



OFFICE OF THE CHIEF ELECTORAL OFFICER

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No.E.108(1)/2019- 377

Puducherry, dated 27 FEB 2019

NOTE

Sub: Elections - Prevention of defacement of open spaces and public property – ECI – directions - Reg.

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During the period of run up to the upcoming General Elections to Lok Sabha, 2019, it is necessary to ensure prevention of defacement of public and private properties in accordance with the Election Commission of India's following directions. A copy of the these directions are enclosed for ready reference.

S.No.	ECI's Circular/Letter	Date	Subject
1.	No.4/3/99/JS-II	16.07.1999	Pollution of environment on account of use of plastic sheets for making posters/banners – Reg.
2.	No.4/3/2003/JS-II/Vol.1	01.05.2003	Pollution of environment on account of use of plastic sheets for making use of posters/banners during election campaign
3.	No.4/3/2004/JS-II/Vol.1	11.03.2004	Pollution of environment on account of use of plastic sheets for making use of posters/banners during election campaign
4.	No.3/9/2004/JS-II	24.08.2004	Restriction on the printing of pamphlets, posters etc.,
5.	No.4/3/2006/JS-II/2159 2193	16.03.2006	Pollution of environment on account of use of plastic sheets for making use of posters/banners during election campaign
6.	No.3/9/2007/JS-II	16.10.2007	Restriction on the printing of pamphlets, posters etc.,
7.	No.3/7/2008/JS-II	07.10.2008	Prevention of defacement of property and other campaign related items-Revised Instructions
8.	No.3/7/2008/JS-II/SDR/2905-2939	10.11.2008	Instruction on defacement of property
9.	No.437/6/INST/2012-CC&BE	18.01.2012	Prevention of defacement of property and other campaign related items-Revised Instructions
10.	No.3/7/2014/SDR	11.03.2014	Prevention of defacement of property and other campaign related items – Clarification regarding use of flags
11.	No.4/3/2016/SDR	05.04.2016	Pollution of environment on account of use of plastic sheets for making use of posters/banners during election campaign
12.	No.4/LET/ECI/FUNC/JUD/SDR/ 2016	25.07.2016	Restriction on the printing on pamphlets, posters etc., - clarification
13..	No.509/241/ECI/LET/FUNC/JUD/RC C/2011	20.04.2018	Instruction on prevention of Defacement of Open Spaces and Public Property
14.	No.3//2018/SDR/Vol.1	05.09.2018	Instruction on prevention of defacement of open spaces and public property (Modification in ECI's Order dated 20.04.2018)

8/20/2019
DESPATCHED

3. In the light of the above directions of the Election Commission, it is expedient that the concerned law enforcement authorities take prompt action from now onwards, so that the State Government ensures an atmosphere conducive for the conduct of free and fair elections.

4. For effective control of defacement of property, which is one of the important steps to be taken by the Government, to pave the way for free and fair poll, it is mandatory that the following action may be taken/initiated with immediate effect:-

- i. The District Collectors, Puducherry/Karaikal may invoke the provisions of Section 4 of the POPPPD Act 2000 and issue necessary notification in connection with prevention of defacement of public places, private places, halls/auditoriums and other public properties, vehicles and other campaign related items.
- ii. **NO GOVERNMENT DEPARTMENT/LOCAL BODIES/ AGENCIES/ CORPORATION/ BOARDS SHALL ISSUE PERMISSION TO ANY ONE TO ERECT BANNERS OF ANY KIND, PASTING OF POSTERS ETC., TO ANY POLITICAL PARTIES, CANDIDATES, INDIVIDUALS AND ORGANIZATIONS, ETC., DURING ELECTION PERIOD WITHOUT THE SPECIFIC APPROVAL OF THE DISTRICT COLLECTORS.**
- iii. In this connection, it is requested that the Chief Engineer, Public Works Department and the Director of Local Administration may issue specific instructions to all their subordinate Officers for strict compliance. It is to be brought to their attention that violation, if any, would be viewed very seriously.
- iv. All the Head of Departments/Offices should ensure that no **DEFACEMENT OF ANY KIND** has been made in and around their Office premises. In case of defacement, they are to take immediate action to remove those.
- v. It is necessary to mobilise necessary manpower from Revenue Department and the Local Bodies and form Flying Squads who will swing into action immediately to identify and remove all kinds of defacements done by various political parties.
- vi. The Public Works Department and the Commissioners of all Municipalities and Commune Panchayats to provide them additional manpower from their strength of Gang man and Sanitary Workers.
- vii. The Tahsildars and Deputy Tahsildars may form necessary small squads with the manpower available with them, viz., Village Administrative Officers and Village Assistants. Each squad should be allotted specified areas. These squads should fan-out in their allotted area and list the spots of defacement. Wherever they see defacement on private property, they should ascertain from the owners / occupiers of such buildings whether they have given specific permission for display, writing, etc. and note down the address of the buildings, name of owner / occupier, nature of display (*eg. poster, wall writing, flag mast, hoarding, banner, etc.*) name of political party / candidate who have written / displayed and obtain the signature of the owner / occupier. This should be compiled Assembly Constituency-wise and political party / candidate-wise, for cross checking with the accounts of elections expenditure to be submitted by them, later.
- viii. In case defacements have been made without permission of the owners/occupiers, they may be requested to ask the party / persons responsible to remove the same, giving them a short time limit and in case of

(3)

their failure, to lodge a complaint with the Police Station of their area, under section 34 (B) (vii) of the Police (Puducherry Amendment) Act, 1966. Action may also be taken under the provisions of the Puducherry Open Places (Prevention of Disfigurement) Act, 2000 (Act 6 of 2000).

- ix. Wherever any defacement is noticed on the buildings belonging to Central / State Government / Local Body / Co-operatives/ Government owned corporations and such other establishments, they should bring it to the notice of the officer in charge of the building, who will arrange for its removal, by the party / person who made it, failing which, he should lodge a complaint/FIR with the Police Station of the area, with intimation to the District Election Officer/District Magistrate.

5. The District Collector, Puducherry/Karaikal may kindly give wide publicity through the Media for the information of General Public.

(BY ORDER OF THE CHIEF ELECTORAL OFFICER)

L. Kumar
26/2/19
(L. KUMAR)

ADDITIONAL CHIEF ELECTORAL OFFICER

Encl : As above

To

- 1 The District Collector, Puducherry /Karaikal
- 2 The Director of Local Administration, Puducherry
- 3 The Chief Engineer, PWD, Puducherry
- 4 All Head of Departments /Corporations/Agencies/Boards/Local Bodies
5. All Commissioners, Municipality/ Commune Panchayat, Puducherry/Karaikal

Copy to :-

1. The Chief Secretary to Government, Puducherry.
2. The Director General of Police, Puducherry
3. All Secretaries, Special/Additional/Deputy/Under Secretaries to Government, Puducherry

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MOST IMMEDIATE

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN,
ASHOKA ROAD,
NEW DELHI-110001

No.4/3/99/J.S.Π

Dated : 16th July, 1999

To

All Recognised National and
State political parties.

Subject:- Pollution of environment on account of use of plastic sheets for making
posters/banners - regarding.

Sir.

I am directed to enclose herewith a copy of letter dated 7.5.1999 received
from "World Wide Fund for Nature-India" which is self explanatory.

2. The Commission is concerned with the issues of environment hazards
raised in the above mentioned letter. The Commission urges all political parties to avoid
the use of plastic/polythane for preparation of posters, banners, etc.

3. The Commission expects that the issue will be viewed by your party with
the seriousness it deserves and the party cadres at all levels will be appropriately advised
by you.

Yours faithfully,



(K.J. RAO)
SECRETARY

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110 001.

No.4/3/2003/J.S.II /Vol.I

Dated: 1st May, 2003

To

All Recognised National and
State Political Parties.

SUBJECT: Pollution of environment on account of use of plastic sheets for making
use of posters/banners during the election campaign.

Sir,

I am directed to invite your attention to the Commission's letter No. 4/3/99/J.S.II, dated 16th July, 1999 on the use of plastics during election campaign (copy enclosed).

2. The Commission reiterates that all political parties should try to avoid the use of plastic/polythene for preparation of posters, banners etc. during election campaign. Your cooperation in the matter will be highly appreciated.

3. The receipt of the letter may kindly be acknowledged.

Yours faithfully,


(A.K. MAJUMDAR)
SECRETARY

Copy forwarded to the Chief Electoral Officers of all States and Union Territories for information and necessary action.


(A.K. MAJUMDAR)
SECRETARY

STANDARD DISTRIBUTION

By Lamp Day

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

No. 4/3/2004/J.S.II/Vol.I

Dated: 11th March, 2004.

To

All Recognised National and
State Political Parties.


SUBJECT: Pollution of environment on account of use of plastic sheets for making use of posters/banners during the election campaign.

Sir/Madam.

I am directed to invite your attention to Commission's letter No. 4/3/2003/J.S.II/Vol.I dated 1st May, 2003 and letter No. 4/3/99/J.S.II dated 16.7.1999 on the use of plastics during election campaign.

2. The Commission would like to reiterate that all political parties should try to avoid the use of plastic/polythene for preparation of posters, banners etc. during election campaign. Your cadres may be advised suitably.

Yours faithfully,


(K.F. WILFRED)
SECRETARY

Copy to Chief Electoral Officer of all States and Union Territories.

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

No. 3/9/2004/JS-II
To

Dated: 24th August, 2004.

The Chief Electoral Officers,
of all States and Union Territories.

Subject:- Restrictions on the Printing of pamphlets, posters etc.

Sir,

I am directed to invite your attention to the Commission's Order No. 3/9/(ES008)/94-JS-II dated 2.9.94 on the above subject wherein Commission issued guidelines in pursuance of the provisions of section 127A of the Representation of the People Act, 1951 regarding printing and publication of election pamphlets, posters etc. These provisions are reproduced below:-

“127A. Restrictions on the printing of pamphlets, posters etc.

(1) 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.

(2) No person shall print or cause to be printed any election pamphlet or poster -

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document;

(i) where it is printed in the capital of the State, to the Chief Electoral Officer; and

(ii) in any other case, to the district magistrate of the district in which it is printed.

(3) For the purpose of this section:-

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression “printer” shall be construed accordingly; and

(b) “election pamphlet or poster” means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election,

but does not include any hand bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both”.

2. It has been observed that surrogate advertisements appear in print media, especially newspapers, for and against particular political parties and candidates during election period. In many cases such advertisements are for the prospects of election of particular candidates. As per Section 77(1) of the Representation of the People Act, 1951, expenditure involved in such advertisements in connection with the election of any candidate has to be added to the account of election expenses of the candidate, required to be maintained under that Section. Further, Section 171H of IPC prohibits incurring of expenditure, on inter alia, advertisement, circular or publication, for the purpose of promoting or procuring the election of a candidate, without authority from the candidate. The surrogate advertisements defeat the purposes of the aforesaid provisions of law.

(3) In order to sub serve the requirements of the provisions of law as mentioned above, the Commission has directed that in the case of any advertisements/election matter for or against any political party or candidate in print media, during the election period, the name and address of the publisher should be given alongwith the matter/advertisement.

(4) This may be brought to the notice of all concerned including District Election Officers and the print media in your State for information and compliance.

(5) Kindly acknowledge receipt.

Yours faithfully,

(S.R. KAR)
UNDER SECRETARY

BY SPL MESSENGER
BY SPEED POST

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI - 110 001.

No. 4/3/2006/JS-II 9159709193

Dated:- 16th March, 2006.

To

All Recognised National and
State Political Parties

Subject:- Pollution of environment on account of use of plastic sheets for making
use of posters/banners during the election campaign.

Sir,

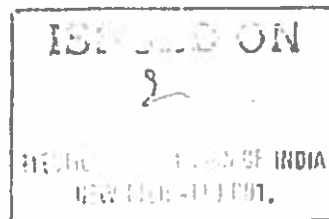
I am directed to invite your attention to Commission's letter No. 4/3/2004/JS-II/Vol.I, dated 11-3-2004, No. 4/3/2003/JS-II/Vol.I dated 1st May, 2003 and letter No. 4/3/99/JS-II, dated 16.7.1999 on the use of plastics during election campaign.

The Commission has desired that all political parties should try to avoid the use of plastic/polythene for preparation of posters, banners etc. during election campaign. Your cadres may be advised suitably.

Yours faithfully,


(K. AJAY KUMAR)
SECRETARY

✓ Copy to Chief Electoral Officer of all States and Union Territories.



ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Dehi-110 001.

No. 3/9/2007/JS II
To

Dated : 16th October, 2007

1. The Chief Secretaries of all States/Union Territories.
2. The Chief Electoral Officers of all States/Union Territories.

Subject:- Restrictions on the Printing of pamphlets, posters etc.

Sir,

I am directed to invite a reference to the Commission's letter No. 3/9/2004/JS-II, dated 24th August, 2004 regarding the provisions of section 127A of the Representation of the People Act, 1951.

2. It has been brought to the notice of the Commission that advertisement are brought out in print media, some surrogate and some under the name of some organizations.

3. The following points may be noted in respect of the advertisements that appear in the print media, especially newspapers, for and against particular political parties and candidates during election period:

(a) In the case of advertisements, the source of which is traceable, the following action may be taken: -

- (i) if the advertisement is with the consent or knowledge of the candidate, it will be treated to have been authorized by the candidate(s) concerned and will be accounted for in the election expenses account of the candidate(s);
- (ii) if the advertisement is not with the authority from the candidate, then action may be taken for prosecution of the publisher for violation of Section 171 H of IPC-(incurring expenditure in advertisement without written authority from the candidate(s) concerned).

(b) If the identity of the publisher is not indicated in the advertisement, then you may contact and get the information from the Newspaper concerned, and consider appropriate action, as above.

4. The District Election Officers, Returning Officers alongwith other election authorities may be informed of the Commission's abovementioned instructions for their compliance. Action taken in this regard may please be confirmed by endorsing to the Commission, a copy of the instructions issued to the District Election Officers, Returning Officers etc.

5. Please acknowledge receipt of this letter.

Yours faithfully,

(K.F.WILFRED)
SECRETARY

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/7/2008/JS-II

Dated: 7th October, 2008

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 and other campaign related items – revised instructions- regarding.

Sir,

I am directed to invite a reference to the Commission's letter No. 3/7/2007/JS-II, dated 16th October, 2007, regarding prevention of defacement of property in connection with election campaign.

2. In the past, the Commission has suggested the enactment of special laws by state governments for dealing with defacement of properties effectively. Some states have enacted special legislations to govern and regulate defacement of property, while the other states have legislation that either only cover specific areas, like municipalities etc, or have no legislation at all. A tabular statement on respective positions obtaining in the states in this respect based on the information available in the Commission is enclosed in the schedule appended to this circular (marked as Annexure-I). Since a uniform law throughout the country is not available, what is enforceable differs from state to state. Keeping in view the forthcoming general election to the Lok Sabha due in 2009, it has become necessary to lay down, for smooth conduct of campaign during elections and for clear understanding of all authorities who have the responsibility for the implementation at the field level as also of the observers who are deputed to oversee the elections in different states/constituencies, a comprehensive set of guidelines with respect to defacement of property.

3. After considering all aspects of the matter in depth, the Commission has, in **supersession of the earlier instructions**, laid down the following directions, to be followed by political parties, candidates, individuals and organizations etc. during the election period:

DEFACEMENT OF PUBLIC PLACES

4. (a) No wall writing, pasting of posters/papers or defacement in any other form, or erecting/displaying of cutouts, hoardings, banners flags etc. shall be permitted on any Government premise (including civil structures therein). For this purpose a Government premise would include any Govt. office and the campus wherein the office building is situated.

(b) If the local law expressly permits or provides for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, political advertisement, etc., in any public place, (as against a Govt. premise) on payment or otherwise, this may be allowed strictly in accordance with the relevant provisions of the law and subject to Court orders, if any on this subject. It should be ensured that any such place is not dominated/monopolized by any particular party(ies) or candidate(s). All parties and candidates should be provided equal opportunity in this regard.

(c) If there is a specifically earmarked place provided for displaying advertisements in a public place, e.g. bill boards, hoardings etc. and if such space is already let out to any agency for further allocation to individual clients, the District Election Officer through the municipal authority concerned, if any, should ensure that all political parties and candidates get equitable opportunity to have access to such advertisement space for election related advertisements during the election period.

DEFACEMENT OF PRIVATE PLACES

5. (a) In the States where there is no local law on the subject, and subject to the restrictions under the law where there is a law, temporary and easily removable advertisement materials, such as flags and banners may be put up in private premises with the voluntary permission of the occupant. The permission should be an act of free will and not extracted by any pressure or threat. Such banner or flag should not create any nuisance to others. Photo-copy of the voluntary permission in writing obtained in this connection should be submitted to the

Returning Officer within 3 days of putting up the flags and banners in such cases in the manner prescribed in sub-para(c) below.

(b) If the local law does not expressly permit wall writing, pasting of 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 where there is no local law on the subject of prevention of defacement of property.

(c) Where the local law expressly permits wall writings and pasting of posters, putting up hoardings, banners, etc. on private premises with the owner's permission, the contesting candidates or the political parties concerned shall obtain prior written permission from the owner of the property and submit photocopies of the same within 3 days to the Returning Officer or an officer designated by him for the purpose, together with a statement in the enclosed proforma (marked as Annexure-2). The statement in such cases and in the cases mentioned in sub-para (a) above should clearly mention therein the name and address of the owner of the property from whom such permission has been obtained together with expenditure incurred or likely to be incurred for the purpose. Nothing inflammatory or likely to incite disaffection amongst communities shall be permissible in such writings/display. The expenditure incurred in this mode on specific campaign of candidate(s) shall be added to the election expenditure made by the candidate. Expenditure incurred on exclusive campaign for a party without indicating any candidate shall not be added to candidates expenditure. The contesting candidate shall furnish such information village/locality/town-wise, to the Returning Officer, or the authorized officer within 3 days of obtaining the requisite permission, for easy checking by the Returning Officer or the Election Observer or any officer connected with the conduct of elections.

(d) Subject to any restrictions under any local law or any court orders in force, the political parties, candidates, their agents, workers and supporters may put up banners, 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. 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 authorises 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.

DEFAACEMENT OF HALLS/AUDITORIUMS AND OTHER PUBLIC PROPERTIES

6. In the case of Halls/Auditoriums/Meeting venues owned/controlled by the Government/local authorities/PSUs/Cooperatives, if the law/guidelines governing their use do not preclude political meetings therein, there is no objection to it. It shall be ensured that the allocation is done on equitable basis and that there is no monopolization by any political party or candidates. In such venues, displaying of banners, buntings, 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.

7. If any political party/association/candidate/person indulges in defacement of any property in violation of the local law, if any, or the above instructions, the Returning Officer/District Election Officer shall issue notice to the offender for removing the defacement forthwith. If the political party/association/candidate/person does not respond promptly, the district authorities may take action to remove the defacement, and the expenses incurred in the process shall be recovered from the political party/association/candidate/person responsible for the defacement. Further, the amount also shall be added to the election expenditure of the candidate concerned, and action should also be initiated to prosecute the offender under the provisions of the relevant law (under the law relating to prevention of defacement, if any, or under the provisions of the general law for causing willful damage to the property of others).

DEFACEMENT OF VEHICLES

8. (a) In private vehicles, subject to the provisions of the Motor Vehicles Act, Rules thereunder and subject to court orders in force, if any, flags and stickers may be put on the vehicles by the owner of the vehicle on his own volition, in such a manner that they do not cause any inconvenience or distraction to other road users. If such display of flags and stickers aims to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed.

(b) On commercial vehicles, display of any flag, sticker etc. shall not be permitted, unless such vehicle is a vehicle validly used for election campaign after obtaining the requisite permit from the District Election Officer/Returning Officer and the display thereof in original on the wind screen.

(c) External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules and any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.

OTHER CAMPAIGN RELATED ITEMS

9. Subject to accounting for the expenditure, the following may be permitted:-

(a) In processions and rallies etc., flags, banners, cutouts etc. can be carried subject to local laws and prohibitory orders in force;

(b) In such procession, wearing of party/candidate supplied special accessories like cap, mask, scarf etc. may be permitted. However, supply of main apparels like saree, shirt, etc. by party/candidate is not permitted.

(c) Educational institutions including their grounds (whether Govt. aided, private or Govt.) shall not be used for political campaigns and rallies.

10. The Chief Electoral Officers are requested to bring the directions of the Commission to the notice of the District Election Officers, Returning Officers and all other election related

authorities, and all political parties in the State, including State units of recognized National and State parties, and all registered un-recognized parties based in the State, and also the contesting candidates (at the time of elections) for information and compliance.

11. Please acknowledge receipt of this letter. The Chief Electoral Officers may kindly confirm that action as required above has been taken.

Yours faithfully,

(K. F. WILFRED)
SECRETARY

Annexure-1

Defacement of Properties – Law

Sl. No.	Name of State/UT	Name of Act/Rule	Extent of applicability
1.	Andhra Pradesh	The Andhra Pradesh Prevention of Disfigurement of Open Places and Prohibition of Obscene and Objectionable Posters and Advertisements Act, 1997.	It extends to the entire State.
2.	Arunachal Pradesh	The Arunachal Pradesh Prevention of Defacement of Property Act, 1997.	It extends to the entire State.
3.	Bihar	The Bihar Prevention of Defacement of Property Act, 1985.	It extends to the entire State.
4.	Chattisgarh	No separate law/Act framed by the State. But the Madhya Pradesh Sampatti Virupan Nivaran Adhiniyam, 1994 is applicable in the state	It extends to the entire State.
5.	Goa	The Goa Prevention of Defacement of Property Act, 1988 as amended vide Act of 1992 and 2001.	It extends to the entire State.
6.	Haryana	The Haryana Prevention of Defacement of Property Act, 1989 as amended vide Act of 1996.	It extends to the entire State.
7.	Himachal Pradesh	The Himachal Pradesh Open Places (Prevention of Disfigurement) Act, 1985.	It extends to the entire State and come into force in the areas comprised in the Municipal Corporation of Shimla at once and shall come into force in the remaining part of the State on such date as the State Govt. may by notification, appoint.
8.	Jharkhand	No separate law/Act but the Bihar Prevention of Defacement of Property Act, 1985 is applicable in the state.	It extends to the entire State.

9.	Jammu & Kashmir	The Jammu & Kashmir Prevention of Defacement of Property Act No. XIX of 1985.	It extends to the entire State.
10.	Karnataka	The Karnataka Open places (Prevention of Disfigurement) Act, 1981 as amended vide Act of 1983.	It extends to Banglore, Mysore, Hubli, Dharwar, Mangalore and Belgaun constituted or continued under the Karnataka Municipal Corporation Act - 1976, or under any other law on 5.5.81 and come into force in the Municipalities, notified areas, sanitary Boards, constituted or continued under the Karnataka Municipalities Act - 1964, or under any other law, or in any other local area, on such date, as the State Govt. may by notification appoint.
11.	Madhya Pradesh	The Madhya Pradesh Sampatti Virupan Nivaran Adhiniyam, 1994.	It extends to the entire State.
12.	Maharashtra	Maharashtra Act No. VIII of 1995 – regarding Prevention of Defacement of Property	Nothing is specifically mentioned about the extent of applicability.
13.	Mizoram	The Mizoram Prevention of Defacement of Property Act, 1995.	It extends to the entire State.
14.	Nagaland	The Nagaland Prevention of Defacement of Property Act, 1985.	It extends to the notified areas constituted under the Assam Tribal Areas (Administration of Town Committee) regulation 1950, or in any other local area or areas, on such date, as the State

			Govt. may by notification may appoint.
15.	Punjab	The Punjab Prevention of Defacement of Property Act, 1998.	It extends to the entire State.
16.	Sikkim	The Sikkim Prevention of Defacement of Property Act, 1988.	It extends to the entire State.
17.	Tamil Nadu	The Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, as amended vide Act of 1992	It extends to the entire State.
18.	Tripura	The Tripura Prevention of Defacement of Property Act, 1976 in conjunction with Tripura (Prevention of Defacement of Property) Amendment Bill, 1998 now in force in the State.	It extends to the entire State and shall apply in the first instance to municipal limits of Agartala Town, but the State Govt. may from time to time by notification in the official Gazette, apply to such other local areas or areas as may be specified in the notification.
19.	Uttarakhand	The Uttaranchal Prevention of Defacement of Public Property Act, 2003.	It extends to the entire State.
20.	Andaman & Nicobar	The Andaman & Nicobar Islands Prevention of Defacement of Property Regulation, 1987.	It extends to the entire Union Territory of the Andaman and Nicobar Islands.

21.	Chandigarh UT	The West Bengal Prevention of Defacement of Property Act, 1976 has been made applicable in Chandigarh UT.	It extends to the entire State.
22.	Delhi	The West Bengal Prevention of Defacement of Property Act, 1976 was made applicable in Delhi. (A separate act is under consideration).	It extends to the entire State.
23.	Pondicherry	The Pondicherry Open Places (Prevention of Disfigurement) Act, 2000.	It extends to whole of the Union Territory of the Pondicherry.

States in which there is no specific Law on the subject of Prevention of Defacement of Property

Sl. No.	Name of State/UT	
1.	Assam	No law/Act
2.	Gujarat	No law/Act
3.	Kerala	No law/Act
4.	Manipur	No law/Act
5.	Meghalaya	No law/Act
6.	Orissa	No law/Act
7.	Rajasthan	No specific law on the subject but there is a provision in Section 198 of Rajasthan Municipalities Act, 1959 that without the consent of the owner or occupier and in case of Municipal property, without the permission in writing of the board, affixing any poster, bill, placard or other paper or means of advertisement is punishable with fine which may extend to twenty rupees.
8.	Uttar Pradesh	No law/Act
9.	West Bengal	The earlier West Bengal Prevention of Defacement of Property Act, 1976.(West Bengal Act XXI of 1976). This Act has since been repealed.
10.	Dadra & N. Haveli	No law/Act
11.	Daman and Diu	No law/Act
12.	Lakshdweep	No law/Act

Annexure-2

Statement showing the details of wall-writings / posters / hoardings / banners, etc. displayed by Shri / Smt. / Ms. _____, contesting candidate in _____ Parliamentary Constituency / Assembly Constituency

Name of the Village / Town / Locality _____

S.No.	Name and address of the owner of the private property from whom written permission has been obtained	Details of Wall – Writing or Hoardings or Banners or Poster (Size of wall writing/ hoarding / banner / poster shall be indicated	Expenditure incurred or likely to be incurred on the wall-writing / hoarding / banner / posters, etc. (Rs.)
			Total

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/7/2008/J.S.-II/SDR

2905-2939

Dated : 10th November, 2008

To

The Chief Electoral Officers of
All States and Union Territories.

Sub:- Instructions on defacement of property- regarding.

Sir,

I am directed to invite a reference to the Commission's letter No. 3/7/2008/JS-II dated 7th October, 2008, on the subject cited above.

It is reported that there is some confusion in understanding the instructions of the Commission with regard to defacement of private property. The instructions in this regard are further elaborated below.

Defacement of private property

Where there is a Law which prohibits defacement

In States which have a Law that prohibits defacement of private property in any manner, the provisions of the law would apply, meaning thereby that there cannot be any defacement in such cases even with the consent of the owner of the property.

Where the Law permits defacement of private property

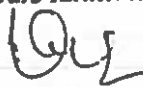
In States where the Law has express provisions permitting any kind of defacement of private property, with or without conditions, the Commission's instructions provide that the written permission of the owner/occupant of the property should be obtained by the party/candidate/person concerned and a copy of the same should be submitted to the Returning Officers concerned.

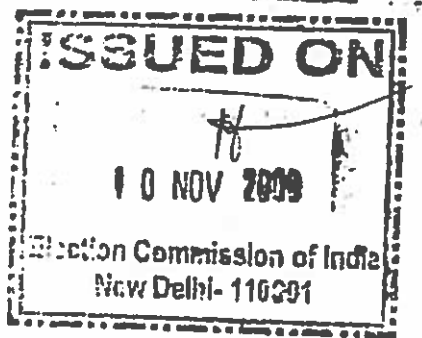
Where there is no Law on defacement

In States where there is no Law on defacement of private property, as per the Commission's instructions, temporary and easily removable campaign material such as flags and banners would be permitted with the written permission of the owner/occupant of the property. The permission should be a voluntary one, and copy of the written permission obtained is to be submitted to the Returning Officers concerned.

Please acknowledge receipt of this letter.

Yours faithfully,


(K.F. WILFRED)
SECRETARY



By Fax/Speed Post/Camp Bag(5 States)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/INST/2012-CC&BE

Dated: 18th January, 2012

To

- 1) The Cabinet Secretary
Cabinet Secretariat
Rashtrapati Bhawan, New Delhi.
- 2) The Chief Secretaries of
All States and Union Territories
- 3) The Chief Electoral Officers of
All States and Union Territories

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

Sir/Madam,

I am directed to state that on the announcement of the General Elections to the Legislative Assemblies of the States of Goa, Manipur, Punjab, Uttar Pradesh and Uttarakhand, the provisions of Model Code of Conduct have come into force w.e.f. 24th December, 2011. The Commission has decided to reiterate its instructions issued vide its letter no. 3/7/2008/JS-II dated 7th October, 2008 (copy enclosed) contained in Para 5 under the heading 'DEFAACEMENT OF PRIVATE PLACES', as under :-

Sub-para (d) "Subject to any restrictions under any local law or any court orders in force, the political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags, cut-outs, on their property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else. If such display of banners, flags etc. aims to solicit vote for any particular candidate, then the provisions of Section 171H of IPC would be attracted and would have to be followed. Section 171H of the IPC stipulates that whoever without the general or special authority in writing of a candidates incurs or authorizes expenses on account of the holding of any public meeting or upon any advertisement, circular or publication, or in any other way

whatsoever for the purpose of promoting or procuring the election of such candidates, shall be punished with fine which may extend to five hundred rupees: Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate."

Yours faithfully



(K.N. BHAR)
SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/7/2014/SDR/

Dated: 11th March, 2014

To,

The Chief Electoral Officers of
All States and UTs.

Sub: Prevention of Defacement of Property & other campaign related items- Clarification regarding use of flags of political parties/candidates.

Sir/Madam,

Please refer to the Commission's circular letter No. 3/7/2008/JS-II/, dated 7th October, 2008, on the abovementioned subject.

2. The crux of the instructions is to abide by the extant provisions in the prevailing law, if any, in the State/locality on the subject of defacement of property. In those States where there is no specific law governing prevention of defacement of property, the abovementioned instructions provide that display of easily removable material such as flags, banners, hoardings could be done on private property/premises with the prior consent of the owner/occupier of the property.

3. In view of recurring references on the permissibility of display of flags/banners, etc. of political parties/candidates on private property, it is clarified that:-

(i) 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;

(ii) 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;

(iii) The position at Para 3(ii) above will also apply in the case of those States where there is no law governing defacement of property as already provided in the Commission's letter dated 7th October, 2008, referred to above.

4. The above clarification may be brought to the notice of all election related authorities and the Police authorities as well as the political parties. All other instructions in the Commission's circular letter No. 3/7/2008/JS-II, dated 7th October, 2008, shall continue to apply.

Yours faithfully,



(K.F. WILFRED)

PRINCIPAL SECRETARY

Copy to all recognised National and State Political Parties.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No.4/3/2016/SDR

Dated: 5th April, 2016

To,

All Recognised National and
State Political Parties.

Subject: Pollution of environment on account of use of plastic sheets for making use of posters/banners during the election campaign.

Sir,

I am directed to invite your attention to the Commission's letter bearing No. 4/3/2006/JS-II dated 16th March, 2006. No. 4/3/2004/JS-II/Vol.I dated 11th March, 2004. No. 4/3/2003/JS-II/Vol.I dated 1st May, 2003 and No. 4/3/99/JS-II, dated 16th July, 1999 on the use of plastics during election campaign.

The Commission reiterates that all political parties should try to avoid the use of plastic/polythene and similar non-biodegradable materials for preparation of posters, banners etc. during election campaign in the interest of environment protection. Your cadres may be advised suitable

With regards.


(ANUJ JAIPURIAR)
SECRETARY

Copy to: - Chief Electoral Officer of all States and Union Territories.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No. 4/LET/FCI/FUNC/JUD/SDR/2016

Dated: 25th July, 2016

To,

The Chief Electoral Officers
of all States & Union Territories.

Sub: - Restriction on the printing on pamphlets posters etc.-clarification.

Sir/Madam,

I am directed to invite your attention to the Commission's letters No. 3/9/2004/J.S.II dated 24th August, 2004 and no. 3/9/2007/J.S.II dated 16-10-2007 (Copies enclosed) regarding the provisions of section 127A of Representation of the People Act, 1951 in the matter of printing and publication of election pamphlets, posters, etc.

2. Sub-Section (1) of Section 127A 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 publisher. The other requirements to be fulfilled in this connection have been given in sub-section (2) thereof.

3. Clarification has been sought as to whether hoardings, Flex board, etc. on election matter would be covered under Section 127A. It is clarified that hoardings, flex board, etc. containing any election related advertisement have to be treated as coming within the meaning of 'poster' mentioned in Section 127A. The requirement for giving the name and address of the publisher should be followed in the case of hoarding, flex board, etc., including on hoardings of photos of party leaders.

4. As regards the provisions of sub-section (3) of Section 127A, attention is invited to the directions in the Commission letter no 3/7/2008/J.S.II dated 7th October, 2008. As per the said directions, in the case of hoardings, flex board, etc. prior permission is required to be obtained from the owner of the property before displaying them. In the case of such materials whether in public place or in private premises, the party/candidate concerned has to give information to the Returning Officer as per the format attached with the said letter dated 7th October, 2008 along with two photographs of such hoarding/flex boards (copy of format enclosed herewith for ready reference).

The above clarification may be conveyed to all DEOs/ROs and others concerned.

This may also be brought to the notice of all political parties in the State/UT.

Yours faithfully,


 (ANIL JAIPURIAR)
 SECRETARY

- 3 MAY 2018

By Speed Post/E-Mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi - 110001.

No. 509/241/ECI/LET/FUNC/JUD/RCC/2011

Dated: 20th April, 2018

OFFICE OF THE CHIEF SECRETARY
PUDUCHERRY
No. 1881/CC/2018/G
Received on 27 APR 2018
Despatched on _____

To: The Chief Electoral Officers and Chief Secretaries
of all States and UTs

Pl. put up a circular to all municipal bodies (LSD Di & Gey), DEOs, SP/SSP, etc. and a part release

Subject: Instructions on Prevention of Defacement of Open Spaces and Public Property - regarding.

Madam/Sir,

Secy (Rev)

ADCEO

I am directed to invite your attention to the Commission's Instructions issued in

this regard as contained in Table 1 below as well as to the advisories issued *vide* Letter No. 4/3/99/JS-II dated 16.07.1999. Letter No. 4/3/2003/JS-II/Vol.I dated 01.05.2003. Letter No. 4/3/2004/JS-II/Vol.I dated 11.03.2004, Letter No. 4/3/2006/JS-II/2159-2193 dated 16.03.2006 and Letter No. 4/3/2016/SDR dated 05.04.2016 for avoiding the use of plastic/polythene and

ACED similar non - biodegradable materials for preparation of campaign material and the advisory issued *vide* Letter dated 06.04.2016 for the use of eco-friendly substances for preparing election campaign/publicity material. This is to state that the above mentioned advisories are hereby made mandatory in nature.

Table 1: Commissions Instructions on the present subject matter

S. No.	CIRCULAR NO.	DATE	SUBJECT
1.	Letter No. 3/9/2004/JS-II	24.08.2004	Restriction on the Printing of Pamphlets, Posters etc.
2.	Letter No. 3/9/2007/JS-II	16.10.2007	Restriction on the Printing of Pamphlets, Posters etc.
3.	Circular Letter No. 3/7/2008/JS - II	07.10.2008	Prevention of defacement of property and other campaign related items - revised instructions.
4.	Letter 3/7/2008/J.S. - II/SDR/2905-2939	10.11.2008	Instruction on defacement of property.

OFFICE OF THE SECRETARY
PLANNING & FINANCE
PUDUCHERRY
No. 2589/SEY/E/R
Received 30 APR 2018
Despatched on _____

5.	Instruction No. 437/6/INST/2012-CC&BE	18.01.2012	Prevention of defacement of property and other campaign related items – revised instructions.
6.	Circular No. 3/7/2014/SDR	11.03.2014	Prevention of defacement of property and other campaign related items – clarification regarding use of flags of political parties.
7.	Letter No. 4/LET/ECI/FUNC/JUD/S DR/2016	25.07.2016	Restriction on the printing of pamphlets, posters etc. – clarification.

2. It is further directed that the directions given by the Andhra Pradesh High Court in PIL No. 23 of 2014, *Trust for Social Justice rep. by its President B. Sree Latha V/s State of Andhra Pradesh and others*, vide Order dated 24.02.2014 shall be applicable throughout India. The relevant portion of the Order is being reproduced below for the sake of convenience:

"3. In view of the aforesaid revelation of fact, we direct the Commissioner, Greater Hyderabad Municipal Corporation, to review the permissions already granted to persons for erecting banners and sign boards and ascertain whether such permissions are to be allowed to be continued as to its necessity vis--vis above G.O. as it is stated in the report, any such permissions shall not be for more than two years at a time.

5. [...] Therefore, we direct the Commissioner, Greater Hyderabad Municipal Corporation, and the Commissioner of Police, Hyderabad, to remove all the cutouts, banners and sign boards which are erected without permission of the Greater Hyderabad Municipal Corporation, on streets or at public places.

6. At the first instance, the Greater Hyderabad Municipal Corporation and the Police Commissioner, Hyderabad, shall issue notice to those persons identifiable who erected unauthorized cutouts, banners, hoardings, sign boards to remove them at their own costs within seven days, failing which they shall be removed and such cost of removal shall be recovered from those persons who installed and erected them as public debt and also by an order of rates and taxes leviable by the Greater Hyderabad Municipal Corporation. The matter will appear one month hence to submit compliance report to this Court. Any person aggrieved by this, may approach this Court and the Court will examine their grievance. In the meantime, the Greater Hyderabad Municipal Corporation

and the Police Commissioner, Hyderabad, shall see that no posters, banners and cutouts are erected in public streets or place or park without permission and ensure that this order is strictly followed and submit a progress report about the implementation of this order."

3. The Solid Waste Management Rules, 2016 and the Plastic Waste Management Rules, 2016, and other applicable laws in this regard are hereby adopted for disposal of the campaign material by the local municipal authority and the cost for the same shall be recovered from the candidates or political parties, as the case may be, in accordance with the polluter pays principle.
4. Certain areas must be demarcated by every Municipal Body/Panchayat and specifically designated for graffiti, wall writing, pasting of posters or display of cut-outs and such an area shall be allowed to be used in an equitable manner. Moreover, it should be the responsibility of the political parties or candidates to remove the campaign material after election.
5. Except the commercial places made available by the advertisers and the designated places as noted in the above paragraph, there should be no pasting or sticking of the campaign material on any open place or any public property. ||
6. During MCC period there shall be a prohibition on campaign related activity including door-to-door campaign, SMS, Whatsapp, Calls, usage of loud speakers etc. between 7 pm to 8 am as it is necessary to respect the privacy of the citizens and reduce disturbance to public life in general.
7. The above instructions may be brought to the notice of all Election related authorities, Municipal Bodies/Panchayats, Police Authorities as well as Political Parties.

Copy To: All Recognized National and State Political Parties.

Yours' Faithfully,

V. K. Pandey
(VIJAY KUMAR PANDEY)
DIRECTOR (LAW)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No 3/8/2018/SDR/Vol.I

Dated: 5th September, 2018

To.

The Chief Electoral Officers
Of all States & Union Territories

Subject: - Instructions on prevention of defacement of open spaces and public property -
regarding.

Sir.


I am directed to invite your attention to the Commission's letter No. 509/241/ECI/LET/FUNC/JUD/RCC/2011 dated 20th April, 2018 (copy enclosed), on the subject cited, and to state that the instructions in item (6) under Para 2 of the said letter pertaining to time limit for use of loudspeakers in connection with election campaign has been modified in line with the instructions issued in pursuance of the Hon'ble Supreme Court's Order dated 18.07.2005, vide letter no. 3/8/2005/JS-II dated 26th September, 2005 (copy enclosed) specifying the prohibited period of use of loudspeakers for election campaign as between 10.00 PM and 6.00 AM.

Accordingly, Para 2(6) of the Commission's letter dated 20.04.2018 has been modified as under: -

"6. During MCC period there shall be a prohibition on campaign related activity including door-to-door campaign, SMS, WhatsApp, Calls, usage of loud speakers etc. between 10.00PM to 6.00AM as it is necessary to respect the privacy of the citizens and reduce disturbance to public life in general."

This may be brought to the notice of the District Election Officers, Returning Officers and all other election related authorities for information and compliance. This may also be communicated to State units of national parties, recognised State Parties and registered un-recognised based in your State/UT for compliance.

Yours faithfully,


(N.T. Bhutia)
SECRETARY

Copy to : PA to Dir (Law)

