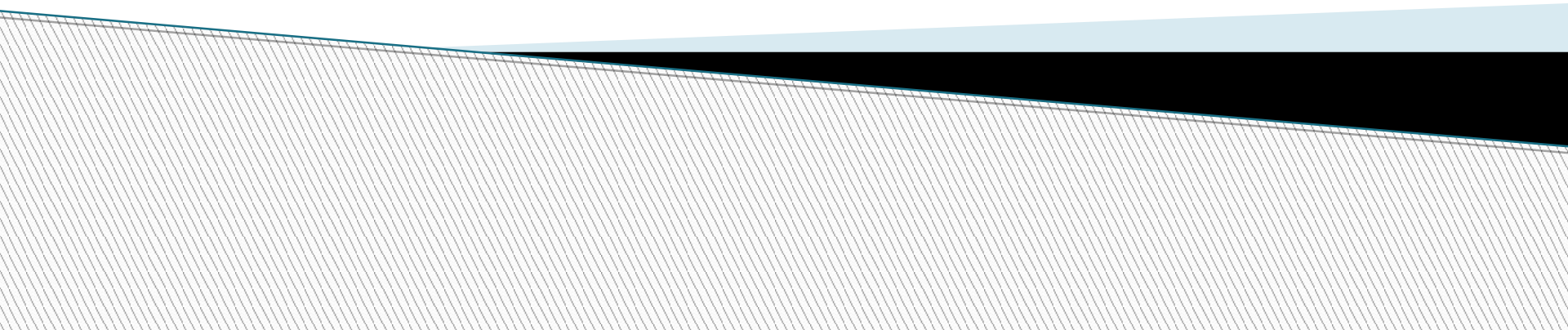


Certification of Advertisements of political nature on TV Channel and Cable Network



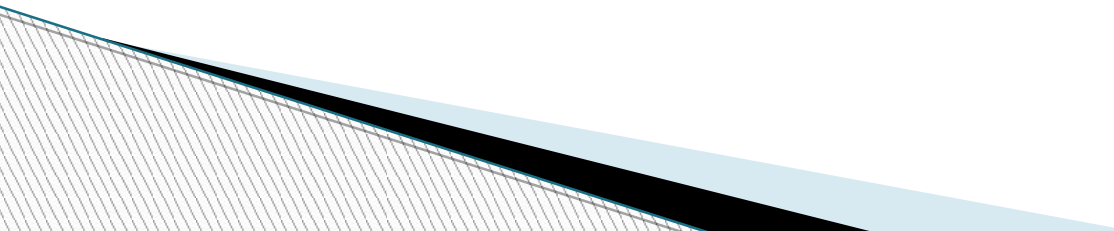
What is certification?

- ▶ Clearance of political advertisement by a committee before being telecast on television channels and cable networks by any registered political party or by any group of organization/association or by any contesting candidate during elections.

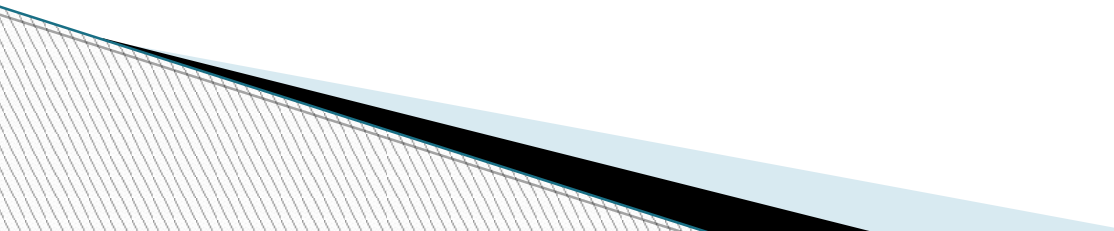
Pre certification on Social Media

- ▶ Commission issued order dated 27.08.2012, wherein Media Certification and Monitoring Committees at district and State levels were given the responsibilities of pre-certification of advertisement of political nature.
- ▶ Since social media websites are also electronic media by definition, therefore, these instructions of the Commission contained in its order No.509/75/2004/JS-1/4572 dated 15.04.2004 shall also apply to websites including social media websites and shall fall under the purview of pre-certification.

Types of Committees for certification and their functions

- ▶ District level Media Certification & Monitoring Committee (MCMC) with following composition:
 1. Returning Officer (of Parliamentary Constituency)/DEO
 2. Assistant Returning Officer (not below Sub Divisional Magistrate)
- 

Functions of the Committee

- ▶ This Committee entertains application for certification of an advertisement proposed to be issued on cable network or television channel :
 - ▶ By candidate contesting election from the parliamentary constituency concerned
 - ▶ By Candidate contesting in Assembly Constituency falling within that Parliamentary Constituency.
- 

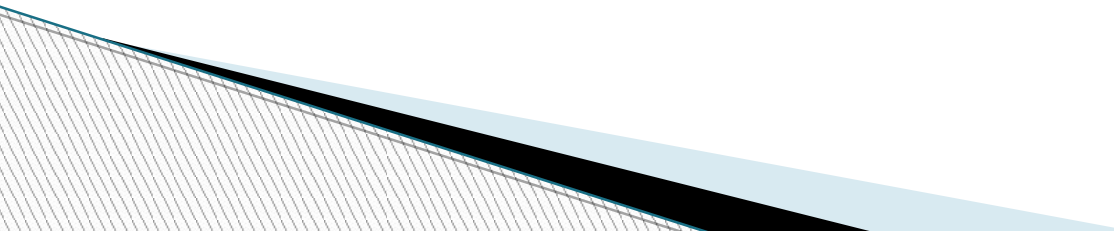
State level Committee

► **composition:**

- (i) The Addtl/Joint CEO – Chairperson
- (ii) Returning Officer of any Parliamentary Constituency located in the capital of State.
- (iii) One expert being an officer not below the rank of Class –I officer to be requisitioned from Ministry of I&B.

Functions

This Committee entertains the application for certification received from all registered political parties having their headquarters in that State/UT, all group of organisations or associates or persons having their registered office in that State/UT.

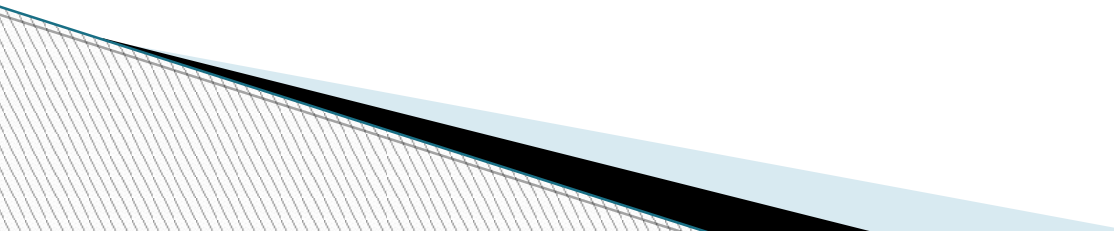


▶ Composition:

(i)The Chief Electoral Officer – Chairperson

(ii)Any Observer appointed by the Election Commission of India

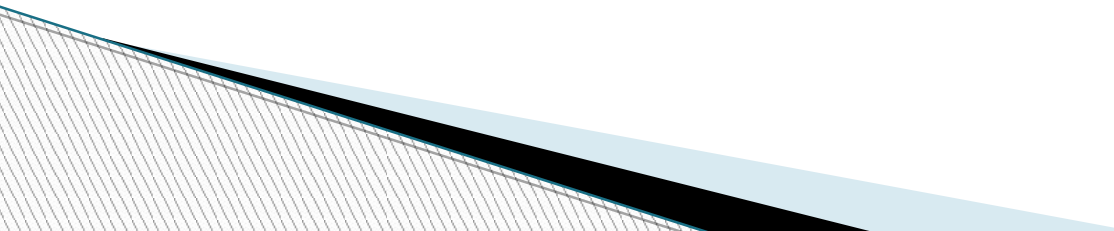
(iii)One expert to be co-opted by the Committee.



Functions

- ▶ State Level MCMC entertains the complaints/grievances/appeal of any political party or candidate or any other person in regard to decision to grant or refuse certification by District level MCMC and State level Committee headed by Addl/Jt CEO Committees.

When should be applied for certification?

- ▶ For registered National and State party and every contesting candidate, **not later than three days** prior to the date of the proposed commencement of the telecast of the advertisement.
 - ▶ In case of any other person or unregistered political parties, it should be **not later than seven days** prior to the date of the telecast.
- 

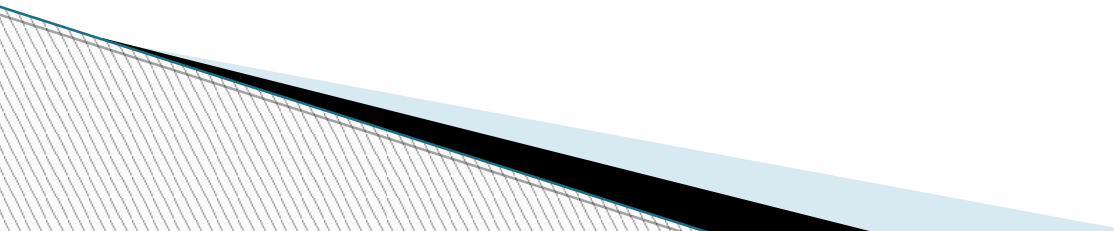
Time frame for Disposal of Application

- ▶ the Committee constituted at District level (PC level) and State level shall dispose of certification applications **within 2 days of its receipt.**

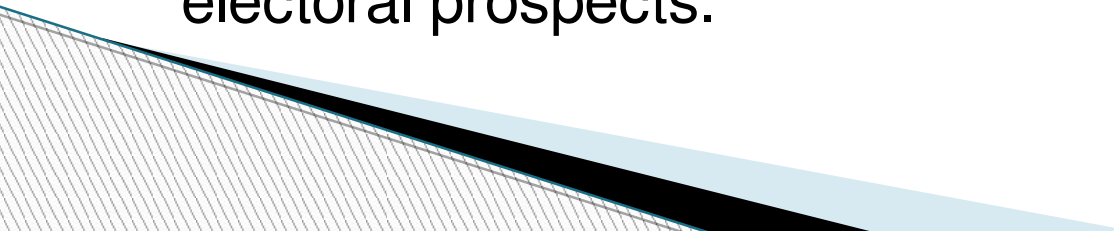
Documents to be attached with application for certification

- ▶ Two copies of the proposed advertisement in electronic form along with duly attested transcript.
- ▶ Cost of production of advertisement.
- ▶ 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.
- ▶ Statement whether the advertisement inserted is for the benefit of the prospects of the election of a candidate(s)/parties.

Documents to be attached with application for certification-cont..

- ▶ 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**
 - ▶ A statement that all the payment shall be made by cheque or demand draft.
- 

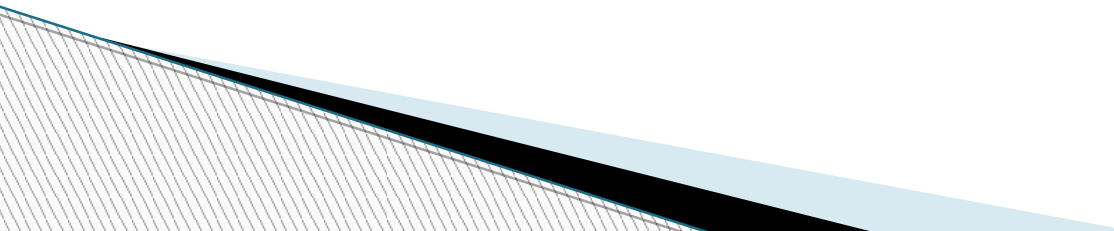
Other duties of district level MCMC(additional to certification)-1

- ▶ MCMC has an extended membership to deal with Paid News and other matters of media compliance.
 - ▶ Scan the political advertisements in electronic media for checking if the telecast/broadcast has been done only after certification by the Committee.
 - ▶ Monitoring the 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.
- 

Other duties of district level MCMC-2

- ▶ Monitoring if any advertisement in media is done 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 171H of IPC.
- ▶ Checking if the names and address of the publisher and the printer is carries on any election pamphlet, poster handbill and other documents as required under section 127A of RP Act 1951.

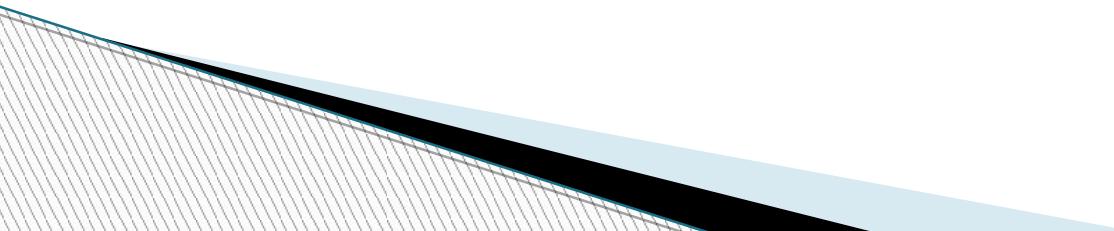
Other duties of district level MCMC-3

- ▶ Submission of daily report to Accounting team with a copy to RO and Expenditure Observer in respect of each candidate in the prescribed format w.r.t expenditure incurred by the candidate on election advertising or actual expenditure incurred for publishing the news.
- 

Does the district level MCMC has the right to refuse to give certification of an advertisement, it does not find fit to be telecast?

- ▶ Yes the district level MCMC has the right to refuse to give certification of an advertisement, it does not find fit to be telecast.

Where appeal can be made against the order of district level MCMC?

- ▶ Any political party or candidate can make an appeal against the order of district level MCMC to State level MCMC.
- 

Whether the decision of the above Committees is legally binding?

- ▶ Yes, Supreme Court Vide there order dated 13th April, 2004 authorized the Commission to constitute the Committees for the certification of political advertisements.

Format-1

▶ 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 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)

Format-1(cont..)

- ▶
- ▶ (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 : Signature of the applicant
- ▶ Date :
- ▶ 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,
- ▶ address, hereby
- ▶ State and affirm that the advertisement(s) submitted herewith is not for the benefit of any political party or any candidate and this advertisement(s) has / have not been sponsored / commissioned or paid for by any political party or a candidate.

Signature of applicant

Format -2

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 Hon'ble Supreme Court of India.

Signature of chairperson/

members of committee /
Designated Officer

Whether Print Advt. require Certification

- ▶ all political advertisement proposed to be issued on electronic media are required pre-certification from MCMCs constituted by the Commission. This does not apply on print media.
- ▶ However, during Bihar election and recently held State Assembly election , the Commission observed that some advertisements had the potential of aggravating the differences between the different classes of citizens of India and creating mutual hatred, ill-will and disharmony in society. Therefore, the Commission invoking the provisions of Article 324 directed that no political party or candidate or any other organization or person shall publish any advertisement in the newspapers on poll day and one day prior to poll day unless the contents of it are got pre-certified by the MCMC Committee at the State/District level, as the case may be.

▶ Thank You