GOVERNMENT OF KERALA

No. 639/Cdn.1/2016/GAD

General Administration (Co-ordination) Department,
Dated, Thiruvananthapuram, 15-03-2016

CIRCULAR

Sub: General Administration Department - General Election to Kerala Assembly 2016- Application of Model Code of Conduct - Guidelines from Election Commission of India - Instructions issued - Regarding.

Ref: 1. Government Circular of even No. Dated 29-01-2016 and 09-03-2016

The Election Commission of India has announced the schedule for holding General Election to the Legislative Assemblies of some states along with Kerala (Press Note No. ECI/PN/16/2016 dated 4th March, 2016 available at Commission's web-site - www.eci.gov.in). The following guidelines are issued for the guidance of Heads of Departments, Political parties and Candidates for the smooth conduct of General Election to the Legislative Assemblies in the State.

2. For the guidance of the Political Parties and Candidates, the provisions of the Model Code of Conduct have come into force with immediate effect and will be in force till the completion of the General Elections. The provisions of Model Code of Conduct inter-alia state that the party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular:

(i) (a) The Ministers shall not combine their official visits with electioneering work and shall not also make use of official machinery or personnel during the electioneering work;

(b) Government transport including official aircraft, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;

(ii) Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with election shall not be monopolised by itself. Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;

(iii) Rest houses, Dak bungalows or other Government accommodation where elections have been announced or are taking place can be given to the political functionaries who are provided security by the State in Z scale or above or equivalent by various State Governments or the Central Government under provisions of their laws, on equitable basis. This shall be subject to condition that such accommodation is not already allotted or occupied by election related officials or Observers. Such political functionaries shall not carry out any political activity while staying in the Government Guest Houses/Rest Houses or other Government accommodation etc.;

(iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided;

(V) Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the commission; and

(VI) From the time elections are announced by commission, Ministers and other authorities shall not:

(a) announce any financial grants in any form or promises thereof; or
(b) (except civil servants) lay foundation stones etc. for projects or schemes of any kind; or
(c) make any promise of construction of roads, provision of drinking water facilities etc.; or
(d) make any ad-hoc appointments in Government, Public Undertakings etc. Which may have the effect of influencing the voters in favour of the party in power.

3. As observed from Clause IV above, no advertisements shall be issued in electronic and print media highlighting the achievements of the Government at the cost of public exchequer. If any advertisement has already been released for telecast/broadcast of publication in the print media, it must be ensured that the telecast/broadcast of such ads on electronic media is stopped forthwith and that no such ad is published in any newspapers, magazines, etc., in print media, from today itself and it should be immediately withdrawn.
4. The instruction of the Commission contained in its letter No. 437/6/2009-CCBE dated 5th March, 2009 available on the Commission's web-site “http://eci.nic.in/under the heading 'Election Laws and ECI - instructions' may also be followed for guidance. The Commission’s all other instructions are available in this link for guidance.

5. The Commission directs that there shall be a total ban on the transfer of all officers/officials connected with the conduct of the election. These include but are not restricted to:

(i) The Chief Electoral Officer and Additional/joint/Deputy Chief Electoral Officers;
(ii) Divisional Commissioners;
(iii) The District Election Officers, Returning Officers, Assistant Returning Officers and other Revenue Officers connected with the Conduct of Election;
(iv) Officers of the Police Department connected with the management of election like range IGS and DIGs, Senior Superintendents of Police and Superintendents of Police, Sub-Divisional Police Officers like Deputy Superintendents of Police and other Police officers who are deputed to the Commission under Section 28A of the Representation of the People Act, 1951;
(v) The transfer orders issued in respect of the above categories of officers prior to the date of announcement but not implemented till date shall not be given effect to without obtaining specific permission from the Commission in this regard;
(vi) This ban shall be effective till the completion of the election. The Commission further directs that the State Governments should refrain from making transfers of senior officers who have a role in the management of election in the State.
(vii) In those cases where transfer of an officer is necessary on account of administrative exigencies, the concerned State Government may with full justification approach the Commission for prior clearance.

By Order of the Governor,

P.K. MOHANTY
Chief Secretary

To
The Principal Secretary, Election Commission of India, Nirvachan Sadan, Asoka Road, New Delhi-110 001 (With CL)
The Chief Electoral Officer and Principal Secretary to Government, Election Department, Thiruvananthapuram (With CL)
All Additional Chief Secretaries/Principal Secretaries
The Secretary to Governor (With CL)
The Secretary, Kerala Legislative Assembly, Thiruvananthapuram (With CL)
The Advocate General, Ernakulam (With CL)
The Registrar, High Court of Kerala, Ernakulam (With CL)
The Secretary, Kerala Public Service Commission, Thiruvananthapuram (With CL)
All District Collectors
All Heads of Departments,
The Chief Executives of all Public Sector Undertakings,
The Government owned Industrial Concerns } Through District Collectors
All Government Commercial Undertakings } Concerned
All Departments in Government Secretariat including Law and Finance (They may be requested to give necessary directions to the officers under their administrative control)
The Station Director, All India Radio, Thiruvananthapuram
The Labour Commissioner, Thiruvananthapuram
The Registrar, Kerala/Cochin/Calicut/Mahatma Gandhi/Kannur University
The Registrar, Kerala Agriculture University, Mannuthy, Thrissur
The Registrar, Sree Sankaracharya Sanskrit University, Kalady, Aluva.
The Registrar, Kerala University of Health and Allied Sciences, Thrissur-680 596
The Registrar, Kerala Veterinary & Animal Sciences University, Camp Office, Kerala Agricultural University Campus, Mannuthy, Thrissur.
The Registrar, Kerala University of Fisheries and Ocean Studies, Panangad, Kochi
The Director, Information & Public Relations Department
(for giving wide publicity through media and Govt. Website)
Web & New Media (for publishing in Government Website)
Stock File/Office copy

Forwarded by Order,

Section Officer

Copy to:
The Principal/Private Secretary to Chief Minister
The Private Secretaries to all Ministers.
The Private Secretary to Leader of Opposition.
The Private Secretary to Speaker, Deputy Speaker and Chief Whip
The Additional Secretary to Chief Secretary,
PA to Secretary, GAD
CA to Additional Secretary, GAD