

**STATE ELECTION COMMISSION
PUDUCHERRY**

No.1-5/SEC/CE/MCMC/C4/2021

716

Dated. 21.09.2021

ORDER

Subject: - Civic Elections - Media Certification and Monitoring - Reg

The Commission hereby directs that for pre-viewing, scrutinizing, and certifying advertisements to be telecast over TV channels, cable networks, radio channels including private FM channels, and newspapers by any registered political party or by any group or organization association, District / Regional Election Officer (DEO/REO) is to constitute a Committee, to be known as the Media Certification and Monitoring Committee (MCMC), for dealing with applications by political parties and other associations / groups.

2. There will be a corresponding Committee in the Commission to attend to complaints / grievances in regard to the decisions of the Committees at the DEO/REO level.

3. The MCMC shall, from the date of notification of elections, scan all media published / circulated in the UT (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 standard card rates in their election expenses account (or 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 RPA 1951, 'Paid News' would also fall in the category of 'other document').

3. Each application for certification of advertisement is to be submitted before the Committee concerned in the format prescribed in Annexure-A appended to the Order. The certificate for telecast for an advertisement is to be given by the Committee in the format as given in Annexure-B appended to the Order.

4. The applications for certification of any advertisements by registered political parties and contesting candidates shall be made to the Committees not later than 3 (three) days prior to the date of the commencement of the telecast of such advertisements. Such applications shall be disposed of within 2 (two) days of its receipt. 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.

5. 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 candidates /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.

6. While taking decision on the applications for certification of an advertisement, it will be open for the Committees 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.

7. 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.

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

- (i) On reference from District/Regional MCMC, RO shall give notice to the candidates within 48hrs 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.
- (ii) District/Region 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/Region MCMC from the candidate within 48 hours of serving of notice, the decision of MCMC will be final.
- (iii) If decision of District level MCMC is not acceptable to the candidate, he/she may appeal to SEC-level MCMC within 48 hours of receipt of decision, with information to the District/Region MCMC.
- (iv) The SEC-level MCMC will dispose of the case within 96 hours of receipt of appeal and convey the decision to the Candidate with a copy to District level MCMC.
- (v) The entire process shall ordinarily be completed within Election period.

9. The Commission's order may be given wide publicity and this may be specifically brought to the notice of all TV Channels, cable operators, media organizations, Radio stations, and political parties in the Union Territory.

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(ROY P THOMAS)
STATE ELECTION COMMISSIONER
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To

1. The District Election Officer, Puducherry / Karaikal.
2. The Regional Election Officer, Mahe / Yanam.
3. All Returning Officers of Municipality and Commune Panchayat.

Annexure - A

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 Local Body/Ward/Post 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 along with 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 I* have not been sponsored / commissioned or
paid for by any political party or a candidate.

Place :

Date :

Signature of applicant

Annexure - B

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 relevant Acts and Rules .

Signature of chairperson & members of committee

Place:

Date: