

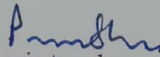
OFFICE OF DIRECTOR HIGHER EDUCATION, HARYANA,
PANCHKULA
ORDER

Order No:- KW 1/59-2018 Ad (3)

Date Panchkula 13-8-19

A copy of letter No. 172/Transfer Policy/HVSElec-2019/2AE-8924 dated 24.7.2019 received from Asstt. Chief Electoral Officer O/o Chief Electoral Officer, Haryana "**General Election to State Legislative Assembly of Haryana & Maharashtra Advisory for Transfer/Posting of officers connected with conduct of elections-regarding.**" is forwarded to the following for information and necessary action:-

- 1 All the Principals of Government Colleges in the State.
- 2 All the Commanding Officers, NCC Units in the State.
- 3 Registrar, Kurukshetra University, Kurukshetra/Maharishi Dayanand University, Rohtak/Chaudhary Devi Lal University, Sirsa/Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan (Sonapat)/Indira Gandhi University, Meerpur (Rewari)/Chaudhary Ranbir Singh University, Jind/Chaudhary Bansi Lal University, Bhiwani, Bhiwani, Gurugram University, Gurugram, B.R. Ambedkar National Law University, Rai (Sonapat), Balmiki Sanskrit University, Mundri, Kaithal.
- 4 All the Librarians of District Libraries/Sub Divisional Libraries in the State of Haryana / Librarian.

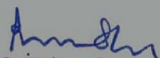

Superintendent Administration,
for Director Higher Education,
Haryana, Panchkula

Endst. No.- Even

Dated, Panchkula 13-8-19

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

- 1 PS/DHE, Steno/Additional Director Admn.
- 2 Superintendent College-I,II, IV, Library, ME is requested to take further necessary action at your end, and ensure compliance these instructions.
- 3 All the Assistants of Admin Branch.


Superintendent Administration,
for Director Higher Education,
Haryana, Panchkula

Subject: General Instructions to State Legislative Assemblies of Haryana & Maharastra Advisory for Transfer/Posting of officers connected with elections - regarding

Date: 24-07-19 03:49 PM

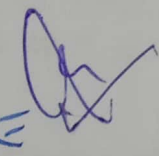
From: Election Head Office <hry_elect@yahoo.com>

Reply-To: Election Head Office <hry_elect@yahoo.com>

To: "cs@hry.nic.in" <cs@hry.nic.in>, "ssps@hry.nic.in" <ssps@hry.nic.in>, "personnel.hry@gmail.com" <personnel.hry@gmail.com>, "branchtrg@gmail.com" <branchtrg@gmail.com>, "rajeyshsaini@gmail.com" <rajeyshsaini@gmail.com>, "supservices2.cso@hry.gov.in" <supservices2.cso@hry.gov.in>, "cselection4@gmail.com" <cselection4@gmail.com>, "yamank2005@gmail.com" <yamank2005@gmail.com>

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OFFICE OF CHIEF ELECTORAL OFFICER, HARYANA

कार्यालय मुख्य निर्वाचन अधिकारी, हरियाणा

GENERAL ELECTION TO VIDHAN SABHA-2019/MOST URGENT:

No.172/Transfer Policy/HVSElec-2019/2AE- 8924

Dated: 24-07-2019

To

The Chief Secretary to Government of
Haryana, Chandigarh.

Subject:- General Election to State Legislative Assembly of Haryana & Maharashtra-
Advisory for Transfer/Posting of officers connected with conduct of
elections-regarding

Sir,

On the subject cited above, I am directed to refer the Election Commission of India's letter No: 437/6/1/INST/ECI/FUNCT/MCC/2019, dated 11th July, 2019 alongwith its enclosure (Copy Enclosed for ready reference) at your address and to this department.

In this regard, I am further directed to request your good-self to kindly direct all the Addl. Chief Secretaries, Administrative Secretaries and Heads of the departments, Boards, Corporations Public Undertakings etc. to identify the officers/officials who are directly or indirectly involved in election related work in accordance with the directions. Necessary action to transfer such personnel who fall under the criteria of transfer policy of the Commission as referred above may be taken, so that no difficulty may arise after the announcement of the ensuing Vidhan Sabha elections in the State. It is further requested that while transferring the Officers no vacancies in the cadre of District Election Officer, Deputy District Election Officer (CTM), Retuning Officers, Assistant Retuning Officers may fall.

Further it is also intimated that experience of previous elections including recently conducted General Election to Lok Sabha shows that a large number of complaints have been received against such officers/officials who are covered under the transfer policy of the Commission, but not transferred for their transfer. Request were also received from various departments for seeking the approval of transfer during the peak time of Election work and enhanced the load of unwanted work of the department where as such situation could be avoided had the Commission transfer policy implemented in the right spirit. After the announcement of Election, no such transfer can be affected without the prior approval of the ECI.



OFFICE OF CHIEF ELECTORAL OFFICER, HARYANA
कार्यालय मुख्य निर्वाचन अधिकारी, हरियाणा

: 2 :

Keeping in view of the position, it is requested that all the concerned may be directed to follow the Election Commission's directions both in letter and spirit. It is also requested that the compliance report may be sent to this by 27.08.2019 for onward transmission to the ECI.

Yours faithfully,

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

Endst.No: 172/Transfer Policy/HVSElec-2019/2AE- 8925 Dated: 24-07-2019
A copy of ECI's letter No: 437/6/1/INST/ECI/FUNCT/MCC/ 2019, dated 11th July, 2019 alongwith its enclosure for information and necessary action is forwarded to the following:

1. The Addl. Chief Secretary and Administrative Secretaries of the Govt. of Haryana of all the Departments.
2. The Director General of Police, Haryana.
3. The Head of all the Departments.
4. Managing Directors of all the Boards, Corporations, Undertakings of the State Government.

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

Endst.No: 172/Transfer Policy/HVSElec-2019/2AE- 8926 Dated: 24-07-2019
A copy of ECI's letter No: 437/6/1/INST/ ECI/FUNCT/ MCC/ 2019, dated 11th July, 2019 alongwith its enclosure for information and necessary action is forwarded to the all the Deputy Commissioners-cum-District Election Officers in the State. They are directed to ensure the compliance with the directions of the ECI both in letter and spirit.

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

Endst.No:172/Transfer Policy/HVSElec-2019/2AE- 8927 Dated: 24-07-2019
A copy of ECI's letter No: 437/6/1/INST/ ECI/FUNCT/ MCC/ 2019, dated 11th July, 2019 alongwith its enclosure for information and necessary action is forwarded to the all the Election Tehsildars/Naib Tehsildars in the State.

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

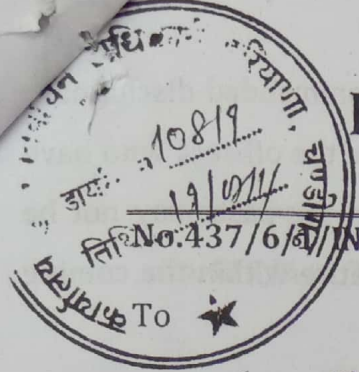
Endst.No:172/Transfer Policy/HVSElec-2019/2AE- 8928 Dated: 24-07-2019
A copy for information is forwarded to Shri Narendra N. Butolia, Principal Secretary, Election Commission of India.

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

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19.7.19

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001



Dated: 11th July, 2019

378

To ★

1. The Chief Secretary to the Government of
 - a.) Haryana, Chandigarh.
 - b.) Maharashtra, Mumbai.
2. The Chief Electoral Officer of
 - ✓ a.) Haryana, Chandigarh.
 - b.) Maharashtra, Mumbai.

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 18/7/19
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Subject:- General Elections to State Legislative Assemblies of Haryana & Maharashtra- Advisory for Transfer/Posting of officers connected with conduct of elections - regarding.

Sir/Madam,

The term of existing State Legislative Assemblies of Haryana & Maharashtra is upto 2nd November, 2019 and 9th November, 2019, respectively.

2.- To ensure free and fair election, the Commission has been following a consistent policy to the effect 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. Keeping this in view, detailed transfer/posting instructions were issued vide letter of even number dated 16th January, 2019 in respect of the General Election to House of the People (Lok Sabha), 2019 and State Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim (copy enclosed).

3. Accordingly, it is hereby advised that in respect of all government officers directly connected with the conduct of elections the following may be ensured:-

- (i) that she/he is not posted in her/his home district
- (ii) that she/he has not completed three years in that district during last four (4) years or would be completing 3 years on or before 31st October, 2019.
- (iii) that no DEO/RO/ARO/Police inspectors/Sub-inspector or above is posted back or allowed to continue in the AC/district where he/she was posted during the General/Bye elections held in the Assembly/Parliamentary Constituency prior to 31st October, 2017.


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(iv) 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, may not be assigned any election related duty. Further, any officer, who is due to retire within the coming six months, shall not be associated with any election related duty.

4. The Commission's aforesaid advisory may be brought to notice of all concerned for strict and timely compliance.

5. Kindly acknowledge receipt of this letter.

Yours faithfully,


(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY

Copy to Sr. Pr. Secy. /Pr. Secy/Secretaries/Under Secretaries of territorial Section for information and necessary action.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.437/6/1/INST/ECI/FUNCT/MCC/2019

Dated: 16th January, 2019

To

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

Subject:- General Elections to House of the People (Lok Sabha), 2019 and State Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim. - Transfer/Posting of officers – regarding.

Sir/Madam,

I am directed to state that the term of existing House of the People (Lok Sabha) and State Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim are upto 3rd June, 2019, 18th June, 2019, 1st June, 2019, 11th June, 2019 and 27th May, 2019, respectively.

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 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 31st May, 2019.

4. While implementing the above said instructions/transferring officers, the concerned departments of the State Govt. should take care that they are not posted in their home districts. It shall also be ensured that no DEO/RO/ARO/ Police inspectors/Sub-inspector or above is posted back or allowed to continue in the AC /district where he/she was posted during the General/Bye elections held in the Assembly prior to 31st May, 2017.

5. If any small state/UT with a few number 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.

6. Applicability-

6.1 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.

6.2 These instructions shall also be applicable to the police department officers such as Range 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.

7. Following clarifications/relaxations issued by the Commission, from time to time, are for information/guidance of all the concerned:-

- (i) The police officials who are posted in functional departments like computerization, special branch, training, etc. are not covered under these instructions.
- (ii) The Police Sub-Inspectors and above should not be posted in their home district.
- (iii) 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.
- (iv) 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 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.
- (v) 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.

- (vi) While calculating the period of three years, promotion to a post within the district is to be counted.
- (vii) These instructions do not apply to the officers posted in the State headquarters of the department concerned.
- (viii) 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.
- (ix) The Commission further desires that no officer/official, against whom a criminal case is pending in any court of law, be associated with/deployed on election related duty.
- (x) Further, 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.
- (xi) 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.
- (xii) 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. Further, officer falling in the category (home/3+ criteria and due to retire within 6 months) if holding an election related post mentioned in para 6.1 and 6.2, 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.

- (xiii) It is further clarified that 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.
- (xiv) 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

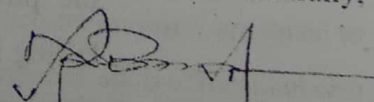
NOTE- Any false declaration made by any officer shall invite appropriate disciplinary actions.

8. The Commission's aforesaid instructions shall be brought to 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.

9. The Commission has further directed that transfers/postings of all officers covered under the above instructions shall be done by 28th February, 2019, and compliance reports with details of action obtained from the concerned departments/offices of State Government furnished to the Commission by first week of March, 2019.

10. Kindly acknowledge receipt of this letter.

Yours faithfully,


(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No 464/INST/2008/EPS

Date: 23rd December 2008

To

The Chief Electoral Officers
of all States/UTs

Subject Tracking the names of officers transferred by the order of the Election Commission of India charged with dereliction of duty etc.

Ref: No.437/6/2006-PLN.III dated 6th November,2006 & ECI message No 100/1994-PLN.I dated 28.3.1994 addressed to the CEOs of all States & UTs

Sir/Madam,

The Election Commission of India vide the instruction referred to above had directed that a detailed review shall be undertaken before every election in all districts and all such officers should be posted out of their home districts or district where they have completed a tenure of 3 years out of 4 years, and had further directed that officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in election or election related work or who were transferred under the orders of the Commission in the matter may not be assigned to any election related duty

However, it was observed during recent elections that in spite of efforts made by the CEOs and the DEOs to comply the above instruction of the Commission, there were still some instances of the officers who come under the above criteria and liable to be transferred out of the district to a non election related assignment but managed to stay back and the Commission came to know about this only at a later stage through complaints being raised by various political parties and members of public. These incidents, though few in numbers, send a wrong signal at the field level and non maintenance of proper information about the officers liable to be transferred on the above criteria has been recognised as a reason for some stray incidents of non-compliance. In order to remove the possibility of the occurrence of such incidents in future, the Commission has issued the following directions to make the existing instruction more effective:-

- I The CEO of the State shall maintain a register in which the information about IAS/IPS officers, DEOs, ROs and EROs transferred by the order of the Election Commission and against whom Commission has recommended disciplinary action or who have been charged for any lapse in election or election related work shall be maintained
- II Similarly the DEO will maintain a register containing information about other junior officers and other staff
- III Within 7 days of the announcement of elections by the Election Commission of India the CEO of the State will send a compliance letter to the Zonal Secretary in the Commission confirming that all the officers coming under the above criteria have been transferred. Similarly he shall obtain a similar

compliance certificate from all the DEOs confirming that all the officers/staff coming under the above criteria have been transferred to non election related assignment and out of the district

- IV With reference to transfer of officers coming under '3 years out of 4 years criteria' and the home district criteria, DEOs shall ensure compliance in respect of ROs, EROs, AROs and AEROs and other election related officials and send a letter to CEO within the time, if any, stipulated for this purpose by the Election Commission of India or CEO and if not, within 7 days of issue of press note announcing the elections. Similarly, information related to DEOs, SSP and SPs and other senior police officials connected with the election work shall be maintained by the CEO and compliance by the State Govt shall be ensured at his level. Compliance regarding the transfer of these officers shall be collected from the DEOs and the CEO of the State shall send a consolidated letter of compliance to the Zonal Secretary within 7 days of the announcement of election.
- V To facilitate the submission of this compliance letter within 7 days of the announcement of election, the CEO and DEO shall collect the information and ensure maintenance of register as stated above well in advance so that no time is lost.
- VI There are many departments in the State Government that are involved in transferring officials and thereby accountable for the compliance of the above instructions of the Commission. The Commission's instruction regarding transfer of the officials during election shall be brought to the notice of the Secretaries of the departments concerned with a copy to the Chief Secretary. The Chief Secretary may be requested by the CEO to ensure that all the departments concerned comply with the Commission's instruction well in time.
- VII With regard to bye-elections while the officers coming under the category, dealt within para marked as (I) shall be transferred out of the district within three days of announcement of bye-election and certainly before the first days of receipt of nomination whichever is earlier.
- VIII The above instruction be followed without any deviation.

Yours faithfully,

(SHANGARA RAM)
PRINCIPAL SECRETARY