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GOVERNMENT OF KERALA

Election Department

CIRCULAR

No. 4547 EL. 1/66-1/Elec.

Dated, Trivandrum, 27th January 1967.

Sub:—General Elections, 1967—Position of Government Servants in relation to Elections.

Under Section 129 of the Representation of the People Act, 1951, 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 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. No such person as aforesaid and no member of a Police force shall endeavour to persuade any person to give his vote at an election or to influence the voting of any person at an election in any manner. Any person who contravenes the provisions shall be punishable with imprisonment, which may extend to six months or with fine or with both. An offence punishable under the section is cognizable.

(2) Similarly section 134 of the above Act lays down that 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 nominations or withdrawal of candidatures or the recording or counting of votes at an election, if without reasonable cause, are guilty of any act or omission in the breach of his official duty, shall be punished with fine which may extend to five hundred rupees. The offence is also cognizable.

(3) According to section 134A of the Act, 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.

(4) Rule 67 of the Kerala Government Servants' Conduct Rules, 1960, prohibits a Government servant from being a member or being otherwise associated with any political party or from subscribing in aid of or assisting in any other manner any political movement or activity.

(5) The Government would like to invite the attention of all Government servants to the above Provisions of the law and the rules, and to reiterate the following instructions for the guidance of all their employees. All Government servants should maintain an attitude of strict impartiality in relation to the elections. 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 on the same day and the same hours, the party which had applied first should be allowed to hold the meeting.

(6) Government would like to emphasise that they expect everyone of their employees to strictly observe the above instructions. Any disregard of these instructions would be considered as a serious breach of discipline and will be severely dealt with.

N. M. PATNAIK,
Chief Secretary to Government.

To

All Heads of Departments and Offices

All Departments of Secretariat including Finance, Law and Legislature Secretariats

All District Collectors

All Deputy Collectors (Elections)

All Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Assistant Secretaries to Government

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- The Secretary to Governor (with covering letter)
- The Registrar, University of Kerala "
- The Registrar, High Court, Ernakulam "
- The Secretary, Public Service Commission, Trivandrum "
- The Secretary, Vigilance Commission "
- The General Manager, Kerala State Road Transport Corporation, Trivandrum "
- The Secretary, Kerala State Electricity Board, Trivandrum "
- The Commissioners, City Corporation of Trivandrum and Calicut
- The Commissioners of all Municipalities (through Chairmen)
- The Superintendent of Government Presses, Trivandrum
- The Secretary, Election Commission (with covering letter)
- The Private Secretaries to the Advisers
- The Personal Clerk to the Chief Secretary.