

No.4/60/2024-1ELECTION
HARYANA GOVERNMENT
Chief Secretary's Office
Election Branch

Dated, Chandigarh the 7th August, 2024

To

1. The Chief Secretary to Government Haryana (Services-II Branch),
2. All the Additional Chief Secretaries, Principal Secretaries and Commissioner & Secretaries to Government, Haryana, *Only New Sectt. Recd.*
3. The Director General of Police, Haryana,
4. All the Heads of the Departments in the State,
5. All the MDs/Chief Administrators of the Boards/Corporations/ Undertakings in the State,

Subject:- General Elections to Legislative Assemblies in the State of Haryana, Jharkhand & Maharashtra and UT of Jammu and Kashmir due in the year 2024-Transfer/Posting of Officers-regarding.

Sir,

I am directed to refer to the copy of letter No. 172/Transfer Policy/ECI-2023/2AE-7449, dated 01.08.2024, received from Chief Electoral Officer, Haryana along-with its enclosures, on the subject noted above and forward the same with the request for compliance of directions of Election Commission of India and to kindly identify such officers of your Department, who are covered under the policy of the Election Commission of India contained in the appended letter and further action may be taken accordingly and transfer orders in respect of the Officials/Officers, who are engaged in electoral rolls revision work, if any, may be implemented only after final publication of electoral rolls i.e. 27.08.2024.

2. The Chief Secretary to Government, Haryana (Services-II Branch) and Director General of Police are requested to kindly send the compliance reports with details of action taken in the matter (as per paragraph 11 of above mentioned ECI's letter), directly to Chief Electoral Officer, Haryana, so that the same can be transmitted to the Election Commission well in time.

Yours faithfully

Vijay
Superintendent Election,
Dated, Chandigarh the 7th August, 2024

Endst. No. 4/60/2024-1Election

A copy is forwarded to Sh. Narendra N. Butolia, Senior Principal Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi, for information.

Vijay
Superintendent Election,
Dated, Chandigarh the 7th August, 2024

Endst. No. 4/60/2024-1Election

A copy is forwarded to the Chief Electoral Officer, Haryana, 30-Bays Building, Sector-17, Chandigarh, w.r.t. their letter, dated 01.08.2024, for information and necessary action.



ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.437/6/1/INST/ECI/FUNCT/MCC/2024

Dated: 31st July, 2024

To

1. The Chief Secretary to the Government of
a.) Haryana, Chandigarh;
b.) Jharkhand, Ranchi;
c.) Maharashtra, Mumbai;
d.) UT of Jammu and Kashmir, Srinagar.

2. The Chief Electoral Officer of
a.) Haryana, Chandigarh;
b.) Jharkhand, Ranchi;
c.) Maharashtra, Mumbai;
d.) UT of Jammu and Kashmir, Srinagar.

Subject:-

General Elections to Legislative Assemblies in the States of Haryana, Jharkhand & Maharashtra and UT of Jammu and Kashmir due in the year 2024 - Transfer/Posting of officers - regarding.

Sir/Madam,

I am directed to state that the terms of existing State Legislative Assemblies of Haryana, Jharkhand & Maharashtra are upto 3rd November, 2024, 5th January, 2025 and 26th November, 2024, respectively and election are due in the year 2024. Further, the election to Legislative Assembly of UT of Jammu and Kashmir is also due in near future.

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 30th September, 2024 for UT of Jammu and Kashmir, 31st October, 2024 for Haryana, 30th November, 2024 for Maharashtra and 31st December, 2024 for Jharkhand;

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 numbers 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 Officers other than District Officers: These instructions shall also cover the Divisional Commissioners, Municipal Commissioners, and the other officers deputed in Municipal Corporations and Development Authorities, etc.

5.3 Police Officers: -These instructions shall be applicable to the police department officers such as Range ADGs/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. Following shall be followed:

- (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.

In case a Police Commissionerate consists of multiple districts, the concerned officer should be transferred out of the Commissionerate, instead of the revenue district.

5.4 Prohibition and Excise Officers: - Further, these instructions shall also be applicable to the officers of the Prohibition and Excise Department of the State of the rank of Sub-Inspector and above.

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 related to official functioning 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. The six months period shall be reckoned backwards from 30th September, 2024 for UT of

Jammu and Kashmir, 31st October, 2024 for Haryana, 30th November, 2024 for Maharashtra and 31st December, 2024 for Jharkhand. 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, 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 **20th August, 2024**.

12. Kindly acknowledge receipt of this letter.

Yours faithfully,



(ASHWANI KUMAR MOHAL)
SECRETARY