

STATE ELECTION COMMISSION
ARUNACHAL PRADESH
ITANAGAR

No. AP/SEC- 21/2002/1252

Dated Itanagar the 17th April 2013.

ORDER

(Subject – General Panchayat Election/Municipality Election, 2013- instructions on misuse of vehicles during election period- regarding)

The Commission has issued various instructions/directions for ensuring peaceful, free and fair poll and preserving the purity of election process. The Commission has now decided that the following shall be standing instructions to restrict the misuse of vehicles during elections.

2. These instructions shall come into force from the date of Notification till the completion of elections.

Ban on Use of Official Vehicle:

3. The Commission directs that there shall be a total and absolute ban on the use of official vehicles for campaigning, electioneering or election related travel during elections. There shall be a total prohibition on the use of any vehicles such as helicopters, cars, jeeps, boats etc. belonging to the (i) Central Government, (ii) State Government, (iii) Public undertakings of the Central and State Government, (iv) Joint sector undertakings Central and State Government, (v) Local bodies, (vi) Co-operative societies, or any other body in which public funds, however, portion of the total, are invested for any purpose connected with the elections, by any political party, candidate or any other person connected with election.

The above restrictions shall not apply in the case of Chief Minister, Speaker and Deputy Speaker. It is, however, clarified that such exceptions shall not be made in respect of any Minister or Parliamentary Secretary.

4. It is clarified that the ban on the use of vehicles will equally apply to the vehicles in or from any States not going to the polls but whose vehicles are attempted to be used for campaign either openly or clandestinely in Arunachal Pradesh. The officers under whose charge such vehicles are entrusted will be responsible for any violation.

5. The Commission further directs that from the date of Notification of elections till the completion of elections, the District Administration shall keep a close watch on the use of all the above mentioned vehicles to see whether any such vehicles is being misused for electioneering for, or by, any candidate. If it is found that any of the above mentioned vehicles of Central Government or State Government, including those of public sector undertakings or local bodies is being used for electioneering purposes, the District Magistrate shall, forthwith, requisition or cause to be requisitioned such vehicles, after following due procedure, for election work, to be used by officers performing election related duties. The vehicles so requisitioned shall not be released until after the completion of the process of elections.

6. **Authorization by the District Election Officer for use of vehicles:**

- i) The contesting candidates be asked to get the details of all the vehicles that they are using in the election campaign lodged with the District Election Officer or such other officer(s) as may be specifically authorized by the District Election Officer in this behalf before the campaigning commences. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidate or his agent well before the actual deployment of the vehicles. While conveying the details of the vehicles that are being deployed for election campaign the details of the areas in which the vehicle would operate, should also be conveyed.
- ii) The permits for the vehicles indicated above will be issued by the Deputy Commissioner/Returning Officer.
- iii) All concerned may be directed to ensure that vehicles for the campaign purpose may ply only with the prior approval of the Returning Officers and must display the permit issued in original (not photocopy) prominently on the windscreen. The permit must bear the number of the vehicle and name of the candidate in whose favour it is issued.
- iv) The details of permit issued should be conveyed by District Election Officer to the Election Observers. **The vehicles employed for election campaign as per intimation given by the candidates or their election agents to the District Administration should not be requisitioned by the administration.** Any vehicle that has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorized campaigning for the candidate and shall therefore be immediately taken out of the campaigning exercise.

7. **During filing of nominations:** The maximum number of vehicles that will be allowed to come within the periphery of 100 meters of Returning Officers'/Assistant Returning Officers' office shall be three.

8. **During the Period of Electioneering:**

- i) In order to ensure free, fair and peaceful elections, the District Administration shall launch such drive for checking the vehicles immediately upon the announcement of the elections and shall continue the drive till the completion of the process of elections.
- ii) The Commission further directs that cars/vehicles shall, under no circumstances, be allowed to move in convoys of more than three vehicles. All bigger convoys shall be broken up, even if they are carrying any Minister or any other persons. This shall, however, be subject to any security instructions issued in respect of any such individual.
- iii) If any vehicle either of a party or a private owner is found to be involved in carting anti-social elements with a view to intimidating or creating fear in the mind of the electorate, it shall be the duty of local administration to impound such vehicles and not to release them till the process of elections is completed. In addition, criminal action against the owner, the occupant(s) and the candidate/political party which is involved in such illegal activities shall also be taken as per law.

9. **On the Polling Day :**

- i) The hiring or procuring or use of vehicles by a candidate or his agent or by any other person with the consent of the candidate or his election agent for the free conveyance of the voters to and fro from the polling station shall be a "corrupt practice" for the purposes of the Act. Such a "corrupt practice" attracts penalty and is punishable with fine, which may extend to five hundred rupees under 133 of the Representation of the People Act, 1951 which is applicable to Municipal Elections.
- ii) For an election to the Panchayati Raj Institutions and Municipalities, each contesting candidate, on the day of Poll, will be entitled to :
 - a) One vehicle for his own use in respect of the entire constituency;
 - b) One vehicle for use of his election agent or his party workers for entire constituency;

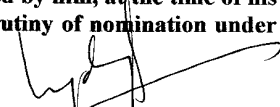
10. **No Ban on Bonafide Use of Vehicles**

There is, however, no intention on the part of the Commission to put a complete ban on all vehicular traffic on the polling day and thereby create difficulties or cause harassment to the public. For genuine bonafide use for purposes other than election, the following types of vehicles shall also be allowed to be plied on the day of poll and there will be no exception:

- a) Private vehicles being used by the owners for their private use, not connected with elections;
- b) Private vehicles being used by owners either for themselves or for members of their own family for going to the polling booth to exercise their franchise but not going anywhere within a radius of 100 meters of a polling station.
- c) Vehicles used for essential services namely hospital vans, ambulance, milk vans, waster tankers, electricity emergency duty vans, police on duty, officers on election duty;
- d) Public transport carriages like buses plying between fixed termini and on fixed routes;
- e) Taxis, three wheeler, scooters, rickshaws etc. for going to airports, railway stations, inter state bus stands, hospitals for journeys which cannot be avoided;
- f) Private vehicles used by sick or disabled persons for their own use.

11. The above directions of the Commission are issued under the powers conferred on it by Article 243 K and Article 243 ZA of the Constitution and all other powers enabling it in that behalf.

12. This should be brought to the notice of all concerned. A copy of this order shall be made available to the units of all recognized National and State political parties and to each candidate or the agent authorized by him, at the time of his nomination(s) and if not possible at the time of scrutiny of nomination under acknowledgement.


(K.D. SINGH)
State Election Commissioner
Arunachal Pradesh
Itanagar


To,

1. The Special Observer for Municipal Elections.
2. The Observer for Itanagar Municipal Elections.
3. The Observer for Pasighat Municipal Elections.
4. All DCs-Cum District Election Officers (PR)/ Municipal Election Officers with a direction to bring this order to the notice of all Returning Officers, Heads of Departments of State and Central Govt. and to Central and State Govt. Public Undertakings, Local Bodies, Co-operative Societies etc., as detailed in Para 3 of this Order within your jurisdiction for strict compliance.

Memo. No. AP/SEC- 21/2002/1252
Copy to :

Dated Itanagar the 17th April 2013.

1. The PPS to Chief Minister, Arunachal Pradesh for information & necessary action.
2. PS to all Ministers/Parliamentary Secretaries, Govt. of Arunachal Pradesh for information & necessary action.
3. PS to Speaker/Dy. Speaker, Legislative Assembly, Arunachal Pradesh for information & necessary action.
4. The Chief Secretary for information & necessary action.
5. All Principal Secretaries, Govt. of Arunachal Pradesh for information & necessary action.
6. All Commissioners/Secretaries, Govt. of Arunachal Pradesh with a request to circulate this order amongst all the Heads of Departments for information & necessary action.
7. The Director General of Police, Arunachal Pradesh for information & necessary action.
8. The Secretary, Legislative Assembly, Arunachal Pradesh with a request to circulate this order amongst all the Member of Legislative Assembly.
9. All Political Parties for information & necessary action.
10. All Public Sector Undertakings in the State of Arunachal Pradesh.
11. Office /Spare Copy.


(Kanto Peyang)
Secretary

State Election Commission
Arunachal Pradesh :: Itanagar