

मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य यांचे कार्यालय

निवडणूक प्राथम्य

क्रमांक : एमसीसी-२०२४/प्र.क्र.२३६/३३,
सामान्य प्रशासन विभाग, मंत्रालय,
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,
मंत्रालय (विस्तार इमारत), मुंबई-४०० ०३२.
दिनांक - २६ मार्च, २०२४.
email : ceo_maharashtra@eci.gov.in

प्रति,

अध्यक्ष/सचिव,
राष्ट्रीय स्तरीय व राज्यस्तरीय मान्यताप्राप्त नोंदणीकृत राजकीय पक्ष (सर्व)

विषय :- लोकसभा सार्वत्रिक निवडणूका- २०२४

राज्यस्तरीय माध्यम प्रमाणिकरण (State Level Certification Committee) व राज्यस्तरीय माध्यम प्रमाणिकरण व संनियंत्रण समिती (Media Certification and Monitoring Committees-MCMC) [Appellate Committee] स्थापनेबाबत.

संदर्भ :- १) भारत निवडक आयोगाचे No.४९१/MCMC/५/२०२३/Communication, दिनांक २४ ऑगस्ट, २०२३ रोजीचे पत्र.

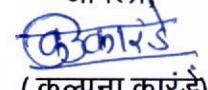
२) भारत निवडणूक आयोगाने माध्यमांसंदर्भात मुख्य निवडणूक अधिकारी व जिल्हा निवडणूक अधिकारी यांचेकरिता दि. १ फेब्रुवारी, २०२४ रोजी प्रसिद्ध केलेली मार्गदर्शक पुस्तिका (HANBOOK ON MEDIA MATTERS FOR CEOs & DEOs)

३) या कार्यालयाचे दि. १५.०३.२०२४ रोजीचे समिती गठीत केलेले आदेश. (प्रत संलग्न)

महोदय/महोदया,

भारत निवडणूक आयोगाच्या संदर्भ क्र. १ व २ च्या पत्र व मार्गदर्शक पुस्तिकेद्वारे प्राप्त निर्देशानुसार राजकीय पक्षाद्वारे/निवडणूक उमेदवारांद्वारे दूरचित्रवाणी वाहिनी, केबल नेटवर्क इत्यादी ईलेक्ट्रॉनिक माध्यमांद्वारे निवडणूक विषयक प्रसारित होणाऱ्या जाहिरीत पूर्व प्रमाणिकरण करण्यासाठी, संदर्भ क्र. ३ च्या आदेशान्वये, राज्यस्तरावर सह सचिव व अतिरिक्त मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य यांचे अध्यक्षतेखाली राज्यस्तरीय माध्यम प्रमाणिकरण (State Level Certification Committee) स्थापन करण्यात आली आहे. तसेच जिल्हास्तरीय MCMC आणि राज्यस्तरी माध्यम प्रमाणिकरण समितीमार्फत दिलेल्या निर्णयाविरुद्ध अपीलांवर निर्णय देण्यासाठी व पेड न्युजवरील अपीलांवर निर्णय देण्यासाठी मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य यांचे अध्यक्षतेखाली राज्यस्तरीय माध्यम प्रमाणिकरण व संनियंत्रण समिती (Media Certification and Monitoring Committees-MCMC) [Appellate Committee] गठीत करण्यात आली आहे.

लोकसभा सार्वत्रिक निवडणूका-२०२४ च्या अनुषंगाने राजकीय पक्षाद्वारे/निवडणूक उमेदवारांद्वारे दूरचित्रवाणी वाहिनी, केबल नेटवर्क इत्यादी ईलेक्ट्रॉनिक माध्यमांद्वारे निवडणूक विषयक प्रसारित होणाऱ्या जाहिरीतीचे पूर्व प्रमाणिकरण करून घेणे बंधनकारक राहील. सुलभ संदर्भासाठी भारत निवडणूक आयोगाने दि. २४.०८.२०२३ रोजी माध्यम प्रमाणिकरण व संनियंत्र (MCMC), जाहिरात पूर्व प्रमाणिकरण (Pre-Certification) व Paid News बाबत निर्गमित केलेल्या एकत्रित सूचना निर्दर्शनास आणून देण्यात येत आहे. (प्रत संलग्न)

आपली,

(कल्पना कारंडे)

कक्ष अधिकारी, मुख्य निवडणूक अधिकारी कार्यालय,
महाराष्ट्र राज्य

सहपत्र- वरीलप्रमाणे

मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य यांचे कार्यालय

निवडणूक प्राथम्य

क्रमांक : एमसीसी-२०२४/प्र.क्र.२३६/३३,
सामान्य प्रशासन विभाग, मंत्रालय,
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,
मंत्रालय (विस्तार इमारत), मुंबई-४०० ०३२.
दिनांक - १५ मार्च, २०२४.

संदर्भ :- १) भारत निवडक आयोगाचे No.४९१/MCMC/५/२०२३/Communication, दिनांक २४ ऑगस्ट, २०२३ रोजीचे पत्र.

२) भारत निवडणूक आयोगाने माध्यमांसंदर्भात मुख्य निवडणूक अधिकारी व जिल्हा निवडणूक अधिकारी यांचेकरिता दि. १ फेब्रुवारी, २०२४ रोजी प्रसिद्ध केलेली मार्गदर्शक पुस्तिका (HANBOOK ON MEDIA MATTERS FOR CEOs & DEOs)

आदेश

भारत निवडणूक आयोगाच्या संदर्भ क्र. १ व २ च्या पत्र व मार्गदर्शक पुस्तिकेद्वारे प्राप्त निर्देशानुसार दूरधित्रवाणी वाहिनी, केबल नेटवर्क इलेक्ट्रॉनिंक माध्यमांद्वारे निवडणूक विषयक प्रसारित होणाऱ्या जाहीरीत प्रमाणित करण्यासाठी राज्यस्तरावर सह सचिव व अतिरिक्त मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य यांचे अध्यक्षतेखाली खालीलप्रमाणे राज्यस्तरीय माध्यम प्रमाणिकरण (State Level Certification Committee) समिती गठीत करण्यात येत आहे :-

अ.क्र.	अधिकाऱ्यांचे नाव व पदनाम	पद
१	श्री.किरण कुलकर्णी (भाप्रसे), सह सचिव व अतिरिक्त मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य	अध्यक्ष
२	श्री.रविकांत कडकधोड, अतिरिक्त जिल्हाधिकारी, मुंबई शहर जिल्हा तथा निवडणूक निर्णय अधिकारी, ३१-मुंबई दक्षिण लोकसभा मतदार संघ.	सदस्य
३	श्रीमती जयदेवी पुजारी-स्वामी (मा.सू.से), उपसंचालक, प्रेस इन्फॉरमेशन ब्युरो	सदस्य
४	श्री. जीवन भावसार, माहिती चःप्रसारण, आकाशवाणी मुंबई (समाज माध्यम तऱ्या)	सदस्य

या समितीची कर्तव्ये व जबाबदार्या भारत निवडणूक आयोगाच्या उपरोक्त संदर्भाधीन पत्र व मार्गदर्शक पुस्तिकेत नमूद केल्याप्रमाणे राहील.

Dr. Dalmi

(शरद दळवी)

अवर सचिव व उप मुख्य निवडणूक अधिकारी,
महाराष्ट्र राज्य

सहपत्रः - भारत निवडणूक आयोगाचे संदर्भाधीन पत्र व मार्गदर्शक पुस्तिका.

प्रति,

- १) श्री.किरण कुलकर्णी (भाप्रसे), सह सचिव व अतिरिक्त मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य, मुंबई.
- २) श्री.रविकांत कडकधोड, अतिरिक्त जिल्हाधिकारी, मुंबई शहर जिल्हा तथा निवडणूक निर्णय अधिकारी, ३१-मुंबई दक्षिण लोकसभा मतदार संघ, मुंबई.
- ३) श्रीमती जयदेवी पुजारी-स्वामी (मा.सू.से), उपसंचालक, प्रेस इन्फॉरमेशन ब्युरो.
- ४) श्री. जीवन भावसार, माहिती चःप्रसारण, आकाशवाणी मुंबई (समाज माध्यम तऱ्या)

प्रत माहिती व उचित कार्यवाहीसाठी अग्रेषित:-

१. महासंचालक, माहिती व जनसंपर्क महासंचालनालय, मंत्रालय, मुंबई.
२. महासंचालक (कार्यक्रम), आकाशवाणी, मुंबई यांचे स्थिय सहायक
३. संचालक, प्रेस इन्फोरमेशन ब्युरो, मुंबई.
४. उप सचिव व सह मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य, मंत्रालय, मुंबई.
५. श्री.शरद दळवी, अवर सचिव व उपमुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य, मंत्रालय, मुंबई
६. प्रधान सचिव व मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य यांचे स्थिय सहायक
७. जिल्हाधिकारी व जिल्हा निवडणूक अधिकारी (सर्व)
८. निवडनस्ती

मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य यांचे कार्यालय

निवडणूक प्राथम्य

क्रमांक : एमसीसी-२०२४/प्र.क्र.२३६/३३,
सामान्य प्रशासन विभाग, मंत्रालय,
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,
मंत्रालय (विस्तार इमारत), मुंबई-४०० ०३२.
दिनांक - १५ मार्च, २०२४.
email : ceo_maharashtra@eci.gov.in

संदर्भ :- १) भारत निवडणूक आयोगाचे No.४९१/MCMC/५/२०२३/Communication, दिनांक २४ ऑगस्ट, २०२३ रोजीचे पत्र.
२) भारत निवडणूक आयोगाने माध्यमांसंदर्भात मुख्य निवडणूक अधिकारी व जिल्हा निवडणूक अधिकारी यांचेकरिता दि. १ फेब्रुवारी, २०२४ रोजी प्रसिद्ध केलेली हस्तापुस्तिका (HANBOOK ON MEDIA MATTERS FOR CEOs & DEOs)

आदेश

भारत निवडणूक आयोगाच्या संदर्भ क्र. १ व २ च्या पत्र व मार्गदर्शक पुस्तिकेद्वारे प्राप्त निर्देशानुसार प्रत्येक जिल्हामध्ये जिल्हाधिकारी व जिल्हा निवडणूक अधिकारी यांच्या अध्यक्षतेखाली जिल्हा माध्यम प्रमाणिकरण व संनियंत्रण समिती (MCMC) गठीत करण्यात आल्या आहेत. तसेच राज्यस्तरावर सह सचिव व अतिरिक्त मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य यांचे अध्यक्षतेखाली माध्यम प्रमाणिकरण समिती (State Level Certification Committee) स्थापन करण्यात आलेली आहे.

उक्त दोन्ही समित्यांनी दिलेल्या निर्णयांविरुद्धचे अपील तसेच पेड न्यूज संदर्भात दोखल झालेल्या प्रकरणांवर निर्णय देण्यासाठी राज्यस्तरावर खालीलप्रमाणे माध्यम प्रमाणिकरण व संनियंत्रण समिती [Media Certification and Monitoring Committees-MCMC] [Appellate Committee] गठीत करण्यात येत आहे :-

अ.क्र.	अधिकार्यांचे नाव व पदनाम	पद
१	श्री.एस चोककलिंगम (मा.सू.से.), प्रधान सचिव व मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य	अध्यक्ष
२	भारत निवडणूक आयोगाने नियुक्त केलेला कोणताही एक निरीक्षक (नियुक्त केल्यास)	सदस्य
३	श्री.किरण कुलकर्णी (मा.प्र.से.), सह सचिव व अतिरिक्त मुख्य निवडणूक अधिकारी, महाराष्ट्र शासन, मंत्रालय, मुंबई	सदस्य सचिव
४	श्री.सिद्धार्थ बोडके (मा.सू.से.), संचालक, दूरदर्शन केंद्र वरळी, मुंबई	सदस्य
५	श्री.राहुल तिडके (मा.सू.से.), संचालक (माहिती), माहिती व जनसंपर्क महासंचालनालय, मुंबई	सदस्य
६	श्रीमती स्मिता वत्स शास्त्री, (मा.सू.से.), अतिरिक्त महासंचालक, प्रेस इंफॉरमेशन ब्युरो, चर्चगेट, मुंबई	सदस्य
७	श्री.पांडुरंग मस्के, पत्रकार, सकाळ वृत्तपत्र	सदस्य

या समितीची कर्तव्ये व जबाबदार्या भारत निवडणूक आयोगाच्या उपरोक्त संदर्भाधीन पत्र व मार्गदर्शक पुस्तिकेत नमूद केल्याप्रमाणे राहतील.

(किरण कुलकर्णी)
सह सचिव व अतिरिक्त मुख्य निवडणूक अधिकारी,
महाराष्ट्र राज्य

सहपत्र- भारत निवडणूक आयोगाचे संदर्भाधीन पत्र व मार्गदर्शक पुस्तिका

प्रति,

- १) श्री.किरण कुलकर्णी (भा.प्रसे.), सह सचिव व अतिरिक्त मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य, मंत्रालय, मुंबई
- २) श्री.सिद्धार्थ बोडके (भा.सू.से.), संचालक, दूरदर्शन केंद्र वरली, मुंबई
- ३) श्री.राहुल तिढके (भा.सू.से.), संचालक (माहिती), माहिती व जनसंपर्क महासंचालनालय, मुंबई
- ४) श्रीमती स्पिता वत्स शर्मा, (भा.सू.से.), अतिरिक्त महासंचालक, प्रेस इंफॉरमेशन ब्युरो, चर्चगेट, मुंबई
- ५) श्री.पांडुरंग मर्स्के, पत्रकार, सकाळ वृत्तपत्र मुंबई.

प्रत माहिती व उचित कार्यवाहीसाठी अग्रेषित:-

१. जिल्हाधिकारी व जिल्हा निवडणूक अधिकारी (सर्व).
२. महासंचालक, माहिती व जनसंपर्क महासंचालनालय, मंत्रालय, मुंबई.
३. महासंचालक, आकाशवाणी, मुंबई
४. महासंचालक, दूरदर्शन वरली, मुंबई.
५. महासंचालक, प्रेस इंफॉरमेशन ब्युरो, मुंबई
६. अध्यक्ष, प्रेस क्लब ऑफ मुंबई, फोर्ट, मुंबई.
७. प्रधान सचिव व मुख्य निवडणूक अधिकारी, महाराष्ट्र राज्य यांचे स्विय सहायक
८. उप सचिव व सह मुख्य निवडणूक अधिकारी, मंत्रालय, मुंबई यांचे स्वीय सहायक
९. निवडनस्ती

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/MCMC/5/2023/Communication

Dated: 24th August, 2023

To

The Chief Electoral Officer,
All States & Union Territories.

Subject: - Media Certification and Monitoring Committees (MCMC), Pre-certification of advertisements and Paid News - Consolidated instructions-reg.

Sir/Madam,

Your attention is invited to Hon'ble Supreme Court order dated April 13, 2004 (copy enclosed) which highlighted that - Every registered National and State political party/unregistered political parties/contesting candidate or other person, proposing to issue advertisements on television channel and/or cable network will have to apply to the Election Commission/ Designated Officer (as Designated by Election Commission), prior to the commencement of telecast of advertisement. These directions are always applicable in the whole territory of India and not only during the period commencing from the date of announcement of the election and till the completion of election process. This means the pre-certification of political advertisement is a year around activity.

In compliance with Hon'ble Supreme Court directions, the Commission has subsequently issued various guidelines regarding the Constitution of Media Certification & Monitoring Committee at District and State Level and related matters including ambit of Committees, Timelines, Application procedures, action to be taken against violations, etc.

It is hereby informed that the previous instructions related to composition & role of Media Certification and Monitoring Committee, Pre-certification of political advertisements and Paid News have been compiled and consolidated for better & comprehensive understanding. Commission's instructions compiled in this order are mentioned at Annexure- E. Complete instruction set is divided into 3 Sections namely:-

- i) **Part A-** Compiled guidelines on composition and role of Media Certification and Monitoring Committees (MCMC)



- ii) **Part B-** Compiled Guidelines in respect of pre-certification of political advertisements.
- iii) **Part C-** Compiled Guidelines in respect of Paid News and its reporting mechanism.

Part A

Extant Composition and Role of the MCMC is as follows:

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) District Election Officer/Returning Officer of Parliamentary Constituency
 - b) ARO (not below SDM)
 - c) An intermediary expert/ Social media expert (to be chosen by the RO subject to the eligibility criteria)
 - d) Central Govt. I & B Ministry official (if any in the district)
 - e) Independent Citizen/ Journalist as may be recommended by PCI
 - f) DPRO/ District Information Officer/ equivalent- Member Secretary
- 1.1.1 For certification of advertisement, Returning Officer of the Parliamentary Constituency, an ARO (not below SDM) and an Intermediary Expert/ Social Media Expert shall be the members of the MCMC.
- 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.
- 1.1.3 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 to have wider opinion and equal representation from all the districts in the matter of certification.
- 1.1.4 If PCI does not provide 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.
- 1.1.5 The Member Secretary (DPRO/DIO or equivalent) should be from the State Civil Services.



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1.2 The District level Committee shall have three distinct sets of functions:

- (i) Certification of political advertisements in electronic media round the year for which three specific members of MCMC i.e. RO, ARO and Social media expert shall have to consider and decide on such advertisements for certification. This committee considers application for certification of an advertisement proposed to be issued on electronic media by an individual or candidate contesting election from the Constituency falling within the jurisdiction of the Committee.
- (ii) Examining complaints/issues of Paid News by all members of the district MCMC through a monitoring arrangement.
- (iii) 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. Thus, MCMC shall scan all media (e.g. newspapers, print media, electronic media, cable network, internet, mobile network, social media, etc) for:
 - a. Monitoring of political advertisements in electronic media (for checking if the telecast/broadcast has been done only after certification by the Committee).
 - b. Suspected cases of paid news (Paid News cases are to be taken into account from the date of filing of nomination by the candidate.) 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)
 - 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 advertising or appeal by, or on behalf of candidate, or by Star Campaigner(s) or others, to impact candidate's electoral prospects)

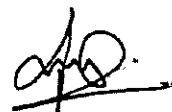
- d. Advertisements in print media (MCMC shall check if the advertisement is with the consent or knowledge of candidate: in which case it will be accounted for in the election expenses of the candidate(s); however, if the advertisement is not with the authority from the candidate, then action may be 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 127A of RPA 1951, 'Paid News' would also fall in the category of 'other document').

1.3. It shall submit a daily report to the Accounting team with a 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.

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

2. **Additional/ Joint CEO's Committee on Certification (State Level Certification Committee) :** The Committee shall comprise of following officers: -

- 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.
- d) An intermediary expert/ social media expert (to be chosen by the CEO subject to the eligibility criteria)



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2.1 This committee considers applications for pre-certification from all registered political parties having their headquarters in that State/Union Territory, all organizations or groups of persons or associations having their registered offices in that State/Union Territory.

3. State Level Media certification and Monitoring Committee (MCMC)

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

- a) The Chief Electoral Officer, Chairman
- b) ADG/ Director level officer from PIB/BOC present in the state-Nodal officer for MCMC to be nominated by DG (Zone), I & B Ministry, Govt. of India or
One expert to be co-opted by the Committee.
- c) Any Observer appointed by the Election Commission of India
- 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.
- e) Independent citizen or journalist as nominated by PCI (if any)
- f) Addl./ Jt. CEO in charge of Media (Member Secretary)
- g) An intermediary expert/ social media expert (to be chosen by the CEO subject to the eligibility criteria)

3.1.1 If PCI is not providing names to be included in the Committee, the 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.

3.1.2 In respect of an observer appointed by the Commission in State level MCMC, the General Observer deputed during election in the State Headquarter may be co-opted by the Committee. In case of bye-elections or in case no observer is available at the State capital, the CEO may obtain the services of an observer available in any of the nearby districts.

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

- i. Decision on the appeal of any political party or candidate or any other person in regard to grant or refuse Certification of advertisement. Such appeals will lie only with and will be disposed of by the State Level Committee headed by CEO and no reference in this regard needs to be made to the Commission.

- 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.

3.2.1 The appeal on certification of advertisements needs to be handled by members at (a), (b), (c) & (g), while the complete State MCMC shall deal with Paid News cases. During the non-election period, the Committee shall continue its functions with members at (a), (b) & (g).

3.2.2 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.

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

4.1 Any appeal against the decision of the State level MCMC in matters of Paid News will be made to the Election Commission of India. 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. Criteria for Social Media Expert (for District/State MCMC):

5.1 It is also to state that intermediary expert/ social media expert to be included in the MCMCs should preferably be a government officer subject to following eligibility criteria:

A. If he/she is a government officer, he/she could/should be-

- i. Not below the rank of SDM
- ii. Has at least five-year experience of working in the IT department/cell/social media cell of the government.

B. If he/she is not a government officer (means private individual) he/she should-

- i. Have a master's degree in the field of IT.
- ii. Have at least 10 years' experience of working in the IT department/cell/social media cell of the government at central or state level with a good understanding of social media platforms and how they work.
- iii. Also eligible in terms of background and neutrality.



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5.1.1 Role of Social Media Expert: With respect to the profile of work which the intermediary expert/ social media expert will be handling, it is to state that he/she shall:

- i. Assist the MCMC in the matter of certification of political advertisements proposed to be published on social media platforms
- ii. Assist MCMC in scanning social media platform for suspected cases of Paid news
- iii. Assist MCMC in submitting a daily report to Accounting team with copy to RO and Expenditure Observer w.r.t to expenditure incurred by the candidate on election advertisement on social media platforms
- iv. Assist the MCMC in the matters of queries/ complaints related to advertisement on social media platforms
- v. Look after the overall coordination between MCMC and the intermediaries/ social media platforms.
- vi. Make sure that the Election Laws are strictly adhered to with matters related to advertisement on social media platforms
- vii. Assist MCMC in handling the violation cases on Social media
- viii. Being part of State level MCMC, he/she will assist in deciding appeal from District and Addl./ Joint CEO Committee on certification of advertisement on social media and examining all cases of Paid News on appeal against the decision of the District MCMC or cases that they may take up suo-motu.



Part- B

1. Pre-certification of Political Advertisements

Pre-certification means prior clearance, in advance of usage of political advertisements by the Committee before being telecast/broadcast on TV and Cable network/Cable Channels, advertisements to be displayed year round in Cinema Halls, Radio including private FM channels, audio-visual displays in public places, advertisements in e-newspapers, use of bulk SMS/recorded voice messages, advertisements on social media and internet websites by any registered political party or by any group of organization/ association or by any contesting candidate/individual as also for print media on pre poll and poll day

The Supreme Court vide its order dated 13th April 2004 authorized the Commission to constitute the Committees for the certification of political advertisements. In the above-mentioned order, the Supreme Court referred to the provisions of the Cable Television Networks (Regulation) Act, 1995 and The Cable Television Network Rules 1994.

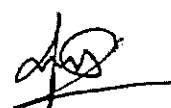
2. The provisions highlighted by the Hon'ble Supreme Court are as follows: -

2.1. Any cable operator is prohibited from transmitting or re-transmitting any advertisement which is not in conformity with the prescribed programme code and advertisement code and is likely to promote enmity on grounds of "religion, race, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between religion, racial, linguistic or regional groups or castes or communities or which is likely to disturb public tranquility".

2.2. Any advertisement carried in the cable service shall be designed so as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers.

2.3. No advertisement shall be permitted which deride any "race, caste, color, 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".

2.4 The above provisions as mentioned by the Hon'ble Supreme Court shall be the guiding principles for certification of advertisements. Further provisions of



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Section 126 of the R.P.Act, 1951 shall also be considered. Additionally, the following may not be permitted while certifying political advertisements: -

- 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) 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.

2.5 The parameters mentioned in the Don'ts for political parties and candidates as part of Model Code of Conduct shall also be kept in mind while certifying the political advertisements.

- a) Use of temples/ mosques/churches/ gurudwara or any place of worship or religious text / symbols/ or slogan in posters, videos, graphics, music etc or electioneering
- b) photographs of defence personnel and photographs of functions involving Defence personnel
- c) No aspect of private life, not connected with the public activities of the leaders or workers of other parties shall be criticized.
- d) No criticism of other parties or their workers on behalf of unverified allegations or on distortions.

2.6 Advertisements by Third Party other than contesting candidate/political party

- 1) The Hon'ble Supreme Court order does not 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.
- 2) This also implies that advertisements against a political party or candidate cannot also be allowed, as that would benefit other parties/candidates.

3. Key points to be noted for pre-certification: -

3.1 Besides political advertisements to be telecast on TV and Cable network/Cable Channels, advertisements to be displayed in Cinema Halls, Radio including private FM channels, audio-visual displays in public places, advertisements in e-newspapers, use of bulk SMS/recorded voice messages have



been added in the ambit of pre-certification of political advertisement/campaigning vide Commission's subsequent instructions.

3.2 Since social media and internet websites are also electronic media by definition, therefore, these instructions of the Commission for pre-certification shall also apply to websites including social media websites.

3.3 All political advertisements proposed to be issued on electronic media including Audio-visual displays at public place require pre-certification but is not applicable on the flex hoardings, Wallpapers, Pamphlets etc., though, such advertisements must adhere to provisions of Model Code of conduct and other election related laws/Guidelines.

3.4 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.

3.5 These directions are always applicable in the whole territory of India and not restricted only during the period commencing from the date of announcement of the election and till the completion of election process. This means the pre-certification of advertisement is a year around activity and not only during election period. Therefore, political advertisements to be telecast on TV and Cable network/Cable Channels, advertisements to be displayed in Cinema Halls, audio-visual displays in public places, advertisements in e-newspapers, advertisements in social media and internet websites need to be certified by the committee concerned for the entire period and not just during elections.

3.6 Subsequent to the amendment of 'Code for Commercial Advertisement' on All India Radio in 2008, the Commission's instructions for pre-certifications shall also apply to any advertisements of political nature on Radio including private FM channels during the period Model Code of Conduct is in operation in connection with General Election to the House of People or to the Legislative Assembly of any State/UT.

3.7 Taking cognizance of the increasing use of bulk SMS & recorded voice messages in election campaigning, the Commission in 2015 also included the bulk SMSs/ voice messages on phone in election campaigning within the purview of

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pre-certification of election advertisements. Legal Provisions, as apply on other modes of electronic media, shall also be applicable on bulk SMSs/Voice messages.

3.8 The MCMC has the right to refuse to give certification of an advertisement, if it does not find fit to be telecast/broadcast/etc. Appeal can be made against the decision of both District level MCMC and State level certification committee (Additional/Joint CEO level Committee) to State level MCMC headed by CEO of the State. Only, the Hon'ble Supreme Court of India can entertain the appeal against the order of State level MCMC on pre-certification.

3.9 During elections, it should also be brought to the notice of all candidates/political parties seeking certification that their advertisements should also comply with the provisions of Model Code of Conduct.

4. MCMC Jurisdiction: Guidelines for submission of Applications for pre-certification by political parties with headquarters in Delhi and/or different States/UTs.

4.1 Committee constituted at Delhi under the chairmanship of Joint/Additional CEO will entertain the applications for certification of political advertisements by all registered political parties/groups/organizations having their headquarters in NCT of Delhi. However, the application from the State Units of the above mentioned may be submitted to the Committees in the State concerned.

4.2 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.

4.3 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 along with 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 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.

4.4 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).

4.5 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.

4.6 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.

4.7 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 by the Committees in the States concerned where the state units are submitting applications.

4.8 Chief Electoral Officer 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.

5. Application for certification of political advertisement: -

5.1 Every application, in the format prescribed at Annexure A,

- It shall be accompanied by two copies of the proposed advertisement in the electronic form along with a duly attested transcript thereof.
- The application shall contain following details:
 - Cost of production of advertisement
 - Approximate cost of proposed telecast/broadcast of such advertisement with break up of number of insertions and rate proposed to be charged for each such insertion

- A statement whether the advertisement is for the benefit of the prospects of the election of a candidate/party
- 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.
- A statement that all the payments shall be made by way of cheque or demand draft.

5.2 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.

5.3 While taking a decision on the applications for certification of an advertisement, it will be open for the Committees to direct deletion/modification of any part of the advertisement. Every such order making comments and observations 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.

5.4 Where the Committee is satisfied that the advertisement meets the requirements of the law and in accordance with the directions of the Supreme Court dated 13.04.2004, it should issue a certificate to the effect that the advertisement concerned is fit for telecast/broadcast. The format for the certificate is at **Annexure B**.

5.5 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.

5.6 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 certified advertisement, should be retained by the Committee/ Designated Officer.

5.7 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 the Publisher /advertiser. The certification committee is in no way answerable or liable for any damage, loss, or injury, civil or criminal on account of such publication.

6. Timeline to submit application for certification: -

- 6.1 Registered National and State political parties and every contesting candidate must apply for precertification of political advertisements not later than three days prior to the date of the proposed commencement of the telecast of the advertisement.
- 6.2 In case of any other person or unregistered political parties, it should be not later than seven days prior to the date of the telecast.

7. Timeline for MCMC to deliver decision on the applications for precertification of political advertisements:

7.1 The State and District MCMC shall deliver the decision on the applications of pre- certification of political advertisements and inform the applicant within two days of the receipt of application.

7.2 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.

8. Guidelines for dealing with candidates' advertisements on TV/Cable channels/newspapers owned by political parties

8.1 If the candidate 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 the standard rate card of the channel/newspaper have to be included by the candidate concerned in his Election

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Expenditure Statement (Schedule 4A), even if they actually do not pay any amount to channel/newspaper. **(Annexure-C)**

8.2 The Media Certification and Monitoring Committee (MCMC) to 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. This will also include publicity by or on behalf of candidates by Star Campaigner (s) or others, to impact his electoral prospects.

9. Print Media

9.1 Certification of Political Advertisement for Print Media

9.1.1 Starting from the last phase of Bihar assembly elections in 2015, ECI, in exercise of its power under Article 324 of the constitution has issued directions to CEOs of States/UTs that no political advertisements would be published in print media on poll day and pre-poll day in all the phases without pre-certification of State/District MCMC. This has been done to avoid any offending or misleading political advertisements through Print Media in order to not vitiate the entire election process in the last stage of the elections.

9.1.2 Before every General/Assembly election, instruction in this regard is issued by the Commission.

9.2 Timeline for submission of ads for pre-certification in print media :-

9.2.1 The applicants for pre-certification of ads in print media shall have to apply to MCMC not later than 02(two) days prior to the proposed date of publication of advertisement on poll day and pre-poll day.

9.3 Publication of advertisements/election matter in print media during elections:-

9.3.1 In reference to Section 77(1) & 127A of the R.P. Act, 1951, the Commission has directed that in the case of any advertisements/election matter for or against any political party or candidate in the print media, during the election period, the name and the address of the publisher should be given along with the matter/advertisement. Further, attention of Section 171H of IPC is also invited

which prohibits incurring of expenditure, on inter alia, advertisement, circular or publication, for the purpose of promoting or procuring the election of a candidate, without authority from the candidate. For further clarification in this regard, attention may be invited to Section 77(1) & 127A of the R.P. Act, 1951.

10. The order to pre-certify political advertisements by the Hon'ble Supreme court dated 13.04.2004 was issued in exercise of the powers under Article 142 of the Constitution of India. If there is any violation of Hon'ble Supreme court order or any provisions of Cable Television Networks (Regulation) Act, 1995, an order will be issued to the violator to forthwith stop such violations and 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.



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Part- C

1. Paid News

1.1 Paid News disturbs the level playing field in elections and adversely affects free and fair polls by circumventing election expenditure laws and also causing undue influence on voters. The Commission has accepted the definition of Paid News given by Press Council of India which defines paid news as "Any news or Analysis appearing in any media (print and electronic) for a price in cash or kind as consideration".

1.2 The Commission has directed that maximum vigilance may be observed 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' may generally manifest in the forms of news articles/reports published about a particular candidate or a party eulogizing 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 newspapers periodical would amount to further corroboration as circumstantial evidence that such news publication could result from collusion of the candidate/party with the publishers/editors/financers of the newspaper. Although, such cases have generally no transactional evidence of payment of consideration in cash or kind.

1.3 The practice of paid news has to be seen as an attempt to circumvent the provisions of Sections 77 and 123 (6) of the RP Act 1951 which prescribe accounting and ceiling of election expenses and make exceeding such prescribed limits a corrupt practice in elections.

2. PCI and NBDA Guidelines -

PCI guidelines about election news and advertising say that news should be clearly demarcated from advertisements by printing disclaimers and 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. Guidelines issued by Press Council of India dated 30.07.2010, 'Norms of Journalistic Conduct- 2020' and "Guidelines for Election



Broadcasts" issued by NBSA (now NBDA) dt 3rd March, 2014 may be referred while scanning paid news cases (copy enclosed). Illustrations of suspected paid news cases are at Annexure-D.

3. Time period for determining paid news cases:-

3.1 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.

4. Composition of District & State level MCMC is already mentioned in Part-A. Sequence of Paid News monitoring and reporting is mentioned here below:-

4.1 District MCMC-

4.1.1 Paid news cases are scanned initially at the district level. This Committee examines complaints/issues of Paid News through a monitoring arrangement. It scans all media e.g. print media, electronic media, cable network, etc.

4.1.2 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.

4.1.3 Notice is to be issued only in suspected cases of Paid News decided by this committee and not to all the reference cases received.

4.1.4 The Committee has to decide on the reply expeditiously and convey to the Candidate/Party its final decision. 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.

4.1.5 District level MCMC shall decide on the reply expeditiously and RO shall convey to the Candidate/Party such final decision.

4.1.6 The candidate may appeal against the final decision of District level MCMC to State level MCMC within 48 hrs of receipt of the decision, with information to the District level MCMC.



4.2 State MCMC-

4.2.1 This Committee examines all cases of Paid News on appeal against the decision of District MCMC or cases they take up suo-motu, in which, the concerned ROs are directed to issue notices to the candidates. The State level MCMC have to 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.

4.2.2 The candidate may appeal against the decision of State level MCMC to ECI within 48 hrs of receiving of order from this Committee

4.2.3 The cases of suspected Paid News or advertisement or appeal shall have to be considered within strict timelines and the entire process shall ordinarily be completed within the Election period.

4.3 ECI level Committee-

4.3.1 A Committee is constituted at ECI level and has the following composition:-

- (i) Additional Director General (News), News Services Division: AIR, New Delhi
- (ii) Additional Director General, DAVP, New Delhi
- (iii) PCI member
- (iv) Principal Secretary/Secretary (in-charge of Election Expenditure)
- (v) Principal Secretary (Legal)
- (vi) Principal Secretary (in-charge of the State/UT from where reference is received)
- (vii) Principal Secretary (in-charge of CC & B.E. Division)
- (viii) Director/Principal Secretary/Dy. Secretary (Media Division) - Convener

Members at SI No. (i), (ii) & (iii) are based on nominations by concerned Ministries/Departments.

4.3.2 This committee deals with the appeal against the decision of State level MCMCs. 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. The Committee to also examine and recommend on references , directly received in the Commission, which are not any State/UT specific, regarding Paid News.

4.3.3 The Committee also supports policy formulation at ECI on issues like - Paid News, issues relating to usage of electronic media and print media for campaigning



proposed by parties and candidates, Do's and Don'ts to be followed by both print and electronic media, etc.

5. For Paid news monitoring, following points are to be noted for systematic procedure and prompt action:-

5.1 CEOs, DEOs to brief political parties and media houses before commencement of the election campaign about instructions related to pre-certification of political advertisements on electronic media, media related provisions of the R.P. Act viz. Section 126 & Section 127A, Section 171H of IPC, Paid News and consequences of violation and to avoid surrogate advertising.

5.2 CEOs to obtain a list of television channels/radio channels/newspapers, broadcasting/ circulated in the State/UT and their standard rate cards, six months before the due date of expiry of Lok Sabha or the State/UT Legislative Assembly, as the case may be and forward it to the Commission. [In case of any technical doubt relating to the application of the standard rate card, the matter can be referred to the DAVP, Ministry of I&B, Govt. of India for advice]. This list is also to be shared with MCMC for reference to add notional expenditure in confirmed paid news cases.

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

d) 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(s) by Star Campaigner (s) or others, to impact his electoral prospects. A copy of the notice will also be marked to the Election Expenditure Observer.



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e) Legal provisions under Sec127 A of the RP Act 1951 make it mandatory for a 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. 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.

f) District MCMC to strictly monitor campaigns through print/ electronic media. There should be 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.

g) Similarly, the 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.

h) Media shall be asked to exercise self-regulation.

6. It has come to notice of ECI from the recently concluded elections that the follow up action in confirmed Paid News Cases has not been taken up promptly and further some discrepancies are also noticed in reporting format. In this regard, following action points are to be considered: -

i. Weekly report on Paid News is to be submitted by CEO to ECI in Annexure-I format on the last day of every week starting from the last date of nominations of each phase.



ii. Further, a compiled list having information of Paid News in Annexure-I including the details from all districts is to be furnished to the Commission along with the details of confirmed cases of paid news in Annexure-II, just after the completion of elections.

iii. All relevant documents of paid news cases with clear and legible copy [Constitution of MCMCs of the regions, Proceedings/Minutes of meetings with due reasons as to how the news considered as paid news, News reports/advertisements/cuttings of newspaper along with its Hindi/English transcript/videos/Clippings of paid news etc.] must be provided along with Annexure-II and compiled Annexure-I.

iv. It has been observed that in certain cases, notices on paid news have been issued in large numbers while further action on the same remains 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'.

7. In respect of confirmed paid news cases, following actions are to be taken:-

i) Where the suspected cases of Paid News are decided as a "Paid News" either at District level/CEO 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.

ii) Paid News cases related to Print Media are sent to PCI and those related to Electronic Media are referred to NBSA. The same are forwarded to these authorities by ECI and not by CEO/DEO.

iii) **The names of concerned candidates shall be put on the website of the Chief Electoral Officer of respective states.** In this regard, a separate tab in the name of 'Paid News' is to be created where the details of erring candidates will be uploaded.

8. It is requested that the instructions/guidelines may be brought to the notice of all Media Monitoring and Certification Committees(MCMCs)/District Election Officers/Returning Officers/Media/Political parties, Media houses & all other Stakeholders in the State/UT for strict compliance. It may also be brought to the

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notice of all the stakeholders that failure to comply with the orders of the Hon'ble Supreme Court will amount to contempt of court.

Yours Faithfully,



(Rajesh Kumar Singh)
Under Secretary

Annexure A

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) Platform(s) on which the advertisement is proposed to be telecast/broadcast
- (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 along with 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)



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II.

I, Shri / Smt. _____, S/o / D/o / W/o _____, (full address) _____, undertake that all payments related to the production and telecast/broadcast 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 the applicant

Date:



Annexure – B

CERTIFICATION OF POLITICAL ADVERTISEMENT

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 verification 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

*Applicable for telecast/broadcast on TV and Cable network/Cable Channels, advertisements to be displayed year round in Cinema Halls, Radio including private FM channels, audio-visual displays in public places, advertisements in e-newspapers, bulk SMS/voice messages, advertisements on social media and internet websites, print media (pre-poll & poll day)



Annexure-C

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							



Annexure-D

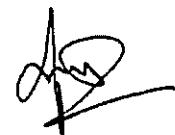
Illustrations of suspected paid news cases:-

Some illustrations of the cases for suspected paid news are prepared and can be seen here below: -

1. Identical articles with photographs and headlines appearing in competing publications carrying by-lines of different authors around the same time.
2. On the same page of specific newspapers, articles praising competing candidates claiming that both are likely to win the same elections.
3. 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.
4. News items favoring a candidate, not carrying any byline.
5. 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.
6. News item saying that the good work done by a Party/Candidate had marginalized the electoral prospects of the other party/candidate in the state with each and every sentence of the news item in favor of the party/ candidate.
7. 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.
8. In specific newspapers, multiple font types and multiple drop case styles were noticed within the same page of a single newspaper. This happened because - the layouts, fonts, printouts, photographs - were provided by candidates who had paid for slots in the pages of the newspaper.

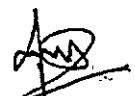
A handwritten signature in black ink, appearing to be a stylized 'J' or 'A' followed by a more fluid script.

1. Letter no. 509/75/2004/JS-I dated 15.04.2004 regarding Supreme Court's Order dated 13th April 2004 relating to advertisements of political nature in TV Channel and Cable Network and Letter No. 509/75/2004-JS-I, dated 22.07.2004 regarding Commission's Order dated 15.4.2004 relating to advertisements of political nature on TV Channel and cable networks
2. Letter no. 3/9/2004/JS-II dated 24.08.2004 on restrictions on the Printing of pamphlets, posters etc.
3. Letter no. 509/75/2004/J.S.-I/Vol. II dated 26.09.2007 regarding Supreme Court Order dated 13th April 2004, relating to advertisement of political nature on TV Channel and cable networks.
4. Letter no. 509/75/2004/JS-I/Vol.II/RCC dated 21.11.2008 and 18.03.2009 regarding advertisements of political nature on TV channels and Cable Networks and on Radio-clarification
5. Letter no. 3/ER/2009/SDR dated 19.03.2009 regarding advertisements of political nature on TV channels and Cable Networks and on Radio
6. Letter no. 491/Media/2009 dated 18.03.2011 regarding measures to check "Paid News" during elections i.e. advertisement in the garb of news in Media.
7. Letter no. 491/Paid News/2012/Media dated 27.08.2012 regarding Measures to check 'Paid News' during elections i.e. advertisement in garb of news in Media and related matters-revised guidelines.
8. Letter no. 491/Media Policy/2013 dated 10.10.2013 regarding clarification on certification of advertisement at public places.
9. Letter no. 491/Paid News/2014 dated 07.02.2014 and 26.02.2014 clarification on certification of advertisement and Composition of Media Certification and Monitoring Committees on Certification and Paid News.
10. Letter no. 491/MCMC/2014(Communication) dated 15.03.2014, 24.03.2014, 11.04.2014, 12.04.2014 and 25.04.2014 regarding Clarification of Political Advertisement, Certification of advertisement on political nature on electronic media,



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

11. Letter no. 491/Media Policy/2015/Communication dated 28.05.2015 regarding Pre-Certification of political advertisements – Use of bulk SMSs/voice messages in political campaigning
12. Letter no. 491/Media/2011 (Advt) dated 16.08.2011 & Letter no. 491/Media Policy/2016 dated 03.01.2016 for dealing with candidates' advertisements on TV/Cable channels/newspapers owned by political parties or their functionaries/office bearers during elections.
13. Letter no. 491/MCMC/2018/Communication dated 13.09.2018 on provision of pre-certification of political advertisements applicable in the whole territory of India at all times
14. Letter no. 491/Paid News/2019/Communication dated 25.02.2019 on inclusion of a social media expert in the MCMC
15. Letter no. 491/MCMC/2021/Communication dated 19.03.2021 regarding reconstitution of State Level MCMC.
16. Letter No. 491/Media/2010 dated 8th June, 2010 regarding measures to check "Paid News" during elections i.e. advertisement in the garb of news in Media.
17. Letter No. 491/Media Policy/2010 dated 23rd September, 2010 regarding measures to check "Paid News" during elections i.e. advertisement in the garb of news in Media.
18. Order No. 491/Paid News/2012/Media dated 15th March, 2012 regarding Constitution of a Committee at ECI level with a view to examine complaints/ references of "Paid News" received from State CEOs/MCMC
19. Letter No. 491/Paid News/2012/ Media dated 9th October, 2012 regarding Timeline for the candidate to reply to the notice issued by District/ State MCMC.
20. Letter No. 491/Paid News/2012/ Media dated 15th October, 2012 regarding inclusion of advertisement to be displayed in cinema halls.
21. Letter No. 491/Media Policy/2013 dated 7th March, 2014 regarding Measures to check 'Paid News' during elections i.e. advertisement in garb of news in Media and related matters – Revised Guidelines.



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22. Letter no. 491/Media Policy/2016 dated 10.03.2016 regarding timeline for certification of political advertisement.
23. Letter No. 491/Paid News/2014 dated 22nd April, 2014 regarding Measures to check paid news during elections – time period for determining paid news against a candidate - Clarification.
24. Letter No. 491/SM/2013/Communication dated 25.10.2013 regarding Instructions of the Commission with respect to use of Social Media in Election Campaigning
25. Letter No. 491/SM/Comm./2013 dated 16.04.2014 regarding Clarification in respect of advertisements on social networking sites and E-Papers.
26. Letter No. 491/Paid News/2019 dated 4th June, 2019 on publicizing the confirmed cases of paid news on CEO's website as a measure to check its spread during elections.
27. Letter no. 491/MCMC/5/2023/Communication dated 04.08.2023 regarding reconstitution of State Level MCMC.



Signature

ANNEXURE-I (To be submitted on the last day of every week) and a compiled list of all weekly reports shall be submitted after the completion of election.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Name of District/ Assembly Constituency/ Parliamentary Constituency, as applicable	Complaints / cases referred to District MCMCs by suspected case State MCMC/ of paid News & Observers/ recommended for notice to candidate suo motu cases identified by district MCMC etc.	Cases decided by District MCMC as	Cases/ complaint not found Notices to be paid news	Cases in which candidates accepted to have candidate spent the amount and showed it in their accounts	Cases in which candidate did not reply to notice	Cases in which candidate refused to accept and gave notice within stipulated time	Cases decided by District MCMC as NOT PAID NEWS	Cases decided by District MCMC as PAID NEWS after explanation given within stipulated time	Cases decided by District MCMC as final decision of NEWS after NOT PAID NEWS	Appeal by Candidate to State MCMC on consideration of arguments/ reply to notice	Cases decided as paid news by State MCMC	Cases decided as not paid news by State MCMC	Confirmed cases of paid news = (6) + (10) – (13)

Reporting Format of Suspected Paid News/Confirmed paid news

Note:

$$(2) = (3) + (4)$$

(3) should generally be same as (5) [Sometimes single notice is issued to a candidate for multiple cases of paid news' related to him, the number of notices in (5) should indicate the no. of cases in which notices are issued and not the number of candidates who have been issued notices]

$$(5) = (6) + (7) + (8)$$

If in some cases, the candidate doesn't reply to the notice within stipulated time (7), 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 (10) to State MCMC (11) within stipulated time, it is assumed that he has accepted District MCMC decision and the amount shall be shown in his account

$$(7) + (8) = (9) + (10)$$

$$(11) = (12) + (13)$$

$$(2) = (4) + (6) + (9) + (10)$$

Total cases of confirmed paid news = (6) + (10) – (13)

In the compiled Annexure-1 to be submitted shortly after completion of election, only those District/ Assembly Constituency/ Parliamentary Constituency will be included which have confirmed paid news cases.

Case Study:-

Let's say in 'A' State, 3 districts namely 'X', 'Y' & 'Z' have paid news cases.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Name of District/ Assembly Constituency/ Parliamentary Constituency, as applicable	Complaints with/ cases referred to District MCMCs by State MCMC/ & Exp Observers/ suo motu cases identified by district MCMC etc.	Cases decided by District MCMC as suspected case of paid News recommended for notice to candidate	Cases/ complaint which not found Notices to be paid news	Cases in which candidates accepted to have RO to candidate spent the 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/ reply to notice	Cases decided by District MCMC as NOT PAID NEWS after NEWS decision of District MCMC	Cases decided by State MCMC on final decision of District MCMC	Cases decided as paid news by State MCMC	Cases decided as not paid news by State MCMC	Cases decided as paid news by State MCMC	Cases decided as not paid news by State MCMC	Confirmed cases of paid news
X	15	14	1	14	2	5	7	2	10	3	3	0	12
Y	8	8	0	8	1	2	5	1	6	4	3	1	6
Z	13	11	2	11	0	7	4	0	11	0	0	0	11
Total													29

Case of district 'X' is explained for reference:-

- 12 cases are considered by District MCMC as paid news during self monitoring mechanism/on complaint basis and 03 cases are referred to Dist MCMC by State MCMC/Expenditure Observer on the basis of complaint received/suo moto observation, thus making total cases '15' at initial level of Dist MCMC. (Column 2)
- Out of 15 cases, District MCMC on scrutiny found 01 case (Column 4) not in paid news category and remaining 14 cases (Column 3) are recommended to Returning officer to issue notice to candidates. Sometimes a single notice is issued to a candidate for multiple cases of 'paid news' related to him, the number of notices in (5) should indicate the no. of cases in which notices are issued and not the number of candidates who have been issued notices. For each 14 cases, notice should be served to the candidates within 96 hours 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. Clear case of advertisement for

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vote appeal shall not be considered in the paid news category. In such cases, only amount shall be added to candidate's account, if not added already.

3. Out of 14 cases in which notices are issued, 02 cases/candidates (Column 6) accepted to have spent the amount, thus, making them clear paid news cases. In 05 cases (Column 7), no reply is received to Dist MCMC within 48 hrs of serving of notice. In such case, decision of Dist MCMC is final. In 07 cases (Column 8), candidates have given reply within time limit.
4. After considering reply in 07 cases from candidates, Dist MCMC is satisfied with explanation in 02 cases (Column 9) and considered them as not paid news cases. Reply in 05 cases is rejected by Dist MCMC. Candidates shall be informed in this regard with copy to State MCMC for information. 10 cases (Column 10) are confirmed by Dist MCMC as paid news after considering arguments/reply to notice/or after reply not received. [Column 10 = Column 7 + Column 8 – Column 9]. Column 10 represents cases of paid news decided by Dist MCMC and therefore, cases which have been accepted by candidates itself shall not be considered in this column.
5. Out of 5 cases rejected by District MCMC, 03 cases (Column 11) are submitted by candidate/Candidates before State MCMC within 48 hrs of receipt of decision, with information to the District MCMC. State MCMC rejected appeal in all 03 cases (Column 12) and no case [0 case (column 13)] is set aside from the paid news category.
6. Total paid news cases are 12 for District 'X'. [Column (6) + Column (10) – Column (13)]. Similarly for 'Y' and 'Z' districts, cases are shown.
7. Total Paid news cases in 'A' State = 29.

ANNEXURE-II (To be furnished after completion of election) *

Only Confirmed Paid News cases (column 14 of Annexure I)

Sl. No.	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	Date of notice issued by R.O.	Reply of candidate received (if any) and final action of Committee	Cost of said news item as per DIPR/DAVP rates that was accounted	Media Category (Print/Electronic/ Social)

* The following complete documents must be enclosed:

- i. Proceedings/Minutes of meetings with due reasons as to how the news considered as paid news.
- ii. Copy of Notice issued to the candidate by R.O. and reply, if any, given by the candidate. If reply is submitted, proceeding/minutes of meeting of such consideration.
- iii. Clippings/cuttings of newspapers along with its Hindi/English transcript and video of broadcast in a CD

Guidelines issued by Press Council of India dtd 30.07.2010 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.

'Norms of Journalistic Conduct- 2020'

- i. Newspaper should specifically mention "Marketing Initiative" on Supplement/special edition itself to distinguish them from various reports.
- ii. The newspaper should not mis-construe or misquote the statements given by leader. The statements quoted in editorial should project the true spirit of what is being tried to be conveyed by them.
- iii. Columns of news items which largely indicate names of voters on Caste basis and supporters of the candidate of particular political party, such tenor and manner of presentation of news establish the report to be paid news.
- iv. Political news published in competing newspaper with similar content strongly suggests such reports to be paid news.
- v. Two newspapers publishing same news item verbatim during election days is not accidental and it is evident that such news items have been published for consideration.
- vi. Manner of presentation of a news item that to in a favor of a particular party as also the appeal for voting in a favor of a particular party is suggestive of paid news.
- vii. Projecting a candidate's success in Election who is yet to file a nomination is suggestive of paid news.
- viii. News Reports on Campaign meeting and states enthusiasm because film stars were present cannot be termed as paid news.
- ix. While covering news on election, the newspapers are advised to ensure balance in publishing report/interview of candidates.
- x. During the course of election, subject to conditions laid down by the Election Commission of India, newspapers are free to make an honest assessment of prospects of candidates or the parties and its publication would not be paid news so long it is not established that consideration passed on for such publication.
- xi. Newspapers shall not publish any news survey predicting the victory of

any political party without verification of it.

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 of error, the fieldwork dates, and data used. Broadcasters should also disclose how vote shares are converted 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 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.
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

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.509/75/2004/JS-I

Dated : 15th April, 2004

O R D E R

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.**

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

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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

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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) or 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.

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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 stated 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 resubmitted 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 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,

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(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;
- (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