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ELECTION COMMISSION OF INDIA

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GUNCHA BATRA ANEJA
UNDER SECRETARY

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No. 464/PwD/EP(AS)/2020 / 768-803

Dated: 24th March, 2021

To

The Chief Electoral Officers of
All States/UTs

Subject: Regarding Persons with Disabilities Personnel for Election duty- Revised guidelines in view of The Rights to Persons with Disabilities (RPWD) Act, 2016.


In continuation to Commission's directions on deputing Persons with Disabilities (PwD) in the electoral process, issued vide letter No.464/INST/2008/EPS, dated: 23rd December 2008, and as mentioned in para 3.6.1 of Section 3.6 of RO Handbook 2019, It is hereby stated that the above mentioned instructions refer to old Act "Persons with Disabilities (Equal Opportunities Protection of Rights & Full Participation) Act, 1995" which has been repealed and replaced by "**The Rights of Persons with Disabilities Act, 2016**".

2. In view of the above, in the aforesaid instruction dated 23rd December, 2008 and in para 3.6.1 of the RO Handbook 2019 the words and figures "Persons with Disabilities (Equal Opportunities Protection of Rights & Full Participation) Act, 1995" may be read as "**The Rights of Persons with Disabilities (RPWD) Act, 2016**". **The relevant extract of this Act is enclosed.**

3. You are, therefore, requested to kindly read the revised instructions of the Commission, as stated above, for further follow up action.

जारी किया/ISSUED ON
24 MAR 2021
भारत निर्वाचन आयोग
Election Commission of India
नई दिल्ली-110001 /New Delhi-110001

Yours faithfully,


(GUNCHA BATRA ANEJA)
UNDER SECRETARY

(A) 3.6 PERSONS WITH DISABILITIES

- ✓ 3.6.1 Physically challenged persons with disabilities as defined under the "The Right of Person with Disabilities Act, 2016", should not be deployed on election duty. In the case of physically handicapped persons (including visually handicapped and deaf and dumb persons), it may be considered whether any handicapped person as aforesaid would be able to go to the polling station/ counting Centre and perform election duties there. If any person would not be in a position to perform election duties, he must be exempted subject to the satisfaction of the District Election Officer/Returning Officer.

INSTRUCTION SI.NO. 24

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.

Sub:- Drafting of physically challenged personnel for election duty-regarding.

I am directed to invite your attention to the Commission's letter no. 458/4/98-PLN-IV dated 30.10.1998 (copy enclosed) on the above matter. Subject to the condition stipulated in the above said letter, the physically challenged personnel in the past have been as polling staff. Recently, the Election Commission has introduced the concept of micro-observer. Feedbacks have been received that in some places physically challenged personnel have been deployed as micro observer in recent elections.

A letter received from one such micro observer reveals that the sensitivity required and expected to be shown while drafting physically challenged personnel for such an assignment has not been displayed by the field officials. In this context, the Election Commission while reiterating the earlier instructions in this regard has issued some new instructions as follow:

✓ The persons with disabilities have been defined under the "Persons With Disabilities (Equal Opportunities Protection of Rights & Full Participation) Act, 1995". The relevant extract of this Act is enclosed. Considering the nature of assignment and to avoid making hardship to such individuals, the Commission is of the view that the physically challenged person with disabilities as defined under this Act should not be deployed on election duty. However, subject to compliance of the above circular relating to physically challenged persons if any such person is required to be used on election duty, prior approval of the Observer may be obtained giving full detail. The DEO and the RO shall make personal efforts to ensure that the special needs and requirements of the physically challenged persons are taken into account while choosing the polling station for deployment. It shall be ensured that they are not posted in any remote areas, rather they should invariably be posted at the polling stations located in the headquarter. This can be incorporated in the randomization software. Itself so that the database contains information about the physically challenged personnel, if any and if drafted on election duty those persons are not to be posted in any difficult location even inadvertently. The RO should make a special

effort to identify such individuals at the time of training itself and personally meet and discuss with them in order to appreciate their nature of disabilities and limitations and decide the deployment. In case any such physically challenged person even inadvertently deputed to any difficult location, the RO should be in a position to make necessary changes manually in consultation with the Observer. The CEOs shall sensitize all the field officials about this instruction.