

Office of the District Election Officer (DC), Kangra at Dharamshala,

No: 3-D/S(ELN)-12/2019- 19718- 46 Dated: Dharamshala-176215

29<sup>th</sup> August, 2019

From:

District Election Officer (DC),  
Kangra at Dharamshala.

To,

1. The Commissioner,  
Municipal Corporation, Dharamshala.
2. All the Executive Engineers,  
HPPWD Divisions & National HW, District Kangra.
3. All the Executive Engineer,  
I&PH Divisions, District Kangra.
4. All the Executive Engineers,  
HPSEBL Divisions, District Kangra.
5. The Deputy Director  
-cum- Project Director, DRDA Kangra at Dharamshala.
6. All BDOs, District Kangra.
7. Executive Officers,  
Cantonment Board. Yol Cantt
8. The Executive Officers, MC Jawalamukhi, Kangra, Nurpur,  
Dehra, Nagrota & Palampur.
9. The Secretaries, NACs Jawali & Baijnath
10. All the Head of Offices,  
in Kangra District.

Sub: Bye election to 18-Dharamshala Assembly Constituency-Making Advance  
Preparation.

Sir/Madam,

I am directed to say that Model Code of Conduct will come into force in **district Kangra** with the announcement of bye election schedule to the State Legislative Assembly from 18-Dharamshala Assembly Constituency by the Election Commission of India. In pursuance of provision of Model Code of Conduct and guidelines contained in the Chapter-16 of the Manual of Model Code of Conduct published by the Commission in March, 2019 and various instructions relating to removal of hoardings issued by the Election Commission of India, continuing display of hoardings and advertisements as depicting the achievements of the party in power at the cost of public exchequer, even if such hoardings, advertisements, banners or poster, wall writings, photographers displayed prior to the date of announcement of elections, constitutes a violation of the Model Code of Conduct as it provides an undue advantage to the party in power. The copy of Chapter-16 of Manual on Model Code of Conduct, March, 2019 is also enclosed herewith for reference and compliance.

1525  
23/09/19

*Handwritten notes in red and blue ink:*  
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20/01/19  
MMA/ED

In order to monitor the removal of hoardings etc. effectively, you are requested to prepare list of such hoardings, banners, posters, photographs depicting the achievements of Government/ Political Parties forthwith in view of conduct of fair and free elections and send report to this office on the enclosed format immediately for further necessary action.

Yours faithfully,

District Election-Officer (DC),  
Kangra at Dharamshala.

Dated: 29<sup>th</sup> August, 2019

Endst No: 4-D/S(ELN)-6/2018 Copy to: 19747-

Copy to:-

1. The Returning Officer-cum-SDO (C), Dharamshala for information and similar necessary action.
1. All the Electoral Registration Officers-cum-Sub-Divisional Officers (Civil) in District Kangra for information and similar necessary action.
2. The District Public Relation Officer, Kangra at Dharamshala for information and wide publicity.

District Election Officer (DC),  
Kangra at Dharamshala.

Endst.No . EDN-KGR-(E-7)-Misc/2017-18-

5375  
Dated: 11/09/2019

Copy forwarded in original to all the Block Elementary Education Officers in district Kangra for information and further necessary compliance.

Deputy Director Elementary Education  
Kangra at Dharamshala

FORMAT

Name of District: Kangra

Sl. No.	Particulars of Item	Name of Location where campaign material has been pasted till now	Name of the Building or Property (Govt. or Private)	Number of Items
1.	Hoardings			
2.	Posters			
3.	Banners			
4.	Flags			
5.	Wall Writings			
6.	Others			



## ANNEXURE- XVI

(CHAPTER – 16 DEFACEMENT OF PUBLIC/PRIVATE PROPERTY)

Election Commission's letter No.437/6/1/ECI/INST/FUNCT/MCC/2017, dated 25.10.2017 addressed to Cabinet Secretary, Chief Secretary and CEO of Gujarat

**Subject: Immediate action to be taken for enforcement of Model Code of Conduct after announcement of General Election to the Legislative Assembly of Gujarat-regarding.**

I am directed to state that the Election Commission has announced the schedule for holding General Election to Legislative Assembly of Gujarat, operation of 'MODEL CODE OF CONDUCT' comes into effect with the announcement of elections by the Commission. In view of the general election to the Legislative Assembly of Gujarat, the Commission has given following directions for effective enforcement of provisions of MCC:-

1. **Defacement of Property-** ECI instructions contained in letters, No. 437/6/INST/2015-CCS, dated 29<sup>th</sup> December, 2015, No. 437/6/INST/2012-CC&BE dated 18<sup>th</sup> January, 2012 and No. 3/7/2008 JS-II dated 7<sup>th</sup> October, 2008 , provide for prevention of defacement of property. The Commission has directed to ensure strict compliance of its instructions 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 is situated. All wall writing, posters/papers or defacement in any other form, cutout/hoardings, banners, flags etc, on Government property shall be removed **within 24 hours** from the announcement of elections
  - (b) **Defacement of public property and misuse of public space-** All unauthorized political advertisement, in the form of wall writing/posters/papers of 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, Govt. Buses, Electric/Telephone poles , municipal/local bodies' buildings etc., shall be removed **within 48 hours** from the announcement of elections by the Commission.

- (c) **Defacement of private property-** All unauthorized political advertisement displayed at private property and subject to local law and court's directions, if any, shall be removed **within 72 hours** from the announcement of elections by the Commission.
2. **Misuse of official vehicle-** The ECI's Consolidated instructions contained in letter No. 464/INST/2014/EPS, dated 10<sup>th</sup> April 2014, among other things, provides 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 hrs of the announcement of the elections.**
3. **Advertisement at the cost of public exchequer-** ECI instructions contained in letters, No. 437/6/1/2014-CC&BE, dated 5<sup>th</sup> March, 2014 provides that 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 has 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/2014-CC&BE dated 20<sup>th</sup> March, 2014 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/Contra banned 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 web site. 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 complaint should be dealt with 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 Institution and Civil Societies-** Cooperation can be sought from educational institution and civil societies for giving wide publicity to the election related information to the general public and other stakeholders.
11. **Media Centre-** Effort 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/2014/ Communication dated 24<sup>th</sup> March, 2014 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. A control room with complaint Monitoring Centre would also be set up at ECI Secretariat during the entire election process.



**Enclosure-I**

Election Commission's letter No. 437/6/INST/2012-CC&BE dated 18<sup>th</sup> January, 2012 addressed to Cabinet Secretariat, the Chief Secretaries and the Chief Electoral Officers of all States and UTs.

**Subject- Prevention of defacement of Property and other campaign related items revised instructions - regarding.**

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. 24<sup>th</sup> December, 2011. The Commission has decided to reiterate its instructions issued vide its letter no. 3/7/2008/JS-II dated 7<sup>th</sup> 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, bunting, 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 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 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."**



Enclosure-II

Election Commission's letter No.3/7/2008/JS-II dated 7<sup>th</sup> October, 2008 addressed to the Secretary to the Govt. of India, MHA, the Chief Secretaries and the Chief Electoral Officers of All States and Union Territories.

**Sub: Prevention of defacement of property and other campaign related items – revised instructions- regarding.**

I am directed to invite a reference to the Commission's letter No.3/7/2007/JS-II, dated 16<sup>th</sup> 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 poster, 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.

#### DEFAACEMENT 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 poster, 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 candidate's 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 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.

### DEFACEMENT 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.