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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

DEPARTMENT OF ELECTIONS

Notice

PARLIAMENTARY ELECTION - 2015

DIRECTIONS under Article 104B (4) (a) and 104B (5)(c)(i) of the Constitution of the Democratic Socialist Republic of Sri Lanka as amended by the 19th Amendment, issued to the officers of Government Institutions, State Corporations and Statutory Boards in order to solicit the co-operation of State Officers in preventing the misuse of public property and conducting a free and fair election.

As the Election Commission is vested with the power, to prohibit the use of any movable or immovable property belonging to the State or any public corporation, for the purpose of promoting or preventing the election of any candidate of any political party or independent group contesting at the election during the election period as specified in Article 104J of the Constitution by any candidate or any political party or any independent group contesting at the election, by a direction in writing by the Chairman of the Commission or the Commissioner General of Elections on the instructions of the Commission, and as the Commissioner of Elections is vested with the power to exercise and discharge the powers and functions of the Commission until the Election Commission is constituted in terms of Sub Section 3 (a) of the Section 49 of the 19th Amendment, I, Waduge Warunasiri Mahinda Deshapriya, as the Commissioner of Elections, issue the following directions.

Any officer or an employee or any movable or immovable property including vehicles, machinery, circuit bungalows, holiday resorts and buildings belonging to any Ministry, Department, State Corporation/ Statutory Board, State Bank/ State University, Provincial Council, Local Authority, State owned Company, Armed Force and any other institution under the Democratic Socialist Republic of Sri Lanka, shall not be allowed to be used for the purpose of promoting or preventing of any political party/independent group/candidate at the election. Any politician, any officer or any other person shall not be allowed to use State property for such purposes.

Mobile services, workshops, exhibitions, seminars, ceremonies to award scholarships, inaugural ceremonies, offering of development projects to the public, opening ceremonies and sports meets conducted by the government, provincial councils or any other government institution for the purpose of providing relief to the general public or



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educating the public, shall not be used to promote any political party/independent group or candidate. When such activities are proposed, the consent of the Commissioner of Elections shall be obtained in advance, only if such events cannot be postponed due to some urgency or if there is no any impact on the election. This is not applicable to activities connected with natural calamities or disasters but even such activities should not be allowed to be exploited for the purpose of promotion of any political party/candidate.

In the event of candidates holding any public office, are compelled to participate at State functions in their official capacity they should do so only if such participation is essential and such events should not be allowed to promote or demote the candidacy of any political party/candidate. Government officers, who organize functions other than traditional State functions, shall obtain the consent of the Commissioner of Elections if any candidate is expected to participate.

Recruitments, appointments, promotions, other than those carried out under the powers vested with the President or under Parliamentary statutes where provisions are specifically made or advertised or gazetted to call applications with the formal approval of the Public Service Commission or Judicial Service Commission without due consent of the Election Commission or the Commissioner of Elections, should not be conducted during the election period in any institution under the Democratic Socialist Republic of Sri Lanka.

Transfers of government officers whose services would be required for election duties should be suspended until the election period is over. Even the transfers for government officers who would not be engaged in election duties, should be carried out only with the consent of the Election Commission or Commissioner of Elections. Transfers on medical reasons, mutual arrangement, and disciplinary grounds and to fill essential vacancies, may be carried out subject to the consent of the Commissioner of Elections. But there should not be any room for complaints of political intervention regarding such transfers. Transfers of officers whose services would not be required for election duties in institutions such as State Corporations/ Statutory boards, State banks/ State Universities and State owned companies, should effect without allowing any room for complaints of political intervention. It is the responsibility of the officers concerned not to violate election laws and not to hamper the election process in appointments, promotions or transfers during this period.

Secretaries of Ministries and other officers in Departments, State banks/ State Universities, Provincial Councils, Local Authorities, State owned companies/ Armed Forces who do not have political rights should totally refrain from engaging in politics. Officers who have political rights should refrain from political activities during office hours, and they should not promote a party or any candidate or engage in activities against a political party or a candidate after obtaining duty leave, using State property in the pretext of official duties.

It is the responsibility of all heads of institutions to provide information on all officers, principals and teachers of schools, and all vehicles in forwarding the census of staff and vehicles. All officers, principals and teachers are bound to furnish information to the Commissioner of Elections or to the Returning Officer, as the case may be.

All eligible officers, principals and teachers, will be engaged in election duties by respective Returning Officers according to the requirements at the election, and it is obligatory to perform duties as required by the Commissioner of Elections or Returning Officer.

As the support of all heads of institutions is essential to the Elections Department, they are bound to extend their support to the Election Commission or the Commissioner of Elections not only on the day of poll, but also in the preparatory activities of the election.

All government authorities who do not extend their support the Election Commission or the Commissioner of Elections in enforcing and safeguarding all laws related to the Parliamentary Election, will be dealt with, in accordance with Article 104 GG of the Constitution of the Democratic Socialist Republic of Sri Lanka.

MAHINDA DESHAPRIYA,
Commissioner of Elections.