

	HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED. (A State Govt. Undertaking)	
	Registered Office Number (CIN) GST No. Telephone No. Website Address Email	: Vidyut Bhawan, Kumar House, Shimla-171004. : U40109HP2009SGC031255 : HPSEBL 02AACCH4894EHZB : 0177-2803600,2801675(Office),2658984(Fax) : www.hpseb.com : cmd@hpseb.in & directorfa@hpseb.in

No.HPSEBL(Sectt.)/R&E/Misc.Election. / 2019-11 37-67Dt. 4-4-19

Copy alongwith its enclosures is forwarded to the following for strict compliance.

- 1 All the Chief Engineers in HPSEB Ltd.,
- ✓ 2 The Superintending Engineer (IT) HPSEBL, Shimla for uploading the HPSEBL website.
- 3 The C.A.O, F&A Wing, HPSEB Ltd, Shimla -4.
- 4 .The Special Private Secretary/ Sr.P.S./P.S to Chairman/Managing Director/Directors /Executive Director(Pers.)in HPSEBL Board Sectt.
5. The Deputy Director (Pers.)/Joint Director/PR/IR in Board Sectt.
6. All the Deputy Secretaries/Under Secretaries in HPSEBL Board Sectt.
7. Guard file.

DA:-As above.


(Dr. Ashwani Kumar Sharma),
Executive Director (Pers.),
HPSEBL Vidyut Bhawan,
Shimla-4.

Immediate

U. MPP F(10)-6/2017
Government of Himachal Pradesh
Department of Multi Purpose Projects & Power

From

The Principal Secretary (Power) to the
Government of Himachal Pradesh

To

1. The Director (Energy),
Himachal Pradesh,
Shanti Bhawan, Phase-III, Sector-VI,
New Shimla-09
 2. The Managing Director,
HP State Electricity Board Limited,
Vidyut Bhawan, Shimla-04
 3. The Managing Director,
H.P. Power Corporation Limited,
Himfed Building, BCS,
New Shimla-09
 4. The Managing Director,
HP Power Transmission Corporation,
Tutikandi, Shimla-05
 5. The Chief Electrical Inspector,
Block No. 29, SDA Complex,
Shimla-09
- Dated: Shimla-02

27 March, 2019

Subject:

Lok Sabha Election 2019-Observation of Model Code of
Conduct-Removal of Hoardings-regarding.

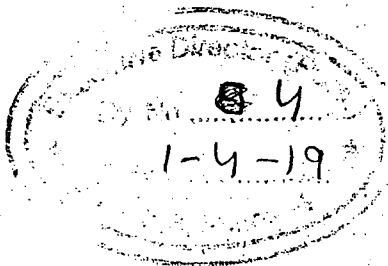
Sir/Madam,

I am directed to enclose herewith a copy of letter No. 3-43/2017-
ELN/691 dated 10.03.2019 alongwith its enclosures received from the Chief Electoral
Officer, Himachal Pradesh vide which instruction have been issued regarding removal of
hoardings.

You are therefore, requested to take necessary action to remove
such hoardings, banners, posters, wall writings, photographs etc depicting the
achievements of Government/Political Parties forthwith in view of conduct of fair and
free elections and send written compliance report on the prescribed format within 24
hours to Election Department.

Yours faithfully,

[Signature]
Special Secretary (Power) to the
Government of Himachal Pradesh
Email: power.mpp@gmail.com



ROZ Dity No. 5-3
Date: 1-4-2019

[Handwritten signature]
17/4/19

Sachy, M.P.P. & P.O. U.S.

Lok Sabha Election-2019
Fax/e-mail/Immediate

(121)

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

No: 3-43/2017-ELN *891*
From:

Dated: 10th March, 2019.

Chief Electoral Officer,
Himachal Pradesh.

H.P. Secretariat
Central Registry Section
Date 13/3
Computer Diary No 54639678

To

1. All the Administrative Secretaries to the Govt. of Himachal Pradesh.
2. All the District Election Officers (DCs), in Himachal Pradesh.

Subject: - Lok Sabha Election-2019- Observance of Model Code of Conduct - Removal of Hoardings - Regarding.

Sir/Madam,

In continuation of this department's letter of even number dated 6th March, 2019, I am to say that the Model Code of Conduct has come into force with the announcement of election schedule by the Election Commission of India w.e.f. 10th March, 2019. 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 and No. 437/6/INST/2008-CC&BE, dated 13-4-2009, No. 3/7/2014/SDR, dated 11-3-2014, 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.

You are requested to take necessary action to remove such hoardings, banners, posters, wall writings, photographs etc. depicting the achievements of Government / Political parties forthwith in view of conduct of fair and free elections and send written compliance report on the prescribed format within 24 hours 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,

Chief Electoral Officer,
Himachal Pradesh.

Copy to the Complaint Seat/Election Expenditure Monitoring Cell for information and necessary action.

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INSTRUCTION Sl. No. 22

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.

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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 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.

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INSTRUCTION Sl. No. 23

ECI letter No.437/6/INST/2008-CC&BE Dated: 13th April, 2009 addressed to the Chief Secretaries and Chief Electoral Officers of all States and UTs

Subject: Applicability of Model Code of Conduct - 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 General Elections to Lok Sabha and to the Legislative Assemblies of various States on 2nd March, 2009, 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 at the cost of Public exchequer shall be removed forthwith by the authorities concerned 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 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.

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INSTRUCTION SI. No. 36

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 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: 11th March, 2014

दिनांक 11/3/14

To,

The Chief Electoral Officers of
All States and UTs.

Sub: Prevention of Defacement of Property & other campaign related items- Clarification regarding use of flags of political parties/candidates.

Sir/Madam,

Please refer to the Commission's circular letter No. 3/7/2008/JS-II/, dated 7th October, 2008, on the abovementioned subject.

2. The crux of the instructions is to abide by the extant provisions in the prevailing law, if any, in the State/locality on the subject of defacement of property. In those States where there is no specific law governing prevention of defacement of property, the abovementioned instructions provide that display of easily removable material such as flags, banners, hoardings could be done on private property/premises with the prior consent of the owner/occupier of the property.

3. In view of recurring references on the permissibility of display of flags/banners, etc. of political parties/candidates on private property, it is clarified that:-

(i) in those States where the State/Local Defacement law specifically prohibits display of flags, banners, hoardings etc., the provisions in the law will strictly apply and such material shall not be displayed on private property or property in public view;

(ii) If the State/Local Law does not so specifically prohibit display of flag or hoarding or banner, etc. on private property, then such material (flag, banner, hoarding) can be allowed to be displayed on private property, on own volition of the owner/occupier of the property, subject, however to any court decision/direction to the contrary. In the case of display on others' property, prior permission should be obtained from the owner/occupier concerned;

(iii) The position at Para 3(ii) above will also apply in the case of those States where there is no law governing defacement of property as already provided in the Commission's letter dated 7th October, 2008, referred to above.

4. The above clarification may be brought to the notice of all election related authorities and the Police authorities as well as the political parties. All other instructions in the Commission's circular letter No. 3/7/2008/J.S.-II, dated 7th October, 2008, shall continue to apply.

Yours faithfully,

(K.F.WILFRED)

(22)

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/JS-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.

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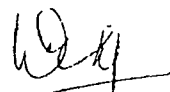
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5. The buses of the SRTC are virtually under the control of the State Government concerned. The same is the case with the vehicles of the Municipal Corporations. Advertisement spaces on the buses of such corporations would be capable of being cornered 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