

**OFFICE OF CHIEF ELECTORAL OFFICER, HARYANA**

कार्यालय मुख्य निर्वाचन अधिकारी, हरियाणा

Most Immediate/Date-Bound/General Elections to Lok Sabha 2019

No. 190(Govt. Emp)/LS-Elec-2018/2AE- 5512

Dated: 23-10-2018

To

1. All the Heads of Departments.
2. All Commissioners of Divisions.
3. All Managing Directors/Chairman of Corporations/Boards.
4. All the Deputy Commissioners in the State.
5. The Registrar, Punjab & Haryana High Court, Chandigarh.
6. All the District & Session Judges in the State.

**Subject: - General Elections to Lok Sabha, 2019 - Position of Govt. employees in relation to Elections.**

Sir, 31-10-18

I am directed to address you on the subject noted above and to draw your kind attention to this office letter No. 190(Govt. Emp)/LS-Elec-2014/2AE-1976, dated 06.03.2014 vide which copy of D.O. letter No. Elec. 91/1AE-2859, dated 24.4.1991 from the Chief Secretary to Govt., Haryana addressed to you (copy enclosed) and to request you that the instructions contained in the communication under reference shall be applicable ipso-facto so far as the General Elections to Lok Sabha, 2019, is concerned. It is accordingly requested that these instructions may kindly be brought to the notice of all Govt. employees working under you for strict compliance.

Yours faithfully,

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

Endst. No. 190(Govt. Emp)/LS-Elec-2018/2AE- 5513 Dated: 23-10-2018

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

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

Endst. No. 190(Govt. Emp)/LS-Elec-2018/2AE- 5514 Dated: 23-10-2018

A copy is forwarded to the Principal Secretary to the Chief Minister, Haryana & Secretaries/Private Secretaries to the Ministers/State Ministers/Deputy Ministers/Chief Parliamentary Secretary/Parliamentary Secretary for information of the Chief Minister, Ministers/State Ministers/Deputy Ministers/Chief Parliamentary Secretary/Parliamentary Secretary.

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

Endst. No. 190(Govt. Emp)/LS-Elec-2018/2AE- 5515 Dated: 23-10-2018

A copy each is forwarded to the Addl. Chief Secretary to Govt. of Haryana, Revenue & Disaster Management Department and all Addl. C.S. /Administrative Secretaries to Govt., Haryana for information and necessary action.

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

**Internal Distribution:**

1. PS to CEO.
2. PA to Addl. CEO.
3. RK-II (with 5 spare copies)

Office: 30 Bays Building, 3<sup>rd</sup> Floor, Sector 17-B, Chandigarh - 160017 (India) Tel: 0172-2701200, 2728936, 2701362 Fax: 0172-2706556  
कार्यालय: 30 बेज बिल्डिंग, तृतीय तल, सेक्टर 17 बी, चण्डीगढ़ - 160017 (भारत) दूरभाष: 0172-2701200, 2728936, 2701362 फैक्स: 0172-2706556

E-mail: hry\_elect@yahoo.com Website: www.ceo.haryana.nic.in



# OFFICE OF CHIEF ELECTORAL OFFICER, HARYANA

कार्यालय मुख्य निर्वाचन अधिकारी, हरियाणा

IMMEDIATE

D.O. No. Elec 91/1AE-2859  
Chief Secretary to Govt., Haryana  
Haryana Civil Secretariat.

Dated: Chandigarh, the 24.4.1991

**Subject: - Position of Govt. employee in relation to elections.**

Sir,

I am desired to address you on the subject of the conduct of Government employees in relation to the ensuing elections to Lok Sabha and Vidhan Sabha, 1991. The legal provisions are contained in section 129 and 134 of the Representation of the People Act, 1951 and in rule 5 of the Govt. employees (conduct) Rule, 1966, a copy each of which is attached. These provisions are to the following effect :-

No person who has to perform any duty in connection with an election (Returning Officer, Assistant Returning Officers, Presiding Officers, Polling Officers, etc.) is [permitted in the conduct or the management of the election to do any act other than the giving of his own vote, for the furtherance of the prospects of the election of a candidate. Nor may such a person or a member of the police force endeavour to persuade any person to give his vote at an election, or dissuade any person from giving his vote or influence the voting of any person in any manner. Contravention of these provisions is punishable with imprisonment which may extend to six months or with fine or with both. Again, if any person is without reasonable cause guilty of any act or omission in breach of his official duty connected with elections, he is punishable with fine upto five hundred rupees, clause (4) of rule 5 of the Govt. employees (Conduct Rules, 1966, provides that no Govt. employees shall canvass or otherwise interfere with, or use his influence in connection with or take part, in an election to any legislature or local authority.

- (i) A Govt. employees qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;
- (ii) Government employee shall not be deemed to have contravened the provisions of his sub rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

1. Your attention is also specially invited to the provisions of section 134 A of the Representation of the People Act, 1951, which read as follows:-

**[134A. Penalty for Government servants for acting as election agent, polling agent or counting agent.-If any person in the service of the Government acts as an election agent of a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, for with fine, or with both.]**

2. In short, the position is that Govt. employees are required to maintain an attitude of strict impartiality in the elections. They should, in fact, not only be impartial but should also appear to be impartial. They should so conduct themselves as to inspire



# OFFICE OF CHIEF ELECTORAL OFFICER , HARYANA

कार्यालय मुख्य निर्वाचन अधिकारी, हरियाणा

confidence in the public in regard to their impartiality, which means that they must avoid even giving room for any suspicion that they are favouring any party or candidate. They should, for instance, take no part in any election campaign or canvassing and should exercise scrupulous care not to lend their names, official position or authority to assist one group or individual against any other.

3. In the matter of election meetings in a public place, no distinction should be made between one political party and another in granting permission to hold such meetings. If more parties than one apply for holding a meeting at any place on the same day and the same hour, the party which applies first should be given preference.
4. I am to emphasize that any disregard of the instructions will be considered by the Govt. as serious act of indiscipline and Govt. employees are advised that in case of doubt they should not hesitate to consult their superior officers.
5. Finally, I am to request you to bring these instructions to the notice of all Govt. employees working under you for strict and careful compliance.
6. Please acknowledge the receipt of this letter.

Yours faithfully,  
sd/-

## BY NAME

All Head of Departments

The Commissioners, Ambala Division, Ambala and Hissar Division, Gurgaon Division, Rohtak Division and all Deputy Commissioners in Haryana.

The Registrar, Punjab & Haryana High Court and All Distt. and Session Judges in Haryana.

Endst. No. Elec 91/1AE-

Dated: 24.4.1991

Two copies are forwarded to the Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi for information.

sd/-

Chief Secretary to Govt., Haryana.

Endst. No. Elec 91/1AE-

Dated: 24.4.1991

A copy each is forwarded to the Financial Commissioner, Revenue and to all Administrative Secretaries to Govt., Haryana, for information and necessary action.

sd/-

Chief Secretary to Govt., Haryana.





# OFFICE OF CHIEF ELECTORAL OFFICER , HARYANA

कार्यालय मुख्य निर्वाचन अधिकारी, हरियाणा

## EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951.

**129. Officers etc, at elections not to act for candidates or to influence voting.**-(1) no person who is [ a district elections officer or a returning officer] or an assistant returning officer, or a presiding or polling officer at an election or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act ( other than the giving of vote for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour-

- (a) to persuade any person to give his vote at an election or
- (b) to persuade any person from giving his vote at an election, or
- (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

2[(4) An offence punishable under sub-section (3) shall be cognizable.]

**134. Breaches of official duty in connection with elections.**-(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

4[(1A) An offence punishable under sub-section (1) shall be cognizable.]

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the 5\* \* \* 6[district election officers, returning officers], assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with 7\* \* \* the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act 5\* \* \*.

**123. Corrupt practices.**-The following shall be deemed to be corrupt practices for the purposes of this Act:—

3[(1) "Bribery", that is to say—

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or 4[to withdraw or not to withdraw] from being a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to--

(i) a person for having so stood or not stood, or for 5 [having withdrawn or not having withdrawn] his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(a) by a person for standing or not standing as, or for 6[withdrawing or not withdrawing] from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate 4[to withdraw or not to withdraw] his candidature.

*Explanation.*—For the purposes of this clause the term "gratification" is not restricted to pecuniary gratification's or gratification's estimable in money and it includes all forms of



# OFFICE OF CHIEF ELECTORAL OFFICER , HARYANA

कार्यालय मुख्य निर्वाचन अधिकारी, हरियाणा

entertainment and all forms of employment for reward but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.]

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the Part of the candidate or his agent, or of any other person 7[with the consent of the candidate or his election agent], with the free exercise of any electoral right:

Provided that

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate of elector within the meaning of this clause ;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

1 [(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:

2[Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purpose of this clause].

(3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of Indian on grounds of religion, race caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.]

3[(3B) The propagation of the practice or the commission of sati or its glorification by a candidate or is agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

*Explanation.* For the purposes of this clause, "sati" and "glorification" in relation to sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987.]

(4) The publication by a candidate or his agent or by any other person 4[with the consent of a candidate or his election agent], of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, 5\*\*\*of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person 6[with the consent of a candidate or his



# OFFICE OF CHIEF ELECTORAL OFFICER, HARYANA

कार्यालय मुख्य निर्वाचन अधिकारी, हरियाणा

election agent], 7[or the use of such vehicle or vessel for the free conveyance] of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll:

Provided that the hiring of a vehicle or vessel by an elector by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

*Explanation.*—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The incurring or authorizing of expenditure in contravention of section 77.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person 1[with the consent of a candidate or his election agent], any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely:—

- (a) gazetted officers;
- (b) stipendiary judges and magistrates;
- (c) members of the armed forces of the Union;
- (d) members of the police forces;
- (e) excise officers;

2[(f) revenue officers other than village revenue officers known as lambardars, malguzars, patels, deshmukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and]

(g) such other class of persons in the service of the Government as may be prescribed:

3[Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, **makes any** arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's elections.]

4[(8) Booth capturing by a candidate or his agent or other person.]

*Explanation.*— (1) In this section the expression "agent" includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent 1\*\*\*of that candidate.]

2[(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government





# OFFICE OF CHIEF ELECTORAL OFFICER , HARYANA

## कार्यालय मुख्य निर्वाचन अधिकारी, हरियाणा

(including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof\_

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and

(ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service such person ceased to be in such service with effect from the said date.]

3[(4) For the purposes of clause (8), "booth capturing" shall have the same meaning as in section 135A.]

### EXTRACT FROM THE GOVERNMENT EMPLOYEES (CONDUCT) RULES, 1986.

#### Taking part in politics and Elections:-

- 1 No Govt. employees shall be a member, or be otherwise associated with, any political party or any organisation which takes part in political nor shall be take part an and subscribe in aid of, or assist in any other manner, any political Movement or activity.
- 2 It shall be the duty of every Government employee to endeavour to prevent any member of his family from taking part in sub scribing in aid of or assisting in any other manner any movement of activity which is, or tends directly or indirectly to be subversive of the Govt. as a by law established and where as Govt. employees is unable to prevent a member of his family from taking part, or subscribing in aid of or, assisting in any other manner any such movement or activity he shall make a report to that effect to the Government.
- 3 If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule (2) the decision of the Govt. there on shall be final.
4. No Govt. employee shall convass or otherwise convass interfere with, or use his influence in connection with or take part in, on election to any legislature or local authority:-
  - (i) A Government employees qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or his voted;
  - (ii) A Government employee shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

#### EXPLANATION:-

The display by a Government employee on his personal vehicle or residence of any electoral symbol shall amount to using his influence in connection with the election within the meaning of this sub-rule.