



General elections to Legislative Assemblies of Himachal Pradesh & Gujarat, 2017 – Media Coverage during the period referred to in Section 126 of RP Act, 1951.

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The schedule for calling general elections to the Legislative Assemblies of Himachal Pradesh & Gujarat has been announced on 12th October, 2017 and 26th October, 2017 respectively. Poll in Himachal Pradesh is scheduled to be held in single phase on 9th November, 2017 while in Gujarat poll is scheduled to be held in two phases on 9th & 14th December, 2017. Section 126 of Representation of the People Act, 1951, prohibits displaying any election matter by means, inter alia, of television or similar medium/means, during the period of 48 hours before the hour fixed for conclusion of poll in a constituency. The relevant portions of the said Section 126 are reproduced below:

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

(1) No person shall -

(a)

(b) Display to the public any election matter by means of cinematograph, television or other similar apparatus;

(c)

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

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) In this Section, the expression "election matter" means any matter intended or calculated to influence or affect the result of an election.)

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

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

4. In this connection, attention is also invited that in exercise of the power under sub-section (1) of Section 126A of the R.P. Act 1951, the Election Commission, having regards to the provisions of sub-section (2) of the said Section, notified the period between **8.00 A.M. on 09.11.2017 (Thursday) and upto 6.00 P.M. on 14.12.2017 (Thursday)** as the period during which conducting any Exit Poll and publishing or publicizing by means of the print or electronic media or dissemination in any manner, whatsoever, the result of any exit poll in connection with the current **General Elections to the Legislative Assemblies of Himachal Pradesh and Gujarat**, shall be prohibited.

5. During the period not covered by Section 126 or Section 126A, concerned TV/Radio/Cable/FM channels are free to approach the state/district/local authorities for necessary permission for conducting any outdoor broadcast related events which must also conform to the provisions of the model code of conduct and the programme code laid down by the Ministry of Information and Broadcasting under the Cable Network (Regulation) Act with regard to decency, maintenance of communal harmony, etc. They are also required to stay within the provisions of Commission's guidelines dated 27th August, 2012 and subsequent instructions regarding

paid news and related matters. Concerned Chief Electoral Officer/District Election Officer will take into account all relevant aspects including the law and order situation while extending such permission. As regards political advertisements, the same needs pre-telecast/broadcast certification by the Committees set up at the State/District level as per the Commission's order No. 509/75//2004/JS-I dt 15.04.2004.

6. Attention of all print media is also drawn to the following guidelines issued by Press Council of India on 30.07.2010 to be followed 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 it 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.

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

- (i) News broadcasters should endeavour to inform the public in an objective manner, about relevant electoral matters, political parties, candidates, campaign issues and voting processes as per rules and regulations laid down under The Representation of the People Act 1951 and by the Election Commission of India.
- (ii) News channel shall disclose any political affiliations, either towards a party or candidate. Unless they publicly endorse or support a particular party or candidate, news broadcasters have a duty to be balanced and impartial, especially in their election reporting.
- (iii) News broadcasters must endeavour to avoid all forms of rumor, baseless speculation and disinformation, particularly when these concern specific political parties or candidates. Any candidate/political party, which has been defamed or is a victim of misrepresentation, misinformation or other similar injury by broadcast of information should be afforded prompt correction, and where appropriate granted an opportunity of reply.
- (iv) News broadcasters must resist all political and financial pressures which may affect coverage of elections and election related matters.
- (v) News broadcasters should maintain a clear distinction between editorial and expert opinion carried on their news channels.
- (vi) News broadcasters that use video feed from political parties should disclose it and appropriately tag it.

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

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

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

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

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

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

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

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

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

Election Commission of India

New Delhi ; 7th November ,2017

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