

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/7/2007/JS-II

Dated: 16th October, 2007

To

1. **The Secretary to the**
Government of India
Ministry of Home Affairs
New Delhi-110001.
2. **The Chief Secretaries of**
All States and Union Territories.
3. **The Chief Electoral Officers of**
All States and Union Territories.

Sub: Prevention of defacement of property - Election campaign by political parties and candidates - Instructions.

Sir,

I am directed to invite a reference to the Commission's letter No. 3/7/2007/JS-II, dated 8th March 2007, on the subject cited. Certain clarifications have been sought in this matter. After considering the relevant aspects, the Commission has issued the following consolidated instructions in modification of the existing instructions in the matter:

PUBLIC PLACES

2. (a) No wall writing, pasting of posters/papers or defacement in any other form, or erecting/displaying of cutouts, hoardings, banners etc. shall be permitted on any public property/public premises.

(b) However, if the local laws permit or provide for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, political advertisement, etc., in any public place specifically identified for such purposes, on payment or otherwise, this may be allowed strictly in accordance with the relevant provisions of the law and subject to any Court orders. 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) Further, the space provided for this purpose should not be expanded or reduced after announcement of any election.

PRIVATE PLACES

3. (a) If the local laws do not permit wall writing, pasting of posters, hoardings/banners/cutouts for political advertisement etc. on private places, the same shall not be permitted even with the consent of the owner of the property.

(b) Subject to any restrictions under any local laws, the political parties, candidates, their agents, workers and supporters may hoist one party flag showing their election symbol on their own property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person. Under this provision, no cut-outs or hoardings or banners of the nature of political advertisement shall be allowed on any private property.

(c) Where the local laws permit 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 written permission from the owner of the property and submit photocopies of the same to the Returning Officer or an officer designated by him for the purpose, together with a statement in the **enclosed proforma** showing 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 by him for the purpose. Further, nothing inflammatory or inciting disaffection amongst communities shall be permissible in such writings. The expenditure incurred on these wall writings etc shall be added to the election expenditure made by the candidate. 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.

4. 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).

5. In so far vehicles are concerned no poster, flag or any other kind of campaign material shall be displayed on vehicles except in the case of vehicles used in election campaigning and for which permit has been granted to the candidates and the permit in original is displayed on the windshield of the vehicle.

6. Under no circumstances, any vehicle should ply with external modification and fittings including loudspeakers, in contravention of the Motor Vehicles Act and the Rules.

7. 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, for information and compliance.

8. The receipt of this letter may please be acknowledged. The Chief Electoral Officers may kindly confirm that action as required above has been taken.

Yours faithfully,

(K. F. WILFRED)
SECRETARY