



OFFICE OF THE CHIEF ELECTORAL OFFICER

Villianur Main Road, Lawsthotham, Reddiarpalayam, Puducherry-605 010

Phone: (0413) 2292204, 2292205 Fax: (0413) 2292206

Web: <http://ceopuducherry.py.gov.in> Email: ceo_puducherry@eci.gov.in

No.E.100/MCC-BE/2019 - 2426

Puducherry, dt.

OFFICE MEMORANDUM

23 SEP 2019

Sub : Elections – Bye-election to 10. Kamaraj Nagar Assembly Constituency, 2019 - Guidelines for the conduct of Government servants in relation to the General Election-Reg.

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The Election Commission of India has announced the schedule for the Bye-election to 10. Kamaraj Nagar Assembly Constituency, 2019.

2. In order to uphold the high ethics of democracy and ensuring free and fair elections, all Government servants should be impartial in relation to the election. Particularly those Government servants who have been entrusted with the responsibility of conducting the election should avoid giving room for any suspicion that they are favouring any party or candidate and they are expected not to take part in any election campaign or canvassing.

3. In this regard it is reiterated that the Government Servants are governed by rule 5 of the Central Civil Service (Conduct) Rules, 1964

4. The Government servant while exercising his right to vote shall not give out any indication of the manner in which he intends to vote or has voted. It is the duty of the Government servants to be scrupulously impartial in the discharge of their duty concerning the election.

5. No Government servant shall act as a proposer or seconder or as an election agent, polling agent or a counting agent of a candidate for election. Every Government servant should not only be impartial but also appear to be impartial in discharge of his/her duties both official and those concerning the elections. Therefore, the Government servants may refer to Sections 129, 134 and 134A of the Representation of the People Act, 1951 (extract enclosed) in their own interest.

6. Government Servants should avoid attending meetings of political parties. The Government Servants are also prohibited from organizing, conducting political meetings and giving speeches in such meetings. The Government servant should deal promptly with all complaints relating to the matters of election and report such matters to the Competent Authority for appropriate action.

7. The above instructions shall apply *mutatis mutandis* to all employees of Boards, Corporations, Agencies, Co-operative Institutions and Societies in the Union Territory of Puducherry.

8. The Heads of Department/Office are therefore requested to bring the contents of the circular to the notice of all Government servants. It may also be brought to the notice of Government Servants that violation of these instructions would attract disciplinary proceedings under the provision of CCS-CCA(Conduct) Rules besides attracting provision of Section 188 of IPC.

L. Kumar
23/9/19
(L. KUMAR)

ADDITIONAL CHIEF ELECTORAL OFFICER

To

1. All Secretaries /Special Secretaries/ Additional /Deputy/Under Secretaries to Government
2. All Heads of Departments of State/Central Government/Corporations/Local Bodies
3. The District Election Officer, Puducherry

Copy to:

The Chief Secretary to Government, Puducherry

EXTRACT OF SECTIONS 129, 134 & 134A OF 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 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 or the presiding officer to perform any duty in connection with the 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 provision 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.

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

134. Breaches of official duty in connection with election:--- (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.

[(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 (district election officers, returning officers, assistant returning officers, presiding officers, polling officers) and any other person appointed to perform any duty in connection with the receipt of nomination or withdrawal of candidatures, or the recording or counting of votes at an elections, and the expression "official duty" shall for the purpose of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

134 A. 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 counting agent for 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)