

STATE ELECTION COMMISSIONER (CONDITIONS OF SERVICE)
RULES, 1993.

(Issued as G.O(MS)227/93/LAD dated 03.12.1993 and published as SRO No. 1865/93 dated 03.12.1993)

(As amended by G.O. (Ms). No. 221/99/LSGD dated 29-11-1999, G.O. (Ms). No. 87/2011/LSGD dated 16-04-2011 and G.O. (Ms). No. 378/2013/LSGD dated 05-12-2013)

In exercise of the powers conferred by clause (2) of Article 243 K of the Constitution of India the Governor of Kerala hereby makes the following Rules, namely;

RULES

1. *Short title and commencement.*- (1) These Rules may be called the State Election Commissioner (Conditions of Service) Rules, 1993.
(2) They shall come into force at once.
2. *Definitions.*- In these Rules unless the context otherwise requires.-
 - (a) 'Constitution' means Constitution of India;
 - (b) 'Governor' means the Governor of Kerala;
 - (c) 'State Election Commissioner' means the State Election Commission appointed under clause (1) of Article 243K of the Constitution;
 - (d) Words and expressions used but not defined in these Rules but defined in the Constitution of India shall have the meaning respectively assigned to them in the Constitution.
3. *Status and emoluments.*- ¹ [The State Election Commissioner shall have the status, salary and allowances equal to that of a Judge of a High Court.]

1. Substituted as per G.O(MS) No.378/2013/LSGD dated 05.12.2013 and published as SRO No.978/2013 dated 12.12.2013.

¹ [Provided that if a person who, immediately before the date of assuming office as the State Election Commissioner was in receipt of or, being eligible so to do, had elected to draw a pension (other than a disability pension) in respect of any previous service under the Central Government or under the State Government, his salary as State Election Commissioner shall be reduced,-

(a) by the amount of that pension; and

(b) If he had, before assuming office received in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension.]

4. *Term of office.*- The State Election Commissioner shall hold office for a term of ² [five years,] from the date on which he assumes office.

Provided that where the State Election Commissioner attains the age of

³ [sixty five years before the expiry of the said term of five years,] he shall vacate his office on the date on which he attains such age:

Provided further that the State Election Commissioner may, at any time; by writing under his hand addressed to the Governor, resign his office.

5. *Leave.*- (1) A person who, immediately before the date of assuming office as the State Election Commissioner was in service of the State or Central Government, may be granted during his tenure of office, but not thereafter, leave in accordance with the Rules of the time being applicable to the service to which he belonged before such date.

(1) Any other person who is appointed as the State Election Commissioner may be granted leave in accordance with such Rules as are for the time being applicable to

1. Inserted by G.O(MS) 87/2011/LSGD dated 16.04.2011 and published as SRO No.277/2011 dated 16.04.2011.

2&3. Substituted by G.O(MS) 221/99/LSGD dated 29.11.1999 and published as SRO No.979/99 dated 01.12.1999.

¹ [the judge of a High Court] including those in relation to Leave Travel Concessions.

(2) The power to grant or refuse leave to the State Election Commissioner and to revoke or curtail leave granted to him, shall vest in the Governor.

6. *Pension.*- (1) A person who, immediately before the date of assuming office as the State Election Commissioner was in service of the State or Central Government, shall be deemed to have retired from service on the date on which he enters upon office as the State Election Commissioner, but his subsequent service as the State election Commissioner shall be reckoned as continuing approved service counting for pension in service to which he belonged.

(2) ² [where the State Election Commissioner demits office, in any manner as specified in sub-rule (3), he shall, on such demission be entitled to,-

(a) a pension which is equal to the pension payable to a Judge of a High Court; and

(b) such pension, including commutation of pension, family pension and gratuity as are admissible to a Judge of a High Court.]

(3) Except where the State Election Commissioner demits office by resignation, he shall be deemed, for the purpose of these rules; to have demitted his office if, and only if-

(a) he has completed the term of office specified in Rule 4.

(b) he has attained the age of ³ [sixty five years.]

7. *Other conditions of service.*- ⁴ [Save as otherwise provided in these rules, the State Election Commissioner shall be entitled to such other allowances as are, for the time being, applicable to a Judge of a High Court.]

1,2&4. Substituted by G.O(MS) 378/2013/LSGD dated 05.12.2013 and published as SRO 978/2013 dated 12.12.2013

3. Substituted by G.O(MS) No.221/99/LSGD dated 29.11.1999 and published as SRO No.979/99 dated 01.12.1999.

8. *Prohibition of acceptance of any office of profit after demission of office.*- The State Election Commissioner shall not accept or hold any office of profit under the State Government or any Panchayat or Municipality after demission of office on completion of the terms specified in Rule 4 or on resignation.

**CONSTITUTIONAL PROVISIONS REGARDING APPOINTMENT OF
STATE ELECTION COMMISSIONER**

Article-243K. Elections to the Panchayats - (1) The Superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2). Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like ground as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.
