

ELECTION CAMPAIGN

Question451. Whether there is any restriction for plying of vehicles for electioneering purposes?

Answer. Yes. Candidate can apply any number of vehicles (all mechanized/motorized vehicles including 2 wheelers) for the purpose but he has to seek prior approval of the Returning Officer for plying such vehicles and must display permit issued by Returning Officer in original (not photocopy) prominently on the windscreen of the Vehicle. The permit must bear the number of the vehicle and name of the candidate in whose favour it is issued. The expenditure incurred on this will be booked against candidate.

Question452. Can a vehicle be used for electioneering purposes without getting permit from the District Election Officer/Returning Officer?

Answer. No. Such vehicle shall be deemed to be unauthorized campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately put out of the campaigning exercise.

Question453. Is there any restriction for displaying/carrying poster/placard/banner/flag of the party concerned or of the candidate on the vehicle during the procession?

Answer. You may display/carry one poster/placard/banner/flag of your party/or your own on vehicle during the procession subject to conformity with the provisions of Motor Vehicle Act and any other local laws/bye-laws.

Question454. Is external fitting/modification allowed in the Vehicles used for campaigning?

Answer. External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules as well as 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.

Question455. Is there any restriction of canvassing in or near polling station?

Answer. Yes. Canvassing for votes etc. within a distance of one hundred meters of polling station is prohibited on the day of poll.

(Refer: Section 130 of Representation of 1951)

Question456. Is there any restriction of going armed to or near polling station?

Answer. Yes. No person is allowed to go armed with arms as defined in Arms Act 1959 of any kind within the neighborhood of a polling station on the day of poll.

(Refer: Section 134B of Representation of 1951)

Question457. How many vehicles a candidate is entitled for on the day of poll at an Election to the Legislative Assembly?

Answer. For an election to the State Legislative Assembly, a candidate is entitled to:

- (a) One vehicle for his own use
- (b) One vehicle for use of his election agent
- (c) In addition, one vehicle for use of his workers or party workers.

Question458. If the candidate is absent from the constituency on the day of poll, can the vehicle allotted in his name be used by any other person?

Answer. No. Vehicle allotted for candidate's use is not allowed to be used by any other person.

Question459. Can any type of vehicle within the limit be used on the day of poll?

Answer. No. The candidate or his agent or party workers or workers will be allowed to use only four/three/two wheeler vehicles i.e. cars (of all types), taxis, auto rickshaws, rickshaws and two wheelers. In these vehicles not more than five persons including drivers are allowed to move on the day of poll.

Question460. Whether Political Party/Candidate can make arrangements for transporting voter to and from Polling Station?

Answer. No, any arrangement, direct or indirect, to carry any voter to or from polling station by any kind of vehicle used for transport is a criminal offence. (Refer: Sec. 133 of Representation of People Act, 1951)

Question461. Whether there are restrictions on plying of Govt./private vehicles on the poll day?

Answer. No, Public transport like buses, minibuses are allowed to ply but it should be ensured that they are not used clandestinely for the conveyance of voters. Further, private cars, taxis carrying passengers to places other than polling booths like hospitals, airports, railway stations, bus stands, friends and relations houses, clubs, and restaurants will be allowed on the road. But they should not be allowed to come clandestinely near the polling areas for the conveyance of voters.

Question462. Can a leader of Political party use private fixed-wing aircraft and helicopters for the purposes of supervising and monitoring the polling and counting process on the day of poll and counting?

Answer. No, leader of a political party is not allowed to use private fixed-wing aircraft and helicopters for the purposes of supervising and monitoring the polling and counting process on the day of poll and counting.

Question463. Is there any restriction on displaying poster, placard, banner, flag etc of the party concerned or the candidate on a public property?

Answer. You may display poster, placard, banner, flag etc of the party concerned or the candidate on a public property subject to provisions of local laws and prohibitory orders in force.

Question464. If local law/bye-laws permit wall writings and pasting of posters, putting up hoardings, banners etc. on private premises/properties, is it necessary to obtain prior written permission from the owner of the premises/properties?

Answer. Yes. You are required to obtain prior written permission from the owner of the properties/premises and photocopy(s) of such permission should be submitted within 3 days to the Returning Officer or an officer designated by him for the purpose.

Question465. Whether there is any restriction for use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies?

Answer. Use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies are not allowed.

Question466. Is wearing of special accessories like cap, mask, scarf etc. permitted during the campaigning?

Answer. Yes, provided they are accounted for in the election expenses of the candidate concerned. However, supply and distribution of main apparels like saree, shirt, etc. by party/candidate is not permitted as it may amount to bribery of voters.

Question467. Is there any restriction on the printing of pamphlets, posters etc?

Answer. Yes. You shall not print or publish, or cause to be printed or published names of any election pamphlet or poster which does not bear on its face and addresses of the printer and the publisher thereof.

(Refer: Section 127A of Representation of 1951)

Question468. What is the deadline after which no public meetings and processions can be taken out?

Answer. As per Sec. 126 of R. P. Act, 1951, no public meetings and processions can be taken out during the period of 48 hours ending with the hour fixed for the conclusion of poll.

Question469. Are there conditions/guidelines for setting up and operating of Temporary Offices by Party or candidate?

Answer. Yes. Such offices cannot be opened by way of any encroachment either on public or private property/ in any religious places or campus of such religious places/ contiguous to any educational institution / hospital / within 200 meters of an existing polling station. Further, such offices can display only one party flag and banner with party symbol/ photographs and the size of the banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc., then the lower size prescribed by local law shall prevail.

Question470. What is the deadline after which no public meetings and processions can be taken out?

Answer. Public meetings cannot be held after 10 PM and before 6.00 AM. Further, you cannot hold public meetings and processions during the period of 48 hours ending with the hour fixed for the conclusion of poll. Suppose, poll day is 12th June 2009 (Friday) and hours of poll are from 8.00A.M to 5.00 P.M., the public meetings and processions shall be closed at 5.00 P.M on the 10th June 2009 (Wednesday).

(Refer: Sec. 126 of Representation of People Act, 1951)

Question471. Is there any restriction on the presence of political functionaries in a constituency after campaign period is over?

Answer. Yes. After the closure of campaign period (starting from 48 Hrs. before closure of poll), presence of political functionaries etc. who have come from outside the constituency and who are not voters of the constituency should not continue to remain present in the constituency. Such functionaries should leave the constituency immediately after campaign period is over.

Question472. Is such restriction applicable in the case of office bearer who is in charge of election of a political party in the State?

Answer. Yes. However, such restriction is not insisted upon during the general elections to Lok Sabha/State Assembly only in respect of the office bearer who is in charge of the State during the election period. Such office bearer shall declare his place of stay in the State Headquarters and his movement during the period in question shall remain confined normally between his party office and place of his stay. The above restrictions will be applicable to all other functionaries in all elections.

Question473. Are there any arrangements for videography of critical events during the election process?

Answer. Yes. Video Teams are formed in constituency to record and videotape critical events like meetings addressed/attended by Ministers, National/State level leaders of political parties, violent incidents, etc.

Question474. Whether Videography or photography is done inside the polling stations to monitor the poll proceedings by the election authority?

Answer. In deference to the suggestions of Supreme Court, contained in its judgment dated 11th January 2005 in Civil Appeal No.9228 of 2003 - (Janak Bingham Vs. Das Rai and Other), the photography by the Official Videographer has been allowed to be carried inside the polling stations to photograph electors and cover poll proceedings without compromising the secrecy of voting in certain identified polling stations assessed as critical on various factors.

Question475. Are there any guidelines for setting up of election booth by candidate/political parties near polling station on the day of poll?

Answer. Election booth can be set up beyond a distance of 200 meters from the polling stations, only with 1 table and 2 chairs with an umbrella or a piece of tarpaulin or cloth to protect the two occupants with one banner (3 x 4 /2 feet) to display the name of the candidate/ party / election symbol at the booth. No crowd is allowed.

Question476. Is it necessary to obtain written permission of the concerned Government authorities or local authorities for setting up of election booth?

Answer. Yes. It is necessary to obtain the written permission of the Government authorities concerned or local authorities before setting up of such booths. Written permission must be available with the persons manning the booth for production before the police /election authorities concerned on demand.

Question477. If a political party cannot set up or is not willing to setup a booth in an area, is there any facility provided to voters for locating their names in the electoral roll places?

Answer. Yes. A "VOTER ASSISTANCE BOOTH" is set up in premises/building location where three or more polling stations are located with a proper signage manned by a team of officials who are provided with lists of roll in alphabetical order to assist the voters for locating their sl. no. in the roll and polling station. If political parties inform of their inability in advance, the District Election Officer may consider making such arrangement in other areas too.