

क्रमांक 412/वा.अ./2018 / 572

कार्यालय प्रमुख अभियंता,

जल संसाधन विभाग

जल संसाधन भवन, तुलसी नगर, भोपाल 462003

दूरभाष 0755- 2552646, 2552878, 2552822, फ़ैक्स 2552406 Email ID
encwrbpl-mp@nic.in

भोपाल, दिनांक 31/10/2018

प्रति,

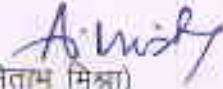
- 1 समस्त मुख्य अभियंता,
जल संसाधन विभाग
.....मध्यप्रदेश
- 2 आयुक्त, कमांड क्षेत्र विकास
संचालनालय, जल संसाधन विभाग,
भोपाल
- 3 आयुक्त, भू अर्जन एवं पुनर्वास
बाणसागर परियोजना, रीवा
- 4 परियोजना संचालक,
मोहनपुरा, कुण्डलिया परियोजना,
राजगढ़/बामौरकला/बीना
परियोजना/श्यामगढ़।
- 5 समस्त अधीक्षण यंत्री,
जल संसाधन विभाग, मध्यप्रदेश।
- 6 समस्त कार्यपालन यंत्री
जल संसाधन विभाग, मध्यप्रदेश।
- 7 वेब मैनेजर, कार्यालय प्रमुख
अभियंता, जल संसाधन विभाग,
भोपाल।
- 8 वरिष्ठ प्रशासकीय अधिकारी, कार्यालय
प्रमुख अभियंता, जल संसाधन विभाग,
भोपाल।

विषय:- शासकीय वाहनो का दुरुपयोग बावत्।

संदर्भ:- म.प्र.शासन, जल संसाधन विभाग का पत्र क्रमांक 22(ए)298/एमपीएस/31/1853
भोपाल, दिनांक 29.10.2018

विषयांतर्गत सामान्य प्रशासन विभाग एवं मुख्य निर्वाचन पदाधिकारी, मध्यप्रदेश से प्राप्त पत्र की छायाप्रति मय सहपत्र के संलग्न है। जल संसाधन विभाग के अधीन शासकीय वाहनो का अपात्र व्यक्ति को शासकीय वाहन आवंटित न हो, तथा मंत्रियों/अन्य अशासकीय आवंटियों को आवंटित शासकीय वाहनो का भी दुरुपयोग न हो। कृपया, दिये गये निर्देशो का कड़ाई से पालन किया जाना सुनिश्चित करें।

सहपत्र- उपरोक्तानुसार

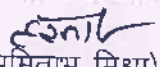

(अमिताभ मिश्रा)
अधीक्षण यंत्री (प्रशासन)

भोपाल, दिनांक.....

पृ.क.412/वा.अ./2018

प्रतिलिपि-

1. उप सचिव, मध्यप्रदेश शासन, जल संसाधन विभाग, मंत्रालय भोपाल के पत्र क्रमांक 22(ए)298/एमपीएस/31/1853 भोपाल, दिनांक 29.10.2018 के संदर्भ में सूचनार्थ प्रेषित।


(अमिताभ मिश्रा)
अधीक्षण यंत्री (प्रशासन)

31/10/18

मध्यप्रदेश शासन,
जल संसाधन विभाग,
भोपाल

भोपाल, दिनांक 29/10/2018

पत्र क्रमांक 22 (ए) 298/एमपीएस/31/1853
प्रति,

✓ प्रमुख अभियंता,
जल संसाधन विभाग,
भोपाल (म.प्र.)

विषय:- शासकीय वाहनों का दुरुपयोग बाबत।

विषयान्तर्गत सामान्य प्रशासन विभाग से प्राप्त पत्र की प्रति संलग्न प्रेषित है।

2 तत् अनुक्रम में विभागाधीन शासकीय वाहनों का दुरुपयोग रोकने के संबंध में आपके स्तर से निर्देश प्रसारित करने का कष्ट करें और यह सुनिश्चित कर लें कि कोई भी अपात्र व्यक्ति को शासकीय वाहन आवंटित न हो तथा मंत्रियों/अन्य अशासकीय आवंटियों को आवंटित शासकीय वाहनों का दुरुपयोग न हो।

3 कृपया निर्देश का हर स्तर पर कड़ाई से पालन किया जाना सुनिश्चित कराएं।

सहपत्र:- उपरोक्तानुसार

30 OCT 2018

C.E.(I.S.)		SE (A)
C.E-(N.M.)		C.P.O.
C.E.(P)	30/10	EE (V)
SE.(Major)		EE (B)
SE (W)	Sr.P.A.	SA (EDP)

1922
29/10/18
(व्ही.एस.टेकाम)
उप सचिव,

मध्यप्रदेश शासन, जल संसाधन विभाग

कृपया मुझे अवगत कराएं
यदि कोई भी अपात्र व्यक्ति को
शासकीय वाहन आवंटित किया जा रहा है

30/10/18

SE (A)
412 A
31/10

मध्यप्रदेश शासन
सामान्य प्रशासन विभाग
सामान्य निर्वाचन नियंत्रण प्रकोष्ठ
मंत्रालय-भोपाल

कमांक 38/13/2018/1/4/सा.निर्वा0नियं0प्र0,

दिनांक 25/10/2018

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प्रति,

अपर मुख्य सचिव/प्रमुख सचिव,
मध्यप्रदेश शासन,
समस्त विभाग,
मंत्रालय वल्लभ भवन, भोपाल

विषय:- शासकीय वाहनों का दुरुपयोग बाबत ।

भारत निर्वाचन आयोग के निर्देश दिनांक 06.10.18 की छाया प्रति संलग्न कर अनुरोध है की शासकीय वाहनों का किसी भी राजनैतिक दल, अभ्यर्थियों अथवा कम्पेनिंग से संबंधित किसी व्यक्ति के द्वारा उपयोग किया जाना वर्जित है। राज्य शासन तथा राज्य शासन के अधीन विभिन्न संस्थाओं के द्वारा यह सुनिश्चित किया जाना है कि उनके शासकीय वाहनों का दुरुपयोग ना हो आयोग को ऐसी शिकायतें प्राप्त हो रही है कि शासकीय वाहन जो मंत्रियों/अशासकीय पदाधिकारियों को आवंटित है का उपयोग राजनैतिक कार्यकर्ताओं तथा अन्य अशासकीय व्यक्तियों के द्वारा किया जा रहा है।

कृपया आपके आधीन शासकीय वाहनों का दुरुपयोग रोकने के संबंध में उचित निर्देश प्रसारित करने का कष्ट करें और यह सुनिश्चित कर ले कि कोई भी अपात्र व्यक्ति को शासकीय वाहन आवंटित ना हो तथा मंत्रियों/अन्य अशासकीय आवंटियों को आवंटित शासकीय वाहनों का दुरुपयोग न हो।

संलग्न:- उपरोक्तानुसार।



उप सचिव

मध्यप्रदेश शासन

सामान्य प्रशासन विभाग(सा.निर्वा0नियं0प्र0)

पृष्ठां0 कमांक 38/13/2018/1/4/सा.निर्वा0नियं0प्र0,

दिनांक 25/10/2018

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मुख्य निर्वाचन पदाधिकारी मप्र भोपाल।
मुख्य सचिव के स्टाफ आफिसर मुख्य सचिव कार्यालय मंत्रालय भोपाल की ओर सूचनार्थ ।

मुख्य निर्वाचन पदाधिकारी मप्र भोपाल ।
2 मुख्य सचिव के स्टाफ आफिसर मुख्य सचिव कार्यालय मंत्रालय भोपाल की ओर सूचनार्थ ।

MBS

29/10

Eincal 26

उप सचिव

मध्यप्रदेश शासन

सामान्य प्रशासन विभाग(सा.निर्वा0नियं0प्र0)

1

निर्वाचन तत्काल

कार्यालय मुख्य निर्वाचन पदाधिकारी, मध्यप्रदेश
 17, अरेरा हिल्स, भोपाल (Post Box No.1164)
 दूरभाष-2551282 फैक्स-0755-2555182,
 E-Mail: chiefelectoralofficermmp@gmail.com
 website: www.ceomadhyapradesh.nic.in

क्रमांक 9/2018/4क/एम.सी.सी./14896
प्रति,

भोपाल 24 अक्टूबर, 2018

मुख्य सचिव
मध्य प्रदेश शासन,
मंत्रालय, भोपाल।

विषय:- शासकीय वाहनों का दुरुपयोग रोकने कावत्।

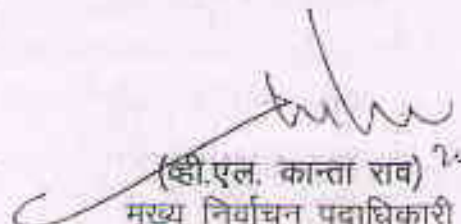
संदर्भ:- भारत निर्वाचन आयोग का पत्र क्रमांक 437/6/1/ECI/INST/FUNCT/MCC/2018
दिनांक 6.10.2018

कृपया संदर्भित पत्र का अवलोकन करने का कष्ट करें (प्रति संलग्न)। मध्य प्रदेश विधान सभा निर्वाचन 2018 की घोषणा के साथ-साथ आदर्श आचरण संहिता दिनांक 6.10.2018 से लागू हो गया है, जिसके तहत वाहनों के दुरुपयोग रोकने के संबंध में निर्देश हैं।

भारत निर्वाचन आयोग के निर्देशानुसार शासकीय वाहनों का किसी भी राजनैतिक दल, अभ्यर्थियों अथवा कम्पेनिंग से संबंधित किसी व्यक्ति के द्वारा उपयोग किया जाना वर्जित है। राज्य शासन तथा राज्य शासन के अधीन विभिन्न संस्थाओं के द्वारा यह सुनिश्चित किया जाना है कि उनके वाहनों का दुरुपयोग न हो। इस कार्यालय में शिकायतें प्राप्त हो रही हैं कि शासकीय वाहन जो मंत्रियों/अशासकीय पदाधिकारियों को आवंटित है का उपयोग राजनैतिक कार्यकर्ताओं तथा अन्य अशासकीय व्यक्तियों के द्वारा किया जा रहा है। इन शिकायतों का मृथक से जिला कलेक्टरों के माध्यम से जांच कराया जा रहा है और शासन की ओर से इस संबंध में निगरानी से भी दुरुपयोग को रोका जा सकता है।

अतः अनुरोध है कि राज्य शासन यह सुनिश्चित कर ले कि कोई भी अपात्र व्यक्तियों को शासकीय वाहन आवंटित न हो तथा मंत्रियों/अन्य अशासकीय आवंटियों को आवंटित शासकीय वाहनों का दुरुपयोग न हो।

संलग्न : उपरोक्तानुसार।


 (श्री.एल. कान्ता राव)
 मुख्य निर्वाचन पदाधिकारी
 मध्य प्रदेश

To be circulated
 to all divisions,
 Hqs and all
 Hqs of State Govt
 A.M.
 24.10.2018

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

By Spl. Messenger/mail

No. 437/6/1/ECl/INST/FUNCT/MCC/2018

Dated: 6th October, 2018

To

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. The Chief Secretaries to the
Government of:-
(i) Chhattisgarh, Raipur;
(ii) Madhya Pradesh, Bhopal;
(iii) Mizoram, Aizawl;
(iv) Rajasthan, Jaipur;
(v) Telangana, Hyderabad
3. The Chief Electoral Officers of:-
(i) Chhattisgarh, Raipur;
(ii) Madhya Pradesh, Bhopal;
(iii) Mizoram, Aizawl;
(iv) Rajasthan, Jaipur;
(v) Telangana, Hyderabad.

Subject: Immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Elections to the State Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana, 2018- regarding.

Sir,

I am directed to state that the Election Commission has announced the schedule for holding General Elections to Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana. Operation of 'MODEL CODE OF CONDUCT' comes into effect with the announcement of elections by the Commission. In view of the general elections to the Legislative Assemblies of Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana, the Commission has given following directions for effective enforcement of provisions of MCC:-

1. Defacement of Property- ECI instructions contained in letters, No. 437/6/INST/2015-CCS, dated 29th December, 2015; No. 437/6/INST/2012-CC&BE dated 18th January, 2012 and No. 3/7/2008 JS-II dated 7th October, 2008, provide for prevention of

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defacement of property. The Commission has directed to ensure strict compliance of its instructions and to take time bound action as prescribed below-

(a) **Defacement of Government property-** For this purpose a Government premise would include any Government office and the campus wherein the office building is situated. All wall writing, posters/papers or defacement in any other form, cutout/hoardings, banners, flags etc, on Government property shall be removed within 24 hours from the announcement of elections

(b) **Defacement of public property and misuse of public space-** All unauthorized political advertisement, in the form of wall writing/posters/papers of defacement in any other form, cutout/hoardings, banners flags etc. at public property and in public space like railway station, Bus stands, Airports, railway Bridges, Roadways, Govt. Buses, Electric/Telephone poles, municipal/local bodies' buildings etc., shall be removed within 48 hours from the announcement of elections by the Commission.

(c) **Defacement of private property-** All unauthorized political advertisement displayed at private property and subject to local law and court's directions, if any, shall be removed within 72 hours from the announcement of elections by the Commission.

2. **Misuse of official vehicle-** The ECI's Consolidated instructions contained in letter No. 464/INST/2014/EPS, dated 10th April 2014, among other things, provides that there shall be a total ban on use of official vehicle by any political party, candidate or any other person connected with election (except officials performing any election related official duty) for campaigning, electioneering or election related travel during elections (subject to certain exception mentioned therein). The expression official vehicle means and shall include, any vehicle used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise and will include trucks, lorries, tempos, jeeps, cars, auto rickshaws, e-rickshaws, buses, belonging to Central Government, State Government/UT Administrations, public undertakings of Central/State Government, joint sector undertakings of Central/State Government, local bodies, municipal corporations, marketing boards, cooperative societies or any other body in which public funds, however small a portion of the total, are invested. The CEOs/DEOs shall take necessary action for compliance of ECI instructions within 24 hrs of the announcement of the elections.

3. **Advertisement at the cost of public exchequer-** ECI instructions contained in letter, No. 437/6/1/2014-CC&BE, dated 5th March, 2014 provides that 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

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regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided. 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 the date of announcement and it should be immediately withdrawn. The CEOs/DEOs has to take immediate action to remove/stop any advertisement, in the print/electronic media, showing the achievements of the Government soon after the announcement of elections.

4. **Photograph of political functionary at official website-** ECI instruction contained in letter No. 437/6/INST/2014-CC&BE dated 20th March, 2014 provides that all references of Ministers, Politicians or political parties available on central/state Government's official website, shall be removed. The CEOs have to take immediate action to remove/hide the photographs of any political functionary from official websites of state department.
5. **Development/construction related activities-** within 72 hours of announcement of elections, the CEO/DEO shall obtain the following list of works for reference in case of validating any complaint on violation of MCC:
 - (i) List of work which has already been started on ground
 - (ii) List of fresh work which has not started on ground.
6. **Activities for Expenditure Monitoring and enforcement of MCC-** Flying squad, PST, video team, intensive checking for Ilquor/Cash/Contra banned drugs, flying squads of excise department to check illicit trafficking of Drug/Narcotics to be immediately activated after announcement.
7. **Complaint Monitoring System-** The poll going states shall have a complaint redressal mechanism based on website and call center. The toll free number of call center is 1950. Complaints can be registered by making calls to the toll free call center numbers or on the web site. Complainants will also be informed of the action taken by SMS and by the call center. Complainants can also see the details of the action taken on their complaints. This system should be operational within 24 hours of the announcement. All complaint should be dealt with promptly and properly. The 24x7 control Room at the district level must be activated and sufficient deployment of manpower and other logistics be ensured in particular, round the clock personnel should be deployed in the control room and their duty roster must be issued to avoid any evasion or confusion.

8. **IT Application-** All IT applications including official website and social media shall be operational with the announcement.
9. **Dissemination of information for Awareness of Voters and political parties.** Publicity of major election activity would be given through CEO/DEO/RO. For this purpose, all necessary information shall be disseminated through radio, tv, cinema Government channel to display voter education material.
10. **Active cooperation from Educational Institution and Civil Societies-** Cooperation can be sought from educational institution and civil societies for giving wide publicity to the election related information to the general public and other stakeholders.
11. **Media Centre-** Effort should be made for awareness among the voters, political parties and other stakeholder through media center about election system including use of EVM/VVPAT.
12. **MCMC/DEMC-** ECI instruction contained in letter no. 491/MCMC/2014/Communication dated 24th March, 2014 provides that all registered political parties will approach the Media Certification and Monitoring Committees (MCMC) at District and State level, as the case may be, for pre-certification of their political advertisements proposed to be issued on electronic media. The Commission has directed to ensure strict compliance of its instructions contained in above said letter.
13. **Control Room-** The 24x7 control room at district level must be activated immediately and sufficient deployment of manpower and other logistics be ensured by the DEO/CEO. A control room with complaint Monitoring Centre would also be set up at ECI Secretariat during the entire election process.

Yours faithfully



(SUMIT MUKHERJEE)
PRINCIPAL SECRETARY

6

INSTRUCTION Sl. No. 21

Election Commission's letter No.437/6/INST/2015-CCS dated 29.12.2015 addressed to Cabinet Secretary, Chief Secretaries, and CEOs of all the States and UTs.

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

I am directed to invite a reference to the Commission's circular letter No.3/7/2008-JS-II, dated 7th October, 2008(Enclosure of Instruction Sl.No.22), 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.

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Enclosure-II

Election Commission's letter No.3/7/2008/JS-II dated 7th October, 2008 addressed to the Secretary to the Govt. of India, MHA, the 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-I). 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 poster, etc., or erecting cut-outs, hoardings, banners, political advertisement, etc., in any public place (as against a Govt. premise) on payment or otherwise, this

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Enclosure-I

Election Commission's letter No. 437/6/INST/2012-CC&BE dated 18th January, 2012 addressed to Cabinet Secretariat, the Chief Secretaries and the Chief Electoral Officers of all States and UTs.

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

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 candidates 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 whatsoever for the purpose of promoting or procuring the election of such candidates, 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."

disaffection amongst communities shall be permissible in such writings/display. 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 candidate's 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, bunting 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 authorizes 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.

DEFACEMENT 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, bunting 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.

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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 poster, 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

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).

DEFACEMENT 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 rallies 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.

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- (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 all other election related authorities, and all political parties in the State, including State units of recognized National and State parties, and all registered un-recognized parties based in the State, and also the contesting candidates (at the time of elections) for information and compliance.
 - 11. Please acknowledge receipt of this letter. The Chief Electoral Officers may kindly confirm that action as required above has been taken.