NIPPSHED/2023

कार्यालय मुख्य निर्वाचन अधिकारी, उत्तर प्रदेश।

संख्या- 955/सीओडब्ल्यू-1-142/1-2008 तखतक दिनांक 01 अप्रैल, 2024

सबसे अधिकार प्रमुख सचिव / प्रमुख सचिव / सचिव

उत्तर प्रदेश शासन।

विषय- Discretionary proceedings against officials appointed for election related activities- Consolidated instructions- regarding

संबंध- उत्तर प्रदेश विधान पर कृपया भारत निर्वाचन आयोग, नई दिल्ली के पत्र संख्या-

4644NST/2009-EP5, दिनांक 31.05.2023 (उपरोक्त संलग्नक) का संदर्भ प्रदान करने का कष्ट

करें।

उत्तर प्रदेश पर के साथ आयोग के पत्र संख्या- 4644NST/2019/EP5, दिनांक

17.12.2019, पत्र संख्या- 4644NST/2009-EP5, दिनांक 31.03.2009, पत्र संख्या- 518&6/2019-

Empl/ 213, दिनांक 19.07.2019 एवं Government of India, Ministry of Personnel Public

Grievances and Pensions (Department of Personnel and Training) के कार्यालय आग संख्या-

11012(4)2008-Empl(A), दिनांक 28.07.2008 की प्रति उपलब्ध कराते हुए Disciplinary

proceedings against officials appointed for election duty के संबंध में विस्तृत विवरण-निर्देश

उपलब्ध कराते हैं।

अतः आयोग से प्राप्त उत्तर प्रदेश दिनांक 31.05.2023 की समस्त संलग्नकों सहित

कामकायें चलाने का एक अंशोपर कार्यवाही हेतु प्रेषित है।

भवदीय,

(प्रमुख निर्वाचन अधिकारी)

संख्या- 955(1)/सीओडब्ल्यू-1-वर्गदिनांक- 01.04.2024

उत्तर प्रदेश शासन, मुख्य सचिव, उत्तर प्रदेश शासन

उत्तर प्रदेश शासन

2/12

1037/US/2024

01/04/24

01/04/24

951/2007
31.05.23

Succed FOIVE-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.42003/SDR/Vol1

Dated: 31st May, 2023

To,

1. The Chief Secretaries of all States & UTs
2. The Chief Electoral Officers of all States & UTs

Sub: Disciplinary proceedings against officials appointed for election related activities- Consolidated instructions- regarding.

Reference:

1. Order No. 42001/JS-II dated 07.02.2001
2. Letter No. 42009/SUR dated 07.11.2009
3. Letter No. 42009/SUR dated 02.02.2010
4. Letter No. 464/INST/2009/PTPS dated 31.03.2009, and
5. Letter No. 464/INST/2019/PTPS dated 17.12.2019

Madam/Sir,

Under Article 324(1) of the Constitution of India superintendence, direction and control of the preparation of the electoral rolls and the conduct of all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice President shall be vested in the Election Commission. Conduct of election and preparation of electoral rolls involve diverse activities at various levels which require sizable number of officials and field level functionaries of the State Governments involved in such exercises. For this purpose, Article 324(6) further provides that the President or the Governor of the 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.

2. In pursuance of the above constitutional provisions, a well defined structure of electoral machinery has been provided in the election laws, contained in Part III(A) (Sec.13A to 13CC) of R.P.Act, 1950 and corresponding provisions given in Part IV (Sec.20 to 29) of R.P.Act, 1951.

3. The officials shall be on deemed deputation to Election Commission of India.

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31.05.23

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27/05/23
31.5.23

3.1

In this connection, attention is invited to Section 13CC of the R.P. Act, 1950, which is reproduced as under:-

Section 13CC of the Representation of the People Act, 1950. Chief Electoral Officers, District Election Officers, etc., deemed to be on deputation to Election Commission.—The officers referred to in this Part and any other officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, 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.

3.2

A similar provision is contained in Section 28A of the R.P. Act, 1951 which reads as follows:

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

3.3

In view of Section 28A of 1951 Act, all the State Govt. officials who have been involved in elections in any capacity, also shall deemed to be on deputation to the Commission. These include the Chief Secretary, Home Secretary and all police officers / police personnel serving from the DGP/IGP/Commissioner of police at the top level to Inspector, Sub-Inspectors and Constables (including home guards). They are thus by law, officers of the Commission being on deputation to it and are subject to its control, superintendence and discipline and are answerable

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to the Commission, for any act of Commission on their part while performing any election related duties.

4. Extent of disciplinary jurisdiction of ECI.

4.1 The question of true purport and extent of discipline jurisdiction of the Commission under Section 13CC of the RP Act, 1950 and Section 28A of the RP Act, 1951, was raised before the Hon'ble Supreme Court in WP(C) No. 606 of 1993 (Election Commission of India Vs. Union of India and others).

4.2 The Hon'ble Supreme Court, by its Order dated 21.09.2000 disposed of the above writ petition in terms of the Terms of Settlement arrived at between the Commission and the Union Government.

The Terms of Settlement referred to above are reproduced below:

"That the disciplinary functions of the Election Commission of India over officers staff and police deputed to perform election duties during election period shall extend to:-

(a) Suspending any officer/official/police personnel for insubordination or dereliction of duty;

(b) Substituting any officer/official/police personnel by another such person, and returning the substituted individual to the cadre to which he belongs, with appropriate report on his conduct;

(c) Making recommendation to the competent authority, for taking disciplinary action for any act of insubordination or dereliction of duty, while on election duty. Such recommendation shall be promptly acted upon by the disciplinary authority, and action taken will be communicated to the Election Commission, within a period of six months from the date of the Election Commission's recommendation;

(d) The Government of India will advise the State Governments that they too should follow the above principles and decisions, since a large number of election officials are under administrative control."

4.3 In pursuance of the Hon'ble Supreme Court's above said Order dated 21.09.2000, the Comr. of India (Department of Personnel & Training) issued an OM on 7.11.2000 and a letter dated 8.11.2000 to all State Govt. / UT Administration asking them to comply with the above

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terms of settlement. Consequently the Commission has issued an Order No. 42001/195. It dated 07.07.2001 (copy enclosed) that the disciplinary action against officers, staff and police personnel deputed to perform election duties during an election shall be governed by the above principles and decisions agreed to between the Union Government and the Election Commission and as held by the Supreme Court in the said Order dated 21.09.2000.

4.4 DoPT vide OM dated 07.11.2000 had clarified that it was not necessary to amend the service rules for exercise of powers of suspension by the Commission since these powers were derived from the provisions of Section 13CC of the RP Act, 1950 and Section 28A of the RP Act, 1951, which would have overriding effect over the disciplinary rules. Despite the unambiguous position regarding the Commission's disciplinary jurisdiction, there have been some cases where the certain disciplinary authorities didn't comply with in letter and spirit and the officials who were placed under suspension on the orders of the Commission were reinstated by the State Governments unilaterally without consulting the Commission. Therefore, in this context, the Commission addressed a letter to Cabinet Secretary to reiterate the provision regarding the disciplinary jurisdiction of the Commission over the election related officers as brought out and explained in the DoPT OM dated 07.11.2000.

4.5 Consequently Ministry of Personnel, Public Grievances and Pensions (DoPT) vide their OM No. 11012(4)/2002-Fest(A) dated 28.07.2002 conveyed to all ministries/departments of Govt. of India that it shall be mandatory for the disciplinary authority to consult with Election Commission. The matter is proposed to be closed on basis of written explanation given by officers concerned to enable the Commission to provide necessary inputs to the disciplinary authorities before the disciplinary authorities take a final decision. Further, Ministry of Personnel, Public Grievances and Pensions, DoPT, vide their Communication no. 11012 (4)/2002 Est (A) dated 08.12.2002 advised the Chief Secretary of all states to advise the Commission's various before reinstating any officer who is placed under suspension on the orders of the Commission.

5. The Commission has been bringing the above variations in the notice of Chief Secretary of States/UTs from time to time, the last being vide letter no. 454AD/17001/WTS dt 17.12.2019 (copy enclosed).

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/NS/2009-EPS
To,

Dated: 31st March, 2009

- (1) The Chief Secretaries of
All States and Union Territories.
- (2) The Chief Electoral Officers of
All States and Union Territories.

Subj: Disciplinary proceedings against officials appointed in election
duty.

Sr.

I am directed to state that the Commission has recently received inputs
but some of the State Governments are taking or proposing to take, action to
suspend or initiate disciplinary proceedings for acts of omission/Commission committed
by them in past, against certain officers/officials and Police Personnel who are or likely
to be deployed on election duty, on their own without informing the Commission. The
Commission has a keen, a serious note of it and it does not approve of such
unilateral action by the State Govts.

2 Your attention is invited to Sec 13cc of R.P. ACT 1950 and Sec 23A of R.P.
ACT 1951, and Commission's Order No. 4/2001-VS-II dated 07.02.2001 issued in
the light of observation of Supreme Court of India Order dated 21.9.2000 in writ
Petition (C) No.605 of 1993 (Election Commission of India Vs. Union of India and
Others), reproduced as item 18 of Compendium of Instruction VOP-II; which is
available in the Commission's website also.

3 The Commission, having considered the matter has directed that written
error/Commission of the Commission is mandatory before suspending/
initiating any disciplinary proceedings against officer/official connected
with conduct of elections is during the period of election.

4 The CEOs shall refer each such reference as and when received from the
State Govt to Commission with their comments.

Kindly acknowledge the receipt.

Yours faithfully

(SUMIT MUKHERJEE)

2. Further, Ministry of Personnel, Public Grievances and Pensions, DoPT, vide their
OM no. 11042 (1)/2008-Estt (A) dated 28.07.2008 directed that it shall be mandatory for the
disciplinary authorities to consult the Election Commission of India if the matter is proposed to
be closed only on the basis of a written explanation given by officer concerned to enable the
Commission to provide necessary inputs to the disciplinary authorities before the disciplinary
authorities take a final decision.

4 Accordingly, it should be ensured that disciplinary authorities should mandatorily
consult the Election Commission before closing any matter arising out of disciplinary
proceedings initiated on the recommendation of the Commission. Reference to such cases may
be made through the Chief Electoral Officer of the State.

5 The Chief Electoral Officer shall refer each such reference as and when received
from the State Govt to Commission with his/her comments.

Yours faithfully,

(SAMJEEV KUMAR PRASAD)

UNDER SECRETARY

Carey for The Chief Electoral Officer of all States/UTs with a direction to bring this to the
notice of the Chief Secretary & report compliance.

9/12

- 10/12

S.No. 19 (1)

My letter for

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

No. SUS-2019-EMPS/213

Dated: 19th July, 2019

The Chief Secretary to
The Government of Himachal Pradesh,
Shimla.

Re: ECI's letter No. 3178/K/2019-EMPS, dated 11th March, 2019.
Subject: Immediate transfer and Disciplinary Proceedings against Sh. Mukesh
Reparwal, Sub Division Magistrate, Chopal, regarding.

Sir, With reference to your Order No. Per(A)-105(14)-2019, dated 27/06/2019, regarding
grouping of the disciplinary proceedings initiated against Sh. Mukesh Reparwal, IAS, I am
directed to draw your kind attention to para 2 of the Department of Personnel and Training's
Office Memorandum No. 11012(4)2018-Ext.(A), dated 28th July, 2008 (copy enclosed), which
states that it shall be mandatory for the disciplinary authorities to consult the Election Commission
if the matter is proposed to be closed only on the basis of a written explanation given by officer
concerned to enable the Commission to provide necessary inputs to the disciplinary authorities
before the Disciplinary Authorities take a final decision.

The Commission has directed that you may kindly explain why the Department of
Personnel and Training's Office Memorandum No. 11012(4)2018-Ext.(A), dated 28th July,
2008, was not considered before closing the matter.

Yours faithfully,
Suman Kumar Das
(Suman Kumar Das)
Secretary

g/c

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No. 11012(4)2018-Ext. (A)
Government of India

Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block,
New Delhi,
Dated: 19th July, 2019

OFFICE MEMORANDUM

Subject: Disciplinary jurisdiction of Election Commission of India over Government
servants deputed for election duties.

The undersigned is directed to refer to the Department of Personnel and
Training's O.M. of even number dated 20.03.2008 on the above mentioned subject
and to say that attention was drawn therein to the principles and decisions agreed to
between the Union Government and the Election Commission of India in respect of
disciplinary action against the Government servants deputed for election duties. The
relevant Terms of Settlement have been cited in para 1 of DOPPT's O.M. No.
11012/7/98-Ext. (A) dated 07.11.2000. As per para 1 of these Terms of Settlement,

- (a) the disciplinary functions of the Election Commission over the
officers, staff and police deputed to perform election duties shall
extend, *inter alia*, to making recommendation to the competent authority
for taking disciplinary action for any act of insubordination or
dereliction of duty while on election duty; and
- (b) such recommendation shall be promptly acted upon by the
disciplinary authority and the action taken will be communicated to the
Election Commission within a period of six months from the date of the
Commission's recommendation.

The instructions issued in this regard were reiterated in the DOPPT's O.M. dated 20-
3-2008 wherein it was emphasized that the aforementioned Terms of Settlement
have to be complied with while adhering to the provisions of the relevant disciplinary
rules.

- 2. The matter concerning departmental proceedings against officials appointed
on election duty has recently been further considered by the Government. It has now
been decided that it shall be mandatory for the disciplinary authorities to consult the
Election Commission if the matter is proposed to be closed only on the basis of a
written explanation given by officer concerned to enable the Commission to provide
necessary inputs to the disciplinary authorities before the Disciplinary Authorities take
a final decision.

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