



Lr.No. 1504/SEC-B2/2013-2

Date: 28.07.2013

To
All the Collectors & District Election Authorities.

Sir/Madam,

Sub:- Elections – 4th ordinary elections to Gram Panchayats – Failure on the part of Polling Personnel to report for training and election duty – Cases shall be filed and disciplinary action shall be initiated against evaders of election duty – Reg.

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The 1st and 2nd Phases of elections to Gram Panchayats in the State have been completed on 23.07.2013 and 27.07.2013 respectively. It was brought to the notice of the State Election Commission that some Polling Personnel drafted on election duty failed to report at training classes and/or at distribution centres compelling the District Administration to explore other options at the last minute to deploy personnel in adequate number in all the polling stations.

Elections to Gram Panchayats is a gigantic exercise as nearly 2,19,000 Polling Stations were set up for 2,17,578 Ward constituencies for conduct of elections in three phases. For the 3rd Phase of election scheduled on 31.07.2013, highest number of Gram Panchayats and Wards are going to poll due to postponement of election in a considerable number of Gram Panchayats because of heavy rains and floods in some districts.

It is, therefore, essential that all the Polling personnel deployed on election duty shall report at their respective Distribution Centres on the pre-poll day. The Commission also noted with concern the attitude of some of the Polling personnel to evade the election duty in the first two Phases of elections and it is felt necessary to take stringent measures against the evaders of election duty.

The Commission, therefore, directs all the Collectors & District Election Authorities to file criminal cases and also initiate disciplinary action against the Polling Personnel who failed to report for the election duty under Sections 210 and 222 of the A.P. Panchayat Raj Act, 1994 and Section 174 of the Indian Penal Code 1860 (extracts enclosed), give wide publicity in the local press and electronic media and report compliance to the State Election Commission.

Yours faithfully,


State Election Commissioner

Encl: As above.

Copy to:

All the District Panchayat Officers.
All the SPs / SPs (Urban) / CPs (except Hyderabad).
All the Election Observers.

Extract of Sections 210 & 222 of A.P.P.R. Act 1994

210. Electoral officers and staff etc. deemed to be on deputation:- (1) Any 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 State 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 State Election Commission.

(2) The Returning Officer, Assistant Returning Officer, Presiding Officer, Polling officer and any other officer appointed under this Act, and any police officer designated for the time being by the State Government for the conduct of any elections shall be deemed to be on deputation to the State Election Commission for the period commencing on and from the date of notification calling for such elections and ending with the date of declaration of the results of such elections and such officer shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.

222. Breaches of official duty in connection with elections:-

(1) If any person to whom, this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine, which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the District Election Officers, returning officers, assistant returning officers, presiding officers, polling officers, and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election and the expression "official duty" shall for the purposes of this section be construed accordingly but shall not include duties imposed otherwise than by or under this Act.

Section 174. Non-attendance in obedience to an order form public servant

Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same,

intentionally omits to attend at that place or time, or departs from the place where he is bound to attend before the time at which it is lawful for him to depart,

shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both,

or, if the summons, notice, order or proclamation is to attend in person or by agent in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Illustrations

(a) A, being legally bound to appear before the ¹[High Court] at Calcutta, in obedience to a subpoena issuing from that Court, intentionally omits to appear. A has committed the offence defined in this section

(b) A, being legally bound to appear before a ²[District Judge], as a witness, in obedience to a summons issued by that ²[District Judge] intentionally omits to appear. A has committed the offence defined in this section.

CLASSIFICATION OF OFFENCE

Para I

Punishment—Simple imprisonment for 1 month, or fine of 500 rupees, or both—Non-cognizable—Bailable—Triable by any Magistrate—Non-compoundable.

Para II

Punishment—Simple imprisonment for 6 months, or fine of 1,000 rupees, or both—Non-cognizable—Bailable—Triable by any Magistrate—Non-compoundable.