

GOVERNMENT OF PUDUCHERRY  
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS  
(PERSONNEL WING)

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No.A.51011/3/2021/DPAR/SS-I(1)

Puducherry, dated: 05.03.2021

**C I R C U L A R**

Sub: General Elections to Legislative Assemblies of Puducherry 2021 -  
Model Code of Conduct - Enforcement of - Reg.

- - -

The Election Commission of India has announced on 26.02.2021 the schedule of General Elections to Legislative Assemblies of Puducherry 2021. According to the Press Note released by the Commission, the Notification for the Puducherry Legislative Assembly Constituency will be issued on 12.03.2021 and polling will be held on 6<sup>th</sup> April, 2021. The Election process will be completed on 04.05.2021.

2. The Election Commission has communicated the provisions of Model Code of Conduct for ensuring peaceful, free and fair elections (copy enclosed). With the announcement of elections, these instructions have come into force with effect from 26.02.2021. They, inter alia, lay down some specific formalities to be observed by the Administrative machinery such as freeze on new recruitments, restrictions on the creation of new administrative units, ban on transfer of officers, restrictions on announcement of new welfare measures and laying of foundation stones etc.

3. It is, therefore, impressed on all the Heads of Departments/ Public Sector Undertakings/ Autonomous organizations substantially funded from the State exchequer that :

- i) There shall be a total ban on ad-hoc/ temporary appointments/ promotions in Government/ Public Sector Undertakings/ Autonomous Bodies etc., till the poll process is over except with prior concurrence of Election Commission of India;
- ii) Recruitments of all kinds including CLRs, NMRs, Daily wages, Part-time etc., shall not be made till the election process is over;
- iii) Functions of laying of foundation stones, inauguration for projects, schemes, programmes funded entirely or substantially from State exchequer shall not be organized;
- iv) No officers/ staff either connected with the conduct of elections or likely to be connected with the elections directly or indirectly shall be transferred except with the prior approval of the Election Commission of India;
- v) Even under approved and continuing schemes of the Government, new schemes including the drought relief work shall not be taken except with the prior approval of the Election Commission of India;
- vi) Fresh financial assistance/ assurance shall not be released/ announced;
- vii) New welfare schemes shall not be announced;
- viii) No advertisements shall be issued in electronic and print media highlighting the achievements of the Government at the cost of public exchequer;

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- ix) No promise of laying of roads, construction of bridges, buildings, provision of drinking water facilities, etc., shall be made by the authorities;
- x) Creation of any new administrative units or assurances on that behalf shall be desisted from;
- xi) New Committees/ trustees shall not be formed/ nominated; and
- xii) Official vehicles shall not be misused for campaigning/ electioneering.

4. It is also impressed upon all concerned that no pay revision, up-gradation etc., leading to expenditure on exchequer or any policy decision shall be announced during the period of elections as it will amount to violation of the Model Code of Conduct.

5. The instructions of the Commission contained in its letter No.437/6/2009-CCBE dated 05.03.2009 is available on the Commission's website "<http://eci.nic.in/>" under the heading "Important Instructions" for information and necessary action. The Commission's all other instructions are also available in this link for guidance.

6. The Department seeking clearance of any proposal involving the application of Model Code of Conduct, where the existing instructions are not clear or felt to be ambiguous in nature, shall refer a comprehensive proposal to the Elections Department, Puducherry with the approval of the Screening Committee constituted vide Order No.A.51011/2/2021/DPAR/SS-I(1) dated 01.03.2021.

7. The above instructions shall be followed scrupulously. Any deviation from these instructions will be considered by the Election Commission of India as serious violation of the Model Code of Conduct.

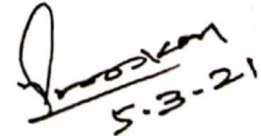
**ASHWANI KUMAR**  
**CHIEF SECRETARY TO GOVERNMENT**

To

1. The Commissioner-cum-Secretary/Secretaries/Special Secretaries to Govt. Puducherry.
2. All Secretariat / Heads of Departments / Offices.
3. All Public Sector Undertakings/ Autonomous Bodies funded by Government.

Copy to:

1. The Chief Electoral Officer, Puducherry.
2. The Special Secretary to Lieutenant Governor, Puducherry.
3. The Collector, Puducherry/Karaikal; Regional Administrator, Mahe/Yanam.
4. All Returning Officers / Assistant Returning Officers of Puducherry and Karaikal Districts.
5. The Secretary, Legislative Assembly, Puducherry.
6. The Private Secretary to Chief Secretary, Puducherry.
7. Stock file.

  
5.3.21

**(V. JAISANKAR)**  
**UNDER SECRETARY TO GOVERNMENT**

# ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

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No. 437/6/1/ECI/INST/FUNCT/MCC/2021

Dated: 26<sup>th</sup> February, 2021

To

1. The Cabinet Secretary,  
Government of India,  
Rashtrapati Bhawan,  
New Delhi.
2. The Chief Secretaries to the Government of :-
  - (i) Assam, Dispur;
  - (ii) Kerala, Thiruvanthapuram;
  - (iii) Tamil Nadu, Chennai;
  - (iv) West Bengal, Kolkata;
  - (v) Puducherry, Puducherry.
3. The Chief Electoral Officers of :-
  - (i) Assam, Dispur;
  - (ii) Kerala, Thiruvanthapuram;
  - (iii) Tamil Nadu, Chennai;
  - (iv) West Bengal, Kolkata;
  - (v) Puducherry, Puducherry.

**Sub: Application of Model Code of Conduct - General Elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Puducherry, 2021 and Bye elections to the Parliamentary Constituencies of Malappuram, Kerala State and Kanniyakumari, Tamil Nadu State - reg.**

Sir/Madam,

I am directed to state that the Commission has announced the schedule for holding General Elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Puducherry and Bye elections to the Parliamentary Constituencies of Malappuram, Kerala State and Kanniyakumari, Tamil Nadu State (Press Note No. ECI/PN/16/2021 and No.ECI/PN/17/2021, both dated 26<sup>th</sup> February, 2021 available at the Commission's web-site - <https://eci.gov.in/>).

2. With this announcement, the provisions of the Model Code of Conduct for the guidance of the Political Parties and Candidates have come into force with immediate effect and which will be in force till the completion of the General Elections in the above States.

This may be brought to the notice of the Central and State Government, all Ministries/Departments/offices of the Union Government/the State Government. A copy of instructions issued by you to this effect, may be sent to the Commission for its information and record.

3. Your attention is drawn to the particular provisions of Model Code of Conduct relating to the 'party in power' which inter alia says that the party in power whether at the Centre or in the 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 visit with electioneering work and also shall not make use of official machinery or personnel during the electioneering work;

(b) Government transport including official air-crafts, 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 elections 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 the 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. of 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.

4. As will be observed from Para 3{Clause IV} above, no advertisements shall be issued in electronic and print media highlighting the achievements of the Govt. at the cost of public exchequer. If any advertisement has already been released for telecast/broadcast or 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., i.e. in print media, from today itself and it should be immediately withdrawn.


5. The instruction of the Commission contained in its letter No.437/6/2009-CCBE dated 5<sup>th</sup> March, 2009 is available on the Commission's web-site "<https://eci.gov.in>"- under the heading 'Important instructions' for your information and necessary action. The Commission's all other instructions are also available in this link for your guidance.

6. The Commission further 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 should 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.
7. The receipt of the letter may kindly be acknowledged.

Yours faithfully,

  
(NARENDRA N. BUTOLIA)  
SR. PRINCIPAL SECRETARY