PROCEEDINGS OF THE STATE ELECTION COMMISSION, KERALA

State Election Commission – Ban on transfer of officers and staff as may be necessary for the discharge of functions conferred on State Election Commission under Article 243K(1)/243ZA(1)-Orders issued.

No.597/2015/SEC Dated, Thiruvananthapuram 21st September, 2015

Read: D.O.letter No.7250/2014/SEC dated 11.08.2015 of State Election Commission addressedto the Chief Secretary of the State.

O R D E R

Articles 243 K(3)/243ZA provides that the Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State election Commission for the preparation of electoral roll and for the conduct of elections to the Panchayats/Municipalities.

Section 132 of the Kerala Panchayat Raj Act, 1994 and Section 156 of the Kerala Municipalities Act, 1994 provides for providing list of officers and staff of Government Departments, Local Self Government Institutions or other authorities and Educational Institutions to the State Election Commission by the head of such departments and Section 145 of the Kerala Panchayat Raj Act, 1994 and Section 202 of the Kerala Municipality Act, 1994 provides that every Department of the Government and everyLocal Self Government Institutions or other authorities in the State shall when so requested by the State Election Commission or the District Election Officer make available such staff as may be necessary for the performance of any duties in connection with the preparation and revision of electoral roll or any duties in connection with an election. The collection of details of officers and staff as may be necessary for duties in connection with the General Election to Local Self Government Institutions in Kerala (using *e-drop* software system) is in progress. The above exercise is done with the help of NIC by uploading the names of employees, mainly

working in all Government and Aided Educational Institutions, by the concerned Local Self Government Institutions for deploying them as presiding and polling officials. Transfer or dislocation of any of such officers will disturb the whole election process.

By D.O. letter No.7250/2014/SEC dated 11.08.2015, the State Election Commission had informed the Chief Secretary of the State about the preparations for the General Elections to the Local Self Government Institutions and requested to direct all concerned to ensure that no employees/officers in Government and Public Sector undertakings, Statutory Boards and Corporations in the State is transferred from 17.08.2015 till completion of the process of General election. However, it has come to the notice of the Commission that frequent transfers and postings of staff and officers of Government Departments, Local Self Government Institutors, Educational Institutions etc, whose service are necessary for the discharge of duties in connection with election are being made even after 17.08.2015, contrary to what has been requested in D.O. letter No.7250/2014/SEC dated 11.08.2015. Any transfer and postings and change of the incumbents in the posts at this stage is bound to create serious dislocation and confusion and hence likely to lead to grave disturbance in the election preparedness in the State.

Since expeditious and time-bound preparations are being made for the conduct of elections and for preparation of list of officers and staff to be drafted for duties in connection with election, it is necessary that there shall be a ban on transfer of officers and staff of the Government Departments, Local Self Government Institutions, Educational Institutions and other authorities in the State as may be necessary for the discharge of the functions conferred on the State Election Commission by Articles 243K/ZA of the Constitution of India.

In view of the above, the State Election Commission, invoking the powers under Articles 243 K/ZA of the Constitution of India and all other powers enabling in this behalf hereby directs the Chief Secretary of the State and the Heads of all Government Departments, Local Self Government Institutions, Educational Institutions and other authorities referred to in Sections 132 and 145 of the Kerala Panchayat Raj Act, 1994 and Sections 156 and 202 of the Kerala Municipality Act, 1994 not to transfer any officers and staff under them or under their control till the completion of the election process.

In those cases where transfer of an officer is inevitable on account of administrative exigency, the Government or the head of the offices or departments referred to in Sections 132 and 145 of the Kerala Panchayat Raj Act, 1994 and Sections 156 and 202 of the Kerala Municipality Act, 1994 may with full justification approach the State Election Commission or the District Election Officer for prior clearance.

These directions are issued for the conduct of and in furtherance of a free and fair election.

Sd/-

K.SASIDHARAN NAIR
STATE ELECTION COMMISSIONER

To

The Chief Secretary,
Government of Kerala.

All the Heads of Departments
Heads of all Public Sector Undertakings/
Government Companies/Corporations
All the District Election Officers
Public Relations Officer

Copy to:-

All the Officers and Sections
Computer Programmer, SEC
P.S.to Commissioner/C.A to Secretary
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