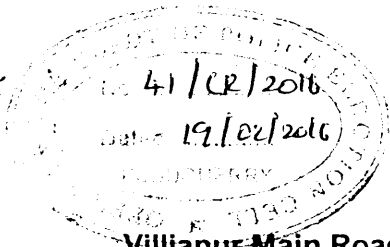


(2)



ELECTIONS
MOST URGENT

GOVERNMENT OF PUDUCHERRY
ELECTIONS DEPARTMENT

Villianur Main Road, Lawsthottam, Reddiarpalayam, Puducherry-605010
Phone: (0413) 2292204, 2292205

Fax: (0413) 2292206 Web: <http://ceopuducherry.py.gov.in/>

"Greater Participation for a Stronger Democracy"

No.:E.108(1)/2016-323

Puducherry, dt.

OFFICE MOMORANDUM

19 FEB 2016

Sub : Elections – General Elections to the Puducherry Legislative Assembly 2016 – Restrictions on the printing of pamphlets, posters etc. – Copy of Election Commission of India's Orders / directions – Forwarded – Reg.

MUTHIALPET CIRCLE
No. 105/Mu/CR/16
Date: FEB. 2016

A copy of the following orders/directions of the Election Commission of India pertaining to imposing restrictions on printing of pamphlets, posters etc., are forwarded for taking necessary action in view of the imminent announcement of the schedule of Elections by the Election Commission of India.

- (a) Order No. 3/9 (ES008)/94-J.S-II dated 2.9.1994
- (b) Letter No. 3/9/2004/J.S-II dated 24.08.2004
- (c) Letter No.3/9/2007/JS-II dated 16.10.2007
- (d) Letter No.3/9/2009/SDR dated 9.3.2009
- (e) Letter No.3/9/2013/SDR dated 8.11.2013

Handwritten notes:
Aels
ra 5/2/16 & 12/2/2016

2. Action taken may kindly be intimated to this Department immediately.

(By Order)

Handwritten signature

Handwritten signature of P.T. Rudra Goud
(P.T.RUDRA GOUD)

JOINT CHIEF ELECTORAL OFFICER

Encl.: as above
To

The District Magistrate, Puducherry
The District Magistrate, Karaikal

Copy with enclosure to:-

- 1. The Deputy Inspector General of Police, Pondicherry
- 2. The Superintendent of Police, Election Cell, Pondicherry

With a request to issue necessary instructions to all unions of Police for necessary action.

Copy with enclosures submitted to:

- 1. The Inspector General of Police, Puducherry
- 2. The District Election Officers, Puducherry / Karaikal

- for kind information

Endt. No.41/CR/SP(EC)/2016

Office of the Supdt. of Police
Election Cell, Puducherry

Dated: 21.02.2016

Copy communicated to all SPs, Inspectors, SHOs and SIs for information and necessary action.

Forwarded for Necessary action
Mut. PS / Kal. PS / O.P.

SP/EC

Copy submitted to: IGP/DIGP/SSPs (L&O/C&I/HQ)- for kind information please.

Handwritten signature
INSPECTOR OF POLICE
MUTHIALPET CIRCLE
PUDUCHERRY

APPENDIX XIV

(Chapter VII, Para 110)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110001.

No. 3/9(ES008)/94-J.S.II

Dated: 2nd September, 1994

ORDER

Subject: RESTRICTIONS ON THE PRINTING OF PAMPHLETS POSTERS,
ETC.

The printing and publication of election pamphlets, posters etc., is governed by the provisions of Section 127A of the Representation of People Act, 1951. The said Section 127A provides as follows:-

- 127A. RESTRICTIONS ON THE PRINTING OF PAMPHLETS POSTERS, ETC.
- (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publishers thereof.
 - (2) No person shall print or cause to be printed any election pamphlet or poster-
 - (a) unless, a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and
 - (b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document.
 - (i) where it is printed in the capital of the State, to the Chief Electoral Officer; and
 - (ii) in any other case, to the district magistrate of the district in which it is printed.
 - (3) For the purposes of this section:-
 - (a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly; and
 - (b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidate or any placard or poster having reference to an election, but does not include any handball, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.
 - (4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.
2. The above restrictions on the printing of election pamphlets, poster, etc, have been imposed under the law with a view to establishing the identity of publishers

- and printers of such documents, so that if any such document contains any matter or material which is illegal, offending or objectionable like appeal on ground of religion, race, caste, community or language or character assassination of any opponent, etc., necessary punitive or preventive action may be taken against the persons concerned. These restrictions also sub-serve the purpose of placing a check on the incurring of unauthorised election expenditure by political parties, candidates and their supporters on the printing and publication of election pamphlets, posters, etc.
3. The Commission has noticed that the above provisions of law relating to printing and publication of election pamphlets, posters, etc., are being followed more in their breach than in their observance. At the time of elections, a large number of such documents are printed, published, circulated and pasted on the walls of private and Government buildings in respect of which the above mentioned requirements of law have not been complied with. The printing presses rarely send the printed documents to the Chief Electoral Officers or, as the case may be, the District Magistrates concerned along with the declaration obtained from the publisher as required under Section 127A(2). Many a time, the election pamphlets, posters, etc, do not bear on the face the names and addresses of the printer and/or publisher thereof in violation of Section 127A(1).
 4. It is further complained to the Commission that no timely action is taken against the offenders with the result that offending material is freely published and circulated with impunity. In this connection, attention is drawn to the following observations made by the Supreme Court in *Rahim Khan Vs. Khurshed Ahmed and others* (AIR 1975 SC 290):
"Even at this stage we may notice that the handbill in question does not contain the name of the printer and publisher although the election law so requires. Unfortunately, when such printed material is circulated, there is no agency of the law which take prompt action after due investigation, with the result that no printer or candidate or propagandist during elections bothers about the law and he is able successfully to spread scandal without a trace of source, knowing that nothing will happen until long after the election, when in a sudden some litigation this question is raised. Timely enforcement is as important as rule of law as the making of legislation."
 5. In order that in future there is strict observance of, and compliance with, the requirements of the above mentioned provisions of law on the subject, the Commission, in exercise of its power under Article 324 of the Constitution and all other powers enabling it in this behalf, and in supersession of all its previous instructions on the subject, hereby directs as follows:-
 - (1) As soon as any election from a Parliamentary, Assembly or Council Constituency is announced by the Election Commission, the District Magistrates shall, within three days of such announcement of election, write to all printing presses in their districts.
 - (a) pointing out to them the requirements of above mentioned Section 127A and specifically instructing them to indicate clearly in the print line the names and addresses of printer and publisher of any election pamphlets or posters or such other material printed by them;
 - (b) asking the printing presses to send the copies of the printed material (alongwith three extra copies of each such printed material) and the declaration obtained from the publisher as required under Section 127A(2) within three days of its printing;

- (c) impressing on them in clear terms that any violation of the provisions of Section 127A and the above directions of the Commission would be very seriously viewed and stern action, which may in appropriate cases include even the revocation of the licence of the printing press under the relevant laws of the State, would be taken.
- (2) The Chief Electoral Officer shall do likewise in respect of the printing presses located at the State capitals.
 - (3) Before undertaking the printing of any election pamphlets or posters, etc., the printer shall obtain from the publisher a declaration in terms of Section 127A (2) in the proforma prescribed by the Commission in Annexure-A hereto. This declaration shall be duly signed by the publisher and attested by two persons to whom the publisher is personally known. It should also be authenticated by the printer when it is forwarded to the Chief Electoral Officer or the District Magistrate, as the case may be.
 - (4) As directed above, the printer shall furnish four (4) copies of the printed material, along with the declaration of the publisher, within three (3) days of the printing thereof. Along with such printed material and the declaration, the printer shall also furnish the information regarding number of copies of the document printed and the price charged for such printing job, in the proforma prescribed by the Commission in Annexure-B hereto. Such information shall be furnished by the printer, not collectively but separately, in respect of each election pamphlets, posters, etc., printed by him within three (3) days of the printing of each such document.
 - (5) As soon as a District Magistrate receives any election pamphlets or posters, etc., from a printing press, he shall examine whether the publisher and printer have complied with the requirements of law and the above directions of the Commission. He shall also cause one copy thereof to be exhibited at some conspicuous place in his office so that all political parties, candidates and other interested persons may be able to check whether the requirements of law have been duly complied with in relation to such document and which would also enable them to bring to the notice of the authorities concerned the cases of other election pamphlets, posters, etc., in respect of which the above requirements of law have been violated.
 - (6) The Chief Electoral Officers shall also likewise take further follow up action as mentioned in sub-para (5) above in respect of the pamphlets, posters, etc., received by them.
 - (7) The Chief Electoral Officers and the District Magistrates shall initiate prompt action for investigation forthwith if any case of publication of election pamphlets, posters etc. in violation of the above mentioned provisions of said Section 127A and/or the Commission's above directions either comes, or is brought, to their notice. In all such cases prosecutions should be launched against the offenders most expeditiously and these cases should be pursued vigorously in the courts concerned.
 6. The Commission hereby cautions all political parties, candidates and others concerned that any violation of the law and the Commission's directions on the above subject will be viewed with utmost concern and the most stringent action possible will be taken against the offenders.
 7. If any officer who is responsible for the enforcement of the above provisions of law and the directions of the Commission is found to have failed in the due discharge of his duties in this regard, he will be liable to severe disciplinary

action apart from any penal action that may be called for against him for breach of his official duty.

BY ORDER AND IN THE NAME OF
ELECTION COMMISSION OF INDIA

(S.K. MENDIRATTA)
SECRETARY

1. The Chief Secretaries of Governments of all States and Union Territories.
2. The Chief Electoral Officers of all States and Union Territories.

ANNEXURE-A
[SEE CHAPTER VII, PARA 11.1 (b)]

PROFORMA FOR DECLARATION TO BE SUBMITTED BY THE PUBLISHER OF
ELECTION POSTERS, PAMPHLETS, ETC.

[See Section 127-A of the Representation of the People Act, 1951]

I son/daughter/wife of resident
(name) (name)
of(village/town) (district) (State),
hereby declare that I am the publisher of (give brief particulars
of election poster, pamphlet, etc.) Being printed by.....
(name of printing press)

Place.....
Date.....

(Signature of Publisher)

Full Address.....

Attested by (person personally known to publisher)

1. Signature
(name and address)

2. Signature
(name and address)
Countersigned by

Signature
(Name and address of Printer)

ANNEXURE-B
[SEE CHAPTER VII, PARA 11.2 (b)]

PROFORMA FOR SUBMISSION OF INFORMATION REGARDING PRINTING OF
ELECTION POSTER, PAMPHLETS, ETC.

1. Name _____ and _____ address _____ of
printer.....
.....
.....
2. Name _____ and _____ address _____ of
publisher.....
.....
.....
3. Date of the printing order of the publisher.....
4. Date of the declaration of the publisher.....
5. Brief particulars of election poster, pamphlet, etc.....
6. Number of copies of the above document printed.....
7. Date of printing.....
8. Printing charges (including cost of paper) being charged from the publisher in
respect of the above document

Place..... (Signature of Printer)
Date..... Seal of the Printer

INSTRUCTION SI. No. 80

Election Commission's letter No. 3/9/2004/J.S-II, dated 24.08.2004 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject: - Restrictions on the printing of pamphlets, posters, etc.

I am directed to invite your attention to the Commission's Order No. 3/9/(ES0G8)/94-JS-II dated 2.9.94 on the above subject wherein Commission issued its guidelines in pursuance of the provisions of section 127A of the Representation of the People Act, 1951 regarding printing and publication of election pamphlets, posters etc. These provisions are reproduced below:-

"127A. Restrictions on the printing of pamphlets, posters, etc. (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster -

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document;

(i) where it is printed in the capital of the State, to the Chief Electoral Officer; and

(ii) in any other case, to the district magistrate of the district in which it is printed.

(3) For the purposes of this section:-

- (a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly; and
 - (b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.
- (4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both."

2. It Has been observed that surrogate advertisements appear in print media, especially newspapers, for and against particular political parties and candidates during election period. In many cases such advertisements are for the prospects of election of particular candidates. As per Section 77(1) of the Representation of the People Act, 1951, expenditure involved in such advertisements in connection with the election of any candidate has to be added to the account of election expenses of the candidate, required to be maintained under that Section. Further, Section 171H of IPC prohibits incurring of expenditure, on inter-alia, advertisement, circular or publication, for the purpose of promoting or procuring the election of a candidate, without authority from the candidate. The surrogate advertisements defeat the purposes of the aforesaid provisions of law.

3. In order to subserve the requirements of the provisions of law as mentioned above, the Commission has directed that in the case of any advertisements/election matter for or against any political party or candidate in print media, during the election period, the name and address of the publisher should be given along with the matter/advertisement.

4. This may be brought to the notice of all concerned including District Election Officers and the print media in your State for information and compliance.

5. Kindly acknowledge receipt.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Dehi-110 001.

No. 3/9/2007/JS II
To

Dated : 16th October, 2007

1. The Chief Secretaries of all States/Union Territories.
2. The Chief Electoral Officers of all States/Union Territories.

Subject:- Restrictions on the Printing of pamphlets, posters etc.

Sir,

I am directed to invite a reference to the Commission's letter No. 3/9/2004/JS-II, dated 24th August, 2004 regarding the provisions of section 127A of the Representation of the People Act, 1951.

2. It has been brought to the notice of the Commission that advertisement are brought out in print media, some surrogate and some under the name of some organizations.

3. The following points may be noted in respect of the advertisements that appear in the print media, especially newspapers, for and against particular political parties and candidates during election period:

(a) In the case of advertisements, the source of which is traceable, the following action may be taken: -

- (i) if the advertisement is with the consent or knowledge of the candidate, it will be treated to have been authorized by the candidate(s) concerned and will be accounted for in the election expenses account of the candidate(s);
- (ii) if the advertisement is not with the authority from the candidate, then action may be taken for prosecution of the publisher for violation of Section 171 H of IPC-(incurring expenditure in advertisement without written authority from the candidate(s) concerned).

(b) If the identity of the publisher is not indicated in the advertisement, then you may contact and get the information from the Newspaper concerned, and consider appropriate action, as above.

4. The District Election Officers, Returning Officers alongwith other election authorities may be informed of the Commission's abovementioned instructions for their compliance. Action taken in this regard may please be confirmed by endorsing to the Commission, a copy of the instructions issued to the District Election Officers, Returning Officers etc.

5. Please acknowledge receipt of this letter.

Yours faithfully,

(K.F.WILFRED)
SECRETARY

11/3/09
ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

No. 3/9/2009/SDR

Dated: 9th March, 2009

11/3/09
S DEPARTMENT
DICHERRY

The Chief Electoral Officers of
all States and Union Territories.

AL

11/3/09.....

72
Subject:

General Elections to the House of the People and to the Legislative Assemblies of Andhra Pradesh, Orissa and Sikkim -Restrictions on the Printing of pamphlets, posters etc. - reiteration of instructions - regarding.

Sir,

The Commission has announced the schedule for the General Elections to the House of the People and to the Legislative Assemblies of Andhra Pradesh, Orissa and Sikkim on 2nd March, 2009. In this connection, your attention is invited to Commission's letter No. 3/9/2007/JS-II dated 16-10-2007 (copy enclosed) relating to restriction on the printing of pamphlets, posters etc. You are therefore requested to bring these instructions to the notice of all concerned.

2. Kindly acknowledge receipt.

↓
P. A/c

Yours faithfully,

(NARENDRA N. BUTOLIA)
UNDER SECRETARY

ELECTIONS DEPARTMENT
PUDUCHERRY.

DATE : 13 NOV 2013

No. : 40 ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/9/ 2013/SDR

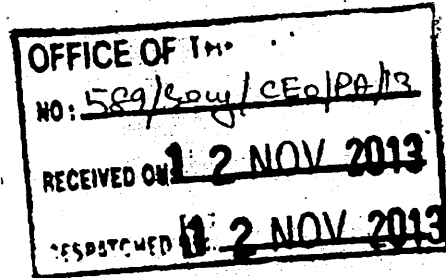
Dated: 8th November, 2013

To,

All Recognized National and
State Political Parties

&

All Registered – Unrecognized Political Parties.
(through Chief Electoral Officers).



Sub: Printing of Pamphlets/Posters etc. by political parties

Sir/Madam,

Political parties come out with printed posters, pamphlets, notices etc. for the purpose of their propaganda and publicity. This is done both during election period and non-election period. It is noticed that some of the legal provisions are not adhered to in the printing and publishing of such campaign material.

The political parties are advised to keep in view, among others, the following aspects while printing and publishing any campaign material:

- (i) Section-3 of the Press and Books Registration Act, 1867 provides that "Every book or paper printed within India shall have printed legibly on it the name of printer and place of printing and if the book or paper is published the name of publisher, and the place of publication". Section 12 of the said Act prescribes penalty for violation of the provisions of the said Section 3.
- (ii) Section 127A of Representation of the People Act, 1951 provides that election pamphlets, posters etc. shall bear on its face, the name and address of both the printer and publisher. Further, the publisher is required to furnish declaration, in duplicate, to the printer about the identity of the publisher, and the printer is required to send a copy of the document printed along with the declaration to the Chief Electoral Officer of the State if the printing is done in the State Capital, and in other cases copy is to be sent to the District Magistrate of the district where the printing is undertaken.
Under Sub-Section (4) of the said Section 127A, contravention of the above-mentioned requirements is punishable with the imprisonment for a term upto 6 months or with fine upto Rs. 2000/-.

21

A copy of the Commission's letter No. 3/9(ES008)/94-JS-II, dated 02-09-1994 containing the Commissions' instructions regarding the implementation of the provisions of Section 127A is enclosed for ready reference.

- (iii) Political parties may also take care to ensure compliance with other local laws that may be in force in any particular State/area. They may also take care that the campaign material do not create mutual hatred vis-à-vis other political parties.

The political parties are requested to advise their various units and cadres to follow the above advisory in letter and spirit.

Yours faithfully,



(K.F. WILFRED)
PRINCIPAL SECRETARY

Copy to the Chief Electoral of all States and Union Territories with the request to bring this letter to the notice of all registered un-recognized political parties and the State Units of recognized National and State Parties.

The Commission has also directed that if any case of violation of the provisions of the law mentioned in paras 2(i) and 2(ii) above are brought to their notice, the DMs/Collectors concerned should be instructed to take appropriate action as per the law against the printer and publisher concerned.



(K.F. WILFRED)
PRINCIPAL SECRETARY