

General Election Vidhan Sabha
Most Immediate Date Bound

No. 4/20/2014-1 Election
Government of Haryana
Chief Secretary Office
(Election Branch)

Dated, Chandigarh the 23rd July, 2014.

To

1. Chief Secretary to Government Haryana, (in Services-II Branch)
2. All the Additional Chief Secretaries/ Principal Secretaries/Commissioners & Secretaries to Govt., Haryana.
3. All Heads of Department.
4. All the Divisional Commissioner in Haryana.
5. All the Deputy Commissioner-cum- District Elections Officer in Haryana.
6. All the MD's of Boards/Corporations/Undertaking of Haryana.

**Subject: - General Elections to the State Legislative Assembly of Haryana 2014-
Transfer/ Posting of Officer- regarding.**

Sir/Madam,

I am directed to refer to letter No. 437/6/1/2014-CC&BE/ 446, dated 14.7.2014 alongwith its enclosures received from Election Commission of India on the subject noted above and to say that no officer connected directly with elections 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 31.10.2014.

2. Details of the action taken may be intimated to the Commission for its information immediately and in any case not later than 5th August, 2014. 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 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. It is requested that above instruction may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Jarnail Singh
Superintendent Election.

Endst.No.4/20/2014-1Election

Dated, Chandigarh the 23rd July, 2014.

A copy is forwarded to Principal Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi with reference to his letter No. 437/6/1/2014-CC&BE/ 446, dated 14.7.2014 for information.

Jarnail Singh
Superintendent Election.

Endst.No. 4/20/2014-1Election

Dated, Chandigarh the 23rd July, 2014.

A copy is forwarded to the Chief Electoral Officer, Haryana, Chandigarh w.r.t. their letter No. 172/Transfer Policy/HVS-2014/2AE-7351, dated 21.7.2014 for information.

Jarnail Singh
Superintendent Election.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

By e-mail/Speed Post

No. 437/6/1/2014-CC&BE/446

Dated: 14th July, 2014

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1. The Chief Secretary to the Government of Haryana, Chandigarh
2. The Chief Electoral Officer of Haryana, Chandigarh

Subject: - General Election to State Legislative Assembly of Haryana, 2014-
Transfer/Posting of Officers- regarding.

Sir,

I am directed to state that the term of Haryana Legislative Assembly is due to expire on 27th October, 2014.

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 directly with elections 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 31.10.2014.

However, if prima facie any complaint is received with regard to officials who are indirectly connected with election, Commission shall take appropriate action against such officials. It is clarified that officers appointed as Sector Officers, though directly involved in election duties **will not be covered under these instructions** as their duties are such that they are deployed in field duties where their knowledge of the area/terrain is crucial to their effective performance and therefore they will continue to be deployed in the present area/terrain. The CEO, DEO and RO should, however, keep a close watch on such officers during the election period to ensure that their performance is strictly impartial.

It has been observed that the cut off date prescribed by the Commission has not been scrupulously followed by some State Governments. The Commission has therefore stressed that all the State Governments should strictly follow the cut-off date prescribed for calculating the three year period. Accordingly the 3 year period may be reckoned backwards from 31.10.2014.

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(ii) These instructions cover not only officers appointed for specific election duty, District Election Officers, Deputy District Election Officer, Returning Officers and Assistant Returning Officers but also other district officers like Additional District Magistrates, Deputy Collectors, Sub-Divisional Magistrates, Tehsildars, Block Development Officers or any other officer proposed to be deployed 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 Head of Police, Inspectors or equivalent ranks who are responsible for deployment of police force 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. 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 not only out of their police Sub-divisions but also out of the Assembly Constituency if they have completed a tenure of three years during last four years in that sub-division or would be completing 3 years on or before **31.10.2014**.

(iii) The Commission further desires that a detailed review may, therefore, be undertaken in all districts, and all such officers be posted out of their home districts or out of the district where they have completed or will complete, on the aforesaid date, tenure of three years out of the last four years, immediately. While moving such officers, 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 department 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 in the past, shall 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 direction 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 district from which they stand transferred immediately on receipt of the transfer orders.

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- (vii) Further, while implementing the above directions, the Commission desires that the Chief Electoral Officer of all the States/UTs shall invariably be 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 Officer concerned without fail.
- (viii) The transfer orders in respect of officers/officials, who are engaged in the electoral rolls revision work, if any, shall be implemented only after final publication of the electoral rolls, in consultation with the Chief Electoral Officer.
- (ix) 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 officers falling in category (home/3+ criteria if they are due to retire within 6 months) shall not be engaged for performing election duties during the elections.
- (x) 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 the Chief Electoral Officers.
2. Details of the action taken may be intimated to the Commission for its information immediately and in any case not later than **5th August, 2014**.
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 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.

Yours faithfully,


(K Ajaya Kumar)
Principal Secretary