



STATE ELECTION COMMISSION, KERALA

Thiruvananthapuram- 695033

No. 33870/B1/2020/SEC

2020, November 9

INSTRUCTIONS TO STATE POLICE CHIEF, DISTRICT ELECTION OFFICERS, DISTRICT POLICE CHIEFS AND CITY POLICE COMMISSIONERS

**Sub:- General Election to Local Self Government Institutions 2020-
Measures to ensure free and fair elections-reg.**

Maintenance of Law and Order

Maintenance of law and order even during the time of poll is a sovereign function of the State under Article 243-K and 243-ZA of the Constitution, whereas it is the duty and responsibility of the State Election Commission to hold timely elections. The Hon'ble Supreme Court in special Reference No. 1 of 2002, *in re-Gujarat Assembly Election*, observed that it is the duty and responsibility of the Election Commission to hold free and fair elections and no efforts should be spared by the Commission to hold timely elections. Ordinarily law and order or public disorder should not be occasion for postponing the elections and it would be the duty and responsibility of all concerned to render assistance, cooperation and aid to the Commission for holding free and fair elections. Any man made attempt to obstruct free and fair election is antithesis to democratic norms and should be overcome by garnering resources from the intended sources.

In “ Kishansing Tomar V Municipal Corporation of Ahmedabad (2006 (8) SCC352) the Constitution Bench of the Hon'ble Supreme Court has held that in the matter of the conduct of elections, the Government concerned shall have to render