

Election Commission of India
Nirvachan sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/57/2015

Date: 18th September, 2015

PRESS NOTE

Sub: General election to Legislative Assembly of Bihar, 2015 – Media Coverage during the period referred to in Section 126 of RP Act, 1951.

The schedule for calling general election to the Legislative Assembly of Bihar has been announced on 9th September, 2015. Poll is scheduled to be held in 5 (five) phases. Section 126 of Representation of the People Act, 1951, prohibits displaying any election matter by means, inter alia, of television or similar apparatus, during the period of 48 hours before the hour fixed for conclusion of poll in a constituency. The relevant portions of the said Section 126 are re-produced 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 to Section 126A of the R.P. Act 1951, which prohibits conduct of Exit poll and dissemination of their results during the period reckoned from the commencement of polls in the first phase and till half hour after the close of poll for the last phase in the State.

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

