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Vidhan Sabha General Election-2009
Most Immediate/Date Bound

No. 4/72/2009-2Election
Haryana Government
Chief Secretary Office
(Election Branch)

Haryana Civil Secretariat
Dated 5th September, 2009.

To

1. The Financial Commissioner & Principal Secretary to Government Haryana, Home Department.
2. The Director General of Police, Haryana.
3. All the Divisional Commissioners in Haryana.
4. All the Deputy Commissioners-cum-District Election Officers in the State
5. Inspectors General of Police of all ranges in the State.
6. All the Superintendents of Police in the State.
7. All the Returning Officers / Assistant Returning Officers for Assembly Constituencies in the State.

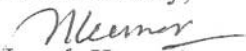
Subject: - General election to Haryana Vidhan Sabha, 2009 – Police Personnel Connected with election related duties, exercise of supervisory/disciplinary control.

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Sir/Madam,

I am directed to refer to the subject noted above and to enclose herewith a copy of the letter No.Elec-2009/2AE-7311 dated 03.09.2009 received from the Chief Electoral Officer, Haryana alongwith a copy of Election Commission's Order No.434/1/ES026/94 MCS dated 24.10.1994 for strict compliance. It is requested that the said instructions may be complied with strictly.

Yours faithfully,

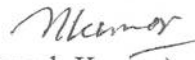

(Naresh Kumar)

Superintendent Election

Endst. No. 4/72/2009-2Election

Dated Chandigarh the 5th September, 2009.

A copy is forwarded to the Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi for information and necessary action.


(Naresh Kumar)

Superintendent Election

Endst. No. 4/72/2009-2Election

Dated Chandigarh the 5th September, 2009.

A copy is forwarded to the Chief Electoral Officer, Haryana, Chandigarh w.r.t. his letter No.Elec-2009/2AE-7311 dated 03.09.2009 for information and necessary action.


(Naresh Kumar)

Superintendent Election

CC:

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

23-C.S. Camp. Office

5-9-09.

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

No. Elec-2009/2AE-7311

From

The Chief Electoral Officer,
Haryana.

To

1. The Chief Secretary,
Govt. of Haryana.

2. The Financial Commissioner and
Principal Secretary to Govt. Haryana,
Home Department. (By Name)

Dated: Chandigarh, the - 3 September, 2009.

Subject: - General Election to Haryana Vidhan Sabha, 2009 - Police Personnel connected with election related duties, exercise of supervisory/disciplinary control.

Sir,

On the subject noted above, I am directed to inform you that General Election to Haryana Vidhan Sabha has been started from the announcement of elections made by the Election Commission of India on dated 31.08.2009. The Election Commission of India has already directed to identify the police personnel who will be put for election duty including maintenance of Law and Order. The Commission has also directed to maintain database of such police personnel and to impart comprehensive training for such officers/officials. The Commission's instructions in this respect have already been furnished to you for compliance. I am further directed to invite your attention towards Commission's Order No. 434/1/ES026/94-MCS dated 24.10.1994 (copy enclosed) vide which police personnel connected with election duty are required to be designated under section 28A of R.P. Act, 1951. It has been made clear in the said order that the State Government shall designate all the police officers from the level of Director General of Police/ Additional Director General of Police/ Inspector General of Police/ Commissioners of Police, officers immediately subordinate to them and upto the level of Head Constable and Constable involved in any way in election related duties especially under section 28A of the R.P. Act, 1951. It is, therefore, requested that you may kindly designate all such police personnel as per Election Commission of India's order stated above under intimation to this office.

Yours faithfully,

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

Dated: 3/9/09

Endst. No. Elec-2009/2AE-7312

- A copy for information and necessary action is forwarded to:-
1. The Director General of Police, Haryana.
 2. All the Divisional Commissioners in the State.
 3. Inspector Generals of Police of all ranges in the State.
 4. All the Superintendents of Police in the State.
 5. All the Deputy Commissioners-cum-District Election Officers in the State.
 6. All the Returning Officers / Assistant Returning Officers for assembly constituencies in the State.

Through R A

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

Internal Distribution
1. P.S. to CEO, Haryana.
1. P.A. to Addl. CEO, Haryana.
1. R.R.R. (Publicities)
Supervising
O/o Chief Electoral Officer,
Haryana, Chandigarh.

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ne 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.

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