

STATE ELECTION COMMISSION

No. SEC.1095/CR-25/95/PR,
 New Administrative Building,
 Opp. Mantralaya, Madam Cama Road, Bombay 400 032,
 Dated 21st January 1995.

To

The Commissioners,
 (All Revenue Divisions),
 The Municipal Commissioner,
 (All Municipal Corporations),
 The Collector,
 (All Districts),
 The Chief Executive Officer,
 (All Zilla Parishads).

Sub.—Elections to the Panchayats and the Municipalities—

Prevention of defacement of property and for matters connected therewith or incidents thereto :—

The Governor of Maharashtra has promulgated an Ordinance, being Maharashtra Ordinance No. 1 of 1995, to provide for prevention of defacement of property and for matters connected therewith or incidental thereto. This Ordinance has been published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, dated the 18th January 1995 at pages 14.

2. It is common knowledge that political parties/associations/bodies or candidates or their workers, supporters or sympathisers indulge in defacing or spoiling private or public property including buildings by pasting of posters, writing of slogans, painting of symbols, erecting flagstuffs, suspending banners, etc. Indulgence in such undesirable activities, without written permission of the owner of the building, whether private or public, by such party/association/body/candidate/person, calls for action such as prosecution or otherwise being proceeded against under the law. All such acts of defacement of property indulged in by political parties/ associations/bodies or persons whether during the election period or non-election period call for such action as mentioned above. The laws in relation to the Panchayati Raj institutions and the Municipal Corporations or Municipal Councils do not adequately provide for appropriate action against such party or persons and as the Government has observed that there is increasing tendency of defacing private or public properties for personal purpose and advertisement, etc. without obtaining necessary permission for the same from the local authority concerned, the abovementioned Ordinance has been promulgated.

3. The Ordinance defines the expressions " advertisement " " defacement ", " place open to public view ", " public place " as under—

(a) advertisement means any printed, cyclostyled typed or written notice, document paper on any other thing containing any letter, word, picture, sign or visible representation ;

(b) " defacement " includes impairing or interfering with the appearance of beauty, damaging, disfiguring spoiling or injuring in any way whatsoever and the word " deface " shall be construed accordingly;

(c) " place open to public view " includes any private place or building monument, statue post, wall, fence or contrivance, visible to a person being in, or passing along, any public place ;

(d) " public place " means any place (including a road, street, or way whether a throughfare or not and a landing place) to which the public are granted access or have a right to resort or over which they have a right to pass.

The offence for defacing property is punishable with imprisonment for a period which may extend to three months or with fine which may extend to two thousand rupees or with both.

4. Therefore, with a view to preserve the purity of election process and rendering elections truly reflective of the choice of the people expressed in elections which are held in a free and fair manner, it is expedient to make certain provisions laying down the limit of expenditure to be incurred by the contesting candidate at the elections to the Panchayats or the Municipalities and particularly when the laws which govern the panchayats and the Municipalities are silent in this respect. the State election Commission has, therefore, made an Order, being Order No. SEC-1095/101/D-3, dated the 7th February 1995, laying down the limit of expenditure to be incurred by the contesting candidate. A copy of the said Order is forwarded herewith for your reference and guidance.

5. Arrangements are being made to get the Order printed and to supply the printed copies to the Municipal Commissioners and the Collectors. In the Meantime, wherever elections are to be held before receipt of printed copies, the Municipal Commissioner and the Collectors will no doubt make sufficient copies of this Order together with its annexures and supply the same to the Contesting candidate at such elections.

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