

MOST IMMEDIATE
Bye-Election - 2019

OFFICE OF THE CHIEF ELECTORAL OFFICER, TELANGANA
South 'H' Block, Secretariat, Hyderabad – 500 022

Memo.No.7481/Elec. A/2019-7,

Dated:24.09.2019.

Sub: Elections - Bye-Election to 89-Huzurnagar Assembly Constituency, Suryapet district of Telangana State scheduled to be held on 21.10.2019 - Instructions on defacement of property and use of Loud Speakers – Ban on display of any election/political related advertisements on the Government owned vehicles - Reg.

- Ref:1.From the ECI Letter No.3/7/2008/JS-II, Dt.07.10.2008.
2. From the ECI Lr.No.437/6/INST/2012-CC&BE, Dt.18.01.2012.
3. From the ECI Lr.No.464/KT-LA/2013, Dt.02.05.2013.
4. From the ECI Lr.No.3/7/2014/SDR, Dt.11.03.2014.
5. From the ECI, Lr. No.3/7/2014/SDR, dated 26.09.2014
6. From the ECI Lr.No.437/6/INST/2015-CCS, dt. 29.12.2015.
7. From the ECI Lr.No.437/6/1/ECI/INST/FUNCT/MCC/2019, Dt.21.09.2019
8. From the Secretary, Election Commission of India, New Delhi, Press Note No.ECI/PN/84/2019, dated 21.09.2019.

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Copies of the reference 1st to 7th cited, together with the enclosures, are sent herewith. The Collector & District Election Officer, Suryapet district; the Superintendent of Police, Suryapet district and the Managing Director, Telangana State Road Transport Corporation, Hyderabad are informed that the Election Commission of India, vide its Press Note 8th cited has announced the schedule for conduct of Bye-Election to 89-Huzurnagar Assembly Constituency of Suryapet District to be held on 21.10.2019. As per the directions of the Commission, the Model Code of Conduct has come into force in Suryapet District with effect from 21.09.2019. Accordingly, the defacement of property and use of other campaign material and display of any election/political related advertisements on the Government owned vehicles / public and private places, including on the building/civil structures owned by Public Sector Undertakings (PSUs) shall be restricted in the entire Suryapet district as per the instructions of the Commission, vide references 1st to 7th cited (copies enclosed).

2. The Collector & District Election Officer, Suryapet district; the Superintendent of Police, Suryapet district and the Managing Director, Telangana State Road Transport Corporation, Hyderabad are therefore requested to follow the said instructions of the Commission scrupulously and prevent defacement of property and use of other election material viz., wall writings, pasting of posters/papers, erecting of cut-outs/hoardings/banners or defacement in any other form at public places including Fair Price Shops etc., use of loud speakers on vehicles and use of any other type of campaign related items during the election period in the area of 89-Huzurnagar Assembly Constituency of Suryapet district and adhere to the instructions of ECI regarding display of any election/political related advertisements on the Government owned vehicles, without any discrimination whatsoever against any party or candidate or any case of monopolization by any party/candidate.

P.T.O

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3. The Collector & District Election Officer, Suryapet district; the Superintendent of Police, Suryapet are also requested to submit the Daily Reports in this aspect in the relevant column of the daily Law & Order report (in the formats already communicated) for the period from 6.00 am of previous day of reporting to 6.00 am of the reporting day, every day by 1.00 pm.

**Dr. RAJAT KUMAR
CHIEF ELECTORAL OFFICER &
E.O. PRINCIPAL SECRETARY TO GOVT.**

To
The Collector & District Election Officer, Suryapet district (w.e)
The Superintendent of Police, Suryapet district (w.e)
The Managing Director, Telangana State Road Transport Corporation,
RTC X roads, Musherabad, Hyderabad (w.e)
SC/SF

//FORWARDED::BY::ORDER//


SECTION OFFICER

INSTRUCTION SI. No. 61

Election Commission's letter No. 3/7/2008/JS-II Dated: 7th October, 2008 addressed to the Secretary, Govt. of India, Chief Secretaries and the Chief Electoral Officers of All States and Union Territories

Sub: Prevention of defacement of property and other campaign related items – revised instructions- regarding.

I am directed to invite a reference to the Commission's letter No. 3/7/2007/JS-II, dated 16th October, 2007, regarding prevention of defacement of property in connection with election campaign.

2. In the past, the Commission has suggested the enactment of special laws by state governments for dealing with defacement of properties effectively. Some states have enacted special legislations to govern and regulate defacement of property, while the other states have legislation that either only cover specific areas, like municipalities etc, or have no legislation at all. A tabular statement on respective positions obtaining in the states in this respect based on the information available in the Commission is enclosed in the schedule appended to this circular (marked as Annexure-1). Since a uniform law throughout the country is not available, what is enforceable differs from state to state. Keeping in view the forthcoming general election to the Lok Sabha due in 2009, it has become necessary to lay down, for smooth conduct of campaign during elections and for clear understanding of all authorities who have the responsibility for the implementation at the field level as also of the observers who are deputed to oversee the elections in different states/constituencies, a comprehensive set of guidelines with respect to defacement of property.

3. After considering all aspects of the matter in depth, the Commission has, in **supersession of the earlier instructions**, laid down the following directions, to be followed by political parties, candidates, individuals and organizations etc. during the election period:

DEFACEMENT OF PUBLIC PLACES

4. (a) No wall writing, pasting of posters/papers or defacement in any other form, or erecting/displaying of cutouts, hoardings, banners flags etc. shall be permitted on any Government premise (including civil structures therein). For this purpose a Government premise would include any Govt. office and the campus wherein the office building is situated.

(b) If the local law expressly permits or provides for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, political advertisement, etc., in any public place, (as against a Govt. premise) on payment

or otherwise, this may be allowed strictly in accordance with the relevant provisions of the law and subject to Court orders, if any on this subject. It should be ensured that any such place is not dominated/monopolized by any particular party(ies) or candidate(s). All parties and candidates should be provided equal opportunity in this regard.

(c) If there is a specifically earmarked place provided for displaying advertisements in a public place, e.g. bill boards, hoardings etc. and if such space is already let out to any agency for further allocation to individual clients, the District Election Officer through the municipal authority concerned, if any, should ensure that all political parties and candidates get equitable opportunity to have access to such advertisement space for election related advertisements during the election period.

DEFACEMENT OF PRIVATE PLACES

5. (a) In the States where there is no local law on the subject, and subject to the restrictions under the law where there is a law, temporary and easily removable advertisement materials, such as flags and banners may be put up in private premises with the voluntary permission of the occupant. The permission should be an act of free will and not extracted by any pressure or threat. Such banner or flag should not create any nuisance to others. Photo-copy of the voluntary permission in writing obtained in this connection should be submitted to the Returning Officer within 3 days of putting up the flags and banners in such cases in the manner prescribed in sub-para(c) below.

(b) If the local law does not expressly permit wall writing, pasting of posters, and similar other permanent/semi-permanent defacement which is not easily removable, the same shall not be resorted to under any circumstances, even on the pretext of having obtained the consent of the owner of the property. This will also apply in the states where there is no local law on the subject of prevention of defacement of property.

(c) Where the local law expressly permits wall writings and pasting of posters, putting up hoardings, banners, etc. on private premises with the owner's permission, the contesting candidates or the political parties concerned shall obtain prior written permission from the owner of the property and submit photocopies of the same within 3 days to the Returning Officer or an officer designated by him for the purpose, together with a statement in the **enclosed proforma** (marked as Annexure-2). The statement in such cases and in the cases mentioned in sub-para (a) above should clearly mention therein the name and address of the owner of the property from whom such permission has been obtained together with expenditure incurred or likely to be incurred for the purpose. Nothing inflammatory or likely to incite disaffection amongst communities shall be permissible in such writings/display.

3

The expenditure incurred in this mode on specific campaign of candidate(s) shall be added to the election expenditure made by the candidate. Expenditure incurred on exclusive campaign for a party without indicating any candidate shall not be added to candidates expenditure. The contesting candidate shall furnish such information village/locality/town-wise, to the Returning Officer, or the authorized officer within 3 days of obtaining the requisite permission, for easy checking by the Returning Officer or the Election Observer or any officer connected with the conduct of elections.

(d) Subject to any restrictions under any local law or any court orders in force, the political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags, cut-outs, on their own property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else. If such display of banners, flags etc. aims to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed. Section 171H of the IPC stipulates that whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees: Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

DEFAACEMENT OF HALLS/AUDITORIUMS AND OTHER PUBLIC PROPERTIES

6. In the case of Halls/Auditoriums/Meeting venues owned/controlled by the Government/local authorities/PSUs/Cooperatives, if the law/guidelines governing their use do not preclude political meetings therein, there is no objection to it. It shall be ensured that the allocation is done on equitable basis and that there is no monopolization by any political party or candidates. In such venues, displaying of banners, buntings, flags, cut-outs, may be permitted during the period of meetings subject to any restrictions under the law/guidelines in force. Such banners, flags, etc. shall be got removed by the party/individual who used the premises immediately after conclusion of the meeting, and in any case within a reasonable period after the meeting is over. Permanent/semi-permanent defacement such as wall writing/pasting of posters etc. shall not be permitted in such premises.

7. If any political party/association/candidate/person indulges in defacement of any property in violation of the local law, if any, or the above instructions, the Returning Officer/ District Election Officer shall issue notice to the offender for removing the defacement forthwith. If the political

party/association/candidate/person does not respond promptly, the district authorities may take action to remove the defacement, and the expenses incurred in the process shall be recovered from the political party/association/candidate/person responsible for the defacement. Further, the amount also shall be added to the election expenditure of the candidate concerned, and action should also be initiated to prosecute the offender under the provisions of the relevant law (under the law relating to prevention of defacement, if any, or under the provisions of the general law for causing willful damage to the property of others).

DEFAACEMENT OF VEHICLES

8. (a) In private vehicles, subject to the provisions of the Motor Vehicles Act, Rules thereunder and subject to court orders in force, if any, flags and stickers may be put on the vehicles by the owner of the vehicle on his own volition, in such a manner that they do not cause any inconvenience or distraction to other road users. If such display of flags and stickers aims to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed.

(b) On commercial vehicles, display of any flag, sticker etc. shall not be permitted, unless such vehicle is a vehicle validly used for election campaign after obtaining the requisite permit from the District Election Officer/Returning Officer and the display thereof in original on the wind screen.

(c) External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules and any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.

OTHER CAMPAIGN RELATED ITEMS

9. Subject to accounting for the expenditure, the following may be permitted:-

(a) In processions and rallys etc., flags, banners, cutouts etc. can be carried subject to local laws and prohibitory orders in force;

(b) In such procession, wearing of party/candidate supplied special accessories like cap, mask, scarf etc. may be permitted. However, supply of main apparels like saree, shirt, etc. by party/candidate is not permitted.

(c) Educational institutions including their grounds {whether Govt. aided, private or Govt.} shall not be used for political campaigns and rallies.

10. The Chief Electoral Officers are requested to bring the directions of the Commission to the notice of the District Election Officers, Returning Officers and

5

all other election related authorities, and all political parties in the State, including State units of recognized National and State parties, and all registered unrecognized parties based in the State, and also the contesting candidates (at the time of elections) for information and compliance.

5. Please acknowledge receipt of this letter. The Chief Electoral Officers may kindly confirm that action as required above has been taken.

-7-

Annexure-1

Defacement of Properties – Law

SL. No.	Name of State/UT	Name of Act/Rule	Extent of applicability
1	Andhra Pradesh	The Andhra Pradesh Prevention of Disfigurement of Open Places and Prohibition of Obscene and Objectionable Posters and Advertisements Act, 1997.	It extends to the entire State.
2	Arunachal Pradesh	The Arunachal Pradesh Prevention of Disfigurement of Property Act, 1997.	It extends to the entire State.
3	Bihar	The Bihar Pradesh Prevention of Disfigurement Property Act, 1997.	It extends to the entire State.
4	Chhattisgarh	No separate law/Act framed by the Sate. But the Madhya Pradesh Sampatti Virupan Nivaran Adhinyam. 1994 is applicable in the state.	It extends to the entire State.
5	Goa	The Goa Prevention of Defacement of Property Act, 1988 as amended vide Act of 1992 and 2001.	It extends to the entire State.
6	Haryana	The Haryana Prevention of Defacement of Property Act, 1989 as amended vide Act of 1996.	It extends to the entire State.
7	Himachal Pradesh	The Himachal Pradesh Open Places (Prevention of Disfigurement) Act, 1985.	It extends to the entire State and come into force in the areas comprised in the Municipal Corporation of Shimla at once and shall come into force in the remaining part of the State on such date as the State Govt. may by notification, appoint.
8	Jharkhand	No separate law/Act but the Bihar Prevention of Defacement of Property Act, 1985 is applicable in the state.	It extends to the entire State.

9	Jammu & Kashmir	The Jammu & Kashmir Prevention of Defacement of Property Act No. XIX of 1985.	It extends to the entire State.
10	Karnataka	The Karnataka Open places (Prevention of Disfigurement) Act, 1981 as amended vide Act of 1983.	It extends to Bangalore, Mysore, Hubli, Dharwar, Mangalore and Belgaun constituted or continued under the Karnataka Municipal Corporation Act - 1976, or under any other law on 5.5.81 and come into force in the Municipalities, notified areas, sanitary Boards, constituted or continued under the Karnataka Municipalities Act - 1964, or under any other law, or in any other local area, on such date, as the State Govt. may by notification appoint.
11	Madhya Pradesh	The Madhya Pradesh Sampatti Virupan Nivaran Adhiniyam, 1994.	It extends to the entire State.
12	Maharashtra	Maharashtra Act No. VIII of 1995 – regarding Prevention of Defacement of Property	Nothing is specifically mentioned about the extent of applicability.
13	Mizoram	The Mizoram Prevention of Defacement of Property Act, 1995.	It extends to the entire State.
14	Nagaland	The Nagaland Prevention of Defacement of Property Act, 1985.	It extends to the notified areas constituted under the Assam Tribal Areas (Administration of Tow Committee) regulation 1950, or in any other local area or areas, on such date, as the State.

91

			Govt. may by notification may appoint.
15.	Punjab	The Punjab Prevention of Defacement of Property Act, 1998.	It extends to the entire State.
16.	Sikkim	The Sikkim Prevention of Defacement of Property Act, 1988.	It extends to the entire State.
17.	Tamil Nadu	The Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, as amended vide Act of 1992	It extends to the entire State.
18.	Tripura	The Tripura Prevention of Defacement of Property Act, 1976 in conjunction with Tripura (Prevention of Defacement of Property) Amendment Bill, 1998 now in force in the State.	It extends to the entire State and shall apply in the first instance to municipal limits of Agartala Town, but the State Govt. may from time to time by notification in the official Gazette, apply to such other local areas or areas as may be specified in the notification.
19.	Uttarakhand	The Uttaranchal Prevention of Defacement of Public Property Act, 2003.	It extends to the entire State.
20.	Andaman & Nicobar	The Andaman & Nicobar Islands Prevention of Defacement of Property Regulation, 1987.	It extends to the entire Union Territory of the Andaman and Nicobar Islands.

21	Chandigarh UT	The West Bengal Prevention of Defacement of Property Act, 1976 has been made applicable in Chandigarh UT.	It extends to the entire State.
22	Delhi	The West Bengal Prevention of Defacement of Property Act, 1976 was made applicable in Delhi. (A separate act is under consideration).	It extends to the entire State.
23	Pondicherry	The Pondicherry Open Places (Prevention of Disfigurement) Act, 2000.	It extends to whole of the Union Territory of the Pondicherry.

- 11 -

**States in which there is no specific Law on the subject of
Prevention of Defacement of Property**

Sl. No.	Name of State/UT	
1.	Assam	No law/Act
2.	Gujarat	No law/Act
3.	Kerala	No law/Act
4.	Manipur	No law/Act
5.	Meghalaya	No law/Act
6.	Orissa	No law/Act
7.	Rajasthan	No specific law on the subject but there is a provision in Section 198 of Rajasthan Municipalities Act, 1959 that without the consent of the owner or occupier and in case of Municipal property, without the permission in writing of the board, affixing any poster, bill, placard or other paper or means of advertisement is punishable with fine which may extend to twenty rupees.
8.	Uttar Pradesh	No law/Act
9.	West Bengal	The earlier West Bengal Prevention of Defacement of Property Act, 1976.(West Bengal Act XXI of 1976). This Act has since been repealed.
10.	Dadra & N. Haveli	No law/Act
11.	Daman and Diu	No law/Act
12.	Lakshdweep	No law/Act

Annexure-2

Statement showing the details of wall-writings / posters / hoardings / banners, etc. displayed by Shri / Smt. / Ms. _____, contesting candidate in _____ Parliamentary Constituency / Assembly Constituency

Name of the Village / Town / Locality _____

S.No.	Name and address of the owner of the private property from whom written permission has been obtained	Details of Wall – Writing or Hoardings or Banners or Poster (Size of wall writing/ hoarding / banner / poster shall be indicated	Expenditure incurred or likely to be incurred on the wall-writing / hoarding / banner / posters, etc. (Rs.)
			Total

By Fax/Speed Post/Camp Bag(5 States)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/INST/2012-CC&BE

Dated: 18th January, 2012

To

- 1) The Cabinet Secretary
Cabinet Secretariat
Rashtrapati Bhawan, New Delhi.
- 2) The Chief Secretaries of
All States and Union Territories
- 3) The Chief Electoral Officers of
All States and Union Territories

Subject: Prevention of defacement of property and other campaign related items - revised instructions - regarding.

Sir/Madam,

I am directed to state that on the announcement of the General Elections to the Legislative Assemblies of the States of Goa, Manipur, Punjab, Uttar Pradesh and Uttarakhand, the provisions of Model Code of Conduct have come into force w.e.f. 24th December, 2011. The Commission has decided to reiterate its instructions issued vide its letter no. 3/7/2008/JS-II dated 7th October, 2008 (copy enclosed) contained in Para 5 under the heading 'DEFACEMENT OF PRIVATE PLACES', as under :-

Sub-para (d) "Subject to any restrictions under any local law or any court orders in force, the political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags, cut-outs, on their property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else. If such display of banners, flags etc. aims to solicit vote for any particular candidate, then the provisions of Section 171H of IPC would be attracted and would have to be followed. Section 171H of the IPC stipulates that whoever without the general or special authority in writing of a candidate incurs or authorizes expenses on account of the holding of any public meeting or upon any advertisement, circular or publication, or in any other way

Printed and Published at the Central Election Commission, New Delhi-110001

-15

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi - 110001.



No.464/KT-LA/2013

Dated 2nd May, 2013

To	
GI	
No. 1437	
Date: 7/5/13	Subject:
Section	

The Chief Electoral Officers of all States/Union Territories.

Prevention of defacement of property and other campaign relating items - revised instructions - regarding.

Sir,
The Commission had issued instructions vide letter No.3/7/2008/JS-II, dated 7th October, 2008, on the subject cited. Para 8 of the letter mentioned refers to instructions regarding defacement of vehicle and a new sub para 8(d) shall be added as under:

“8(d) - During election period, Road Transport Authorities, in consultation with police authorities, should take a policy decision under the Motor Vehicle Act whether or not to allow fitting of loud speakers on campaign vehicles. This policy decision should be communicated to all Returning Officers by the Transport Authorities. Based on this policy decision, Returning Officers may, if permitted by the Transport Authorities, grant permission for fitting of loud speakers on campaign vehicles with a stipulation that such speakers should not violate the provisions of Noise Pollution Rules or any other provisions in their State Laws.”

This is being issued in consonance with spirit of the judicial pronouncements made in this behalf

Yours faithfully,

(TAPAS KUMAR)
PRINCIPAL SECRETARY



Handwritten notes: 7/5/13, -B

-17-
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ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/7/2014/SDR/

Dated: 11th March, 2014

To,

The Chief Electoral Officers of
All States and UTs.

Sub: Prevention of Defacement of Property & other campaign related items- Clarification regarding use of flags of political parties/candidates.

Sir/Madam,

12. 2. 2014
13. 6. 3. 11. 14
Please refer to the Commission's circular letter No. 3/7/2008/JS-II/, dated 7th October, 2008, on the abovementioned subject.

Section

2. The crux of the instructions is to abide by the extant provisions in the prevailing law, if any, in the State/locality on the subject of defacement of property. In those States where there is no specific law governing prevention of defacement of property, the abovementioned instructions provide that display of easily removable material such as flags, banners, hoardings could be done on private property/premises with the prior consent of the owner/occupier of the property.

3. In view of recurring references on the permissibility of display of flags/banners, etc. of political parties/candidates on private property, it is clarified that:-

(i) in those States where the State/Local Defacement law specifically prohibits display of flags, banners, hoardings etc., the provisions in the law will strictly apply and such material shall not be displayed on private property or property in public view;

(ii) If the State/Local Law does not so specifically prohibit display of flag or hoarding or banner, etc. on private property, then such material (flag, banner, hoarding) can be allowed to be displayed on private property, on own volition of the owner/occupier of the property, subject, however to any court decision/direction to the contrary. In the case of display on others' property, prior permission should be obtained from the owner/occupier concerned;

(iii) The position at Para 3(ii) above will also apply in the case of those States where there is no law governing defacement of property as already provided in the Commission's letter dated 7th October, 2008, referred to above.

4. The above clarification may be brought to the notice of all election related authorities and the Police authorities as well as the political parties. All other instructions in the Commission's circular letter No. 3/7/2008/J.S.-II, dated 7th October, 2008, shall continue to apply.

Yours faithfully,


(K.F. WILFRED)

PRINCIPAL SECRETARY



Copy to all recognised National and State Political Parties.

19 ✓

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/7/2014/SDR/

Dated: 26th Sept., 2014

To,

The Chief Electoral Officers of
All States and UTs.

Sub: General Instructions on election related advertisements and defacement of property- instructions regarding display of advertisements on govt. owned vehicles.

Sir/Madam,

The Commission's circular letter No. 3/7/2008/JS-II/, dated 7th October, 2008, contains the instructions and guidelines to be followed in the matter of display of election related advertisements through hoardings, banners, posters etc. The said instructions mainly deal with advertisements on static property and regarding display of flags and stickers on private vehicles.

2. The issue of display of advertisements on buses of State Road Transport Corporations and Municipal Corporations have been raised before the Commission. In some cases, there are provisions for advertisement-panels on the buses for display of advertisements. There may be cases where such advertisement-panels are let out to advertising agencies for allocation to various clients during certain periods as per the contract entered into by them.

3. The Commission has considered the issue whether political advertisements may be permitted to be displayed on State Road Transport Corporation (SRTC) buses and other State owned vehicles. The Commission has examined the matter in its entirety keeping in view the spirit of Model Code of Conduct and the concept of level playing field for all stakeholders.

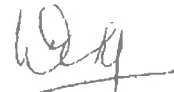
4. Level playing field envisaged under the Model Code of Conduct is a very vital aspect for ensuring free and fair elections. A party should not be in a position to take undue advantage on account of it being in power in the govt. This will put the other parties and contestants at a disadvantageous position and will disturb the level playing field, adversely affecting the fairness of election.

5. The buses of the SRTC are virtually under the control of the State Government concerned. The same is the case with the vehicles of the Municipal Corporations. Advertisement spaces on the buses of such corporations would be capable of being cornered by the ruling party or parties. In these cases, it will not be practically possible to ensure equitable sharing of space for the purpose of advertisements, both in terms of the quantity as well as for particular bus routes, i.e. through crowded areas and those going through less crowded places. There is reasonable likelihood that the allotment of advertisement spaces on such vehicles is likely to be manipulated more so in politically important constituencies and as such it will not be easy to ensure equitable distribution of advertisement space on the buses.

5. After having duly considered all aspects of the matter, the Commission, in exercise of its powers under Article 324 (1) of the Constitution, and in the interest of conduct of free and fair elections, has directed that State Road Transport Corporation buses and buses owned by Municipal Corporations etc. and other govt. owned vehicles shall not be used for display of political advertisements during the period when the Model Code of Conduct is in force in connection with elections to the House of the People or State Legislative Assembly or State Legislative Council from Council Constituencies.

6. These instructions may be brought to the notice of the Transport Department of the State Govt./UT Administration and all authorities concerned for compliance.

Yours faithfully,



(K. F. WILFRED)
PRINCIPAL SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

K. AJAYA KUMAR
PRINCIPAL SECRETARY

No. 437/6/INST/2015-CCS

Dated: 29th December, 2015.

To

1. The Cabinet Secretary,
Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries of
All the States and Union Territories.
3. The Chief Electoral Officers of
All the States and Union Territories.

Subject: Banning use of building/civil structures owned by Public Sector Undertakings(PSUs) for political advertisement during period of Model Code of Conduct - regarding.

Sir/Madam,

I am directed to invite a reference to the Commission's circular letter No.3/7/2008-JS-II, dated 7th October, 2008, wherein it has, inter alia, directed that there shall be no display of election posters, hoardings, banners, etc., in any Government premises or civil structures. It has come to the notice of the Commission that political parties have been displaying/pasting their posters, banners, etc., at the buildings/civil structures and/or premises owned by the Govt. and Public Sector Undertakings (PSUs) during election periods as part of their election campaign. It is clarified that buildings and premises of PSUs shall also be treated at par with Govt. premises for the purpose of displaying political ads during election period. The Commission has directed that no political advertisements shall be displayed/pasted at the buildings/civil structures owned by Public Sector Undertakings (PSUs) or in their premises during the period Model Code of Conduct is in force.

In case there is no specific provision in the by-laws of PSUs or in their agreements with the advertisement agencies to whom they let out space for advertisement for prohibiting display of political advertisement, PSUs may be instructed to add a para in their commercial agreements with commercial agencies/companies while providing space on lease to the

advertisement agency for placing commercial advertisements that "No political advertisement shall be displayed/pasted at the space provided on lease for commercial advertisement like airports, railway stations, Inter State/Local Bus Stands, Govt. transportation post offices, Government hospitals/dispensaries etc. (except on main highways, main roads etc.) during the period of Model Code of Conduct. If there is any political advertisement in the provided space, the same shall be removed immediately on enforcement of the Model Code of Conduct."

It is requested that appropriate instructions be issued to all concerned to ensure that the above directions are complied with and to ensure that instances of display of political advertisements in any form do not occur in the premises of PSUs in any election in future.

Yours faithfully,



(K. AJAY KUMAR)



भारत निर्वाचन आयोग
Election Commission of India

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9/1/17

निर्वाचन सदन
NIRVACHAN SADAN

अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI - 110 001

No.437/6/Campaign/ECI/INST/FUNCT/MCC-2016

Dated: 4th January, 2017

To, 175

9/1/17

The Chief Electoral Officers
of All States/Union Territories.

Subject: General/Bye Elections to the Lok Sabha/Legislative Assemblies- instructions on election campaigns - Regarding.



Sir/Madam,
With a view to maintain the election campaign in line with statutory provisions and to avoid clashes and conflicts between stakeholders i.e. political parties or their supporters and also to ensure peace and order during the campaign period, the Commission has issued, in the past, a number of instructions. The Commission has decided to issue the following instructions* -

1. Video-vans

The Commission's instructions, contained in letter No.464/INST/2014/ÉPS dated 10th April 2014, provide that the permission for video-vans etc. to be used by a political party for campaign across the State would be given by the CEO taking in view the provisions of the Motor Vehicle Act and also the judgments dated 23.06.2006 and 14.02.2007 of the Allahabad High Court in Writ Petition No. 3648 (MB) of 2006.

The Commission reiterates the above and directs further that-

- I. *The permission to use Video-Vans for campaign purpose can be granted at Chief Electoral Officer level only. Transport Nodal Officer must submit certificate to the Chief Electoral Officer that the video van is in conformity with the Motor Vehicle Act*
- II. *The contents of material for election publicity on the video-van shall be pre-certified from MCMCs. The video van of the political party should be used to propagate its programme and policies to seek votes. Votes or support for of any particular candidate should not be solicited. However, if it is used for seeking votes/support for a candidate/candidates then expenditure of video van shall be accounted for by such candidate/candidates appropriately. Expenditure observers to closely monitor this.*

*Additional/New instructions are shown in italics

Tel : 011-23052205-18 Fax: 011-23052223-25, Website : www.eci.nic.in

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III. Any party/candidate seeking permission to use video vans from Chief Electoral Officer should first obtain necessary permission/no objection certificate from the Competent Authority under the Motor Vehicle Act. This certification is required to ensure the conformity with the Motor Vehicle Act/relevant provisions of law and Court orders, if any on this subject for plying of video-vans on the road.

IV. Though there is no restriction on the number of video vans which can be used in a campaign, but the expenditure for it shall be duly included in the Election Expenditure Account of the party, to be submitted to ECI after election.

V. Route of video vans to be used for publicity/campaigning should be informed to local administration/District Election Officer in advance. In case of violation, the permissions for video van may be withdrawn, after due notice, by CEO.

2. Use of Bike - The Commission, having considered inputs that there is a need to regulate the use of bikes for electioneering purposes, issues the following instructions.

(i) *Bike is a two wheeler and its use shall be restricted only for campaign purpose. Number of bikes may be restricted as per convoy rules of vehicles (as provided in ECI's instructions in letter No.464/INST/2014/EPS dated 10th April 2014), which inter-alia provides that cars/vehicles shall, under no circumstances, be allowed to move in convoy of more than ten vehicles, excluding the security vehicles. All bigger convoys exceeding ten vehicles shall be broken up, even if they are carrying any Minister of Central or State Government or any other person. This shall, however, be subject to any security instructions issued in respect of any such individual. If any person moves in a convoy of vehicles exceeding the limits prescribed above, in spite of the convoy having been broken, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by flouting the Commission's directions, till the process of election is completed.*

(ii) *Use of Bikes, other than those permitted to campaign purpose, would be regulated under the prohibitory order, viz. Sec 144 Cr PC.*

(iii) *Only one flag (of maximum dimension of 2x1 ft.) shall be permitted on one bike.*

(iv) *Length of Pole/stick for carrying flag shall not be more than 3 feet.*

3. Road Shows -The ECI's instruction in letter No.464/INST/2014/EPS, dated 10th April 2014, inter alia, provides for a total and absolute ban on the use of official vehicle for campaigning, electioneering or election related travel during elections. It also provides that car/vehicles shall not

be allowed to move in convoys of more than ten vehicles (excluding security vehicles) and all bigger convoys shall be broken even if they are carrying any Minister of Centre/State Government or any other person, subject to any security instructions issued in respect of any such individual.

The Commission, after considering the fact that there is a need to regulate road shows to avoid any inconvenience to the general public/commuters during road shows, issues the following instructions-

- a. *Prior permission for road shows shall be taken from the Competent Authority.*
 - b. *In order to avoid inconvenience to general public, as far as possible, road shows, subject to court orders and local laws, should be permitted only on holidays and during non-peak hours on routes other than that having big hospitals, trauma centers, blood banks and heavily crowded markets.*
 - c. *Number of vehicles and persons joining for road show shall be intimated in advance.*
 - d. *The road show shall not cover more than half the road width to ensure safety of the general public.*
 - e. *The convoy of vehicles being used in road show shall be broken after every 10 vehicles and a gap of 200 meters would be maintained.*
 - f. *Safety of public and persons in the road show shall be ensured. Bursting of fire crackers and carrying of fire arms shall not be permitted at all.*
 - g. *The maximum size of banner that may be used would be 6x4 feet.*
 - h. *Loudspeakers can be used as per existing ECI's instruction and subject to Local Laws and Court orders on this subject.*
 - i. *Display of animals in road shows is totally banned. Children, particularly school children in uniform, should not take part in road shows*
 - j. *Only one flag with prior permission can be used by the party supporters in road shows. The maximum dimension of the flag would be 3x2 feet.*
4. **Movement of vehicle during nomination-** The ECI's instructions in letter No.464/INST/2014 /EPS dated 10.4.14, inter alia, provides that only three vehicles will be allowed, within the periphery of 100 meters of RO's office at the time of nomination. It is now directed that this periphery of 100 meters should be clearly demarcated by RO/DEO. It is also directed that only one door shall be kept open for entry of candidate+ 4 other authorized persons and all other doors should be closed. A CCTV camera should be placed at the entry door to record actual time of entry.

57

5. Use of vehicle on poll day-The ECI's instructions in letter No.464/INST/2014 /EPS dated 10.4.14, inter alia, provide for restrain on unlawful use of vehicles on poll day by candidates/his agent or by any other person with the consent of the candidate or his election agent. For the purpose of restrictions imposed by said instructions it is clarified that the vehicle *would mean all vehicles propelled by mechanical power or otherwise.*

6. Use of Loudspeakers in processions and election meetings- The Commission's instructions contained in its letter number 3/8/2000/JS-II dated 26.12.2000, inter alia, provides for written, prior approval of the competent authority. A public address system or loudspeaker or any sound amplifier, whether flitted on vehicles of any kind whatsoever, or in static position, used for public meetings for electioneering purpose, shall not be used at night between 10.00 p.m. and 6.00 a.m., subject to the local laws/court orders/any order of state Pollution Control Boards. Local perceptions of the security arrangements of the area and other relevant considerations like weather conditions, festival season, examination period, etc should also be considered. Provisions of the Motor Vehicles Act/Rules shall be made applicable to any vehicle in which loud speaker is mounted. The driver of the vehicle must carry the permission letter to show checking squads/observers or any other officer. 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. All steps should be taken to check noise pollution and disturbance of public peace and tranquility.

The Commission has further directed that it should be ensured by the concerned authorities of State pollution Control Boards that decibels of the sound generated by loud speakers/amplifiers doesn't exceed the permissible limit as fixed under relevant law/guidelines. DEO shall monitor this by putting in place suitable mechanism.

7. Use of flags -

The ECI's instructions contained in letter No.3/7/2008-JSII dated 7.10.2008, inter alia provides that subject to any restrictions under any local law or any court orders in force, the political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags, cut-outs, on their own property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else. Also, if such display of banners, flags etc. aims to solicit vote for any particular candidate, then, under section 171 H of IPC, general or special authority in writing of candidate is necessary.

9-

The Commission has now clarified that there should be only three number of flags of a party /candidate to be used at party workers'/supporters' residence and at party offices. In case, some person wants to display flags of more than one party or candidate, then it shall be restricted to only one flag of each party/candidate. Display of flags would be subject to Local Law and court orders, if any.

As far as the use of banners, flags etc on vehicles, it shall be regulated as below-

- a. No spot/focus/flashing/search lights and hooters shall be put on any campaign vehicle.*
- b. Chief Electoral Officer shall ensure that all the provisions of local law, Court's directions and Motor Vehicle Act are uniformly applied throughout the State.*
- c. No person shall put any flag or banner or sticker of big size on any vehicle except with prior permission of the Competent Authority subject to the relevant provisions of law and Court direction/orders if any on the subject.*
- d. The maximum number and size of flags/banners by a party or candidate will be as follows-*
 - i. Two wheelers - one flag of maximum size 2x1 ft. No sticker or banners will be allowed.*
 - ii. Three wheelers, four wheelers, e-Rickshaws - No sticker or banners will be allowed. Only one flag of maximum size 3x2 ft.*
 - iii. It is clarified that if a political party is having a pre-poll alliance/seat sharing arrangement with another party then campaign vehicle of a candidate/political party may display one flag each of such parties.*
- e. Simultaneous plying of number of vehicles on road including e-Rickshaws to be limited to 10 and if it exceeds the limit of 10 vehicles then the convoy shall be broken after every 10 vehicles.*

8. Temporary Campaign Offices- The ECI's existing instructions in letter No.437/6/2007(INST) - PLNIII, dated 12th November 2007, inter alia, provide that no such office will be opened by way of any encroachment either of public or private property. or in any religious places or campus of such religious places or contiguous to any educational institution/hospital or within 200 meters of an existing polling station. Such offices can display only one party flag and banner with party symbols/ photographs. The size of banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner/ hoarding etc.; then the lower size prescribed by local law shall prevail. The Expenditure Observer should closely monitor to ensure that expenditure on it is properly booked in the account of candidate.

- 11-
9. Single window system - In this connection attention is drawn to ECI's instructions in letter No.464/INST/2014-EPS, dated 20th March 2014. The Commission has now directed that all application seeking permissions under under IT platform 'Suvidha' shall have to be disposed off within 24 hours.
10. Use of space in Railway Stations, Bus Stands, Airports, Bridges-Railway and Roadways, Govt. Buses, Govt. and Public buildings, Electric and Telephone Poles, Municipal / local bodies' buildings, space and assets for political advertisement.

ECI's instructions No.437/6/INST/2015-CCS, dated 29th December 2015 forbids any display of election posters, hoardings, banners, etc., in any Government/PSU premises even if it is a commercial space. The commercial spaces of Govt. and Public Sector Undertakings (PSUs) during election periods cannot be used for displaying political advertisements. The above instruction further clarifies that In case there is no specific provision in the by-laws of PSUs or in their agreements with the advertisement agencies to whom they let out space for advertisement for prohibiting display of political advertisement, the PSUs may be instructed to add a Para in their commercial agreements with commercial agencies/companies while providing space on lease to the advertisement agency for placing commercial advertisements that *"No political advertisement shall be displayed/pasted at the space provided on lease for commercial advertisement like airports, railway stations, Inter State/Local Bus Stands, Govt. transportation post offices, Government hospitals/dispensaries etc. (except on main highways, main roads etc.) during the period of Model Code of Conduct. If there is any political advertisement in the provided space, the same shall be removed immediately on enforcement of the Model Code of Conduct."*

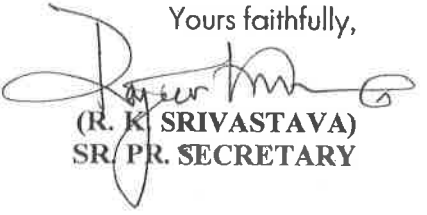
In the case of Halls/Auditoriums/Meeting venues owned/controlled by the Government/ local authorities/PSUs/Cooperatives, ECI instruction number 3/7/2008 dated 7.10.2008, inter alia, provides that if the law/guidelines governing their use do not preclude political meetings therein, there is no objection to it but, it shall be ensured that the allocation is done on equitable basis and that there is no monopolization by any political party or candidates. In such venues, displaying of banners, buntings, flags, cut-outs, may be permitted during the period of meetings subject to any restrictions under the law/guidelines in force. Such banners, flags, etc. shall be got removed by the party/individual who used the premises immediately after conclusion of the meeting, and in any case within a reasonable period after the meeting is over. Permanent/semi-permanent defacement such as wall writing/pasting of posters etc. shall not be permitted in such premises. *The Commission*

13

reiterates the aforesaid instructions. The ECI Observers shall closely monitor compliance and will specifically mention it in their reports to ECI.

Kindly inform all concerned and give due publicity and ensure compliance in letter and spirit.

Yours faithfully,



(R. K. SRIVASTAVA)
SR. PR. SECRETARY