

GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (ELEC.B) DEPARTMENT

CIRCULAR MEMO. NO. 732/ELEC.B/A1/2007-4.

DATED: 12-03-2007.

Sub: Election campaign by Political Parties and Candidates – Prevention of defacement of Property.

Ref: 1. Election Commission Lr. No.3/7/2004/JS II, dated 9.3.2004.
2. Election Commission Lr. No.3/7/2005/JS II, dated 8.7.2005.
3. Election Commission Lr. No.3/7/2005/JS II, dated 2.9.2005.

Complaints have been received that public and private property is being defaced by posters / writings in connection with campaigning for the ensuing elections to the Andhra Pradesh Legislative Council. Some officials are under the misapprehension that there is no restriction of defacement of public property in case of Council Elections. This is incorrect.

Please refer to Election Commission instructions in the 1st, 2nd and 3rd cited wherein it has been clearly stated that no wall writing, pasting of posters or defacement or any form shall be permitted on any private/public premises. However, if the local laws permit, private spaces can be used subject to obtaining written permission of the owners concerned. The candidate is required to submit a statement as per stipulated proforma giving details of the permission obtained from private owners village, town locality-wise to the Returning Officer for verification.

As per Section 4 of the A.P. Prevention of Disfigurement of Open Places and Prohibition of Obscene and Objectionable Posters and Advertisement Act, 1997, who ever affixes or exhibits on any place open to public view any advertisement without the written consent of the owner shall be punished with imprisonment for a term up to 3 months or with a fine of Rs.2,000/- or with both.

Accordingly all Returning Officers are directed to ensure provisions of the A.P. Act as well as the instructions of the Election Commission are strictly implemented. Candidates should be directed to remove unauthorized posters themselves. Alternatively they can be removed by the authority concerned and the expenses charged to the candidate.

All Returning Officers are directed to ensure scrupulous compliance to these instructions.

V. BHASKAR
CHIEF ELECTORAL OFFICER &
E.O. PRINCIPAL SECRETARY TO GOVT.,

To

All Collectors and Joint Collectors.
(enclosed with ECI's instructions)

The Commissioner, Information & Public Relations, A.P. Hyderabad.

with a request to release the above contents for publication in the press.

ITEM NO. 383

Election Commission's letter No. 3/7/2004/JS II, dated 09.03.2004 addressed to the Chief Electoral Officers of All States (except State of Jammu & Kashmir) and Union Territories.

Subject: - Regarding Prevention of Defacement of property.

I am directed to reiterate the instructions of the Commission contained in its Circular No. 3/7/94/JS II, dated 05.01.1994 (reproduced at page nos. 223-224 in the Compendium of Instructions on Conduct of Elections 1998 edition) regarding prevention of defacement of Government and Private properties. In the said instructions, the Commission has directed that no political party/association/body or candidates or their workers, supporters or sympathizers has/have any right to deface or spoil any private or public building by pasting their posters, writing of slogans, painting of symbols, etc. The Commission has also directed that if any one indulges in such undesirable activities, whether private or public, the political party/association/body/candidate/person concerned should be prosecuted and proceeded against under the law.

The above said instructions of the Commission may be brought to the notice of the authorities concerned for strict compliance.

For C.E.O. of Tamil Nadu - [A copy of the complaint received from The Sattur Chamber of Commerce & Industries' is also forwarded herewith to Chief Electoral Officer of Tamil Nadu for necessary action.]

ITEM NO. 384

Election Commission's letter No. 3/7/2005/JS-II, dated 08.07.2005 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: - Election campaign by political parties and candidates- Prevention of defacement of property - Instructions.

I am directed to say that instructions have been issued from time to time on the subject of defacement of property in connection with election campaigning by political parties, candidates, other organizations, individuals, etc.

2. The Commission has noted that many of the States have enacted Prevention of Defacement Act to deal with the issue of defacement of public and private property. While the law in some States prohibits defacement of public and private property, in some States there are certain exceptions with regard to private property.

3. After considering all aspects of the matter, the Commission has directed that, in supersession of the earlier instructions regarding defacement of property in connection with election campaigning, the following instructions shall be followed, subject to Court orders, if any, in force in any of the areas, on this subject:

PUBLIC PLACES

- (a) No wall writing, pasting of posters/papers or defacement in any other form, or erecting/displaying of cut-outs, hoardings, banners etc. shall be permitted on any public property/public premises.
- (b) However, if the local laws permit or provide for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, etc. in any place specifically identified for such purposes, on payment or otherwise, this may be allowed strictly in accordance with the relevant provisions of the law. It should be ensured that 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) Further, the space provided for this purpose should not be expanded or reduced after announcement of any election.

PRIVATE PLACES

- (a) If the local laws do not permit wall writing, pasting of posters, hoardings/banners/cutouts, etc. on private places, the same shall not be permitted even with the consent of the owner of the property, subject to court orders, if any, in force in the area concerned or in respect of any particular property.
- (b) Subject to any restrictions under any local laws, the political parties, candidates, their agents, workers and supporters may hoist their party flags/flags showing their election symbols on their own property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person.
- (c) Subject to any local laws, party flags/flags showing their election symbols shall not be hoisted on vehicles, other than vehicles actually deployed on election campaign for which necessary intimation had been given to the District Election Officer concerned as per the Commission's instructions contained in its circular No. 437'6/97-PLX-III, dated 18.3.1997 addressed to all Chief Electoral Officers (reproduced at item no. 131 of Compendium of Instructions on Conduct of Elections. 2004).

4. The above directions of the Commission may be brought to the notice of the District Election Officers. Returning Officers and all other election related authorities, and all political parties in your State, including State units of recognised National and State parties, for information and compliance.

The receipt of this letter may please be acknowledged.

ITEM NO. 385

Election Commission's letter No.3/7/2005/JS.II, dated 02.09.2005 addressed to the Chief Electoral Officers of Haryana, West Bengal and Uttaranchal

Subject: Election Campaign by political parties and candidates - Prevention of defacement of property - Instructions

I am directed to invite a reference to the Commission's letter of even number dated 8th July, 2005 on the subject cited and to state that the following instructions shall also be followed, subject to court orders, if any, in force in any of the areas, on this subject, in addition to the instructions contained in the Commission's aforementioned letter in the ensuing bye-elections to the House of the People and State Legislative Assemblies:-

- (a) Where the local laws permit wall writings and pasting of posters etc. on private premises with the owner's permission, the contesting candidates or the political parties concerned shall obtain written permission from the owner of the property and submit photocopies of the same to the Returning Officer or an officer designated by him for the purpose, together with a statement in the enclosed proforma showing 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 by him for the purpose. Such information shall be furnished by the contesting candidate 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 expenditure observer or any officer connected with the conduct of elections.
- (b) Similarly, in the case of pasting of posters, putting up hoardings, banners etc. candidates shall furnish the requisite information to the Returning Officer or the designated officer, as per the procedure prescribed above for wall-writings.

The above directions of the Commission may be brought to the notice of the District Election Officers, Returning Officers and all other election related authorities and all political parties in your State and also to the contesting candidates for strict compliance.

The receipt of this letter may please be acknowledged.

