

No.8/76/2024-1ELECTION
HARYANA GOVERNMENT
Chief Secretary's Office
Election Branch



Dated, Chandigarh the 28th August, 2024

To

1. All the Administrative Secretaries to Government Haryana,
2. All the Heads of Department to Government Haryana,
3. All the MDs/Chief Administrators of Boards/Corporations/Public Undertakings of Haryana,
4. All the Divisional Commissioner's in Haryana,
5. All the Deputy Commissioner's-cum-District Electoral Officers in Haryana,
6. All the Vice Chancellor of the Universities in Haryana,

Subject:-

General Elections to Haryana Vidhan Sabha, 2024 - Position of Govt employees in relation to Election regarding.

Sir,

I am directed to refer to the letter No. E-1069345/190(Govt. Emp)/HVS-Elec-2024/2AE-8427, dated 28.08.2024, received from Chief Electoral Officer, Haryana, along-with its enclosures, on the subject noted above and forward the same to take necessary action for bringing the legal Provisions/Rules contained in Section 129 and 134A of the representation of People Act, 1951 and Rule 9 of Haryana Civil Services (Government Employees' Conduct) Rules, 2016 to the notice of all Government employees of the State for strict compliance during General Election to Legislative Assembly of Haryana, 2024.

Yours faithfully

Whin 14
Superintendent Election,

Dated, Chandigarh the 28th August, 2024

Endst. No. 8/76/2024-1Election

A copy is forwarded to the Chief Electoral Officer, Haryana, 30-Bays Building, Sector-17, Chandigarh w.r.t. their No. E-1069345/190(Govt. Emp)/HVS-Elec-2024/2AE-8427, dated 28.08.2024, for information and necessary action.

Whin 14
Superintendent Election,

Q



No.E- 1069345/190(Govt. Emp)/HVS-Elec-2024/2AE-

8497

Dated: 28.08.2024

To

1. The Chief Secretary to Government, Haryana.
2. The Additional Chief Secretary to Government, Haryana.
(Home Department)

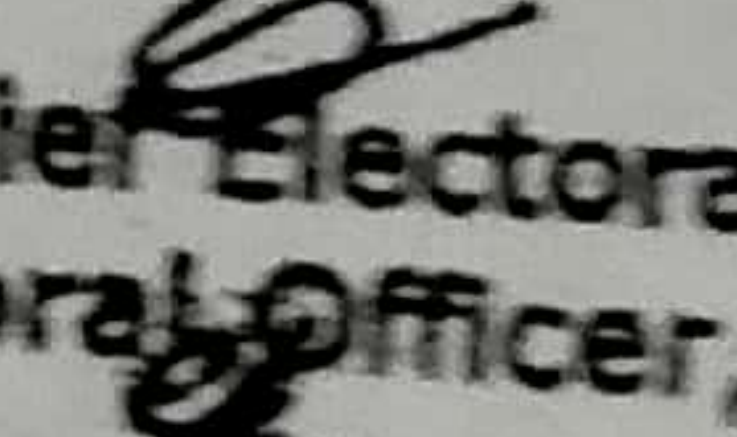
Subject: General Elections to Haryana Vidhan Sabha, 2024 -Position of Govt. employees In relation to Election-regarding.

Sir,

I am directed to inform you that in the past elections various complaints were received against government employees regarding influencing voters, political bias/prejudice, participating in political campaign, association with political parties or activities of political parties etc. Government official is the backbone of the electoral system. Though a government official serves under the government of the day but during elections he is expected to perform the duty with impartiality and commitment towards democratic values.

I am, therefore, directed to draw your kind attention towards Section 129 and 134A of the Representation of People Act, 1951 and Rule 9 of Haryana Civil Services (Government Employees' Conduct) Rules, 2016, a copy each of which is enclosed herewith. It is requested to kindly bring these legal provisions/rules to the notice of all government employees of the State for strict compliance during current General Election to Legislative Assembly of Haryana, 2024.

Yours faithfully,


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

129. Officers, etc., at elections not to act for candidates or to influence voting.—(1) No person who is ¹[a district election 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 for 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 dissuade 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.]

130. Prohibition of canvassing in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of ³[one hundred metres] of the polling station, namely:—

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector, or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

131. Penalty for disorderly conduct in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

1. Subs. by Act 47 of 1966, s. 55, for "a returning officer" (w.e.f. 14-12-1966).

2. Ins. by Act 47 of 1966, s. 55 (w.e.f. 14-12-1966).

3. Subs. by s. 56, *ibid.*, for "one hundred yards" (w.e.f. 14-12-1966).

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

132. Penalty for misconduct at the polling station.—(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

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

¹[132A. **Penalty for failure to observe procedure for voting.**—If any elector to whom a ballot paper has been issued, refused to observe the procedure prescribed for voting the ballot paper issued to him shall be liable for cancellation.]

²[133. **Penalty for illegal hiring or procuring of conveyance at elections.**—If any person is guilty of any such corrupt practice as is specified in clause (5) of section 123 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine.]

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.

³[(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^{4***} ⁵[district election officers, returning officers], assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with ^{6***} 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 ^{7***}.

⁷[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 or 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, or with fine, or with both.]

⁸[134B. **Prohibition of going armed to or near a polling station.**—(1) No person, other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959 (54 of 1959), of any kind within the neighbourhood of a polling station.

1. Ins. by Act 4 of 1986, s. 2 and Schedule (w.e.f. 15-5-1986).

2. Subs. by Act 21 of 1996, s. 12, for section 133 (w.e.f. 1-8-1996)

3. Ins. by Act 47 of 1966, s. 58 (w.e.f. 14-12-1966)

4. Certain words omitted by Act 58 of 1958, s. 37 (w.e.f. 30-12-1958).

5. Subs. by Act 47 of 1966, s. 58, for "returning officers" (w.e.f. 14-12-1966).

6. The words "the preparation of an electoral roll" omitted by Act 58 of 1958, s. 37 (w.e.f. 30-12-1958)

7. Ins. by Act 47 of 1966, s. 59 (w.e.f. 14-12-1966).

8. Ins. by Act 21 of 1996, s. 13 (w.e.f. 1-8-1996).

7. **Employment of near relatives of Government employees.—**

- (1) No Government employee shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm.
- (2) No Government employee shall, except with the prior sanction of the Government, permit his family member to accept employment in any company or firm with which he has official dealings.

Provided that where the acceptance of the employment may not await prior sanction, the position shall be explained to the prescribed authority with the request of ex-post-facto approval.

8. **Sanction of contract by Government employee to near relatives.—**

No Government employee shall, in the discharge of his official duties, deal with any matter or give or sanction any contract to any undertaking or any other person, if any member of his family is employed in that undertaking or under that person, or if he or any member of his family is interested in such matter or contract in any other manner. The Government employee shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed off according to the instructions of the authority to whom the reference is made.

9. **Taking part in politics and elections.—**

- (1) No Government employees shall be a member of, or be otherwise associated with, any political party or any organization, which takes part in politics, nor shall take part in, or 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 or subscribing 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 Government as by law established, and where a Government employee is unable to prevent member of his family from taking part in or subscribing in aid of, or assisting in any other manner, any such movement of 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 organization takes part in politics or whether any movement or activity fall

within the scope of sub-rule (2), the decision of the Government thereon shall be final.

- (4) No Government employee 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.

Provided that a Government employee—

- (a) 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;
- (b) shall not be deemed to have contravened the provisions of this sub-rule by reason only that he has assisted 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 person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election, within the meaning of this sub-rule.

10. Joining of associations.—

- (1) No Government employee shall join or continue to be a member of an association, the objects or activities of which are prejudicial to the interest of the sovereignty and integrity of India or public order or morality.
- (2) No Government employee shall be a member/ office bearer of more than one such association at State level and at National level, the aims or objectives of which relate to promotion of sports. However, the employee of the sports department may become member/ office bearer of only one association at State level and one at National level that too in the area of his own specialty/discipline.

11. Demonstration and strikes.—

No Government employee shall—

- (i) engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign State, public order, decency or