

**GOVERNMENT OF KERALA
ELECTION (GENERAL) DEPARTMENT**

CIRCULAR NO.5833/EL1/90/Elec. Dated: 9.1.1991

Sub:- Election – Election to the District Councils – position of Govt . servants in relation the Elections.

....

Under Section 74 H of the Kerala District Administration Act, 1979(Act of 7 of 1980) No person who is a Returning Officer, or an Assistant Returning Officer, or a Presiding or Polling Officer at an election, or an officer 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. Similarly Section 74 K of the above Act lays down that if any person appointed to perform any duty in connection with election to a district council, refuses such appointment or without reasonable cause neglects or fails to perform such duties, he shall be punishable with fine which may extend to five hundred rupees.

3. Rule 67 of the Kerala Government Servant's Conduct Rules,1960, Prohibits a Government Servant from being a member or being otherwise associated with any political party of any organization which takes part in politics or from subscribing in aid of, or assisting in any other manner any political movement or activity.

4. Government would like to invite the attention of all Government Servants to the above provisions of the law and rules and to issue the following instructions for the guidance of all their employees.

(i) All Government Servants should maintain an attitude of strict impartiality in relation to the election. Besides maintaining an attitude of impartiality it is also important that they should be seen to be impartial and to conduct themselves in such a way as to inspire confidence in the public in regard to their impartiality. They should avoid giving room for any suspicion that they are favouring any party or candidate. They should scrupulously refrain from taking part in any election campaign or canvassing or lending their name, official position or authority to assist one group as against another. While granting permission to hold any election meeting in a public place, no discrimination should be made between one political party and

another and if more parties than one have applied for holding meetings at any place in the same day and the same hour, the party which had applied first should be allowed to hold the meeting.

(ii) The obligations attached to the offices of the Presiding and polling Officers and the Counting Personnel include the obligation to attend rehearsal and training classes, Failure to attend rehearsals and training classes without valid reasons will entail disciplinary action.

(iii) With particular reference to the tours that the Ministers might have to undertake on the eve of the election, it is clarified that Government Officers should make all the usual arrangements to enable the Ministers to carry out their responsibilities as Ministers. But the officers should not themselves organise any election meetings who may have to be present to the extent necessary for maintaining law and order and making the necessary security arrangements. The question as to whether a public meeting addressed by a Minister was officially sponsored or was one held for election propaganda is left to be decided by the Minister himself. If the meeting is an election meeting, the arrangement for organizing it are to be made on the Minister behalf non officially, and the expenditure in that connection is to be borne by him or his party. It is further made clear that public meetings held on the eve of the election would normally be considered to be election meetings and the expenses thereof are not to be borne from public funds. The preservation of law and order at every meeting would, however, be the responsibility of the Government.

PADMA RAMACHANDRAN,
CHIEF SECRETARY.

To

All Heads of Departments.
All District Collectors etc. etc.

ELECTION URGENT

Endt. On E4 – 28241/90 dated. 19.1.1991

Copy forwarded to the Chief Conservator of Forests (Vig.), Chief Conservator forwarded to the Chief Conservator of Forests (SF&P), All Conservators of Forests and Divisional Forest Officers for information and immediate attention.

Copy to E1, E3, E5, E7 and D section.

for CHIEF CONSERVATOR OF FORESTS.