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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 2048/2 - 2017 දෙසැම්බර් මස 04 වැනි සඳුදා - 2017.12.04

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PART I : SECTION (I) — GENERAL

Government Notifications

DIRECTIONS TO PREVENT THE MISUSE OF MOVABLE OR IMMOVABLE PROPERTIES BELONGING TO THE STATE OR STATE CORPORATIONS DURING THE PERIOD OF AN ELECTION FOR THE PROMOTION OF OR IN PREJUDICE TO ANY PARTY, GROUP OR CANDIDATE OR OBSTRUCTING THE CONDUCT OF THE ELECTIONS

The Election Commission does hereby issue the following directions under Article 104B(04)(a) of the Constitution for the purpose of preventing the use of any movable or immovable property belonging to the State or any State Corporation for the purpose of promoting or preventing the election of any candidate of any political party or independent group at the election for local authorities 2018 or using such properties in a manner that would obstruct the conduct of such election.

MAHINDA DESHAPRIYA,
Chairman

N. ABEYSEKERE,
Member

S. RATNAJEEVAN H. HOOLE,
Member

On this 04th day of December 2017,
Elections Secretariat,
Rana Mawatha,
Colombo 07.

In terms of Article 104B(04)(a) of the Constitution, The Election Commission or the Commissioner General of Elections shall have the power during the period of the election to prohibit the use of any movable or immovable property belonging to the State or any State Corporation for the purpose of promoting or preventing the election of any candidate of any political party or independent group contesting the election. Under Sub-paragraph (b) of that Article it shall be the duty of every person or officer in whose custody or under whose control such property is for the time being, to comply with, and give effect to such directions issued by the Election Commission or Commissioner General of Elections. All Public Officers including all Secretaries to Ministries, and Chief Secretaries of Provinces should comply with these directions. Also the heads of institutions should ensure that all officers coming under their control comply with these directions. These directions are applicable to all public institutions such as Ministries, Departments, Commissions, Provincial Councils, Local Authorities, State Corporations, Statutory Boards, State Universities and Companies taken over by the government.

Officials

- (i) Since the skills and knowledge of public officers and their time are deemed to be State property, no public officer should engage in any activity to promote any political party, independent group or candidate inside office



premises or within the prescribed office hours or after reporting to work or while on duty leave. Officers who are not entitled to political rights should not engage in political activities even when on leave. Even the officers who are entitled to political rights may engage in political activities during office hours, only when on personal leave or special leave approved in advance.

- (i) No officer or employee is entitled to use State properties viz. other public officers, vehicles, communication equipment, printers, telephone facilities, etc. for political activities and such use is strictly prohibited.
- (ii) Officers of public institutions should refrain from making any recruitment, appointment and promotion or transfer of whatever nature in public institutions without the approval of the Election Commission other than those which are formally executed under the powers vested in the Commissions appointed on the recommendation of the Constitutional Council.
- (iv) General transfers of all public officers including teachers and principals of government schools who would be deployed for election duties in the areas where an election is to be held should be suspended for the period starting from the day on which the nominations are received and ending two weeks after the date of poll. Transfers of public officers or officers of State Corporations who would not to be engaged in election duties should not be carried out on political grounds during the period of election and it is the responsibility of all relevant authorities to give effect to transfers without leaving room for complaints of political intervention. This is not applicable to transfers done on disciplinary orders and if any transfer is required to be made on exigency of service or under special circumstances such requirement should be brought to the notice of the Election Commission and approval obtained.
- (v) The consent of the Election Commission may be granted for recruitment/internal promotions initiated before the election is declared and was considered by the Secretary to a ministry or head of a department to implement such recruitment of promotion without postponement under an all island programme and when the Commission is satisfied that recruitment/promotion common to whole public service or public sector is being out without any political intervention. In any of these instances, a request should be made to the Commission.
- (vi) When recruitments are made at divisional or provincial levels for the purpose of avoiding interruption to sanitary, janitorial or maintenance services and of maintaining essential services, such recruitments should be made with the concurrence of the Election Commission and it is the responsibility of relevant authorities to carry out such recruitment in a transparent manner, free of political intervention.

03. Functions, Mobile Services and Trade Fairs

(a) Functions :

Functions such as laying foundation stones, opening ceremonies and vesting in the public utilizing government funds and State properties should not be organized or conducted during the period of election since the politicians who attend these functions may express opinions and views on the election and the conduct of these function ceremonially may lead to the promotion or cause prejudice to a party, group or candidate.

In the case of functions scheduled before the publication of the poll notice and which cannot be cancelled or postponed, the Election Commission should be informed for instructions of the Commission to proceed ahead.

In the event of conducting such a function spending government funds and if a promotion of or prejudice to any party/group or candidate has taken place at such function, the officials who organized such function should be held responsible. The officers who organize functions/events should bring to the notice of the Returning Officers of respective districts of such events scheduled to be held during the period of election well in advance enabling them to make arrangements to observe such events and keep records. It is strictly prohibited to make any statement or to do any act, display or distribute flags/banners/posters/leaflets/notices promoting parties/groups or candidates at any function conducted spending State funds during the period of election and the officers or authorities of State institutions who organize or fund such functions should prevent such promotions from taking place.

