

ELECTION COMMISSION OF INDIA

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

No. 3/9/2004/JS-II
To

Dated: 24th August, 2004.

The Chief Electoral Officers,
of all States and Union Territories.

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

Sir,

I am directed to invite your attention to the Commission's Order No. 3/9/(ES008)/94-JS-II dated 2.9.94 on the above subject wherein Commission issued 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 purpose 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 sub serve 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 alongwith 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.

Yours faithfully,

(S.R. KAR)

UNDER SECRETARY