



### **ABSTRACT**

Elections – Advertisement of political nature on TV channels and cable network - Constitution of District Level/State Level Committees for pre-viewing, scrutinizing and certifying advertisements of political nature – State / District Level MCMC function at all times and not restricted only during the election period - Orders issued.

### **PUBLIC (ELECTIONS.VII) DEPARTMENT**

**G.O. (Ms.) No.574**

**Dated: 9.11.2020**

#### **Read:**

1. From the Election Commission of India, Letter No.509/ 75/ 2004/ JS-I, dated: 15.04.2004.
2. From the Election Commission of India, Letter No.509/ 75/2004/ JS-I/ Vol.II, dated:26.09.2007.
3. From the Election Commission of India, Letter No.491/Paid News/ 2012/Media, dated: 27.08.2012.
4. From the Election Commission of India, Letter No.491/ SM/ 2013/ Communication, dated:25.10.2013.
5. From the Election Commission of India, Letter No.491/ MCMC/ 2018/ Communication, dated: 13.09.2018.
6. G.O.(Ms.) No.138, Public (Elections.VII) Department, Dated: 14.02.2019.
7. G.O.(Ms.) No.191, Public (Elections.VII) Department, Dated: 14.03.2019.
8. From the ECI, ND, Lr.No.491/Paid News / 2019 / Communication, Dated : 25.02.2019.
9. From the Head of Programs, Doordarshan Kendra, Chennai-5, Letter No.DDKC/ STATE/ 20, dated: 10.09.2020.
10. From the Secretary, PCI New Delhi Letter No.17.16.10-II,PCI, Dated:5.11.2020.
11. From the Deputy Director (News), All India Radio, No.7, Kamarajar Salai, Mylapore, Chennai-4, Letter No. RNU/ AIR/ Chennai/ Misc/ Eln, dated: 07.11.2020.

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#### **ORDER:**

In pursuance of the orders of the Supreme Court of India, dated:13-4-2004 and the Election Commission's letter first read above, Committees have to be constituted for pre-viewing, scrutinizing and certifying advertisements of political nature to be telecast over Television channels and Cable networks and broadcast on Radio, including private FM channel during the period of Model Code of Conduct. The Commission, in its further guidelines in the reference third read above, has directed to constitute Media Certification and Monitoring Committee in each district

during the election period to take up the additional task of keeping the check on the cases of Paid News also. Accordingly, the Committees were constituted during the previous elections including the General Elections to Tamil Nadu Legislative Assembly, 2016 and the General Elections to Lok Sabha, 2019.

2. The Commission in its letter fourth read above, has stated that the instructions of the Commission contained in its order dated: 15.04.2004 shall also apply mutatis mutandis to websites including social media websites and shall fall under the purview of pre-certification. Hence, the Commission has requested to ensure that no political advertisements are released to any internet based media/websites, including social media websites, by political parties/ candidates without pre-certification from competent authorities in the same format and following the same procedures as referred in the aforesaid order.

3. In the reference fifth read above, the Commission has stated that as per the directions of Hon'ble Supreme Court dated 13.04.2004, issued in exercise of the powers under Article 142 of the Constitution of India, the scope and ambit of the directions regarding the functioning of State and District Level MCMC are applicable in the whole of territory of India at all times and not restricted only during the period commencing from the date of announcement of the election schedule by the Commission and till the completion of election process and the details were already clarified vide Commission's letter dated 26<sup>th</sup> September, 2007. Hence, the Commission has requested to issue necessary instructions/clarifications to the notice of all Media Certification and Monitoring Committees / DEOs / ROs / Media / Political parties and all other stakeholders in the State for strict compliance.

4. In pursuance of the guidelines and instructions of the Election Commission of India, it is proposed to constitute the following committees for pre-viewing, scrutinizing and certifying advertisements of political nature over Television, Cable Networks, broadcast on Radio including private FM Channel and websites including Social media websites by political parties/candidates and the State / District Level MCMC will function at all times and not restricted only during the election period:

**I. At District Level:**

There will be the District Level Committee for scrutiny of Media Certification and Monitoring Committee and Paid News and the Committee will function at all times and not restricted only during the election period, which shall be composed of the following officers:-

- i) District Election Officer / Returning Officer (of Parliamentary Constituency)
- ii) Assistant Returning Officer (not below Sub Divisional Magistrate SDM-Sub Collector (or) RDO)
- iii) An intermediary expert / Social media expert (to be chosen by the RO subject to the eligibility criteria)
- iv) Central Government Information & Broadcasting Ministry official (if, any in the district) If Information & Broadcasting Ministry official is not posted in the District, District Election Officer can

appoint preferably a Central Government Officer or a Senior State Government Officer posted in the District.

- v) Independent citizen / Journalist as may be recommended by Press Council of India (If Press Council of India is not providing names to be included in the Media Certification and Monitoring Committee, District Election Officer may himself appoint either an independent Senior Citizen or Journalist, who is willing and as who, in the opinion of the District Election Officer is eligible in terms of background and record of neutrality)
- vi) District Public Relation Officer/District Information Officer/equivalent - Member Secretary. The Member Secretary (DPRO / DIO or equivalent) should be from the Provincial State Civil Services.

For the purpose of the **certification of advertisements as per aforesaid Supreme Court order, Returning Officer of the Parliamentary Constituency / District Election Officer and an Assistant Returning Officer (not below Sub-Divisional Magistrate) and An Intermediary Expert / Social Media Expert shall be the members of the Media Certification and Monitoring Committee.** However, for the scrutiny of the cases of 'Paid News' etc, District Media Certification and Monitoring Committee shall have three additional members as given at (iv), (v) and (vi).

**The above Committee shall have two distinct sets of functions:**

**(i) Certification of Advertisements for which two specific members of MCMC i.e. Returning Officer and Assistant Returning Officer shall have to consider and decide on such advertisements for certification.**

**(ii) Examining complaints/issues of Paid News etc by all members through monitoring arrangement (i.e. the complaints regarding the Paid News cases will be brought into the notice of the District Level Media Certification and Monitoring Committee in first, then the members of iv, v and vi consisting of the MCMC Committee will deal with the Paid News complaints exclusively)**

The District Committee will also look into Model Code of Conduct violations with specific reference to the Media sphere and send a report to the District Election Officer with a copy to the General Observer. The Committee will submit a Daily Report with respect to each candidate in a format to the Accounting Team with copy to Returning Officers and Expenditure Observer with respect to expenditure incurred by the candidate on election advertising including the assessed cases of Paid News.

Further, a Committee will be formed in the Chief Electoral Officer's office chaired by Additional/ Joint Chief Electoral Officer/ Deputy Chief Electoral Officer & Deputy Secretary (as the case may be) who is in charge of media as detailed below and the Committee will function at all times and not restricted only during the election period.

5. Accordingly, the Joint Chief Electoral Officer (SVEEP) MCMC at Chief Electoral Officer's office is constituted in order to pre-view, scrutinize and certify the advertisements of political nature at the State level:-

## II. The Joint Chief Electoral Officer (SVEEP) MCMC at Chief Electoral Officer's office:

1)	The Joint Chief Electoral Officer (SVEEP), Public (Elections) Department, Ch - 9. (Thiru V.Manikandan, Jt.CEO (SVEEP))	Chairperson
2)	The Regional Deputy Commissioner, (who is the Returning Officer for 04.Chennai (Central) Parliamentary Constituency) ( Thiru P.N.Sridhar, I.A.S.,)	Member
3)	An intermediary expert / Social media expert ( Thiru V.Sridhar, Dy. CEO & DS to Government, Public (Elections) Department, Chennai - 9.)	Member (in respect of Social Media)
4) a)	The Programme Executive, Doordarshan Kendra, Chennai (Thiru T.S.Krishnakumar)	Member (in respect of advertisement in TV channels)
b)	The News Editor, All India Radio, Chennai-4 (Thiru S.Karthikeyan)	Member (in respect of advertisement on Radio)

All registered Political parties having their headquarters in Tamil Nadu and all Organizations or Group of persons or Associations having their registered offices in Tamil Nadu will submit their applications for certification of any advertisements on television channels / cable networks and for pre-broadcast scrutiny on Radio, including private FM channels and also in Social media platforms to the above Committee.

6. To deal with the complaints and grievances of any political party or a candidate or any other person in this regard to the decision to grant or refuse certification of an advertisement taken by the District Level Committee or the Joint Chief Electoral Officer Level Committee, the following State Level (Appellate) Committee is constituted:

i)	The Chief Electoral Officer and Secretary to Government, Public (Elections) Department, Chennai-9.	Chairperson
ii)	Any Observer appointed by the Election Commission of India*	Member *
iii) a)	The Head of Programmes, Doordarshan Kendra, Chennai-5 (Thiru J.Sundar)	Member (in respect of advertisement in TV channels)
b)	The Deputy Director (News), All India Radio, Ch-4 (Thiru Jaya Singh)	Member (in respect of advertisement on Radio)

iv)	An intermediary expert / Social media expert ( Thiru V.Sridhar, Dy. CEO & DS to Government, Public (Elections) Department, Chennai - 9.)	Member (in respect of Social Media)
v)	The Director (M&C), Press Information Bureau, Government of India, Ministry of Information and Broadcasting, Chennai-6. (Thiru Gurubabu Balaraman)	Member (in respect of Paid News cases)
vi)	The Member, Press Council of India. (Thiru M.A.Majid, Member, Press Council of India, Working journalist, Aadab Telangana, 19-3-613, Gazibanda, Hyderabad- 500053)	Member (in respect of Paid News cases)
vii)	The Joint Chief Electoral Officer(SVEEP) in charge of media	Member Secretary

\* Till the appointment of an Observer, the Committee will function either with some other officer or with existing members of the committee.

**The appeal on certification of advertisements (MCMC) to be handled by members at (i), (ii), (iii) and (iv) in the manner specified in the Commission order dated: 15.04.2004, while the members at v, vi and vii are added to deal with Paid News cases.**

7. The terms and conditions for submission of applications for certification shall be as per the orders and directions given by the Supreme Court of India and by the Election Commission of India vide its orders read above.

8. All registered Political parties having their headquarters in Tamil Nadu shall submit their applications for certification of any advertisement on Television channels / Cable Networks / Social media and on Radio **not later than 3 (three) days prior to the date of commencement of the broadcast / telecast. Any other person or unregistered political parties shall submit their applications not later than 7 (seven) days prior to the broadcast / telecast.**

9. The applications should be submitted in the prescribed format along with the following documents:-

- i) Two copies of the proposed advertisement in the electronic form along with a duly attested transcript thereof.
- ii) The application for certification shall contain the following details:-
  - a) The cost of production of the advertisement;
  - b) The approximate cost of the proposed telecast / broadcast of such advertisement on a Television channel / Cable Networks / Social media and on the radio with the break-up of number of insertions and rate proposed to be charged for each such insertion;

- c) It shall also contain a statement whether the advertisement inserted is for the benefit of the prospects of the election of a candidate(s) / parties;
- d) If the advertisement is issued by any person other than a political party or a candidate, that person shall state on oath that it is not for the benefit of the political party or a candidate and that the said advertisement has not been sponsored or commissioned or paid for by any political party or a candidate;
- e) A statement that all the payment shall be made by way of cheque or demand draft.

(BY ORDER OF THE GOVERNOR)

SATYABRATA SAHOO  
CHIEF ELECTORAL OFFICER &  
SECRETARY TO GOVERNMENT

To  
The Chief Electoral Officer and  
Secretary to Government, Public (Elections) Department,  
Chennai-600 009.

The Joint Chief Electoral Officer (SVEEP),  
Public (Elections) Department, Chennai - 9.

Thiru P. N.Sridhar, I.A.S.,  
Regional Deputy Commissioner,  
(who is the Returning Officer for 04.Chennai (Central) Parliamentary  
Constituency)

Thiru T.S.Krishnakumar  
Programme Executive,  
Doordarshan Kendra, Chennai-5

Thiru S.Karthikeyan  
News Editor,  
All India Radio, Chennai-4

Thiru J.Sundar  
Head of Programmes,  
Doordarshan Kendra, Chennai-5

Thiru Jaya Singh  
Deputy Director (News),  
All India Radio, Chennai-4

Thiru Gurubabu Balaraman  
Director (M&C),  
Press Information Bureau,  
Government of India,  
Ministry of Information and Broadcasting, Chennai-6.



Thiru M.A.Majid,  
Member, Press Council of India,  
Working journalist,  
Aadab Telangana, 19-3-613,  
Gazibanda, Hyderabad- 500053

Thiru V.Sridhar,  
Dy. CEO & DS to Government,  
Public (Elections) Department,  
Chennai - 9.)

All District Election Officers.

**Copy to:**

The Secretary, Election Commission of India,  
New Delhi - 110 001.

The Principal Private Secretary/ Private Secretary / Personal Clerk to  
Chief Electoral Officer/ Additional / Joint Chief Electoral Officer  
(SVEEP)/Deputy Chief Electoral Officer & Deputy Secretary,Public  
(Elections) Department, Chennai – 600 009.

The Secretary,  
Press Council of India, Soochna Bhavan,  
No.8 –C.G.O Complex, Lodhi Road, New Delhi-110 003.

The Additional Director General (M & C),  
B Block, Ground Floor, Shastri Bhavan,  
Haddows Road, Chennai – 600 006.

The Head of Programmes,  
Doordarshan Kendra,  
5, Swami Sivananda Salai, Chepauk, Chennai – 600 005.

The Additional Director General (SR-I),  
All India Radio Campus, Chennai – 600 004.

The Public (Elections-IV) Department.  
(for taking necessary action in respect of Paid News cases)

// FORWARDED / BY ORDER //

*S. Dharmaraj*  
SECTION OFFICER.

*9/11/2020*

