

कार्यालय मुख्य निर्वाचन अधिकारी, उत्तर प्रदेश।

चतुर्थ तल विकास भवन, जनपथ मार्केट, लखनऊ-226001

संख्या- 83 /सी0ई0ओ0-1-142/1-2008 (ii) लखनऊ दिनांक 07 जनवरी, 2017

सेवा में,

समस्त जिला निर्वाचन अधिकारी,
उत्तर प्रदेश।

विषय- विधान सभा सामान्य निर्वाचन-2017-निर्वाचन संबंधी प्रचार के सम्बन्ध में आयोग के निर्देश।

महोदय,

उपरोक्त विषय पर कृपया भारत निर्वाचन आयोग के पत्र संख्या-437/6/
Campaign/ECI/INST/FUNCT/MCC-2016 दिनांक 04.01.2017 का संदर्भ ग्रहण करने का
कष्ट करें।

2- भारत निर्वाचन आयोग द्वारा उक्त पत्र में निर्वाचन संबंधी प्रचार के सम्बन्ध में
अलग-अलग विषयों पर आयोग के निर्देशों का उल्लेख किया गया है।

अतः उक्त पत्र को संलग्न कर भेजते हुए मुझे यह कहने का निदेश हुआ है कि
कृपया आयोग द्वारा दिये गये निर्देशों का महत्वात्पूर्वक अध्ययन कर उसे समस्त संबंधित के
संज्ञान में लाते हुए आवश्यक कार्यावाही सुनिश्चित कराने का कष्ट करें। उक्त पत्र की प्रति
भारत निर्वाचन आयोग के प्रेक्षक को भी अनिवार्य रूप से उपलब्ध करायी जाये।

संलग्नक-यथावत।

भवदीय,

(रमेश चन्द्र राय)

संयुक्त मुख्य निर्वाचन अधिकारी।

संख्या- 83 (1)/सी0ई0ओ0-1-तददिनांक-

प्रतिनिधि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यावाही हेतु प्रेषित:-

- 1- अध्यक्ष / महामंत्री, समस्त मान्यता प्राप्त राजनैतिक दल, उत्तर प्रदेश।
- 2- समस्त प्रमुख सचिव / सचिव, उत्तर प्रदेश सचिवालय।
- 3- समस्त मण्डलायुक्त, उत्तर प्रदेश।
- 4- निदेशक, दूरदर्शन एवं आकाशवाणी।
- 5- समस्त उप/सहायक जिला निर्वाचन अधिकारी, उत्तर प्रदेश।
- 6- मुख्यालय के समस्त अधिकारी/अनुभाग।
- 7- प्रभारी, कम्प्यूटर प्रकोष्ठ को पी0डी0एफ0 फाइल हेतु।

(रमेश चन्द्र राय)

संयुक्त मुख्य निर्वाचन अधिकारी।



भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
NIRVAACHAN 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,

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
clothes 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/EPS 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 than 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

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 ROs 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.

5. Use of vehicle on poll day-The ECI's instructions in letter No.404/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 fitted 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, burlings, 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.

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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 convey shall be broken after every 10 vehicles.

8. Temporary Campaign Offices- The ECI's existing instructions in letter No.437/6/2007(INST) -

PLN/III, 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.

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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 'Srividha' shall have to be disposed off within 24 hours.

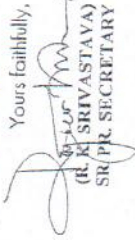
10. Use of space in Railway Stations, Bus Stands, Airports, Bridges-Railway and Roadways, Govt. Buses, Govt. and Public buildings, Electric and Telephone Poles, Municipal / local bodies' buildings, space and assets for political advertisement.

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/Auditorium/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, 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. *The Commission*

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. N. SRIVASTAVA)
SR (P.R. SECRETARY)

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