

NO.2608/DM/D1/GEPLA/2021
GOVERNMENT OF PUDUCHERRY
OFFICE OF THE DISTRICT MAGISTRATE, PUDUCHERRY

ORDER UNDER SECTION 144 of Cr.P.C.

WHEREAS, the Election Commission of India has announced on 26.02.2021, that General Elections to Puducherry Assembly 2021 will be held on 06.04.2021 and soon after this announcement of the Election Schedule, the Model Code of Conduct has come into force with immediate effect;

AND WHEREAS, the Election Commission of India in its instructions vide letter no.3/8/2000 J.S.II, dt.26.12.2000, has observed that all the political parties, candidates and their workers, supporters and sympathizers would be using loudspeakers for their electioneering campaigns. These loud speakers are not only used from fixed rostrums but are also mounted/fitted on vehicles like trucks, tempos, cars, vans, auto rickshaws, cycle rickshaws, etc. This use of loud speakers results in 'noise pollution' and causes great inconvenience and disturbance to the public peace and tranquillity;

AND WHEREAS, the Commission has further observed that the student community, in particular, gets seriously disturbed due to unfettered use of loud speakers. The aged, the infirm and the sick whether in institutions, Hospitals, etc., or at home are also put to severe discomfort. The indiscriminate and unfettered use of loud speakers at odd hours and at odd places at very high volumes causes great annoyance and disturbance to general public and infringes their right to peaceful living. Such disturbance to public in general and to sick, old and students in particular cannot be allowed beyond permissible limits;

AND WHEREAS, the Commission has directed to strictly regulate the use of loudspeakers during the election period as follows:

The use of loudspeakers, whether fitted on vehicles of any kind whatsoever, or in static position used for public meetings for electioneering purposes, during the entire election period starting from the date of announcement of election and ending with the date of declaration of results and to be **permitted only between 6.00 AM to 10.00 PM.**

All loudspeaker being used beyond the hours as prescribed above, shall be confiscated along with all the apparatus connected with the use of these loudspeakers.

AND WHEREAS, in my opinion, there is sufficient ground for proceeding under section 144 of the Code of Criminal Procedure, 1973, strictly regulate the use of loudspeakers during the election period, otherwise which may be detrimental to public peace and tranquillity and for peaceful conduct of election;

...2/-

NOW THEREFORE, I, PURVA GARG, I.A.S., District Magistrate, Puducherry, do hereby prohibit the use of loudspeakers for election purpose during night time between 10.00 PM to 6.00 AM in the morning.

Any violation of this order is punishable by legal action under section 188 of IPC and other relevant provisions by law.

Further, this order will be inforce till the completion of the General Elections to Puducherry Legislative Assembly 2021.

The emergent nature of case and circumstances do not permit serving of notice to the concerned in due time and hence this order is passed ex parte under section 144 (2) of Criminal Procedure Code, 1973.

Puducherry, dated 26th day of February 2021.

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26/2/21

(PURVA GARG, IAS)
DISTRICT MAGISTRATE

To
The Director of Stationery & Printing, Puducherry – for publishing the order in an extra-ordinary issue of State Gazette immediately.

Copy Submitted to:

1. The Chief Secretary to Government, Puducherry
2. The Chief Election Officer, Puducherry

Copy to:

1. The Director General of Police, Puducherry.
2. The Senior Superintendent of Police (Law & Order), Puducherry
3. The Sub Divisional Magistrate (North/South), Puducherry
4. The Sub Divisional Magistrate, Mahe, Yanam
5. The Supdt. of Police (Elections/North/South/East/West/Mahe/Yanam), Puducherry
6. The Director of Information & Publicity, Puducherryfor making wide publicity.