

# Election Commission of India

Nirvachan sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/44/2013

Date: 9<sup>th</sup> October 2013

## **PRESS NOTE**

Sub: General election to State Legislative Assemblies of Rajasthan, Madhya Pradesh, Chhattisgarh, Mizoram and NCT of Delhi 2013 – Media Coverage during the period referred to in Section 126 of RP Act, 1951.

Section 126 of the Representation of the People, 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 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 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 upto a period of two years, or with fine or both.

3. 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 mentioned therein, in the hour fixed for commencement of polls in the first phase and half hour after the time fixed for close of poll for the last phase in all the States.

4. 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.

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 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 27<sup>th</sup> August, 2012 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.

6. Attention of all media is also drawn to the following guidelines issued by Press Council of India 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.

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

(Dhirendra Ojha)  
Director