

# Chief Electoral Officer

## UT of Jammu and Kashmir

Nirvachan Bhawan, Rail Head Complex, Jammu

Phone No: 0191-2477519 Fax No- 0191-2477389

Deputy Commissioners

All Districts

No. 2184/CEO/ME/2020/1662-82

Dated: 18-11-2020

Subject:- Conduct of By-Elections to the Municipal Bodies, 2020- Instructions on use of vehicles during elections-regarding.

Sir/Madam,

In order to ensure a level playing field for all candidates and other stake holders and further to check the vitiating role of money and misuse of official machinery, the Chief Electoral Officer, J&K (CEO) directs that:-

1. There shall be a total and absolute ban on the use of official vehicles for campaigning, electioneering or election related travel during elections, subject to exceptions mentioned herein. There shall be a total prohibition on the use of any vehicle such as helicopters, aircrafts, cars, jeeps, automobiles, boats, hovercrafts, etc., belonging to the (i) Central Government, (ii) State Governments/UT Administration (iii) Public undertaking of the Central and State Governments, (iv) Joint sector undertaking of the Central and State Governments, (v) Local bodies, (vi) Marketing Boards, (vii) Co-operative Societies, (viii) autonomous District Councils or any other body in which public funds, however small 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 (except officials performing any election related official duty). *(The expression 'official vehicle' means and shall include, any vehicles 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 the (i) Central, (ii) State Governments/UT Administrations, (iii) Public Undertaking of the Central and State Governments, (IV) Joint sector Undertaking of Central and State Governments, (V) Local Bodies, (vi)Municipal Corporations, (vii) Municipalities, (viii) Marketing Boards (by whatever name known), (ix) Cooperative Societies, (x) Autonomous District Councils or any other body in which public funds, howsoever small a portion of the total, are invested and also include those belonging to the Ministry of Defence and the Central Public Organizations under the Ministry of Home Affairs and State Governments.)*
2. The District Administration shall keep a close watch to find out if any official vehicle belonging to any authority specified in the preceding para is being used for electioneering purposes. In case it is so, the District Magistrate shall forthwith, requisition or cause to be requisitioned such vehicles, after following due procedure, for election work, and such requisitioned vehicles shall not be released until after the completion of the process of elections.
3. The only exception from the prohibition will be the Prime Minister and other political personalities, who might in view of extremist and terrorist activities and threat to their lives, require Security of a high order and whose Security requirements are governed by any statutory provisions made by the Parliament or the State/UT Legislature in this behalf.

4. The above restrictions shall also not apply in the case of the President and Vice-President of India. It is clarified that such exceptions shall not be made in respect of any Ministers of the Union or any State Government.
5. The CEO further directs that cars/vehicles shall, under no circumstances, be allowed to move in convoys of more than five vehicles, excluding the Security vehicles. All bigger convoys exceeding 5 (five) vehicles shall be broken up, even if they are carrying any Minister of Central or State Government or any other person. This shall, however, be subject to any Security instructions issued in respect of any such individuals.
6. If any person moves in a convoy of vehicles exceeding the limits prescribed above, in spite of the convoy having been broken, it shall be the duty of the local administration to ensure that such vehicles are not allowed to be used by till the process of election is completed.
7. 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 one only.
8. There is no limit on vehicles, which a candidate may use for electioneering purpose.
9. He/shall however, have to furnish the details of such vehicles and the areas in which they would be used for campaign purposes, to the Deputy Commissioner or such other officer(s) as may be specifically authorized by the Deputy Commissioner in this behalf, who after necessary scrutiny would issue a permit. The original copy (not the photo copy) of permit should be displayed on the wind screen to the vehicle. Needless to mention that the permit should be of such dimension, that it can easily be seen from a distance. Permit must contain the number of the vehicle, date of issue of permit, name of candidate and the area (where it shall be used for campaigning).
10. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidate or his/her agent and permit obtained for the same, before the actual deployment of the vehicles.
11. The details so obtained should be conveyed by District Panchayat Election Officer to the Election Expenditure Observers so that they can check that the expenditure in this regard is correctly included in the expenditure account of the candidate.
12. Any vehicle used for campaigning without due authorization/permit by the aforesaid officers, shall be deemed to be unauthorized campaigning for the candidate and may attract penal provisions and shall therefore be immediately taken out of the campaigning exercise.
13. 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.
14. For availing the benefit of Notification No. CEO/ME/2020/04 dated 18-11-2020, by the leaders of the political parties, i.e, star campaigners, the permission for the



mode of road transport will be issued centrally by the Chief Electoral Officer, irrespective of whether the same vehicle is to be used by any leader for election campaigning throughout the UT or different vehicles are to be used by such party leaders in different areas. The permit will be issued against the name of the star campaigner concerned and shall need to be displayed prominently on the windscreen of the vehicle being used by him/her in any area.

15. At the district level, on receipt of a request from a recognized political party, the Deputy Commissioner would issue permit for one vehicle to be used by the district level office bearer of a recognized party (other than the star campaigner) for their visit to multiple constituencies within the district for electioneering purposes. The permit should be issued indicating the number of the vehicle, the name of political leader and the period for which issued. An attested copy shall be pasted on wind screen and original be kept with the driver for checking by police or other authorities. The expenditure in this regard shall be booked against the political party and not the candidates.
16. The CEO may issue permits for vehicles that can move throughout the state for use of office bearers of recognized political parties for electioneering purposes only. A maximum of three vehicles to a recognized political party shall be allowed. The expenditure on these vehicles shall be incurred by the political party and not by the candidate.
17. If any political party makes a request to the Chief Electoral Officer for grant of vehicle permission for distribution of publicity material to their various party offices in the State, the CEO may grant permission for one vehicle each for a district in favour of a recognized political party (National/State). However, the concerned political party (the applicant) will have to specify the names of the Districts, the route map and the dates for which the vehicle will be required for the above purpose. For such vehicles, the CEO may issue permission, but ensure that such vehicles will also be subjected to normal checks and they will not be used for election campaigning. The expenditure on account of such vehicle shall be incurred by the political party and not by the candidate.
18. In case of Video-vans etc. to be used by a political party for campaign across the UT, before any permission to use Video-Vans for campaign is given, it should be ensured that such use of vehicle is in accordance with the Motor Vehicle Act.
19. CEO further directs that the hiring or procuring or use of vehicles by a candidate 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 is not only an electoral offence but also a corrupt practice and shall attract penal provisions.
20. For an election to the Municipal bodies, on the date of poll in that constituency each contesting candidate is entitled to:
  - i. One vehicle for his own use;
  - ii. One vehicle for the use of his election agent;



- iii. In addition, one vehicle for use of his workers or party workers.
21. The permits for the vehicles indicated above will be issued by the Deputy Commissioner/Returning Officer. The candidates must furnish particulars of their vehicle to be used on poll day to Deputy Commissioner/RO concerned and shall display the permits issued on the wind-screen of the vehicles. No other vehicles shall be allowed to be used by the leaders of the political parties including Ministers, workers, agents and sympathizers of any candidate. No exception shall be made, irrespective of the status of the candidate.
22. There is no intention on the part of the CEO 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 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 200 meters of a polling station;
  - c) Vehicles used for essential services namely hospital vans, ambulance, milk vans, water 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;
  - g) Vehicles being used by the Govt. officers on duty to reach their duty point.
23. These instructions come into effect from the date of announcement of elections till the completion of elections.

Yours faithfully,

 12/11/2020

(Anil salgotra)  
Joint Chief Electoral Officer,  
UT of Jammu and Kashmir