

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड
विश्वकर्मा भवन, प्रथम तल, सचिवालय परिसर 4-सुभाष रोड़, देहरादून- 248001

Email id-ceo uttaranchal@eci.gov.in

फोन न० (0135) 2713551

election09@gmail.com

फोन न० (0135) 2713552

संख्या-2026/XXV-12(11)/2021

देहरादून : दिनांक 13 फरवरी, 2022

सेवा में,

श्री नीरज गुप्ता (एडवोकेट),
कार्यालय प्रथम तल, राम स्टोर,
मेन बाजार, काशीपुर,
उधमसिंहनगर

विषय- सूचना के अधिकार अधिनियम-2005 के तहत सूचना के सम्बन्ध में।

महोदय,

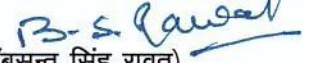
उपरोक्त विषयक लोक सूचना अधिकारी, उत्तराखण्ड शासन सहकारिता, गन्ना एवं चीनी अनुभाग-1 के पत्र संख्या-RTI-07/XIV-1/22-11(07)/2022 दिनांक 09 फरवरी 2022 के साथ संलग्न आपका अनुरोध पत्र दिनांक 03.2.2022 इस कार्यालय में प्राप्त हुआ है, में मांगी गयी वांछित बिन्द संख्या-2 से सम्बन्धित कार्यालय में धारित सूचना 07(सात) पृष्ठों में संलग्न कर प्रेषित है।

इस आदेश के अन्तर्गत दी गई जानकारी से यदि असंतुष्ट हों तो आदेश प्राप्ति की तिथि से 30 दिन के अन्दर विभाग के अपीलीय अधिकारी जिनका पता निम्नवत है, अपील दायर कर सकते हैं।
संलग्नक-यथोपरि।

अपीलीय अधिकारी का पता-

सहायक मुख्य निर्वाचन अधिकारी,
विश्वकर्मा भवन, प्रथम तल,
सचिवालय परिसर 4-सुभाष रोड़,
देहरादून- 248001,

भवदीय,


(बसन्त सिंह रावत)

अनुभाग अधिकारी एवं
लोक सूचना अधिकारी।



उत्तराखण्ड शासन
सहकारिता, गन्ना एवं चीनी अनुभाग-1
संख्या-RTI-07/XIV-1/22-11(07)/2022
देहरादून, दिनांक: 9 फरवरी, 2022

सूचना का अधिकार
पंजीकृत

श्री नीरज गुप्ता (एडवोकेट)
कार्यालय प्रथम तल, राम स्टोर
मेन बाजार, काशीपुर,
उधमसिंहनगर।

सूचना का अधिकार अधिनियम, 2005 के अन्तर्गत सूचना उपलब्ध कराये जाने विषयक आपका पत्र दिनांक 03.02.2022 जो अधोहस्ताक्षरी को दिनांक 07.02.2022 को प्राप्त हुआ है, जिसमें आप द्वारा बिन्दु संख्या-1 से 2 की सूचना उपलब्ध कराने का अनुरोध किया गया है।

2. उक्त के सम्बन्ध में अवगत कराना है कि आपको प्रेषित की जानी वाली बिन्दुओं की सूचना निम्नलिखित है-

क्रमांक	आवेदक के अनुरोध बिन्दु	अनुरोध बिन्दु की सूचना
1	2	3
1	निर्वाचन आयोग के निर्देशों एक जनपद में तीन वर्ष से अधिक कार्यरत अधिकारियों/कर्मचारियों के स्थानान्तरण किये जाये के अनुपालन में सहकारी समितियाँ उत्तराखण्ड में विभाग के अपर निबन्धक/उप निबन्धक/जिला सहायक निबन्धक/अपर जिला सह0 अधिकारी के पदों पर कार्यरत कितने अधिकारियों के ट्रांसफर किये गये है, उन सभी के नामों की सूची की छायाप्रति।	बिन्दु संख्या-01 से सम्बन्धित कुल 01 पृष्ठ की (छायाप्रति संलग्न) आंशिक सूचना आपको निःशुल्क प्रेषित की जा रही है एवं शेष सूचना लोक सूचना अधिकारी, कार्यालय-निबन्धक, सहकारी समितियाँ, उत्तराखण्ड, देहरादून से सम्बन्धित होने के दृष्टिगत सूचना का अधिकार अधिनियम-2005 की धारा 6(3) के अन्तर्गत अन्तरित की जा रही है।
2	निर्वाचन आयोग के दिशा निर्देश सहकारिता/सहकारी समितियाँ उत्तराखण्ड विभाग पर लागू होते है अथवा नहीं अवगत कराये।	बिन्दु-2 की सूचना निर्वाचन आयोग, उत्तराखण्ड से सम्बन्धित होने के दृष्टिगत सूचना का अधिकार अधिनियम-2005 की धारा 6(3) के अन्तर्गत अन्तरित की जा रही है।

यदि आप उक्त सूचना से सन्तुष्ट न हो तो किसी भी कार्य दिवस में प्रथम अपीलीय अधिकारी जिनका पता नीचे दिया गया है, के सम्मुख अपील कर सकते हैं।

अपीलीय अधिकारी का पता:-

श्री आलोक कुमार पाण्डेय,
अपर सचिव/अपीलीय अधिकारी,
सहकारिता विभाग, उत्तराखण्ड शासन,
उत्तराखण्ड सचिवालय,
04 सुभाष रोड़, देहरादून।
दूरभाष सं0-9415762771।

(बी0 एस0 बोरा)
उपसचिव/लोक सूचना अधिकारी।

सेवा में,

श्रीमान् लोक सूचना अधिकारी

उत्तराखण्ड शासन, सहकारिता, गन्ना एवं चीनी अनुभाग-1
देहरादून

विषय :: सूचना अधिकार अधिनियम के अन्तर्गत सूचना प्राप्ति हेतु प्रार्थना पत्र ।

महोदय,

सूचना अधिनियम की धारा 6(1) के अन्तर्गत प्रार्थी सूचना प्राप्ति हेतु नम्र निवेदन करता है, आवश्यक विवरण निम्न प्रकार है -

01. अनुरोधकर्ता का नाम :: नीरज गुप्ता, (एडवोकेट)
02. पिता का नाम :: श्री रामनाथ गुप्ता,
03. पत्राचार/सम्पर्क का पूरा पता :: नीरज गुप्ता, (एडवोकेट)
कार्यालय प्रथम तल, राम स्टोर,
मेन बाजार, काशीपुर
ऊधम सिंह नगर
04. टेलीफोन/मोबाइल नं. :: 9837051349
05. इच्छित सूचना का विवरण ::

(1) निर्वाचन आयोग के निर्देशों एक जनपद में तीन वर्ष से अधिक कार्यरत अधिकारियों/कर्मचारियों के स्थानान्तरण किये जाय के अनुपालन में, सहकारी समितियाँ उत्तराखण्ड में विभाग के अपर निबंधक/उप निबंधक/जिला सहायक निबंधक/अपर जिला सह. अधिकारी के पदों पर कार्यरत कितने अधिकारियों के ह्रासकार किये गये हैं, उन सभी के नामों की सूची की दृष्टाप्रति

(11) निर्वाचन आयोग के निर्देश सहकारिता/सहकारी समितियाँ उत्तराखण्ड विभाग पर लागू होते हैं अथवा नहीं अवगत करायें

5.0-1(00P)

(वी० एस० बोस)
उप सचिव,
सहकारिता विभाग,
उत्तराखण्ड शासन।

06. संबंधित विभाग का नाम :: सहकारिता
07. आवेदन शुल्क जमा करने का विवरण, पोस्टल आर्डर सं. :: 56F 331326
08. प्रार्थना पत्र प्रेषित करने की तिथि: 03.02.2022
08. आवेदक के हस्ताक्षर या अंगूठे का निशान :: Pubta

7/2/2022

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.437/6/1/INST/ECI/FUNCT/MCC/2021

Dated: 13th October, 2021

To

1. The Chief Secretaries to the Government of:-
 - (i) Goa, Panaji;
 - (ii) Manipur, Imphal;
 - (iii) Punjab, Chandigarh;
 - (iv) Uttarakhand, Dehradun; and
 - (v) Uttar Pradesh, Lucknow.

2. The Chief Electoral Officers of :-
 - (i) Goa, Panaji;
 - (ii) Manipur, Imphal;
 - (iii) Punjab, Chandigarh;
 - (iv) Uttarakhand, Dehradun; and
 - (v) Uttar Pradesh, Lucknow.

Subject:- General Elections to State Legislative Assemblies of Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh -Transfer/Posting of officers- regarding.

Sir/Madam,

The term of existing Legislative Assemblies of Goa, Manipur, Punjab, Uttarakhand and Uttar Pradesh are due to expire as under :-

S.No.	Name of State/UT	Term upto
1.	Goa	15.03.2022
2.	Manipur	19.03.2022
3.	Punjab	27.03.2022
4.	Uttarakhand	23.03.2022
5.	Uttar Pradesh	14.05.2022

2. The Commission has been following a consistent policy that officers directly connected with conduct of elections in an election going State/UT are not posted in their home districts or places where they have served for considerably long period.

3. Hence, the Commission has decided that **no officer connected directly with elections shall be allowed to continue in the present district (revenue district) of posting:-**

(i) if she/he is posted in her/his home district.

(ii) if she/he has completed three years in that district during last **four (4) years** or would be completing 3 years on or before

(a) 31st March, 2022 in case of Goa, Manipur, Punjab and Uttarakhand; and

(b) 31st May, 2022 in case of Uttar Pradesh.

While calculating the period of three years, promotion to a post within the district is to be counted.

4. If any small state/UT with a few number of districts, face any difficulty in compliance of the above instruction, then it may refer the specific case with reasons to the Commission through CEO for exemption and the Commission would issue directions, if considered necessary.

5. **Applicability**

5.1 **District Officers:-**

These instructions shall cover not only officers appointed for **specific election** duties like DEOs, Dy. DEOs, RO/AROs, EROs/AEROs, officers appointed as nodal officers of any specific election works but also district officers like ADMs, SDMs, Dy. Collector/Joint Collector, Tehsildar, Block Development Officers or any other officer of equal rank directly deployed for **election works**.

5.2 **Police Officers:-**

These instructions shall also be applicable to the police department officers such as Range IGs, DIGs, Commandants of State Armed Police, SSPs, SPs, Addl. SPs, Sub-Divisional Head of Police, SHOs, Inspectors, Sub-Inspector, RIs / Sergeant Majors or equivalent ranks, who are responsible for security arrangement or deployment of police forces in the district at election time. The police officials who are posted in functional departments like computerization, special branch, training, etc. are not covered under these instructions.

(i) The Police Sub-Inspectors and above should not be posted in their home district.

(ii) If a Police Sub-Inspector has completed or would be completing a tenure of 3 years out of four years on or before the cutoff date in a police sub-division, then he should be transferred out to a police sub-division which does not fall in the same

AC. If that is not possible due to small size of district, then he/she should be transferred out of the district.

6. Categories of Officers not covered under transfer policy

During an election, a large number of employees are drafted for different types of election duty and the Commission has no intention of massive dislocation of state machinery by large scale transfers. Hence, the aforesaid transfer policy is normally not applicable to the categories of officers mentioned below:

- (i) Officers posted in the State headquarters of the department concerned.
- (ii) Officers/Officials who are not directly connected with elections like doctors, engineers, teachers/principals etc. However, if there are specific complaints of political bias or prejudice against any such govt. officer, which on enquiry, are found to be substantiated, then CEO/ECI may order not only the transfer of such official but also appropriate departmental action against the said officer.
- (iii) The officers appointed as Sector Officer/Zonal Magistrate involved in election duties are not covered under these instructions. However, the observers, CEO/DEOs and ROs should keep a close watch on their conduct to ensure that they are fair and non-partisan in the performance of their duties.
- (iv) It is further directed that the officers/officials against whom the Commission had recommended disciplinary action in past and which is pending or which has resulted in a penalty or the officers who have been charged for any lapse in any election or election related work in the past, shall not be assigned any election related duty. However, an officer who was transferred during any past election under the Commission's order without any recommendation of disciplinary actions will not be, just on this ground, considered for transfer, unless specifically so directed by the Commission. A copy of the Commission's instruction number 464/INST/2008-EPS dated 23rd December 2008 regarding tracking of names of tainted officers is enclosed. CEOs must ensure its compliance.
- (v) The Commission further desires that no officer/official, against whom a criminal case is pending in any court of law, be associated with/deployed on election related duty.

- (vi) Any officer, who is due to retire within the coming six months will be exempted from the purview of the Commission's directions mentioned in para-3. Further, officer falling in the category (home district/3 years+ criteria and due to retire within 6 months) if holding an election related post mentioned in para 5.1 and 5.2, shall be relieved of that charge and not be associated with any election related duty. It is however, reiterated that such retiring officer need not be transferred out of the district.
 - (vii) All the officials of the State (except those posted in the office of the Chief Electoral Officer), who are on extension of service or re-employed in different capacities, will not be associated with any election related work.
7. The transfer orders in respect of officers/officials, who are engaged in the electoral rolls revision work, if any, during an election year shall be implemented only after final publication of the electoral rolls, in consultation with the Chief Electoral Officer concerned. In case of any need for transfer due to any extra ordinary reasons, prior approval of the Commission shall be taken.
8. The Chief Electoral Officer of the State/UT shall invariably be consulted while posting the persons in place of present incumbents who stand transferred as per the above policy of the Commission. A copy of each of the transfer orders issued under these directions shall be given to the Chief Electoral Officer without fail.
9. All election related Officers will be required to give a declaration in the format given below to the DEO concerned, who shall inform to CEO accordingly.

DECLARATION

(To be submitted within 2 days after the last date of nomination papers)

I.....(Name).....presently postedfrom.....(Date)	
Do hereby make a solemn declaration, in connection with the current General/Bye election to Lok Sabha/.....(Legislative Assembly that.....	
(a) I am not a close relative of any of the contesting candidates in the current election/leading political functionary of the state/district at the aforesaid election.	
(b) No criminal case is pending against me in any court of law.	
Note- If answer of (a) or (b) above is 'YES', then give full details in a separate sheet.	
Dated.....	(Name) Designation


NOTE- Any false declaration made by any officer shall invite appropriate disciplinary actions.

10. The Commission's aforesaid instructions shall be brought to the notice of the concerned departments/offices or State Govt. for their strict compliance. The DEO or concerned district officers shall ensure that officers/officials who are transferred should immediately handover their charge without waiting for their substitute.

11. The Commission has further directed that transfer/posting of all officers covered under the above instructions shall be done and compliance reports by Chief Secretary and DGP with details of action obtained from the concerned departments/offices of State Government shall be furnished to the Commission by **31st December, 2021**.

12. Kindly acknowledge receipt of this letter.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SENIOR PRINCIPAL SECRETARY

INSTRUCTION SL.NO. 16

Election Commission's letter No.464/INST/2008/EPS, Date: 23rd December 2008. addressed to The Chief Electoral Officers of all States and Union Territories.

Subject: Tracking the names of officers transferred by the order of the Election Commission of India charged with dereliction of duty etc.

Ref: No.437/6/2006-PLN.III dated 6th November,2006 & ECI message No.100/1994-PLN.I dated 28.3.1994 addressed to the CEOs of all States & UTs.

The Election Commission of India vide the instruction referred to above had directed that a detailed review shall be undertaken before every election in all districts and all such officers should be posted out of their home districts or district where they have completed a tenure of 3 years out of 4 years, and had further directed that officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in election or election related work or who were transferred under the orders of the Commission in the matter may not be assigned to any election related duty.

However, it was observed during recent elections that in spite of efforts made by the CEOs and the DEOs to comply the above instruction of the Commission, there were still some instances of the officers who come under the above criteria and liable to be transferred out of the district to a non election related assignment but managed to stay back and the Commission came to know about this only at a later stage through complaints being raised by various political parties and members of public. These incidents, though few in numbers, send a wrong signal at the field level and non maintenance of proper information about the officers liable to be transferred on the above criteria has been recognised as a reason for some stray incidents of non-compliance. In order to remove the possibility of the occurrence of such incidents in future, the Commission has issued the following directions to make the existing instruction more effective:-

- I. The CEO of the State shall maintain a register in which the information about IAS/IPS officers, DEOs, ROs and EROs transferred by the order of the Election Commission and against whom Commission has recommended disciplinary action or who have been charged for any lapse in election or election related work shall be maintained.
- II. Similarly, the DEO will maintain a register containing information about other junior officers and other staff.
- III. Within 7 days of the announcement of elections by the Election Commission of India the CEO of the State will send a compliance letter to the Zonal Secretary in the Commission confirming that all the officers coming under the above criteria have been transferred. Similarly he shall obtain a similar compliance certificate from all the DEOs confirming that all the officers/staff coming under the above criteria have been transferred to non election related assignment and out of the district.

- IV. With reference to transfer of officers coming under '3 years out of 4 years criteria' and the home district criteria, DEOs shall ensure compliance in respect of ROs, EROs, AROs and AEROs and other election related officials and send a letter to CEO within the time, if any, stipulated for this purpose by the Election Commission of India or CEO and if not, within 7 days of issue of press note announcing the elections. Similarly, information related to DEOs, SSP and SPs and other senior police officials connected with the election work shall be maintained by the CEO and compliance by the State Govt shall be ensured at his level. Compliance regarding the transfer of these officers shall be collected from the DEOs and the CEO of the State shall send a consolidated letter of compliance to the Zonal Secretary within 7 days of the announcement of election.
- V. To facilitate the submission of this compliance letter within 7 days of the announcement of election, the CEO and DEO shall collect the information and ensure maintenance of register as stated above well in advance so that no time is lost.
- VI. There are many departments in the State Government that are involved in transferring officials and thereby accountable for the compliance of the above instructions of the Commission. The Commission's instruction regarding transfer of the officials during election shall be brought to the notice of the Secretaries of the departments concerned with a copy to the Chief Secretary. The Chief Secretary may be requested by the CEO to ensure that all the departments concerned comply with the Commission's instruction well in time.
- VII. With regard to bye-elections while the officers coming under the category, dealt within para marked as (I) shall be transferred out of the district within three days of announcement of bye-election and certainly before the first days of receipt of nomination whichever is earlier.
- VIII. The above instruction be followed without any deviation.