

Post-EW-21/2007/607IN

R. No. 766 D.M. (Secy.)  
Dated 22.1.09

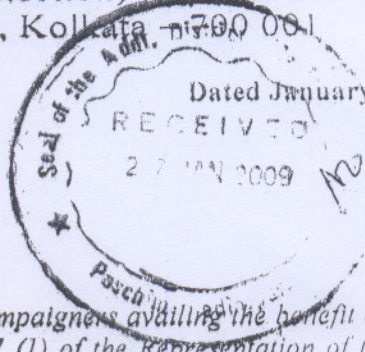
RECEIVED REGISTERED LETTER  
22 JAN 2009

Government of West Bengal  
Home (Constitution & Election) Department  
21, Netaji Subhas Road, Kolkata - 700 001

From: Joint Chief Electoral Officer  
West Bengal

To: All District Election Officers

Subject: Use of Road Transport by Party campaigners availing the benefit of clause (a) of explanation given under Section 77 (1) of the Representation of the People Act, 1951 and use of flags, stickers on vehicles - A Consolidated Instruction. Regarding.



ADM (G)

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Handwritten notes: 'P. ...', 'R-155', '29-07-09'

Handwritten notes: 'R-155', '29-07-09'

Sir,

The Election Commission of India has issued different instructions vide its letter No. 437/6/2007/Vol-IV-PLN-III, dated 16.10.2007, No. 3/7/2008/JS-II, dated 07.10.2008 and No. 437/6/INST/2008-CC&BE, dated 31.10.2008 on use of vehicles in convoy and use of flags and stickers on vehicles.

A consolidated instructions of the Commission is given below-

**Use of vehicles in convoy**

1. The restriction on number of vehicles in a convoy has been withdrawn (as mentioned in Commission's letter dated 16.10.2007). But all bigger convoys shall be broken up, even if they are carrying any Minister of Central or State Government or any other person. Such broken up convoys must have a distance of at least 200 meters between them.
2. In case the mode of transport is to be availed of by leaders of political parties availing the benefit of clause (a) of explanation given under Section 77(1) of the Representation of the People Act, 1951, the permit 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 State or different vehicles to be used by such party leaders in different areas. The permit will be issued against the name of the person concerned who will display it prominently on the windscreen of the vehicle being used by him / her in any area. The permits so issued by the Chief Electoral Officer will be of distinctly different colours from the permits to be issued by the District Election Officers / Returning Officers for candidates.

3. If the vehicle so permitted in item (2) above is also occupied by any other person than the leader referred to in item (2), then, in that case, the 50% expenditure of the same shall be booked in the expenditure of concerned party contesting candidate from the constituency.
4. In case of Video-Vans etc. to be used by a political party for campaign across the States, before any permission to use Video-Vans for campaign is given, it should be ensured by Chief Electoral Officer that such use of vehicle is in accordance with the Motor Vehicle Act. Attention in this context is invited to the judgements dated 23.06.2006 and 14.02.2007. Respective District Election Officers shall ensure that expenditure incurred on such vehicles is proportionately distributed against the expenditure of the contesting candidates of the party in the areas/constituencies where the Van/vehicles has been used.

**Defacement of vehicles**

5. (a) In private vehicles, subject to the provisions of the Motor Vehicles Act, Rules there under and subject to court orders in force, if any, flags and stickers may be put on the vehicles by the owner of the vehicle on his own volition, in such a manner that they do not cause any convenience or distraction to other road users. If such display of flags and stickers aim to solicit vote for any particular candidate, then the provisions of Section 171H of the IPC would be attracted and would have to be followed.
- (b) On commercial vehicles, display of any flag, sticker etc. shall not be permitted, unless such vehicle is a vehicle validly used for election campaign after obtaining the requisite permit from the District Election Officer/Returning Officer and the display thereof in original on the wind screen.
- (c) External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules and 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.

In view of that, I am directed to request you to bring these instructions of the Election Commission of India to the notice of all political parties and all election related officers immediately.

Yours faithfully,

*[Signature]*  
Joint Chief Electoral Officer  
West Bengal

*[Signature]*  
District Magistrate,  
Paschim Medinipur,  
*29/01/09*  
*29/1/09*

*Mex 10 89 (D/elec. Belga 29/01/2009)*  
*Copy forwarded for favour of infractions and take*  
*neccessary action to: —*  
*① The S. O. O. (Act)*  
*② The Ofc, election / ③ CA to DM / ④ DM (Act) for information.*