

**STATE ELECTION COMMISSION
PUDUCHERRY**

No.1-5/SEC/CE/L&O/C4/2021 1732

Dated. 22.09.2021

ORDER

Sub: Preventive Law & Order Action to ensure conduct of peaceful, free and fair poll during the Civic Elections –Regarding.

The Commission is deeply aware of the increasingly corruptive role of criminality and muscle power at elections, and is committed to taking a number of measures over and above the purview of normal law and order arrangements, for augmenting the measures taken for a peaceful, free and fair poll.

2. These measures will include the deployment of adequate Police Forces during the process of elections for prevention of pre-poll, poll and post-poll violence and to inspire confidence in the impartiality of election machinery among the common electorate; regulation of vehicular traffic; regulation and ban on the sale of liquor in close proximity with the dates of poll and counting; seizure of illicit arms including review of licensed arms and carrying of weapons on person on the poll day etc.

3. However, these extra measures taken by the Commission can not absolve the normal law and order outfit of the State from taking such preparatory steps as are necessary for generation of an atmosphere conducive to the conduct of peaceful, free and fair poll during the run up period to the elections. It is indispensable to tighten the local law and order outfit and enforce with adequate strictness the day-to day criminal administration with a view to mitigating the requirement of the aforesaid extra measures.

4. The Commission desires the UT administration to undertake the following prophylactic measures immediately and report regularly the progress and effect of these measures in the context of holding peaceful, free and fair elections:-

5. Ban on Sale of Liquor

5.1. All restrictions provided in excise law on the storage of liquor in unlicensed premises shall be vigorously enforced.

5.2. Section 135C of Representation of the People Act, 1951 provides that no spirituous, fermented or intoxicating liquors or other substances of like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, private or public, within a polling area during the period of 48 hours ending with the hour fixed for conclusion of poll for any election in the polling area. Therefore, 'Dry Day' shall be declared and notified under relevant state laws for the stipulated period

for the poll areas. The day on which counting of votes is to be taken up, shall also be declared 'Dry Day'.

6. Ban on carrying of Licensed Arms

6.1. Prohibitory orders under section 144 of the Criminal Procedure Code, 1973 shall be issued banning the carrying of licensed arms as soon as an election is announced and should be effective till the declaration of results.

6.2 A 100% scrutiny of licenses shall be conducted of arms and ammunition shops with a view to ensuring that the records of their stocks are kept up-to-date and that their antecedents, recent involvement in irregularities, if any, and political leanings, if any, warrant a close super checking and monitoring of their business during the days of active electioneering.

7. Ban on issue of License of Arms

7.1. Issue of license for arms should be prohibited during the period commencing with the date of announcement of elections. This ban will continue to be operative till the completion of the election as notified.

8. Seizure of unlicensed arms and ammunitions

8.1. A special drive should be launched to unearth and seize unlicensed arms and ammunition. A very thorough search and seizure by the State Police of unlicensed arms and places of indigenous manufacture of arms and ammunition shall be carried out and persons involved shall be arrested. While unearthing and seizure of unlicensed weapons is a normal ongoing responsibility of the police, it shall be vigorously intensified during the election period. Inter-state and Intra-State movements of trucks and commercial vehicles shall be strictly checked with a view to preventing smuggling of arms and ammunition and anti-social elements. Raids should be carried out regularly and intensively on underground arms factories existing, if any.

9. Deposit of Licensed Arms

9.1. Immediately after the announcement of elections, District Magistrates shall make a detailed and individual review and assessment (in accordance with the prevalent State laws) of all licence holders so that licensed arms in those cases where they consider it essential are impounded in order to ensure maintenance of law and order so essential for ensuring free and fair elections. These arms should be deposited with the district authorities. Among cases which may need to be reviewed are the following: (a) Arms licenses of persons released on bail, (b) Arms licenses of persons having a history of criminal offences, and (c) Arms licenses of persons previously involved in rioting at any time but especially during the election period. The above categories are only illustrative and not exhaustive.

9.2. For such review and assessment of all licence holders;

- a) There shall be a Screening Committee in every District/Region and the Screening Committee shall consist of the District/Sub-Divisional Magistrate and the Senior Superintendent/ Superintendent of Police, as the case may be.
- b) The Screening Committee shall commence the work of screening from the day of announcement of election by the Commission and it shall complete the exercise of screening in respect of licences placed before it as far as possible before the date of issue of notification of elections.
- c) Cases of all licence holders as mentioned in Para 9.1 above shall be placed before the Screening Committee.
- d) On receipt of report from the Screening Committee, the licensing authority shall issue notice before the last date fixed for withdrawal of candidature to the individual licence holder for depositing his arms and inform the licence holder that failure to deposit the arms as directed would result in prosecution under Section 188 of the I.P.C.
- e) The licence holder thereafter shall deposit his arms forthwith and in any case within a period of seven days from the date of receipt of the notice. The Licensing Authority shall give proper receipt to the licence holder.
- f) The decision taken by the Screening Committee shall be final.
- (g) Any licence holder who fails to deposit arms within the period specified above shall be liable for prosecution under Section 188 of the Indian Penal Code.

9.3. The District Administration shall ensure fool-proof arrangements for keeping the deposited firearms in safe custody. Proper receipt must be given to the licence holders depositing the firearms. It shall be the bounden duty of the District Administration to ensure that all firearms deposited with the Administration are returned to the licence holders immediately after one week after the declaration of results.

9.4. The sportspersons who are the members of National Rifle Association, at different levels and have to participate in various sporting events, in which they use their rifles, will be exempted from these restrictions. This ban shall, also not be applicable to those communities who are entitled to display weapons by long standing law, custom and usage. This shall, however, not prevent the District Administration to impound weapons of any person, even from such communities, if they are found to be indulging in violence or posing a threat to the maintenance of law and order and peaceful conduct of elections. In such cases too, the seized firearms shall remain impounded till one week after the declaration of results.

10. Transportation of Arms and Ammunitions

10.1. Strict vigil shall be maintained by thorough checking of lorries, light vehicles and all other vehicles from three days before the date of poll to ensure that no

undesirable elements or arms and ammunition are being transported into the constituency from outside and to apprehend them if they are doing so. Such checking of vehicles shall continue till the completion of the counting of votes and the declaration of results. As and when such culprits are apprehended, the arms and ammunition and vehicles concerned shall be confiscated.

10.2. An atmosphere in which each and every elector is able to access the polling station without being obstructed or being unduly influenced by anybody is an important prerequisite to a free and fair election. Undue influence at elections is an electoral offence under section 171C of the IPC. Any voluntary interference or attempt at interfering with the free exercise of any electoral right constitutes the crime of undue influence at an election. Section 123 (2) of the Representation of the People Act 1951 defines, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent with the free exercise of any electoral right, as a corrupt practice.

11. Confidence – building measures.

11.1. The DEO/REO and the SSP/SP shall initiate all preventive measures to ensure that such intimidation/ obstruction do not really happen on the poll day. They shall initiate confidence-building measures to bolster the voters' confidence about the arrangements for free and fair poll. They shall undertake tours to such locations and meet the communities and explain the arrangements made for the free and fair poll.

11.2. The police patrolling parties should keep track of the vulnerable locations and keep the control room informed. Wherever necessary, police pickets shall be established to ensure free access to all voters to cast their votes without fear.

11.3. If any complaint is received or information gathered from any sources about obstruction/threat to any voter/voters the same shall be enquired into by the local administration without any delay.

11.4. A special drive should be launched to compile a list of such persons as are reported to have indulged in the offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 during the election period.

12. Display of Arms

12.1. Display of arms in procession in support of a candidate during campaign period, tantamount to threat and intimidation to voters at election. The Commission directs that no individual or group of persons can be allowed to display arms during a procession or any meeting in support of a candidate, under any circumstances.

13. The Secretary (LAD) shall arrange for compilation of daily law & order report for each district/region in format prescribed in the Proforma (LOR – Form I, **annexed**)

and for its transmission to the SEC. District/Regional authorities should not send this report directly to the SEC.

14. It is clarified that Commission has not banned supply of arms and ammunitions from one State to other. However, such transfers should only be on the basis of valid papers, including 'no objection certificates' from the respective District Magistrates. It must be ensured that the supply reaches the actual consignee and it does not reach the hands of any unauthorised person. All care should be taken to ensure that trucks, lorries etc carrying arms and ammunitions to other states carry the valid papers and do not find their way into the hand of unauthorised persons in the UT. Therefore, trucks and other commercial vehicles shall be vigorously checked at interstate borders with a view to preventing smuggling of arms and ammunitions.

✓

(ROY P THOMAS)
STATE ELECTION COMMISSIONER

To

1. The Secretary, Local Administration Department, Puducherry.
2. The District Election Officer, Puducherry/ Karaikal.
3. The Regional Election Officer, Mahe/ Yanam.
4. The Director General of Police, Puducherry.
5. All Returning Officers, Municipality/ Commune Panchayat .
6. The Officer on Special Duty, State Election Commission, Puducherry.
7. P.S to SEC, Puducherry.
8. Spare Copy.

Copy to

1. The General Observers/ Expenditure Observers, Municipality/Commune Panchayat.

Annexure
LAW AND ORDER REPORT- FORM - I
STATE ELECTION COMMISSION, PUDUCHERRY
DAILY LAW & ORDER REPORT FOR UT FOR ELECTORAL EVENTS
CIVIC ELECTION TO THE LOCAL BODIES- 2021

Name of State / UT.: P U D U C H E R R Y

(Report for a day covering the period of 24 hours from 06.00 hours on ...0..2021
to 6.00 hours on ...0..2021)

Starting Date for these Reports		Date: ..	Month: ..	Year: 2021
Report for CurrentDay		Date: ..	Month: ..	Year: 2021
Sl. No.	Item	Reporting Day	Cumulative from Start Date upto and including Reporting Day	
1	No. of unlicensed Arms / Explosive seized			
	(a) Arms / Weapons			
	(b) Cartridges / Explosives / Bombs / Quantity / Numbers)			
2	No. illicit arms Manufacturing centres raided and seizures made			
3	Licensed Arms deposited / impound / cancelled			
4	No. of cases bound down U/S.107/106 Cr.PC etc.			
5	Execution of non-bailable warrants	a) Executed		
		b) Pending		
6	(a) No. of incidents of violence related to poll campaign, political rivalry etc.			
	(b)	Nil		
	(c)	Nil		
	(d)	Nil		

(Signature)
Name & Designation