

GOVERNMENT OF TELANGANA
ABSTRACT

Elections – Bye- election to 31-Huzurabad Assembly Constituency, Karimnagar district scheduled to be held on 30.10.2021 - Constitution of Addl.CEO's Committee on Certification of election advertisements of political parties - Orders - Issued.

GENERAL ADMINISTRATION (ELECTIONS.A) DEPARTMENT

G.O.Rt.No.2274

Dated:08.10.2021

Read the following:

1. Hon'ble Supreme Court of India, New Delhi Orders in S.L.P.(c) No. 6679/2004, dated 13.04.2004.
2. Election Commission of India, New Delhi Order No.509/75/2004/JS-1, dated 15.04.2004.
3. Election Commission of India, New Delhi Lr.No.491/Paid News/2012/Media, dated 27.08.2012.
4. Election Commission of India, New Delhi Lr.No.491/Paid News/2019/Communication, dated 25.02.2019.
5. Election Commission of India, New Delhi Letter No. 491/MCMC/2021/Communication, dated 19.03.2021.
6. Election Commission of India, New Delhi Press Note No.ECI/PN/83/2021, dated 28.09.2021.

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ORDER:

Pursuant to the directions of the Election Commission of India vide its orders 2nd to 5th read above, Committee on Certification of election advertisement pertaining to the political parties for campaign by way of telecast in Electronic Media i.e. on TV Channels, Cable Networks, Cinema Halls and Broadcast in Radio Stations including private FM channels; publication in Print Media and for campaigning in Social Media in connection with the conduct of the Bye-election to 31-Huzurabad Assembly Constituency, Karimnagar district scheduled to be held on 30.10.2021, is constituted with the members mentioned below.

- 1) Dr. Buddhaprakash Jyoti I.A.S. ... Chairperson
Additional Chief Electoral Officer,
Telangana State.
- 2) Smt V.Gayatri, IIS, ... Member
Media & Communication Officer
Press Information Bureau,
M/o Information & Broadcasting, G.O.I.
CGO Towers, Kavadiguda,
Hyderabad – 500 095.
- 3) Sri M.Babu Rao, ... Member
Head of Programmes, Prasar Bharthi,
Door Dharshan Kendra,
Telangana State, Ramanthapur, Hyderabad - 500013.
- 4) Smt. M.S. Lakshmi ... Member
News Correspondent, Regional News Unit,
Prasar Bharthi, All India Radio,
Telangana State, Hyderabad.
- 5) Sri M. Madhavacharya ... Member
Assistant Director, Digital Media,
(Intermediary Expert / Social Media Expert)
O/o the Director, Digital Media,
ITE&C Department, Telangana State Secretariat,
5th Floor, B.R.K.Bhavan, Hyderabad - 29.
- 6) Smt. M.G. Madhavi ... Member Convenor
Assistant Chief Electoral Officer,
Telangana State.

(P.T.O.)

2. As per the instructions contained in the Election Commission of India, 3rd read above, the aforesaid Committee constituted has no jurisdiction over cases of 'Paid News'.

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

**Dr. SHASHANK GOEL
CHIEF ELECTORAL OFFICER &
E.O.SPL. CHIEF SECRETARY TO GOVERNMENT**

To

The Chairperson and Members of the Committee constituted herein.

{Along with copy of the ECI Letter No.491/Paid News/2019/Communication, dated 27.08.2012; 25.02.2019 and 19.03.2021}.

The Collectors & District Election Officers of Karimnagar and Hanumakonda (w.e.)

The Returning Officer, 31-Huzurabad Assembly Constituency, Karimnagar district. (w.e.)

{Through the Collector & District Election Officer Karimnagar district}.

The Presidents of all Political Parties for the State of Telangana

{Recognized National and State Level Political Parties}

{Along with copy of the ECI Lr.No.491/Paid News/2019/Media, dated 27.08.2012; 25.02.2019 and 19.03.2021}

The Commissioner, Information & Public Relations Department, Telangana State, Samachar Bhavan, A.C.Guards, Hyderabad – 500 004.

All the Television Channels / Cable Network Operators/ All India Radio and Private F.M. Channels {Through the Commissioner, Information & Public Relations Department, Telangana State, Hyderabad.}

Copy to :

1. The Chairperson and Members of the State level MCMC Constituted. (w.e.)
2. The Principal Secretary to Govt, Information Technology Electronics and Communications Department, Telangana State, Secretariat, 5th Floor, B.R.K. Bhavan, Hyderabad-29 .
3. The Director General (South Zone), Press Information Bureau, M/o. Information & Broadcasting, GOI, Room No.203, 2nd Floor, CGO Towers, KavadiGuda, Sec'bad – 80.
4. Director, Prasar Bharthi, Door Darshan Kendra, Telangana State, Ramanthapur, Hyderabad- 500 013.
5. The Station Director, Prasar Bharthi, All India Radio, Saifabad, Hyderabad – 500004.
6. The P.M. I.T and S.L.A. O/o the CEO, T.S. for uploading the G.O.Rt. in CEOs website.
7. All the Officers, in G.A (Elections) Dept., and P.S/ PA to the CEO/ Addl. CEO/ Joint CEO/ Dy. CEO.
8. Sri Sanjeev Kumar, Under Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi – 110001.
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// FORWARDED :: BY ORDER //


SECTION OFFICER

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/83/2021

Dated:28th September, 2021

PRESS NOTE

Subject: Schedule for Bye-elections in Parliamentary/ Assembly Constituencies of various States – reg.

The Commission has reviewed the situations related to pandemic, flood, festivals, cold conditions in certain regions, feedback from concerned States/UT and taken into consideration all facts and circumstances and it has decided to hold bye-elections to fill vacancies in three (3) Parliamentary Constituencies of UT of Dadra & Nagar Haveli and Daman & Diu, Madhya Pradesh and Himachal Pradesh and thirty (30) vacancies in Assembly Constituencies of various States as per details given below:

Sl. No.	State/UT	Parliamentary Constituency No. & Name
1.	UT of Dadra & Nagar Haveli and Daman & Diu	Dadra & Nagar Haveli
2.	Madhya Pradesh	28-Khandwa
3.	Himachal Pradesh	2-Mandi

Sl. No.	State	Constituency No. & Name
1.	Andhra Pradesh	124-Badvel (SC)
2.	Assam	28-Gossaigaon
3.	Assam	41-Bhabanipur
4.	Assam	58-Tamulpur
5.	Assam	101-Mariani
6.	Assam	107-Thowra
7.	Bihar	78-Kusheshwar Asthan (SC)
8.	Bihar	164-Tarapur
9.	Haryana	46-Ellenabad
10.	Himachal Pradesh	08-Fatehpur
11.	Himachal Pradesh	50-Arki

12.	Himachal Pradesh	65-Jubbal- Kotkhai
13.	Karnataka	33-Sindgi
14.	Karnataka	82-Hangal
15.	Madhya Pradesh	45-Prithvipur
16.	Madhya Pradesh	62-Raigaon (SC)
17.	Madhya Pradesh	192-Jobat (ST)
18.	Maharashtra	90-Deglur (SC)
19.	Meghalaya	13-Mawryngkneng (ST)
20.	Meghalaya	24-Mawphlang (ST)
21.	Meghalaya	47-Rajabala
22.	Mizoram	4-Tuirial (ST)
23.	Nagaland	58-Shamtorr-Chessore (ST)
24.	Rajasthan	155-Vallabhnagar
25.	Rajasthan	157-Dhariawad (ST)
26.	Telangana	31-Huzurabad
27.	West Bengal	7-Dinhata
28.	West Bengal	86-Santipur
29.	West Bengal	109-Khardaha
30.	West Bengal	127-Gosaba(SC)

The Commission has decided to hold these bye-elections to fill vacancies and has fixed the dates of poll events as per provisions under Section 30 and date of withdrawal under Section 30(c) of the Representation of the People Act, 1951. The schedule of bye election is as follows:

Schedule 1: For Assembly Constituency of Andhra Pradesh, Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Nagaland, Rajasthan, Telangana and Parliamentary Constituency of UT of Dadra & Nagar Haveli and Daman & Diu, Himachal Pradesh, Madhya Pradesh.

Poll Events	Schedule 1
Date of Issue of Gazette Notification	01.10.2021 (Friday)
Last Date of Nominations	08.10.2021 (Friday)

Date for Scrutiny of Nominations	11.10.2021 (Monday)
Last Date for Withdrawal of candidatures	13.10.2021 (Wednesday)
Date of Poll	30.10.2021 (Saturday)
Date of Counting	02.11.2021 (Tuesday)
Date before which election shall be completed	05.11.2021 (Friday)

Schedule 2: For Assembly Constituency of Assam, Bihar and West Bengal	
Poll Events	Schedule 2
Date of Issue of Gazette Notification	01.10.2021 (Friday)
Last Date of Nominations	08.10.2021 (Friday)
Date for Scrutiny of Nominations	11.10.2021 (Monday)
Last Date for Withdrawal of candidatures	16.10.2021 (Saturday)
Date of Poll	30.10.2021 (Saturday)
Date of Counting	02.11.2021 (Tuesday)
Date before which election shall be completed	05.11.2021 (Friday)

1. ELECTORAL ROLL

The published Electoral Rolls for the aforesaid Assembly Constituencies w.r.t 01.01.2021 will be used for these elections.

2. ELECTRONIC VOTING MACHINES (EVMs) and VVPATs

The Commission has decided to use EVMs and VVPATs in the bye-election in all the

polling stations. Adequate numbers of EVMs and VVPATs have been made available and all steps have been taken to ensure that the polls are conducted smoothly with the help of these machines.

3. IDENTIFICATION OF VOTERS

Electoral Photo Identity cards (EPIC) shall be the main document of identification of a voter. However, any of the below mentioned identification documents can also be shown at the polling station:

- i. Aadhar Card,
- ii. MNREGA Job Card,
- iii. Passbooks with photograph issued by Bank/Post Office,
- iv. Health Insurance Smart Card issued under the scheme of Ministry of Labour,
- v. Driving License,
- vi. PAN Card,
- vii. Smart Card issued by RGI under NPR,
- viii. Indian Passport,
- ix. Pension document with photograph,
- x. Service Identity Cards with photograph issued to employees by Central/State Govt./PSUs/Public Limited Companies, and
- xi. Official identity cards issued to MPs/MLAs/MLCs.

4. MODEL CODE OF CONDUCT

The Model code of conduct shall come into force with immediate effect in the district(s) in which the whole or any part of the Assembly constituency going for election is included, subject to partial modification as issued vide Commission's instruction No. 437/6/1NST/2016-CCS, dated 29th June, 2017 (available on the commission's website).

5. INFORMATION REGARDING CRIMINAL ANTECEDENTS

The Commission has prescribed timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and upto 48 hours before ending with the hour fixed for conclusion of poll.

The consolidated instructions on this matter is available on the Commission's website under the following hyperlink <https://eci.gov.in/files/file/12265-broad-guidelines-of-election-commission-of-india-on-publicity-of-criminal-antecedents-by-political-parties-candidates/>

This is in furtherance of the judgment of the Hon'ble Supreme Court of India dated 13.02.2020 and 10.08.2021 in Contempt Petition (C) No. 656 of 2020 titled Brajesh Singh Vs. Sunil Arora & Ors., which has been circulated to political parties

vide Commission's letter dated 26.08.2021. In pursuance of the direction given under Para 73.v of the judgment, now, Format C-7 should be published by the political parties **within 48 hours of the selection of the candidate and not prior to two weeks before the first date of filing of nominations.**

The Commission has also prescribed following timeline for publicity of criminal antecedents during the period starting from the day following the last date of withdrawal and upto 48 hours before ending with the hour fixed for conclusion of poll.

The consolidated instructions on this matter is available on the Commission's website under the following hyperlink <https://eci.gov.in/files/file/12265-broad-guidelines-of-election-commission-of-india-on-publicity-of-criminal-antecedents-by-political-parties-candidates/>

6. BROAD GUIDELINES TO BE FOLLOWED DURING THE CONDUCT OF BYE-ELECTIONS /ADJOURNED POLL DURING the period of COVID-19

The Commission has issued broad guidelines on 21st August, 2020. Also, it has issued further guidelines on 09.10.2020, 09.04.2021,16.04.2021, 21.04.2021, 22.04.2021, 23.04.2021 and 28.04.2021 available on Commission's website eci.gov.in or link <https://eci.gov.in/candidate-political-parties/instructions-on-covid-19/>. Also, vide letter No.40-3/2020-DM-I(A) dated 28th August, 2021, instructions for implementation of targeted and prompt actions for COVID management has been extended by MHA up to 30th September, 2021. After taking inputs from the political parties/Chief Electoral Officers and keeping the extant instructions of MHA/MoHFW in view, the Commission has further strengthened these guidelines. Further, the Commission's all instructions relating to conduct of General Election in West Bengal during the COVID-19 period shall also be *mutatis mutandis* applicable for these bye-elections/adjourned poll.

All stake holders shall abide by these instructions. State Government concerned shall take all appropriate actions/measures in compliance to these instructions as follows.

1	Nomination	During Pre and post nomination procession, public meeting prohibited / Only three vehicles permitted within a periphery of 100 meters of RO's office. No procession for nomination shall be permitted.
2	Campaign period	

	(a) Meeting for	
	(i) Indoor	30% of allowed capacity or 200 persons, whichever is less. A register will be maintained to count the number of people attending the meeting.
	(ii) Outdoor	With 50% of capacity (as per Covid-19 guidelines) or 1000 in the case of Star Campaigners and 50% of the capacity or 500 in all other cases. In either case, the allowed number is whichever is less. The entire area will be cordoned off and will be guarded by the police. The count of people entering the ground will be monitored. Expenditure for the cordoning/barricading will be borne by the candidate/party. Only those grounds which are cordoned/barricaded completely will be used for rallies.
	(b) Star Campaigners	Number of Star Campaigners restricted to 20 for these bye-elections for National /State recognized parties and 10 for un-recognized registered parties in the wake of the Covid-19 pandemic.
	(c) Road show	No Roadshow shall be allowed and No Motor/Bike/Cycle rallies to be allowed
	(d) Street corner meeting	Maximum 50 persons shall be allowed (Subject to availability of space and compliance to COVID-19 guidelines.)
	(e) Door to door campaign	Door to door campaign with 5 persons including candidates/their representatives.
	(f) Campaign through video van	Not more than 50 audiences shall be allowed in one cluster point subject to availability of space and compliance to covid guidelines.
	(g) Use of vehicles for campaign	Total vehicles allowed for a candidate/political party (excluding Star Campaigner):- 20 Maximum no. of persons allowed per vehicle 50% of the capacity.
3	Silence period	The silence period is 72 hours before the end of poll.
4	Poll day activities	1. Maximum 2 vehicles with 3 persons each shall be allowed. Security as per the applicable extant guidelines.

		2. Poll day activity on polling station as per ECI guidelines.
5	Counting day	DEOs to take appropriate measures to prevent crowding. Social distancing and other COVID safety protocols to be strictly adhered to at all the times during counting.

7. All such activities will be strictly complied as per the Covid-19 guidelines issued by competent authorities. Social distancing and use of mask, sanitizers, thermal scanning, face shield, hand gloves, etc., as per COVID-19 protocol, have to be complied with. SDMA is responsible for all preventive and mitigation measures to ensure adherence to COVID protocol. Chief Secretary and DG and district level authorities will be responsible for monitoring, supervision and compliance of covid-19 guidelines.
8. If a candidate or political party violates any of the above guidelines, no more permission shall be given to the concerned candidate/party for rallies, meetings etc. If any star campaigner violates the COVID protocols, he shall not be allowed to campaign further in that constituency/district.
9. All polling personnel and election officials including the private persons engaged in the election duty shall be **double vaccinated** before taking their services.
10. Candidate/election agent/polling agent counting agent/driver etc. whoever is coming in contact with the public or election officials have to be **double vaccinated**.
11. One health worker to be appointed as COVID nodal officer for each Polling Station.
12. CS/DG and concerned DMs/SPs shall take enough preventive measures and make necessary arrangements to ensure that no poll related violence occurs during pre and post poll.
13. In the light of advisory issued by the Health Ministry of GoI, ECI will keep a close watch on the evolving situation and may further tighten the guidelines for the upcoming elections.



(SANJEEV KUMAR PRASAD)
SECRETARY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/Paid News/2012/Media

Dated: 27th August, 2012

To

Chief Electoral Officer of all the States/UTs

Subject: Measures to check 'Paid News' during elections i.e. advertisement in garb of news in Media and related matters – revised guidelines – regarding.

Sir/Madam,

I am directed to invite your attention to the subject cited and to state that the Commission has issued order No. 509/75/2004/JS-1 dated 15th April, 2004 consequent upon order of the Hon'ble Supreme Court of India in SLP © No. 6679/2004. (Ministry of Information and Broadcasting vs. M/s Gemini TV Pvt. Ltd and Others) requiring the constitution of a committee for previewing, scrutinizing and verifying all advertisements by individual contesting candidates or political parties, before it is inserted in the electronic media. The Commission issued further guidelines vide its letters of even no. dated 8th June 2010, 23rd September 2010, 18th March 2011 and 16th August 2011, to constitute Media Certification and Monitoring Committee (MCMC) in each district during election period to take up the additional task of keeping a check on the cases of Paid News.

In modification of orders on 'Paid News' dated 8th June 2010 and thereafter, I am directed to state the following:

1. District Level Media certification and Monitoring Committee (MCMC)

1.1 The District level MCMC shall be formed in each district with the following members:

- (a) DEO/RO (of Parliamentary Constituency)
- (b) ARO (not below SDM)
- (c) Central Govt. I & B Ministry official (if any in the district)
- (d) Independent Citizen/Journalist as may be recommended by PCI

(e) DPRO/District Information Officer/equivalent – Member Secretary

1.1.1 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 ARO (not below SDM) shall be the members of the MCMC. However, for the scrutiny of the cases of 'Paid News' etc, District MCMC shall have three additional members as given at 'c', 'd' and 'e'.

1.1.2 If Central govt. I &B Ministry Official is not posted in the district, District Election Officer can appoint preferably a Central Govt. Officer or a senior State Govt. Officer posted in the district.

1.1.3 If PCI is not providing names to be included in the MCMC, DEO may himself appoint either an independent senior citizen or journalist, who is willing and as who, in the opinion of the DEO, is eligible in terms of background and record of neutrality.

1.1.3 The Member Secretary (DPRO/DIO or equivalent) should be from the Provincial State Civil Services.

1.2 The committee shall have two distinct sets of functions:

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

(ii) **Examining complaints/issues of Paid News** etc by all members through a monitoring arrangement.

1.3 The MCMC shall, besides discharging the functions of Certification of Advertisement and checking of Paid News, would also assist in enforcement of media related regulations under the RP Act. Hence the Committee's functions shall include:

1.3.1 MCMC shall scan all media (e.g. newspapers, print media, electronic media, cable network, internet, mobile network etc) for:

a. suspected cases of paid news (it shall also actively consider paid news cases referred to it by the Expenditure Observers. It shall intimate the Returning Officer for issue of notices to candidates for inclusion of actual expenditure on the published matter or notional expenditure based on DIPR rates in their election

expenses account (in absence of DIPR rates, DAVP rates may be used), either based on or irrespective of whether the candidate actually has paid or not paid any amount to the channel/newspaper. A copy of the notice shall also be marked to Expenditure Observer)

- b. monitoring of political advertisements in electronic media (for checking if the telecast/broadcast has been done only after certification by the Committee).
- c. monitoring political advertisements in other media, in relation to candidates, either overt or covert, from Expenditure monitoring angle (this will also include publicity or advertisement or appeal by, or on behalf of candidate, or by Star Campaigner(s) or others, to impact candidate's electoral prospects)
- d. advertisements in print media (MCMC shall check if the advertisement is with the consent or knowledge of candidate: in which case it will be accounted for in the election expenses of the candidate(s); however, if the advertisement is not with the authority from the candidate, then action may be taken for prosecution of the publisher for violation of Section 171H of IPC).
- e. checking if the name and address of the publisher and printer is carried on any election pamphlet, poster, hand bill and other document as required under Section 127A of R.P.A 1951 (If any printed material does not bear on its face the names and addresses of the printer or the publisher, MCMC shall bring it to the notice of the RO for further necessary action; For the purpose of section 127 of R.P.A. 1951, **'Paid News' would also fall in the category of other document'**).

- 1.3.2 It shall submit a daily report to Accounting team with copy to RO and Expenditure Observer in respect of each candidate in the prescribed format (as per annexure 12 of the prescribed Expenditure Guidelines) w.r.t. expenditure incurred by the candidate on election advertising or actual expenditure incurred for publishing the 'News' that is substantiated by necessary documents furnished by the candidate or notional expenditure as computed by the Committee in the assessed cases of Paid News.

1.3.3 The MCMC shall create a suitable mechanism for monitoring media and shall be equipped with adequate manpower and infrastructure for the same.

2. State level MCMC

2.1 The State level MCMC shall comprise of the following officers:

- (a) The Chief Electoral Officer, Chairman
- (b) Any Observer appointed by the Election Commission of India
- (c) One expert to be co-opted by the Committee.
- (d) Officer of Indian Information Service (IIS), (at the level of US/DS) posted in the State/UT, representing a media Department of Government of India as separate from the expert at (c) above.
- (e) Independent citizen or journalist as nominated by PCI (if any)
- (f) Addl/Jt CEO in charge of Media (Member Secretary)

2.1.1 If PCI is not providing names to be included in the Committee, CEO may himself appoint either an independent senior citizen or journalist, who is willing and who, in the opinion of the CEO, is eligible in terms of background and record of neutrality.

2.2 The State level MCMC shall perform two sets of functions:

- (i) Deciding appeal from both District and Addl/Jt CEO Committees on Certification of advertisement as per the aforesaid Commission order dated 15th April 2004.
- (ii) Examining all cases of Paid News on appeal against the decision of District MCMC or cases that they may take up suo motu, in which case it shall direct the concerned ROs to issue notices to the candidates.

2.2.1 **The appeal on certification** of advertisements need to be handled by members at (a), (b) and (c) in the manner specified in the aforesaid order dated 15th April 2004, while the members at (d), (e) & (f) are added to deal with Paid News cases.

2.2.2 It is clarified that as regards the certification, the appeal both from District and Addl/Jt CEO Committee will lie only with and will be disposed of by the State Level MCMC headed by CEO as per Commission's order dated 15th April, 2004 and no reference in this regard needs to be made to the Commission.

3. **Addl/Joint CEO's Committee on Certification :** The Committee chaired by Addl/Jt CEO for Certification of advertisement, constituted as per the Commission's 15th April 2004 order shall continue to function as stated in the aforesaid order and shall have no jurisdiction over cases of 'Paid News'.

4. **Appeal against decision of State level MCMC on Paid News**

4.1 Any appeal against the decision of the State level MCMC in matter of Paid News will be made to the Election Commission of India. The State level MCMC can also make a reference to the Commission for advice, if it deems it necessary. Wherever complaints on Paid News cases are made to the Commission directly, the Commission shall forward cases to the State level MCMC for initial consideration.

5. **Paid News Guidelines:** With regard to Paid News, following guidelines may be followed:

5.1 Six months before the due date of normal expiry of Lok Sabha or the State/UT Legislative Assembly, as the case may be, a list of television channels/radio channels/newspapers, broadcast/ circulated in the State/UT and their standard rate cards shall be obtained by the CEOs and provided to all District level MCMCs for fixing the rates of advertisements.

5.2 In case of bye-election to Parliamentary or Assembly constituency, the standard rate card shall be obtained by the District Election Officer concerned immediately on announcement of the bye-election.

5.3 In case of any doubt relating to the application of the standard rate card arising, the matter shall be referred to the DIPR or DAVP, Ministry of I&B, Gov. of India for advice.

5.4 The CEO and DEOs will brief Political Parties and Media Houses about the above guidelines before the commencement of the election campaign. Media shall be asked to exercise self-regulation in

this regard. Wide publicity may be given to this order to make the general public also aware about these guidelines. The thrust of the briefing will be on the need for self-regulation.

5.5 The cases of suspected Paid News or advertisement or appeal shall have to be considered within strict timelines as follows:

5.5.1 On reference from District MCMC, RO shall give notice to the candidates within 96 hrs of publication/ broadcast/ telecast/ receipt of complaint to explain/disclose the expenditure incurred for publishing the 'news' or similar matter, or state why expenditure should not be computed as per standard rate and added to the candidate's expenditure. The same timeline will apply when State level MCMC takes up cases suo motu or on the basis of complaints.

5.5.2 District/State level MCMC shall decide on the reply expeditiously and convey to the Candidate/Party its final decision. In case no reply is received by District MCMC from the candidate within 48 hrs of serving of notice, the decision of MCMC will be final.

5.5.3 If decision of District level MCMC is not acceptable to the candidate, he/she may appeal to State level MCMC within 48 hrs of receipt of decision, with information to the District MCMC.

5.5.4 The State level MCMC shall dispose of the case within 96 hrs of receipt of appeal and convey the decision to the Candidate with a copy to District level MCMC.

5.5.5 The Candidate may appeal against the decision of State level MCMC to ECI within 48 hrs of receiving of order from this Committee. The decision of ECI shall be final.

5.6 The entire process shall ordinarily be completed within Election period.

6. It has been observed that in certain cases, notices on paid news has been issued in large numbers while further action on the same remain pending. MCMCs may ensure that due deliberation takes place on each case and only cases that appear to be suspected cases of 'Paid News' are referred to the RO for issue of notice to the candidate. While seeing that frivolous cases are not taken up, MCMC should ensure that there is no laxity on checking actual 'Paid News'.

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7. Where the suspected cases of Paid News are decided as a “Paid News” either at District level/CEO level/Commission level, as the case may be, the actual/notional expenditure shall be treated as part of election expenses of the Candidate concerned, with due intimation to him/ her or his/her agent.
8. Where the District/State level Committee or ECI decides that it is a Paid News case, such cases shall be conveyed to Press Council of India for further action in relation to the media concerned.

Yours faithfully,

(Rahul Sharma)
Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/Paid News/2019/Communication

Dated: 25th February, 2019

To

Chief Electoral Officer of all the States/UTs

Subject: Reconstitution of Media Certification & Monitoring Committee - regarding.

Sir/Madam,

I am directed to invite your attention to the subject cited and to state that in partial modification of Commission's guidelines dated 27th August, 2012, the Media Certification & Monitoring Committees at District and State level are hereby reconstituted with the inclusion of an Intermediary expert (intermediary as defined in section 2(w) of IT Act, 2000)/social media expert. The reconstituted MCMC shall be as under:

1. District Level Media certification and Monitoring Committee(MCMC)

1.1 The District level MCMC shall be formed in each district with the following members:

- (a) DEO/RO (of Parliamentary Constituency)
- (b) ARO (not below SDM)
- (c) An intermediary expert/Social media expert (to be chosen by the RO subject to the eligibility criteria)
- (d) Central Govt. I & B Ministry official (if any in the district)
- (e) Independent Citizen/Journalist as may be recommended by PCI
- (f) DPRO/District Information Officer/equivalent - Member Secretary

1.2 For the purpose of the certification of advertisements as per the Supreme Court order dated 13.04.2004, Returning Officer of the parliamentary constituency/District Election Officer, an ARO (not below SDM) and An Intermediary Expert/Social Media Expert shall be the members of the MCMC.

2. State level MCMC

2.1 The State level MCMC shall comprise of the following officers:

- (a) The Chief Electoral Officer, Chairman
- (b) Any Observer appointed by the Election Commission of India
- (c) One expert to be co-opted by the Committee.
- (d) Officer of Indian Information Service (IIS), (at the level of US/ DS) posted in the State/UT, representing a media Department of Government of India as separate from the expert at (c) above.
- (e) Independent citizen or journalist as nominated by PCI (if any)
- (f) Addl/Jt CEO in charge of Media (Member Secretary)
- (g) An intermediary expert/Social media expert (to be chosen by the CEO subject to the eligibility criteria)

2.2 The State level MCMC shall perform two sets of functions:

- (i) Deciding appeal from both District and Addl/Jt CEO Committees on Certification of advertisement as per the aforesaid Commission order dated 15th April 2004.
- (ii) Examining all cases of Paid News on appeal against the decision of District MCMC or cases that they may take up suo motu, in which case it shall direct the concerned ROs to issue notices to the candidates.

3. Addl/Joint CEO's Committee on Certification:

The Committee chaired by Addl/Jt. CEO for Certification of advertisement shall also have one intermediary expert/social media expert as chosen by the chairperson of the committee subject to the eligibility criteria.

4. It is further stated that the duties performed by the Media certification & Monitoring Committees at District and State Level will remain as it is mentioned in the Commission's guidelines dated 27th August, 2012.

5. It is also to state that the intermediary expert/Social Media expert to be included in the MCMCs should preferably be a government officer subject to following eligibility criteria:

A. If he/she is a Government Officer, he/she should be -

- i. Not below the rank of SDM
- ii. Has at least 5 years' experience of working in IT department/cell/social media cell of the government.

B. If he/she is not a Government Officer (means private individual), he/she should -

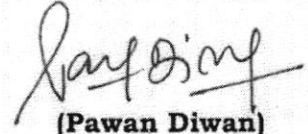
- i. Have a Masters' degree in the field of IT
- ii. Have at least 10 years' experience of working in IT department/cell/social media cell of the government at central or state level with good understanding of Social media platforms and how they work.
- iii. Be also eligible in terms of background and neutrality.

6. With respect to the profile of work which the intermediary expert/social media expert will be handling, it is to state that he/she shall:

- i. Assist the MCMC in the matter of certification of political advertisements proposed to be published on social media platforms
- ii. Assist MCMC in scanning social media platforms for suspected cases of Paid News
- iii. Assist MCMC in submitting a daily report to Accounting team with copy to RO and Expenditure Observer w.r.t. expenditure incurred by the candidate on election advertising on social media platforms
- iv. Assist the MCMC in the matters of queries/complaints related to advertisements on social media platforms
- v. Look after the overall coordination between MCMC and the intermediaries/social media platforms

- vi. Make sure that the Election Laws are strictly adhered to with matters related to advertisements on social media platforms
- vii. Assist MCMC in handling the violation cases on Social media
- viii. Being part of State level MCMC, he/she will assist in deciding appeal from District and Addl. /Jt. CEO Committee on certification of advt. on social media and also examining all cases of Paid News on appeal against the decision of District MCMC or cases that they may take up suo motu.

Yours faithfully,



(Pawan Diwan)

Under Secretary

Ph.011-23052133

Email: diwaneci@yahoo.co.in

By Speed Post/E-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/MCMC/2021/Communication

Dated: 19th March, 2021

To,

Chief Electoral Officers of
All States & Union Territories

Subject: Reconstitution of State Level Media Certification & Monitoring Committee - regarding.

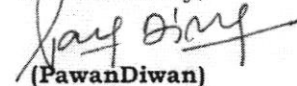
Sir/Madam,

I am directed to invite your kind attention to the subject cited and to state that in partial modification of Commission's guidelines dated 25th February, 2019, issued in continuation to the earlier guideline dated 27th August, 2012, the Media Certification & Monitoring Committees at State level is hereby reconstituted with the inclusion of an Additional Director General (ADG)/Director level officer from Press Information Bureau (PIB)/Bureau of Outreach & Communication (BOC) present in the state. The reconstituted State Level MCMC shall be as under:

- (a) *The Chief Electoral Officer, Chairman*
- (b) **ADG/Director level officer from PIB/BOC present in the state** - Nodal officer for MCMC to be nominated by DG (Zone), I & B Ministry, Govt. of India
- (c) *Any Observer appointed by the Election Commission of India*
- (d) *One expert to be co-opted by the Committee.*
- (e) *Officer of Indian Information Service (IIS), (at the level of US/DS) posted in the State/UT, representing a media Department of Government of India as separate from the expert at (c) above.*
- (f) *Independent citizen or journalist as nominated by PCI (if any)*
- (g) *Addl./Jt CEO in charge of Media (Member Secretary)*
- (h) *An intermediary expert/ social media expert (to be chosen by the CEO subject to the eligibility criteria)*

It is further informed that all other instructions with respect to the powers and functioning of State Level MCMC shall remain identical as contained in the ECI's guidelines dated 27/08/2012 & 25/02/2019 on the said subject. Accordingly, all the CEOs are requested to take further necessary action in the matter as per the aforesaid guidelines.

Yours faithfully,



(Pawan Diwan)
Under Secretary

Phone- 01123052133

Mail: diwaneci@yahoo.co.in

Copy to:

The Secretary, M/o Information and Broadcasting,
Govt. of India
Shastri Bhawan, New Delhi.