

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/INST/ECI/FUNCT/MCC/2026

Dated: 15th March, 2026

To

1. **The Cabinet Secretary,**
Government of India,
Rashtrapati Bhawan,
New Delhi.
2. **The Chief Secretaries** to the Governments of
 - (i) Assam, Dispur;
 - (ii) Kerala, Thiruvananthapuram;
 - (iii) Puducherry,
 - (iv) Tamil Nadu, Chennai; and
 - (v) West Bengal, Kolkata.
3. **The Chief Electoral Officers** of
 - (i) Assam, Dispur;
 - (ii) Kerala, Thiruvananthapuram;
 - (iii) Puducherry,
 - (iv) Tamil Nadu, Chennai; and
 - (v) West Bengal, Kolkata.

Subject: Immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Elections to Legislative Assemblies of the States of Assam, Kerala, Tamil Nadu and West Bengal and UT of Puducherry, 2026- regarding.

Sir/Madam,

I am directed to state that the provisions of 'Model Code of Conduct' have come into effect with the announcement of schedule for General Elections to Legislative Assemblies of the States of Assam, Kerala, Tamil Nadu and West Bengal and UT of Puducherry, 2026 by the Commission *vide* its Press Note No. ECI/PN/029/2026, dated 15th March, 2026. In view of the election, the Commission has issued following directions for effective enforcement of provisions of MCC:-

1. **Defacement of Property-** ECI instructions contained in letter No. 3/7/2023-SDR, dated 12th October, 2023(copy enclosed), provide for prevention of defacement of property. The Commission has directed to ensure strict compliance of its instruction 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, compound and establishment are situated. All wall-writing, posters/papers or defacement in any other form, including

cutout/hoardings, banners, flags etc., on Government property shall be removed within 24 hours from the announcement of elections by the Election Commission.

(b) **Defacement of public property and misuse of public space-** All unauthorized political advertisement, in the form of wall writing/posters/papers or 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, Government buses, Electric/Telephone poles, municipal/local bodies' buildings etc., shall be removed within 48 hours from the announcement of elections.

(c) **Defacement of private property-** Subject to any local law and Court's direction, all unauthorized political advertisement displayed at private property shall be removed within 72 hours from the announcement of elections by the Election Commission.

2. **Misuse of official vehicle-** The ECI's Consolidated instructions contained in letter No. 464/L&O/2023/EPS(Use of Veh.), dated 26th June, 2023 (copy enclosed), among other things, provide 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 hours of the announcement of the elections.

3. **Advertisement at the cost of public exchequer-** ECI instructions contained in letter No. 437/6/INST/ECI/FUNCT/MCC/2024(ADVERTISEMENTS), dated 2nd January, 2024 provides that advertisement 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 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 have 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/ECI/FUNCT/MCC/2024(MCC ENFORCEMENT), dated 2nd January, 2024, 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, FST, video team, intensive checking for liquor/Cash/Contraband 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 website. 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 complaints should be dealt 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 Institutions and Civil Societies- Cooperation can be sought from educational institutions and civil societies for giving wide publicity to the election related information to the general public and other stakeholders.

11. Media Centre-Efforts 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/5/2023/Communication, dated 24th August, 2023, 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.
14. Hindi version will follow.

Yours faithfully,



**(PRAFULL AWASTHI)
UNDER SECRETARY**



भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

Tel. No. 011-23052144

Fax 011-23052001

Website: www.eci.gov.in

निर्वाचन सदन
अशोक रोड, नई दिल्ली-110001

Nirvachan Sadan
Ashoka Road, New Delhi-110001

Dated: 26th June, 2023

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

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 23rd June 2006 and 14th 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 taxies, 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:

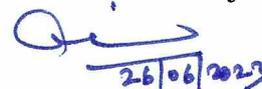
District Election Officer shall ensure that permits to use vehicles during elections are issued expeditiously and hassle-free manner, preferably, on the same day of the submission of the applications by political parties and candidates, provided all the required documents are submitted along with the 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

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/7/2023/SDR

Dated: 12th October, 2023

To,

The Chief Electoral Officers of
All States and Union Territories

Sub: Prevention of Defacement of Property and Other Campaign Related Items- regarding

Ref:

1. No. 3/7/1994/J.S.-II dated 05th January, 1994
2. No. 3/7/2008/JS-II dated 7th October, 2008
3. No. 3/7/2008/JS-II/SDR dated 10th November, 2008
4. No.3/7/2014/SDR dated 11th March, 2014
5. No. 3/7/2014/SDR dated 26th September, 2014, and
6. No. 437/6/INST/2015-CCS dated 29th December, 2015

Madam/Sir,

I am directed to state that Clause (6) of Part I of the Model Code of Conduct for the guidance of Political Parties and candidates provides that no political party or candidate shall permit their followers to make use of any individual's land, building, compound wall etc., without his/her permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans etc. However, it is observed that, at the time of elections, political parties indulge in defacement of public as well as private buildings, by sticking posters and wall writings and sometimes without permission of owners of the buildings. After elections are over, the cost of removing the posters and wall writings are borne out of the public exchequer in case of a public building and by the individual owners themselves in case of private buildings. In either case, it is the general public at large which has to bear the cost for no fault of theirs'.

2. Some States have local laws and passed legislations for property defacements under which the authorities are empowered to prevent such defacement and bring to book the defaulters. The Election Commission has also recommended the enactment of such provisions in all States/UTs.

3. The Commission had also issued instructions to ensure strict compliance with the provisions of the local laws relating to prevention of defacement of property and to prosecute and proceed against those who indulged in the violation of extant laws. The instructions, inter-alia, provided that the party/association/body/ candidate or any other person who had written or painted or pasted any slogans, symbols or posters on any public or private building without

written permission of the owner of the building should be required to get the defaced walls and buildings whitewashed or painted at its/his cost so as to restore them to the original position.

4. However, it was noted that despite several States having enacted State laws, there was no uniformity throughout the county and therefore, a need was felt for having a comprehensive guidelines on defacement of property for guidance of political parties, law enforcing authorities and the Election Commission's Observers deployed during elections. Accordingly, the Election Commission issued fresh detailed guidelines in supersession of all earlier instructions on 7th October, 2008 and later additional instructions were also issued from time to time to supplement the instructions.

5. Now, in supersession of all the existing instructions, the following consolidated instructions are being issued for information and compliance of the electoral authorities:-

(i) Defacement of Public Places

- 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 premises (including civil structures). A Government premise would include any government 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 advertisements, etc., in any public place, (as against a government premises) on payment or otherwise, this may be followed 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 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.

(ii) Defacement of PSU's Building and Premises:

- a) Buildings and premises of PSUs shall 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 or any other structure owned by Public Sector Undertakings (PSUs) or in their premises during the period Model Code of Conduct is in force.
- b) 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."*

(iii) Defacement of Government Halls/Auditoriums and Other Public Properties

- a) If local laws/guidelines do not preclude political meetings at Halls/Auditoriums/Meeting venues owned/controlled by the Government/local authorities/PSUs/Cooperatives, there is no objection to do it. However, it should be ensured that allocation is done on equitable basis and banners, buntings, flags, cut-outs, displayed at the premises during meeting no defacement shall be permitted after conclusion of the meeting.
- b) Educational institutions including their grounds {whether Govt. aided, private Or Govt.} shall not be used for political campaigns and rallies.

(iv) Defacement of Private Places

- a) In the State where there is no local laws on the subject, temporary and easily removable advertisement materials, such as flags and banners may be put up in private premises with the express permission of the occupant. Such banner or flag should not create any nuisance to others. Photo-copy of the permission in writing obtained in this connection should be submitted to the Returning Officer within 3 days of putting up the flags and banners. The permission should be an act of free will and not extracted by any pressure or threat.
- b) Where the local laws 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 photocopy of the same within 3 days to the Returning Officer or an officer designated by him for the purpose, along with a statement giving the particulars in the prescribed format. The statement in such cases and in the cases mentioned in sub-para (a) above should clearly mention the name and address of the owner of the property from whom such permission has been obtained, and expenditure incurred or likely to be incurred for the purpose.
- c) 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.
- d) 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/UTs where there is no local law on the subject of prevention of defacement of property.
- e) 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.

(v) **Defacement of Vehicles**

- a) In private vehicles, subject to the provisions of the Motor Vehicles Act, Rules framed there under 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 (Illegal payments in connection with an election) of the IPC would be attracted.
- 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/Retuning 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.
- d) On buses of State Road Transport Corporations and Municipal Corporations
As it would not be practically possible to ensure equitable sharing of space for the purpose of advertisements on such government owned buses / vehicles, both in terms of the quantity as well as for particular bus routes, the Commission has directed that the 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.

(vi) Election Advertisements by Political Parties/Candidates/Private Persons

- a) 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 related to prevention of defacement, if any or under the provisions of the general law for causing willful damage to the property of others).
- b) 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.
- c) Nothing inflammatory or likely to incite disaffection amongst communities shall be permissible in such writings/display.
- d) 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.

- e) The expenditure incurred on this mode of specific campaign of candidate(s) shall be added to the election expenditure made by the concerned candidate. Expenditure incurred on exclusive campaign for a party without indicating name of any candidate shall not be added to the candidate's expenditure account. 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 from the concerned for easy checking by the Returning Officer or the Election Observer or any officer connected with the conduct of elections.
- f) In context with defacement of property by sticking of posters etc., attention is also invited to the provisions of section 127A of the Representation of the People Act, 1951 which, *inter alia*, provides that no person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof. The Commission has issued separate instructions on restriction on the printing on pamphlets, posters etc. However, it is reiterated that if any officer, who is responsible for the enforcement of the provisions of the above law and the directions of the Commission, is found to have failed in the due diligence of his duties in this regard, he shall be liable to severe disciplinary action apart from any penal action that may be called for against him for breach of his official duty.
- (vii) Timeline for Removal of Unauthorized Defacement**

The Election Commission has fixed the following timelines for removal of unauthorized display of electioneering material:-

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

- b) Defacement of public property and misuse of public space- All unauthorized political advertisements, in the form of wall writings/posters/papers or defacement in any other form, cutouts/hoardings, banners/flags etc. at public property and in public space like railway stations, bus stands, airports, railway bridges, roadways, government buses, electric/telephone poles, municipal/local bodies' buildings etc., shall be removed within 48 hours from the announcement of elections.
- c) Defacement of private property- Subject to any local law and Court's direction, all unauthorized political advertisements displayed at a private property, shall be removed within 72 hours from the announcement of elections by the Election Commission.
- d) Subject to the local laws and Court's directions any defacement to the government, public or private property subsequent to the announcement of elections shall be dealt with as per the standard protocol provided in the guidelines of redressal of complaints received at C-Vigil. The cases of defacement, other than received at C-Vigil, shall also be redressed promptly, as soon as complaints are received.

6. Above instructions shall be brought to the notice of the District Election Officers, Returning Officers and all other election related authorities and all registered political parties based in the State, including State units of recognized National and State parties, and also the contesting candidates, for information and compliance. Further, for implementation of guidelines as envisaged in Para 5(ii) Defacement of PSU's Buildings and Premises', the PSUs located in the concerned States should also be advised accordingly.

Yours faithfully,



(S.B. JOSHI)

PRINCIPAL SECRETARY

STANDARD DISTRIBUTION