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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

MEDIA GUIDELINES UNDER ARTICLE 104B (5)(A) OF THE CONSTITUTION OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

THE Media Guidelines made by the Election Commission under Article 104 B(5)(A) of the Constitution of the Democratic Socialist Republic of Sri Lanka as finally amended by the 21st Amendment to the Constitution, are as follows:-

Extraordinary Gazette Notifications No. 2165/71 dated 06.03.2020, No. 2178/24 dated 03.06.2020 and No. 2184/51 dated 17.07.2020 that published media guidelines are hereby rescinded.

NIMAL G. PUNCHIHEWA,
Chairman,
Election Commission.

S. B. DIVARATNE,
Member,
Election Commission.

M. M. MOHAMED,
Member,
Election Commission.

K. P. P. PATHIRANA,
Member,
Election Commission.

P. S. M. CHARLES,
Member,
Election Commission.

At Election Commission,
Sarana Mawatha, Rajagiriya,
on this 4th day of January 2023.



Schedule 01

01. Committee of (Permanent) Representatives for enforcing and recommending media guidelines & general matters

- 1.1 Every media institution shall provide accurate, balanced and impartial information in broadcasting or televising or publishing its news bulletins and any other programme related to political affairs. In this regard, the Election Commission shall appoint a Permanent Representative Committee to monitor and ensure that the following media guidelines issued by the Commission are properly adhered to and to make observations and recommendations on compliance with the guidelines. The Committee shall act in accordance with the directions and instructions of the Election Commission which shall take necessary decisions upon the recommendations of such Committee. The composition and members of the Committee will be announced by the Commission after the announcement of the dates for an election.
- 1.2 In these guidelines “period of an election” means the period commencing on the making of a Proclamation or Order for the conduct of a referendum or for the holding of an election, as the case may be, and ending on the date on which the result of a poll taken at such referendum or election, as the case may be, is declared.

Schedule 02

02. Guidelines for Electronic Media Institutions

- 2.1 All telecasting, and broadcasting shall be neutral and impartial in their reporting of matters relating to an election, and shall not act in a manner which discriminates against any contesting political party, independent group or candidate or confers a special benefit to any such party, group or candidate, in allocating airtime on radio or television for a political party, independent group or candidate.
- 2.2. Editorials published in the newspapers shall not be commented on by electronic media promoting or prejudicing any political party, independent group or candidate as opinions in such commentaries may be confused and biased. Whenever an editorial opinion is broadcast or telecast, an affected party shall be given a similar opportunity to broadcast or telecast material to counter such opinion.
- 2.3. Every presenter of programmes and announcer on television and radio channels shall refrain from expressing personal views, on programme where newspaper headlines and cartoons are presented which may promote or prejudice one party.
- 2.4. It shall be the responsibility of the news and current affairs divisions of all electronic media institutions not to broadcast or telecast any programme or supplement during the period of an election, if such programme, supplement or news item is inconsistent with the election laws and media guidelines of the Election Commission.
- 2.5. Where any material covering an incident or event is broadcast or telecast during the period of an election/poll with comments of one candidate, any other political party or independent group having an interest in such event or likely to be affected by that incident or event should also be given an opportunity to express the views on such incident or event.
- 2.6. The names of the scriptwriter, announcer and editor of any documentary programme or any other special programme broadcast or televised during the period of an election/poll which is directly connected with such election/poll shall be disclosed when such programme is broadcast or telecast. In the event of any such media institution retaining the right not to disclose such particulars, the person in charge of such programme shall be held responsible for the contents thereof.

- 2.7. A media institution shall not utilize air time redundant to make allegations against any candidate contesting at an election/poll if the allegations cannot be substantiated. If any political party, independent group or candidate claims that another political party, independent group or candidate or supporter thereof has made any false and prejudicial statement against a political party, independent group or candidate that party, group or candidate shall be given an opportunity to counter the same.
- 2.8. Any news or programme covering any official function or event related to any crime that is likely to promote or demote any political party, independent group or candidate is telecast or broadcast, even if such news or programme is not related to any election/poll, every media institution if publishing such news or programme shall consult the parties involved therein for clarity.
- 2.9. Where during the period of election/poll coverage is given by radio or television to opinions or views expressed by the President or the Prime Minister or any Minister, it shall be treated as coverage given to the political party to which such person belongs. Therefore, any nominated leader of a rival party political contesting the election/poll shall also be given equal coverage free of charge in similar programmes.
- 2.10. No candidate shall be specially or favorably treated in the allocation of airtime on radio or television, to promote the election of such candidate or to cause prejudice to another candidate.
- 2.11. No lecture, interview, or such other programme with public officers shall be broadcast or telecast, during the period of an election/poll, promoting any contesting candidate or causing disadvantage to another candidate.
- 2.12. No photographs or statements of public officers not entitled to political rights and of officers in active service in security forces and police as well as of retired officers of security forces and police taken or made in their uniforms while in active service should be telecast or broadcast over electronic media in a manner promoting or demoting any party or candidate.
- 2.13. Every electronic media institution shall act in a reasonable manner in selecting participants for panel discussions so that the composition of the panel is balanced. Every media institution shall refrain from conducting programmes which cause disadvantage to any participant by conducting the programme in a language in which such participant is not proficient. Interviews with participants shall be conducted in a language that the participant is proficient in. Information obtained through vague and incoherent questions should not be published, or such questions should not be asked. At the outset, a participant in the programme should be warned not to make statements which are unethical or harmful to communal harmony, and if such statements are made while the discussion is in progress, the programme should be discontinued forthwith.
- 2.14. In any phone-in programme, every caller shall be given fair opportunity to pose questions which are not unethical, not harmful to religious or communal harmony and are consistent with the laws relating to elections. Every person conducting such phone-in programmes shall be answerable for any biased phone-in programme.
- 2.15. If the chairperson, member of the board of management, director or any journalist of any electronic or print media institution is actively involved in political activities and where any such involvement may result in a conflict of interest in providing balanced broadcasting, telecasting or publishing, such person shall inform in writing the management of the institution, the following: -
 - (a) the involvement of such person in political activity;
 - (b) the position held by such person in the institution; and
 - (c) the extent of involvement of such person in arranging and conducting programmes.
- 2.16. Where any person holding any position in any recognized political party is also holding a dominant office such as the chairman, member of the board of directors, chief executive or chief editor of any media institution and,

where such person is also a candidate at an election/a poll or the party to which such person belongs is directly or under a recognized alliance contesting at such election/poll, he shall cease to engage in the duties assigned to him in such media institution. Further, if such person is contesting as a candidate or holding office in a contesting party at an election/a poll, he shall not be involved in moderating any programme in any television or broadcasting institution which is of political in nature and, in the case of print media, such person shall not publish articles on political matters through that media institution.

- 2.17. Where any participant of a political party refuses to participate in a discussion or an interview in any media institution without assigning any reason for such non-participation, such media institution shall not display an empty chair or use similar means to emphasize such non-participation. It is recommended that a simple and direct announcement be made about the absence of the participant.
- 2.18. Any electronic media which broadcasts the result of an opinion poll on any election/poll shall broadcast the name of the organization which conducted such poll, the purpose of the research/opinion poll, the organization or the person which commissioned and funded such poll, the methodology employed, the size of the sample, margin of error and the period of fieldwork. Further, the broadcaster or publisher shall state that such poll reflects a public opinion only at the time of such opinion poll.
- 2.19. Where any candidate makes any statement to promote the candidature of another candidate of a party or group, to which such candidate does not belong, no publicity shall be given to such statement by way of broadcasting or telecasting such statement.
- 2.20. No Photographing or videotaping shall be carried out at any polling station or postal voting centre without the due permission of the Election Commission. No unauthorized photo or video shall be published or broadcast in the newspapers, or over electronic, print or social media. Even photographs and video footage taken after obtaining the permission of the Election Commission should be published or aired only after the closure of the poll.
- 2.21. Any advertisement, quiz programme, entertainment programme, any programme relating to development activities or any such activities, film, teledrama, musical show or any other programme of such nature televised or broadcast prior to the date of the election/poll, conducted by or featuring any candidate or promoting or demoting any candidate or party or an independent group shall not be telecast, broadcast or published during the period of silence which operates just before the date of the election/poll.
- 2.22. The “silence period” in relation to the election campaign is the period commencing 48 hours before the date on which the election/poll is scheduled to be held and ending on the date when the results are announced. No propaganda activity or advertising whatsoever promoting or demoting any political party or candidate shall be carried out during this period. However, footage of public meetings held for the promotion of political parties or candidates on the day before the start of the silence period may be aired only on one occasion on radio and television during their news bulletins on the day following the meeting, in such manner that all parties or candidates contesting the election receive an equal time slot. Also, news reports on final-day meetings may be published in the newspapers circulating on the day following such meetings in such a manner that no party or candidate receives special treatment.
- 2.23. Every electronic media institution shall refrain from broadcasting or telecasting material that may promote or induce hatred and intolerance among Sri Lankan people on various grounds including religious beliefs, faith, language, ethnicity, customs and caste.
- 2.24. Every electronic media institution shall avoid broadcasting or telecasting propaganda activities that promote hateful politics among political activists and within society.

- 2.25. Every electronic media institution shall refrain from repeat-telecasting any statement made previously by any candidate or a supporter about another candidate of another political party, without the consent of the declarant and shall honour a request made by the declarant not to repeat such statements made by him previously.
- 2.26. A media institution shall not give coverage to anonymous notices or material and to notices or material under the names of fake organizations or persons. The responsibility in this regard shall lie with the respective media institutions.
- 2.27. A media institution and the person making any statement or reading the news, as the case may be, shall be equally accountable with regard to the publishing, broadcasting or telecasting of incorrect statements or news and shall be subject to legal proceedings that may arise in this regard.
- 2.28. Electronic media institutions shall refrain from publishing unofficial results until the election/poll results are officially announced by the Election Commission.
- 2.29. All government and semi-government electronic media institutions shall refrain from the use of state property and funds to promote any political party, group or candidate or act so as to cause damage to any institution or to government revenue. Private media institutions also should act accordingly. In the event of a breach of this guideline, in addition to the penalties specified in the Constitution of the Democratic Socialist Republic of Sri Lanka, disciplinary action as may be specified by the institution concerned, may be instituted against those responsible.
- 2.30. The proprietors of all electronic media shall adhere to these guidelines and ensure that the respective institutions owned by them observe such guidelines.
- 2.31. It shall also be the responsibility of the administrators of social media sites and owners of Cable Television channels to follow these guidelines as applicable to them, during the period of an election/a poll.
- 2.32. It is not only the duty but also the responsibility of the proprietors of electronic media institutions and administrators and users of social media to adhere to these guidelines, as the observance of these guidelines is essential to ensure a free and fair election/poll.
- 2.33. All electronic media institutions should refrain during the period of an election/poll from broadcasting statements, speeches or audio tapes by politicians or other persons appreciating acts of violence, violation of election laws and illegal acts, or in a manner that causes disturbances and acts of violence among social groups.
- 2.34. It shall be the responsibility of every electronic media institution to adhere to and abide by the ethics pertaining to media.
- 2.35. Electronic media institutions shall refrain from publishing or airing any statement, report or propaganda made on any media, whether in print, radio, television or internet / social media, on matters covered or not covered by these media guidelines if they violate the Constitution of the Democratic Socialist Republic of Sri Lanka or any election/ poll or other law in force in the country.

Schedule 03

03. Guidelines for Print Media Institutions

- 3.1 All print media shall be neutral and impartial in their reporting of matters relating to an election/poll, and shall not act in a manner which discriminates against any contesting political party, independent group or candidate or confers a special benefit to any such party, group or candidate, in allocating space in newspapers for a political party, independent group or candidate.
- 3.2 It shall be the responsibility of all print media institutions not to broadcast or telecast any programme or

- supplement during the period of an election/poll, if the programme, supplement or news item is inconsistent with the election laws and media guidelines of the Election Commission.
- 3.3 Where any material covering an incident or event is published during the period of an election/poll with comments of one candidate, any other political party or independent group having an interest in such event or likely to be affected by that incident or event should also be given an opportunity to express the views on such incident or event.
 - 3.4 Where during the period of election/poll coverage is given by radio or television to opinions or views expressed by the President or the Prime Minister or any Minister, it shall be treated as coverage given to the political party to which such person belongs. Therefore, equal space should be given to any nominated leader of a rival party political contesting the election/poll to publish his special statements and to all political parties, independent groups and candidates in publishing articles on their propaganda campaigns.
 - 3.5 No candidate shall be specially or favourably treated in the allocation of space in newspapers, to promote the election of such candidate or to cause prejudice to another candidate.
 - 3.6 No articles or other supplements on lectures, or interviews conducted for public officers shall be published, during the period of an election/poll, promoting any contesting candidate or causing a disadvantage to another candidate.
 - 3.7 No photographs or statements of public officers not entitled to political rights and of officers in active service in security forces and police as well as of retired officers of security forces and police taken or made in their uniforms while in active service should be telecast, broadcast or published over electronic, print or other media in a manner promoting or demoting any party or candidate.
 - 3.8 Every print media institution shall act in a reasonable manner in selecting participants for panel discussions so that the composition of the panel is balanced. Every print media institution shall refrain from conducting and reporting on discussions which cause disadvantage to any participant by conducting the programme in a language in which such participant is not proficient. Reporting on interviews with participants shall be done in a language that the participant is proficient in. Information obtained through vague and incoherent questions should not be published, or such questions should not be asked. At the outset, a participant in the programme should be warned not to make statements which are unethical or harmful to communal harmony, and if such statements are made while the discussion is in progress, such statements should not be reported.
 - 3.9 If the chairperson, member of the board of management, director or any journalist of any print media institution is actively involved in political activities and where any such involvement may result in a conflict of interest in providing balanced broadcasting, telecasting or publishing, such person shall inform in writing the management of the institution, the following: -
 - (a) the involvement of a such person in political activity;
 - (b) the position held by such a person in the institution; and
 - (c) the extent of involvement of a such person in arranging and conducting programmes.
 - 3.10 Where any person holding any position in any recognized political party is also holding a dominant office such as the chairman, member of the board of directors, chief executive or chief editor of any media institution and, where such person is also a candidate at an election/a poll or the party to which such person belongs is directly or under a recognized alliance contesting at such election/poll, he shall cease to engage in the duties assigned to him in such media institution. Further, if such a person is contesting as a candidate or holding office in a

- contesting party at an election/a poll, he shall not be involved in moderating any programme in any television or broadcasting institution which is of political in nature and, in the case of print media, such person shall not publish articles on political matters through that media institution.
- 3.11 Any print media that publishes the result of an opinion poll shall publish the name of the organization which conducted the poll, the organization or the person that commissioned and funded such poll, the purpose of the poll, the methodology employed, the size of the sample, margin of error and the period of fieldwork. Further, the broadcaster or publisher shall state that such poll reflects a public opinion only at the time of such opinion poll.
- 3.12 Where any candidate makes any statement to promote the candidature of another candidate of a party or group, to which such candidate does not belong, no publicity shall be given to such statement by way of broadcasting or telecasting such statement.
- 3.13 No Photographing and publishing of any polling station or postal voting centre without the due permission of the Election Commission. No unauthorized photo or video shall be published in the newspapers, or over print media. Even photographs and video footage taken after obtaining the permission of the Election Commission should be published only after the closure of the election/poll.
- 3.14 Any advertisement, quiz programme, entertainment programme, any programme relating to development activities or any such activities, or any other programme of such nature conducted prior to the date of the election/poll, by or featuring any candidate or promoting or demoting any candidate or party or an independent group shall not be published during the period of silence which operates just before the date of the election/poll. It is considered vital that a period of silence prevails just before the date of the poll to enable the voter to contemplate and, consider the pros and cons of various policies announced and promises made by political parties and candidates during the election campaign.
- 3.15 The “silence period” in relation to the election campaign is the period commencing 48 hours before the date on which the election/poll is scheduled to be held and ending on the date when the results are announced. No propaganda activity or advertising whatsoever promoting or demoting any political party or candidate shall be carried out during this period. However, footage of public meetings held for the promotion of political parties or candidates on the day before the start of the silence period may be aired only on one occasion on radio and television during their news bulletins on the day following the meeting, in such manner that all parties or candidates contesting the election receive an equal time slot. Also, news reports on final-day meetings may be published in the newspapers circulating on the day following such meetings in such a manner that no party or candidate receives special treatment.
- 3.16 Every print media institution shall refrain from publishing material that may promote or induce hatred and intolerance among Sri Lankan people on various grounds including religious beliefs, faith, language, ethnicity, customs and caste.
- 3.17 Every print media institution shall avoid publishing propaganda activities that promote hateful politics among political activists and within society.
- 3.18 A print media institution shall not give coverage to anonymous notices or material and to notices or material under the names of fake organizations or persons. The responsibility in this regard shall lie with the respective media institutions.
- 3.19 Every print media institution shall refrain from republishing any statement made previously by any candidate or a supporter about another candidate of another political party, without the consent of the declarant and shall honour a request made by the declarant not to repeat such a statement made by him previously.
- 3.20 A print media institution and the person publishing or making any statement as the case may be, shall be equally accountable with regard to the publishing, of incorrect statements or news and shall be subject to legal proceedings that may arise in this regard.

- 3.21 All print media institutions shall refrain from publishing unofficial results until the election/poll results are officially announced by the Election Commission.
- 3.22 All government and semi-government print media institutions shall refrain from the use of state property and funds to promote any political party, group or candidate or to cause loss to government revenue or act so as to cause damage to any institution. In the event of a breach of this guideline, in addition to the penalties specified in the Constitution of the Democratic Socialist Republic of Sri Lanka, disciplinary action may be instituted against those responsible.
- 3.23 The proprietors of all print media shall adhere to these guidelines and ensure that the respective institutions owned by them observe such guidelines.
- 3.24 It shall be the responsibility of all print media institutions to adhere to these guidelines during the period of an election/poll.
- 3.25 It is not only the duty but also the responsibility of the proprietors of media institutions and administrators and users of social media to adhere to these guidelines, as the observance of these guidelines is essential to ensure a free and fair election/poll.
- 3.26 All print media institutions should refrain during the period of an election/poll from publishing news, statements, or speeches by politicians or other persons appreciating acts of violence, violation of election laws and illegal acts, or in a manner that causes disturbances and acts of violence among social groups.
- 3.27 It shall be the responsibility of every print media institution to adhere to and abide by the ethics pertaining to media.
- 3.28 Media institutions shall refrain from publishing any statement, report or propaganda made on any media, whether in print, radio, television or internet / social media, on matters covered or not covered by these media guidelines if they violate the Constitution of the Democratic Socialist Republic of Sri Lanka or any election or other law in force in the country.

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