



PROCEEDINGS OF THE STATE ELECTION COMMISSION,
KERALA, THIRUVANANTHAPURAM

(PRESENT: V.BHASKARAN)

Sub: - 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.

Ref:- DO Letter No. B1/33870/2020/SEC, dated 27.10.2020 of State Election Commission addressed to the Chief Secretary, Kerala.

No. B1- 33870 -2020-SEC

Date: 02.11.2020

ORDER

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.

2. Section 132 of the Kerala Panchayat Raj Act, 1994 and Section 156 of the Kerala Municipality Act, 1994 envisages 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 provide that every Department of the Government and every Local 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.

3. The capturing 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 through 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 officers and polling officials. Transfer or dislocation of any of such officers during the currency of the election process will derail the whole process.

4. 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.

5. 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 officer and staff under them or under their control from 2nd November, 2020 till the completion of the election process.

6. The Heads of Department concerned shall take urgent steps to fill up the vacancies against the posts which are designated as Returning Officers and Assistant Returning Officers of local bodies before 4th November, 2020.

7. 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.

V. Bhaskaran
State Election Commissioner.

To

The Chief Secretary, Government of Kerala (with covering letter)
The Principal Secretary, Local Self Government Department (with covering letter)
All Heads of Departments
Heads of all Public Sector Undertakings/
Government Companies/Corporations
All District Election Officers and District Collectors,
Public Relations Officer

Copy to:-

Standing Counsel, SEC,
All Nodal Officers and Sections,
Computer Programmer, SEC,
Private Secretary to Commissioner & C.A. to Secretary,
Stock file/Office copy.

Forwarded/By Order


Section Officer