

The Election Commission of India has drawn attention to the provisions of Section 127A of the Representation of the People Act, 1951, which provides that no person shall print or publish, or cause to be printed and 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. As per Section 77(1) of the Representation of the People Act, 1951, the 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. Section 171H of IPC provides for penalty for expenditure, on *inter alia*, advertisement, circular or publication, for the purpose of promoting or procuring the election of a candidate, incurred without the authority of the candidate.

3. In order to subserve the requirements of the provisions of law as mentioned above, the Election Commission of India 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 printer and publisher should be given along with the matter/advertisement.

4. The Election Commission of India has pointed out that advertisements are brought out in print media, some surrogate and some under the name of some organizations for and against political parties and candidates during election period.

The Commission has, therefore, given the following directions to the election authorities:

(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 171H 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 the information may be obtained from the newspaper concerned and appropriate action taken.

Chief Electoral Officer
Tamil Nadu.

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