



Compendium of Instruction on Media Related Matters

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भारत निर्वाचन आयोग
Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi-110001

“Greater Participation for a Stronger Democracy”

Compendium of Instruction On Media Related Matters

(January-2017)



भारत निर्वाचन आयोग
Election Commission of India
Nirvachan Sadan, Ashoka Road, New Delhi – 110 001

“Greater Participation for a Stronger Democracy”

Message from Hon'ble Chief Election Commissioner of India



(Dr. Nasim Zaidi)

Media in contemporary times stands as a significant pillar supporting Indian society and in turn, strengthens our democracy as well. It can make or break public opinion which is what makes it extremely vital. In recent times, it has established itself as one of the most vivacious tools of the entire gamut of social life. The Commission with an understanding thought process thrives on the significance of having media as one of its strongest allies. The role of media becomes crucial in achieving the ECI objective to conduct smooth run-off elections with the motto of not leaving a single voter behind.

Efforts in the form of such initiatives highlight Commission's true intention towards the smooth conduct of free, fair and transparent elections. Considering the role and impact of media on the electorate, responsibility rests on ECI to ensure that all stakeholders who are part of electoral process abide by common framework and guidelines being issued by the Commission from time to time. This book is one such effort in that direction. A comprehensive document which encompasses all crucial issues involving the role of media at the time of an election and how its exhaustive set of guidelines and instructions keep a tab on issues like Paid news and pre-certification of political advertisements along with issues related to Social media and media monitoring during election period. This highlights the Commission's persistent stand to ensure no malpractice interfere the smooth conduct of the electoral process.

I am proud to be associated with such an initiative. It is bound to be of immense help to all election management bodies and beyond. Certainly, this one's for the future.

Message from Hon'ble Election Commissioner of India



(Shri. A.K. Joti)

The conduct of free and fair election turns into reality only when all the level playing field synchronizes with the ECI's mechanism and objectives.

Election Commission takes immense pride in fulfilling its Constitutional responsibility of conducting free, fair and transparent electoral process.

Election Commission understands that a responsibility of this magnitude requires active participation from all stakeholders and media is one of the most important stakeholders. Thus media as a responsible ally steps up time and again and strengthens the foundation of democracy through its sheer vigour and dynamism. Nowadays Political parties, candidates, organizations apply various media tools to emerge as a winner. It has been observed that while utilizing these resources, they violate the established norms and affects the course of election by innovating new ways and tricks. Taking these incidents into consideration, ECI issues instructions and guidelines to streamline the election process. This book highlights all matters with regards to media involvement at the time of elections along with special emphasis on means through which the Commission tries to keep a check on unfair media practices.

This edition will be beneficial during the subsequent elections for all the stakeholders of democracy and would give a detailed view, involving the role of media in Indian elections. I am delighted to be a part of such a magnificent initiative.

Message from Hon'ble Election Commissioner of India



(Shri. O.P. Rawat)

The impact of media on all aspects of life including the electoral process has been increasing immensely. New media techniques and tools are emerging and replacing the earlier ones. Effective enforcement of information dissemination presents the strong and upright face of media. At the same time, there is no denying that in recent times, media violations are emerged as major threat to conduct free, fair and transparent elections.

Through this document, Election Commission aims to cover issues involving the diverse role played by media during elections along with issues pertaining to media certification of political advertisements, media monitoring (EMMC) and Social media etc. Some of these roles enhance the veracity of Indian elections while some of them are worth keeping a check on. Election Commission of India carefully categorises them and segregate them for further analyses. This results in an electoral process devoid of any malpractice.

A wonderful initiative to compile this wide range of media oriented issues into a single comprehensive document is a significant initiative undertaken by the Communication division of Election Commission. It gives me immense pleasure to be a part of such an initiative as it gives an opportunity for all stakeholders to know about the relentless effort undertaken by the Commission to uphold the world's largest democracy.

Message from Deputy Election Commissioner



(Shri. Umesh Sinha)

ECI strongly believes in the concept of free, fair and transparent elections and continues to evolve itself time and again to support its stand. Media is widely regarded as the Commission's eyes and ears during an election which is why its support in the smooth conduct of elections is pivotal.

We understand the vitality of the contemporary times and the role played by media in it, which is why we engage in new initiatives to stay abreast with the ever changing times. With this sincere conviction, Election Commission yet again brings to you a document on Media related issues. It highlights issues related to media certification of political advertisements, monitoring of media through EMMC (Electronic Media Monitoring Centre) and Social media monitoring at the time of elections along with issuing of guidelines related to malpractices like Paid News. A true reflection of Election Commission's honest intention towards strengthening the electoral process.

For long, ECI had been considering to come up with a document that envisions its view of strengthening the Electoral process. The document talks about the directives and instruction of ECI for optimal use of media tools by the candidates and political parties under the defined parameter.

I appreciate the efforts of the Communication Division who wholeheartedly worked towards the successful execution of this initiative. This is bound to create positive ripples in the ocean of Indian democracy.

Preface



It is an undeniable fact that the conduct of an Indian election without a substantial involvement of the nation's vibrant media is next to impossible. In the present context, we live in a society where the media plays a pivotal role in how we see the world, and how our opinions are formed. It is an extremely powerful and engaging tool with the ability to make or break the opinion of many. Thus, Election Commission of India regards media as its strongest ally.

Whether it is the dissemination of election-related information or bringing violations to notice, the ever vigilant media does it all. However, there are certain complexities with regards to media's activities in the electoral scene, which requires immediate attention.

An issue like Paid News disrupts the level playing field and circumvents election expenditure limits. This creates a hurdle for the Election Commission to conduct the smooth run-off elections in a free, fair and transparent manner. Thus to further strengthen its vigilance, the Commission have set up Media Certification and Monitoring Committee (MCMC) at District level and State Level for certification of advertisements and also to monitor media for Paid news and other violations.

Our persistent steps, strategies and initiatives present a glimpse of our character and the earnest effort we put in to pursue our ultimate goal of strengthening democracy.

With this aspiration, Election Commission brings to you a document on Media related issues. This document highlights the varied recommendations and updates with regards to a series of topics involving media and elections with the likes of Electronic Media Monitoring Centre (EMMC), Paid News, Certification of advertisement of political nature, social media, PCI recommendations, allotment of broadcast times to political parties during elections, NBSA guidelines etc. I am grateful to all those who've added years of expertise and their valuable judgment in contributing towards the said topic.

This is a proud initiative and I feel humble to be associated with it. Well done to the Communication Division for successfully compiling this comprehensive document. I am certain this will benefit all stakeholders involved in their pursuit towards strengthening the democratic setup of our country.

Shri Dhirendra Ojha

Director

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A.

**Certification of Political
Advertisements & Paid News**

Gist of Instructions

1. Certification of Political Advertisements

(i) Supreme Court's Order dated 13th April 2004 relating to certification of advertisements of political nature in TV Channel and Cable Network.

(a) The Supreme Court of India in SLP (C) No. 6679 of 2004 (Ministry of Information and Broadcasting Vs M/s Gemini TV Pvt Ltd and others) has passed the orders on 13th April 2004 that all the political advertisements proposed to be issued on TV Channels and Cable Networks by any registered political party/any group or organization/association/individual candidate shall be pre certified by the designated certification committee at various levels to be constituted by the Election Commission of India. Consequent upon the Supreme Court judgment, the Election Commission issued an order on 15th April 2004 to the CEOs of all the States/UTs to constitute such committees. (Page No. 9 - 21)

(b) For facilitating political parties/candidates the Commission has relaxed para 10 (i) of the Order No. 509/75/2004/JS-I dated 15th April, 2004, to the effect that apart from adopting the existing procedure, the political parties/candidates, if they desire so, may also follow the alternative procedure by first submitting the transcript of the proposed advertisement for certification and once the transcript is vetted/approved by the Committee the party/candidate will submit the final product in electronic form of another time for final certification. (Page No. 64 - 65)

(c) The Commission has clarified that Hon'ble Supreme Court has not specifically prohibited ads by person other than political party or candidate. However, such persons cannot give ads for the benefit of any political party or candidate, vide its order dated 13/04/2004 in SLP (C) No. 6679 of 2004 (Page No. 66)

(ii) Certification of advertisement of Political nature on TV Channels & cable TV Network – Extension to Radio and Cinema Halls.

Election Commission in consequent upon amendment in Code for Commercial advertisements on radio, has issued order that the

Committees set to scrutinize political advertisements on TV channels/Cable Networks, will also deal with the political advertisements on Radio including the private FM Channels (Page No. 24 - 25) The Commission has widened the area of certification by including Cinema Halls besides TV Channels/Cables Networks and Radio including FM Channels. (Page No. 51)

(iii) Commission's direction for the constitution of State level & District level Media Certification and Monitoring Committees (MCMC)

- (a) The Commission has directed CEOs of all the States/UTs to constitute District level & State level Media Certification & Monitoring Committees (MCMC) to monitor paid news instances in media (Page No. 33 - 34)
- (b) Composition/duties of MCMC – The Commission has clarified that for the purpose of certification of political advertisement, RO of Parliamentary Constituency may co-opt as many members to assist him in certification of political advertisements as the number of districts falling in that Parliament Constituency so as to have wider opinion and equal representation from all the districts in the matter of certification. (Page No. 57 - 58)

(iv) Application of certification of Political advertisement by State unit of any National/State party and certification of political advertisement in multiple languages and regional language of any National Party/State Party having headquarter in Delhi

- (a) As per the above-referred order dated 15th April, 2004, the committee set up in the office of the Chief Electoral Officer, Delhi, is to deal with applications of all political parties having headquarters in Delhi. The Commission wide its letter dated 18th March 2009 clarified that the applications from State units of the National parties may be submitted to the committee in the States concerned. However, the applications from the central office of the National and State parties with headquarters in Delhi will continue to be scrutinized by the committee in Delhi. In the case of State parties, applications from the units of the parties in States other than where they have their headquarters shall also be dealt with by the committee in the States concerned where the State units are submitting applications (Page No. 26-27)

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- (b) In connection with the certification of advertisements, the Commission further clarified on 19th March 2009 that if the Central Office of any of the National Parties or the State Parties with headquarters in Delhi seeks certification of same advertisement in multiple languages (Hindi/English and in regional languages), the advertisement material in each of the languages alongwith certified transcripts should be submitted to the committee in the office of the CEO, Delhi. If the Central Office of any of the National Parties or the State Parties with headquarters in Delhi wishes to seek certification of advertisement in any regional language (without there being any Hindi/English version of the advertisement), the application seeking certification will have to be submitted to the committee in the office of the CEO of the State concerned (i.e. the State to which the regional language pertains) (Page No. 28-29)
- (c) In the cases where registered political parties/ group/ organization/ association, not having their headquarter in NCT of Delhi but wish to telecast/broadcast their advertisement in Delhi, certification of advertisement should be considered by the MCMC in the State, where the party is contesting election. (Page No. 54)
- (d) State parties who also wish to contest elections outside that state where their headquarter is located, they may seek certification of such advertisement from the Committee in the office of CEO Delhi (Page No. 61 - 62) It is further clarified that Chief Electoral Officers of States/UTs may accept and pre-certify the advertisements from any political parties irrespective of location of their headquarter, provided they have the language competency to do so (Page No. 63)

(iv) Audio-visual displays of political advertisement in public place

Audio-visual displays of political advertisement/campaign material in public places should require certification under the existing orders of the Commission to be done by the designated committee. (Page No. 54)

(v) Use of bulk SMSs/voice messages in political campaigning

Use of bulk SMSs/voice messages in political campaigning should also require certification under the existing orders of the Commission to be done by the designated committee (Page No. 69-70)

2. Paid News

With regard to Paid News, the Election Commission has accepted the definition given by Press Council of India. PCI has defined paid news as “any news or analysis appearing in any media (Print and Electronic) for a price in cash or kind as consideration. (Page No. 168)

(i) Commission’s proposal for the amendment in Representation of People Act, 1951 to made Paid News an electoral offence

The Commission has proposed to the Ministry of Law & Justice, Govt. of India for the amendment in the Representation of People Act, 1951, to provide therein that publishing and abetting the publishing of ‘paid news’ for furthering the prospect of election of any candidate or for prejudicially affecting the prospect of election of any candidate be made an electoral offence under chapter-III of Part-VII of Representation of People Act, 1951 with punishment of a minimum of two years imprisonment. The issue is with the Govt of India. (Page No. 35 - 37)

(ii) Declaration of name and address of publisher and printer on any printed pamphlet, handbills and other documents

It has been clarified that legal provisions under Sec. 127A of the R. P. Act, 1951 make it mandatory for the publisher of an election advertisement, pamphlet, etc to print the name and address of the publisher as well as printer and failure to do so attracts penalty of imprisonment up to two years and/or fine of Rs. 2000/-. Section 171 H of the IPC prohibits incurring of expenditure on, inter alia, advertisement without the authority of the contesting candidate. It covers the declared or specified release as advertisement inserted in the newspaper, etc., and disclosure of amount paid for such advertisements. But in the case of Paid news, such payment is seldom disclosed as the matter is camouflaged as news though serving the purpose of advertisement only. For the purpose of Sec.127A (1) of the R. P. Act, 1951, “election pamphlet or poster’ means any printed pamphlet, hand-bills or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates ”. Thus, ‘Paid News’ would also fall in the category of ‘other document’ liable to be included in ‘election pamphlet & poster’ and action taken accordingly. Hence, an obvious case of news reporting in the print media dedicated/giving advantage to a particular candidate or the party while ignoring/ causing prejudice to other candidates and parties would require investigation. (Page No. 30 - 32)

(iii) Inclusion of notional expenditure of paid news into the candidate's election expenses account as per the standard rate cards of media houses.

In order to bring uniformity in dealing with paid news and advertisements on TV/cable TV network owned by political parties or their functionaries/officer bearers, the Commission directed the CEOs that Six months before the due date of expiry of Lok Sabha or the State/UT Legislative Assembly, as the case may be, a list of television channels/radio channels/newspapers, broadcasting/circulated in the State/UT and their standard rate cards shall be obtained by the CEOs and forwarded to the Commission. The Media Certification and Monitoring Committee (MCMC) at District level and State level will monitor all political advertisements in relation to candidates, either overt or covert, and will intimate the Returning Officer for issue of notices to candidates for inclusion of notional expenditure based on standard rate cards in their election expenses account, in case the candidate has not submitted the documents of actual expenses. (Page No. 39 - 40)

(iv) Committee at ECI level to examine paid news references

The Commission has also constituted a Committee at ECI level to examine references received from State level MCMC and to examine and recommend on references directly received in the Commission, which are not any State/UT specific, regarding Paid News. (Page No. 41 - 42)

(v) Commission's comprehensive guidelines on paid news dated 27.08.2012

In order to monitor paid news cases more effectively, the Commission has issued comprehensive guidelines to the CEOs of all the States/UTs. As per which the District level Committee scrutinizes all newspapers and electronic media in the District, in order to locate political advertisement in the garb of news coverage. As soon as, a suspected case of Paid News comes to the notice of committee, the candidate is served due notice which he has to reply within 48 hours of serving of notice by Returning Officer, failing which, the decision of the Committee shall be final. The appeal against the decision of District level MCMC can be made to State level Media Certification and Monitoring Committee (MCMC) within the 48 hours of the decision of District MCMC, which shall be decided by State level MCMC within 96 hours of receipt of appeal. The Candidate may appeal against the decision of State level MCMC to Election

Commission of India within 48 hours of receiving of order from this Committee. The decision of the Commission is final. (Page No. 43 - 49)

(vi) Paid News reporting formats for Chief Electoral Officers

The Commission has developed two formats for the CEOs, to report the paid news cases to the Commission. CEOs have to submit weekly report in format 1 from the last date of scrutiny of nominations and final detailed report in format 2 of all the confirmed cases of paid news just after the completion of elections. (Page No. 73 - 74)

(vii) Time period for determining paid news cases

With reference to Section 77(1) of Representation of the People Act, 1951 it is clarified that paid news cases may be taken into account from the date of filing of nomination by the candidate. (Page No. 67)

(viii) Guidelines for dealing with candidates' advertisements on TV/Cable channels/newspapers owned by political parties

New provision has been introduced in Election Expenditure Statement (Schedule 4A of Annexure-15 of Compendium of Instruction on Election Expenditure Monitoring) of the candidates for including the expenses on candidates' advertisements on TV/Cable channels/newspapers owned by political parties or their functionaries/office bearers.

The Media Certification and Monitoring Committee (MCMC) shall keep a close watch on the contents telecast on such channels to identify contents of the nature mentioned above, and after following all due procedures, the notional expenses as per standard rate cards of the channel shall be added in the election expenditure account of the candidate appropriately, even if, they actually do not pay any amount to channel/newspaper. (Page No 71)

(ix) Press Council of India (PCI) and News Broadcasters Association (NBA) for action against print media and electronic media respectively, involved in paid news

In the established cases of Paid News by the MCMCs, names of involved print media and electronic media are forwarded to Press Council of India (PCI) and News Broadcasters Association (NBA) respectively for necessary action. (Page No. 49 & 52 - 53)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 509/75/2004/JS-I

Dated:15th April, 2004

To

The Chief Electoral Officers
of all States / Union Territories.

Subject:- Supreme Court's Order dated 13th April 2013 relating to advertisements of political nature on TV Channel and cable networks.

Sir,

I am directed to enclose herewith a copy of the order dated 15th April 2004 by the Commission in pursuance of the Order dated 13th April, 2004 of the Hon'ble Supreme Court in SLP© No. 6679 of 2004 (Min. of Information and Broadcasting Vs. M/s Gemini TV Pvt. Ltd and others).

2. It may be noted that the Commission has directed that for pre-viewing, scrutinizing and certifying advertisements to be telecast over TV channels and cable networks by any registered political party or by any group or organization / association, having headquarters in NCT of Delhi, the Chief Electoral Officer, Delhi is to constitute a Committee as directed in paragraph 6 (i) of the Order. Similarly, the Chief Electoral Officers of other States / Union Territories will constitute Committees for dealing with applications by political parties and other associations / groups with headquarters in their States / Union Territories, as per paragraph 6 (iii). Vide paragraph 6 (v) of the Order, the Returning Officer of every Parliamentary Constituency have been declared as Designated Officer for previewing, scrutinizing and certifying advertisements by individual candidates contesting election from the constituency concerned. For the candidates contesting the current general election to the Legislative Assemblies of Andhra Pradesh, Karnataka, Orissa and Sikkim and the bye-elections in some States, the Returning Officer of the Parliamentary Constituency comprising the Assembly Constituency concerned will entertain applications for certification of advertisements.

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3. The Chief Electoral Officers of all States / Union Territories are also required to constitute further a Committee to attend to complaints / grievances in regard to the decision of the Committees / Designated Officers on the application for certification of advertisements.
 4. Each application for certification is to be submitted before the Committee concerned or the Designated Officer concerned in a statement as per the format prescribed in Annexure-A appended to the Order. The certificate for telecast for an advertisement is to be given by the Committee / Designated Officer in the format as given in Annexure-B appended to the Order. The applicants are required to submit two copies of the proposed advertisements in electronic form alongwith an attested transcript thereof.
 5. A proper record in a register should be maintained for all applications received for certification. Each application should be serially numbered and the serial numbers should also be indicated on the two copies in electronic form and the receiving officer should affix his signature on the electronic copy. After issue of certificate, one electronic copy of the advertisement as certified for telecast, should be retained by the Committee / Designated Officer.
 6. All Chief Electoral Officers may take immediate action for acquiring, by hiring or purchase, necessary equipments / infrastructure, such as television, VCR, VCD, etc. that may be required for the purpose of previewing and scrutinizing of advertisements by the Committees and Designated Officer in their State / Union Territory. Any purchase made are to be in accordance with the rates and procedures approved by the State Governments for similar items.
 7. The Commission's order may be given wide publicity and this may be specifically brought to the notice of all District Election Officers / District Magistrates, Returning Officers, TV Channels, cable operators and political parties in the State / Union Territory.
 8. Kindly acknowledge receipt.

Yours faithfully,
(K.F. WILFRED)
SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.509/75/2004/JS-I

Dated : 15th April, 2004

ORDER

1. Whereas, Section 6 of the Cable Television (Regulation) Act, 1995, provides that no person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code; and
2. Whereas, Sub- rule (3) of Rule 7 of the Cable Television Network (Regulations) Rules, 1994 laying down the advertising code in terms of the abovementioned Section 6 provides that “no advertisement shall be permitted, the objects whereof, are wholly or mainly of a religious or political nature; advertisements must not be directed towards any religious or political end”; and
3. Whereas, the High Court of Andhra Pradesh, by its judgement and order dated 23-03-2004 in WPMP No.5214/2004 (Gemini TV Pvt. Ltd. Vs. Election Commission of India and others), suspended the above mentioned provisions of Rule 7(3) of the Cable Television Network (Regulation) Rules, 1994; and
4. Whereas the Hon’ble Supreme court, by its interim order dated 2-4-2004, in SLP (Civil) No.6679/2004 (Ministry of Information & Broadcasting Vs M/s Gemini TV and Others), in substitution of the order under challenge, had directed as below:-
 - (i) **No cable operator or TV channel shall telecast any advertisement, which does not conform to the law of the country and which offends the morality, decency and susceptibility of views or which is shocking, disgusting and revolting;**
 - (ii) **The telecast shall be monitored by the Election Commissioner of India;**
 - (iii) **The question as to whether the expenditure incurred by the candidate on inserting such advertisement should or should not be included, shall be considered on 5th April, 2004; and**
 - (iv) **The modalities whether such advertisements are in conformity with law, shall be laid down by the Election Commission of India.**

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5. Whereas, The Hon'ble Supreme Court of India by its further order dated 13th April, 2004, in SLP (Civil) No.6679/2004, has directed as follows:

“ --- Before we pass the order, it will be worthwhile to notice certain provisions of the Cable Television Networks (Regulation) Act, 1995 [for short, “the Act”], as amended from time to time, and the Rules framed there under. The object of the Act is to regulate the operation of the cable television network in the country. Section 6 of the Act provides that no person shall transmit or re- transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code. Section 11 of the Act provides that if any authorized officer has reason to believe that the provisions of the Act have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network. Section 12 of the Act provides for confiscation of the equipment in the event of any violation of the provisions of the Act. Similarly, Section 13 of the Act also provides for seizure or confiscation of the equipment and punishment. Section 16 further provides for punishment for contravention of the provisions of the Act. Section 19 lays down that an authorized officer, if he thinks necessary or expedient so to do in the public interest, may, by order, prohibit any cable operator from transmitting or re-transmitting any advertisement which is not in conformity with the prescribed programme code and advertisement code and it is likely to promote enmity on grounds of religion, race, language, caste or community or any other grounds whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religion, racial, linguistic or regional groups or castes or communities or which is likely to disturb public tranquility. Section 22 of the Act empowers the Central Government to frame Rules to carry out the provisions of Act. The Central Government in exercise of the powers conferred on it by Section 22 of the Act is empowered to make Rules which are known as The Cable Television Networks Rules, 1994 [for short, “the Rules”]. Rule 7 of the Rules provides that where an advertisement is carried in the cable service it shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers. Sub-rule (2), inter alia, provides that no advertisement shall be permitted which derides any race, caste, colour, creed and nationality, is against any

provision of the Constitution of India and tends to incite people to crime, cause disorder or violence or breach of law or glorifies violence or obscenity in any way. Sub-rule (3) further provides that no advertisement shall be permitted the objects whereof are wholly or mainly of religious or political nature, advertisements must not be directed towards any religious or political end. It is in this background, we now propose to pass the following order:

Every registered National and State, political party and every contesting candidate proposing to issue advertisement on television channel and/or cable network will have to apply to the Election Commission/Designated Officer (as designated by the Election Commission) not later than three days prior to the date of the proposed commencement of the telecast of such advertisement. In case of any other person or unregistered political parties, they will have to apply not later than seven days prior to the date of the telecast. Such application shall be accompanied by two copies of the proposed advertisement in electronic form along with a duly attested transcript thereof. In case of first phase of elections, the application shall be disposed of within two days of its receipt and until decision thereon is taken, our order dated 2nd April, 2004, shall apply. In case of subsequent phase of election, the application shall be disposed of within three days of its receipt and until the decision thereon is taken, our order dated 2nd April, 2004, shall apply. While disposing of such applications, it will be open to the Election Commission/Designated Officer to direct deletion/modification of any part of the advertisement.

The application for certification shall contain following details:

- (a) The cost of production of the advertisement;
- (b) The approximate cost of proposed telecast of such advertisement on a television channel or cable network with the break-up of number of insertions and rate proposed to be charged for each such insertion;
- (c) It shall also contain a statement whether the advertisement inserted is for the benefit of the prospects of the election of a candidate(s)/parties;
- (d) If the advertisement is issued by any person other than a

political party or a candidate, that person shall state on oath that it is not for the benefit of the political party or a candidate and that the said advertisement has not been sponsored or commissioned or paid for by any political party or a candidate; and

- (e) A statement that all the payments shall be made by way of cheque or demand draft.

We find that Section 2(a) of the Act defines “authorized officer”, within his local limits of jurisdiction, as (a) District Magistrate; (b) Sub-divisional Magistrate; or (c) Commissioner of Police. Similarly, Section 28-A of the Representation of People Act, 1951 provides that the Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and any other officer appointed under this part and any police officer designated for the time being by the State Government, for the conduct of any election shall be deemed to be on deputation to the Election Commission for the period commencing on and from the date of the notification calling for such election and ending with the date of declaration of results of such election and, accordingly, such officer shall during that period, be subject to the control, superintendence and discipline of the Election Commission.

Since it is not physically possible for the Election Commission to have a pre-censorship of all the advertisements on various cable networks and television channels, it has become necessary to authorize the Election Commission to delegate its powers in this behalf to the respective District Magistrates of all the States or Union Territories, not below the rank of a Sub-divisional Magistrate or a member of the State Provincial Civil Service. This may be done by a general order issued by the Election Commission. These officers shall act under the control, superintendence and discipline of the Election Commission. The Election Commission in its turn may delegate its powers to the Chief Electoral Officer of each State or the Union Territories, as the case may be.

The Chief Electoral Officer of each State or Union Territory may appoint a committee for entertaining complaints or grievances of any political party or candidate or any other person in regard to the decision to grant or to refuse certification of an advertisement. The committee so appointed shall communicate its decision to the Election Commission.

The committee so constituted will function under the overall superintendence, direction and control of the Election Commission of India.

The decision given by the committee shall be binding and complied with by the political parties, candidates, or any other person applying for advertisements in electronic media subject to what has been state above.

The comments and observations for deletion or modification, as the case may be, made, shall be binding and complied with by the concerned political party or contesting candidate or any other person within twenty four hours from the receipt of such communication and the advertisement so modified will be re-submitted for review and certification.

We may clarify that provisions of Section 126 of the Representation of People Act, 1951, shall apply to the advertisement covered by this order.

If any political party, candidate or any other person is aggrieved by the decision taken either by the committee or by the Designated Officer/Election Commission it will be open for them to approach only this court for clarification or appropriate orders and no other court, tribunal or authority shall entertain any petition in regard to the complaint against such advertisement. This order shall come into force with effect from 16th April, 2004 and shall continue to be in force till 10th May, 2004.

This order is being issued in exercise of the powers under Article 142 of the Constitution of India and it shall bind all the political parties, candidates, persons, group of persons

or Trusts who propose to insert the advertisement in the electronic media, including cable network and/or television channels as well as cable operators.

It will be open to the Election Commission to requisition such staff as may be necessary for monitoring the telecast of such advertisements. Where the Election Commission is satisfied that there is a violation of this order or any provisions of the Act, it will issue an order to the violator to forthwith stop such violations and it will also be open to direct seizure of the equipments. Every order shall be promptly complied with by the person(s) on whom such order is served.

The funds to meet the cost of monitoring the advertisements should be made available to the Election Commission by the Union of India. Adequate publicity of this order shall be given by the Union of India on the electronic media and through print media.

This order is in continuation of the order passed by this Court on 2nd April, 2004 and shall remain in operation as an interim measure till 10th May, 2004.

Subject to the aforesaid order, the judgement of the High Court of Andhra Pradesh dated 23rd March 2004 shall remain stayed. This order is passed not in derogation of but in addition to the powers of the Central Government in regard to the breach of the provisions of the Act.”

6. Now therefore, in pursuance of the aforesaid directions of the Hon’ble Supreme Court, the Election Commission, hereby directs as follows: -
- (i) The Chief Electoral Officer Delhi is hereby directed to constitute a Committee comprising the following persons to deal with the applications by the political parties and organizations mentioned in para
 - (ii) herein below: -
 - (a) The Joint Chief Electoral Officer – Chairperson.
 - (b) Returning Officer of any Parliamentary Constituency in Delhi.
 - (c) One expert being an officer not below the rank of Class- I

officer to be requisitioned from the Ministry of Information & Broadcasting.

- (ii) The above Committee will entertain applications for certification of any advertisement to be inserted in a television channel or cable network by the following:-
 - (a) All registered political parties having their headquarters in NCT of Delhi.
 - (b) All groups or organizations or associations or persons having their headquarters in NCT of Delhi.
- (iii) The Chief Electoral Officer of every other State/Union Territory is hereby directed to constitute the following Committee to deal with applications by political parties and organizations mentioned in para (iv) below: -
 - (a) The Additional/Joint Chief Electoral Officer - Chairperson.
 - (b) Returning Officer of any Parliamentary constituency located in the capital of the State.
 - (c) One expert being an officer not below the rank of Class- I officer to be requisitioned from the Ministry of Information & Broadcasting.
- (iv) The Committee constituted in para (iii) above will entertain applications for certification for advertisement on television channel and cable network by the following:-
 - (a) All registered political parties having their headquarters in that State /Union Territory,
 - (b) All organisations or group of persons or associations having their registered offices in that State/Union Territory.
- (v) The Returning Officer of every Parliamentary constituency in the country are hereby declared as Designated Officers for the purpose of entertaining application for certification of an advertisement proposed to be issued on cable network or television channel by an individual candidate contesting the election from the Parliamentary constituency of which such Designated Officer is the Returning Officer and candidates contesting in the Assembly constituencies falling within that Parliamentary constituency. The said Returning Officer may co-opt any of the Assistant Returning Officers, not

below the rank of a Sub-divisional Magistrate belonging to the State Provincial Civil Service to assist him in the task of certification of applications.

7. The Chief Electoral Officer of every State/Union Territory will constitute the following Committee to entertain complaints/grievances of any political party or candidate or any other person in regard to the decision to grant or refuse certification of an advertisement:-
 - (i) The Chief Electoral Officer-Chairperson.
 - (ii) Any Observer appointed by the Election Commission of India
 - (iii) One expert to be co-opted by the Committee other than the one mentioned in paras 6 (i) and 6 (iii) above.
8. The applications for certification of any advertisements by every registered political parties and every contesting candidates shall be made to the Committees mentioned in paras 6 (i) and 6 (iii) above or the Designated Officer as mentioned in para 6 (iv) above, as the case may be, not later than 3 (three) days prior to the date of the commencement of the telecast of such advertisements. In the case of first phase of elections such applications shall be disposed of within 2 (two) days of its receipt and until decision thereon is taken, the order of the Supreme Court dated 2-4-2004 shall apply.
9. Where an application for certification of advertisement is by any other person or unregistered political parties, it will have to be made not later than 7 (seven) days prior to the date of telecast.
10. Every such application, in the format prescribed at **Annexure A**, shall be accompanied by the following:
 - (i) Two copies of the proposed advertisement in the electronic form along with a duly attested transcript thereof.
 - (ii) The application for certification shall contain following details: -
 - (a) The cost of production of the advertisement;
 - (b) The approximate cost of proposed telecast of such advertisement on a television channel or cable network with the break-up of number of insertions and rate proposed to be charged for each such insertion;
 - (c) It shall also contain a statement whether the advertisement inserted is for the benefit of the prospects of the election of a candidate(s)/parties;

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- (d) If the advertisement is issued by any person other than a political party or a candidate, that person shall state on oath that it is not for the benefit of the political party or a candidate and that the said advertisement has not been sponsored or commissioned or paid for by any political party or a candidate;
- (e) A statement that all the payment shall be made by way of cheque or demand draft.
11. While taking a decision on the applications for certification of an advertisement, it will be open for the Committees constituted in para 6 (i) and 6 (iii) above or the Designated Officer as in para 6 (v) above or the review Committee as constituted in para 7 above to direct deletion/modification of any part of the advertisement. Every such order making comments and observation for deletion and modification shall be binding and be complied by the concerned political party or contesting candidate or any other person within 24 hours from the receipt of such communication. The advertisement so modified will be re-submitted for review and certification.
12. Where the Committees constituted in para 6 (i) and 6 (iii) above or the Designated Officer or the review Committee as constituted in para 7 above as the case may be, is satisfied that the advertisement meets the requirements of the law and in accordance with the directions of the Supreme Court as inserted in paras 4 and 5 above, it should issue a certificate to the effect of the advertisement concerned is fit for telecast. The format for the certificate is at **Annexure B**.
13. The directions contained in the order dated 13th April 2004 by Supreme Court shall be strictly complied with by everyone concerned and will remain in operation till 10th May 2004 and it shall bind all the political parties, candidates, persons, group of persons or Trusts who propose to insert the advertisements in the electronic media, including the cable networks and/or television channels as well as cable operators.

By Order,

(K.F. WILFRED)
SECRETARY

APPLICATION FOR CERTIFICATION OF ADVERTISEMENT

I.

- (i) Name and full address of the applicant
- (ii) Whether the advertisement is by a political party/contesting candidate / any other person / group of persons / association/ organization / Trust (give the name)
- (iii) (a) In case of political party, the status of the party (whether recognized National/ State / unrecognized party)
(b) In case of a candidate, name of the Parliamentary / Assembly Constituency from where contesting
- (iv) Address of Headquarters of political party / group or body of persons /association/ organization / Trust
- (v) Channels / cable networks on which the advertisement is proposed to be telecast
- (vi) (a) Is the advertisement for the benefit of prospects of election of any candidate(s)
(b) If so, give the name(s) of such candidate(s) with full address and name(s) of constituency (ies)
- (vii) Date of submission of the advertisement
- (viii) Language(s) used in the advertisement (advertisement is to be submitted with two copies in electronic form alongwith a duly attested transcript)
- (ix) Title of advertisement
- (x) Cost of production of the advertisement
- (xi) Approximate cost of proposed telecast with the breakup of number of insertions and rate proposed for each such insertion
- (xii) Total expenditure involved (in Rupees)

II.

I, Shri / Smt. _____, S/o / D/o / W/o _____, (full address) _____, undertake that all payments related to the production and telecast of this advertisement will be made by way of cheque / demand draft.

Place:

Signature of the applicant

Date:

III.

(Applicable for advertisement by a person / persons, other than a political party or a candidate)

I, Shri/Smt. _____, S/o/D/o/W/o _____, (full address, hereby state and affirm that the advertisement(s) submitted herewith is not for the benefit of any political party or any candidate and that this advertisement(s) has / have not been sponsored / commissioned or paid for by any political party or a candidate.

Place:

Signature of applicant

Date:

CERTIFICATION OF ADVERTISEMENT FOR TELECAST

I.

- (i) Name and address of the applicant /political party / candidate/ person / group of persons /association /organization/ Trust
- (ii) Title of advertisement
- (iii) Duration of advertisement
- (iv) Language(s) used in advertisement
- (v) Date of submission of advertisement
- (vi) Date of certification for telecast

II.

Certified that the above advertisement is fit for telecast as per the guidelines prescribed by the Hon'ble Supreme Court of India.

Signature of chairperson/
members of committee / Designated Officer

Place:

Date:

Election Commissioner's Letter No. 509/75/2004-JS-I, dated 22.07.2004 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: Commission's Order dated 15.4.2004 relating to advertisements of political nature on TV Channel and cable networks - Reg.

I am directed to refer to the Commission's letter of even number dated 15.4.2004 and to the Order of the same date enclosed therewith, on the subject cited. The said order was issued in pursuance of the interim order passed by the Hon'ble Supreme Court on 13.4.2004 in SLP(C) NO. 6679/04. The Hon'ble Supreme Court, vide its Order dated 5.7.2004 has directed that its Order dated 13.4.2004 will remain in operation until further orders. A copy of the order, dated 5.7.2004 is enclosed.

2. Accordingly, the Commission's Order No.509/75/2004-JS.I dated 15.4.2004 will remain in operation until further instructions. The directions in the said Order should be strictly followed in future elections until further instructions in this regard.

3. Kindly acknowledge receipt.

Election Commissioner's Letter No. 509/75/2004/J S-I/Vol .II/RCC
Dated: 21st November, 2008 addressed to the Chief Electoral Officers of all States and Union Territories.

Subject : Advertisement of political nature on Radio — regarding.

The Ministry of Information & Broadcasting vide letter No. 1/04/2004-BC/1V dated 20th November, 08, has informed that the Code for Commercial Advertising has been amended to provide for advertisements by political parties/candidates/persons in the form of spots and jingles on Radio also. Consequent upon this, the Commission has issued orders to the effect that the committees set up in the office of the Chief Electoral Officers to scrutinize political advertisements on TV channels/Cable Networks, will also deal with applications for pre-broadcast scrutiny of advertisements by political parties/candidates/other persons in connections with General Elections to the House of the People and State Legislative Assemblies during the period the Model Code of Conduct is in force in connection with such elections. A copy of the order is enclosed.

A copy of the order may be furnished to each of the political parties having headquarters in your State/UT, including State units of all recognized political parties. This may also be given vide publicity for information of other authorities concerned and the general public.

Please acknowledge receipt of this letter.

Copy alongwith copy of the Order referred to above, to all recognized National and State political parties for information.

Election Commission's Letter No. 509/75/2004/JS-I/Vol.II/RCC Date: 21st November, 2008 addressed to the Chief Electoral Officers of all States and Union Territories

ORDER

Subject : The Commission's Order dated 15th April, 2004, regarding advertisement on political nature on T.V. Channels & Cable T.V. Networks — Extension to Radio.

1. The Commission vide its order No. 509/75/2004/JS-1 Dated: 15th April, 2004 in pursuance of the order dated 13-04-2004 of the Hon'ble Supreme Court in SLP (Civil) No. 6679/2004 (Ministry of I&B Vs M/s Gemini TV and Others), issued directions regarding advertisements of political nature on TV. Channels & Cable T.V. Networks.
2. The Ministry of Information & Broadcasting has, vide their letter No. 1/04/2004- BC.IV dated 20th November, 2008, informed that clause-II (4) of the Code for Commercial Advertising on all India Radio, has been amended by adding the following proviso :-

“But advertisements in the form of spots and jingles on payment of prescribed fees, from political parties/candidates/any other person shall be accepted only in respect of General Elections to Lok Sabha/General Election to the State Assemblies/General Election to Local bodies during the period when the Model Code of Conduct is in force. Such advertisements shall be subject to pre- broadcast scrutiny by the Election Commission of India/authorities under the Election Commission of India in respect of elections to Lok Sabha and the State Assemblies and State Election Commissions in the case of Local bodies.”

3. In view of the above, the Commission has directed that its order dated 15th April, 2004, regarding advertisements of political nature on TV, Channels & Cable T.V. Networks shall apply to advertisements on Radio also, including the Private FM Channels, during the period Model Code of Conduct is in operation in connection with general election to the House of the People or to the Legislative Assembly of any State / UT. Accordingly, for broadcasting any advertisement of political nature on Radio, application for certification for broadcast shall be submitted to the Committee set up in the office of the Chief Electoral Officer of the State concerned for pre-broadcast scrutiny and certification permitting broadcast of the advertisement. The application shall be submitted in the same format as the one prescribed vide the order dated 15-4-2004 for advertisement on TV Channel/Cable/Networks, alongwith the Tape/CD and an attested transcript of the proposed advertisement. The format for certification of advertisement shall also be the same as that prescribed in the order dated 15-4-2004. The reference to 'telecast' in these formats shall be read to include broadcast' for the purposes of advertisements on Radio.
4. It is clarified that all other directions and the conditions specified in the order dated 15th April, 2004, and the subsequent instructions on the subject shall apply in the cast of advertisements of political nature on Radio.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.509/75/2004-JS-I/RCC/Vol.II

Dated 18th March, 2009

To,

The Chief Electoral Officer of
All States/Union Territories.

Subject: Advertisement of political nature on TV channels and cable networks and on Radio - clarification.

Sir/Madam,

Please refer to the Commission's order No. 509/75/2004/JS-I, dated 15th April, 2004, regarding scrutinizing of applications for certification for telecast on TV channels and cable networks. By its subsequent order dated 21st November, 2008, the directions in the said order have been made applicable for advertisement on Radio during the period of general election.

2. As per the above-referred order dated 15th April, 2004, the committee set up in the office of the Chief Electoral Officer, Delhi, is to deal with applications of all political parties having headquarters in Delhi. All the 7 National parties and a few State parties have office in Delhi. It is possible that the State units of these parties may also sponsor applications for focusing on individual States. In such cases, it is clarified that the applications from State units of the National parties may be submitted to the committee in the States concerned. However, the applications from the central office of the National and State parties with headquarters in Delhi will continue to be scrutinized by the committee in Delhi. In the case of State parties, applications from the units of the parties in States other than where they have their headquarters shall also be dealt with by the committee in the States concerned where the State units are submitting applications.
3. It is also clarified that applications from individual candidates for advertisements, both on TV and Radio, shall be made to the committee headed by the Returning Officer of the constituency concerned.

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4. The Commission has also directed that when the certificate for telecast/broadcast is issued by the committee, an authenticated copy of the transcript as approved by the committee should also be handed over to the applicant, and at the same time, the committee should retain a copy of the approved transcript and an electronic copy of the material certified for telecast/broadcast.
 5. These instructions may be brought to the notice of all concerned, and also to the political parties based in your State, including the State units of recognized political parties.

Yours faithfully,

(R.K. SRIVASTAVA)
SECRETARY

Copy to the President, Secretary of all recognized National and State Political parties.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2009/SDR

Dated 19th March, 2009

To

The Chief Electoral Officer of
All States/Union Territories.

Subject: Advertisement of political nature on TV channels, cable network and Radio.

Sir/Madam,

In continuation of the letter of even number, dated 18th March, 2009, the Commission gives the following further clarifications in the matter of applications for certification of political advertisements on TV channels/cable networks/Radio:

- (i) If the Central Office of any of the National Parties or the State Parties with headquarters in Delhi seeks certification of same advertisement in multiple languages(Hindi/English and in regional languages), the advertisement material in each of the languages alongwith certified transcripts should be submitted to the committee in the office of the CEO, Delhi. In addition, in such cases, the applicant should also submit a duly sworn affidavit stating, as is done in the Courts, that the regional language version of the advertisement is a true translation of the advertisement in Hindi/English and the applicant will be responsible for any mistake therein.
- (ii) If the Central Office of any of the National Parties or the State Parties with headquarters in Delhi wishes to seek certification of advertisement in any regional language (without there being any Hindi/English version of the advertisement), the application seeking certification will have to be submitted to the committee in the office of the CEO of the State concerned (i.e. the State to which the regional language pertains).

(iii) Any advertisement certified for telecast/broadcast by the committee in the office of the CEO, Delhi, on application from the Central Office of the National Parties and the State Parties with headquarters in Delhi, will be valid for telecast/broadcast throughout India in all States and UTs. No separate certification would be required in such cases from the committees in other States. However, the parties should submit a copy of the certificate obtained from the committee in Delhi to the Chief Electoral Officer of the State in which such advertisements are proposed to be telecast/broadcast. The copy should be submitted with a declaration that the same is a true copy of the certificate issued from the committee in Delhi and this should be submitted to the CEO in the State concerned before the advertisement is telecast/broadcast.

2. The above clarifications may be brought to the notice of all authorities in the State. A copy of this should be given to the screening committee functioning for this purpose in the office of the CEO.

Yours faithfully,

(K.F. Wilfred)

Secretary

Copy to: All recognized National parties and Samajwadi Party, J&K National Panthers Party, Janata Dal (Secular) and Janata Dal (United). Lok Jan Shakti Party and All India Forward Bloc.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi 110 001

No.491/Media/2010

Dated: 8th June 2010

To

Chief Electoral Officers
of all States and Union Territories

Subject: Measures to check 'Paid News' during elections i.e. advertising in the garb of news in Media

Sir/Madam,

I am directed to invite your attention to the subject cited and to state that the recent phenomenon of 'Paid News', which is assuming alarming proportion as a serious electoral malpractice, has been causing concern to the Commission in the context of conduct of free and fair elections. Several political parties and media groups have also conveyed their similar concerns to the Commission. There has been dialogue of several stakeholders with the Commission at different platforms and there is near unanimity to take necessary steps to put a halt to such mal-practice which puts undue influence on the free will of the voters, encourages the role of money power in a covert manner and disturbs level playing field in elections. The practice of paid news has to be seen as an attempt to circumvent the provisions of Sections 77 and 123 (6) of R.P. Act 1951 which prescribe accounting and ceiling of election expenses and make exceeding such prescribed limits a corrupt practice in elections.

2. The Commission has directed that maximum vigilance may be observed by making use of the existing provisions of law so that the incidence of 'Paid News' or surrogate advertisements in Print and Electronic media in the context of elections is arrested. The cases of 'Paid News' generally manifest in the forms of news articles/reports published about a particular candidate or a party eulogising them, or similar news articles/reports denigrating the opponents, both intended at unduly influencing the voters. The same or similar type of news

articles/reportings (with cosmetic modifications) appearing in more than one newspaper periodical would amount to further corroboration as circumstantial evidence that such news publication could result from collusion of the candidate/party with the editors, publishers, financiers of the newspaper etc. Such collusion would, however, have generally no transactional evidence of payment of consideration in cash or Kind.

3. Legal provisions under Sec.127A of the R.P. Act, 1951 make it mandatory for the publisher of an election advertisement, pamphlet, etc., to print the name and address of the publisher as well as printer and failure to do so attracts penalty of imprisonment up to two years and/or fine of Rs.2000/-. Section 171 H of the IPC prohibits incurring of expenditure on, interalia, advertisement without the authority of the contesting candidate. The Commission's detailed instruction No. 3/9/2007/JS-II dated 16th October, 2007 in this behalf may be seen (copy enclosed). The said instruction covers the declared or specified release as advertisement inserted in the newspaper, etc., and disclosure of amount paid for such advertisements, but in the case of 'Paid news'/surrogate news, such payment is seldom disclosed as the matter is camouflaged as news though serving the purpose of advertisement only. For the purpose of Sec.127A (1) of the R.P.Act, 1951, "election pamphlet or poster' means any printed pamphlet, hand-bills or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates". Thus, 'Paid News' would also fall in the category of 'other document' liable to be included in 'election pamphlet & poster' and action taken accordingly. Hence, an obvious case of news reporting in the print media dedicated/giving advantage to a particular candidate or the party while ignoring/causing prejudice to other candidates and parties would require investigation.

4. The Commission directs that for the purposes of above investigation, district level committees may be constituted by the DEOs in each district as soon as election is announced to do vigorous scrutiny of all newspapers, published or having circulation in the district in order to locate political advertisement in the garb of news coverage appearing within the election period. DEOs should closely monitor advertisements released in print media in any form including surrogate advertising in the form of news, and serve notices to candidates/political parties where called for, so that the expenses incurred thereon are duly reflected in the account of the concerned candidate/party.

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5. Similarly, the District Committee should also keep a watch on the election news/features, etc. on the electronic media in the district. When there is disproportionate coverage to the speech/activities of a candidate on television/radio channels, which is likely to influence the voters and yield electoral benefit to a particular candidate, and the same coverage appears in several channels, then the candidate should be served with notices by the DEOs to explain her/his stand as to why the coverage should not be treated as advertisement, and matter should be reported to the Commission.
 6. The Commission has already issued Order No. 509/75/2004/J.S.-I dated 15th April, 2004 consequent upon order of the Hon'ble Supreme Court of India in SLP (C) No. 6679/2004, (Ministry of Information and Broadcasting vs. M/s Gemini TV Pvt.Ltd and Others) providing for the constitution of a committee for previewing, scrutinizing and verifying all advertisements by individual contesting candidates or political parties, before it is inserted in the electronic media. The aforesaid phenomenon of Paid News by- passes the scrutiny of the Committee despite being a political advertisement in spirit and also evades accounting in the expenses book of the candidates. CEOs may strengthen these Committees so as to also scrutinize the news reports in electronic media, which bear the character of political advertisement, though without being declared to be so. Notices to candidates/parties may be issued by the CEOs on the basis of recommendation of such Committees.
 7. The Commission should be kept informed of all cases where notices as aforesaid are issued to parties/candidates.
 8. The receipt of this letter may be acknowledged and the Commission informed of the action taken.

Yours faithfully,

(Tapas Kumar)
Principal Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi — 110001

No. 491/Media Policy/2010

Dated: 23 September, 2010

To

The Chief Electoral Officers of All States and UTs

Subject: Measures to check Paid News during elections i.e. advertising in the garb of news in media

Sir,

In continuation of the Commission's letter No. 491/Media/2009, dated 8th June 2010, on the subject cited, I forward herewith a copy of the report of the Press Council of India No. PR/2/1011 dated 30th July 2010.

2. The following parts of the Report are for particular attention and necessary action:
 - (a) The Press Council of India has defined paid news as “any news or analysis appearing in any media (Print and Electronic) for a price in cash or kind as consideration”.
 - (b) The Council has highlighted its own guidelines of 1996 at page 8 to 10 of the Report enclosed with the letter. Para 1 of the guidelines refers that "newspapers are not expected to indulge in unhealthy election campaigns, exaggerated reports about any candidate/party or incident during the elections. While reporting on actual campaign, a newspaper may not leave out any important point raised by a candidate and make an attack on his or her opponent." Similarly, para 5 specifically refers that "Press is not expected to indulge in canvassing of a particular candidate /party. If it does, it shall allow the right of reply to the other candidate party." Thus, any departure from the above guidelines should make a case for prima facie investigation of paid news.
3. Others parts of the Report are for information. Specific action, if any, is being taken by the Commission.

4. As regards the constitution of the district level committee for scrutiny of Paid News during election periods, the same shall be composed of following officers:

(i) DEO/Dy DEO

(ii) DPRO

(iii) Central Govt. MB Ministry official (if, any in the district)

(iv) Independent citizen/Journalist as may be recommended by PCI

5. The above may be taken note of as additional guidelines in continuation of the instructions issued vide letter dated 8th June 2010 and action may be taken accordingly.

Yours faithfully,

(Tapas Kumar)

Principal Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi - 110 001

No. 3/1/2011/SDR

Dated: 3rd February, 2011

To

The Secretary,
Ministry of Law & Justice,
Legislative Department,
Shastri Bhawan, New Delhi.

Subject: Proposals for amendment of Representation of the People Act and Conduct of Elections Rules 1961.

Sir,

This is in continuation of the proposals for amendment of the law sent by the Commission from time to time, The Commission desires that amendments are required on the following issues also

- (i) Amendment of Section 125A of 1951 Act, regarding complaints about filing of false affidavits by the candidates;
- (ii) "Paid News" being added in the category of corrupt practice or electoral offences;
- (iii) Raising the ceiling of election expenditure;

Amendment of Section 125A:

Section 125A provides for penalty for filing false affidavits by candidates before the R.O. in connection with filing of nomination paper. This section provides for a punishment of imprisonment upto six months or fine, or both. Filing of false information before a public servant is also an offence under Section 177 of IPC, punishable with imprisonment upto six months or with fine of one thousand rupees. The RP Act does not specifically mention about the authorities by whom, and before whom, a complaint regarding false affidavit is to be lodged. Under Section 195 of Cr. PC, Court will take cognizance of offence under Section 177 (filing of false information) only on the complaint in writing of the public servant

concerned or some public servant to whom he is administratively subordinate. In view of these provisions, the Commission issued a circular letter on 2-6-2004 (copy enclosed), directing that if any complaint is filed before the R.O. regarding false affidavits filed by any candidate, the RO, on being prima facie, satisfied about merit in the complaint, should file petition before the Magistrate Court for prosecution of the candidate concerned.

2.2 In a petition in the Allahabad High Court, Lucknow Bench, (writ petition No.3969 of 2005- Dr. Subramanian Swamy Vs. Election Commission of India & ors.) the High Court while dismissing the petition, made an observation that after the election the R.O. becomes functus officio for the purpose of that election. In the case of some complaints regarding false affidavits, the candidate concerned have relied upon the said observation of the High Court and the R.Os. have also accepted the contention of the candidates thus resulting in summary closure of the complaints.

2.3 The Commission recommends that a sub-section may be added under Section 125A to the effect that any complaint regarding false statement in the affidavits filed by the candidates in connection with nomination paper shall be filed by the complainant with the supporting evidence before the R.O. concerned within a period of 30 days from the date of declaration of the election, and that it shall be the responsibility of the RO to take proper follow-up action. It may be recalled here the Commission had, in the set of proposals sent in 2004, made a proposal for increasing the punishment for filing false affidavits to a minimum of two years' imprisonment.

Paid News :

3.1 The Press Council of India, in its report regarding paid news cases in last year's elections had recommended that paid news may be made a corrupt practice. A copy of the report is enclosed.

3.2 The Commission is of the view that "paid news" plays a very vitiating role in the context of free and fair elections. The public, in general, attaches greater value in news report as distinguished from advertisements by political parties and candidates. Paid news is masquerading as news and publishes advertisements in the garb of news items, totally misleading the electors. To make matters worse, the whole exercise involves use of unaccounted money and underreporting of election expenses in the accounts of election expenses of the candidate indulging in the malpractice.

The Commission sees "paid news" as a deceit on adversely affected contesting candidates and the electorate. This needs to be dealt with firmly.

- 3.3 The Commission, therefore, recommends that provision should be made in the Representation of the People Act, 1951, to include publishing and abetting of publishing of "paid news" for furthering the prospects of election of any candidate or for prejudicially affecting the prospects of election of any candidate as an electoral offence under Chapter III of Part VII of the 1951 Act, with exemplary punishment of a minimum of two years' imprisonment.

Ceiling of election expenses:

- 4.1 The present ceiling of election expenses is Rs.25 lakhs for Lok Sabha constituency and Rs.10 lakhs for Assembly Constituency. The ceiling is slightly less in the case of some smaller States. This ceiling was fixed in the year 2003. In a meeting held by the Commission with the recognized parties on 4th October, 2010, many of the parties had expressed the view that the ceiling should be increased.
- 4.2 Now that more than 7 years have passed since the limits were revised, the Commission is of the view that it is time for further revision of the ceiling amount, The number of electors at the time of the last revision of the expenditure limit 2003 was about 646,5 million. As per the final rolls of 2010, the electorate strength was more than 730 million. After the final publication of the rolls w.r.t. 1-1-2011 as the qualifying date, the electorate strength is expected to cross 740 million. Thus the electorate strength has increased by nearly 100 million since 2003. Moreover, the price index also has gone up by 1.6 times during this period.
- 4.3 The Commission, therefore, proposes that the expenditure ceiling provided under Rule 90 of the Conduct of Elections Rules, 1961, may be increased corresponding to the increase in cost inflation index. The proposed ceiling amounts for various States are shown in the statement enclosed with this letter.

Yours faithfully,

(K. F. WILFRED)
SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi

No. 491/ Media/ 2009

Dated: 18th March 2011

To

The Chief Electoral Officers of
All States/ UTs

(Kind attention: Assam, Kerala, Puducherry, Tamil Nadu and West Bengal)

Subject: Measures to check "Paid News" during elections i.e. advertisement in the garb of news in Media.

Sir,

I am directed to refer to the Commission's letters no. 491/Media/ 2009 dated 8th June 2010 and 23rd September, 2010 respectively, on the subject cited and to say that one officer of Indian Information Service (ISS) posted in the State/UT representing separate media department of Government of India in addition to the member provided at (c) below be made member of the State Level Committee to dispose of the cases related to appeals against orders of District level Media Certification & Monitoring Committee (MCMC) on "Paid News".

As such, the State Level Committee (to deal with applications by political parties and organizations for certification for advertisement on television channel and cable network) will now be called State level MCMC with the following composition: -

- (a) The Additional/Joint Chief Electoral Officer- Chairperson
- (b) Returning Officer of any Parliamentary Constituency located in the capital of the State.
- (c) One expert being an officer to be requisitioned from the Ministry of Information & Broadcasting.
- (d) Officer of Indian Information Service, (at the level of US/ DS) posted in the State/ UT, representing media Department of Government of India as separate from the expert at (c) above.

Yours faithfully,

(YASHVIR SINGH)
DIRECTOR

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/Media/2011 (Advt)

Dated: 16th August, 2011

To

The Chief Electoral Officers of
all States and UTs.

Subject : Guidelines for dealing with candidates' advertisements on TV/Cable channels owned by political parties or their functionaries/office bearers during elections.

Sir/Madam,

I am directed to say that the Commission has received various references regarding Paid News and advertisements on TV/Cable Channels network owned by political parties or their functionaries/office bearers. The complaints were filed by different political parties, journalists and other individuals. In order to bring uniformity in dealing with such instances, the Commission has directed to issue the following guidelines: -

Six months before the due date of expiry of Lok Sabha or the State/UT Legislative Assembly, as the case may be, a list of television channels/radio channels/newspapers, broadcasting/ circulated in the State/UT and their standard rate cards shall be obtained by the CEOs and forwarded to the Commission.

The Media Certification and Monitoring Committee (MCMC) at District level and State level will monitor all political advertisements in relation to candidates, either overt or covert, and will intimate the Returning Officer for issue of notices to candidates for inclusion of notional expenditure based on standard rate cards in their election expenses account, even if, they actually do not pay any amount to the channel/newspaper, that is otherwise the case with "Paid News". This will also include publicity by or on behalf of candidate by Star Campaigner (s) or others, to impact his electoral prospects. A copy of the notice will also be marked to Election Expenditure Observer.

In case of bye-election to Parliamentary or Assembly constituency, the standard rate card will be obtained by the District Election Officer concerned immediately on announcement of the bye-election and Media Certification and Monitoring Committee (MCMC) will take due action immediately afterwards.

Like in the case of “Paid News”, the Chief Electoral Officer and District Election Officers will brief political parties and media houses about the above guidelines before the commencement of the election campaign.

In case of any technical doubt relating to the application of the standard rate card, the matter would be referred to the DAVP, Ministry of I&B, Govt. of India for advice.

These instructions should be read together with the Commission's earlier circulars on “Paid News” dated 8th June 2010, 23rd September 2010 and 18th March, 2011.

This may be brought to the knowledge of all concerned immediately.

Yours faithfully,

(Yashvir Singh)

Director

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/Paid News/2012/Media

Dated: 15th March, 2012

ORDER

The Commission has been receiving complaints and references of 'Paid News' from amongst others, CEOs of States/UTs, where elections to Legislative Assemblies or bye-elections to Parliamentary / Assembly Constituencies were held. Complaints have also been received from political parties, journalists and common citizens, in this regard.

The Commission vide its letters No.491/Media/2009, dated 8th June, 2010 and No.491/Media Policy/2010 dated 23rd September, 2010 had directed constitution of District level Media Certification and Monitoring Committees (MCMCs) in all States/UTs. Further, vide letter dated 18th March 2011, the CEOs of all the States/UTs were directed to set up State-level MCMCs also. In continuation, the Commission vide its order dated 16th June, 2011 had constituted a Committee at the Election Commission of India. The same Committee is strengthened, with a view to examine complaints/references of 'Paid News' received from State CEOs/MCMCs with the following composition:-

1. Additional Director General (News), News Services Division: AIR, New Delhi
2. Additional Director General, DAVP, New Delhi
3. Principal Secretary/Secretary (in-charge of Election Expenditure)
4. Principal Secretary (Legal)
5. Principal Secretary (in-charge of the State/UT from where reference in received)
6. Principal Secretary (in-charge of CC & BE Division)
7. Director/Principal Secretary/Dy. Secretary (Media Division) - Convener Members at SI No.1 and SI No.2 are based on nominations by concerned ministries/Departments.

The role of the aforesaid Committee would be as follows:-

1. To examine references received from State level Media Certification and Monitoring Committees (MCMCs).
2. To examine and recommend on references directly received in the Commission, which are not any State/UT specific, regarding 'Paid News'.
3. To support policy formulation at ECI on issues like a) Paid News b) Issues relating to usage of electronic and print media for campaigning proposed by parties and candidates, c) Do's and Don't to be followed by both print and electronic media etc.
4. Any other matter referred to the Commission by CEOs, Union/State Governments, in which media monitoring is requested.

By order

(Yashvir Singh)

Director

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/Paid News/2012/Media

Dated: 27th August, 2012

To

Chief Electoral Officer of all the States/UTs

Subject: Measures to check 'Paid News' during elections i.e. advertisement in garb of news in Media and related matters – revised guidelines – regarding.

Sir/Madam,

I am directed to invite your attention to the subject cited and to state that the Commission has issued order No. 509/75/2004/JS-1 dated 15th April, 2004 consequent upon order of the Hon'ble Supreme Court of India in SLP © No. 6679/2004. (Ministry of Information and Broadcasting vs. M/s Gemini TV Pvt. Ltd and Others) requiring the constitution of a committee for previewing, scrutinizing and verifying all advertisements by individual contesting candidates or political parties, before it is inserted in the electronic media. The Commission issued further guidelines vide its letters of even no. dated 8th June 2010, 23rd September 2010, 18th March 2011 and 16th August 2011, to constitute Media Certification and Monitoring Committee (MCMC) in each district during election period to take up the additional task of keeping a check on the cases of Paid News.

In modification of orders on 'Paid News' dated 8th June 2010 and thereafter, I am directed to state the following:

1. District Level Media certification and Monitoring Committee (MCMC)

1.1 The District level MCMC shall be formed in each district with the following members:

- (a) DEO/RO (of Parliamentary Constituency)
- (b) ARO (not below SDM)
- (c) Central Govt. I & B Ministry official (if any in the district)
- (d) Independent Citizen/Journalist as may be recommended by PCI

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- (e) DPRO/District Information Officer/equivalent – Member Secretary
- 1.1.1 For the purpose of the certification of advertisements as per aforesaid Supreme Court order, Returning Officer of the parliamentary constituency/District Election Officer and an ARO (not below SDM) shall be the members of the MCMC. However, for the scrutiny of the cases of 'Paid News' etc, District MCMC shall have three additional members as given at 'c', 'd' and 'e'.
- 1.1.2 If Central govt. I &B Ministry Official is not posted in the district, District Election Officer can appoint preferably a Central Govt. Officer or a senior State Govt. Officer posted in the district.
- 1.1.2 If PCI is not providing names to be included in the MCMC, DEO may himself appoint either an independent senior citizen or journalist, who is willing and as who, in the opinion of the DEO, is eligible in terms of background and record of neutrality.
- 1.1.3 The Member Secretary (DPRO/DIO or equivalent) should be from the Provincial State Civil Services.
- 1.2 The committee shall have two distinct sets of functions:
- (i) **Certification of Advertisements** for which two specific members of MCMC i.e. RO & ARO shall have to consider and decide on such advertisements for certification.
- (ii) **Examining complaints/issues of Paid News** etc by all members through a monitoring arrangement.
- 1.3 The MCMC shall, besides discharging the functions of Certification of Advertisement and checking of Paid News, would also assist in enforcement of media related regulations under the RP Act. Hence the Committee's functions shall include:
- 1.3.1 MCMC shall scan all media (e.g. newspapers, print media, electronic media, cable network, internet, mobile network etc) for:
- a. suspected cases of paid news (it shall also actively consider paid news cases referred to it by the Expenditure Observers. It shall intimate the Returning Officer for issue of notices to candidates for inclusion of actual expenditure on the published matter or notional expenditure based on DIPR rates in their election

expenses account (in absence of DIPR rates, DAVP rates may be used), either based on or irrespective of whether the candidate actually has paid or not paid any amount to the channel/newspaper. A copy of the notice shall also be marked to Expenditure Observer)

- b. monitoring of political advertisements in electronic media (for checking if the telecast/broadcast has been done only after certification by the Committee).
- c. monitoring political advertisements in other media, in relation to candidates, either overt or covert, from Expenditure monitoring angle (this will also include publicity or advertisement or appeal by, or on behalf of candidate, or by Star Campaigner(s) or others, to impact candidate's electoral prospects)
- d. advertisements in print media (MCMC shall check if the advertisement is with the consent or knowledge of candidate: in which case it will be accounted for in the election expenses of the candidate(s); however, 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).
- e. checking if the name and address of the publisher and printer is carried on any election pamphlet, poster, hand bill and other document as required under Section 127A of R.P.A 1951 (If any printed material does not bear on its face the names and addresses of the printer or the publisher, MCMC shall bring it to the notice of the RO for further necessary action; For the purpose of section 127 of R.P.A. 1951, **'Paid News' would also fall in the category of other document'**).

- 1.3.2 It shall submit a daily report to Accounting team with copy to RO and Expenditure Observer in respect of each candidate in the prescribed format (as per annexure 12 of the prescribed Expenditure Guidelines) w.r.t. expenditure incurred by the candidate on election advertising or actual expenditure incurred for publishing the 'News' that is substantiated by necessary documents furnished by the candidate or notional expenditure as computed by the Committee in the assessed cases of Paid News.

1.3.3 The MCMC shall create a suitable mechanism for monitoring media and shall be equipped with adequate manpower and infrastructure for the same.

2. State level MCMC

2.1 The State level MCMC shall comprise of the following officers:

- (a) The Chief Electoral Officer, Chairman
- (b) Any Observer appointed by the Election Commission of India
- (c) One expert to be co-opted by the Committee.
- (d) Officer of Indian Information Service (IIS), (at the level of US/ DS) posted in the State/UT, representing a media Department of Government of India as separate from the expert at (c) above.
- (e) Independent citizen or journalist as nominated by PCI (if any)
- (f) Addl/Jt CEO in charge of Media (Member Secretary)

2.1.1 If PCI is not providing names to be included in the Committee, CEO may himself appoint either an independent senior citizen or journalist, who is willing and who, in the opinion of the CEO, is eligible in terms of background and record of neutrality.

2.2 The State level MCMC shall perform two sets of functions:

- (i) Deciding appeal from both District and Addl/Jt CEO Committees on Certification of advertisement as per the aforesaid Commission order dated 15th April 2004.
- (ii) Examining all cases of Paid News on appeal against the decision of District MCMC or cases that they may take up suo motu, in which case it shall direct the concerned ROs to issue notices to the candidates.

2.2.1 **The appeal on certification** of advertisements need to be handled by members at (a), (b) and (c) in the manner specified in the aforesaid order dated 15th April 2004, while the members at (d), (e) & (f) are added to deal with Paid News cases.

2.2.2 It is clarified that as regards the certification, the appeal both from District and Addl/Jt CEO Committee will lie only with and will be disposed of by the State Level MCMC headed by CEO as per Commission's order dated 15th April, 2004 and no reference in this regard needs to be made to the Commission.

3. **Addl/Joint CEO's Committee on Certification :** The Committee chaired by Addl/Jt CEO for Certification of advertisement, constituted as per the Commission's 15th April 2004 order shall continue to function as stated in the aforesaid order and shall have no jurisdiction over cases of 'Paid News'.

4. **Appeal against decision of State level MCMC on Paid News**

4.1 Any appeal against the decision of the State level MCMC in matter of Paid News will be made to the Election Commission of India. The State level MCMC can also make a reference to the Commission for advice, if it deems it necessary. Wherever complaints on Paid News cases are made to the Commission directly, the Commission shall forward cases to the State level MCMC for initial consideration.

5. **Paid News Guidelines:** With regard to Paid News, following guidelines may be followed:

5.1 Six months before the due date of normal expiry of Lok Sabha or the State/UT Legislative Assembly, as the case may be, a list of television channels/radio channels/newspapers, broadcast/ circulated in the State/UT and their standard rate cards shall be obtained by the CEOs and provided to all District level MCMCs for fixing the rates of advertisements.

5.2 In case of bye-election to Parliamentary or Assembly constituency, the standard rate card shall be obtained by the District Election Officer concerned immediately on announcement of the bye-election.

5.3 In case of any doubt relating to the application of the standard rate card arising, the matter shall be referred to the DIPR or DAVP, Ministry of I&B, Gov. of India for advice.

5.4 The CEO and DEOs will brief Political Parties and Media Houses about the above guidelines before the commencement of the election campaign. Media shall be asked to exercise self-regulation in

this regard. Wide publicity may be given to this order to make the general public also aware about these guidelines. The thrust of the briefing will be on the need for self-regulation.

5.5 The cases of suspected Paid News or advertisement or appeal shall have to be considered within strict timelines as follows:

5.5.1 On reference from District MCMC, RO shall give notice to the candidates within 96 hrs of publication/ broadcast/ telecast/ receipt of complaint to explain/disclose the expenditure incurred for publishing the 'news' or similar matter, or state why expenditure should not be computed as per standard rate and added to the candidate's expenditure. The same timeline will apply when State level MCMC takes up cases suo motu or on the basis of complaints.

5.5.2 District/State level MCMC shall decide on the reply expeditiously and convey to the Candidate/Party its final decision. In case no reply is received by District MCMC from the candidate within 48 hrs of serving of notice, the decision of MCMC will be final.

5.5.3 If decision of District level MCMC is not acceptable to the candidate, he/she may appeal to State level MCMC within 48 hrs of receipt of decision, with information to the District MCMC.

5.5.4 The State level MCMC shall dispose of the case within 96 hrs of receipt of appeal and convey the decision to the Candidate with a copy to District level MCMC.

5.5.5 The Candidate may appeal against the decision of State level MCMC to ECI within 48 hrs of receiving of order from this Committee. The decision of ECI shall be final.

5.6 The entire process shall ordinarily be completed within Election period.

6. It has been observed that in certain cases, notices on paid news has been issued in large numbers while further action on the same remain pending. MCMCs may ensure that due deliberation takes place on each case and only cases that appear to be suspected cases of 'Paid News' are referred to the RO for issue of notice to the candidate. While seeing that frivolous cases are not taken up, MCMC should ensure that there is no laxity on checking actual 'Paid News'.

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7. Where the suspected cases of Paid News are decided as a “Paid News” either at District level/CEO level/Commission level, as the case may be, the actual/notional expenditure shall be treated as part of election expenses of the Candidate concerned, with due intimation to him/ her or his/her agent.
 8. Where the District/State level Committee or ECI decides that it is a Paid News case, such cases shall be conveyed to Press Council of India for further action in relation to the media concerned.

Yours faithfully,

(Rahul Sharma)
Under Secretary

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

No. 491/Paid News/2012/Media

Dated: 9th October, 2012

To

Chief Electoral Officer of all the States/UTs

Subject: Measures to check 'Paid News' during elections i.e. advertisement in grab of news in Media and related matters – revised guidelines – regarding.

Sir/Madam,

In continuation of the Commission's letter dated 27th August, 2012 on the subject cited I am directed to say that the para 5.5.2 of the said letter, with partial modification may now be read as “The candidate shall reply to the notice received from District/State level MCMC within 48 hrs of receiving of notice. If no reply is received from the candidate within stipulated time, the decision of MCMC will be final. District/State level MCMC shall decide on the reply expeditiously, preferably within 48 hrs of receiving of reply and convey to the candidate/party its final decision”.

Yours faithfully,

(Rahul Sharma)
Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/Paid News/2012/Media

Dated:15th October, 2012

To

Chief Electoral Officer of all the States/UTs

Subject: Measures to check 'Paid News' during elections i.e. advertisement in grab of news in Media and related matters – revised guidelines– regarding.

Sir/Madam,

I am directed to refer to the Commission's letter dated 27th August 2012 and to say that the certification of the advertisements as referred to the Commission's order dated 21st November 2008 (copy enclosed), will also include those to be displayed in **Cinema Halls**, besides, TV Channels/Cable Networks and Radio including Private FM Channels, as already instructed.

Yours faithfully,

(Rahul Sharma)
Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/PN/Media/2013

Dated: 12th February, 2013

To,

Ms. Annie Joseph,
Secretary General,
News Broadcasters Association,
Juris House, Ground Floor,
22- Inder Enclave, Pashchim Vihar,
New Delhi – 110087.

Subject: Measures to check 'Paid News' during elections i.e. advertisement in garb of news in Media – regarding.

Madam,

I am directed to invite your attention to the recent phenomenon of 'Paid News', which has emerged as a serious electoral malpractice. Paid News has been defined as “Any news or analysis appearing in any media (Print & Electronic) for a price in cash or kind as consideration”. This has been causing concern to the Commission in the context of conduct of free and fair elections. Several political parties and media groups including large section of broadcast media have also conveyed their similar concerns to the Commission. There has been dialogue by several stakeholders with the Commission at different platforms and there is unanimity to take necessary steps to put a halt to such mal-practice which puts undue influence on the voters, encourages the role of money power and disturbs level playing field in elections. The Commission has taken various measures to check this mal-practice. A comprehensive guideline on paid news dated 27th August, 2012 issued by the Commission is also enclosed herewith for your ready reference.

It is also very essential to prevent media houses (both print & electronic) from indulging in this electoral mal-practice. Press Council of India (PCI) is also a key stakeholder with the Commission and playing vital role in keeping a check on print media. In the established cases of paid

news, the Commission takes appropriate action with regard to the candidates and forwards the name of involved print media houses to PCI for necessary action.

The Commission has considered that cases of Paid News involving the broadcasting media can be similarly referred to your Association, once the same is confirmed by our screening Committees, for further necessary action. This is in view of absence of any other authority like PCI with relation to broadcasting media.

With the support of NBA, the Commission hopes to curb paid news instances in broadcast media. An early response from you would be appreciated, before we proceed further in the matter.

Yours faithfully

(Padmo Angmo)
Deputy Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/Media Policy/2013

Dated:10th October 2013

To,

The Chief Electoral Officer
NCT of Delhi
Delhi

Subject:- Clarification regarding advertisements of political nature.

Sir,

I am directed to refer your letter dated 09.10.2013 on the subject cited and to furnish following para wise reply of your queries:

Clarification on item no.1 & 2

Audio – visual displays of political advertisement/campaign material in public places should require certification under the existing orders of the Commission to be done by the designated committee.

Clarification on item no.3

In the cases where registered parties/group/organization/association, not having their Headquarter in NCT of Delhi but wish to telecast/broadcast their advertisement in Delhi, certification of the advertisement should be considered by the MCMC in the State, where the party is contesting election, in this case NCT of Delhi.

Clarification regarding the other issues related to your letter will be conveyed to you soon.

Yours faithfully,

(Rahul Sharma)
Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/Paid News/2014

Dated : 7th February 2014

To

The Chief Electoral Officers of all States/UTs,

Subject: Certification of political advertisements during election by Media Certification and Monitoring Committee – Clarifications.

Sir/Madam,

I am directed to refer to the subject cited and to clarify the following issues in connection with Certification of political advertisements during elections:-

1. Audio-visual displays of political advertisements/campaign material in public place should require certification under the existing orders of the Commission to be done by the designated Committee.
2. In the cases where registered parties/group/organization/association, do not have their Headquarter in the state where they wish to telecast/broadcast their advertisement, certification of the advertisement should be considered by the MCMC in the State, where the party is contesting election and proposes to use the campaign material.
3. In respect of Commission's Order dated 15th April 2004 (copy enclosed) passed by the Commission in pursuance of the Order dated 13th April 2004 of the Hon'ble Supreme Court which has directed that no cable operator of TV channel shall telecast any advertisement, which does not conform to the law of the country and which offends the morality, decency and susceptibility of view or which is shocking, disgusting and revolting. Moreover, no advertisement shall be permitted which derides any race, caste, colour, creed and nationality, is against any provision of the Constitution of India and tends to incite the people to crime, cause disorder or violence or breach of law or glorifies violence or obscenity in any way.

The Certification Committee (MCMC) may take action in all cases keeping the above position in mind. However, it should also be brought to the notice of all candidates/political parties seeking certification that their advertisements should comply also with the Model Code of Conduct.

4. The Committee while issuing certificate to the applicant may also include the following disclaimer – The responsibility for the factuality and correctness of claims and allegations made in the advertisement lies wholly with publisher/advertiser. The certification committee is no way answerable or liable for any damage or loss or injury, civil or criminal on account of such publication.
5. With regard to the Commission's letter dated 15th April 2004, regarding scrutinizing of applications for certification for telecast on TV channels and cable networks, the Commission has decided that the Committees constituted to deal with the application for pre-certification of political advertisement, shall dispose of all such applications and inform the decision to the applicant within 24 hours of receipt of application, preferably on the same day, if application is received before 12 noon unless there are compulsive reasons not to do so.
6. In respect of Commission's letter dated 27th August 2012, para 1.1.1 may be read as–
“for the purpose of certification of advertisements as per aforesaid Supreme Court order, Returning Officer of the parliamentary constituency and an ARO (not below SDM) shall be the members of the MCMC.”

Yours faithfully,

(Rahul Sharma)
Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.491/Paid News/2014

Dated: 26th February 2014

To

The Chief Electoral Officers of all States/UTs,

Subject: Composition of Media Certification and Monitoring Committees on Certification and Paid News – Clarifications.

Sir,

I am directed to invite your attention to the Commission's letter dated 27th August 2012 on the subject cited, and to clarify the following:-

- (1) The composition/duties of Media Certification and Monitoring Committees will be as under :-
 - (i) For scrutiny of paid news cases, the committee is formed at district level with the following officers:-
 - (a) District Election Officer
 - (b) ARO (Not below SDM)
 - (c) Central Govt I&B Ministry official (if any in the district)
 - (d) Independent Citizen/Journalist as may be recommended by PCI/DEO's nominee (If PCI nomination is not available)
 - (e) DPRO/District Information Officer/equivalent – Member Secretary
 - (ii) For certification of political advertisements, the committee will be formed at Parliamentary Constituency level with the following officers:-
 - (a) Retuning Officer of Parliamentary Constituency
 - (b) ARO (not below SDM)

For the Committee at (ii) above, it is clarified that Returning Officer of Parliamentary Constituency may co-opt as many members to assist him in certification of political advertisements as the number of districts falling in that Parliamentary Constituency so as to have wider opinion and equal representation from all the districts in the matter of certification.

- (2). Regarding certification of political advertisements on social media, it is clarified that the political advertisements issued in e-papers of any newspaper shall also require to be pre-certified by committee for certification at (ii) above.

Yours faithfully,

(Rahul Sharma)
Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/MediaPolicy/2013

Dated:7th March, 2014

To,

Chief Election Officers of all States and UTs

Subject: Measures to check 'Paid News' during elections i.e. advertisement in garb of news in Media and related matters-revised guidelines – regarding.

Sir/Madam,

I am directed to refer to Commission's letter No. 491/ Paid News/ 2012/ Media dated 27th August 2012 on the subject cited and to state that there has been a partial modification in the paid news guidelines and point no. 5.5.2 of the referenced letter shall now be read as-

“5.5.2 The reply of the show cause notice shall be addressed to R.O. and in case no reply is received by R.O. from the candidate within 48 hrs of serving of notice, the decision of MCMC will be final. District/State level MCMC shall decide on the reply expeditiously and RO shall convey to the Candidate/Party such final decision.”

Yours faithfully,

(Rahul Sharma)
Under Secretary

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

No. 491/Media Policy/2013

Dated: 7th March, 2014

To

Chief Electoral Officers of all States and UTs

Subject: Guidelines for broadcast media to observe during elections – regarding

Sir/Madam,

I am directed to forward herewith a copy of guidelines for broadcast media to observe during elections issued by News Broadcasting Standards Authority (NBSA) dt. 3rd March, 2014. These guidelines may be actively brought to the notice of all TV/radio/cable channels in the State/districts. These may also be provided to State/district MCMCs for their guidance and information.

Your faithfully

(Rahul Sharma)
Under Secretary

(Note : Detailed guidelines of NBSA dated 3rd March 2014 at page 175)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/MCMC/2014 (Communication)

Dated:15th March, 2014

To

The Chief Electoral Officers of all States/UTs
Special attention CEO, NCT of Delhi

Subject: General Election to Lok Sabha, 2014 - Certification of Political Advertisement.

Sir,

I am directed to refer to the subject cited and to say that in pursuance of Hon'ble Supreme Court's Order dated 13th April 2014, the Commission vide its order dt 15th April 2014 has constituted Committees at Parliamentary Constituency level and in the office of CEOs in all the States for the certification of political advertisements. As per that order-

1. Committee constituted at Delhi under the chairmanship of Joint CEO will entertain the applications for certification of political advertisements by all registered political parties/groups/organizations/organisations having their headquarters in NCT of Delhi.
2. Committees constituted in other States/UTs will entertain the applications for certification of political advertisements by all registered political parties/ organizations / group / associations having their headquarters in that State/UT. In addition to the above, vide Commission's letter dated 19th March 2009 it was also clarified that-
 - (i) If the Central of any of the National Parties or the State Parties with headquarters in Delhi seeks certification of same advertisement in multiple languages (Hindi/English and in regional languages), the advertisement material in each of the languages along with certified transcripts should be submitted to the committee in the office of the CEO, Delhi.

-
- (ii) If the Central Office of any of the National Parties or the State Parties with headquarters in Delhi wishes to seek certification of advertisement in any regional language (without there being any Hindi/English version of the advertisement), the application seeking certification will have to be submitted to the committee in the office of the CEO of the State concerned (i.e. the State to which the regional language pertains).
- (iii) Any advertisement certified for telecast/broadcast by the committee in the office of the CEO, Delhi, on application from the Central Office of the National Parties and the State Parties with headquarters in Delhi, will be valid for telecast/broadcast throughout India in all States and UTs. No separate certification would be required in such cases from the committees in other States.

Besides, the Commission vide its letter dated 10.10.2013 clarified that in the cases where registered parties/group/organization/association, not having their Headquarter in NCT of Delhi but wish to telecast/broadcast their advertisement in Delhi, certification of the advertisement should be considered by the Committee in the State, where the party is contesting election.

Now, in the above context, it is further clarified that various State parties who contest elections outside the state where their headquarter is located and wish to use different languages for TV/radio advertisements, they may seek certification of such advertisements from the aforesaid Committee in Delhi within the overall scope of Supreme Court's order dated 13th April 2004 and Commission's letter dated 19th March 2009.

Kindly give wide publicity to all concerned.

Yours faithfully,

(Dhirendra Ojha)
Director

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

No. 491/MCMC/2014 (Communication)

Dated:11th April, 2014

To

Chief Electoral Officer of all the States/UTs
(Special attention to CEO Gujarat w.r.t. letter ELC-102014-385-CHH dt
05.04.2014)

Subject: Certification of political advertisement - regarding.

Sir/Madam,

In partial modification of the Commission's letter of even no. dt 15th March 2014 (copy enclosed) and to say that Chief Electoral Officers of States/UTs may accept and pre-certify the advertisements from any political parties irrespective of location of their headquarter, provided they have the language competency to do so.

Yours faithfully,

(Rahul Sharma)
Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/MCMC/2014/Communication

Dated: 24th March, 2014

To

Chief Electoral Officers of all States and UTs

Subject: Certification of advertisement of political nature on electronic media – regarding

Sir/Madam,

I am directed to refer to the Commission order issued vide its letter dt 15.04.2004 (copy enclosed) on the subject cited and which was issued consequent upon Hon'ble Supreme Court Order dt 13.04.2004. In para 5 of the said Commission's order it was directed that every registered National and State political party and every contesting candidate proposing to issue advertisement on television channel and/or cable network will have to apply to the Election Commission/Officer designated by Election Commission not later than three days prior to the date of the proposed commencement of the telecast of such advertisement and such application shall be accompanied by two copies of the proposed advertisement in electronic form along with a duly attested transcript there of.

The Commission accordingly appointed Media Certification and Monitoring Committees (MCMCs) and district level and state level and all registered National and State political parties approach these MCMCs, as the case may be, for the certification of their political advertisements proposed to be issued on electronic media (which includes TV channels, Cable network, Radio including private FM channels, Cinema Halls, audio visual displays at public places and Internet) by following the Commission's said Order as specified above.

Now, for the purpose of further facilitating political parties/candidates the Commission has in relaxation of para 10 (i) of the

said order, decided that apart from adopting the existing procedure, the political parties/candidates, if they desire so, may also follow the alternative procedure by first submitting the transcript of the proposed advertisement for certification and once the transcript is vetted/approved by the Committee the party/candidate will submit the final product in electronic form another time for final certification. In such case the time line for each stage will be as per the existing order.

This may brought to the notice of all the MCMCs in the districts and states. Considering that the work of MCMC is likely to increase, proportionately additional support staff may be suitably deployed with the Committee.

Your faithfully,

(Rahul Sharma)

Under Secretary

Copy to: All recognized registered political parties (as per list enclosed)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/MCMC/2014 (Communication)

Dated:12th April, 2014

To

The CEOs of all States & UTs

Subject - Guidelines regarding applications received from individuals seeking pre-certification of ads of political nature on TV Channels/Cable Network/Radio-clarification.

Sir/Madam,

I am directed to invite your attention to the Commission's order dated 15/04/2014, issued in pursuance of the Supreme Court's order, dated 13/04/2014. A clarification has been sought as to whether persons other than political party or candidate can give advertisements on TV channel, Cable Network & Radio, against a candidate. In this connection, I am directed to clarify that the order, dt. 13.04.2014 of the Hon'ble Supreme Court [in SLP (C) No. 6679 of 2004] does not specifically prohibit ads by persons other than political party or candidate. However, the order does say that such persons cannot give ads for the benefit of any political party or candidate. This implies that ads against a Party or candidate cannot also be allowed, as that would benefit other parties/candidates. This clarification may be brought to the notice of all concerned.

This dispose of the clarification sought by CEO, Delhi vide letter no. FPA/Addl.CEO (NB)/MCM/2014/22248 dated 04.04.2014

Yours faithfully,

(Rahul Sharma)
Under Secretary

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

No. 491/Paid News/2014

Dated: 22nd April, 2014

To,

Chief Electoral Officers of all States and UTs

Subject: Measures to check paid news during elections – time period for determining paid news against a candidate – regarding.

Sir/Madam,

In continuation of the Commission's letter dt 27.08.2012, I am directed to refer to the Section 77(1) of Representation of the People Act, 1951 and to say that Paid News cases may be taken into account from the date of filing of nomination by the candidate. This may be brought to the notice of all MCMCs.

Yours faithfully,

(Rahul Sharma)
Under Secretary

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

No. 491/MCMC/2014 (Communication)

Dated: 25th April, 2014

To,

Chief Electoral Officers of all States and UTs

Subject - Certification of political advertisement – regarding.

Sir/Madam,

In continuation of the Commission's letter no. 491/Media Policy/2013 dt 8th November, 2013 (copy enclosed) on the subject cited, I am directed to say that the Commission, keeping in view all issue of implementation and feedback received from Chief Electoral Officers of some States, has decided that directions given by the Commission, in respect of timeline for disposal of applications received for pre-certification of political advertisements, vide its original order no. 509/75/2004/JS-I dated 15th April,2004 issued in pursuance of the order of the Supreme Court dt 13th April, 2004 shall continue to be effective. In pursuance of the same, in case of first phase of election, the Committees constituted to deal with application for pre-certification of political advertisements, shall dispose of such application within two days of its receipt and in case of subsequent phase of elections, the application shall be disposed of within three days of its receipt.

However, in order to facilitate political parties and candidates and to make sure that the process of pre-certification of advertisements is expedited, the MCMCs shall make best efforts to dispose of all such applications within the same day as advised in commission letter no. 491/Media Policy/2013 dt 8th November, 2013.

This may be brought to the notice of all MCMCs.

This dispose of the request made by CEO, West Bengal vide letter no. 3863-Home (Elec) dated 20.04.2014.

Yours faithfully,

(Rahul Sharma)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/MediaPolicy/2015/Communication

Dated: 28th May, 2015

ORDER

Subject: Pre-Certification of political advertisements- Use of bulk SMSs/voice messages in political campaigning-reg

The Commission has taken cognizance of the fact that political parties/ candidates often use bulk SMSs and recorded voice messages in their election campaigning. Likewise, their supporters/workers and other organizations supporting them also resort to the said method of carrying out election campaign on their behalf. Apart from use of normal SMS gateway through mobile, internet is also linked with the mobile gateways to send SMSs and recorded messages. This feature may also be sometimes misused for sending malicious and vilifying materials in political campaigning and thereby violating electoral and criminal laws and Model Code of Conduct relating to elections. The Commission vide its letter no. 464/INST/2008/EPS dt 5/11/2008 has already issued direction regarding monitoring of such bulk SMSs by police authorities and inclusion of expenditure on such bulk SMSs into election expenditure accounts of the candidates (copy enclosed).

2. The Commission has now decided that it is necessary to monitor the contents of such bulk SMSs to the electors during election process so that objectionable contents are not transmitted through this medium. As per law, the said medium of Communication – through SMSs is also part of 'electronic media' by definition. The Commission, vide its order no. 509/75/2004/JS-I dated 15/4/2004, and the subsequent order dated 18/3/2009, has put in place mechanism at district and state level for certifying political advertisements on TV channels, Cable Network and Radio. The Commission has decided that the directions in the said order shall hereinafter apply mutatis mutandis to the use of bulk SMSs/voice messages over phone for political campaigning during elections.
3. Accordingly, in continuation of Commission's earlier letter dated 27th

August, 2012 and 25th October, 2013, in regard to certification of political advertisement on election media including Social media, the Commission has directed that bulk SMSs/voice messages on phone in election campaigning shall also be in the purview of pre-certification of election advertisements as in case of TV Channels/Cable Network, Radio including private FM Channels, Cinema Halls, audio-visual displays in public places and Social Media. Legal provisions, as apply on other mode of electronic media, shall also be applicable on bulk SMSs/voice messages. The procedure prescribed in the order dated 15.4.2004 shall be followed for this purpose.

4. The above may be brought into the notice of State/District MCMCs, political parties/ candidates mobile service providers and all others concerned.

By order,

Dhirendra Ojha
(Director)

To,

Chief Electoral Officers of All States / UTs.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/Media Policy/2016

Dated: 3rd January, 2016

To

The Chief Electoral Officers of
all States and UTs.

Subject : Guidelines for dealing with candidates' advertisements on TV/Cable channels/newspapers owned by political parties or their functionaries/office bearers during elections-regarding

Sir/Madam,

Please refer to the Commission's letter No. 491/Media/2011 (Advt.) dated 16th August, 2011 (copy enclosed), on the subject cited. In continuation of this letter, I am directed to convey that the Commission, after taking into consideration various references/ complaints from various sources in the above matter, has further directed that if the candidate(s) or their sponsoring parties utilize TV/Cable Channel/Newspaper owned by them for promoting the electoral prospects of the candidate, the expenses for the same as per standard rate cards of the channel/newspaper have to be included by the candidate concerned in his Election Expenditure Statement in the column made for this purpose (Schedule 4A of Annexure-15 of Compendium of Instructions on Election Expenditure Monitoring), even if, they actually do not pay any amount to channel/newspaper.

2. The Media Certification and Monitoring Committee (MCMC) shall keep a close watch on the contents telecast on such channels to identify contents of the nature mentioned in para 1 above, and after following all due procedures, the notional expenses as per standard rate cards of the channel shall be added in the election expenditure account of the candidate appropriately.
3. This instruction should be read together with the Commission's earlier instruction no. 491/Media/2011 (Advt) dated 16th August, 2011.
4. The modified schedule 4 & 4A are also enclosed herewith. This may be brought to the knowledge of all concerned immediately. This may also be brought to the notice of the contenting candidates at the time of filing of their nominations.

Yours faithfully,

(Dhirendra Ojha)

Director

Copy for necessary action to: Expenditure Division, Election Commission of India

Schedule- 4

Details of expenditure on campaign through print and electronic media including cable network, bulk SMS or internet or social media, news items/TV/radio channel etc., including the paid news so decided by MCMC or voluntarily admitted by the candidate. The details should include the expenditure incurred on all such news items appearing in privately owned newspapers/ TV/radio channels etc.,

S. No	Nature of medium (electronic / print) and duration	Name and address of media provider (print /electronic /SMS / voice/ cable TV, social media etc.)	Name and address of agency, reporter, stringer, company or any person to whom charges / commission etc. paid/ payable, if any	Total Amount in Rs. Col. (3) +(4)	Sources of Expenditure		
					Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	2	3	4	5	6	7	8
1							
2							
3							
4							
Total							

Schedule- 4A

Details of expenditure on campaign through print and electronic media including cable network, bulk SMS or internet or social media, news items/TV/radio channel etc., including the paid news so decided by MCMC or voluntarily admitted by the candidate. The details should include the expenditure incurred on all such news items appearing in newspapers/ TV/radio channels, owned by the candidate or by the political party sponsoring the candidate.

S. No	Nature of medium (electronic / print) and duration	Name and address of media provider (print /electronic /SMS / voice/ cable TV, social media etc.)	Name and address of agency, reporter, stringer, company or any person to whom charges / commission etc. paid/ payable, if any	Total Amount in Rs. Col. (3) +(4)	Sources of Expenditure		
					Amt. By candidate/ agent	Amt. By Pol. Party	Amt. By others
1	2	3	4	5	6	7	8
1							
2							
3							
4							
Total							

Reporting format of Paid News cases to be submitted on last day of every week during election **Format -1**

Complaints referred to District MCMCs by State MCMC/ Exp Observers etc	Cases decided by District MCMC as suspected case of paid News & recomm. for notice to candidate	Cases/ complaint not found to be paid news	Cases in which notices issued by RO to candidate	Cases in which candidates accepted to have amount and showed it in their accounts	Cases in which candidate did not reply to notice within stipulated time	Cases in which candidate refused to accept and gave explanation	Cases decided by District MCMC as NOT PAID NEWS after considering explanations/ reply to notice	Cases decided by District MCMC as PAID NEWS (after considering arguments/ reply to notice/ or after reply not recd)	Appeal by Candidate to State MCMC on final decision of District MCMC within stipulated time	Cases decided as paid news by State MCMC	Cases decided as not paid news by State MCMC	Confirmed cases of paid news (5) + (9) – (12)
1	2	3	4	5	6	7	8	9	10	11	12	13

Reporting Format of Suspected Paid News/Confirmed paid news (May be submitted on last day of every week)

Note:

(1) = (2) + (3)

(2) should generally be same as (4) [Sometimes single notice is issued to a candidate for multiple cases of 'paid news' related to him, the number of notices in (4) should indicate the no of cases in which notices are issued and not the number of candidates who have been issued notices]

(4) = (5) + (6) + (7)

If in some cases, candidate doesn't reply to the notice within stipulated time (6), the decision of District MCMC shall be final and further action taken by RO regarding inclusion of the expenses in the account of the candidate.

Similarly, if Candidate doesn't appeal against the decision of District MCMC (9) to State MCMC (10) within stipulated time, it is assumed that he has accepted District MCMC decision and the amount shall be shown in his account

(6) + (7) = (8) + (9)

(10) = (11) + (12)

(1) = (3) + (5) + (6) + (8) + (9)

(2) Total cases of confirmed paid news = (5) + (9) – (12)

Final Report of Paid News cases to be submitted immediately after the completion of election

	Name of the candidate and party affiliation to whom notice issued in paid news case	Title of the news items	Name of Newspaper/ broadcast media and date of publication and page no. of the newspaper/ timing of programme, where item appears	Cost of said news item as per DIPR/ DAVP rates that was accounted

Illustrations - case for suspected paid news

- Identical articles with photographs and headlines appearing in competing publications carrying by-lines of different authors around the same time.
- On the same page of specific newspapers, articles praising competing candidates claiming that both are likely to win the same elections.
- News item stating that one candidate is getting the support of each and every section of society and that he would win elections from the constituency.
- News items favouring a candidate, not carrying any byline.
- Newspaper publishing a banner headline stating that a party/candidate is ready to create history in the state/constituency but not carrying any news item related to this headline.
- News item saying that the good work done by a Party/Candidate had marginalised the electoral prospects of the other party/candidate in the state with each and every sentence of the news item in favour of the party/candidate.
- There are instances of fixed size news items, each say of a length of 125-150 words with a double-column photo. News items are seldom written in such a rigid format and size whereas advertisements are most often.
- In specific newspapers, multiple font types and multiple drop case styles were noticed within the same page of a single newspaper. This happened because I just about everything - the layouts, fonts, printouts, photographs - was provided by candidates who had paid for slots in the pages of the newspaper.

FAQ on Paid News

Q. What does Paid News mean?

A. Paid News has been defined by PCI as – “Any news or analysis appearing in any media (Print & Electronic) for a price in cash or kind as consideration”. The Commission has generally accepted the definition given by PCI.

Q. What is difference between advertisement and news?

A. PCI guidelines say – news should be clearly demarcated from advertisements by printing disclaimers, should be strictly enforced by all publications. As far as news is concerned, it must always carry a credit line and should be set in typeface that would distinguish it from advertisements. Besides, advertisement is meant to promote, while news is meant to inform.

Q. What made ECI to check Paid News?

A. Commission experienced the problem of Paid News on the ground during the electoral process. Political parties and media groups had approached the Commission requesting for strong steps against Paid News. Parliament also discussed the issue. There was consensus among all political parties in their meeting with the Commission on 4th October 2010 and again on 9th March, 2011 that stringent measures should be taken against Paid News.

Q. What are the adverse effects of Paid News?

- A.
1. In the election arena, Paid News misleads the public, causes undue influence on voters and affects their Right to Information.
 2. It seeks to circumvent election expenditure laws/ceiling, through covert expenditure.
 3. It disturbs the level playing field among political parties & candidates.

Q. How to keep a check on Paid News?

- A.
1. Self regulation by media and political functionaries.
 2. Strict use of existing mechanisms to curb the menace in the electoral field.
 3. Sensitize people and stakeholders on the subject.

Q. Step taken by the ECI to make Paid News an electoral offence?

A. The Commission has proposed Amendment in the R P Act 1951, to provide therein that publishing and abetting the publishing of 'Paid News' for furthering the prospect of election of any candidate or for prejudicially affecting the prospect of election of any candidate be made an electoral offence under chapter-III of Part-VII of the R P Act, 1951 with punishment of a minimum of two years imprisonment.

Q. What mechanism has been developed by the ECI to curb Paid News?

A. The Commission has appointed Media Certification & Monitoring Committee (MCMC) at District level and State level to monitor media for Paid News. They scrutinise all newspapers and electronic media, in order to locate political advertisement in the garb of news coverage and take necessary action against the concerned candidates.

Q. What is District level MCMC and its functions?

A. District MCMC examines complaints/issue of Paid News through a monitoring arrangement. It scan all media e.g. print media, electronic media, cable network, etc. In the suspected cases of Paid News, it intimates the Returning Officer for issue of notices to candidates for inclusion of actual expenditure on the published matter in their election expenses account or notional expenditure based on DIPR/DAVP rates in their election expenses account irrespective of whether the candidate actually has paid or not paid any amount to the channel/ newspaper according to his/her own statement. District MCMC decides on the reply in a time-bound manner from the candidate and convey to the candidate/ party its final decision.

Q. What is State level MCMC and its function?

A. State level Media Certification and Monitoring Committee (MCMC) examines all cases of Paid News on appeal against the decision of District level MCMC and cases that they may take up suo motu, in which it directs the concerned Returning Officer to issue notice to the candidate. The State level MCMC shall dispose of the case within 96 hrs of receipt of appeal and convey the decision to the Candidate with a copy to District level MCMC.

Q. What is National level (ECI level) Committee and its functions?

A. A Committee has been constituted at ECI level to deal with the paid news

cases. This Committee examines cases of Paid News on appeal against the decision of State level MCMCs and also references received from State level MCMCs. The candidate may appeal to this Committee against the decision of State level MCMC within 48 hrs of receiving of order from State level Committee. The National level Committee on Paid News comprise off senior officers from AIR, DAVP and ECI.

Q. Who can issue notice to the candidate, if recommended by State/District MCMC to do so?

A. Returning Officer of election concerned only may issue the notice to the candidate on the recommendation of MCMC.

Q. Where appeal can be made against the decision of State level MCMC?

A. The candidate may appeal against the decision District level MCMC to State level MCMC and against the decision of State level MCMC to Election Commission of India. The decision of the Commission is final.

Q. What is time frame for making appeal against the decision of District level and State level MCMCs?

A. If the decision of District level MCMC is not acceptable to the candidate, he/ she may appeal to State level MCMC within 48 hrs of receipt of decision, with information to the District level MCMC. The candidate may also appeal against the decision of State Level MCMC to Election Commission within 48 hrs of receiving of order from this Committee. The decision of the Commission is final.

Q. What is the action against media house in the decided cases of Paid News?

A. Once the cases are decided as Paid News, the Commission refers the cases of print media and electronic media to PCI and National Broadcasting Standards Authority (NBSA) respectively for taking necessary action in the matter.

Q. What are the criteria to adjudge paid news?

A. There can only be illustrations but no clinching or exhaustive list available from any authenticated source. Some of the illustrations are:

a. Identical articles with photographs and headlines appearing in

competing publications either carrying by-lines of different authors around the same time or without any author's name.

- b. On the same page of specific newspapers, articles praising competing candidates claiming that both are likely to win the same elections.
- c. News item stating that one candidate is getting the support of each and every section of society eugolising him and that he would win elections from the constituency.
- d. Small events involving a candidate being given exaggerated/repeated coverage and/or the opponents' news are not covered at all.
- e. PCI case decision on Paid News and previous decisions by MCMC of ECI can also serve as sources of guidance.

Q. From which time Paid News Cases may be taken into account against the Candidate during election?

- A. Paid News Cases may be taken into account from the date of filling his/her nomination for contesting election.

FAQ on Certification of Advertisement

Q. What is certification of advertisement?

A. Clearance of political advertisement by a committee before being telecast on television channels and cable networks and social media sites by any registered political party or by any group of organization/association or by any contesting candidate during elections.

Q. What are the types of Committees for certification and their functions?

- A. 1. For certification of political advertisements form individual candidate, the Committee comprises:
- (i) Returning Officer (of Parliamentary Constituency)
 - (ii) Assistant Returning Officer (not below Sub Divisional Magistrate)

This Committee entertains application for certification of an advertisement proposed to be issued on cable network or television channel by an individual candidate contesting election from the Parliamentary Constituency concerned or candidate contesting in Assembly Constituency falling within that Parliamentary Constituency. The above two officials are already the members of the District level MCMC along with some other members who do not have a role in such certification.

2. State level Media Certification Committee with following composition:
- (i) The Addll/Joint CEO – Chairperson
 - (ii) Returning Officer of any Parliamentary Constituency located in the capital of State.
 - (iii) One expert being an officer not below the rank of Class –I officer to be requisitioned from Ministry of I&B.

This Committee entertains the applications for certification received from all recognized and registered political parties having their headquarter in that State/UT, organizations, associations having their registered office in that State/UT.

-
3. The State level Appellate Committee with the following members:
- (i) The Chief Electoral Officer – Chairperson
 - (ii) Any Observer appointed by the Election Commission of India
 - (iii) One expert to be co-opted by the Committee.

The State Level Appellate Committee entertains complaints/ grievances/ appeal of any political party or candidate or any other person in regard to decision to grant or refuse certification by Constituency level Committee and State level Committee headed by Addl/Jt CEO Committees.

4. Delhi based Committee with the following composition –
- (i) The Joint Chief Electoral Officer – Chairperson
 - (ii) Returning Officer of any Parliamentary Constituency in Delhi
 - (iii) One expert being an officer not below the rank of Class –I officer to be requisitioned from Ministry of I&B.

This committee entertains the application for certification received from all recognized and registered political parties having their headquarters in NCT of Delhi, organisations or associations having their headquarters in NCT of Delhi .

Q. Time limits for application for certification?

- A. For recognized National and State party, registered and unregistered party and every contesting candidate, not later than three days prior to the date of the proposed commencement of the telecast of the advertisement. In case of any other organization/association, it should be not later than seven days prior to the date of the telecast.

Q. What are the documents required to be attached with application for certification?

- A. The application should be accompanied by two copies of the proposed advertisement in electronic form alongwith duly attested transcript there of.

Apart from this the application for certification shall also contain following details :

- 1. Cost of production of advertisement.
- 2. The approximate cost of proposed telecast of such advertisement on

a television channel or cable network with the break-up of number of insertions and rate proposed to be charged for each such insertion.

3. Statement whether the advertisement inserted is for the benefit of the prospects of election of a candidate(s)/parties.
4. If the advertisement is issued by any person other than a political party or a candidate, that person shall state on oath that it is not for the benefit of any political party or a candidate and that the said advertisement has not been sponsored or commissioned or paid for by any political party or a candidate
5. A statement that all the payment shall be made by cheque or demand draft.

Q. What is a District level MCMC and what are its duties?

A. (i) Composition of District level MCMC-

- (a) DEO/RO (of parliamentary Constituency)
- (b) ARO (not below SDM)
- (c) Central Govt. I & B Ministry official (if any in the district)
- (d) Independent Citizen/Journalist as may be recommended by PCI
- (e) DPRO/District Information Officer/equivalent–Member Secretary

(ii) Duties:

1. Scan the political advertisements in electronic media for checking if the telecast/broadcast has been done only after certification by the Committee.
2. Monitoring the political advertisements in other media, in relation to candidates either overt or covert from expenditure monitoring angle this will also include publicity or advertisement or appeal by or on behalf of candidate, or by Star Campaigner(s) or others to impact candidate's electoral prospects.
3. Monitoring, if any advertisement in print media is published with the consent or knowledge of candidate in which case it will be accounted for in the election expenses of the candidate(s). However if the advertisement is not with the authority from the candidate, then action may be taken for prosecution of the publisher for violation of 171H of IPC.

-
4. Checking, if the name and address of the publisher and the printer is printed on any election pamphlet, poster handbill and other documents as required under section 127A of the RP Act 1951.
 5. Submission of daily report to Expenditure Accounting team with a copy to RO and Expenditure Observer in respect of each candidate in the prescribed format w.r.t expenditure incurred by the candidate on election advertising or actual expenditure incurred for publishing the news.

Q. Does the Media Certification Committee at Constituency/district or State level has the right to refuse to give certification of an advertisement, if does not find fit to be telecast?

A. Yes, the above Committee has the right to refuse to give certification of an advertisement, if does not find fit to be telecast.

Q. Which Committee will certify advertisement of National Party in regional language?

A. If any National Party or State Party with Headquarters in Delhi wishes to seek certification of advertisement in any regional language, the application has to be submitted to the State Level Committee of the State concerned (to which the regional language pertains).

Q. In the case of same advertisement of a National Party in multiple languages, which Committee will certify it?

A. If a National Party seeks certification of the same advertisement in Hindi/English and in regional languages, the advertisement material in each of the languages along with certified transcript of each should be submitted to the Committee in Delhi along with an affidavit affirming that the regional language versions are true translation of the advertisement in Hindi/English and that the applicant will be responsible for any mistake therein. The certificate issued by the committee in Delhi will be sufficient for the advertisements in regional languages. The party should submit a copy of the certificate issued from Delhi to the Chief Electoral Officer of the other State concerned along with the declaration that the copy of certificate is a true copy of the original issued by the committee in Delhi.

Q. Where appeal can be made against the order of above Committee.

A. Any political party or candidate can make an appeal against the order of above Committee to State level Appellate Committee.

Q. Whether the decisions of the above Committees are legally binding?

A. Yes, Supreme Court Vide there order dt. 13th April, 2004 authorized the Commission to constitute the Committees for the certification of political advertisements.

Q. Whether individuals other than political party or candidate can give advertisements on TV channel, Cable Network and Radio, against a candidate?

A. Honourable Supreme Court [in SLP (C) No. 6679 of 2004] does not specifically prohibit ads by persons other than political party or candidate. However, the order does say that such persons cannot give ads for the benefit of any political party or candidate. This implies that ads against a Party or candidate cannot be allowed, as that would benefit other parties/candidates.

Q. Would political content on social networking sites and E-papers require pre-certification?

A. Any political content in the form of messages/comments/photos/videos being posted/uploaded on the 'blog/self accounts' on websites/social media websites will not be treated as political advertisement and therefore would not require pre-certification. However as per Commission's letter No. 491/Paid News/2014 dated 26.02.2014, political advertisements issued in e-papers of any newspaper shall invariably require pre-certification by the concerned Committee.

Q. Whether the use of bulk SMSs/Voice messages in political campaigning require Pre-Certification as political advertisements?

A. Yes, the Commission has decided that the directions issued and mechanism provided at district and state level for certifying political advertisements on TV channels, Cable Network and Radio shall apply mutatis mutandis to the use of bulk SMSs/Voice messages for political campaigning during elections. It is necessary to monitor the contents of such bulk SMSs/Voice messages to the electors during election process so that objectionable contents are not transmitted through this medium.

B.
**Use of Social Media
in Election Campaigning and
ECI's Social Media Policy**

Gist of Instructions

(i) **Instructions of the Commission with respect to use of Social Media in Election Campaigning**

The Commission has issued detailed guidelines on social media on 25th October 2013, which mentions about furnishing social media accounts by the candidates during filing of nominations. The Commission also brought the social media sites under the purview of pre-certification as mentioned in Commission's order No.509/75/2004/JS-1/4572 dated 15.04.2004. The Commission further instructed that candidates and political parties shall include all expenditure on campaigning, including expenditure on advertisements on social media, both for maintaining a correct account of expenditure and for submitting the statement of expenditure. (Page No. 88 - 91)

(ii) The commission has further clarified that any political content in the form of messages/comments / photos / videos posted / uploaded on the blogs / self accounts on websites / social media will not be treated as political advertisements and therefore would not require pre-certification. However, advertisements issued in e-paper shall invariably require pre-certification by the concerned Committee. (Page No. 92)

(iii) **Use of Social Media**

The Commission has decided to enhance its interaction and involvement with all the stake holders in the electoral processes by inducting the use of social media at the State as well as the District level. Instruction in this regards has been issued to Chief Electoral Officers of all States/UTs on 6th September, 2016. Chief Electoral Officers and the District Electoral Officers are expected to activate their official accounts on various social media platforms like Facebook, Twitter, etc. for establishing a more interactive system. The CEOs are in the process to set up a Social Media Cells to professionally handle the Social Media and disseminate all the necessary information regarding voters' awareness, pre-certification, MCC, etc. Capturing campaign activities like audios, videos and photographs are encouraged for use in Social Media. Complaints received on this platform would be promptly responded to. At the ECI level, a Social Media Cell is also to be setup to monitor the performance of the State/UTs and District and to guide and train them to maximise the use of Social Media, making it more interactive and interesting for the general public. (Page No. 93 - 94)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/SM/2013/Communication

Dated: 25th October, 2013

To,

1. Chief Electoral Officers
of all States and Union Territories
2. Presidents/General Secretaries
of All National/State recognized Political Parties.

Subject: Instructions of the Commission with respect to use of Social Media in Election Campaigning.

Sir,

The Commission's attention was drawn to use of social media for election campaigning and also certain violations of the Electoral Law in the social media, which need to be regulated in the interest of transparency and level playing field in the elections.

Social media refers to the means of interactions among people in which they create, share, and/or exchange information and ideas in virtual communities and networks. It differentiates from traditional/industrial media in many aspects such as quality, reach, frequency, usability, immediacy, and permanence. The prevalence of Web and social media has increased over the years and there have been demands from the political and social groups to regulate the social media during elections as other media is regulated.

There are broadly five different types of social media:

- a) collaborative projects (for example, Wikipedia)
- b) blogs and micro blogs (for example, Twitter)
- c) content communities (for example, YouTube)

-
- d) social networking sites (for example, Facebook)
 - e) virtual game-worlds (e.g, Apps)

Legal provisions relating to election campaigning apply to social media in the same manner in which they apply to any other form of election campaigning using any other media. Since social media is a relatively new form of media, it appears necessary to clarify to all concerned by the following instructions:-

A. Information to be given by candidates about their social media accounts.

Candidates are required to file affidavits in Form-26 at the time of filing of nominations. Detailed instructions and the format in which the affidavits have to be filled were issued vide the Commission's letter No. 3/4/2012/SDR dated 24, August, 2012. Para 3 of this Form requires that email ID of the candidate, if any, should be communicated to the Commission in this Form. The Commission finds it necessary that authentic social media accounts of candidates should also be informed to the Commission. This information should be furnished in the said Para 3 as follows:-

“My contact telephone no.(s) is/are.....,
my email ID (if any) is,
and my social media accounts (if any) are.....”

B. Pre-Certification of Political Advertisements

In pursuance of the Hon'ble Supreme Court of India's Order in SLP (Civil) N. 6679/2004, dated 13 April,2004, the Commission issued detailed instructions on this subject vide its order no. 509/75/2004/JS-1/4572 dated 15.04.2004. In this order, it was stated that every registered/national and State political party and every contesting candidate proposing to issue advertisements on television channels and/or on cable network will have to apply to Election Commission of India/designated officer for pre-certification of all political advertisements on electronic media before the publication. The order was further modified and consolidated vide Commission's order dated 27.08.2012, wherein Media Certification and Monitoring Committees at district and State levels were given the responsibilities of pre-certification of such advertisement along with other

functions viz acting against Paid News etc. Since social media websites are also electronic media by definition, therefore, these instructions of the Commission contained in its order No.509/75/2004/JS- 1/4572 dated 15.04.2004 shall also apply mutatis mutandis to websites including social media websites and shall fall under the purview of pre-certification.

You are, therefore, requested to ensure that no political advertisements are released to any internet based media/websites, including social media websites, by political parties/ candidates without pre-certification from competent authorities in the same format and following the same procedures as referred in the aforesaid orders.

C. Expenditure on campaigning through internet including social media websites.

According to Section 77, sub section (1), of Representation of the People Act, 1951, every candidate is required to keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has filed nomination and the date of declaration of the result thereof, both dates inclusive. The Hon'ble Supreme Court of India had directed in Common Cause Vs. Union of India in 2005 that political parties should also submit a statement of expenditure of elections to the ECI and such statements are required to be submitted within 75 days of assembly elections and 90 days of Lok Sabha elections. It is obvious that expenditure on election campaign through any advertisement in social media is a part of all expenditure in connection with the elections.

For the sake of removing any ambiguity, it is hereby directed that candidates and political parties shall include all expenditure on campaigning, including expenditure on advertisements on social media, both for maintaining a correct account of expenditure and for submitting the statement of expenditure. This, among other things, shall include payments made to internet companies and websites for carrying advertisements and also campaign related operational expenditure on making of creative development of content, operational expenditure on salaries and wages paid to the team of workers employed by such candidates and political parties to maintain their social media accounts, etc.

D. Application of Model Code of Conduct to content on internet including social media.

The Commission has a model code of conduct in place during the elections in respect of political parties and candidates which remains in force from the date the elections are announced by the Commission till the completion of elections. It is clarified that the provisions of model code of conduct and related instructions of the

Commission issued from time to time shall also apply to the content being posted on the internet, including social media websites, by candidates and political parties.

E. As far as the **content posted by persons other than candidates and political parties is concerned**, the Commission is considering the matter in consultation with the Ministry of Communication and Information Technology on practical ways to deal with the issue, in so far as they relate to, or can be reasonably connected with, the election campaigning of political parties and candidates.

These instructions may please be brought to the notice of all concerned including candidates, political parties, media and election observers for immediate necessary action.

Yours faithfully,

(Rahul Sharma)

(Under Secretary)

Tel. 011-23052070

Email: rahulsharma.eci@gmail.com

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/SM/Comm./2013

Dated:16th April, 2014

To

Chief Electoral Officers, All State/UTs

Subject - Clarification regarding social networking sites and E-Papers-regarding.

Sir/Madam,

I am directed to clarify the following for information and compliance by all concerned.

- i. Any political content in the form of messages/comments/photos/videos being posted/uploaded on the 'blogs/self accounts' on websites/social media websites will not be treated as political advertisement and therefore would not require pre-certification. Even if the same is posted/uploaded by political parties/candidates, it would not fall within the meaning political advertisement and would not be subject to directions/guidelines issued by the Commission.
- ii. As per provisions contained in Commission's letter no. 491/Paid News/2014 dated 26.02.2014 political advertisements issued in e-papers of any newspapers shall invariably require pre-certification by the concerned Committee.

Yours faithfully,

(Rahul Sharma)
Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

491/SM/ 2015 /Communication

Dated: 6th September, 2016

To

CEOs of All States & UTs

Subject:- Use of Social Media- reg.

Sir/Madam,

Of late, Social Media has occupied a very important place in the world of communication. There has been increasing demand for the use of social media for a better outreach and communication with the voters and dissemination of election related information to them. In the recent elections, many States used social media in varying degree as a tool and platform for the communication with electors, especially with youth and other stakeholders.

2. Considering the relevance of social media for dissemination of information and communication with voters and other stakeholders, the Commission has desired to build capacities to use social media at State/UT or district level. All the Chief Electoral Officers and District Election Officers are expected to start their official accounts on Facebook, Twitter, or Youtube channel. CEO's social media platform should mainly propagate information relating to voter education, voter registration, MCC, pre-certification and other connected issues. They should also crowd source SVEEP creatives from the voters especially from students or youth. CEOs should also setup a Social Media Cell in their offices to make meaningful use of social media and also to handle MCMC, code of conduct, pre-certification, suggestions of various stakeholders. CEOs may make use of expert agency and necessary staff in order to professionally handle the Social Media.
3. Similarly, at the district level District Election Officers should also initiate the similar move as directed for the CEOs Office for dissemination of

necessary information relating to electoral process. At the field level, the activities like capturing of other campaign activities such as video, audio and photographs should be encouraged for the social media. Complaints received on the social media platform should be promptly addressed to.

4. It is also directed that all the vital information relating to electoral roll revision process such as NERP should be disseminated to the voters and stakeholders in a more innovative and interesting way. Collaboration or partnership with Social Media pages and links of Civil Societies or Educational Institutions will help in developing the synergy.
5. The Social Media Cell proposed to be setup at ECI level will regularly monitor the performance of States/UTs & the districts and will also be guiding them for greater and effective use of Social Media platforms and will train the State level master trainers from time to time.
6. CEOs shall take necessary steps as directed and shall issue necessary instructions to all the DEOs in this regard.
7. CEOs may also consult other CEOs of recently poll-gone states on their experience on use of Social Media.

Yours faithfully,

(DhirendraOjha)

Director

FAQ on Social Media

Q. Do candidates have to mention details about their Social Media accounts at the time of filing nominations?

A. Authentic social media account (if any) should be informed by the candidate in para 3 of Form-26 at the time of filing of nomination.

Q. Does political advt. on Social Media sites come under the purview of pre- certification?

A. Yes. Since social media websites are also electronic media by definition, therefore Commission's instructions with regards to pre-certification of Political advertisements shall also apply *mutatis mutandis* to websites including social media websites.

Q. Dose Model Code of Conduct applies to the content on internet including social media?

A. Yes. Provisions of Model Code of Conduct and related instructions of the Commission issued from time to time shall also apply to the content being posted on the internet, including social media websites, by candidates and political parties.

Q. Do candidates/Political parties have to include their expenditure on advertisement of Social Media while submitting their final statement of expenditure?

A. Yes. Candidates and political parties have to include all expenditure on campaigning, including expenditure on advertisement on social media while submitting final statement of expenditure. This shall also include payment made to internet companies and website for carrying advertisements and also campaign related operational expenditure on making of creative development of content, operational expenditure on salaries and wages paid to the team of workers employed by such candidates and political parties to maintain their social media accounts etc.

Q. Will content in the form of messages/ photos/ comments/ videos/ blogs/ self accounts on websites be treated as political advertisement and therefore be required to get pre-certification?

A. No. Any political content in the form of messages/ comments/ photos/ videos posted/uploaded on the 'blogs/ self accounts' on website will not be

treated as political advertisement and therefore would not require pre-certification, even if the same is posted/uploaded by the political parties/candidates.

Q. Will political advertisements issued in e-paper of any newspaper require pre-certification?

A. Yes. Political advertisement issued in e-paper of any newspaper shall invariably require pre-certification by concerned MCMC.

Q. How are CEOs and DEOs involved in Commission's Social Media participation?

A. Chief Electoral Officers and the District Electoral Officers are expected to activate their official accounts on various social media platforms like Facebook, Twitter, etc. for establishing a more interactive system. A Social Media Cell will also be set up by the CEOs to professionally handle the Social Media and disseminate all the necessary information regarding voters' awareness, pre-certification, MCC, etc. Complaints received on this platform would be promptly responded to.

Q. What steps has the Commission planned in to establish its presence in the world of Social Media?

A. At the ECI level, a Social Media Cell is to be setup to monitor the performance of the State/UTs and District and to guide and train them to maximise the use of Social Media, making it more interactive and interesting for the general public.

C.

**Facilities to be provided
to media persons for the
Coverage of
process of elections**

Gist of Instructions

(i) Facilities to be provided to media persons for coverage of process of election

The Election Commission of India has framed guidelines for media coverage of elections and to provide every reasonable facility to the media to provide adequate and effective coverage of the election process. Detailed Order in this regards issued on 27th March, 1996. (Page No. 102 - 113) and 27th April, 2004 (Page No.115-122)

(ii) For coverage of process of elections

Subject to the powers of the authorities competent to impose any restriction in pursuit of the maintenance of law and order, the permission of ECI is not needed by any person, including media persons, for visiting and moving around in any constituency where election is being held and every person is free to observe the elections.

However No one can enter into any polling station or a counting centre as a matter of right except to the extent mentioned in the following Rules (Page No. 103 - 105)

- (i) Rule 32 of the Conduct of Election Rules, 1961 – for polling stations
- (ii) Rule 53(1) of the Conduct of Election Rules, 1961 – for counting centres
- (iii) Rule 13 of Presidential and Vice Presidential Elections Rules, 1974 – for polling stations
- (iv) Rule 28 of Presidential and Vice Presidential Elections Rules, 1974 – for counting centres

(iii) Issuance of Authority Letters to media persons for coverage of polling and counting process

After the announcement of General Elections/ Bye-elections/ Biennial Elections, the Commission issues a letter to the Sponsoring Authorities for obtaining and forwarding, with specific recommendations, requests received from media persons for issue of Authority Letters for entry into polling stations and counting centres within a specified time limit. (Page No. 105)

Sponsoring Authorities

The sponsoring authorities will include:

For General Elections/ Bye-elections/ Biennial Elections (Page No. 105)

- 1) Principal Information Officer (now Principal Director General (Media & Communication), for media persons accredited by PIB at national level and
- 2) The Director Information and Public Relations (or equivalent officer) of the respective states including the National Capital Territory of Delhi and Chief Electoral Officers of the State/ Union Territories concerned

For election to the office of President or Vice President (Page No. 109)

- 3) Returning Officer of the election for the polling/counting in New Delhi
- 4) Assistant Returning Officer in the State concerned for polling at State HQ.

The sponsoring organisation will sponsor only names of those media-persons; about whomsoever's' identity as a genuine media-person they are satisfied. The total number of media-persons recommended for issue of authority letters/ media passes will be within reasonable numbers to be decided by ECI or by an authority on its behalf. (Page No. 106)

(iv) Deadline for receiving the list of media persons from the sponsoring authorities

The Commission will prescribe in the case of each election a deadline for the receipt of the duly sponsored list of media persons from the sponsoring authorities. The deadline shall not be later than 15 days prior to the date of poll. Any request received after the deadline will be considered only in the exceptional cases of acts of God, death or illness etc. on the recommendation of the sponsoring authority concerned. No piece-meal requests from the sponsoring authorities will be entertained. (Page No. 106)

(v) Authority letters for non accredited correspondents

In addition to accredited correspondents other genuine media persons can also be sponsored for issue of authority letters. It is up to the Pr. DG (M&C) and concerned State DIPR to scrutinize and sponsor names of such media persons and to lay down appropriate policies including providing temporary or casual accreditation, even for the limited period of the covering the election process. Election Commission will, however consider only such cases as are duly recommended by the concerned sponsoring authority. (Page No. 107)

(vi) Number of constituencies which an applicant may cover

There will be no restriction on the number of constituencies which an applicant may like to cover. For electronic media team with more than one person each individual member will need a separate authority letter. (Page No. 107)

(vii) Authority Letter for Counting

For electronic media teams not more than two passes should be given for one counting centre and it is emphasized that each individual member will need a separate authority letter. For print media only one pass per news agency/newspaper should be given. (Page No. 117)

(viii) Signing of Authority Letters

Commission vide its order dt 27.03.1996 has directed that Chief Electoral Officer of the State/UT concerned will sign each Authority Letter in their own hand (no facsimile or rubber stamps shall be used. (Page No 108) However, Commission vide its letter dt 25.03.1997 has instructed that one additional officer in the CEO's establishment shall be authorized to sign the authority letters in addition to CEO. (Page No. 114)

In the interest of smooth media facilitation, the Commission, during Lok Sabha election 2014 vide its letter dt 18.03.2014 has instructed that District Election Officer may be delegated the power of signing the authority letters to media persons in the district. (Page No. 123)

(ix) Coverage of actual polling inside the Polling Stations

For coverage of actual polling inside the polling station, the entry of media person inside the polling booth in manageable groups will be permitted by the Presiding

Officer on the basis of authority letters issued by the Election Commission, subject to restriction that media persons will not be allowed to go near voting compartments to take photographs/ films so that the secrecy of the vote is not violated.

It is expected that all media persons will extend necessary co-operation in this regard and under no circumstances, the process of polling will be allowed to be disturbed. (Page No. 108 - 109)

(x) Media Centres

During elections, Media Centres are set up in the office Campus of the CEOs and DEOs especially for the purpose of disseminating election related information. Officers of the level of District Information Officers will be put incharge of District MC and their contact address & telephone numbers are circulated well in advance. MCs will commence functioning from the date of notification of elections and will remain open during office hours up to the end of the period of electioneering and thereafter round the clock up to the end of the process of election. In the CEOs office, an Additional/ Joint CEO will be in charge of the MC facilities.(Page No. 111 - 112)

Election Commission's order 491/96/MCS dated 27.03.1996 addressed to Chief Secretary/ CEOs of all States/UTs, Principal Information Officer, M/o I&B.New Delhi ,The Secretary General, Lok Sabha, New Delhi, The Secretary General Rajya Sabha, New Delhi. The Secretary to the Govt. of India, Ministry of Information & Broadcasting, New Delhi, The Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi, The Secretary to the Govt. of India, Ministry of Law, Justice & Company Affairs, Legislative Department, New Delhi, and Secretaries, Information & Public Relations of all State/Union Territory Governments and Directors of Information & Public Relations all State/Union Territory Governments.

ORDER

Subject: Facilities to be provided to media persons for coverage of process of election

In partial modification of commission's order of even no., dated 14.12.94 the following order is issued.

-
- I. Elections are an important event of mass participation in public affairs and the Election Commission attaches the greatest importance to the Conduct of elections with as much transparency as practicable. The following guidelines for media coverage of elections have been framed to make this possible and to provide every reasonable facility to the media to provide adequate and effective coverage of the election process however without impinging adversely on the rules for the elections and the rights of the electorate.

Issue of Authority Letters

1. Rule 32 of the Conduct of Election Rules, 1961, which regulates the entry into polling stations is reproduced below for facility of ready reference:-

"32. Admission to polling stations - The Presiding Officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall exclude there from all persons other than:

- (a) Polling officers;
- (b) Public Servants on duty in connection with election; (c) Persons authorized by the Election Commission;
- (d) Candidates, their election agents and subject to the provisions of rule 13, one polling agent of each candidate;
- (e) A child in arms accompanying an elector.
- (f) A persons accompanying a blind or infirm elector who cannot move without help; and
- (g) Such other persons as the Returning Officer or the Presiding Officer may employ under Sub-rule (2) of Rule 34 of Sub-Rule 35."

2. Entry to any place fixed for counting of votes is governed by the provisions of rule 53(1) of the Conduct of Elections Rules, 1961, which is reproduced below:

"53. Admission to the place fixed for counting - The Returning Officer shall exclude from the place fixed for counting of votes all persons except:-

- (a) Such persons (to be known as counting Supervisors and counting assistants) as he may appoint to assist him in the counting;
- (b) persons authorized by the Election Commission;
- (c) Public servants on duty in connection with the election; and
- (d) candidates, their election agents and counting agents.

-
3. Above rules apply to elections to the
- (1) Council of State,
 - (2) House of the People,
 - (3) State Legislative Councils and
 - (4) State Legislative Assemblies.
4. In the case of Presidential and Vice-Presidential Elections, the corresponding rules are rule 13 and rule 28 of the "Presidential and Vice-Presidential Elections Rules, 1974" which are reproduced below:-

"13. Admission to place of polling - The Presiding Officer shall exclude, from the place of polling all persons except:

- (a) the polling officers and other public servants on duty;
- (b) the candidates, and one representative authorised in writing by each candidate;
- (c) the electors;
- (d) persons authorised by the Election Commission;
- (e) such other persons as the Presiding Officer may from time to time admit for the purpose of assisting him in taking the poll."

"28. Admission to the place fixed for counting.

The Returning Officer shall exclude from the place fixed for counting of notes every single persons except.

- (a) such persons as he may appoint to assist him in the counting;
- (b) the candidates and one representative at a time authorised in writing by each candidate;
- (c) public servants on duty in connection with the election; and
- (d) persons authorised by the Election Commission."

5. Subject to the powers of the authorities competent to impose any restriction in pursuit of the maintenance of law and order, the permission of the Election Commission is not needed by any person, including media persons, for visiting and moving around in any constituency where election is being held and every person is free to observe the elections. Entry into the polling stations and counting centres is however fully regulated by the statutory provisions mentioned above.

6. No one can enter into any polling station or a counting centre as a matter of right except to the extent mentioned in the above quoted rules.

7. In addition to the persons directly connected with poll and counting, such persons as are specifically authorised by the Election Commission can alone enter the polling stations and counting centres. The exclusive power of the Election Commission to issue entry passes to persons including media persons, also includes the power to refuse an entry pass to any person if in the Commission's opinion, there are sufficient reasons to do so.

8. The subject of laying down standard guidelines for the facilities to be made available to media persons interested in covering the process of an election conducted under superintendence, direction and control of the Commission, has been engaging the attention of the Commission. The Commission has reviewed past experience in this regard and the requirement to address the concerns of the media for being able to cover the election process.

9. After a careful consideration of all relevant factors and in suppression of all earlier instructions in this regard, the following guidelines are laid down to be strictly and uniformly observed hereafter at all elections to the council of State, House of the People, State Legislative Assemblies and State Legislative Councils.

10. As soon as practicable, after the announcement of general elections/bye-elections/ biennial elections, the Commission will issue a letter or message to the Sponsoring Authorities which will include (1) Principal Information Officer for media persons accredited by PIB at national level and (2) the Director Information and Public relations (or equivalent officer) of the respective states including the National Capital Territory of Delhi and to the Chief Electoral Officers of the State/Union Territories concerned for obtaining and forwarding, with specific recommendations, requests received from media persons for issue of Authority Letters for entry into polling stations and counting centres within a specified time limit.

The sponsoring authorities will sponsor only names of those media persons, about whose identity as a genuine media person they are satisfied. The total number of media persons recommended for issue of authority letters will be within reasonable numbers.

10.1 The Commission will prescribe in the case of each election a deadline for the receipt in the Commission's office of the duly sponsored requests for authority letters from the sponsoring authorities/CEOs which will be fixed after taking into account the date of poll/counting with a view to timely decision on such requests to reach the PIO and CEOs for preparation and dispatch of authority letters to the media persons. The deadline to receive the duly sponsored requests shall not be later than 15 days prior to the date of poll.

10.2 It will be for the sponsoring authorities/CEOs to inform all media persons about the deadline fixed by the Commission in each case and to ensure that their recommendations reach the Commission within the deadline. Any request received after the deadline will be considered only in the exceptional cases of acts of God, death or illness etc. on the recommendation of the sponsoring authority concerned who should be personally satisfied about the genuineness and difficulty and set out to the Commission before making such recommendations. Such recommendations should be given only in exceptional cases.

10.3 In respect of media persons in Delhi, for those accredited to the PIB, written requests for authority letters should be sponsored by the Principal Information Officer and a consolidated list sent by the Principal Information Officer to the Commission directly and within the stipulated time limit referred to in para 10.2. For other mediapersons at Delhi accredited by the State Directorate of Information & Public Relations but not accredited by PIB, similar recommendations will be made by the said Director to the Commission within the stipulated date, in consultation with CEO Delhi.

10.4 In the case of media persons outside Delhi, their requests should be duly scrutinized and sponsored by the Directorate of Information and Public Relations or equivalent (by whatever name

known in a State/Union Territory) and should be forwarded to the Chief Electoral Officer who after such consultation with the State Directors, I&PR concerned as may be needed forward consolidated list to the Election Commission within the stipulated time referred to in Para 10.2.

- 10.5 In addition to accredited correspondents other genuine media persons can also be sponsored for issue of authority letters. It is up to the PIO and concerned state departments of I&PR to scrutinize and sponsor names of such media persons and to lay down appropriate policies including providing temporary or casual accreditation, even for the limited period of the covering the election process. Election Commission will, however consider only such cases as are duly recommended by the concerned sponsoring authority.
- 10.6 No piece-meal requests from the sponsoring authorities/Chief Electoral Officers will be entertained.
- 10.7 Each applicants should give full particulars including his name, designation, news agency/ newspapers/periodical/electronic media channel which the applicant represents and the name(s) of the State/constituency (ies) he wants to cover. There will be no restriction on the number of constituencies which an applicant may like to cover. For electronic media team with more than one person each individual member will need a separate authority letter.
- 10.8 Under no circumstances will any omnibus authority letter be issued by the Commission. The sponsoring authority and the Chief Electoral Officers/ State Information Departments should meticulously screen all the requests received and their recommendations should be within reasonable numbers keeping in mind all relevant factors.
- 10.9 The Commission will normally not entertain any requests directly from any person agency for media/news coverage.

11. It is for the sponsoring authority/Chief Electoral Officers through the State Information Departments, to give wide publicity in the procedure to be followed for obtaining authority letters and ensuring that the recommendations are sent to the Commission well in time.

12. Machine numbered/security printed authority letters as per requirement of each State and Union Territory will be sent to the Chief Electoral Officer concerned in advance, after noting down the serial numbers thereof in a register. Press Information Officer and Chief Electoral Officer of concerned State in consultation with State Directorate of Information and Public Relations will sponsor names of media persons for issue of authority letters to the Commission within the deadline prescribed. Specific written approval of the Election Commission to the list of persons to whom the authority letters are to be issued shall be intimated to the Chief Electoral Officer of the State/ Union Territory concerned with the direction that he should fill up particulars in the authority letter. The Chief Electoral Officer will be authorised to sign the authority letters on behalf of the Commission. They will sign each such authority letters in their own hand (no facsimile or rubber stamps shall be used) as per the approved list and hand over the same to the person concerned. They shall also maintain a list in a register in which they should note down the particular of the person and the serial numbers of the authority letter issued. The names on the approved list are not, repeat not, locally transferable to another person.

12.1 The Returning Officer, the Presiding Officers and any other election related officials have absolute right and responsibility to keep persons without such authority letters away from the place of polling/counting.

13. Authority letters issued will be subject to the conditions imposed by the Commission as are mentioned on the authority letters. Any violation of such condition will automatically invalidate the authority letter.

14. As for coverage of actual polling inside the polling stations media persons with authority letters can be allowed enter inside the polling station by the Presiding Officers after verification of such authority letters. However, they will be allowed inside in very small numbers in batches and the actual numbers will be determined taking into account the size of the room and the space available, the number of electors waiting to cast their votes and other relevant factors. The Presiding Officer will have full discretion regarding the entry of the media persons inside the polling booth taking into account the situation obtaining at the relevant time and all other relevant factors as he alone will be to do so on the spot. While allowing such media persons inside the polling station the Presiding Officer may also further regulate the actual coverage by indicating a definite position beyond which they should not proceed. It is expected that in polling stations which are

likely to attract large media attention, appropriate additional arrangements for security and law and order arrangements would be made by the concerned State/Union Territory Government. Entry inside the polling station and coverage of the events even in small numbers in batches would be regulated in such a manner that under no circumstances is the secrecy of the ballot of any voter violated even by accident. The Presiding Officer will also be free to use regulatory measures as he may feel necessary in this regard taking into account the situation at hand. It is expected that all media persons will extend necessary co-operation in this regard and under no circumstances, the process of polling will be allowed to be disturbed because of the large number of media persons present at a given time in a single booth. This will be ensured by each Presiding Officer in a suitable manner. In short, for coverage of actual polling inside the polling station, the entry of media person inside the polling booth in manageable groups will be permitted by the Presiding Officer on the basis of authority letters issued by the Election Commission, subject to restriction that media persons will not be allowed to go near voting compartments to take photographs/ films so that the secrecy of the vote is not violated.

15. In relation to elections to the office of PRESIDENT or VICE-PRESIDENT of INDIA, requests for entry into the place of polling/counting in NEW DELHI will be sponsored by the Returning Officer for the election and no one else.

16. For entry into other places of polling at the State headquarters for Presidential Election, the requests will be forwarded to the Commission by the Assistant Returning Officers appointed for the purpose in the State concerned and no one else.

17. The instructions given in paragraph 10 above will be applicable mutatis mutandis to the Returning Officers, Assistant Returning Officers in the states concerned in the matter of sponsoring requests of entry passes for Presidential and Vice-Presidential Elections.

18. Representatives of the government owned media like Akashvani and Doordarshan and the officials of the Ministry of Information and Broadcasting, Press Information Bureau, Public Relations Departments, Directorates of Information, field publicity units etc., either of the central or any state governments are not entitled to any special facilities or preferential treatment whatsoever in the matter of entry into a place of polling or a place for counting. They are totally on par with other media persons and can be allowed entry only if

they are in possession of a valid authority letter issued by the Commission. The same restrictions will apply to all foreign media/ journalists also. No one can be given any special facilities of access etc. Any Chief Electoral Officer, or any one else who gives or permits extra facilities in violation of the directions of the Commission to central government or state government media or to foreign press and media or members of any state department connected with information and publicity by whatever name known, will do so at his own risk and will face the consequences thereof.

19. Whenever any poll or counting takes place in the premises of Parliament or of a state Legislature, such a place of poll or counting is fully under the control of the Election Commission. Entry into any such place of poll or counting of any media person shall be allowed only on the basis of valid entry passes issued by the Commission alone and not by any other authority. Entry passes issued by any other authority to any media persons for covering Parliamentary/Assembly proceedings do not entitle them to enter the place of poll/place of counting during an election. In this connection, attention is drawn to the decision of the Supreme Court in Pashupati Nath Sukul Vs. Nemchandra Jain and others (74ELR-83) wherein the Supreme Court clearly held that all the steps taken in the course of an election to the Council Of States in which elected members of state legislative assembly participate fall outside the proceedings that take place at the meeting of the house. The same is true in the case of Presidential/Vice-Presidential elections in which the members of Parliament and state legislative Assemblies participate.

20. These will be brought to the notice of all the concerned. Any violation will attract severe disciplinary action.

21. The Returning Officer will at the time of counting announce the round-wise results through the public address system with sound boxes fixed outside the counting hall and also do so after completion of each round of counting. Limited coverage of short duration by manageable audio visual groups can be allowed and the groups, may be conducted by the official designated for this purpose by the officers in charge of counting. In so far as the trend of counting is concerned, existing instructions will continue. In so far as the transmission of the messages detailed result messages from the Returning Officers after the declaration of the result of in a prescribed format may be reiterated and a copy of the message may be endorsed to All India Radio/Press Information Bureau/Doordarshan.

22. The holders of the authority letters, while covering the counting process, can and should be allowed to come out of the counting hall(s) if they so desire,

during the counting. They should also be allowed to re-enter on the basis of the very same authority letters. All entry at all times however, is subject to the over-all requirement of maintenance of law and order, proper decorum and the conduct of peaceful counting.

23. Likewise, in the case of such holders of authority letters for their entry into the polling stations on the date(s) of poll, entry and re-entry into the polling stations during the process of poll, on the basis of such authority letters shall be allowed as in the case of entry in connection with the counting process. This will again be subject to the over-all requirements of maintenance of law and order and proper decorum in the conduct of peaceful polling.

24. The media centres should have required infrastructural facilities like telephones with ISD/ STD, Fax machines, necessary furniture, Teleprinters, etc. These may be provided by the concerned State/Union Territory Governments who shall be free to decide the charges, if any, are to be levied for various facilities.

25. No special arrangements can be made to answer queries telephonically.

26. The arrangements indicated in the preceding paragraphs will also be applicable mutatis mutandis to representatives of private electronic media. They will also be required to obtain authority letters and their cases will be sponsored by the sponsoring authority namely the PIO or the State Director Information and Publicity concerned as the cases may be.

27. In exceptional case, the Principal Information Officer may recommend the cases of senior correspondents of print and electronic medias of national and international standing to cover more than one state.

Media Centres

28. Media centres will be set up in the office Campus of the Chief Electoral Officer, and the District Election Officers, specially for the purpose of disseminating election related information. Officers of the level of District Information Officer will be put incharge of Media centres and their contact address & telephone numbers will be circulated in advance. These centres will commence functioning from the date of notification of election and will remain open during office hours up to the end of the period of electioneering and thereafter round the clock up to the end of the process of election. The media should have reasonable communication facilities like telephones, ISD\STD etc. fax

machines, necessary furniture, teleprinters, etc. Subject to availability and on payment of full charges these facilities can also be provided by the District Election Officer. Each State/Union Territory Government shall be free to decide the charges to be levied for various facilities.

29. Copies of statistical reports and documents of previous elections will be made available in these media centres for the purpose of reference to the extent feasible.

30. One such media centre will be set up in the premises of the Election Commission also during every election.

31. An officer not below the rank of roughly a Deputy Collector/District Information Officer duly assisted by staff will be specifically made responsible for management of the media centre at the District.

32. The Chief Electoral Officers and the District Election Officers concerned shall issue daily press notes containing comprehensive statistical and all other information as pertains to their jurisdiction and whose publication in their view is not prejudicial to the conduct of peaceful free and fair elections or is not otherwise specifically prohibited for publication, commencing with the announcement of election up to the completion of the process of election.

33. District Magistrates and District Superintendents of Police shall jointly hold press briefings at least five times during the process of election in the districts in which an election is held. Comprehensive press handouts shall be distributed among the media persons at these briefings. Subject to the requirements of law and order, confidentiality, and peaceful free and fair poll, the subjects to be compulsorily included in the press handouts and in the briefings at these press meets, and their timings shall be as follows:

No.	Timing	Subject
1.	Date of Notification	i) Map of the constituency showing locations of polling stations, and routes ii) List of recognized political parties, their office Telephone numbers. iii) Number of electors, number of women electors and like such statistical information, iv) Names, addresses and telephone numbers of statutory officers, v) Gist of important instructions issue by the Election Commission, vi) The programme of election, vii) Preparedness to hold peaceful free and fair poll, viii) Model Code of Conduct and preparedness to ensure its observance.
2.	Last day of withdrawal	I) Final list of contesting candidates, addresses as Per electoral roll and the symbols allotted to them, ii) in preparedness to hold peaceful, free and fair poll
3.	End of Electioneering	i) Incidents of violation of Model Code of Conduct during the period of elections and action taken thereon, ii) Incidents of electoral offences during the period of elections and action taken thereon, iii) Action taken against errant officials, iv) Preparedness to hold peaceful free and fair poll.
4.	End of polling	i) Incidents of electoral offences and malpractice and action taken on them on the day of poll, ii) Preparedness to hold re-poll if any. iii) Preparedness to hold peaceful free and fair counting.
5.	End of Election process	i) All Publishable statistical information about the elections

Election Commission's letter No. 491/97/MCS-Vol.II dated 25.03.1997 addressed to the Chief Electoral Officers of all States and Union territories.

Subject: Issue of authority letters - facilities to be provided to media persons for the coverage of process of election – regarding

I am directed to invite a reference to para 12 of the Commission's Order No.491/97/MCS dated 27-3-96 on the subject cited and to say that as per the instructions contained therein the Chief Electoral Officer would sign authority letter in their own hand (no facsimile or rubber stamps shall be used). These instructions have since been modified in accordance with the decision taken under Item V(24) of the Summary of Discussions and recommendations of Chief Electoral Officer's Conference held on 14-1-97 which was forwarded to you with the Commission's letter No.505/97/PLN-IV dated 18-2-97. According to these instructions now one additional officer in the Chief Electoral Officer's establishment shall be authorized to sign the authority letters in addition to the Chief Electoral Officer.

Kindly acknowledge receipt of this letter immediately.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/2004/MCP-Vol.II

Dated 27th April, 2004

To,

The Chief Electoral Officers of all States and Union Territories

Subject:- Facilities to be provided to media persons for coverage of process of elections regarding.

Refer

1. Order no. 491.94 dated 14th December, 1994
2. Order no. 491/96/MCS dated 27th March, 1996
1. Letter no. 491/97/MCS-Vol.II dated 25th March, 1997
2. Letter no. 491/CNTG/MCS/99 dated 20th September, 1999
3. Letter no. 491/CNTG/MCS/99 dated 21st September, 1999

Sir,

I am directed to state that in the matter of providing facilities for media at the time of polling and counting of votes, the Election Commission of India attaches great importance to the conduct of Election with as much transparency as practicable. At the same time it recognizes the fact that the election laws and the procedure governing the election process should not be impinged and that the actual polling and counting process should not be hindered in any way. Therefore after detailed observation of the process of polling and counting in various States and taking into consideration the suggestions received from a few quarters, the instructions for providing facilities to the media persons at the time of counting of votes have been made more comprehensive. The revised and updated instructions for facilities to be provided to media during the process of polling and counting votes at the elections to the Lok Sabha and State Legislative Assemblies, will now be as under:-

For Polling

2. (I) Legal Provisions

Rule 32 of the Conduct of Elections Rules, 1961, which regulates the entry into polling stations is reproduced below for facility of ready reference:

“32. Admission to polling stations – The Presiding Officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than: -

- (a) Polling Officers;
- (b) Public Servants on duty in connection with election;
- (c) Persons authorised by the Election Commission;
- (d) Candidates, their election agents and subject to the provisions of rule 13, one polling agent of each candidate;
- (e) A child in arms accompanying an elector;
- (f) A person accompanying a blind or infirm elector who cannot move without help; and
- (g) Such other persons as the Returning Officer or the Presiding Officer may employ under sub-rule(2) of rule 34 or sub-rule (1) of rule 35.”

For Counting

(II) Legal Provisions

- (i) Entry to any place fixed for counting of votes is governed by the provisions of Rule 53 (1) of the Conduct of Election Rule 1961, which is quoted below:

“Rule 53. Admission to the place fixed for counting- (1) the Returning Officer shall exclude from the place fixed for counting of votes all persons except

- (a) { such persons (to be known as counting supervisors and counting assistants)} as he may appoint to assist him in the counting;*
- (b) persons authorized by the Election Commission;*
- (c) public servants on duty in connection with the election; and*
- (d) candidates, their election agents and counting agents”.*

-
- (ii) Subject to the powers of the authorities competent to impose any restriction in pursuit of the maintenance of law and order, the permission of the Election Commission is not needed by any person, including media persons, for visiting and moving around in any constituency where election is being held and every person is free to observe the elections. Entry into the polling stations and counting centres is however fully regulated by the statutory provisions.

(III) Entry procedure

- (i) No one can enter into any polling station and counting centres as a matter of right. In addition to the persons directly connected with the polling and counting, such persons as are specifically authorized by the Election Commission can alone enter the polling station and counting centres. The exclusive power of the Election Commission of India to issue entry passes to persons including Media Persons, also includes the power to refuse an entry pass to any person if in the Commission's opinion, there are sufficient reasons to do so.
- (ii) Representative of the Government owned media like AIR and Doordarshan, and officials of the Ministry of Information and Broadcasting, PIB, Public Relations Department, Director of Information, field publicity units etc. either of the Central or of any State Government are not entitled to any special facilities or preferential treatment whatsoever in the matter of entry into a place of polling and counting. They are totally at par with other media persons and can be allowed entry only if they are in possession of valid authority letters issued by the Commission. The same restrictions as applicable to other media persons with authority letter will be applicable to them also. The same restrictions will apply to foreign media/ journalists etc.
- (iii) Passes for Counting
- (a) For electronic media teams not more than two passes should be given for one counting centre and it is emphasized that each individual member will need a separate authority letter.
- (b) For print media only one pass per news agency/newspaper should be given.

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- (iv) The Returning Officer and other election related officers have absolute right and responsibility to keep persons without such authority letters away from the place of polling and counting.
 - (v) Authority letters issued will be subject to the conditions imposed by the Commission as are mentioned in the authority letters, like media persons not being allowed to go near voting compartment, photographers not to take photographs/films which may violate secrecy, etc. Any violation of such conditions will automatically invalidate the Authority letter and will also invite penal action.
 - (vi) The premises where the counting takes place, is fully under the control of the Election Commission of India. Entry into any such place of counting of any media person shall be allowed only on the basis of valid entry pass issued by the Commission alone and not by any other authority. Entry passes issued by any other authority to any media persons for covering Parliamentary/Assembly proceedings etc. do not entitle them to enter the places of counting during elections.

(IV) Media Room inside the counting centre

- (i) It may be clearly stated that Media persons with valid passes issued by the Election Commission of India, inside the counting premises will be allowed to sit in a separate room known as the media room, and not in the actual counting hall itself. This room/hall will be near the counting hall.
- (ii) Entry of Media persons into the counting hall will be regulated. They will be taken inside the counting hall in small batches at regular intervals by an official/officials designated for this purpose by the officers in charge of counting, in advance. There should be sufficient number of officials in the media room, throughout the process of counting.
- (iii) The media rooms in the counting centres should have the required personnel and infrastructural facilities like telephone with ISD/STD, Fax Machines, necessary furniture and other basic facilities like drinking water etc. These may be provided by the concerned Government who shall be free to decide the charge if any, to be levied for various facilities. No special arrangements need be made to answer queries telephonically.

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- (iv) For this purpose it is necessary for each RO to interact with the Divisional Managers of the Department of Telecommunications in advance and arrange for such PCO/STD booths to be set up at the counting centres. This can be in the media room itself or in a separate room adjoining the media room. Alternatively this can be set up in a veranda or in the open space close to the counting hall in any temporary structure. The availability of such facilities should be known to the media persons in advance.

(V) Media centre at District Level and State Level

- (i) A media centre set up in the state Headquarters and District Headquarters (by the CEO and DEO respectively) specially for the purpose of disseminating election related information, will function during the process of counting also. Officers of the level of Dist. Information Officer will be put in charge of the media centre at the District level and their contact address and telephone numbers will be circulated in advance. These centres will function round the clock during the entire process of counting. These media centres will have reasonable communication facilities like telephone ISD, STD etc, fax machines, necessary furniture etc. Keeping in view the presence of large number of wire news agencies/media persons from print and electronic media based at the State Headquarters, the provision of sufficient number of telephone lines with STD/ISD facilities and separate fax machines be made in the media centre.
- (ii) Each state/UT shall be free to decide the charges to be levied for various facilities.
- (iii) Copies of Statistical Reports and documents of previous elections, background material etc. will be made available to these media centre for the purpose of reference to the extent feasible.
- (iv) The round wise result etc. announced by the R.O. at the counting centre will be available simultaneously, or as soon as possible thereafter at the Distt. Level and State level media centres also for the benefit of Media persons without Authority letters.

(VI) Procedure for coverage inside the counting hall

- (i) As for the coverage of the actual counting inside the counting

hall, media persons with authority letters can be allowed to enter the counting hall by the Returning Officer after verification of their authority letters. However they will be allowed inside the counting hall in very small numbers and in batches and the actual numbers will be determined taking into account the size of the counting hall, the space available and other relevant factors. The Returning officer and other election related officers will have full discretion regarding the entry of the media persons inside the counting hall, taking into account the situation obtaining at the relevant time and all other relevant factors as he alone will be able to do so on the spot. While allowing such media persons inside the counting hall the R.O. may also further regulate the actual coverage by indicating a definite position (by means of a line or string) beyond which they should not proceed.

- (ii) It is repeated that media persons will be escorted in small batches inside the counting hall by officials designated for the purpose by the officers in charge of counting in advance; and these officials who escort the media persons will remain with the media persons throughout their stay in the counting hall and will escort them out after their coverage to the media room. It is therefore important that adequate numbers of officials are available for this purpose.
- (iii) It may also be noted that no static (fixed) camera- still or video of the media is allowed inside any counting hall. No. Camera stand should therefore be allowed to be taken inside counting halls. Further, while taking audio visual coverage of the counting process with camera carried in hand or on shoulders, under no circumstances, the actual votes recorded on individual ballot papers, or the actual votes polled in each EVM, is to be photographed or covered by audio visual coverage, even by accident.
- (iv) It is expected that in counting centres, which are likely to attract large media attention, appropriate additional arrangements for security and law and order would have been made (by the concerned authorities). Under no circumstances, in whatever manner would the actual counting process be disrupted or hindered by the presence of Media persons inside the counting centre.
- (v) The Returning Officer will also be free to use regulatory measures, as he may feel necessary in this regard, taking into account

the situation at hand. It is expected that all media persons will extend necessary co-operation in this regard. This will be ensured by each Returning Officer in a suitable manner.

- (vi) The holders of the authority letters while covering the counting process can and should be allowed to come out of the counting hall(s) if they so desire, during the counting. They should be allowed to re-enter on the basis of the very same authority letter. All entry at all times however is subject to the overall requirement of maintenance of law and order, proper decorum and conduct of peaceful counting. Substitution of media personnel should be allowed only when the substitute also carries a valid authority letter in his/her name.
- (vii) No one can be given any special facilities of access etc. Any CEO or any one else who gives or permits extra facilities in violation of the directions of the Commission to Central Govt. or State Govt. media or to foreign press and media or members of any state Department connected with information and publicity, by whatever name known, will do so at his own risk and will face the consequences thereof.

(VII) Announcement of round wise results

- (i) The Returning Officer will at the time of counting announce the round wise results through the public address system with sound boxes fixed outside the counting hall, and also do so after completion of each round of counting. These announcements are expected to provide the counting trends and results information in an organised and systematic manner in good time. This information should simultaneously or as soon as possible, be available in the District level media centre and state level media centre also for the benefit of the media persons who are not present inside the counting centre.
- (ii) In cases where the R.O. has made arrangements for display of the latest trends and result sheets on blackboard/whiteboard etc. for information of the media, this will be in addition to the system of announcement through public address system.

(VIII) Facilities inside counting hall for exclusive official use

A separate centre for communication facilities, telephone, fax, etc; will be set up by the R.O. at each counting for exclusive official use. It has to be noted that these internal communications facilities alongwith

computer and communication set up, are for the exclusive use of Commission's officers like RO/ARO/DEO and its observers and are not available for use by any outside agency or person. The Returning Officer in charge at the counting centre has no discretion in allowing this to be used by any unauthorised person. These are not, repeat not available for the representatives of the media.

(IX) Observers to be aware of all arrangements

The entire arrangements put in place should be explained to the observers when they arrive for the observation of the counting process.

(X) Adequate publicity

Adequate publicity regarding the facilities for media should be made in advance so that there is absolute clarity in the matter and all concerned are aware.

2. The DEOs/ Returning Officers are accordingly required to review these arrangements in advance and work out the complete details and allocate necessary resources in terms of personnel and facilities. They should personally supervise these arrangements in counting centre where they are present and identify a senior officer of the District to do so in the other counting centre in their charge.

Yours faithfully,

(S. K. KAURA)

SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/AL-INST/2014 (Communication)

Dated 18th March 2014

To

The Chief Electoral Officers of
All States/UTs

Subject: LokSabh election 2014, Issue of Authority Letters

Sir/Madam,

I am directed to invite your attention to the para 12 of the Commission's letter No. 491/96/MCS dated 27.3.1996 addressed to all Chief Electoral Officers wherein it was directed that the "Chief Electoral Officer will be authorised to sign the authority letters on behalf of the Commission. They will sign each such authority letters in their own hand (no facsimile or rubber stamps shall be used) as per the approved list and hand over the same to the person concerned."

Now, in the interest of smooth media facilitation, the Commission has decided that the District Election Officer may be delegated the power of signing the authority letters to media persons in the district.

Yours faithfully,

(Rahul Sharma)
Under Secretary

FAQ on Issuance of Authority Letters to Media Persons

Q. Who can enter into polling station and counting centre to cover polling/counting process?

A. Media persons having valid/signed Authority Letter issued by the Election Commission of India may enter into polling station and counting centre to cover polling/counting process.

Q. Who are the sponsoring authority for issuance of Authority Letters?

A. For General Elections/ Bye-elections/ Biennial Elections

- i) Principal Information Officer (now Principal Director General (Media & Communication), for media persons accredited by PIB at national level and
- ii) The Director Information and Public Relations (or equivalent officer) of the respective states including the National Capital Territory of Delhi and Chief Electoral Officers of the State/ Union Territories concerned

For election to the office of President or Vice President

- iii) Returning Officer of the election for the polling/counting in New Delhi
- iv) Assistant Returning Officer in the State concerned for polling at State HQ.

Q. Whether ECI may directly be approached for the issuance of Authority Letters?

A. The Commission normally not entertains any request directly from any person/agency for media/news coverage.

Q. What is the deadline of receiving of recommendation of sponsoring authority in the ECI?

A. The deadline should not be later than 15 days prior to the date of poll. Any request received after the deadline will be considered only in the exceptional cases of acts of God, death or illness etc. on the recommendation of the sponsoring authority concerned.

Q. Who is authorized to sign Authority Letter?

A. Chief Electoral Officer and one additional officer of the CEO's

establishment (authorized by the CEO to do so) of the State/UT concerned are authorized to sign the authority letters. However, for the smooth media facilitation, District Election Officer may be delegated the power of signing the authority letters to media persons in the district, if required.

Q. Whether the formats of Authority Letters are same for all General Elections, Biennial Elections and Bye Elections?

A. Yes. However, format of the Authority Letters is different for the election to the office of President and Vice President.

Q. Whether non-accredited correspondents may also be issued Authority Letters?

A. In addition to accredited correspondents other genuine media persons can also be sponsored for issue of authority letters. It is up to the Pr. DG (PIB) and concerned State DIPR to scrutinize and sponsor names of such media persons and to lay down appropriate policies including providing temporary or casual accreditation, even for the limited period of the covering the election process. Election Commission will, however consider only such cases as are duly recommended by the concerned sponsoring authority

Q. What number of constituencies which an applicant may cover?

A. There will be no restriction on the number of constituencies which an applicant may like to cover.

Q. Whether representatives of Govt. owned media are entitled for any special facilities?

A. No. Representatives of the government owned media like Akashvani and Doordarshan and the officials of the Min. of I&B, Press Information Bureau, Public Relations Departments, Directorates of Information, etc., either of the central or any state governments are not entitled to any special facilities or preferential treatment whatsoever in the matter of entry into a place of polling or a place for counting. They are totally on par with other media persons and can be allowed entry only if they are in possession of a valid authority letter issued by the Commission. The same restrictions will apply to all foreign media/ journalists also. No one can be given any special facilities of access etc.

D.
**Allotment of Broadcast
time to recognized
political parties**

Gist of Instructions

1. Scheme for Use of Govt. owned Electronic Media by Political Parties during Elections (Page No. 131 - 137)

At the time of General Elections to the Lok Sabha in 1998, a new initiative for State funding of recognized political parties through free use of the State owned Television and Radio was introduced under directions of the Commission vide its Order, dated 16th January, 1998. The said scheme was subsequently extended in all the General Elections to the State Assemblies held after 1998 and General Elections to the Lok Sabha in 1999, 2004, 2009 & 2014.

2. The salient features of the scheme are as follows (for Assembly elections) (Page No. 140 - 142):

- i. The facilities is available only to 'National Parties' and 'Recognized State Party' of the state concerned on All India Radio and Doordarshan
- ii. A base time of 45 minutes are allotted to each National Party and Recognized State Party of the state concerned uniformly on DD & AIR.
- iii. The additional time to be allotted to the parties is decided on the basis of the poll performance of the parties in the last assembly elections from the respective States/UT or in the last general elections to Lok Sabha, as the case may be.
- iv. The period of broadcast and telecast will be between the last date of filing the nominations and two days before the date of poll (in each phase).
- v. The Prasar Bharati Corporation in consultation with the Commission will decide the actual date and time for broadcast and telecast.
- vi. In addition to the broadcast by parties, the Prasar Bharati Corporation organise a maximum of two panel discussions and/or debates on the Kendra/Station of Doordarshan/All India Radio.
- vii. The telecasts/broadcasts on Doordarshan/AIR will not permit:
 - (a) criticism of other countries;

-
- (b) attack on religions or communities;
 - (c) anything obscene or defamatory;
 - (d) incitement of violence;
 - (e) anything amounting to contempt of court;
 - (f) aspersion against the integrity of the President and Judiciary;
 - (g) anything affecting the unity, sovereignty and integrity of the Nation;
 - (h) any criticism by name of any person.
- ix Time Vouchers will be available in the denomination of 5 minutes with one voucher having time allotment from 1 to 4 minutes and the parties will be free to combine them suitably.
3. To rule out any confusion and deviation in approval of transcript submitted by the political parties to DD & AIR, Prasar Bharti may constitute an Apex Review Committee in all the States/UTs during elections which may have members/experts of both AIR and DD. In case of any difference of opinion/approval between AIR/DD and political parties related to transcript of broadcast/telecast, matter may be referred to this Apex Review Committee for final decision. (Page No 138)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, NEW DELHI-110001

No. ECI/GE98/437MCS/98

Dated: 16 January, 1998

Subject: Scheme for Use of Govt. owned Electronic Media by Political Parties during Elections

ORDER

The question of State funding of election expenditure by political parties has been engaging the attention of the Election Commission of India, Parliament and the Central Government for some time. However, no decision could be arrived at in the matter, as it has been linked with the bigger question of overall Electoral Reforms.

2. The Commission has bestowed considerable thought on this issue. One of the concrete proposals initiated by the Commission has been the use of Govt. owned electronic media by the recognised National and State political parties, on a much extended scale, during elections, in lieu of the limited facility that is presently available to them of making one telecast and two broadcasts of 15 minutes duration each over Doordarshan and All India Radio at the time of general elections to the House of the People and State Legislative Assemblies. The reach of the vast network of Doordarshan and All India Radio is now widespread, covering almost every nook and corner of the country, and their impact substantive. Use of such electronic media by political parties would provide them with an opportunity to give first hand information to voters about their policies, programmes, manifestos and views on major issues. For electors also, it would be an important source of information for understanding major policy issues as projected by different parties.

3. The provision of above facility to political parties would considerably cut down their expenses on election campaigns and general party propaganda and, as such, would amount to indirect State funding. One of the most important features of the above facility would be that, unlike money transactions, it would not involve any maintenance of detailed accounts and rendition of such accounts to any authority for scrutiny and audit. Further, unlike cash subsidy, it can not be misused.

4. The above scheme was discussed by the Commission with the recognised National and State parties at the meetings held at New Delhi, on 7th May 1997 and, again, on the 22nd and 23rd December 1997. They all whole-heartedly welcomed the scheme.

5. The Commission has further interacted with the Prasar Bharati Corporation, which now manages the Doordarshan and All India Radio. That Corporation has also welcomed the Scheme and agreed to provide suitable assistance, and support, to implement the Scheme and make it operational for the ensuing general elections to the House of the People (for constituting the 12th Lok Sabha) and certain State Legislative Assemblies.

6. Accordingly, the Commission, after consultation with the Prasar Bharati Corporation, and in exercise of its plenary powers of superintendence, direction and control, inter alia, of elections to Parliament and State Legislatures vested in it by Article 324 of the Constitution of India, hereby directs, as follows:

Parties eligible for Telecast/Broadcast facility:

(i) The above facility of use of Doordarshan (DD) and All India Radio (AIR) shall be available, in connection with the forthcoming general elections to the House of the People and the Legislative Assemblies of the States of Gujarat, Himachal Pradesh, Meghalaya, Nagaland and Tripura, only to those seven (7) National parties and thirty four (34) States parties, which are at present **recognized** as such National or State parties, under the provisions of the Election Symbols (Reservation and Allotment) Order, 1968, and whose names are shown in the list annexed hereto as **Annexure-I**. This facility will not be available to registered-unrecognized political parties or any independent candidates. The Supreme Court has held in the case of Ramakant Pandey vs. Union of India (AIR 1993 SC 1766) that the recognised National and State parties stand on a different footing from the unrecognised political parties and any discrimination between these two categories of political parties would be a reasonable and valid classification. At present also, the above mentioned limited facility of telecasts/broadcasts is available only to the recognised National and State parties. The High Courts of Allahabad, Madras and Karnataka have also upheld the above classification in W.P.No.5790 of 1984 (Hari Shankar Jain vs. Chief Election Commissioner and others), W.Ps. Nos.12378 of 1984 and 14507 of 1989 (P.T.Srinivasan vs. Union of India and others and S. Shanmugam vs. Chief Electoral Officer, Tamil Nadu and others) and W.P. No.19367 of 1984 (Raghunathmal vs. Election Commission of India and others) respectively. The Madras High Court has, in the above-mentioned cases, specifically upheld the grant of above facility of telecasts/broadcasts only to the recognised political parties.

Total time Allotted for Telecasts/Broadcasts:

- (ii) The Prasar Bharti Corporation shall set apart on Doordarshan
 - (a) a total of not less than 10 hours of telecasting time on the National channel of the Doordarshan, for telecasts by the National parties;
 - (b) a total of not less than 15 hours of telecasting time on the Regional Doordarshan Kendras, for telecasts by the National parties;
 - (c) a total of not less than 30 hours of telecasting time on the Regional Doordarshan Kendras, for telecasts by the State parties; and
 - (d) a total of 6 hours of telecasting time through the Regional Satellite Services channel available to viewers across the whole country.

AND On All India Radio

- (e) a total of not less than 10 hours of broadcasting time on the National hookup of the All India Radio, for broadcasts by the National parties;
- (f) a total of not less than 15 hours of broadcasting time on the Regional AIR Stations, for broadcasts by the National parties;
- (g) a total of not less than 30 hours of broadcasting time on the Regional AIR Stations, for broadcasts by the State parties; and
- (h) a total of 6 hours broadcasting time on the National hook up for broadcasts by the State Parties.

Allocation of Time to each Party:

- (iii) Each National and State party shall be allotted time for telecasts over Doordarshan (DD) and broadcasts on All India Radio (AIR), according to the following parameters:-

For National Parties:

- (a) of the total ten hours telecasting/broadcasting time reserved over the National channel/hookup of DD/AIR for the National parties, 45 (forty five) minutes shall be allotted to each of the 7 National parties, i.e., a total of five hours and fifteen minutes (5-1/4 hours), each on the DD & AIR separately;

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- (b) the remaining four hours and forty five minutes (4-3/4 hours) telecasting/broadcasting time shall be further divided among the seven National parties, according to the percentage of votes polled by each such party, at the last general election to the House of the People held in 1996;
 - (c) in addition, each National party shall be allotted one and a half times of the total time allotted to it under sub-paras (a) and (b) above, for telecasts/broadcasts on the Regional Doordarshan Kendras/Regional AIR Stations;
 - (d) of the total time so allotted to each National party under sub-para (c), each such party shall have the option to utilise the time so allotted on any of the Regional Doordarshan Kendra/State capital AIR Station: provided that not more than one-tenth (1/10th) of such time shall be utilised by it at any one Regional Doordarshan Kendras/AIR Stations;

For State Parties:

- (e) of the total time of thirty (30) hours reserved for telecasting/broadcasting by the State parties on the Regional DD Kendras/ Regional AIR Stations, each of the 34 State parties shall be allotted forty five (45) minutes, i.e., a total of twenty five hours and thirty minutes (25-1/2 hours), each on DD and AIR separately;
- (f) the remaining four hours and thirty minutes (4-1/2 hours) telecasting/broadcasting time for parties shall be further divided among the said 34 State parties, according to the percentage of votes polled by each such party in the State (s) in which it is recognized, at the last general election to the House of the People held in 1996, and the last general election to the Legislative Assembly of the State concerned, taken together;
- (g) in addition, each State party shall be allotted 10 minutes telecasting/broadcasting time on Regional Satellite Services channel of DD available to viewers across the whole country and the National hook up of AIR

Time vouchers for Parties

- (iv) Each party shall be given time vouchers of different denominations of, 5 minutes and 10 minutes, equal to the total time allotted to it for telecasts on

Doordarshan and broadcasts on AIR. That party shall have the discretion to choose any representatives and allow them to use those time vouchers, provided that no such individual representative shall be allowed to use more than 20 minutes of the total time allotted to that party, either on Doordarshan or on AIR.

Dates of Telecasts/Broadcasts

- (v) The above telecasts/broadcasts shall span between the last date of nominations for the first phase and two days prior to the last of the dates of poll any where in India in case of Parliamentary elections, and the relevant State or States where elections for the respective State Assemblies are also being held simultaneously. The Prasar Bharati Corporation, in consultation with the Commission, will decide and announce the days of the week and the time slots during which these telecasts/broadcasts will be made.
- (vi) The actual date and time during which the above telecasts/broadcasts will be made by the authorised representatives of any party shall be predetermined, by lot, by the Prasar Bharati Corporation, in consultation with the Commission.
- (vii) While deciding about such Dates and time, it shall be ensured that fairness and equity is maintained, as far as possible and having due regards to the technical constraints in regard to the occasion and time for the telecasts/broadcasts by such parties.

Guidelines for observance in Telecasts/Broadcasts

- (viii) The telecasts/broadcasts on Doordarshan/AIR will not permit:
 - (a) criticism of other countries;
 - (b) attack on religions or communities;
 - (c) anything obscene or defamatory;
 - (d) incitement to violence;
 - (e) anything amounting to contempt of court;
 - (f) aspersions against the integrity of the President and Judiciary;

-
- (g) anything affecting the unity, sovereignty and integrity of the Nation; and
 - (i) any criticism by name of any person.

Submission of Transcripts in advance

- (ix) The parties or their representatives shall have to submit, in advance, within the time frame as indicated by the Prasar Bharati Corporation on account of technical constraints, the transcripts of their telecasts/broadcasts to the authorities specified in this behalf by the Prasar Bharati Corporation. It shall be the responsibility of the parties to have their transcripts, after approval, recorded at their cost in Private Studios; meeting required technical standards of the Prasar Bharati Corporation, provided that the symbol of the party with a white background can be shown in any video recording.

Panel Discussions and Debate

- (x) In addition to the above mentioned Party telecasts/broadcasts, the Prasar Bharati Corporation may organise a maximum of two national panel discussions/debates on the national channels of Door Darshan and All India Radio. Each nationally recognised Party can nominate one representative to such programmes.

The Election Commission of India will approve the names of moderators for such panel discussions and debates in consultation with the Prasar Bharati Corporation.

- (xi) In the States of Gujarat, Himachal Pradesh, Meghalaya, Nagaland and Tripura, where Assembly elections are also being held simultaneously, similar debates and panel discussions may be arranged from the Regional Kendras of Door Darshan and All India Radio for elections to the concerned State Assemblies. In these programmes, the concerned State recognised parties will be permitted to participate.

Powers of the Election Commission to remove Difficulties

7. Notwithstanding anything contained in para 6, the Election Commission may issue such further directions and instructions –

-
- (a) for the clarification of any of the provisions of this Order, or
 - (b) for the removal of any doubt which may arise in relation to the implementation of any such provision; or
 - (c) in relation to any matter with respect to the allotment of time to, or utilisation of time by, any recognised National or State party, for which this Order makes no provision or makes insufficient provision, and such provision is, in the opinion of the Commission, necessary for the smooth and orderly implementation of the scheme covered by this Order.
8. The above guidelines shall also apply mutatis mutandis at all future elections to Parliament and State Legislatures.

By Order,

(Subas Pani)

Deputy Election Commissioner

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, NEW DELHI-110001

No. 437/TA/2015/Communication

Dated: 2nd December, 2015

To,

The Chief Executive Officer,
Prasar Bharti,
(Broadcasting Corporation of India)
Mandi House, Copernicus Marg, New Delhi

Subject: Allotment of Broadcast/telecast time to political parties during election.

Sir,

I am directed to refer to the subject cited and to say that during the recently held Bihar assembly election, some political parties brought to the notice of the Commission that in some cases, on submission of the same transcript to All India Radio and Doordarshan by political parties, there were considerable deviations between the approval to the script as approved by AIR and DD. This variation led to difference in approved scripts.

To rule out any such confusion and deviation in all future elections, the Commission desires that Prasar Bharti may constitute an Apex Review Committee in all the States/UTs during elections which may have members/experts of both AIR and DD. In case of any difference of opinion/approval between AIR/DD and political parties related to transcript of broadcast/telecast, matter may be referred to this Apex Review Committee for final decision.

Early response in this regard would be appreciated.

Yours faithfully,
(Dhirendra Ojha)

Director

Phone- 01123052015

Email: director.do.eci@gmail.com

Copy to :

1. Director General, All India Radio,
Akashwani Bhawan, New Delhi – 110001

2. Director General, Doordarshan,
Mandi House, New Delhi – 110001

3. Chief Electoral Officer of all the States/UTs – for information and to bring into the notice of all concerned in the State/UT

ELECTION COMMISSION OF INDIA

NirvachanSadan, Ashoka Road, New Delhi-110001

No. 437/TA-LA/2016/Communication

Dated: 11th March, 2017

ORDER

At the time of General Elections to the Lok Sabha in 1998, a new initiative for State funding of recognized political parties through free use of the State owned Television and Radio was introduced under directions of the Commission vide its Order, dated 16th January, 1998. The said scheme was subsequently extended in all the General Elections to the State Assemblies held after 1998 and General Elections to the Lok Sabha in 1999, 2004, 2009 and 2014.

With the amendments to the Representation of People Act, 1951 vide "Election and Other Related Laws (Amendment) Act, 2003" and the rules notified thereunder, equitable time sharing for campaigning by recognized political parties on electronic media now has statutory basis. In exercise of the powers conferred by clause (a) of the Explanation below section 39A of the Representation of People Act, 1951, the Central Government has notified all such broadcasting media which are owned or controlled or financed wholly or substantially by funds provided to them by the Central Government as the electronic media for the purposes of that section. Therefore, the Commission has decided to extend the said scheme of equitable time sharing on electronic media through Prasar Bharati Corporation to the ensuing General Election to the State Legislative Assemblies of Goa, Punjab, Manipur, Uttarakhand & Uttar Pradesh -2017.

The facilities of use of broadcast time and telecast time will be available only to 'National Parties' and 'Recognized State Parties' in respect of Goa, Punjab, Manipur, Uttarakhand & Uttar Pradesh.

The salient features of the scheme are as follows:

1. The facilities will be available from the Regional Kendra of the All India Radio and Doordarshan and in the headquarters of Goa, Punjab, Manipur, Uttarakhand & Uttar Pradesh and relayed by other stations within the above mentioned States/UTs.

Time allotted for Telecast/Broadcast:

A base time of 45 minutes will be given to each National Party and Recognized State Party (recognized in respect of Goa, Punjab, Manipur, Uttarakhand & Uttar Pradesh) uniformly on the Regional Kendras of Doordarshan network and All India Radio network in the above mentioned States/UTs.

3. The additional time to be allotted to the parties has been decided on the basis of the poll performance of the parties in the last assembly election from the respective above mentioned States/UTs.
4. In a single session of broadcast, no party will be allocated more than 15 minutes.

Date of Telecast/Broadcast:

5. The period of broadcast and telecast will be between the last date of filing the nominations for the first phase of poll and two days before the date of poll (in each phase) in the respective of above mentioned States/UTs.
6. The Prasar Bharati Corporation in consultation with the Commission will decide the actual date and time for broadcast and telecast. This will be subject to the broad technical constraints governing the actual time of transmission available with the Doordarshan and All India Radio.

Submission of Transcripts in advance:

7. The guidelines prescribed by the Commission for telecast and broadcast will be strictly followed. The parties will be required to submit transcripts and recording in advance. The parties can get this recorded at their own cost in studios, which meet the technical standards prescribed by the Prasar Bharati Corporation or at the Doordarshan/All India Radio Kendra. They can, in the alternative, have these recorded in the studios of Doordarshan and All India Radio by advance requests. In such cases, the recordings may be done at the State Capital and at timings indicated by Doordarshan/All India Radio in advance.

Panel Discussions and Debate:

In addition to the broadcast by parties, the Prasar Bharati Corporation will organize a maximum of two panel discussions and/or debates on the Kendra/Station of Doordarshan/All India Radio. Each eligible party can nominate one representative to such a programme.

-
9. The Election Commission of India will approve the names of coordinators for such panel discussions and debates in consultation with the Prasar Bharati Corporation.

Guidelines for observance in Telecasts/Broadcasts:

10. The telecasts/broadcasts on Doordarshan/AIR will not permit:
- a) Criticism of other countries;
 - b) Attack on religions or communities;
 - c) anything obscene or defamatory;
 - d) incitement of violence;
 - e) anything amounting to contempt of court;
 - f) aspersion against the integrity of the President and Judiciary;
 - g) anything affecting the unity, sovereignty and integrity of the Nation;
 - h) any criticism by name of any person;

Time Vouchers for Parties:-

11. will be available in the denomination of 5 minutes with one voucher having time allotment from 1 to 4 minutes and the parties will be free to combine them suitably. The allotment of time to different political parties is given in a statement enclosed herewith.

By order,

(Dhirendra Ojha)

Director

FAQ on allotment of Broadcast time to political parties

Q. When this scheme of allotment of Broadcast time to political parties was introduced?

A. At the time of General Elections to the Lok Sabha in 1998, a new initiative for State funding of recognized political parties through free use of the State owned Television and Radio was introduced. The scheme was subsequently extended in all the General Elections to the Lok Sabha and all State Assemblies held after 1998.

Q. Whether this scheme is for all political parties?

A. The facilities of allotment of broadcast time is available only to 'National Parties' and 'Recognized State Parties' of the state concerned.

Q. Whether the scheme is available on all the media?

A. No. The scheme is available only on Govt. owned media i.e. Doordarshan & All India Radio.

Q. On what basis time is allotted to political parties?

A. A base time of 45 minutes are allotted to each National and Recognized State Parties of the state concerned uniformly. Additional time to be allotted to parties is decided on the basis of the poll performance of the parties in the last assembly election from the respective States/UT or in the last general elections to Lok Sabha, as the case may be.

Q. What is not permitted in this party broadcast?

A. The telecasts/broadcasts on Doordarshan/AIR will not permit:

- (a) criticism of other countries;
- (b) attack on religions or communities;
- (c) anything obscene or defamatory;
- (d) incitement of violence;
- (e) anything amounting to contempt of court;
- (f) aspersion against the integrity of the President and Judiciary;
- (g) anything affecting the unity, sovereignty and integrity of the Nation;

(h) any criticism by name of any person.

Q. What is period this broadcast?

A. The period of broadcast will be between the last date of filing of nominations and two days before the date of poll (in each phase).

Q. What does Time Vouchers mean?

A. Each party is provided printed Time Vouchers in the denomination of 5 minutes with one voucher of 1 to 4 minutes equal to the total time allotted to it for broadcast.

Q. How can these Time Vouchers be used by the political parties?

A. Political parties are free to combine the Time Vouchers provided to them suitably. These vouchers are required to produced to DD & AIR for their party broadcast. Party have the discretion to choose any representatives and allow them to use Time Vouchers provided that no such individual representative shall be allowed to use more than 20 minutes of the total time allotted to that party either on Doordarshan or on AIR.

Q. Whether parties are required to submit transcripts of broadcasts in advance?

A. Yes. The parties or their representatives shall have to submit, in advance, within the time frame as indicated by the Prasar Bharati Corporation on account of technical constraints, the transcripts of their telecasts/broadcasts to the authorities specified in this behalf by the Prasar Bharati Coporation.

Q. What will happen if there is any deviation in approval of transcript by Doordarshan and All India Radio, submitted by the political party?

A. To rule out any confusion and deviation in approval of transcript submitted by the political parties to DD & AIR, Prasar Bharti may constitute an Apex Review Committee in all the States/UTs during elections which may have members/experts of both AIR and DD. In case of any difference of opinion/approval between AIR/DD and political parties related to transcript of broadcast/telecast, matter may be referred to this Apex Review Committee for final decision.

E.
**Media Monitoring of
election management
related news**

Gist of Instructions

1. In all the General Election (starting from year 2012), the Commission had been doing Media Monitoring of all election management related news on national news channels (English & Hindi) through a control room in ECI Secretariat. The Commission, during 2015 Bihar assembly elections had entrusted the job of Media Monitoring to Electronic Media Monitoring Centre (EMMC). **(Page No. 149 - 150)**
2. Ministry of I&B, GOI is informed in each election to issue necessary directions to EMMC for Media Monitoring. Salient features of this scheme are as under –
 - (i) This media monitoring of election management related news shall be done one day before the day of poll and on the day of poll on each phase of poll.
 - (ii) EMMC assign a team of dedicated staff under a senior supervising officer for 24 hours media monitoring only on the days as specified at sl. No. (i). The team may work on shift basis.
 - (iii) EMMC staff deployed in the task be considered under the control and superintendence of the Commission (under Section 28 A of the RP Act, 1951) only for the days as specified above, though they will operate from EMMC only.
 - (iv) Orientation of EMMC staff is done by senior officer of the Commission. **(Page No. 151 - 152)**
3. **Role of EMMC/CEO in Media Monitoring (Page No. 150)**

Role of EMMC : EMMC monitors all election management related news (important events/MCC violation/search and seizure etc.) on all English & Hindi news channels on the day of poll and a day prior to that. Submission of reports to the Commission on each phase of elections is to be done on two hourly basis. EMMC also sends the reports to CEO office simultaneously.

Role of CEO : CEO office ascertains status on the items on the report and file ATR/Status report within two hours/before the generation of next report to the Commission.

Submitting to the Commission : The ATR report received from CEO office will be presented/sent to the Commission for perusal.

Analysis of Media Monitoring :Analysis of Media Monitoring to be done by ECI after each phase of poll. In this analysis, and final analysis will be done after the elections are over.

4. Furnishing Action Taken Report on Media Report

On receiving the reports from EMMC, Office of CEO will ascertain status on the items on the report and file ATR/Status report within two hours/before the generation of next report to the Commission. Besides, Office of CEO shall intimate the action taken in the matter to the media also. If the news item is not found correct, that particular media may be informed to issue rebuttal. **(Page No 153)**

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, NEW DELHI-110001

No. 491/MM/2015/Communication

Dated: 8th January, 2016

To,

The Chief Electoral Officer of all States/UTs,

(As per list attached)

**Subject: Media Monitoring in General/Bye-Election/Biennial Elections
- Furnishing Action Taken report on Media Report.**

Sir/Madam

As you may be aware that in all General Election (starting from year 2012), Media monitoring of all election management related news, on national news channels (English & Hindi) and regional language news channel are done at ECI & CEO office levels. Electronic Media Monitoring Centre (EMMC) monitors all English & Hindi news channels at New Delhi for ECI Headquarter.

2. In order to take prompt action on reports submitted by monitoring teams during elections, a flow chart showing the role and responsibilities of ECI/CEOs/DEOs have been evolved. The same is attached herewith for future reference and action.

3. You are, therefore, requested that this plan be complied in all future elections in State for effective monitoring and prompt action.

Yours' faithfully,

Encl: as above

(S. K. Das)

Under Secretary

☎011-23052082

E mail: sumands34@gmail.com

During Election: Media Monitoring

Role of EMMC

The Commission has entrusted the Electronic Media Monitoring Centre (EMMC), New Delhi with the task of media monitoring of all election management related news (important events/MCC violation/search and seizure etc.) The monitoring is to be done by EMMC on the day of polling and a day prior to that and submission of reports by EMMC to the Commission on each phase of elections is to be done on two hourly basis. EMMC will also send the reports to CEO office simultaneously.



Role of CEO

CEO office will ascertain status on the items on the report and file ATR/Status report within two hours/before the generation of next report to the Commission.



Submitting to the Commission

The ATR report received from CEO office will be presented/sent to the Commission for perusal.



Analysis of Media Monitoring

Analysis of Media Monitoring will be done by ECI after each phase of poll. The final analysis will be done after the elections are over.



Post Elections, a consolidated analytical report to be submitted to the Commission in a comparative chart format.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, NEW DELHI-110001

No. 491/Media Monitoring/2016/Communication

Dated: 7th March, 2016

To,

The Secretary,
M/o Information and Broadcasting,
Shastri Bhawan,
New Delhi

Subject: General Election to legislative assemblies of Assam, Kerala, Puducherry, Tamil Nadu and West Bengal, 2016 – Media Monitoring - regarding.

Sir,

I am directed to refer to the subject cited and to say that the Commission has appreciated the support extended by the Ministry of Information and Broadcasting and the work done by Electronic Media Monitoring Centre (EMMC) during Lok Sabha Elections, 2014 and subsequent state legislative assembly elections for the Election Commission of India. Now, the Commission has decided to entrust the job of media monitoring to EMMC during the ongoing general election to the legislative assembly of above said states. It is, therefore, informed that –

- (i) This media monitoring of election management related news shall be done one day before the day of poll and on the day of poll on each phase of polling (Schedule of election is attached). In this case, media will mean all English and Hindi news channels and regional news channels of the States only & not radio and print.
- (ii) In addition, it is also requested that Media Monitoring of poll going states during Election process be undertaken, starting from 11.03.2016 till the end of election process) and report on the same may please be forwarded on daily basis to Commission once in a day (by 5.00 PM).
- (iii) The Commission does not intend to disturb any statutory function of

EMMC. EMMC shall only assign a team of dedicated staff under a senior supervising officer for 24 hours media monitoring only on the days as specified at sl. No. (i). The team may work on shift basis.

(iv) These staff shall be considered under the control and superintendence of the Commission (under Section 28 A of the RP Act, 1951) only for the days as specified above, though they will operate from EMMC only.

(v) Orientation session for the concerned EMMC staff will be arranged by the Commission on early suitable dates at EMMC.

2. You are, therefore, requested to issue necessary direction to EMMC and also furnish all the details of earmarked staff members and list of channels for the Commission's approval by 16th March, 2016 so that further action may be taken at our end.

Your faithfully,

(DhirendraOjha)

Director

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, NEW DELHI-110001

No. 491/MM/2016/Communication

Dated: 5th April, 2016

To

The Chief Electoral Officers of all States/UTs

**Subject: Media Monitoring in General/Bye-Election/Biennial Elections
– Furnishing Action Taken Report on Media Report.**

Sir/Madam,

In continuation of the Commission's letter no. 491/MM/2015/Communication dt 6th January, 2016 on the subject cited, I am directed to clarify that on receiving the reports from the Electronic Media Monitoring Centre (EMMC), Office of CEO will ascertain status on the items on the report and file ATR/Status report within two hours/before the generation of next report to the Commission. Besides, Office of CEO shall intimate the action taken in the matter to the media also. If the news item is not found correct, that particular media may be informed to issue rebuttal.

Your faithfully,

(S. K. Das)

Under Secretary

Phone: 011-23052082

Email: sumands34@gmail.com

FAQ on Media Monitoring

Q. Who does the EMMC forward the monitoring reports to?

A. The EMMC must forward the monitoring reports on a two-hourly basis to the CEO of that State as well as the ECI, to avoid delay.

Q. When does the EMMC monitor election management related news?

A. The EMMC monitors the election management related news on the day of polling and a day prior to that.

Q. What type of coverage is monitored?

A. All election management related news are monitored. This may include any violation of Model Code Conduct, any law & order problem, seizure of cash/liquor etc, any EVM malfunctioning any other significant news.

Q. What is the role of state CEO in this process?

A. The state CEO office will ascertain status on the items on the report and file ATR/Status report within two hours/before the generation of next report to the Commission.

Q. What is to be done if news item is not found correct?

A. If the news item is not found correct, that particular media may be informed by the CEO to issue rebuttal

Q. When does the ECI do the analysis of the media monitoring?

A. The ECI does the analysis of Media Monitoring after each phase of poll. Final analysis is done after the elections are over.

Q. What is to be done post elections?

A. A consolidated report is to be submitted to the Commission in a comparative chart format post elections.

F.
Guidelines for
Media to be observed
during elections

Gist of Instructions

1. **Media Coverage during the period referred to in Section 126 of RP Act, 1951. (Page No. 159 - 164)**

ECI in each general election to the Lok Sabha and State Legislative Assemblies issues a press note containing the guidelines for media to observe in its coverage during elections. Salient features of the press note are as follows –

- i. Section 126 of the R. R. Act 1951 prohibits displaying any election matter by means, inter alia, of television or similar apparatus, during the period of 48 hours ending with the hour fixed for conclusion of poll in a constituency. “Election matter” has been defined in that Section as any matter intended or calculated to influence or affect the result of an election. Violation of the aforesaid provisions of Section 126 is punishable with imprisonment upto a period of two years, or with fine or both.
- ii. Section 126A of the R.P. Act 1951, prohibits conduct of Exit poll and dissemination of their results during the period mentioned therein, i.e. the hour fixed for commencement of poll in the first phase and half hour after the time fixed for close of poll for the last phase in all the States.
- iii. The Commission reiterates that the TV/Radio channels and cable networks should ensure that the contents of the programme telecast/broadcast by them during the period of 48 hours referred to in Section 126 do not contain any material, including views/appeals by panelists/participants that may be construed as promoting/prejudicing the prospect of any particular party or candidate(s) or influencing/affecting the result of the election.
- iv. During the period not covered by Section 126 or Section 126A, concerned TV/ Radio/Cable/FM channels are free to approach the state/district/local authorities for necessary permission for conducting any broadcast related events which must also conform to the provisions of the model code of conduct and the programme code laid down by the Ministry of Information and Broadcasting

under the Cable Network (Regulation) Act with regard to decency, maintenance of communal harmony, etc. Concerned CEO/DEO will take into account all relevant aspects including the law and order situation while extending such permission.

2. Commission vide its letter dt 15.04.2014 has directed that telecast of feature films (other than commercial advt) of the actors, who are contesting elections will not be allowed on Doordarshan during the period of the enforcement of Model Code of Conduct, considering that Doordarshan is run on public funds. However, telecast of films and commercial advertisements involving film actors who are contesting elections will not be restrained on TV channels or Cinema Theaters. (Page No. 165)
3. Guidelines of PCI for print media (Page No. 166 - 174)
4. Guidelines of NBSA for broadcast media (Page No. 175 - 177)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, NEW DELHI-110001

No. ECI/PN/11/2014

Date: 7th March, 2014

PRESS NOTE

Subject: **General election to Sixteenth Lok Sabha and State Legislative Assemblies, 2014 – Media Coverage during the period referred to in Section 126 of RP Act, 1951.**

Section 126 of the Representation of the People Act, 1951, prohibits displaying any election matter by means, inter alia, of television or similar apparatus, during the period of 48 hours before the hour fixed for conclusion of poll in a constituency. The relevant portions of the said Section 126 are reproduced below: -

(126.) Prohibition of public meeting during period of forty-eight hours ending with hour fixed for conclusion of poll-

- (1) No person shall –
 - (a)
 - (b) Display to the public any election matter by means of cinematograph, television or other similar apparatus;
 - (c)

In any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in the polling area.

- (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.
- (3) In this Section, the expression “election mater” means any matter intended or calculated to influence or affect the result of an election.)

2. During elections, there are sometimes allegations of violation of the provisions of the above Section 126 of the Representation of the People

Act, 1951 by TV channels in the telecast of their panel discussions/debates and other news and current affairs programmes. The Commission has clarified in the past that the said Section 126 prohibits displaying any election matter by means, inter alia, of television or similar apparatus, during the period of 48 hours ending with the hour fixed for conclusion of poll in a constituency. "Election matter" has been defined in that Section as any matter intended or calculated to influence or affect the result of an election. Violation of the aforesaid provisions of Section 126 is punishable with imprisonment upto a period of two years, or with fine or both.

3. In this connection, attention is also invited to Section 126A of the R.P. Act 1951, which prohibits conduct of Exit poll and dissemination of their results during the period mentioned therein, i.e. the hour fixed for commencement of poll in the first phase and half hour after the time fixed for close of poll for the last phase in all the States.
4. The Commission once again reiterates that the TV/Radio channels and cable networks should ensure that the contents of the programme telecast/broadcast/ displayed by them during the period of 48 hours referred to in Section 126 do not contain any material, including views/appeals by panelists/participants that may be construed as promoting/prejudicing the prospect of any particular party or candidate(s) or influencing/affecting the result of the election. This shall, among other things include display of any opinion poll and of standard debates, analysis, visuals and sound-bytes
5. During the period not covered by Section 126 or Section 126A, concerned TV/ Radio/Cable/FM channels are free to approach the state/district/local authorities for necessary permission for conducting any broadcast related events which must also conform to the provisions of the model code of conduct and the programme code laid down by the Ministry of Information and Broadcasting under the Cable Network (Regulation) Act with regard to decency, maintenance of communal harmony, etc. They are also required to stay within the provisions of Commission's guidelines dated 27th August, 2012 regarding paid news and related matters. Concerned Chief Electoral Officer/District Election Officer will take into account all relevant aspects including the law and order situation while extending such permission.

Attention of all print media is also drawn to the following guidelines issued by Press Council of India to follow for observance during the election:

(i) It will be the duty of the Press to give objective reports about elections and the candidates. The newspapers are not expected to indulge in unhealthy election campaigns, exaggerated reports about any candidate/party or incident during the elections. In practice, two or three closely contesting candidates attract all the media attention. While reporting on the actual campaign, a newspaper may not leave out any important point raised by a candidate and make an attack on his or her opponent.

(ii) Election campaign along communal or caste lines is banned under the election rules. Hence, the Press should eschew reports, which tend to promote feelings of enmity or hatred between people on the ground of religion, race, caste, community or language.

(iii) The Press should refrain from publishing false or critical statements in regard to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate or his candidature, to prejudice the prospects of that candidate in the elections. The Press shall not publish unverified allegations against any candidate/party.

(iv) The Press shall not accept any kind of inducement, financial or otherwise, to project a candidate/party. It shall not accept hospitality or other facilities offered to them by or on behalf of any candidate/party.

(v) The Press is not expected to indulge in canvassing of a particular candidate/ party. If it does, it shall allow the right of reply to the other candidate/ party.

(vi) The Press shall not accept/publish any advertisement at the cost of public exchequer regarding achievements of a party/government in power.

(vii) The Press shall observe all the directions/orders/instructions of the Election Commission/Returning Officers or Chief Electoral Officer issued from time to time.

Attention of the electronic media is invited to the “Guidelines for Election Broadcasts” issued by NBSA dt 3rd March, 2014.

(i) News broadcasters should endeavour to inform the public in an objective manner, about relevant electoral matters, political parties, candidates, campaign issues and voting processes as per rules and regulations laid down under The Representation of the People Act 1951 and by the Election Commission of India.

(ii) News channels shall disclose any political affiliations, either towards a party or candidate. Unless they publicly endorse or support a particular party or candidate, news broadcasters have a duty to be balanced and impartial, especially in their election reporting.

(iii) News broadcasters must endeavour to avoid all forms of rumor, baseless speculation and disinformation, particularly when these concern specific political parties or candidates. Any candidate/political party, which has been defamed or is a victim of misrepresentation, misinformation or other similar injury by broadcast of information should be afforded prompt correction, and where appropriate granted an opportunity of reply.

(iv) News broadcasters must resist all political and financial pressures which may affect coverage of elections and election related matters.

(v) News broadcasters should maintain a clear distinction between editorial and expert opinion carried on their news channels.

(vi) News broadcasters that use video feed from political parties should disclose it and appropriately tagged.

(vii) Special care must be taken to ensure that every element of a news/ programmes dealing with elections and election related matters is accurate on all facts relating to events, dates, places and quotes. If by mistake or inadvertence any inaccurate information is broadcast, the broadcaster must correct it as soon as it comes to the broadcaster's notice with the same prominence as was given to the original broadcast

(viii) News broadcasters, their journalists and officials must not accept any money, or valuable gifts, or any favour that could influence or appear to influence, create a conflict of interest or damage the credibility of the broadcaster or their personnel.

(ix) News broadcasters must not broadcast any form of 'hate speech' or other obnoxious content that may lead to incitement of violence or promote public unrest or disorder as election campaigning based on communal or caste factors is prohibited under Election Rules. News broadcasters should strictly avoid reports which tend to promote feelings of enmity or hatred among people, on the ground of religion, race, caste, community, region or language.

(x) News broadcasters are required to scrupulously maintain a distinction between news and paid content. All paid content should be clearly marked as “Paid Advertisement” or “Paid Content” : and paid content must be carried in compliance with the “Norms & Guidelines on Paid News” dated 24.11.2011 issued by NBA.

(xi) Special care must be taken to report opinion polls accurately and fairly, by disclosing to viewers as to who commissioned, conducted and paid for the conduct of the opinion polls and the broadcast. If a news broadcaster carries the results of an opinion poll or other election projection, it must also explain the context, and the scope and limits of such polls with their limitations. Broadcast of opinion polls should be accompanied by information to assist viewers to understand the poll's significance, such as the methodology used, the sample size, the margin of error, the fieldwork dates, and data used. Broadcasters should also disclose how vote shares are converted to seat shares.

(xii) The broadcasters shall not broadcast any “election matter” i.e. any matter intended or calculated to influence or affect the result of an election, during the 48 hours ending with the hours fixed for the conclusion of poll in violation of Section 126(1)(b) of The Representation of the People Act 1951.

(xiii) The Election Commission of India (ECI) will monitor the broadcasts made by news broadcasters from the time elections are announced until the conclusion and announcement of election results. Any violation by member broadcasters reported to the News Broadcasting Standards Authority (NBSA) by the Election Commission will be dealt with by the NBSA under its regulations.

(xiv) Broadcasters should, to the extent possible, carry voter education programmes to effectively inform voters about the voting process, the importance of voting, including how, when and where to vote, to register to vote and the secrecy of the ballot.

(xv) News broadcasters must not air any final, formal and definite results until such results are formally announced by the Election Commission of India, unless such results are carried with clear disclaimer that they are unofficial or incomplete or partial results or projections which should not be taken as final results.

The above guidelines should be duly observed for compliance by all the concerned media.

(Dhirendra Ojha)
Director

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, NEW DELHI-110001

No. 437/6/GJ-HP/2014

Dated: 15th April, 2014

To,

1. CEO, Prasar Bharti
Prasar Bharti,
2nd Floor, PTI Building,
Sansad Marg, New Delhi-110 001
2. Director General,
Doordarshan,
Doordarshan Bhawan,
Copernicus Marg,
New Delhi-110001
3. Chief Election Officers of all States and UTs
(Special attention to CEO, Gujarat w.r.t. letter
ELC/102014/CHH(MCC) dt 28.03.2014)

Subject - Broadcasting of films of actors, who are contesting elections on TV channels – regarding.

Sir/Madam,

I am directed to say that the Commission has considered the matter of telecasting of film of the actors, who are contesting election, on TV channels. In this connection I am directed to convey that telecast of films and commercial advertisements involving film actors who are contesting elections will not be restrained on TV channels or Cinema Theaters. However, telecast of such feature films (other than commercial advt.) will not be allowed on Doordarshan during the period of the enforcement of Model Code of Conduct, considering that Doordarshan is run on public funds. You may take action accordingly.

Yours faithfully,
(Rahul Sharma)
Under Secretary

Press Council of India

Report on Paid News

(Received from Press Council of India Vide Letter No. 17/7/09-10 Dated 16 August 2010)

Dated: 30/07/2010

The phenomenon of “paid news” has acquired serious dimensions. Today it goes beyond the corruption of individual journalists and media companies and has become pervasive, structured and highly organized. In the process, it is undermining democracy in India. This has anguished the leading sections of the society, including political leaders, thinkers, journalists and media owners. They all have expressed their unhappiness and concern about the pernicious influence of such malpractices.

Several veteran journalists, including the late Shri Prabhash Joshi, Shri Ajit Bhattacharjea, Shri B.G. Verghese and Shri Kuldip Nayar, wanted the Press Council of India to apply its mind on the issue and come up with suggestions on how the phenomenon of “paid news” could be curbed. Various journalists' associations, including the Andhra Pradesh Union of Working Journalists and the Delhi Union of Journalists have examined the phenomenon, conducted surveys and organized discussions on the topic. The Editors' Guild of India also discussed the phenomenon and expressed concern at this growing tendency. On June 8, 2010, the Election Commission of India issued detailed guidelines to Chief Electoral Officers of all states and Union territories on measures to check “paid news” before elections, that is, advertising in the garb of news.

The phenomenon of “political paid news” became particularly noticeable during the 2009 general elections and thereafter during the elections to the assemblies of various states. The phenomenon acquired a new and even more destructive dimension by redefining political “news” or “reporting” on candidates standing for election – many such “news reports” would be published or broadcast perhaps only after financial transactions had taken place, almost always in a clandestine manner. It is widely believed that many media companies, irrespective of the volume of their businesses and their profitability, were “selling” news space after arriving at an “understanding” with politicians and representatives of corporate entities that were advertisers. Space in publications and airtime were occupied by advertisements that were disguised as “news”.

News is meant to be objective, fair and neutral – this is what sets apart such information and opinion from advertisements that are paid for by corporate entities, governments, organizations or individuals. What happens when the distinction between news and advertisements start blurring, when advertisements double up as news that have been paid for, or when “news” is published in favour of a particular politician by selling editorial spaces?

In such situations, a section of the reader or the viewer can hardly distinguish between news reports and advertisements/advertorials. Marketing executives use the services of journalists – willingly or otherwise – to gain access to political personalities. So-called “rate cards” or “packages” are distributed that often include “rates” for publication of “news” items that not merely praise particular candidates but also criticize their political opponents. Candidates who do not go along with such practices on the part of media organizations may be denied coverage. Sections of the media in India have willy-nilly become participants and players in such practices that contribute to the growing use of money power in politics which undermines democratic processes and norms – while hypocritically pretending to occupy a high moral ground. This has not merely undermined democracy in India but also tarnished the country's reputation.

Identical articles with photographs and headlines have appeared in competing publications carrying by-lines of different authors around the same time. On the same page of specific newspapers, articles have been printed praising competing candidates claiming that both are likely to win the same elections. Nowhere is there any indication that the publication of such “news” reports has entailed financial transactions or has been sponsored by certain individuals or political parties. When confronted with circumstantial evidence that substantiate allegations of “paid news”, the standard reaction of individuals accused of corrupt practices is to pretend that nothing untoward has happened since the evidence is circumstantial in nature. The typical response of representatives of political parties as well as media organizations, is to flatly deny these allegations. In private, however, these very same people acknowledge that the cancer of “paid news” has spread deep into the country's body politic and needs to be removed.

Realising the dangers of “paid news” to democracy as well as the right to freedom of expression enshrined in Article 19 of the Constitution of India, on June 9, 2009, the Press Council of India appointed a Sub-Committee comprising Shri Paranjay Guha Thakurta and Shri Kalimekolam Sreenivas Reddy “to examine the phenomenon of paid news observed during the last Lok Sabha elections...based on inputs received from the members and others.”

The two members met a cross-section of society in New Delhi, Mumbai and Hyderabad and also went through many letters and representations that were sent to the Council. The report of the Sub-Committee was discussed in detail by the Press Council in its two meetings held in Indore and New Delhi on 31 March, 2010 and 26 April, 2010 respectively. Members gave a number of suggestions and thereafter, the Press Council of India Chairman appointed a Drafting Committee to prepare a final report for the consideration of the Council. The Chairman appointed a 12-member Committee consisting: S/Shri H N Cama, Lalit Mangotra, U C Sharma, Y C Halan, K. Sreenivas Reddy, Kalyan Barooah, S. N. Sinha, Anil Jugal Kishore Agarwal, Kundn R L Vyas, Paranjoy Guha Thakurta, P Javadekar, and Keshav Rao.

The Drafting Committee considered the views expressed during various meetings of the Press Council and has drafted a report for the consideration of the Council.

Introduction

Paid News can be defined as “Any news or analysis appearing in any media (Print & Electronic) for a price in cash or kind as consideration”

Paid news is a complex phenomenon and has acquired different forms over the last six decades. It ranges from accepting gifts on various occasions, foreign and domestic junkets, various monetary and non-monetary benefits, besides direct payment of money. Another form of paid news that has been brought to the notice of the Press Council of India by the Securities and Exchange Board of India (SEBI is in the form of “private treaties” between media companies and corporate entities. Private treaty is a formal agreement between the media company and another nonmedia company in which the latter transfers certain shares of the company to the former in lieu of advertisement space and favourably coverage.

Since the phenomenon of paid news is old, complex and deep rooted in the system and seems to be spreading its cancerous roots rapidly as observed after the 2009 elections, the Drafting Committee feels that the Press Council of India should initially focus only on the paid news observed during the last Lok Sabha elections (2009). This decision stems from the decision of the Press Council as conveyed by the Secretary to the Council members.

Election-time paid news

The election-time paid news phenomenon has three dimensions. One, the

reader or the viewer does not get a correct picture of the personality or performance of the candidate in whose favour or against he decides to cast his vote. This destroys the very essence of the democracy. Two, contesting candidates perhaps do not show it in their election expense account thereby violating the Conduct of Election Rules, 1961 framed by the Election Commission of India under the Representation of the People Act, 1951. Third, those newspapers and television channels which received money in cash but did not disclose it in their official statements of accounts, have violated the Companies Act 1956 as well as the Income Tax Act 1961 besides other laws.

The payment and receipt of election-time paid news is a clandestine operation and has become widespread and organised as advertising agencies, public relations firms, politicians, journalists, managers and owners of some media companies are believed to be involved in it. It, therefore, is not easy to find clinching evidence that pins responsibility on individuals, parties and organisations. However, a number of persons including members of the Sub-Committee setup by the Council have collected a large volume of circumstantial evidence that is with the Press Council, which indicates that monetary consideration was exchanged for favourable coverage, reporting and telecasting.

Separating Management from Editorial

Going through the observations of persons with whom the Sub-Committee interacted and the evidence provided by them and the discussions in the Press Council it is felt that election-time paid news deals are done between the candidates or political parties or their agents and media. It was felt that there should be a clear distinction drawn between the managements and editorial staff in media companies and that the independence of the editor should be maintained and safeguarded.

Role of Press Council

The Press Council of India was set up by Parliament as a statutory, quasi-judicial body “for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of newspapers and news agencies in India.” However, it has been entrusted with only limited powers to admonish, reprimand and pass strictures. It cannot penalise the errant or those found guilty of malpractices. Besides, the Council's mandate does not extend beyond the print medium. A proposal to amend Section 15(4) of the Press Council Act, 1978, to make the directions of the Council binding has been pending for a long time. It should be taken up on a priority basis.

Representation of the People Act, 1951

The Union and state elections are regulated by the provisions of the Representation of the People Act, 1951. The main purpose of this Act is to ensure free and fair elections in the country. Therefore, since election-time “paid news” undermines free and fair elections, it is recommended that Section 123 of the Representation of the People Act, 1951, should be suitably amended so as to declare any payment for the publication of news as a corrupt practice or an “electoral malpractice” and should be made a punishable offence.

Press Council of India

The Press Council of India should constitute a body of media professionals with wide representation at the national/state/district levels to investigate (either suo moto or on receipt of complaints of instances of “paid news” and the recommendations of such a body – after going through an appellate mechanism -- should be binding on the Election Commission of India and other government authorities.

The guidelines of the Press Council of India that news should be clearly demarcated from advertisements by printing disclaimers, should be strictly enforced by all publications. As far as news is concerned, it must always carry a credit line and should be set in a typeface that would distinguish it from advertisements. The guidelines of the Council, as decided in 1996, are reproduced hereunder and efforts should be made to ensure that these are followed by all media organizations.

i) General Election is a very important feature of our democracy and it is imperative that the media transmits to the electorate fair and objective reports of the election campaign by the contesting parties. Freedom of the Press depends to a large measure on the Press itself behaving with a sense of responsibility. It is, therefore, necessary to ensure that the media adheres to this principle of fair and objective reporting of the election campaign. The Press Council has, therefore, formulated the following guidelines to the media for observance during elections:

- 1. It will be the duty of the Press to give objective reports about elections and the candidates. The newspapers are not expected to indulge in unhealthy election campaigns, exaggerated reports about any candidate/party or incident during the elections. In practice, two or three closely contesting candidates attract all the media attention. While reporting on the actual campaign, a newspaper may not leave out any important point raised by a candidate and make an attack on his or her opponent.*

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2. *Election campaign along communal or caste lines is banned under the election rules. Hence, the Press should eschew reports which tend to promote feelings of enmity or hatred between people on the ground of religion, race, caste, community or language.*
 3. *The Press should refrain from publishing false or critical statements in regard to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate or his candidature, to prejudice the prospects of that candidate in the elections. The Press shall not publish unverified allegations against any candidate/party.*
 4. *The Press shall not accept any kind of inducement, financial or otherwise, to project a candidate/party. It shall not accept hospitality or other facilities offered to them by or on behalf of any candidate/party.*
 5. *The Press is not expected to indulge in canvassing of a particular candidate/ party. If it does, it shall allow the right of reply to the other candidate/party.*
 6. *The Press shall not accept/publish any advertisement at the cost of public exchequer regarding achievements of a party/government in power.*
 7. *The Press shall observe all the directions/orders/instructions of the Election Commission/Returning Officers or Chief Electoral Officer issued from time to time.*

Guidelines on 'Pre-poll' and 'Exit-polls' Survey-1996

The Press Council of India having considered the question of desirability or otherwise of publication of findings of pre-poll surveys and the purpose served by them, is of the view that the newspapers should not allow their forum to be used for distortions and manipulations of the elections and should not allow themselves to be exploited by the interested parties.

- 1 *The Press Council, therefore, advises that in view of the crucial position occupied by the electoral process in a representative democracy like ours, the media should be on guard against their precious forum being used for distortions and manipulations of the elections. This has become necessary to emphasize today since the print media is sought to be increasingly exploited by the interested individuals and groups to misguide and mislead the unwary voters by subtle and not so subtle propaganda on casteist, religious and ethnic*

basis as well as by the use of sophisticated means like the alleged pre-poll surveys. While the communal and seditious propaganda is not difficult to detect in many cases, the interested use of the pre-poll survey, sometimes deliberately planted is not so easy to uncover. The Press Council therefore, suggests that whenever the newspapers publish pre-poll surveys, they should take care to preface them conspicuously by indicating the institutions which have carried such surveys, the individuals and organisations which have commissioned the surveys, the size and nature of sample selected, the method of selection of the sample for the findings and the possible margin of error in the findings.

2. *Further in the event of staggered poll dates, the media is seen to carry exit-poll surveys of the polls already held. This is likely to influence the voters where the polling is yet to commence. With a view to ensure that the electoral process is kept pure and the voters' minds are not influenced by any external factors, it is necessary that the media does not publish the exit-poll surveys till the last poll is held.*
3. *The Press Council, therefore, requests the Press to abide by the following guideline in respect of the exit polls:*

Guideline:

No newspaper shall publish exit-poll surveys, however, genuine they may be, till the last of the polls is over.

Election Commission of India

The Election Commission of India should set up a special cell to receive complaints about “paid news” in the run-up to the conduct of elections and initiate a process through which expeditious action could be taken on the basis of such complaints. The Election Commission of India should nominate independent journalists/ citizens in consultation with the Press Council of India who would accompany the election observers deputed by the Election Commission of India to various states and districts.

These nominated journalists/citizens could report on instances of “paid news” to the Press Council of India and the Election Commission of India.

Self-regulation

Self-regulation is the best option to check the “paid news” phenomenon. However, self-regulation only offers partial solutions to the problem since there would always be offenders who would refuse to abide by voluntary codes of conduct and ethical norms that are not legally mandated. There should be a debate

among all concerned stakeholders on whether a directive of the Supreme Court of India that enjoins television channels to stop broadcasting campaign-related information on candidates and political parties 48 hours before elections take place can and should be extended to the print medium since such a restriction does not apply to this section of the media at present.

Education

The Council suggests that efforts should be made to educate the voters to differentiate between the doctored reporting and the balanced and just reporting. This can be done by the Ministry of Information and Broadcasting with the help of Press Council of India and various associations of journalists and newspaper owners. Local press clubs should also be associated with the conduct of seminars and workshops in different cities to educate readers and viewers. The Press Council of India, representative of political parties, associations of newspaper owners, television broadcasters and journalists unions and associations can provide resource-persons for such seminars and workshops. The process of educating voters and citizens should begin before elections take place, soon after the dates of elections are announced.

I & B Ministry

The Union Information & Broadcasting Ministry should conduct national conferences, workshops, seminars and awareness-generating campaigns involving, among others, the Press Council of India, the Election Commission of India, representatives of editors, journalists associations and unions, political parties and media owners to deliberate on the issue and arrive at workable solutions to curb the “paid news” phenomenon in particular. The Union I&B Minister should hold separate meetings with national associations of newspaper owners, editors and journalists to discuss the “paid news” phenomenon and how it should be curbed. A meeting of all political parties should also be organised to make them understand that if the phenomenon of “paid news” is not checked no political party would benefit. Similarly owners of media companies should be made to understand that money illegally obtained for “paid news” is not just myopic but would eventually lead to loss of credibility among readers and viewers and would, hence, be detrimental to the interests of the media.

Parliament

A small committee of Members of Parliament from both Houses should hold a hearing for suggesting changes in Representation of the People Act, 1951, to

prevent the practice of paying for news coverage in newspapers and television channels and declaring it as an “electoral malpractice” or an act of corruption and be made a punishable offence. All these initiatives, if sincerely implemented, may not entirely stop such malpractices in the Indian media but could reduce their incidence to a considerable extent.

Recommendations

It is recommended that recommendations as under should be implemented by the Government.

- 1) Representation of the People Act 1951 be amended to make incidence of paid news a punishable electoral malpractice,
- 2) The Press Council of India must be fully empowered to adjudicate the complaints of “paid news” and give final judgement in the matter.
- 3) Press Council Act be amended to make its recommendations binding and electronic media be brought under its purview, and
- 4) Press Council of India should be reconstituted to include representatives from electronic and other media.

Footnote:-

The Council decided that the report of the Sub-Committee may remain on record of the Council as reference document.

It also decided that the issue of strengthening the Working Journalists Act be taken up separately.

NBSA Guidelines for Election Broadcasts

Availability of accurate, objective and complete information to enable citizens to exercise their franchise based upon a well informed choice, is the basic requirement of free and fair elections. The purpose of the following guidelines is to ensure that broadcast of news and current affairs programmes and all other content on a news channel pertaining to elections and election related matters is fair and balanced, that is being objective, accurate and duly verified:

1. News broadcasters should endeavour to inform the public in an objective manner. about relevant electoral matters, political parties, candidates, campaign issues and voting processes as per rules and regulations laid down under The Representation of People Act 1951 and by the Election Commission of India.
2. News channels shall disclose any political affiliations, either towards a party or candidate. Unless they publicly endorse or support a particular party or candidate news broadcasters have a duty to be balanced and impartial, especially in their election reporting.
3. News broadcasters must endeavour to avoid all forms of rumor, baseless speculation and disinformation, particularly when these concern specific political parties or candidates. Any candidate/political party, which has been defamed or is a victim of misrepresentation, misinformation or other similar injury by broadcast of information should be afforded prompt correction, and where appropriate granted an opportunity of reply.
4. News broadcasters must resist all political and financial pressures which may affect coverage of elections and election related matters.
5. News broadcasters should maintain a clear distinction between editorial and expert opinion carried on their news channels.
6. News broadcasters that use video feed from political parties should disclose it and appropriately tagged.
7. Special care must be taken to ensure that every element of a news/programmes dealing with elections and election related matters is accurate on all facts relating to events, dates, places and quotes. If by mistake or inadvertence any inaccurate information is broadcast, the

broadcaster must correct it as soon as it comes to the broadcaster's notice with the same prominence as was given to the original broadcast.

8. News broadcasters, their journalists and officials must not accept any money, or valuable gifts, or any favour that could influence or appear to influence, create a conflict of interest or damage the credibility of the broadcaster or their personnel.
9. News broadcasters must not broadcast any form of 'hate speech' or other obnoxious content that may lead to incitement of violence or promote public unrest or disorder as election campaigning based on communal or caste factors is prohibited under Election Rules. News broadcasters should strictly avoid reports which tend to promote feelings of enmity or hatred among people, on the ground of religion, race, caste, community, region or language.
10. News broadcasters are required to scrupulously maintain a distinction between news and paid content. All paid content should be clearly marked as "paid Advertisement" or "Paid Content"; and paid content must be carried in compliance with the "Norms & Guidelines on Paid News" dated 24.11.2011.
11. Special care must be taken to report opinion polls accurately and fairly, by disclosing to viewers as to who commissioned, conducted and paid for the conduct of the opinion polls and the broadcast. If a news broadcaster carries the results of an opinion poll or other election projection, it must also explain the context, and the scope and limits of such polls with their limitations. Broadcast of opinion polls should be accompanied by information to assist viewers to understand the poll's significance, such as the methodology used, the sample size, the margin or error, the fieldwork, to seat shares.
12. The broadcasters shall not broadcast any "election matter" i.e. any matter intended or calculated to influence or affect the result of an election, during the 48 hours ending with the hours fixed for the conclusion of poll in violation of Section 126(1)(b) of the Representation of People Act 1951.
13. The Election Commission of India (ECI) will monitor the broadcasts made by news broadcasters from the time election are announced till the conclusion and announcement of election results. Any violation by member broadcasters reported to the News Broadcasting Standards Authority

(NBSA) by the Election Commission will be dealt with by the NBSA under its regulations.

14. Broadcasters should, to the extent possible carry voter education programmes to effectively inform voters about the voting process the importance of voting including how, when and where to vote, to register to vote and the secrecy of the ballot.
15. News broadcasters must not air any final formal and definite results until such results are formally announced by the Election Commission of India, unless such results are carried with clear disclaimer that they are unofficial or incomplete or partial results or projections which should not be taken as final results.
16. These guidelines will apply to all National, Assembly Municipal and Local Elections held in India.

Place : New Delhi

Dated : March 3, 2014

FAQ on Media Coverage during elections

Q. What does Section 126 of Representation of the People Act, 1951 provide?

A. Section 126 (1)(b) of the Representation of the People Act, 1951, prohibits displaying any election matter by means, inter alia, of television or similar apparatus, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in the polling area during the period of 48 hours before the hour fixed for conclusion of poll in a constituency.

Q. What does “Election Matter” means, w.r.t to Section 126 of R.P. Act, 1951 concerned?

A. “Election matter” has been defined in that Section as any matter intended or calculated to influence or affect the result of an election.

Q. What are the provisions in R. P. Act, 1951 for conduct of Exit poll survey?

A. Section 126A of the R.P. Act 1951, prohibits conduct of Exit poll and dissemination of their results during the period mentioned therein, i.e. between the hour fixed for commencement of poll in the first phase and half hour after the time fixed for close of poll for the last phase in all the States.

Q. What must be avoided by TV/Radio channels and cable network during the period of 48 hours referred to in Section 126?

A. TV/Radio channels and cable networks should ensure that the contents of the programme telecast/broadcast/ displayed by them during the period of 48 hours referred to in Section 126 do not contain any material, including views/appeals by panelists/participants that may be construed as promoting/ prejudicing the prospect of any particular party or candidate(s) or influencing/affecting the result of the election.

Q. Whether displaying the result of any opinion poll survey is also banned during the period of 48 hours?

A. Section 126(1)(b) fo R. P. Act, 1951 prohibits displaying any election matter

including results of any opinion poll or any other poll survey, in any electronic media during the period of 48 hours ending with the hour fixed for conclusion of poll in each of the phases of elections.

Q. Whether violation of Section 126 is punishable offence?

A. Yes. Violation of the aforesaid provisions of Section 126 is punishable with imprisonment upto a period of two years, or with fine or both.

Q. How can TV/Radio/Cable/FM channels get approval for conducting any broadcast related event during the period not covered by Section 126 or Section 126A?

A. During the period not covered by Section 126 or Section 126A, TV/Radio/Cable/FM channels are free to approach the state/district/local authorities for necessary permission for conducting any broadcast related events which must also conform to the provisions of the model code of conduct and the programme code laid down by the Ministry of Information and Broadcasting under the Cable Network (Regulation) Act with regard to decency, maintenance of communal harmony, etc. They are also required to stay within the provisions of Commission's guidelines dated 27th August, 2012 regarding paid news and related matters. Concerned Chief Electoral Officer/District Election Officer will take into account all relevant aspects including the law and order situation while extending such permission.

Q. Whether telecast of films and commercials of the actors, who are contesting election should be restrained to telecast?

A. Telecast of feature films (other than commercial advt) of the actors, who are contesting elections will not be allowed on Doordarshan during the period of the enforcement of Model Code of Conduct, considering that Doordarshan is run on public funds. However, telecast of films and commercial advertisements involving film actors who are contesting elections will not be restrained on other TV channels or Cinema Theaters.



भारत निर्वाचन आयोग Election Commission of India

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