

Bye-Election
Most Immediate

No.4/111/2009-1Election
Government of Haryana
Chief Secretary Office
(Election Branch)

Dated Chandigarh, the 24th December, 2009.

To

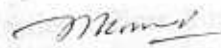
1. The Financial Commissioner & Principal Secretary to Govt., Haryana, Home Department.
2. The Director General of Police, Haryana.
3. The Commissioner Hisar Division, Hisar, Haryana.
4. The Inspector General of Police, Hisar, Haryana.
5. The Deputy Commissioner-cum-District Election Officer, Sirsa, Haryana.
6. The Superintendent of Police, Sirsa, Haryana.

Subject: - Bye-Election from 46-Ellenabad Assembly Constituency-Police Personal connected with election related duties-Exercise of supervisory/disciplinary control.

Sir Madam,

I am directed to refer to the subject noted above and to send herewith a copy of letter No.Election-2009/Bye-46AC/2AE-10867, dated 24.12.2009 received from the Chief Electoral Officer, Haryana alongwith its enclosures for immediate and necessary action. It is requested to ensure that the instructions issued by the Election Commission of India are followed strictly compliance.

Yours faithfully,



(Naresh Kumar)
Superintendent Election.



Endst.No.4/111/2009-1Election

Dated Chandigarh, the 24th December, 2009.

A copy is forwarded to the Chief Electoral Officer, Haryana, Chandigarh with reference to his letter No.Election-2009/Bye-46AC/2AE-10867, dated 24.12.2009 for information.


(Naresh Kumar)
Superintendent Election.



CC: -

- 1 PS/CS
- 2 PS/PSCM
- ✓ 3. Director, NIC



Department of Elections, Haryana, Chandigarh
निर्वाचन विभाग, हरियाणा, चण्डीगढ़

Bye-Election/Most Immediate
No. Elec-2009/Bye-46AC/2AE- 10867

Dated: 24 December, 2009.

To

तत्काल

1. The Chief Secretary to Government Haryana.
2. The Financial Commissioner and Principal Secretary to Govt. Haryana, Home Department.

Subject: - Bye-election from 46-Ellenabad Assembly Constituency - Police Personnel connected with election related duties- Exercise of supervisory/disciplinary control.

Sir,

On the subject cited above, it is intimated that election process for the conduct of bye-election from 46-Ellenabad Assembly Constituency to Haryana Vidhan Sabha has been started from the announcement of election made by the Election Commission of India on dated 22.12.2009. Election schedule has already been intimated to you vide this office letter No. 41/Bye-46AC/Elec-2009/2AE-10810, dated 23.12.2009.

You are, therefore, requested to kindly designate the police officers under Section 28A of Representation of People Act, 1951 in terms of Election Commission of India letter No. 434/1/ES026/94-MCS, dated 24.10.1994. (Copy enclosed). A compliance report may be sent to this office by 26.12.2009 for onward transmission to the Election Commission of India.

Yours faithfully,

Sumita Misra
(Sumita Misra) 24/12/09

Chief Electoral Officer, Haryana.

Endst. No. Elec-2009/Bye-46AC/2AE-10867 Dated: Chandigarh 24 Dec, 2009.

A copy for information and necessary action is forwarded to: -

1. The Director General of Police, Haryana;
2. The Divisional Commissioner, Hisar;
3. Inspector General of Police, Hisar;
4. The Superintendent of Police, Sirsa;
5. The Deputy Commissioner-District Election Officer, Sirsa; and
6. Returning Officer for 46-Ellenabad Assembly Constituencies.

Sumita Misra
(Sumita Misra) 24/12/09

Chief Electoral Officer, Haryana.

For Internal Distribution
1. PS to CEO.
2. PA to Adml. CEO.
3. RKE (with 5 spare copies)

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ITEM NO. 9

Election Commission's Order No. 434/1/ES026/94 MCS Dated: 24th October 1994 addressed to Chief Secretary/CEOs of all States/UTs

Subject: Designation of Police Officers by State Govt. U/S 28A of RP Act, 1951

ORDER

The Commission vide its order no. 4/93/JS-II dated the 6th January, 1993, had clarified that all police officers and police personnel starting with the Directors General of Police/Inspectors General of Police/Commissioners of Police at the top level, officers immediately subordinate to them, including but not limited to Director Generals, Additional Director Generals, Senior Superintendent Polices/Superintendent Polices, Deputy Superintendent Polices and down to Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Head Constables and Constables (including home guards, ex-servicemen etc.) who are involved in any way in election-related arrangements perform duties in connection with the conduct of elections. They all 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 to the Election Commission for any acts of commission or omission on their part while performing any election-related duties.

2. The Commission had also clarified that like wise the officers and personnel of Central Police Forces and armed police forces of a State or Special Security Forces, if any, deployed on election-related duties in any State/Union Territory, are also subject to the control, superintendence and discipline of the Commission.

3. The Commission further clarified that the legal position should be immediately brought to the notice of all police officers and police personnel mentioned above for their information and compliance. It may be impressed upon them that any lapse on their part in the performance of their election-related duties will be viewed by the Commission appropriately.

4. In its letter of even number dated 26th July, 1993 the Commission had further elaborated and clarified that in so far as election related arrangement and coordination is concerned, since these are supervised by the Chief Secretary to the Government, he will be deemed to be an officer of the Election Commission while coordinating and supervising the election-related work in the State/Union Territory and will be subject to its control, supervision and discipline within the meaning of Article 324(6) of the Constitution read with section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951. Further as the Home Secretary to the State Government coordinates and supervises the arrangements relating to the maintenance of law and order in the State at the time of elections and performs election related duties he will also be subject to the overall control, superintendence and discipline of the Election Commission within the meaning of the aforementioned provisions of the Constitution and the Representation of the People Act in so far as election related work is concerned.

5. In order that there are no lacunae and misgivings in any one's mind, the Commission has directed that in future the State Governments shall designate all police officers from the level of Director General of Police/Additional Director General of Police/Inspector General of Police/ Commissioner of Police at

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the top level, officers immediately subordinate to them and up to the level of head constable and constable involved in any way in election-related duties, specially under section 28A of the R.P. Act, 1951, as soon as the elections are announced and in any case not later than the 3rd day after the date of notification of general election or bye election.

6. Regardless of the nature of election (whether a general election or a bye election) the State Govt. shall invariably designate:

i) The Director General of Police/Additional Director General of Police, Inspector General of Police; and

ii) In a general election, all the police officers below the level of Director General of Police borne on the strength of the State Government; and

iii) In the case of a bye-election the Additional DG/DIG/Commissioner of Police under whose jurisdiction the constituency falls, and all police officers below them in the districts/ constituencies concerned, as designated officers for the purpose of section 28A of the R.P. Act, 1951.

7. The Commission has further directed that where any State Government/Union Territory Administration fails to designate any individual police officer or class of police officers of any rank, as directed herein above under section 28A of the Representation of the People Act, 1951, the Commission will insist and ensure that such police officers will not be allowed to deal with any election related work in any manner whatsoever.

8. The Commission has also directed that compliance report in this regard in respect of the State of Goa and Sikkim shall reach by 1700 hours on 25th October, 94 and in respect of the States of Andhra Pradesh and Karnataka after the 3rd day of the date of notification calling for the general elections.

9. This shall be treated as a standing order for all future elections/bye-elections.