

क्रमांक:एफ.8(2)(12)निर्वा/2013/5060

जयपुर, दिनांक: 30-9-13

प्रेषक : मुख्य निर्वाचन अधिकारी,  
राजस्थान, जयपुर।

- प्रेषित 1. अतिरिक्त मुख्य सचिव  
नगरीय विकास एवं स्वायत्त शासन विभाग,  
राजस्थान, जयपुर।
2. अतिरिक्त मुख्य सचिव  
ग्रामीण विकास एवं पंचायती राज विभाग,  
राजस्थान, जयपुर।
3. आयुक्त  
परिवहन विभाग,  
राजस्थान, जयपुर।

विषय : आगामी विधानसभा आमचुनाव, 2013 - सम्पत्ति / वाहन के विरूपण पर रोक एवं  
अन्य प्रचार-प्रसार सामग्री बाबत।

प्रसंग : आयोग का पत्र क्रमांक 3/7/2008 / JS-II दिनांक 7.10.2008 एवं  
दिनांक 10.11.2008

महोदय,

उपरोक्त विषयान्तर्गत आगामी विधानसभा आम चुनावों के कार्यक्रम की घोषणा निकट भविष्य में भारत निर्वाचन आयोग द्वारा की जाएगी। चुनाव कार्यक्रम की घोषणा के साथ ही आदर्श आचार संहिता प्रभाव में आ जाएगी जो निर्वाचन प्रक्रिया की समाप्ति तक प्रभावी रहेगी।

आदर्श आचार संहिता के प्रभाव में रहने के दौरान भारत निर्वाचन आयोग के प्रासंगिक पत्रों के द्वारा सम्पत्ति / वाहन के विरूपण पर रोक एवं अन्य प्रचार-प्रसार सामग्री के संबंध में निर्देश प्रदान किए हैं। आयोग के प्रासंगिक पत्रों की प्रतियाँ संलग्न कर प्रेषित की जा रही हैं। कृपया आयोग के निर्देशों की पालना अपने अधीनस्थ विभागों एवं स्थानीय निकायों के माध्यम से करायी जाना सुनिश्चित करें।

संलग्न: उपरोक्तानुसार

भवदीय,  
(अशोक जैन)  
मुख्य निर्वाचन अधिकारी,  
राजस्थान, जयपुर।

क्रमांक:एफ.8(2)(7)निर्वा/2008/5060

जयपुर, दिनांक 30-9-13

प्रतिलिपि :

1. समस्त संभागीय आयुक्त, राजस्थान।
2. समस्त पुलिस महानिरीक्षक रेंज/पुलिस आयुक्त, जयपुर एवं जोधपुर
3. समस्त जिला निर्वाचन अधिकारी (कलक्टर्स), राजस्थान।
4. समस्त जिला पुलिस अधीक्षक, राजस्थान।
5. निदेशक स्वायत्त शासन विभाग, राजस्थान।
6. समस्त मान्यता प्राप्त राजनैतिक दल

को मय आयोग के प्रासंगिक पत्रों की प्रति सहित प्रेषित कर लेख है कि निर्देशों की पालना सुनिश्चित करावें।

संयुक्त मुख्य निर्वाचन अधिकारी,  
राजस्थान, जयपुर।



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

No. 3/7/2008/JS-II

Dated: 7<sup>th</sup> 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 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-1). 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.

#### **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).



## DEFAACEMENT 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, of vehicles in be subject to the provisions of the Motor Vehicles Act/Rules and any other Local Act/Rules. Motor Vehicle 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



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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,

Sd/-  
(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 Bangalore, 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 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

Dated : 10<sup>th</sup> 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 7<sup>th</sup> 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