

**ANDHRA PRADESH STATE ELECTION COMMISSION**  
**L-Block, Secretariat, Hyderabad – 500 022.**

**ORDER**

**No.213/SEC-B2/2017-1**

**Date: 29.11.2017**

Sub:- APSEC – Ordinary elections to Rural Local Bodies – Restrictions on the printing of pamphlets, posters, etc. – Orders – Issued.

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The printing and publication of election pamphlets, posters, etc., is governed by the provisions of Section 216 of APPR Act, 1994, which reads as follows:-

**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 State Election Commissioner; 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".

5. The above restrictions on the printing of election pamphlets, posters, 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 an 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 unauthorized election expenditure by political parties, candidates and their supporters on the printing and publication of election pamphlets, posters, etc.

6. At the time of elections, a large number of election pamphlets, posters etc., 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.

7. In order to ensure strict observance of, and compliance with, the requirements of the above mentioned provisions of law, the State Election Commission, in exercise of its powers under Article 243 K of Constitution of India and all other powers enabling it in this behalf, hereby directs as follows:-

- (a) As soon as any election to a directly elected offices in Panchayat Raj bodies is announced by the State Election Commission, the District Magistrates shall, within three days of issue of election notifications write to all printing presses in their districts.
  - (i) pointing out to them the requirements of above mentioned Sections 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.
  - (ii) asking the printing presses to send the copies of the printed material (along with three extra copies of each of such printed material) and the declaration obtained from the publisher as required under the said Sections within three days of its printing;
  - (iii) impressing on them in clear terms that any violation of the said provisions and the above directions of the State Election Commission would be viewed very seriously and stern action, which may in appropriate cases include even the revocation of the licence of the printing press under the relevant laws would be taken.
- (b) The Election Authority and Commissioner of Panchayat Raj, A.P., shall do likewise in respect of the printing presses located at the state capital (Powers vested on the State Election Commission under Section 216 (2)(b)(i) were delegated to the Election Authority and Commissioner of Panchayat Raj in respect of State capital by means of a Notification enclosed to this Circular).
- (c) Before undertaking the printing of any election pamphlets or posters, etc., the printer shall obtain from the publisher a declaration in the proforma prescribed by the State Election 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 Election Authority (Commissioner of Panchayat Raj, A.P.) or the District Magistrate concerned as the case may be.

- (d) 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 State Election 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.
- (e) As soon as a District Magistrate received 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 State Election 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 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.
- (f) The Election Authority & Commissioner of Panchayat Raj, A.P., shall also likewise take further follow up action as mentioned in sub-para (e) above in respect of the pamphlets, posters, etc., received by him.
- (g) In respect of surrogate advertisements appear in print media, for and against particular candidates and political parties during election period:
  - (1) in 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 authorised by the candidate concerned and will be accounted for in the election expenses account of the candidate;
    - (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 concerned).
  - (2) If the identity of the publisher is not indicated in the advertisement, then relevant information may be obtained from the source, i.e., the newspaper concerned, and appropriate action may be taken, as above.
- (h) Hoardings, flex board, etc., containing any election related advertisement have to be treated as coming within the meaning of 'Poster' mentioned in Section 216 of A.P. Panchayat Raj Act, 1994. The requirement for giving the name and address of the publisher shall be applicable in the case of hoarding, flex board, etc., including hoardings of photos of party leaders.

- (i) The Election Authority & Commissioner of Panchayat Raj, A.P., 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 Sections and / or the State Election 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.

8. The State Election Commission hereby cautions all political parties, candidates and others concerned that any violation of the law and the directions of the State Election Commission on the above subject will be viewed with utmost concern and the severe stringent action possible will be taken against the offenders.

9. If any officer who is responsible for the enforcement of the above provisions of law and the directions of the State Election 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.

**Sd/- Dr. N. Ramesh Kumar**  
**State Election Commissioner**

To

The Collectors and District Election Authorities.  
The Superintendents of Police in the State.  
The Commissioner of Panchayat Raj, A.P.

Copy to

The Chief Executive Officers of Zilla Praja Parishads.  
The District Panchayat Officers.

// Forwarded :: By Order //



Secretary

**Annexure – A**

**Proforma for Declaration to be submitted by the Publisher of Election Posters, Pamphlets, etc.**

(See Section 216 of APPR Act, 1994)

I.....son/daughter/wife of ..... (Name)  
..... Resident 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**

**Proforma for submission of information regarding printing of Election posters 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 publishers .....  
.....
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

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**NOTIFICATION**

In exercise of the powers under Sub-Section 5(a) of Section 260 of the Andhra Pradesh Panchayat Raj Act (Act No. 13 of 1994), the State Election Commissioner hereby delegated his powers under sub-section 2 b (i) of Section 216 thereof to the Election Authority and Commissioner Panchayat Raj.

**Sd/- Dr. N. Ramesh Kumar**  
**State Election Commissioner**

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Secretary