

**PROCEEDINGS OF THE DISTRICT COLLECTOR & DISTRICT MAGISTRATE,  
THIRUVANANTHAPURAM**

(Present: Dr. Dinesh Arora- IAS)

(Under Section 144 Cr.P.C)

No. S15529/11/E1

Dated: 28.03.2011

**Sub: Seizure of the unauthorized printed material and action thereof.**

Read:

1. Report of discrepancies found by static Surveillance team during surprise inspection at St Joseph's Press Thiruvananthapuram – regarding dated 27.03.11
2. Report of Nodal Officer Expenditure Monitoring Cell No. EMC/07/2011 dated 27.03.
3. Statement of the Manger Shri. Peter Kothampanayil, Manager, St Joseph Press Thiruvanthapuram recorded by the static Surveillance Team
4. Election Commission of India's Orders No. 3/9 ( ES008) 94 – JS II/5196 dt 2.9.94, No. 3/9/2004/JS II dt 24.8.2004 & no.3/9/2007/JS II dt 16.10.2007 and Sec 127A of The Representation of The People Act, 1951

**WHEREAS** it has been made to appear to me as per reference 1-4 that you have violated the guidelines issued by The Election Commission of India regarding Restrictions on the printing of pamphlets, posters etc. where no person shall print or publish or cause to be printed or published, any election pamphlets or posters which does not bear on its face the names and addresses of the printer and the publisher thereof including date, time, place and number of copies as detailed below

Sl No	Item & No. of copies as per the statement given by Sri. Peter Kothampanayil, Manager St. Joseph Press Thiruvananthapuram	Rate per copy	Discrepancy noticed
1	Poster printed by Sri. R. Soman Pillai, Convener LDF election Committee Karunagapally for Sri. C.Divakaran	30,000 1.50	In the poster number of copies printed as 1000
2	-do-	20,000 1.25	In the poster number of copies printed as 1000
3	-do-	1,00,000 0.30	In the poster number of copies printed as 3000
4	Poster printed by Adv.Vithuura Sasi for G.Karthikeayan	10,000 1.50	In the poster number of copies printed as 1000
5	-do-	1000 3.00	In the poster number of copies printed as 1000
6	Poster by UDF election convenor Kunnamkulam for Sri.C.P.John,	15,000 1.50	In the poster number of copies

	Kunnamkulam			printed as 2500
7	Booklets printed by Ezhamkulam Aju, Blcok Congress Committee President Adoor for Thiruvachoor Radhakrishnan	20,000	2.50	In the booklet number of copies printed as 1500
8	Posters printed by Convenor election Committee Nemom Assembly Mandalam for Sri. O.Rajagopal 16,000	28,000	1.00	In the poster number of copies printed as 5000 for printers of Arsha Offset
10	Posters printed by convener election Committee kattakada Election Committee for P.K.Krishnadas 12000			In the poster number of copies printed as 4000 and the name printers as Arsha Offset

**WHEREAS** it has been made to appear to me from the report 1-3 that the persons who own, control and operate this Press have deliberately and wrongly understated the number of copies printed and underestimated the value of the printing material used, thereby causing undue advantage to the candidates mentioned above and undermined the expenditure monitoring process of the elections.

**AND WHEREAS** I am satisfied that if such activities are allowed to be continued unabated, it will cause obstruction to officers empowered and authorised to monitor the election expenditure of candidates in the General Elections;

**AND WHEREAS** I am satisfied that if such activities are allowed to be continued unabated, it will lead to danger to human life, health and safety if, as appears to me to be quite likely, supporters of political rivals react against this undermining of the Electoral process;

**AND WHEREAS** I am satisfied that if such activities are allowed to be continued unabated, it will lead to disturbance of the public tranquillity, lead to a riot, or lead to an affray if, as appears to me to be quite likely, supporters of political rivals react against this undermining of the Electoral process;

**AND WHEREAS**, I am convinced that there is sufficient ground for proceeding under this Section and immediate prevention or speedy remedy is desirable and warranted to

1. prevent the undermining of the Electoral process and expenditure monitoring;
2. prevent danger to human life, health and safety,
3. disturbance of the public tranquillity,
4. riots,
5. affray.

**NOW THEREFORE**, on each of these grounds separately and all of them jointly, I do hereby direct:-

1. **The Sub Divisional Magistrate Thiruvananthapuram** to seize the election materials printed unauthorizedly violating the directions/Orders of the Election Commission of India and close and seal under Mahazar, The Saint Joseph Press, Thiruvananthapuram, responsible for printing these posters/ pamphlets etc. except for daily newspapers for a period upto 15/04/11 from the

date of this Order and conduct a detailed enquiry about the violations noted against the printing press and submit a report thereof to the undersigned within three days.

2. **The Tahsildar Thiruvanthapuram** and **The Circle Inspector, Museum** and policemen under him will provide all necessary help to The Sub Divisional Magistrate in carrying out these directions.

**Given under my hand and seal on this the 28<sup>th</sup> day of March 2011.**

**DISTRICT MAGISTRATE**

**THIRUVNANTHAPURAM**

To

- 1 The Sub Divisional Magistrate, Thiruvanthapuram
2. The Tahsildar, Thiruvananthapuram
3. Circle Inspector, Museum Police Station Thiruvananthapuram
4. The Manager, The St Joseph Press, Thiruvananthapuram.
5. The Chief Electoral Officer, Kerala (with c/l)