

General Election of Vidhan Sabha -2009
Most Immediate / Date Bound

No.4/65/2009-1Election
Government of Haryana
Chief Secretary Office
Election Branch

Dated Chandigarh, the 26th August 2009.

To

1. All the Financial Commissioner and Principal Secretaries / All Administrative Secretaries to Government, Haryana.
2. All the Heads of Departments.
3. Commissioners, Gurgaon, Hisar, Ambala, Rohtak Divisions.
4. All the Deputy Commissioners.

Subject: - General Election to Haryana Vidhan Sabha-2009-Transfers / Postings of Officers -regarding.

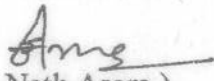
Sir/Madam,

I am directed to refer to the subject noted above and to send herewith a copy of letter No.Elec-2009/2AE-6855 dated 24.08.2009 received from the Chief Electoral Officer, Haryana and alongwith a copy of Election Commission of India's Letter No. 437/6/INST/2009-CC&BE dated 04.02.2009 for immediate and necessary action.

2. It may be ensured that directions of the Election Commission of India are complied with and send Action Taken Report immediately.

These instructions may be complied with strictly.

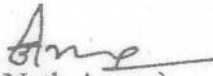
Yours faithfully,


(Som Nath Arora)
Under Secretary Election
Tel. 0172-2743492

Endst.No.4/65/2009-1Election

Dated Chandigarh, the 26th August 2009

A copy is forwarded to the Chief Electoral Officer, Haryana, Chandigarh with reference to his letter No. Election-2009/2AE-6855 dated 24.08.2009 for information and necessary action.


(Som Nath Arora)
Under Secretary Election,
Tel. 0172-2743492

CC: -

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

General Election to Haryana Vidhan Sabha-2009
Most Immediate/Date Bound

No. Elec-2009/2AE - 6855

From

The Chief Electoral Officer,
Haryana.

To

1. The Chief Secretary, Government of Haryana.
2. The Financial Commissioner and Principal Secretary to Govt. of Haryana, Home Department.
3. The Financial Commissioner and Principal Secretary to Govt. of Haryana, Revenue Department.
4. The Financial Commissioner and Principal Secretary to Govt. of Haryana, Development & Panchayats Department.
5. The Director General of Police, Haryana.
6. The Divisional Commissioner, Ambala, Hisar, Rohtak and Gurgaon.

Dated: Chandigarh, the 24 August, 2009.

Subject: - General Election to Haryana Vidhan Sabha-2009 - Transfers / Postings of the officers- regarding.

Sir,

On the subject cited above, I am directed to inform you that the postings of the officers whose stay is more than 3 years on or before 30.09.2009 and the officers who are posted in their parental district required to be transferred for conducting free and fair general elections of Haryana Vidhan Sabha. I am further directed to send a copy of Election Commission of India letter No. 437/INST/2009/CC&BE, dated 04.02.2009 containing the Election Commission of India's directions on the subject for information and necessary action. You are also requested to send the compliance of the directions of the Election Commission of India well before the announcement of the ensuing elections as the present Assembly has been dissolved. During the past few elections it has been observed that some departments frequently send their proposal regarding postings / transfers of such officers during election process and this creates hurdles in the date / time bound election work. Therefore, it is requested that all the departments may be directed to avoid such practice and proposal of genuine cases only with full justification may be sent to this office through Administrative Secretary concerned for obtaining the approval of the Commission.

Yours faithfully,

Gandhi

Asstt. Chief Electoral Officer,
for Chief Electoral Officer, Haryana.

Dated: - 24-8-2009

Endst. No. Elec-2009/2AE - 6856

A copy for information and strict compliance is forwarded to:-

1. The Secretary, Election Commission of India, New Delhi.
2. All the Deputy Commissioner-cum-District Election Officers in the State.
3. All the Election Tehsildars/Election Naib Tehsildars in the State.

Gandhi

Asstt. Chief Electoral Officer,
for Chief Electoral Officer, Haryana.

For Internal Distribution:
1. PS to C.E.O.
2. PA to Addl. C.E.O.
3. RKF (with 3 spare copies)

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By Fax/Speed post

R-REPSL
16-2-09

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/INST/2009-CC&BE

Dated: 4th February, 2009

To

1. The Chief Secretaries of all States and Union Territories.
2. The Chief Electoral Officers of all States and Union Territories.

Subject: General Election to the House of People (Lok Sabha), 2009- Posting of Officers - reg.

AMH
16-2-09
Addl-CEO
16/2/09
17/2
ACCA
Sushruti
AE 2

Sir,

As you might be aware that the General Election to the Lok Sabha, 2009 has to be held shortly. The Commission, in its task of conducting free and fair elections has followed the consistent policy to ensure that officers, who are connected with the conduct of elections in the States, do not serve in their home districts or places where they have served for long and decided that no officer connected with elections, directly or indirectly, should be allowed to continue in the present district of posting.

(a) If she/he is posted in her/his home district.

(b) If she/he has completed three years in that district during last four years or would be completing 3 years on or before 31.5.2009.

(ii) These instructions will not only cover officers appointed for specific election duties like District Election Officers, Returning Officers and Assistant Returning Officers but also other district level officers like Additional District Magistrates, Deputy Collectors, Sub-Divisional Magistrates, Tehsildars, Block Development Officers or any other officer proposed to be used for election work. As far as officers in the Police Department are concerned, these instructions shall be applicable to the Range IGs, DIGs, Commandants of State Armed Police, SSPs, SPs, Addl. SPs, Sub-Divisional Heads of Police, Inspectors, Sub-Inspectors, Sergeant Majors or equivalent who are responsible for deployment of force in the district at election time. The police officials who are posted in functional departments like computerization,

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special branch, training, etc. are not covered under these instructions. Apart from these, The Police Officers of the level of Sub-Inspectors should not be posted in their home Assembly Constituencies. The Police Officers of the level of Sub-Inspectors should be transferred out of their police Sub-divisions if they have completed tenure of three years during last four years in that sub-division.

(iii) The Commission further desires that a detailed review may, therefore, be undertaken before the General Election to Lok Sabha, in all districts and all such officers be posted out of their home districts or district where they have completed a tenure of three years out of the last four years, immediately. While moving officers who have completed three years in a district out of the last four years, care should be taken that they are not posted to their home districts. While calculating the period of three years, promotion to a post within the district is to be counted. While carrying out this review it must be borne in mind that these instructions do not apply to officers posted in the State headquarters of the departments concerned.

(iv) The Commission also desires that the officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in any election or elections related work or who were transferred under the orders of the Commission previously, may not be assigned any election related duty.

(v) The Commission further desires that no officer/official against whom a criminal case is pending in any Court of Law, be associated with the election work or election related duty.

(vi) The Commission has in the past received complaints that while the State Government transfers officials in the above categories in pursuance of the directions issued by the Commission, the individuals try to circumvent the objective by proceeding on leave and physically not moving out of the district from which they stand transferred. The Commission has viewed this seriously and desires that all such officials who stand transferred in pursuance of the instructions referred to above shall be asked to move physically out of the districts from which they stand transferred immediately on receipt of the transfer orders.

(vii) It is desirable that the Commission's policy is be implemented even without waiting for the formal announcement of the General Election in order to ensure that no large-scale dislocation of officers is necessitated after the announcement of the election.

(viii) Further, while implementing the above directions, the Commission desires that the Chief Electoral Officer of the State shall be invariably consulted while posting the new persons in place of present incumbents who stand transferred as per this policy of the Commission. The copies of the transfer orders issued under these directions shall be given to the Chief Electoral Officers concerned without fail.

(ix) The transfer orders in respect of officers/officials who are engaged in the electoral rolls revision work shall be implemented only after final publication of the electoral rolls in consultation with the Chief Electoral Officer.

(x) Any officer who is due to retire within coming six months will be exempted from the purview of the above-mentioned directions of the Commission. Further such officers may not be engaged for performing elections duties during the elections.

(xi) It is further clarified that all the officials of the States/UTs who are on extension of service or re-employed in different capacities will not be associated with any election related work except those with the Office of CEOs.

2. Details of the action taken may be intimated to the Commission for its information immediately and in any case not later than 20.2.2009.

3. It has been observed in the past that during the General Election, numerous references are received from various States seeking clarification with reference to the applicability of transfer order to individual cases. The Commission directs that all these issues should be basically handled at the Chief Electoral Officer's level. Only when it is absolutely necessary, individual references should be forwarded to the Commission after considering all aspects at the Chief Electoral Officer's level with his/her specific recommendations.

4. The above instructions may be brought to the notice of all concerned for compliance. Receipt of this letter may please be acknowledged.

Yours faithfully,



(K.N. BHAR)
UNDER SECRETARY

Copy to : **Principal Secretaries / Secretaries for follow up action.**