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No. EDN-A-Ka (4)-4/2019
Government of Himachal Pradesh
Department of Higher Education

From

The Secretary (Education) to the
Government of Himachal Pradesh

To

✓ Director of Higher Education,
Himachal Pradesh Shimla-171001

Dated, Shimla-2 the 8th March, 2021

Subject: Regarding Vidhan Sabha Bye-Election-2021 to 8-Fatehpur
Assembly Constituency-Observance of Model Code of
Conduct-Removal of Hoardings-Regarding.

Sir

I am directed to enclose herewith a photocopy of letter No. 3-
8/2021-ELN-369 dated: 02-03-2021 alongwith its enclosures received from
Addl. Chief Electoral Officer, Himachal Pradesh on the subject cited above
and to request you to look into the matter and take necessary action
accordingly and send written compliance report on the prescribed format to the
quarter concerned.

Yours faithfully,

(Signature)

(Navneet Kapoor)

Joint Secretary (Hr. Edu.) to the,
Government of Himachal Pradesh

Added (A)
10/03/2021

Sh. G. N. Sharma J.
10/03/2021

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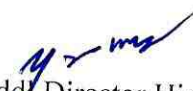
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Directorate of Hr. Education
Himachal Pradesh

16/3/2021

Endst. No.EDN-HE(1)B(6)-1/98-4-II Dated Shimla – 171001 the
Copy for information and further necessary action is forwarded to:-

1. The Joint Secretary (Hr. Edu.) to the Govt. of HP, Shimla-2 w.r.t. No.EDN-A-Kha (4)-4/2019 dated 8th March, 2021.
2. The Chief Electoral Officer, Himachal Pradesh 38-SDA Complex, Kasumpti, Shimla-9 w.r.t. letter No.3-8/2021-ELN-369 dated 02.03.2021.
3. The Additional Director of Hr. Education (Admn.), H.P.
4. The Addl. Director of Hr. Education (C), H.P.
5. The Joint Director of Hr. Education, C-I/ C-II/ Inspection/ Schools H.P.
6. The Joint Controller (F&A), Dte. of Hr. Education, H.P.
7. The OSD(C)/ OSD (Skt.) Directorate of Hr. Education, H.P.
8. The DDO, Directorate of Higher Education, Shimla, H.P.-1.
9. ***The Deputy Director of Higher Education Kangra at Dhramshala with the remarks to take further necessary action in the matter accordingly / strict compliance.***
10. All the Principals of the Govt. Degree Colleges situated in Fatehpur Assembly Constituency with the direction that to take further necessary action in the matter accordingly (as per sr.no.-9).
11. The PS to the Director of Higher Education, H.P.
12. All the Principals of GSSS/GHS in Pradesh situated in Fatehpur Assembly Constituency with the direction that to take further necessary action in the matter accordingly (as per sr.no.-9).
13. ***The Technical Officer, Dte. of Hr. Education, H.P. (for the uploading on deptt. Website.)***
14. Guard File.


Addl Director Higher Education (Admn.)
Directorate of Hr.Edu., HP

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4/3/2021

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Vidhan Sabha Bye-Election-2021

Fax/e-mail/Immediate

Election Department, Government of Himachal Pradesh
38-SDA Complex, Kasumpti, Shimla-9

No: 3-8/2021-ELN -369
From:

Dated: 2 March, 2021.

Chief Electoral Officer,
Himachal Pradesh.

To

1. All the Administrative Secretaries - Education,
to the Govt. of Himachal Pradesh, Shimla-2.
2. The District Election Officer (DC),
Kangra at Dharamshala

Subject: - Vidhan Sabha Bye-Election-2021 to 8-Fatehpur Assembly Constituency
- Observance of Model Code of Conduct - Removal of Hoardings -
Regarding.

Sir/Madam,

I am to say that the bye-election to 8-Fatehpur Assembly Constituency is likely to be announced very soon by the Election Commission of India. In pursuance of provisions of Model Code of Conduct and letters No. 437/6/2004-PLN-III, dated 8-3-2004, No. 437/6/2004-PLN-III, dated 24-12-2004, No. 437/6/INST/2008-CC&BE, dated 13-4-2009, No. 3/7/2014/SDR, dated 11-3-2014 and No. 3/7/2014/SDR, dated 26-9-2014 of Election Commission of India (copies enclosed), continuing display of such hoardings and advertisements as depict the achievements of the party in power at the cost of public exchequer, even if such Hoardings, advertisements or posters were displayed prior to the date of announcement of elections, constitutes a violation of the Model Code of Conduct as it provides an undue advantage to the party in power and has the effect of influencing the voters in favour of the party in power.

Sp. Secy (E) (4)
4/3/21

You are requested to take necessary action to remove such hoardings, banners, posters, wall writings, photographs etc. depicting the achievements of Government / Political parties to enforce the provisions of MCC **immediately after announcement** of bye-election from aforesaid 8-Fatehpur AC in view of conduct of fair and free election and send written compliance report on the prescribed format within 24 hours from the announcement of bye-election in respect of your department/district about removal of such hoardings, banners, posters, wall writings, photographs etc. to this department for further submission to the Election Commission.

Encls: As Above

Yours faithfully,

Addl. Chief Electoral Officer,
Himachal Pradesh.

5/2/2021
Jt. Secy (E) (4)

5/3/21
5/3/21
5/3/21
5/3/21

Format

Name of District

Sr. No.	Particulars of Item	Name of Location	Name of the Building or Property (Govt. or Private)	Number of Items
1	Hoardings			
2	Posters			
3	Banners			
4	Flags			
5	Wall Writings			
6	Others			

D. Publication of advertisements

INSTRUCTION SI. No. 26

Election Commission's letter No. 437/6/2004-PLN III, dated 08.03.2004 addressed to the Cabinet Secretary, Govt. of India, the Secretary, Ministry of information and Broadcasting, Govt. of India, the Chief Secretaries to the Govt. of all States and Union Territories and copies to Chief Electoral Officers of all States and Union Territories

Subject: Display of advertisements and hoardings at the cost of public exchequer.

It has come to the notice of the Commission that a number of hoardings depicting the achievements of the party in power are being displayed by the Union and the States/UT Governments at the cost of public exchequer. Your attention is invited to sub-para (iv) of para VII - Party in Power- of the Model Code of Conduct for the Guidance of Political Parties and Candidates which is as under:-

The party in power whether at the Centre or in the States/UTs concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular-(iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided.

With the announcement of the schedule of elections to Lok Sabha and the legislative Assemblies of Andhra Pradesh, Karnataka, Orissa and Sikkim on 29th February 2004 the Model Code of Conduct came into force immediately. The continuing display of such hoardings and advertisements at the cost of public exchequer, even if such Hoardings, advertisements or posters were displayed prior to the date of announcement of elections, constitutes a violation of the Model Code of Conduct as it provides an undue advantage to the party in power and has the effect of influencing the voters in favour of the party in power.

The Commission directs that all such hoardings, advertisements, etc. on display shall be removed forthwith by the concerned authorities and a compliance report furnished to the Commission.

The Commission has also directed that no advertisements should be issued in the newspapers and other media including electronic media at the cost of public

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exchequer during the election period and the misuse of mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power should be scrupulously avoided.

All Ministries/Departments/Offices of the Central Government and the State Governments may be informed of this directive of the Commission for immediate compliance.

INSTRUCTION SL. No. 30

Election Commission's letter No. 437/6/2004-PLN III, dated 24.12.2004 addressed to the Chief Secretaries/Chief Electoral Officers of Bihar & Jharkhand

Subject: - Display of advertisements and hoardings at the cost of public exchequer.

It has come to the notice of the Commission that a number of hoardings depicting the achievements of the party in power are displayed during the run up to the elections by the State Government/Union Government at the cost of public exchequer. Your attention is invited to sub-para (iv) of para VII - 'Party in Power' - of the Model Code of Conduct for the Guidance of Political Parties and Candidates which is as under: -

"The party in power whether at the Centre or in the States/UTs concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular-

(iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided."

2. With the announcement of the schedule of elections to the Legislative Assemblies of Bihar, Haryana and Jharkhand on 17th December, 2004, the Model Code of Conduct came into force immediately. The continuing display of such hoardings and advertisements at the cost of public exchequer, even if such hoardings, advertisements or posters were displayed prior to the date of announcement of elections, constitutes a violation of the Model Code of Conduct as it provides an undue advantage to the party in power and has the effect of influencing the voters in favour of the party in power.

3. The Commission has directed that those hoardings, advertisements, etc. put up by the Government which purport to give general information or convey general messages to the masses on family planning, social welfare schemes etc. may be allowed to be displayed. However, all those hoardings, advertisements, etc. which seek or purport to project the achievements of any living political functionaries or political party and which carry their photos or name or party symbol should be removed forthwith as no political functionary or political party can use public resources and incur or authorize expenditure from public exchequer to eulogise himself or itself or enhance his/its own or any political

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leader's personal image. Such hoardings, etc. undoubtedly amount to their individual/party election campaign at public cost.

4. The Commission has also directed that no advertisements should hereafter be issued in the newspapers and other media, including electronic media, at the cost of public exchequer during the election period and the misuse of mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power should be scrupulously avoided.

5. All Departments/Offices of the State Government may be informed of this directive of the Commission for immediate compliance.

6. The receipt of this letter may be acknowledged.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/7/2014/SDR/

Dated: 26th Sept., 2014

To,

The Chief Electoral Officers of
All States and UTs.

Sub: General Instructions on election related advertisements and defacement of property- instructions regarding display of advertisements on govt. owned vehicles.

Sir/Madam,

The Commission's circular letter No. 3/7/2008/J5-II/, dated 7th October, 2008, contains the instructions and guidelines to be followed in the matter of display of election related advertisements through hoardings, banners, posters etc. The said instructions mainly deal with advertisements on static property and regarding display of flags and stickers on private vehicles.

2. The issue of display of advertisements on buses of State Road Transport Corporations and Municipal Corporations have been raised before the Commission. In some cases, there are provisions for advertisement-panels on the buses for display of advertisements. There may be cases where such advertisement-panels are let out to advertising agencies for allocation to various clients during certain periods as per the contract entered into by them.

3. The Commission has considered the issue whether political advertisements may be permitted to be displayed on State Road Transport Corporation (SRTC) buses and other State owned vehicles. The Commission has examined the matter in its entirety keeping in view the spirit of Model Code of Conduct and the concept of level playing field for all stakeholders.

4. Level playing field envisaged under the Model Code of Conduct is a very vital aspect for ensuring free and fair elections. A party should not be in a position to take undue advantage on account of it being in power in the govt. This will put the other parties and contestants at a disadvantageous position and will disturb the level playing field, adversely affecting the fairness of election.

5. The buses of the SRTC are virtually under the control of the State Government concerned. The same is the case with the vehicles of the Municipal Corporations. Advertisement spaces on the buses of such corporations would be capable of being cornered by the ruling party or parties. In these cases, it will not be practically possible to ensure equitable sharing of space for the purpose of advertisements, both in terms of the quantity as well as for particular bus routes, i.e. through crowded areas and those going through less crowded places. There is reasonable likelihood that the allotment of advertisement spaces on such vehicles is likely to be manipulated more so in politically important constituencies and as such it will not be easy to ensure equitable distribution of advertisement space on the buses.

5. After having duly considered all aspects of the matter, the Commission, in exercise of its powers under Article 324 (1) of the Constitution, and in the interest of conduct of free and fair elections, has directed that State Road Transport Corporation buses and buses owned by Municipal Corporations etc. and other govt. owned vehicles shall not be used for display of political advertisements during the period when the Model Code of Conduct is in force in connection with elections to the House of the People or State Legislative Assembly or State Legislative Council from Council Constituencies.

6. These instructions may be brought to the notice of the Transport Department of the State Govt./UT Administration and all authorities concerned for compliance.

Yours faithfully,



(K. F. WILFRED)
PRINCIPAL SECRETARY