

**STATE ELECTION COMMISSION
PUDUCHERRY**

No.1-5/SEC/CE/Dir.for Vehicle/C5/2021 /707

Dated. 20.09.2021

ORDER

Sub: Civic Elections– Regulations/ restrictions on the use/misuse of
Vehicles during elections- Reg.

In the interest of preserving the purity of election process and rendering the same reflective of true choice of the people, the Commission hereby issues the following instructions and directions regarding the use of official vehicles. The Commission is particularly concerned about the vitiating role of criminality and muscle power at elections, and these directions are meant for ensuring peaceful, free and fair poll.

2. These instructions shall come into effect from the date of announcement of elections till the completion of elections.
3. For the purpose of these instructions, vehicles 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, buses, belonging to the (1) Central Government, (2) State Government, (3) Public Undertakings of the Central and State Government, (4) Joint Sector Undertakings of Central and State Government, (5) Local Bodies, (6) Municipal Corporations, (7) Municipalities, (8) Marketing Boards, (by whatever name known) (9) Cooperative Societies, or any other body in which public funds, how so ever small a portion of the total are invested.
4. 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 cars, jeeps, automobiles, 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) Marketing boards, (vii) 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.
5. It is clarified that the ban on the use of vehicles will equally apply to the vehicles in or from any neighbouring States, whose vehicles are attempted to be used for campaign either openly or clandestinely in the UT of Puducherry.

6. The use of such vehicles belonging to any of these authorities by anyone including Ministers of the Central or the UT Government, even on payment, for campaigning or on tours connected with elections but with the alleged and bogusly certified purpose of election work in their capacity as Ministers is totally prohibited.

7. 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 of Central or State Government or any other person. This shall, however, be subject to any security instructions issued in respect of any such individual.

8. The Commission further directs that from the date of announcement of elections till the completion of elections, the District/Regional Administration shall keep a close watch on the use of all the above-mentioned vehicles to see whether any such vehicle 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 under Section 41(1)(b) of the Puducherry Municipalities Act, 1973. The vehicles so requisitioned shall not be released until after the completion of the process of elections.

9. Section 123(5) of the Representation of the People Act, 1951 provides that 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 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 section 133 of the Representation of the People Act, 1951.

10. The Commission directs that during the filing of nomination, 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.

11. The Commission directs that the contesting candidates be asked to get the details of all the vehicles that they are using in the election campaign lodged with the Returning Officers. Prior approval of the ROs/AROs must be obtained, and each vehicle used in campaigning must display the permit issued in original (not photocopy) prominently on the windscreen. Permit issued should be of sufficient dimension so that it could be seen from a distance. The permit must bear the number of the vehicle and name of the candidate in whose favour it is issued.

12. Any further deployment of any additional vehicles can take place only after notice to this effect is given by the candidates 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(s) in which the vehicle would operate, should also be conveyed. The details so obtained should be conveyed by RO/ARO to the Election Expenditure Observers. Any vehicle that has not been registered for campaigning with the RO/ARO if found being used for campaigning, shall be deemed to be unauthorised campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately taken out of the campaigning exercise.

13. The Commission directs that on the day of poll, each contesting candidate will be entitled to:

- (a) One vehicle for his own use in respect of the entire constituency (municipal ward / municipality / Panchayat ward).
- (a) (b) in addition, one vehicle for use of his election agent, as the case may be, in the entire constituency (municipal ward / municipality / Panchayat ward).

14. The permit for the vehicles indicated above will be issued by the District Magistrate/ Returning Officer. The candidates are required to register their vehicles with the authorities concerned. 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.

15. Penal action, both under the provisions of the R.P Act, 1951 and Chapter IX A of the Indian Penal Code shall be taken against anyone violating the above directions, in addition to action under the Motor Vehicles Act. All vehicles being used in violation of these directions shall be confiscated.

16. There is 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 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.

17. The Commission further directs that the District/Regional Administration shall keep a close watch on the vehicles used by persons accompanying the contesting candidates and their party's leaders for any possible mischief, including criminal activities like carrying of illegal arms and weapons. If any of these vehicles, either of a party or a private owner, is found to be involved in any such act or for carting anti-social elements with a view to intimidating or creating terror in the mind of the electorate, it shall be the duty of the 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.

18. So as to ensure free, fair and peaceful elections, the District/Regional 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.

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

20. This should be brought to the notice of all concerned. A copy of this order in English/Tamil/Malayalam/ Telugu, as applicable, shall be made available to the units of all recognised National and State political parties and to each candidate or the agent authorized by him.

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(ROY P THOMAS)
STATE ELECTION COMMISSIONER

To

1. The District Election Officer, Puducherry / Karaikal.
2. The Regional Election Officer, Mahe / Yanam.
3. All Returning Officers of Municipality and Commune Panchayat.