

# Election Commission of India

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/31/2021

Date: 17<sup>th</sup> March, 2021

## PRESS NOTE

**Sub: General Election to the Legislative Assemblies of Assam, Kerala, Puducherry, Tamil Nadu & West Bengal, 2021- Media Coverage during the period referred to in Section 126 of the RP Act, 1951.**

The schedule for holding General Election to the Legislative Assemblies of Assam, Kerala, Puducherry, Tamil Nadu, West Bengal, 2021 has been announced on 26.02.2021. Polls in the states are to be held as per the schedule given below:

Name of State/UT	Phase & Poll date
Assam	Three phases - 27/03/2021, 01/04/2021 & 06/04/2021
Puducherry, Kerala & Tamil Nadu	Single phase - 06/04/2021
West Bengal	Eight Phases - 27/03/2021, 01/04/2021, 06/04/2021, 10/04/2021, 17/04/2021, 22/04/2021, 26/04/2021 & 29/04/2021

In this regard, attention of all media is invited to the Section 126 of the Representation of the People Act, 1951 that prohibits displaying any election matter by means, inter alia, of television or similar apparatus, during the period of 48 hours before the hour fixed for conclusion of poll in a constituency. The relevant portions of the said Section 126 are re-produced below:

(126. Prohibition of public meeting during period of forty-eight hours ending with hour fixed for conclusion of poll-

(1) No person shall-

(a).....

(b) Display to the public any election matter by means of cinematograph, television or other similar apparatus;

(c).....

In any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in the polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) In this Section, the expression "election matter" means any matter intended or calculated to influence or affect the result of an election

2. During elections, there are sometimes allegations of violation of the provisions of the above Section 126 of the Representation of the People Act, 1951 by TV channels in the telecast of their panel discussions/debates and other news and current affairs programmes. The Commission has clarified in the past that the said Section 126 prohibits displaying any election matter by means, inter alia, of television or similar apparatus, during the period of 48 hours ending with the hour fixed for conclusion of poll in a constituency. "Election matter" has been defined in that Section as any matter intended or calculated to influence or affect the result of an election. Violation of the aforesaid provisions of Section 126 is punishable with imprisonment up to a period of two years, or with fine or both.

3. The Commission once again reiterates that the TV/Radio channels and cable networks/internet website/social media platforms should ensure that the contents of the programmes telecast/broadcast/ displayed by them during the period of 48 hours referred to in Section 126 do not contain any material, including views/appeals by panelists/participants that may be construed as promoting/ prejudicing the prospect of any particular party or candidate(s) or influencing/ affecting the result of the election. This shall, among other things include display of any opinion poll and of standard debates, analysis, visuals and sound-bytes.

4. In this connection, attention is also invited to Section 126A of the R.P. Act 1951, which prohibits conduct of Exit poll and dissemination of its results