

GOVERNMENT OF TELANGANA
ABSTRACT

Elections –General Elections to the Legislative Assembly of Telangana State- 2018 - Measures to check “Paid News” during elections i.e., advertising in the garb of news in the Media and related matters - Constitution of Committee on Certification of advertisements of political parties and contested candidates – Revised Orders – Issued – Regarding.

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GENERAL ADMINISTRATION (ELECTIONS.A) DEPARTMENT

G.O.Rt. No.2186

Dated:16-10-2018

Read the following:

1. From the Election Commission of India, New Delhi Order No. 509/75/2004/JS-I, dated. 15-04-2004.
2. From the Election Commission of India, New Delhi Order No. 491/Paid News/2012/Media, dated. 27-08-2012.
3. From the Election Commission of India, New Delhi Letter No. 23/LET/ECI/FUNC/ERD-ER/2018, dated. 08-09-2018.
4. From the E.C.I. New Delhi Letter No. 491/Paid News/2018/ Communication, dated. 13-09-2018. (w.e.).
5. This Office Memo No. 1972/Elecs.A/A2/2018-1, dated. 20-09-2018 addressed to all the (31) DEOs in the State on Constitution of Dist.MCMCs.
6. This Office Letter No. 1972/Elecs.A/A2/2018-4, dated. 20-09-2018 addressed to the Secretary, Press Council of India, New Delhi.
7. This Office Letter No. 1972/Elecs.A/A2/2018-5, dated. 20-09-2018 addressed to the Addl.D.G.,P.I.B., M/o Information & Broadcasting, G.O.I. for the State of Telangana at Hyderabad.
8. From Sri T.V.K.Reddy, I.I.S., Addl.D.G., P.I.B., M/o Information & Broadcasting, G.O.I., for the State of Telangana at Hyderabad, Consent Letter No. 1/01/2019-H(Elections), dated. 25-09-2018.
9. This Office Letter No. 1972/Elecs.A/A2/2018-6, dated. 20-09-2018 addressed to the Dy.Director General (Engg.), Prasar Bharthi, Door Darshan Kendra, Hyderabad.
10. This Office Letter No. 1972/Elecs.A/A2/2018-7, dated. 20-09-2018 addressed to Dy.Director General , Prasar Bharthi, All India Radio, Hyderabad.
- 11.From Sri M.Vijaya Bhagawan, Programme Director, Prasar Bharthi, Door Darshan Kendra, Hyderabad, Consent Lr.No.TVH/MISC/ 2018 -2019, dated. 25-09-2018
12. From Smt. M..S. Lakshmi, Correspondent, Prasar Bharthi, All India Radio, Hyderabad, Consent Lr.NoTVH/MISC /2018-2019, dated. 24-09-2018.
13. G.O.Rt.No. 2061 G.A.(Elections.A) Department, dated.04-10-2018.
14. From the ECI, New Delhi Press Note No.ECI/PN/66/2018, dt.6-10-2018.
- 15.G.O.Rt.No.2117 G.A.(Elections.A) Department, dated.09-10-2018.

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ORDER :-

Consequent on dissolution of the Legislative Assembly of Telangana State under

(P.T.O)

Article 174 (2) (b) of the Constitution of India, on 6th September, 2018 by the Governor of Telangana State communication received vide reference 3rd read above, the Election Commission of India, has decided to conduct General Elections to the Legislative Assembly of Telangana State on 07-12-2018 vide Press Note 14th read above.

2. In the reference 4th read above, the Commission while communicating the Order of the Commission issued in the reference 2nd read above, consequent upon order of the Hon'ble Supreme Court of India in S.L.P.(C) 6679/2004 dated.13-04-2004, wherein the Commission have issued revised guidelines on the measures to check 'Paid News' during elections i.e., advertisements in the garb of news in Media and related matters, has directed to constitute the district level Media Certification and Monitoring Committees (MCMCs) in each district and also State level Media Certification and Monitoring Committee (MCMC) during election period to take up the additional task of keeping a check on the cases of Paid News.

3. In the reference 5th read above, all the Collectors & District Election Officers in the State of Telangana and also the Commissioner, Greater Hyderabad Municipal Corporation of Hyderabad, & District Election Officer, Hyderabad District have been requested to confirm the constitution of district level Media Certification and Monitoring Committees (MCMCs) in their districts to check 'Paid News' and to take up the task of keeping a check on the cases of Paid News for the General Elections to the Legislative Assembly of Telangana State.

4. As per the instructions of the Commission issued at Para No. 2.1 of its Order dated. 27-08-2012, under reference 2nd read above, the State level Media Certification and Monitoring Committee (MCMC) has been constituted with the Officers specified therein to decide the appeal cases from both District and Addl./Jt.CEO Committees on certification of advertisements as per the Commission Order dt. 15-04-2004 and also to examine all cases of "Paid News" on appeal against decision of the District level MCMC or cases that they may take up suo motu, in which case, to direct the concerned Returning Officers to issue notices to the candidates in connection with the conduct of the General Elections to the Legislative Assembly of Telangana State vide Orders issued in the G.O.Rt.13th read above

5. In the reference 1st read above, the Commission has communicated its Order dated. 15-04-2004 issued consequent upon the Order of the Hon'ble Supreme Court of India in S.L.P. (C) No. 6679/2004, dated. 13-04-2004, wherein the Commission among others, at Paragraph 6 (iii) and (iv) (a) & (b) of the said Commission's Order dated. 15-04-2004 has directed to constitute the following Committee to deal with the applications for certification of advertisement on television channel and cable network by all the registered political parties having their headquarters in the State and all organizations or group of persons or associations having their registered offices in the State.

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|---|-----------------|
| (a) The Additional / Joint C.E.O | ... Chairperson |
| (b) Returning Officer any Parliamentary Constituency
Located in the Capital of the State. | ... Member |
| (c) One Expert being an Officer not below the rank of
Class –I Officer to be requisitioned from the
Ministry of Information & Broadcasting. | ... Member |

6. As per Paragraph 6 (iv) of the said Commission's Order dated. 15-04-2004, the Committee constituted in Paragraph 6 (iii) above will entertain applications for certification of political advertisements on Television Channels and Cable network by the following:

- (a) All Registered political parties having their Headquarters in that State.

- (b) All Organisations or group of persons or Associations having their registered Offices in that State.

7. The directions of the Commission contained in the Order dated. 15-04-2004 shall bind all the political parties, candidates, persons, group of persons or Trusts who propose to insert the advertisements in the electronic media, including the cable networks and / or television channels as well as Cable Operators.

8. The applications for certification of any advertisement by even registered political parties and even contesting candidates shall be made to the Committee constituted as at Paragraph No. 6 (iii) of the said Commission's Order dated. 15-04-2004 and such applications for certification of any advertisement shall be disposed off by the said Committee within 2 (two) days of its receipt. While disposing of such applications, it will be open to the Committee to direct deletion / modification of any part of advertisement. Every such order of the Committee making comments and observation for deletion and modification shall be binding and be complied by the concerned political party or contesting candidate or any other person within 24 hours from the receipt of such communication. The advertisement so modified will be resubmitted for review and certification.

9. The Committee constituted is satisfied that the advertisement meets the requirements of the law in accordance with the directions of the Hon'ble Supreme Court of India as inserted in para nos. 4 and 5 of the Commission's Order dated. 15-04-2004, it should issue a certificate to the effect of the advertisement is concerned is fit for telecast in the format as at Annexure – B of the Compendium of Instructions on Election Expenditure Monitoring.

10. Every application for certification of any advertisements by even registered political parties and every contesting candidate shall be made to the Committee in the format prescribed in Annexure – A of the Compendium of Instructions on Election Expenditure Monitoring. The application for issue of certification of advertisement shall be accompanied by the following:

- (i) Two copies of the proposed advertisement in electronic form along with a duly attested transcript thereof;
- (ii) The application for certification of advertisement shall contain the following details:
 - (a) The cost of production of the advertisement;
 - (b) The approximate cost of proposed telecast of such advertisement on a TV Channel or cable network with 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.

11. In the reference 4th read above, the Commission while communicating its Order dated. 27-08-2012 issued in the reference 2nd read above, wherein among others, at Paragraph No. 3, the Commission have directed to constitute the Addl./ Joint CEO's Committee on Certification and the Committee chaired by Addl. / Jt.CEO for Certification of advertisement constituted as per the Commission's Order dated. 15-04-2004 shall continue to function as stated in the aforesaid order.

12. In pursuance of the above instructions of the Commission, in partial modification in the name of the Chairperson i.e., in place of Smt. Amarpali Kata I.A.S., Jt.CEO who has been nominated as Chairperson for the Committee constituted for issue of certification of political advertisements of political parties and contesting candidates vide G.O.Rt.No.2117, dt.9.10.2018, 15th read above, now, Sri Buddaprakash Jyothi, IAS, Addl.CEO is nominated as the Chairperson of the Committee is hereby constituted for issue of certification of political advertisements of political parties and contesting candidates for telecast in electronic media in connection with the conduct of the General Elections-2018 to the Legislative Assembly of Telangana State with the following Officers as members.

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|----|---|----------------------|
| 1) | Sri Buddaprakash Jyoti I.A.S.,
Addl. Chief Electoral Officer, Telangana State | ... Chairperson |
| 2) | Sri T.V.K.Reddy I.I.S.,
Addl. Director General, Press Information Bureau,
M/o Information & Broadcasting, G.O.I. for Telangana State,
at Hyd | ... Member |
| 3) | Sri M.Vijaya Bhagwan,
Programme Director, Prasar Bharthi, Door Darshan Kendra,
Telangana State, Hyderabad. | ... Member |
| 4) | Smt. M.S. Lakshmi
Correspondent, Prasar Bharthi, All India Radio
Telangana State, Hyderabad. | ... Member |
| 5) | Smt. M.Satyavani
Deputy Chief Electoral Officer, Telangana State | ... Member Secretary |

13. A copy of the Commission's Order No. 509/75/2004/JS-I, dated. 15-04-2004, under reference 1st read above is appended to this Order for strict compliance.

14. The Committee constituted above shall remain in force till further orders.

15. The above orders are available on Website www.ceotelangana.nic.in

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA STATE)

**Dr. RAJAT KUMAR,
CHIEF ELECTORAL OFFICER &
E.O PRL. SECRETARY TO GOVT.**

To

The Members of the Committee concerned.

All the Members of the State level MCMC constituted as per G.O.Rt. 13th read above.

Contd...5/-

All the Collectors & District Election Officers in the State of Telangana.

(except Collector, Hyderabad District)

The Commissioner, G.H.M.C., Hyderabad & District Election Officer, Hyderabad District.

All the Political Parties in the State of Telangana (State & National)

All the Television Channels / Cable Network / Private F.M. Radios - (Through the Commissioner, Information & Public Relations Department, Telangana State, Hyderabad).

Copy to :

1. The Commissioner, Information & Public Relations Department, Telangana State, Samachar Bhavan, A.C.Guards, Hyderabad – 500 004.
2. The Deputy Director General, Prasar Bharthi, Door Darshan Kendra, Telangana State, Ramanthapur, Hyderabad – 500 013.
3. The Station Director, Prasar Bharthi, All India Radio, Saifabad, Hyderabad – 500004
4. Addl. Director General, Press Information Bureau, M/o Information & Broadcasting, G.O.I., for the State of Telangana, at Room No.203, 2nd Floor, C.G.O. Towers, Kavadiaguda, Hyderabad – 80
5. The Secretary, Press Council of India, Sookhana Bhavan, 8-C, C.G.Os Complex, Lodhi Road, New Delhi – 110003
6. All the Officers in the Office of the Chief Electoral Officer, Telangana State
7. Sri E.Venkatesham, Deputy Director, I & PR Department, Telangana State & Nodal Officer of the O/o the CEO, T.S.
8. Project Manager, I.T., O/o the CEO, T.S.
9. Sri Pawan Diwan, Under Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi - 110001.
10. Sri Rajan Jain, Under Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi – 110001.
11. Spare -1

//FORWARDED :: BY ORDER//


SECTION OFFICER

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. 509/75/2004/JS-I

Dated : 15th April, 2004.

To

The Chief Electoral Officers
of all States / Union Territories.

Subject:- Supreme Court's Order dated 13th April, 2004 relating to advertisements of political nature on TV Channel and cable networks.

Sir,

I am directed to enclose herewith a copy of the order dated 15th April, 2004, passed by the Commission in pursuance of the Order dated 13th April, 2004, of the Hon'ble Supreme Court in SLP (C) No. 6679 of 2004 (Ministry of Information and Broadcasting Vs. M/s. Gemini TV Pvt. Ltd. and others).

2. It may be noted that the Commission has directed that for pre-viewing, scrutinizing and certifying advertisements to be telecast over TV channels and cable networks by any registered political party or by any group or organization / association, having headquarters in NCT of Delhi, the Chief Electoral Officer, Delhi is to constitute a Committee as directed in paragraph 6 (i) of the Order. Similarly, the Chief Electoral Officers of other States / Union Territories will constitute Committees for dealing with applications by political parties and other associations / groups with headquarters in their States / Union Territories, as per paragraph 6 (iii). Vide paragraph 6 (v) of the Order, the Returning Officer of every Parliamentary Constituency have been declared as Designated Officer for previewing, scrutinizing and certifying advertisements by individual candidates contesting election from the constituency concerned. For the candidates contesting the current general election to the Legislative Assemblies of Andhra Pradesh, Karnataka, Orissa and Sikkim and the bye-elections in some States, the Returning Officer of the Parliamentary Constituency comprising the Assembly Constituency concerned will entertain applications for certification of advertisements.

3. The Chief Electoral Officers of all States / Union Territories are also required to constitute further a Committee to attend to complaints / grievances in regard to the decision of the Committees / Designated Officers on the application for certification of advertisements.
4. Each application for certification is to be submitted before the Committee concerned or the Designated Officer concerned in a statement as per the format prescribed in Annexure-A appended to the Order. The certificate for telecast for an advertisement is to be given by the Committee / Designated Officer in the format as given in Annexure-B appended to the Order. The applicants are required to submit two copies of the proposed advertisements in electronic form alongwith an attested transcript thereof.
5. A proper record in a register should be maintained for all applications received for certification. Each application should be serially numbered and the serial numbers should also be indicated on the two copies in electronic form and the receiving officer should affix his signature on the electronic copy. After issue of certificate, one electronic copy of the advertisement as certified for telecast, should be retained by the Committee / Designated Officer.
6. All Chief Electoral Officers may take immediate action for acquiring, by hiring or purchase, necessary equipments / infrastructure, such as television, VCR, VCD, etc. that may be required for the purpose of previewing and scrutinizing of advertisements by the Committees and Designated Officer in their State / Union Territory. Any purchase made are to be in accordance with the rates and procedures approved by the State Governments for similar items.
7. The Commission's order may be given wide publicity and this may be specifically brought to the notice of all District Election Officers / District Magistrates, Returning Officers, TV Channels, cable operators and political parties in the State / Union Territory.
8. Kindly acknowledge receipt.

Yours faithfully,

(K.F. WILFRED)
SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. 509/75/2004/JS-I

Dated : 15th April, 2004.

ORDER

1. Whereas, Section 6 of the Cable Television (Regulation) Act, 1995, provides that no person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code; and

2. Whereas, Sub- rule (3) of Rule 7 of the Cable Television Network (Regulations) Rules, 1994 laying down the advertising code in terms of the abovementioned Section 6 provides that “no advertisement shall be permitted, the objects whereof, are wholly or mainly of a religious or political nature; advertisements must not be directed towards any religious or political end”; and

3. Whereas, the High Court of Andhra Pradesh, by its judgement and order dated 23-03-2004 in WPMP No.5214/2004 (Gemini TV Pvt. Ltd. Vs. Election Commission of India and others), suspended the above mentioned provisions of Rule 7(3) of the Cable Television Network (Regulation) Rules, 1994; and

4. Whereas the Hon’ble Supreme court, by its interim order dated 2-4-2004, in SLP (Civil) No.6679/2004 (Ministry of Information & Broadcasting Vs M/s Gemini TV and Others), in substitution of the order under challenge, had directed as below:-

- (i) **No cable operator or TV channel shall telecast any advertisement, which does not conform to the law of the country and which offends the morality, decency and susceptibility of views or which is shocking, disgusting and revolting;**
- (ii) **The telecast shall be monitored by the Election Commissioner of India;**
- (iii) **The question as to whether the expenditure incurred by the candidate on inserting such advertisement should or should not be included, shall be considered on 5th April, 2004; and**

- (iv) **The modalities whether such advertisements are in conformity with law, shall be laid down by the Election Commissioner of India.**

5. Whereas, The Hon'ble Supreme Court of India by its further order dated 13th April, 2004, in SLP (Civil) No.6679/2004, has directed as follows:

“ --- Before we pass the order, it will be worthwhile to notice certain provisions of the Cable Television Networks (Regulation) Act, 1995 [for short, “the Act”], as amended from time to time, and the Rules framed there under. The object of the Act is to regulate the operation of the cable television network in the country. Section 6 of the Act provides that no person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code. Section 11 of the Act provides that if any authorized officer has reason to believe that the provisions of the Act have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network. Section 12 of the Act provides for confiscation of the equipment in the event of any violation of the provisions of the Act. Similarly, Section 13 of the Act also provides for seizure or confiscation of the equipment and punishment. Section 16 further provides for punishment for contravention of the provisions of the Act. Section 19 lays down that an authorized officer, if he thinks necessary or expedient so to do in the public interest, may, by order, prohibit any cable operator from transmitting or re-transmitting any advertisement which is not in conformity with the prescribed programme code and advertisement code and it is likely to promote enmity on grounds of religion, race, language, caste or community or any other grounds whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religion, racial, linguistic or regional groups or castes or communities or which is likely to disturb public tranquility. Section 22 of the Act empowers the Central Government to frame Rules to carry out the provisions of Act. The Central Government in exercise of the powers conferred on it by Section 22 of the Act is

empowered to make Rules which are known as The Cable Television Networks Rules, 1994 [for short, “the Rules”]. Rule 7 of the Rules provides that where an advertisement is carried in the cable service it shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers. Sub-rule (2), inter alia, provides that no advertisement shall be permitted which derides any race, caste, colour, creed and nationality, is against any provision of the Constitution of India and tends to incite people to crime, cause disorder or violence or breach of law or glorifies violence or obscenity in any way. Sub-rule (3) further provides that no advertisement shall be permitted the objects whereof are wholly or mainly of religious or political nature, advertisements must not be directed towards any religious or political end. It is in this background, we now propose to pass the following order:

Every registered National and State, political party and every contesting candidate proposing to issue advertisement on television channel and/or cable network will have to apply to the Election Commission/Designated Officer (as designated by the Election Commission) not later than three days prior to the date of the proposed commencement of the telecast of such advertisement. In case of any other person or unregistered political parties, they will have to apply not later than seven days prior to the date of the telecast. Such application shall be accompanied by two copies of the proposed advertisement in electronic form along with a duly attested transcript thereof. In case of first phase of elections, the application shall be disposed of within two days of its receipt and until decision thereon is taken, our order dated 2nd April, 2004, shall apply. In case of subsequent phase of election, the application shall be disposed of within three days of its receipt and until the decision thereon is taken, our order dated 2nd April, 2004, shall apply. While disposing of such applications, it will be open to the Election Commission/Designated Officer to direct deletion/modification of any part of the advertisement.

The application for certification shall contain following details:

(a) The cost of production of the advertisement;

- (b) The approximate cost of proposed telecast of such advertisement on a television channel or cable network 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; and**
- (e) A statement that all the payments shall be made by way of cheque or demand draft.**

We find that Section 2(a) of the Act defines “authorized officer”, within his local limits of jurisdiction, as (a) District Magistrate; (b) Sub-divisional Magistrate; or (c) or Commissioner of Police. Similarly, Section 28-A of the Representation of People Act, 1951 provides that the Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and any other officer appointed under this part and any police officer designated for the time being by the State Government, for the conduct of any election shall be deemed to be on deputation to the Election Commission for the period commencing on and from the date of the notification calling for such election and ending with the date of declaration of results of such election and, accordingly, such officer shall during that period, be subject to the control, superintendence and discipline of the Election Commission.

Since it is not physically possible for the Election Commission to have a pre-censorship of all the advertisements on various cable networks and television channels, it has become necessary to authorize the Election Commission to delegate its powers in this behalf to the respective District Magistrates of all the States or Union Territories, not below the rank of a Sub-divisional Magistrate or a member of the State Provincial Civil Service. This may be done by a general order issued by the Election Commission. These

officers shall act under the control, superintendence and discipline of the Election Commission. The Election Commission in its turn may delegate its powers to the Chief Electoral Officer of each State or the Union Territories, as the case may be.

The Chief Electoral Officer of each State or Union Territory may appoint a committee for entertaining complaints or grievances of any political party or candidate or any other person in regard to the decision to grant or to refuse certification of an advertisement. The committee so appointed shall communicate its decision to the Election Commission.

The committee so constituted will function under the overall superintendence, direction and control of the Election Commission of India.

The decision given by the committee shall be binding and complied with by the political parties, candidates, or any other person applying for advertisements in electronic media subject to what has been state above.

The comments and observations for deletion or modification, as the case may be, made, shall be binding and complied with by the concerned political party or contesting candidate or any other person within twenty four hours from the receipt of such communication and the advertisement so modified will be re-submitted for review and certification.

We may clarify that provisions of Section 126 of the Representation of People Act, 1951, shall apply to the advertisement covered by this order.

If any political party, candidate or any other person is aggrieved by the decision taken either by the committee or by the Designated Officer/Election Commission it will be open for them to approach only this court for clarification or appropriate orders and no other court, tribunal or authority shall entertain any petition in regard to the complaint against such advertisement. This order shall come into force with effect from 16th April, 2004 and shall continue to be in force till 10th May, 2004.

This order is being issued in exercise of the powers under Article 142 of the Constitution of India and it shall bind all the political parties, candidates, persons, group of persons or Trusts who propose to insert the advertisement in the electronic media, including cable network and/or television channels as well as cable operators.

It will be open to the Election Commission to requisition such staff as may be necessary for monitoring the telecast of such advertisements. Where the Election Commission is satisfied that there is a violation of this order or any provisions of the Act, it will issue an order to the violator to forthwith stop such violations and it will also be open to direct seizure of the equipments. Every order shall be promptly complied with by the person(s) on whom such order is served.

The funds to meet the cost of monitoring the advertisements should be made available to the Election Commission by the Union of India. Adequate publicity of this order shall be given by the Union of India on the electronic media and through print media.

This order is in continuation of the order passed by this Court on 2nd April, 2004 and shall remain in operation as an interim measure till 10th May, 2004.

Subject to the aforesaid order, the judgement of the High Court of Andhra Pradesh dated 23rd March 2004 shall remain stayed. This order is passed not in derogation of but in addition to the powers of the Central Government in regard to the breach of the provisions of the Act.”

6. Now therefore, in pursuance of the aforesaid directions of the Hon’ble Supreme Court, the Election Commission, hereby directs as follows: -

(i) The Chief Electoral Officer Delhi is hereby directed to constitute a Committee comprising the following persons to deal with the applications by the political parties and organizations mentioned in para (ii) herein below:-

- a) The Joint Chief Electoral Officer – Chairperson.
- b) Returning Officer of any Parliamentary Constituency in Delhi.
- c) One expert being an officer not below the rank of Class- I officer to be requisitioned from the Ministry of Information & Broadcasting.

(ii). The above Committee will entertain applications for certification of any advertisement to be inserted in a television channel or cable network by the following:-

- a) All registered political parties having their headquarters in NCT of Delhi.
- b) All groups or organizations or associations or persons having their headquarters in NCT of Delhi.

(iii) The Chief Electoral Officer of every other State/Union Territory is hereby directed to constitute the following Committee to deal with applications by political parties and organizations mentioned in para (iv) below:-

- (a) The Additional/Joint Chief Electoral Officer - Chairperson.
- (b) Returning Officer of any Parliamentary constituency located in the capital of the State.
- (c) One expert being an officer not below the rank of Class- I officer to be requisitioned from the Ministry of Information & Broadcasting.

(iv). The Committee constituted in para (iii) above will entertain applications for certification for advertisement on television channel and cable network by the following:-

- (a) All registered political parties having their headquarters in that State /Union Territory,
- (b) All organisations or group of persons or associations having their registered offices in that State/Union Territory.

(v) The Returning Officer of every Parliamentary constituency in the country are hereby declared as Designated Officers for the purpose of entertaining application for certification of an

advertisement proposed to be issued on cable network or television channel by an individual candidate contesting the election from the Parliamentary constituency of which such Designated Officer is the Returning Officer and candidates contesting in the Assembly constituencies falling within that Parliamentary constituency. The said Returning Officer may co-opt any of the Assistant Returning Officers, not below the rank of a Sub-divisional Magistrate belonging to the State Provincial Civil Service to assist him in the task of certification of applications.

7. The Chief Electoral Officer of every State/Union Territory will constitute the following Committee to entertain complaints/grievances of any political party or candidate or any other person in regard to the decision to grant or refuse certification of an advertisement:-

- (i) The Chief Electoral Officer - Chairperson.
- (ii) Any Observer appointed by the Election Commission of India
- (iii) One expert to be co-opted by the Committee other than the one mentioned in paras 6 (i) and 6 (iii) above.

8. The applications for certification of any advertisements by every registered political parties and every contesting candidates shall be made to the Committees mentioned in paras 6 (i) and 6 (iii) above or the Designated Officer as mentioned in para 6 (iv) above, as the case may be, not later than 3 (three) days prior to the date of the commencement of the telecast of such advertisements. In the case of first phase of elections such applications shall be disposed of within 2 (two) days of its receipt and until decision thereon is taken, the order of the Supreme Court dated 2-4-2004 shall apply.

9. Where an application for certification of advertisement is by any other person or unregistered political parties, it will have to be made not later than 7 (seven) days prior to the date of telecast.

10. Every such application, in the format prescribed at **Annexure A**, shall be accompanied by the following :

- (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 following details:-
 - (a) The cost of production of the advertisement;
 - (b) The approximate cost of proposed telecast of such advertisement on a television channel or cable network 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.

11. While taking a decision on the applications for certification of an advertisement, it will be open for the Committees constituted in para 6 (i) and 6 (iii) above or the Designated Officer as in para 6 (v) above or the review Committee as constituted in para 7 above to direct deletion/modification of any part of the advertisement. Every such order making comments and observation for deletion and modification shall be binding and be complied by the concerned political party or contesting candidate or any other person within 24 hours from the receipt of such communication. The advertisement so modified will be re-submitted for review and certification.

12. Where the Committees constituted in para 6 (i) and 6 (iii) above or the Designated Officer or the review Committee as constituted in para 7 above as the case may be, is satisfied that the advertisement meets the requirements of the law and in accordance with the directions of the Supreme Court as inserted in paras 4 and 5 above, it should issue a certificate to the effect of the advertisement concerned is fit for telecast. The format for the certificate is at **Annexure B**.

13. The directions contained in the order dated 13th April 2004 by Supreme Court shall be strictly complied with by everyone concerned and will remain in operation till 10th May 2004 and it shall bind all the political parties, candidates, persons, group of persons or Trusts who propose to insert the advertisements in the electronic media, including the cable networks and/or television channels as well as cable operators.

By Order,

(K.F. WILFRED)
SECRETARY

APPLICATION FOR CERTIFICATION OF ADVERTISEMENT

I.

- (i) Name and full address of the applicant
- (ii) Whether the advertisement is by a political party / contesting candidate / any other person / group of persons / association/ organization / Trust
(give the name)
- (iii) (a) In case of political party, the status of the party (whether recognized National/ State / unrecognized party)

(b) In case of a candidate, name of the Parliamentary / Assembly Constituency from where contesting
- (iv) Address of Headquarters of political party / group or body of persons / association/ organization / Trust
- (v) Channels / cable networks on which the advertisement is proposed to be telecast
- (vi) (a) Is the advertisement for the benefit of prospects of election of any candidate(s)

(b) If so, give the name(s) of such candidate(s) with full address and name(s) of constituency(ies)
- (vii) Date of submission of the advertisement
- (viii) Language(s) used in the advertisement
(advertisement is to be submitted with two

copies in electronic form alongwith a duly attested transcript)

- (ix) Title of advertisement
- (x) Cost of production of the advertisement
- (xi) Approximate cost of proposed telecast with the breakup of number of insertions and rate proposed for each such insertion
- (xii) Total expenditure involved (in Rupees)

II.

I, Shri / Smt. _____, S/o / D/o / W/o _____, (full address) _____, undertake that all payments related to the production and telecast of this advertisement will be made by way of cheque / demand draft.

Place :
Date :

Signature of the applicant

III.

(Applicable for advertisement by a person / persons, other than a political party or a candidate)

I, Shri / Smt. _____, S/o / D/o / W/o _____, (full address) _____, hereby state and affirm that the advertisement(s) submitted herewith is not for the benefit of any political party or any candidate and that this advertisement(s) has / have not been sponsored / commissioned or paid for by any political party or a candidate.

Place :
Date :

Signature of applicant

CERTIFICATION OF ADVERTISEMENT FOR TELECAST

I.

- (i) Name and address of the applicant / political party / candidate / person / group of persons / association/ organization/ Trust
- (ii) Title of advertisement
- (iii) Duration of advertisement
- (iv) Language(s) used in advertisement
- (v) Date of submission of advertisement
- (vi) Date of certification for telecast

II.

Certified that the above advertisement is fit for telecast as per the guidelines prescribed by the Hon'ble Supreme Court of India.

Signature of chairperson /
members of committee /
Designated Officer

Place :

Date :