

**OFFICE OF THE DISTRICT ELECTION OFFICER & COLLECTOR
BARGARH (ODISHA)**

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No. XXXI-38/2023/ 4713

Elec. Dated. 16.03.2024

To

All the Proprietors / Owners of Printing Press,
Bargarh District

Sub: - Restriction on the printing of pamphlets, posters, etc. with respect to implementation of Model Code of Conduct in connection to Simultaneous General Election-2024 - regarding.

Ref: - Letter No. 3/9/2004/J.S-II Dated. 24.08.2004 of the Election Commission of India.

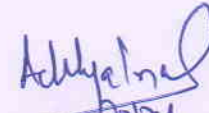
Sir/ Madam,

In inviting a reference to the subject cited above, I am to say that, the Election Commission of India vide Letter No. 3/9/2004/J.S-II Dated. 24.08.2004 has issued guidelines in pursuance of Section 127A of the Representation of People Act, 1951 regarding printing and publication of election pamphlets, posters etc which are enclosed for your reference.

You are therefore, requested to adhere to the above instructions. Any violation in this regard attract penal action as provided under R.P. Act & relevant penal laws.

Yours faithfully,

Encl:- As above

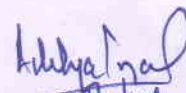


District Election Officer &
Collector, Bargarh

Memo No. 4714

Dt. 16.03.2024

Copy to the Superintendent of Police, Bargarh for information and necessary action.



District Election Officer &
Collector, Bargarh.

Memo No. 4715 . Dt. 16.03.2024

Copy to All Returning Officers of Bargarh District for information and necessary action and necessary action.

Aditya Mal
16/3/24

District Election Officer &
Collector, Bargarh

Memo No. 4716 Dt. 16.03.2024

Copy to the Joint Director, NIC, Bargarh for information and necessary action. He is requested to web hoist the letter int the District Portal for information of general public.

Copy to the District Information and Public Relation Officer, Bargarh for information and necessary action.

Aditya Mal
16/3/24

District Election Officer &
Collector, Bargarh

Memo No. 4717 Dt. 16.03.2024

Copy to the Additional District Magistrate (Revenue)-cum- Nodal Officer, MCMC, Bargarh for information and necessary action.

Aditya Mal
16/3/24

District Election Officer &
Collector, Bargarh

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

INSTRUCTION Sl. No. 37

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 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 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.

INSTRUCTION SL No. 41

Election Commission's letter No. 3/9/2007/JS-II Dated: 16th October, 2007. addressed to the Chief Secretaries & the Chief Electoral Officers of all States and Union Territories.

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

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 advertisements 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 along with 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.