

भाग एक-अ]

मह.राष्ट्र शासन राजपत्र, असाधारण मार्च २०, १९९५/फाल्गुन २९, शके १९९६

STATE ELECTION COMMISSION, MAHARASHTRA

No. SEC. 1095/CR-9/95/Desk-3,
New Administrative Building,
Opposite Mantralaya,
Madame Cama Road, Bombay 400 032.
Dated the 18th March 1995.

To.

The Chief Secretary to the Government of Maharashtra,
Mantralaya, Bombay 400 032.

Subject.—Use of loudspeakers at the elections to Panchayats and Municipalities.

Sir

The State Election Commission has fixed a programme for holding general elections to three Municipal Corporations (Municipal Corporations of Aurangabad, Kalyan and Navi-Mumbai), nine Municipal Councils (Municipal Councils of Ambernath, Bhiwandi-Nizampur, Kulgaon-Badlapur, Nalasopara, Navghar-Manikpur and Ulhasnagar in Thane District, Shirdi in Ahmednagar District, Waghala in Nanded District and Jalgaon in Jalgaon District) and over about 14,000 Village Panchayats. The election programme for all these elections has already commenced. It is necessary that all these elections should be held and completed in a peaceful, free and fair manner, and for that purpose, to take certain steps with a view to preventing annoyance, disturbance, discomfort and injury to the public or to any person during the propoganda by the political parties, candidates or their supporters.

2. Section 33 of the Bombay Police Act, 1951 provides for power to make rules *inter alia* for regulation of the use of loudspeaker in or near any public place or in any place of public entertainment. Section 36(ea) of that Act empowers the Commissioner of Police or the Superintendent of Police or other police officers to give directions to regulate and control the use of loudspeakers in or near any public place or in any place of public entertainment and clause (f) of that section empowers them to make reasonable orders subordinate to, or in furtherance of, any order made by a competent authority under section 33, etc., Section 38 of that Act empowers the Commissioner of Police or the Superintendent of Police to prohibit, etc. continuance of music, sound or noise in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any person. Contravention of any orders made under these provisions are offences and are punishable under the said Act. All these provisions have been obtaining for all the years in the past, but the indiscriminate use of loudspeakers during elections could be checked only with the strict enforcement of the Code of Conduct by the Chief Election Commissioner of India during the elections to the Assembly and Parliament.

3. In connection with their electioneering campaigns for the elections including bye-elections to the Panchayats and Municipalities, political parties, candidates, their supporters and sympathisers will convene and hold public meetings and take out processions, etc. where loudspeakers will be used as one of the means of election propoganda and imparting information to the public. These loudspeakers are not only used from fixed rostrums but also used mounted/fitted on vehicles like trucks, tempos, cars, taxis, vans, three wheelers, scooters, cycles, rickshaws, etc. These vehicles move on all roads and go around villages and localities with the loudspeakers broadcasting at a very great volume. This results in serious noise pollution and causes great disturbance to the peace and tranquility of the general public. The student community, in particular, gets seriously disturbed as their studies are badly hampered because

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loudspeakers are used from very early hours in the mornings, continue to do so throughout the day till extremely late hours in the night. The aged, the infirm and the sick are also put to severe discomfort.

4. The use of loudspeakers can not be stopped altogether during the election period. But at the same time, indiscriminate use of loudspeakers at odd hours and at odd places at very high volumes which have the effect of disturbing peace and tranquility and causing annoyance to the general public, the sick and the student community, in particular, should not be permitted and has got to be regulated effectively.

5. After considering all aspects of the matter, the State Election Commission, in exercise of the powers conferred by Articles 243-K and 243-ZA of the Constitution of India, read with sub-section (4) of section 18A of the Bombay Municipal Corporation Act (Bom. III of 1888), sub-section (4) of section 9B of the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950), sub-section (4) of section 14 of the Bombay Provincial Municipal Corporation Act, 1949 (Bom. LIX of 1949), sub-section (4) of section 10A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, sub-section (4) of section 10A of the Bombay Village Panchayats Act, 1958 (Bom. III of 1959), the Zilla Parishads and Panchayats Samitis Act, 1961 (Mah. V of 1962), and of all other powers enabling it in this behalf, and in relation to holding of elections under these provisions under the supervision, direction and control of the State Election Commission, hereby directs that the use of loudspeakers for propoganda or public meetings at the elections shall be strictly regulated as follows :—

(i) Use of loudspeakers during the election period shall be permitted only between 6-00 a.m. and 10-00 p.m.

(ii) Any loudspeaker being used beyond the hours prescribed shall require written permission of the authorities concerned.

(iii) Any loudspeaker being used beyond the hours prescribed above, or without permission of authorities concerned shall be confiscated and in case of a use of loudspeaker on the moving vehicle, the loudspeaker alongwith all the apparatus and the vehicle shall be confiscated in accordance with the provisions of law for the time being in force.

(iv) Prosecution should be launched against a person who contravenes any of the orders of the appropriate authority in this behalf.

6. The State Government shall strictly implement the above measures and issue detailed and comprehensive standing instructions to all the authorities concerned to take appropriate legally effective steps in this behalf and assist the election authorities in the peaceful, smooth free and fair conduct of elections. A copy of the instructions so issued should be endorsed to the State Election Commission.

7. These directions shall apply at all other/future general or bye-elections to any Panchayat or Municipality in the State.

Yours faithfully,

D. N. CHAUDHARI,
State Election Commissioner, Maharashtra.

Copy forwarded with compliments to the Additional Chief Secretary, to the Government of Maharashtra Home Department, Mantralaya, Mumbai 400 032.

Copy forwarded for information to—

All the Divisional Commissioners.

All the Municipal Commissioners of Municipal Corporations.

All the Collectors of Districts.