

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

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No.A.51011/3/2019/DPAR/SS-I(1)

Puducherry, dated: 15.03.2019

CIRCULAR

Sub: General Elections to the Lok Sabha, 2019 – Model Code of Conduct – Enforcement of.

- - -

The Election Commission of India has announced on 10.03.2019 the schedule of General Elections to the Lok Sabha, 2019 and bye-election to Thattanchavady Assembly Constituency. According to the Press Note released by the Commission, the Notification for the Lok Sabha and Thattanchavady Assembly Constituency will be issued on 19.03.2019 and polling will be held on 18th April, 2019.

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 10.03.2019. 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, Full Time/ Part-time workers 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;

- 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 not be made;
- xi) New Committees/ trustees shall not be formed/ nominated; and
- xii) Official vehicles shall not be used for campaigning/ electioneering.

4. It is also impressed upon all concerned that no pay revision, upgradation 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. A copy of the instructions issued by the Election Commission of India vide letter dated 10.03.2019 on observance of Model Code of Conduct is also forwarded herewith.

6. 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.

7. Despite the clarification given in the past by the office of the CEO and the DP&AR, there may be cases which may be ambiguous and may perhaps require clarification. It would be, therefore prudent, that in cases where doubt still persists, Chief Electoral Officer may be addressed for clarification through the Secretary / Chief Secretary.

/ By Order /



(V. JAISANKAR)

UNDER SECRETARY TO GOVERNMENT

To

1. The Development Commissioner/Commissioner-cum-Secretary/ Secretaries/ Special Secretaries to Government, 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 Secretary to Chief Minister, Puducherry.
3. The OSD to Hon'ble Lieutenant Governor, Puducherry.
4. The District Collector, Puducherry/Karaikal; Regional Administrator, Mahe/Yanam.
5. The Private Secretary to Chief Minister/ Speaker, Puducherry.
6. The Private Secretary to all Ministers/ Sr. P.A. to Dy. Speaker, Puducherry.
7. The Private Secretary to Chief Secretary, Puducherry.
8. Stock file.

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/ECI/INST/FUNCT/MCC/2019

Dated: 10th March, 2019

To

OFFICE OF THE CHIEF SECRETARY PUDUCHERRY.	
No.	1857/02/2019/G
Received on	11/3/2019
Despatched on	13 MAR 2019

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the Governments of all States and
Chief Secretaries/Administrators of Union Territories.
3. The Chief Electoral Officers of
all States and Union Territories.

Sub: Application of Model Code of Conduct - General Elections to House of the People (Lok Sabha), 2019 and State Legislative Assemblies in the States of Andhra Pradesh, Arunachal Pradesh, Odisha and Sikkim and certain bye-elections - reg.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Elections to Lok Sabha and to the Legislative Assemblies of the States of Andhra Pradesh, Arunachal Pradesh, Orissa and Sikkim and certain bye-elections (Press Note No. ECI/PN/23/2019, dated 10th March, 2019, available at the Commission's web-site - www.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 will be in force till the completion of the General Elections and bye-elections, mentioned above. This may be brought to the notice of the Central and all State Governments/Union Territory Administrations, all Ministries/Departments/Offices of the Union Government and the State Governments/Union Territory Administrations. A copy of instructions issued by you to this effect, may be sent to the Commission for its information and record.

3. Your particular attention is drawn to the provisions of Model Code of Conduct for the guidance of Political Parties and Candidates and various instructions issued by the Commission, which, 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:-

O/o DEVELOPMENT COMMISSIONER	
No.	871/De/PA/19
Received on	13 MAR 2019
Despatched No.	13 MAR 2019

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- (i) (a) The Ministers shall not combine their official visit with electioneering work and shall not also 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 the party in power. 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 accommodations in the States/Union Territories 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 the Commission's 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. 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 advertisement 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.

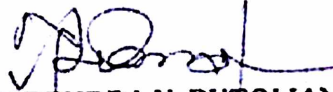
5. The instruction of the Commission contained in its letter No.437/6/2009-CCBE dated 5th March, 2009 is available on the Commission's web-site at path - "<https://eci.gov.in/important-instructions/>" for your information and necessary action. The Commission's all other relevant instructions, 'Manual on Model Code of Conduct' and 'Compendium of Instructions on Model Code of Conduct' are also available on the Commission's website 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)
PRINCIPAL SECRETARY