

General Election of Vidhan Sabha -2009

Most Immediate / Date Bound

No.4/89/2009-1Election
Government of Haryana
Chief Secretary Office
(Election Branch)

Dated Chandigarh, the 21st September, 2009.

To

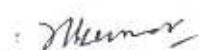
1. The Financial Commissioner & Principal Secretary to Govt., Haryana,
Home Department.
2. The Director General of Police, Haryana.
3. All Divisional Commissioners in Haryana.
4. All Deputy Commissioners in Haryana.

Subject: - General Election to Haryana Vidhan Sabha Election, 2009- Restrictions on the printing of pamphlets, posters, etc.- reg.

Sir/Madam,

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No.Election-2009/2AE-8223, dated 20.09.2009 alongwith its enclosures received from the Chief Electoral Officer, Haryana. It is requested that instructions contained in letters No.3/9/2004/JS-II, dated 24.08.2004 and No.3/7/2007/JS-II, dated 16.10.2007 of the Election Commission of India may be complied with during the ensuing general election to Haryana Vidhan Sabha, 2009.

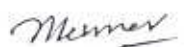
Yours faithfully,


(Naresh Kumar)
Superintendent Election.

Endst.No.4/89/2009-1Election

Dated Chandigarh, the 21st September, 2009.

A copy is forwarded to the Chief Electoral Officer, Haryana, Chandigarh with reference to his letter No.Election-2009/2AE-8223, dated 20.09.2009 for information and necessary action.


(Naresh Kumar)
Superintendent Election.

CC: -

- 1 PS/CS
- 2 PS/PSCM
3. Director, NIC

General Election to Haryana Sabha Elections-2009

Most Immediate/Date Bound

No: Election-2009/2AE- 8223

From

The Chief Electoral Officer,
Haryana

To

1. The Chief Secretary to Govt., Haryana.
2. The Financial Commissioner & Principal Secretary to Govt., Haryana Home Department.
3. The Director General of Police, Haryana

Dated: Chandigarh the — 20 September, 2009.

Subject:- General Election to Haryana Sabha Elections, 2009-Restrictions on the printing of pamphlets, posters, etc.- regarding.

Sir

On the subject cited above, I am directed send herewith a copy of letter No. 3/9/2009/SDR/125, dated 14.09.2009 alongwith a copy of each the letter dated 24.8.2004 and 16.10.2007 mentioned in the above referred letter of the Commission for your information and necessary action. It is also requested to ensure the compliance of these instructions during the ensuring general election to Haryana Vidhan Sabha, 2009.

Yours faithfully,

Asstt. Chief Electoral Officer,
For: Chief Electoral Officer, Haryana.

Through R.A

Superintendent,
O/o Chief Electoral Officer,
Haryana, Chandigarh.

निर्वाचन शाखा
कम सरख्या 23.05.09
दिनांक. 21-9-09

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/9/2009/SDR

Dated: 14th September, 2009

To

The Chief Electoral Officers of

1. Arunachal Pradesh
2. Maharashtra
3. Haryana

Subject:

General Elections to the Legislative Assemblies of Arunachal Pradesh, Maharashtra and Haryana.

आयची नं. 366

दिनांक 16-9-09

The Commission has announced the schedule for the General Elections to the Legislative Assemblies of Arunachal Pradesh, Maharashtra and Haryana on 31st August, 2009.

In this connection, your attention is invited to the instructions contained in Commission's letters No. 3/9/2004/J.S.II dated 24-8-2004 and No. 3/9/2007/J.S-II, dated 16-10-2007 relating to restriction on the printing of pamphlets, posters etc. You are requested to bring these instructions to the notice of all concerned. These instructions are printed at Sl.No.45 and 49 of the Compendium of instructions on Conduct of Elections- Vol.III.

2. Kindly acknowledge receipt.

Yours faithfully,

(ASHISH CHAKRABORTY)
UNDER SECRETARY

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No. 3/9/2004/JS-II

Dated:- 24th August, 2004.

To

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 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.

Yours faithfully,



(S.R. KAR)
UNDER SECRETARY

Copy to Secretaries, Under Secretaries.

(Hindi versions will follow)

10/10/07
Addl. C. 50
ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/7/2007/JS-II

Dated: 16th October, 2007

To

1. The Secretary to the
Government of India
Ministry of Home Affairs
New Delhi-110001.

2. The Chief Secretaries of
All States and Union Territories.

3. The Chief Electoral Officers of
All States and Union Territories.

Sub: Prevention of defacement of property - Election campaign by
political parties and candidates - Instructions.

Sir,
I am directed to invite a reference to the Commission's letter No. 3/7/2007/JS-II, dated 8th March 2007, on the subject cited. Certain clarifications have been sought in this matter. After considering the relevant aspects, the Commission has issued the following consolidated instructions in modification of the existing instructions in the matter:

PUBLIC PLACES

2. (a) No wall writing, pasting of posters/papers or defacement in any other form, or erecting/displaying of cutouts, hoardings, banners etc. shall be permitted on any public property/public premises.

(b) However, if the local laws permit or provide for writing of slogans, displaying posters, etc., or erecting cut-outs, hoardings, banners, political advertisement, etc., in any public place specifically identified for such purposes, on payment or otherwise, this may be allowed strictly in accordance with the relevant provisions of the law and subject to any Court orders. It should be ensured that any such place is not dominated/monopolized by any particular party(ies) or candidate(s). All parties and candidates should be provided equal opportunity in this regard,

(c) Further, the space provided for this purpose should not be expanded or reduced after announcement of any election.

PRIVATE PLACES

3. (a) If the local laws do not permit wall writing, pasting of posters, hoardings/banners/cutouts for political advertisement etc. on private places, the same shall not be permitted even with the consent of the owner of the property.

(b) Subject to any restrictions under any local laws, the political parties, candidates, their agents, workers and supporters may hoist one party flag showing their election symbol on their own property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person. Under this provision, no cut-outs or hoardings or banners of the nature of political advertisement shall be allowed on any private property.

(c) Where the local laws permit wall writings and pasting of posters, putting up hoardings, banners, etc. on private premises with the owner's permission, the contesting candidates or the political parties concerned shall obtain written permission from the owner of the property and submit photocopies of the same to the Returning Officer or an officer designated by him for the purpose, together with a statement in the enclosed proforma showing therein the name and address of the owner of the property from whom such permission has been obtained together with expenditure incurred or likely to be incurred by him for the purpose. Further, nothing inflammatory or inciting disaffection amongst communities shall be permissible in such writings. The expenditure incurred on these wall writings etc shall be added to the election expenditure made by the candidate. The contesting candidate shall furnish such information village/locality/town-wise, to the Returning Officer, or the authorized officer within 3 days of obtaining the requisite permission, for easy checking by the Returning Officer or the Election Observer or any officer connected with the conduct of elections.

4. If any political party/association/candidate/person indulges in defacement of any property in violation of the local law, if any, or the above instructions, the Returning Officer/ District election Officer shall issue notice to the offender for removing the defacement forthwith. If the political party/association/candidate/person does not respond promptly, the district authorities may take action to remove the defacement, and the expenses incurred in the process shall be recovered from the political party/association/candidate/person responsible for the defacement. Further, the amount also shall be added to the election expenditure of the candidate concerned, and action should also be initiated to prosecute the offender.

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under the provisions of the relevant law (under the law relating to prevention of defacement, if any, or under the provisions of the general law for causing willful damage to the property of others).

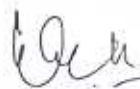
5. In so far vehicles are concerned no poster, flag or any other kind of campaign material shall be displayed on vehicles except in the case of vehicles used in election campaigning and for which permit has been granted to the candidates and the permit in original is displayed on the windshield of the vehicle.

6. Under no circumstances, any vehicle should ply with external modification and fittings including loudspeakers, in contravention of the Motor Vehicles Act and the Rules.

7. The Chief Electoral Officers are requested to bring the directions of the Commission to the notice of the District Election Officers. Returning Officers and all other election related authorities, and all political parties in the State, including State units of recognized National and State parties, and all registered un-recognized parties based in the State, and also the contesting candidates, for information and compliance.

8. The receipt of this letter may please be acknowledged. The Chief Electoral Officers may kindly confirm that action as required above has been taken.

Yours faithfully,


(K. F. WILFRED)
SECRETARY