



OFFICE OF THE CHIEF ELECTORAL OFFICER MIZORAM

PRESS NOTE

No. H.12014/2/2023-CEO/Loose : Dated Aizawl, the 7th April, 2024

Subj: Election Commission of India Issues Advisory on Media Coverage during Election

Election Commission of India announced schedule for holding General Election to Lok Sabha, 2024 and Legislative Assemblies of Andhra Pradesh, Arunachal Pradesh, Odisha & Sikkim on 16.03.2024. Poll is scheduled to be held in seven phases (19.04.2024, 26.04.2024, 07.05.2024, 13.05.2024, 20.05.2024, 25.05.2024 & 01.06.2024).

In this regard, the Commission invited the attention of all media to the Section 126(1)(b) of the Representation of the People Act, 1951 that prohibits displaying any election matter by means, inter alia, of television, cinematograph or similar apparatus, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in the polling area.

The relevant portions of the said Section 126 are re-produced below :

1. Prohibition of public meeting during period of forty-eight hours ending with hour fixed for the conclusion of the poll for any election in the polling area.
2. Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.
3. In this section, the expression “election matter” means any matter intended or calculated to influence or affect the result of an election.

During elections, there are sometimes allegations of violation of the provisions of the above Section 126 of the Representation of the People Act, 1951 by TV channels in the telecast of their panel discussions/debates and other news and current affairs programmes. The Commission has clarified in the past that the said Section 126 prohibits

displaying any 'election matter' by means, inter alia, of television or similar apparatus, during the period of 48 hours ending with the hour fixed for conclusion of poll in a constituency. "Election matter" has been defined in that Section as any matter intended or calculated to influence or affect the result of an election. Violation of the aforesaid provisions of Section 126 is punishable with imprisonment up to a period of two years, or with fine or both.

The Commission once again reiterates that the TV/Radio channels and cable networks should ensure that the contents of the programmes telecast/broadcast/displayed by them during the period of 48 hours referred to in Section 126 do not contain any material, including views/appeals by panelists/participants that may be construed as promoting/ prejudicing the prospect of any particular party or candidate(s) or influencing/ affecting the result of the election. This shall, among other things include display of any opinion poll and of standard debates, analysis, visuals and sound-bytes.

Political advertisements on any election matter in TV, cable networks, radio, Cinema Halls, use of bulk SMS/voice messages, audio visual displays in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in the polling area is also prohibited. "Election matter" is defined as any matter intended or calculated to influence or affect the result of an election.

Section 126 of the Representation of People Act, 1951, deals with prohibition of public meeting(s) or propagating and displaying election matter(s) to public, during the operation of silence period. However, it is not applicable in a case of multi-phased elections i.e. when the elections are held on different dates, if content of election matter relates to subsequent phase(s) and in no way, have any reference to the polling area, under silence period.

Attention is also invited to Section 126A of the R.P. Act 1951, which prohibits conduct of Exit poll and dissemination of its results during the period mentioned therein, i.e. from the beginning of the hours fixed for poll on the first day of poll (Phase 1) and continue till half an hour after closing of the poll in all the States and Union territories (phase 7).

During the period not covered by Section 126, concerned TV/Radio/Cable/FM channels/internet websites/Social Media platforms are free to approach the state/ district/ local authorities for necessary permission for conducting any broadcast/Telecast related events (other than exit polls) which must also conform to the provisions of the model code of conduct, the programme code laid down by the Ministry of Information and Broadcasting under the Cable Network (Regulation) Act with regard to decency, maintenance of communal harmony, etc.

Attention of all Internet websites and Social Media platforms is also invited to the provisions of The Information Technology Act, 2000, Information Technology

(Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 and ECI guidelines No-491/SM/2013/Communication, dt. 25th October, 2013, for all political content on their platform. As regards political advertisement on electronic media, the same needs pre-certification by the Committees set up at State/District level as per the Commission's order No. 509/75/2004/JS-I, dt 15th April, 2004 and letter no. 491/Paid News/2019/Communication dated 25.02.2019.

Attention of all print media is also invited to the guidelines issued by Press Council of India dated 30.07.2010 and 'Norms of Journalists Conduct - 2022' to follow for observance during the election. Attention of the electronic media is also invited to the "Guidelines for Election Broadcasts" issued by NBSA dt 3rd March, 2014.

Internet and Mobile Association of India (IAMAI) has also developed a "Voluntary Code of Ethics" for all the participating social media platforms to ensure free, fair & ethical usage of their platforms to maintain integrity of the electoral process during the General Elections to the Lok Sabha 2019. As agreed by IAMAI, vide letter dated 23.09.2019, the "Voluntary Code of Ethics" shall be observed during all elections. Accordingly, the Code is also applicable in ongoing elections. Attention of all concerned Social Media platforms is invited to the "Voluntary Code of Ethics" dt 20th March, 2019 in this regard.

Further, it is also informed that no Political Party or Candidate or any other Organization or Person shall publish any Advertisement in the print media on poll day and one day prior to poll day, unless the contents of political advertisements are got pre-certified by them from the MCMC Committee at the State/District level, as the case may be. The applicants shall have to apply to MCMC not later than 02(two) days prior to the proposed date of publication of such advertisements.

As mentioned in the ECI advisory dated March 1, 2024, Political advertisements especially sky bus advertisements masquerading as news headlines to mislead readers shall not be published in newspapers. There should be explicit restrictions on advertisements predicting the victory of a particular party and any form of speculative content related to election outcomes shall be avoided.

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Copy to:-

1. PS to Chief Electoral Officer, Mizoram
2. District Election Officer, Aizawl & Returning Officer
3. All Assistant Returning Officers
4. Director, I&PR Department for wide publicity.
5. Station Director, Akashvani/DDK Aizawl.
6. President, Mizoram Journalists' Association.
7. Proprietor, ZONET/LPS Cable TV.
8. All Political Parties.
9. Guard File.



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