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**No.464/L&O/2023/EPS(Use of Veh.)**

**Dated:26<sup>th</sup> June, 2023**

To

The Chief Electoral Officers of  
all States/UTs

**Subject: USE OF VEHICLE DURING ELECTIONS BY POLITICAL  
PARTIES AND CANDIDATES DURING ELECTION PERIOD-  
REGARDING.**

**Reference:** Commission's Instructions on the subject:

- (i) No.464/INST/2006/PLN-I dated 17.03.2006
- (ii) No.464/BR-LA/2010 dated 16.10.2010
- (iii) No.464/BR-LA/2010 dated 22.10.2010
- (iv) No.464/INST/2011/EPS dated 23.03.2011
- (v) No.464/INST/2011/EPS dated 23.03.2011
- (vi) No.464/INST/2011/EPS dated 28.03.2011
- (vii) No.464/INST/2011/EPS dated 28.03.2011
- (viii) No.464/INST/2013/EPS dated 08.10.2013
- (ix) No.464/INST/2013/EPS dated 11.11.2013
- (x) No.464/INST/2014/EPS dated 20.03.2014
- (xi) No.464/INST/2014/EPS dated 03.04.2014
- (xii) No.464/INST/2014/EPS dated 10.04.2014
- (xiii) No. 464/INST/2014/EPS dated 19.09.2014
- (xiv) No.464/INST/2015/EPS dated 30.09.2015
- (xv) No.470/INST/2018-EPS dated 18.11.2018

Madam/Sir,

All political parties and candidates contesting election use various kinds of vehicles for their election campaigns. In order to regulate use of vehicles by political parties and candidates to ensure level playing field amongst all contesting political parties and candidates, it is essential to issue detailed guidelines on use of vehicles, owned or hired or controlled by the Governments or its PSUs or any local authorities, which are termed as 'official vehicles' here, during the election period. It is also essential that use of private vehicles used by political parties and candidates are regulated during election

period to control use of money power.

Section 160 of Representation of the People Act 1951 has definition of "vehicle", although in a different context of requisition of vehicles by election authorities, and provides a benchmark for reference.

Following are the consolidated instructions, in supersession of the Commission's instructions under reference, on the use of vehicles by political parties and candidates during election period:

**1. Ban on use of official vehicles:**

(a). Subject to exceptions mentioned herein, there shall be a total and absolute ban on the use of *official vehicles* for campaigning, electioneering or election related travel during elections. Such vehicles include helicopters, aircrafts, cars, jeeps, automobiles, goods carriers, e-vehicles or e-rickshaws, two wheelers, boats, hovercrafts, etc., except as regulated by the Commission's order on the subject, owned or hired or controlled by the Central and State Governments, Central Public Sector Organizations, Public Sector Undertakings and Joint Sector Undertakings of the Central and State Governments, Local Authorities and Local Bodies, Marketing Boards (by whatever name known), Cooperative Societies, Autonomous District Councils or any other body in which public funds, howsoever small a portion of the total, are invested.

(b). The District Administration shall keep a close watch to find out if any such official vehicle is being used for campaigning, electioneering or election related travel purpose. In such cases, the District Magistrate shall, forthwith, requisition or cause to be requisitioned such vehicles, after following due procedure, for election work, under Section 160 of the Representation of the People Act, 1951 and such requisitioned vehicles shall not be released until the completion of the process of elections.

(c). The ban on the use of official vehicles will equally apply to vehicles in or from any States not going to the polls but whose *official vehicles* are attempted to be used for campaign, either openly or clandestinely, in any other State going to poll. The Chief Secretary of each State/Union Territory or the Secretary to the Government of India in the concerned Department or Ministry,





as the case may be, shall ensure that there is no misuse of any such vehicles. The officers under whose charge such vehicles are entrusted will be personally responsible for any violation.

The use of such vehicles belonging to any of these authorities by anyone, including Ministers of the Central or a State Government, even on payment basis, for campaigning or on tours connected with elections, in the guise of, official work in their capacity as Ministers is totally prohibited.

(d). The only exception from the above prohibition will be the Prime Minister and other political personalities, who might, in view of extremist and terrorist activities and threat to their lives, require security of a high order and whose security requirements are governed by statutory provisions made by the Parliament or the State Legislature in this behalf. These restrictions shall also not be applicable in case of the Hon'ble President and Vice President of India, Speaker and Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha and other such dignitaries visiting the State from other States. It is clarified here that in the case of Speaker and Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha, these restrictions **will be applicable at the time of General Elections to the Lok Sabha but not during Legislative Assembly Elections**. However, such exceptions shall not be available in respect of any Ministers of the Union or any State Government.

## **2. Review or assessment of security cover:**

It is clarified that if there is any material to doubt that the assessment of security requirements made by the authorities under Special Protection Group Act, 1988 or any other special enactment/instruction of the appropriate Governments have been manifestly or unduly excessive with the intention of promoting indirectly the electoral interests of a particular political party or candidates, the Commission shall bring the matter to the notice of the concerned Government for immediate and appropriate corrective steps.

The Commission may also call for any information from the Central Government or the State Government concerned with regard to the assessment of the security requirements made in respect of any such personality. Such information shall be furnished to the Commission by the concerned



Government forthwith.

### **3. Issue of permits for vehicles by DEO:**

(a) There is no limit on number of vehicles a candidate may use for campaigning or electioneering purpose. The candidate has to furnish *following* details, before the campaigning commences, to the District Election Officer or such other officer(s) as may be specifically authorized by the District Election Officer in his behalf, who after necessary scrutiny would issue permits for every vehicle:

- i) Details of vehicles such as registration details, fitness certificates, name and particulars of the owners and drivers.
- ii) Areas in which vehicles would be used for campaigning purposes;

The original copy (*not the photo copy*) of permit shall be displayed on the wind screen of the vehicle. The copy of the permit should be of such dimension which can easily be seen from a distance. Permit must contain the vehicle number, date of issue of permit, name of candidate and area where it shall be used for campaigning. Such vehicles shall be subject to checks by any competent authorities or FST, SST etc.

(b) Vehicles can only be used after obtaining necessary permits for every such vehicle, as above, by the candidate or his/her election agent.

(c) Details of vehicles used for campaigning or electioneering purpose by candidates shall be conveyed to Election Expenditure Observers by District Election Officer to check whether the expenditure in this regard has been included in the expenditure account of the candidates.

(d) Any vehicle used for campaigning without due authorization or permit shall be deemed unauthorized for campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code (*Offences Relating to Elections*) and shall therefore be immediately taken out of the campaigning exercise.

(e) The vehicles duly deployed for election campaign as per intimation given by the candidates or their election agents to District Administration should not be requisitioned by the administration.

(f) On request of a recognized political party, the DEO shall issue permit



for one vehicle to be used by the district level office bearer of a recognized political party (other than the star campaigner) for their visit to multiple ACs within the district for electioneering purposes. The permit should be issued indicating the vehicle number, the name of political party, name of district, route map, date wise movement plan and the period for which it is issued and should be of different color so that it can easily be identified. An attested copy shall be pasted on wind screen and original be kept with the driver for checking by police or other competent authorities or FST, SST etc. The expenditure in this regard shall be booked against the political party and not in the election expense account of the candidate(s). It is clarified that this provision will be applicable in case of any by-election in a constituency.

(g) The District Administration shall keep a close watch and prevent the misuse of private vehicles by candidates, their agents, political party leaders or supporters. This misuse may include transporting anti-social elements with the intent to instill fear among the electorate or smuggling illicit arms and ammunition to create disturbances. If any of these vehicles, either of a political party or candidates or a private owner, are found to be involved in any such act, it shall be the duty of the local administration to impound such vehicles and not to release them till the process of elections is completed. In addition, legal action in accordance with the law shall be taken against the owner, occupant(s) and the candidate/political party involved in such unlawful acts.

#### **4. Issue of permits for vehicles by CEO-**

The Chief Electoral Officer may issue permits for vehicles that can move throughout the State for use of officer bearers of recognized political parties for distribution of campaign material in following manner:

- (a) If any recognized political party makes a request to CEO for grant of vehicle permission for distribution of publicity material to their various party offices in the State, the CEO may grant permission for number of vehicles equal to Number of Assembly Constituencies in the State divided by 25 (Twenty-five) or Number of Parliamentary Constituencies in the State divided by 3 (Three), as the case may be,

rounded off to the nearest integer. It is clarified that this provision will not be applicable in case of any by-election.

- (b) The recognized political party (the applicant) will have to furnish the details regarding the names of the districts, the route map and details of the vehicles, name of the driver, fitness certificate, date-wise movement plan of the vehicle etc. For such vehicles, the CEO may issue permission, but ensure that such vehicles will also be subject to normal checks by competent authorities, police, check-posts, FST, SST etc. and these vehicles will not be used for election campaigning in anyway. The expenditure on account of such vehicles shall be incurred by the political party and not by the candidates.
- (c) For any permission to be issued by CEO for use of Video Vans for campaigning by political parties, the compliance of the following guidelines shall be ensured (*Order dated 23<sup>rd</sup> June 2006 and 14<sup>th</sup> February 2007 of the Allahabad High Court in Writ Petition 3648 (MB) of 2006*):
  - (i) The permission to use Video Vans for campaign purpose can be granted at Chief Electoral Officer level only.
  - (ii) Any political party/candidate seeking permission to use video vans from Chief Electoral Office should first obtain necessary permissions/no objection certificates from the Competent Authority under the relevant 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.
  - (iii) 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 campaign based on its program and policies. Votes or support for any particular candidate should not be solicited. However, if it is used for seeking votes/support for a candidate/candidate then expenditure of video van shall be accounted for by such candidate/candidates appropriately. Expenditure Observers to closely monitor this.
  - (iv) Though there is no restriction on the number of Video Vans which can be used in campaigning, but the expenditure



incurred shall be duly included in the election expenditure account of the political party, to be submitted to the Commission, as provided, subject to condition in point (iii).

- (v) Route of Video Vans to be used for publicity/campaigning should be informed to local administration/District Election Officer in advance to ensure equitable use of campaign sites or public places. In case of violation, the permissions for Video Van may be withdrawn, after due notice, by CEO.

- (d) For availing the benefit of clause (a) of explanation (1) of Section 77 (1) of Representation of the People Act 1951 by the leaders of the political parties (i.e., ***star campaigners***), the permission for the mode of road transport will be issued centrally by the Chief Electoral Officer, irrespective of whether the same vehicle is to be used by the *star campaigner* for election campaigning throughout the State or different vehicles are to be used by such *star campaigner* in different areas. The permit will be issued against the name of the *star campaigner* concerned and shall be displayed prominently on the windscreen of the vehicle being used by him/her in any area. The permits so issued by the CEO will be of distinctly different color from the permits to be issued by the CEO, DEO or any competent authorities for other campaign vehicles of candidates.

## **5. Restriction on number of vehicles to be used during different phases of election:**

### **I. When vehicles are moving in convoy:**

- (a) The Commission directs that cars/vehicles shall, under no circumstances, be allowed to move in convoys 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 subject to any security instructions issued in respect of any such individual. Further, the convoy of vehicles being used in road show shall be broken after every 10 vehicles and a gap of 100 meters would be maintained.



(b) Even when a convoy of vehicles is adhering to the regulations stated in sub para (a) above, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by flouting *any* directions of the Commission, till the process of election is completed.

## **II. During Filing of Nominations:**

The maximum of three vehicles shall be allowed to come within the periphery of 100 meters of offices of Returning Officers/Assistant Returning Officers. This periphery of 100 meters should be clearly demarcated by RO/DEO.

## **III. Use of vehicles on poll day:**

- (a) Section 123(5) of the Representation of the People Act 1951 provides that hiring or procuring or use of vehicles by a candidate/his agent or by any other person with the consent of the candidate or his election agent to provide free conveyance to the voters for the polling station shall be a 'corrupt practice' and it is also an electoral offence punishable under Section 133 of the Representation of the People Act 1951.
- (b) The Commission has issued the following directions to curb such malpractices effectively:
- (I) For an *election to Lok Sabha*, each contesting candidate, on the day of poll, will be entitled to:
- (i) One vehicle for his own use in respect of entire PC;
  - (ii) One vehicle for use of his election agent in respect of PC; and
  - (iii) One vehicle for use of his election agent or workers or party workers, as the case may be, in every assembly segment comprised in the PC.
- (II) For an *election to the State Legislative Assembly*, on the day of poll each contesting candidate is entitled to:
- (i) One vehicle for his own use;
  - (ii) One vehicle for use of his election agent in respect of





AC; and

(iii) One vehicle for use of his election agent or workers

- (c) The permits for the vehicles indicated above will be issued by the Returning Officer (RO). The candidates must furnish particulars of their vehicle to be used on poll day to RO concerned and shall display the permits issued on the wind-screen of the vehicles. *No other vehicle shall be allowed to be used by the leaders of the political parties including Ministers, workers, agents and sympathizers of any candidate and no exception shall be made, irrespective of the status of the candidates.*

**IV. Use of vehicle by public:** There is no intention on the part of the Commission to put a complete ban on all vehicular traffic on the polling day and thereby create difficulties or cause harassment to the public. For genuine *bona fide* use for purposes other than election, the following types of vehicles shall also be allowed on the day of poll and there will be no exception to this:

- i) Private vehicles being used by the owners for their private use, not connected with elections;
- ii) Private vehicles being used by owners either for themselves or for members of their own family for going to the polling booth to exercise their franchise, but not going anywhere within a radius of 200 meters of any Polling Stations;
- iii) Vehicles used for essential services namely hospital vans, ambulances, milk vans, water tankers, electricity emergency duty vans, police on duty, officer on election duty etc.;
- iv) public transport carriages like buses playing between fixed terminals and on fixed routes;
- v) Taxis, three-wheeler scooters, rickshaws etc. for going to airports, railway stations, inter-state bus stands, hospitals for journey which cannot be avoided;

vi) Private vehicles used by sick or disabled persons for their own use;

vii) Vehicles being used by the Govt. officers on duty to reach their duty point.

The abovementioned restrictions shall apply to all vehicles propelled by mechanical power or otherwise, including but not restricted to taxis, private cars, trucks, tractors with or without trailers, e-vehicles, auto-rickshaw, e-rickshaws, two wheelers, mini buses, station wagons etc., also, and shall be made applicable for a period of 24 hours before the time fixed for closure of poll and till the completion of poll.

#### **6. Use of vehicles not propelled by mechanical power:**

A cycle rickshaw, horse drawn carriages, bullock carts etc. are capable of being used for election campaigning; hence, the candidate has to account for its expenditure in his/her account of election expenses. The candidate shall give details of such vehicles being used for his/her election campaign and, if such vehicles do not have any municipal registration/permit for its identification, the drivers/ owners may be given a permit in their personal names by the Returning Officer which the drivers/ owners should carry on their person while using such vehicles for campaign purposes.

#### **7. Display of vehicles:**

Display of flag, stickers, posters etc. on commercial vehicles shall not be permitted unless such vehicle is a vehicle being validly used for election campaign after obtaining the requisite permit from the specified authority.

#### **8. Responsibility to comply with all Laws:**

Candidates or leaders of Political Parties shall have responsibility to follow all the guidelines or directions issued by competent authority under the Motor Vehicles Act for all such vehicles against which permission is given to use during election period. Penal action, under the provisions of the Representation of the People Act 1951, Chapter IX A of the Indian Penal Code, Motor Vehicles Act etc., shall be taken against anyone offending the above



directions.

**9. Compliance of Model Code of Conduct to be ensured:**

All provisions of the Model Code of Conduct, issued by the Commission, pertaining to use of official vehicles, use of air assets, use of private vehicles, exemptions and all connected issues shall be complied, if not already covered in this instruction for compliance, by the political parties and candidates, as the case may be.

**10. Permits to be expeditiously issued:**

District Election Officer shall ensure that permits to use vehicles during elections are issued expeditiously and hassle-free manner, preferably, on the same day of the submission of the applications by political parties and candidates, provided all the required documents are submitted along with the applications. If applications are submitted after 6:00 pm on the day, it shall be ensured that permits are issued on the next day.

**11. Suvidha Portal:**

This Portal allows the candidates, political parties or any representatives of the candidates to apply online for the permission *inter alia* for vehicles, meetings, rallies, loudspeakers, venue etc. through SUVIDHA Portal <https://suvidha.eci.gov.in/> and they may track their application status through the same portal.

This is for compliance by all concerned.

Yours faithfully



(SANJEEV KUMAR PRASAD)  
SECRETARY