



# Reporting LECTIONS



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# Reporting Elections: Basics

In 1947, India gained independence from the British colonial regime. On the eve of independence, Pt. Jawaharlal Nehru delivered the famous “Tryst with Destiny” speech to the Constituent Assembly of India. This speech summed up the mood of the nation which had won an identity of its own as an independent country after decades of protracted struggle against injustice, exploitation and the vestiges of its own past.

Nehru cautioned that freedom comes with a responsibility and explained what was expected from the new leadership of the country:

**“Long years ago, we made a tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially. At the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom. A moment comes, which comes but rarely in history, when we step out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, finds utterance. It is fitting that at this solemn moment we take the pledge of dedication to the service of India and her people and to the still larger cause of humanity...”**

**- Pt. Jawaharlal Nehru**

“...That future is not one of ease or resting but of incessant striving so that we might fulfil the pledges we have so often taken and the one we shall take today. The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us but as long as there are tears and suffering, so long our work will not be over...”<sup>1</sup>

However, the Independence was not marked only by the euphoria of freedom and pledges of future. It was also marked by partition of the country and the worst ever communal riots in the history of India.

India became a free country after a long struggle and with a “multiplicity of heritages and legacies which influenced its post-Independence course in complex ways.” Political scientist Paul R. Brass has identified four such legacies.<sup>2</sup>

First, the long experience of British rule under which various foreign ideas, institutions and practices were introduced.

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<sup>1</sup>Jawaharlal Nehru’s Tryst with Destiny speech to the Constituent Assembly of India in the Parliament on the eve of India’s Independence towards midnight on 14 August 1947.

<sup>2</sup>The Politics of India since Independence, Paul R. Brass, Cambridge University Press, 1990 (P1)

Second, the shared experience of those who participated in, or identified with, the nationalist movement and its great leaders.

Third, the existing social order, social structure and social conflicts which surrounded and influenced political movements, ideas and practices.

Fourth, the great body of traditions and cultural practices which preceded British rule.



The Election commission of India has appointed actor Amir Khan as the new Brand ambassador for election campaign and raising awareness about people's right to vote. In the past, people like Dr A.P.J. Abdul Kalam, M.S. Dhoni, Kamal Haasan, Mary Kom and Saina Nehwal have played this role.

## Why elections are important?

India has come a long way since the tumultuous days of 1947. The journey so far has been incredible. Free and fair elections have enabled this journey in many ways.

The Constitution of India envisions the idea of popular sovereignty which is operationalised by Parliamentary and legislative elections.

Elections in India are important because it provide people an opportunity for:<sup>3</sup>

- **Choice of leadership:** Elections provide a way for the citizens of India to choose their leaders. They do so by casting their vote in favour of the candidate or party whose views appeal to them. This ensures that the will of the people is reflected in the elected candidates.
- **Change of leadership:** Elections in India are also a platform for the public to voice their resentment against a ruling party. By voting for other parties and helping elect a different government, citizens demonstrate that they possess ultimate authority.
- **Political participation:** Elections open the door for new issues to be raised in public. If a citizen of India wishes to introduce reforms that are not the agenda of any of the

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<sup>3</sup><http://www.elections.in/importance-of-elections-in-india.html>

parties, he or she is free to contest the elections either independently or by forming a new political party.

- **Self-corrective system:** Because elections are a regular exercise, occurring every five years in India, the ruling parties are kept in check and made to consider the demands of the public. This works as a self-corrective system whereby political parties review their performance and try to appease the voters.

The importance of elections in India has been noted by many scholars and political scientists. According to W. H. Morris Jones and B. Das Gupta:<sup>4</sup>

- Elections in India provide the occasion for the widest degree of popular participation;
- They constitute the most important single arena for genuine competition between political groups;
- They are principal agency through recruitment to significant part of the political elite is affected;
- And the skills and resources which they especially call forth figure prominently in political life in general.
- Elections in India can now be seen not merely as indicators but actually as the events through which the party system and hence, in a measure, the political system achieve their evolution.

## History of elections in India after independence



Indian first general elections held between 25 October 1951 and 21 February 1952. It was the biggest experiment in democracy anywhere in the world. The elections were held based on universal adult franchise, with all those twenty-one years of age or older having the right to vote.

The first general elections in India were held in 1951-52 over a four-month period. All citizens who were twenty-one years of age or older had the right to vote. There were over 173 million voters. The election was preceded with apprehensions as India, unlike

Western democracies in the initial period, gave voting rights to all citizens, irrespective of their social status.

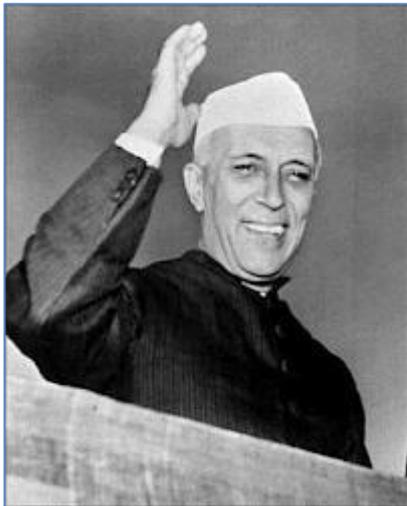
<sup>4</sup> W.H. Morris Jones and B. Das Gupta, "India's Political Areas: Interim Report on an Ecological Investigation", Asian Survey, June 1969, (p 399)

The scepticism was so much that the coming elections were described by some as 'a leap in the dark' and by others as 'fantastic' and as 'an act of faith.'<sup>5</sup> Historian Ramchandra Guha calls this election as 'Democracy's biggest gamble'.

In an article published by this name in *World Policy* journal, Guha writes: "A huge newly independent country chose to adopt universal adult franchise immediately rather than - as was the case in the West - restricting the vote to men of property, with the workers and women enfranchised late, and only after a bitter struggle. It is hard to overstate the occasion's radical novelty. The condescending imperialist belief was that non-Europeans were somehow not suited to self-government, and that Asians in particular were prone to 'Oriental despotism (a pejorative even Karl Marx employed). Adding to the risk was the fact that the overwhelming majority of Indian electorate was illiterate and poor. And yet the experiment worked and more important was followed 12 successive general elections over five decades, a source of understandable pride."<sup>6</sup>

India has so far successfully conducted 15 general elections and is all set to conduct the 16<sup>th</sup> general elections in 2014. Following is a summary of all Lok Sabha formed till now.<sup>7</sup>

### **1st Lok Sabha (1952)**



Pt. Jawaharlal Nehru

The first Lok Sabha was formed in April 1952. The Indian National Congress (INC) formed the government with 245 seats. The party had secured 45 per cent of the total votes polled. An electoral participation of 44.87 per cent was reported from across India. Pt. Jawaharlal Nehru became the first elected Prime Minister of the country. The Lok Sabha, which was constituted on April 17, 1952, lasted its full term till April 4, 1957.

The first general elections, which were conducted for 489 constituencies, represented 26 Indian states. At that time, there were a few two-seat and even a three-

<sup>5</sup><http://indiansaga.com/history/postindependence/elections.html> (retrieved on march 22, 2014)

<sup>6</sup>Ramachandra Guha, *World Policy Journal* Vol. 19, No. 1 (Spring, 2002), pp. 95-103  
Published by: Sage Publications, Inc.

<sup>7</sup>Edited from: <http://www.smetimes.in/smetimes/general-elections-2009/miscellaneous/2009/Mar/23/history-of-lok-sabha-elections5584.html>

seat constituency. The multi-seat constituencies were discontinued in the 1960s.

Before the polls, two former cabinet colleagues of Nehru established separate political parties to challenge the INC's supremacy. While Shyama Prasad Mookerjee went on to found the Jana Sangh in October 1951, Dalit leader B. R. Ambedkar revived the Scheduled Castes Federation (which was later named the Republican Party). Other parties which started coming to the forefront included the Kisan Mazdoor Praja Parishad, whose prime mover was Acharya Kripalani; the Socialist Party which had Ram Manohar Lohia and Jai Prakash Narayan's leadership to boast of and the Communist Party of India.

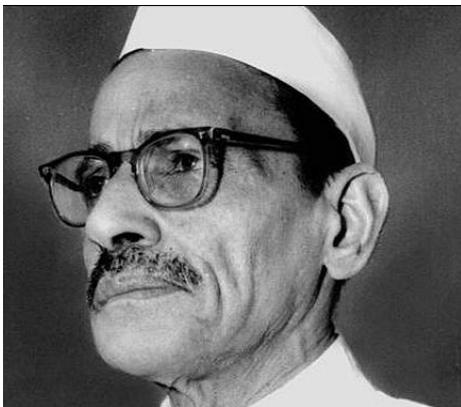
### **2nd Lok Sabha (1957)**

The Indian National Congress managed to replicate its 1952 success story in the second Lok Sabha elections held in 1957. The INC won 296 seats from a total of 490 candidates. Pandit Jawaharlal Nehru came back to power with a comfortable majority.

These elections also saw the rise of Congress member, Feroz Gandhi (who went on to marry PM Nehru's daughter Indira), who defeated his nearest rival Nand Kishore by a margin of over 29,000 votes to win the general seat in the Rae Bareilly constituency in Uttar Pradesh.

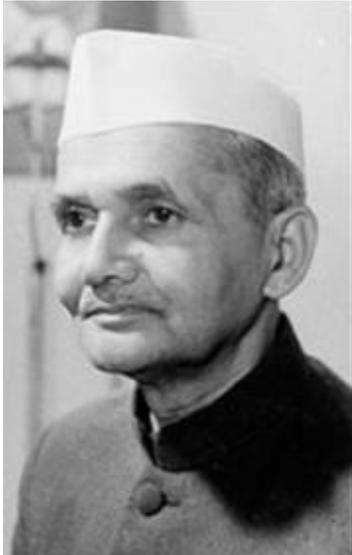
Interestingly, in the 1957 polls not a single woman candidate was in the fray. Independents got 19 per cent of the vote in 1957. The 2nd Lok Sabha completed its full term on March 31, 1962.

### **3rd Lok Sabha (1962)**



Gulzarilal Nanda

Nehru led the Congress to a resounding victory in the 1957 elections with a majority win. During his tenure, the Congress leader started the first Five Year Plan. The third Lok Sabha was formed in April 1962. The third Lok Sabha was marked by a war with China in October 1962 and also death of Nehru on May 27, 1964. Veteran Congress leader Gulzarilal Nanda succeeded Nehru at his death for a period of two weeks. He served as the acting Prime Minister until the Congress elected a new leader,



Lal Bahadur Shastri

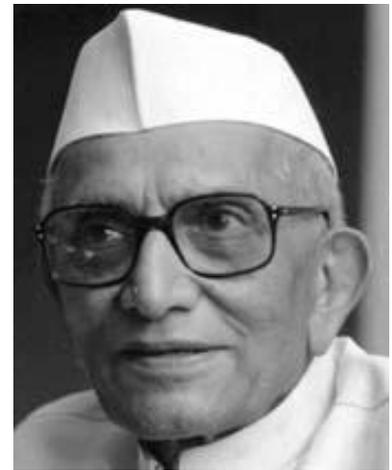
Lal Bahadur Shastri. During his tenure India fought a war with Pakistan in 1965 and later a peace treaty was signed by the two countries at Tashkent in the former Soviet Union on January 10, 1966.

Shastri's tenure was also short as he died in Tashkent. Nanda was again appointed as acting Prime Minister, for a period of less than a month, before being succeeded by Indira Gandhi on January 24, 1966.

#### **4th Lok Sabha (1967)**

The fourth Lok Sabha was formed in April 1967. For the first time, Congress lost nearly 60 seats in the Lower House, managing to win 297 seats.

The party also suffered a major setback as non-Congress ministries were established in Bihar, Kerala, Orissa (now Odisha), Madras (now, Tamil Nadu), the Punjab and West Bengal. Morarji Desai, who had opposed Indira's candidature as PM after Nehru's death, was appointed Deputy Prime Minister and Finance Minister of India.



Morarji Desai

During this Lok Sabha, the Congress party split into two factions in 1969: the Congress (O)-for Organisation-led by Morarji Desai, and the Congress (I)--for Indira-led by Indira Gandhi. Indira continued to head a minority government with support from the CPI(M) till December 1970. A mid-term election to the Lok Sabha was called a full year ahead of schedule.



Indira Gandhi

#### **5th Lok Sabha (1971)**

Indira Gandhi steered the Congress to a landslide victory in 1971. Campaigning on the slogan of "garibi hatao" (eliminate poverty), she returned in Parliament with 352 seats, a marked improvement from the party's poor show of 283 in the previous polls.

India again fought a war with Pakistan in 1971 to Bangladesh despite of diplomatic opposition from both China and the United States.

On June 12, 1975, the Allahabad High Court invalidated Indira's 1971 election on the grounds of electoral malpractices. However, instead of resigning, Indira Gandhi declared an Emergency in the country on 25 June 1975 and jailed the entire Opposition. The Emergency lasted till March 1977.

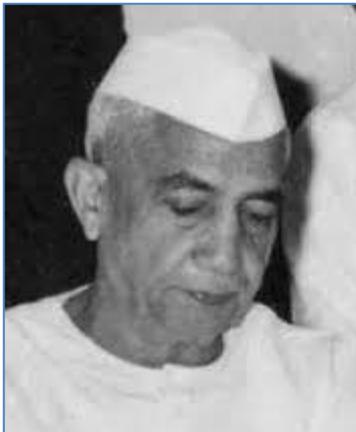
### **6th Lok Sabha (1977)**

After Emergency, the Congress party lost the elections for the first time in independent India and Janata Party leader Morarji Desai, who had been released from prison two months before the elections, won 298 seats. Desai became India's first non-Congress Prime Minister on March 24.

The Congress lost nearly 200 seats. Indira Gandhi, who had been in government since 1966, and her son Sanjay both lost elections.

### **7th Lok Sabha (1980)**

The Janata Party, an amalgam of socialists and Hindu nationalists, split in 1979 when Bharatiya Jana Sangh (BJS) leaders A B Vajpayee and L K Advani quit and the BJS withdrew support to the government.



Charan Singh

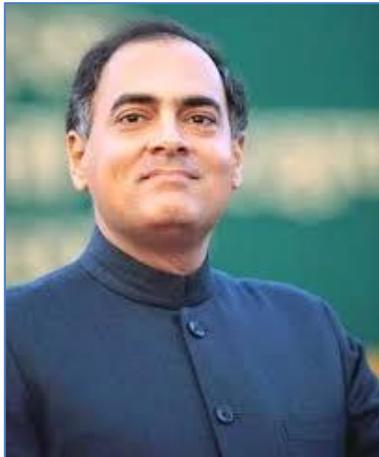
Desai lost a trust vote in Parliament and resigned. Charan Singh, who had retained some partners of the Janata alliance, was sworn in as Prime Minister in June 1979.

Congress promised to support Singh in Parliament but later backed out. He called for elections in January 1980 and is the only Prime Minister not to have faced Parliament. The fight among Janata Party leaders and the political instability in the country worked in favour of the Congress (I), as it won 351 Lok Sabha seats and the Janata Party, or what remained of the alliance, won 32 seats.

### **8th Lok Sabha (1984-85)**

Prime Minister Indira's assassination on October 31, 1984, created a sympathy vote for the Congress. The Lok Sabha was dissolved after Indira's death and Rajiv Gandhi was sworn in as interim Prime Minister. Elections were announced for November 1984. The Congress won a landslide victory. It won 403 Lok Sabha seats and more than 50 per cent of the popular vote, the party's best performance ever.

## 9th Lok Sabha (1989)



Rajiv Gandhi

In many ways the 9th Lok Sabha Elections were a watershed in Indian electoral politics. The elections changed the way politicians would approach the voters, with caste and religion not far from the average Indian voter at any point in time, becoming the pivot. The 1989 General Elections were fought with the young Rajiv cornered with numerous crises - both internal and external - and the Congress government losing credibility and popularity.

The Bofors scandal, rising terrorism in Punjab, the civil war between LTTE and Sri Lankan government were just some of the problems that stared at Rajiv's government.

Rajiv's biggest critic was Vishwanath Pratap Singh, who had held the portfolios of the finance ministry and the defence ministry in the government. During Singh's term as defence minister it was rumoured that he possessed damaging information about the Bofors defence deal that could ruin Rajiv's reputation. But Singh was soon sacked from the Cabinet and he then resigned from his memberships in the Congress and the Lok Sabha. He formed the Jan Morcha with Arun Nehru and Arif Mohammad Khan and re-entered the Lok Sabha from Allahabad.

On October 11, 1988, the Janata Dal was formed by merger of Jan Morcha, Janata Party, Lok Dal and Congress (S), in order to bring together all the parties opposed to the Rajiv Gandhi government. Soon, many regional parties rallied around the Janata Dal including the DMK, TDP, and AGP and formed the National Front. The five-party National Front jumped into the electoral fray in 1989 after joining hands with the Bharatiya Janata Party (BJP) and the two communist parties - the Communist Party of India-Marxist (CPI-M) and the Communist Party of India (CPI).

The elections were held in two phases on November 22 and November 26, 1989 for 525 seats in the Lok Sabha. The National Front managed to secure a simple majority in the Lok Sabha and formed the government with the outside support of the Left Front and the BJP.

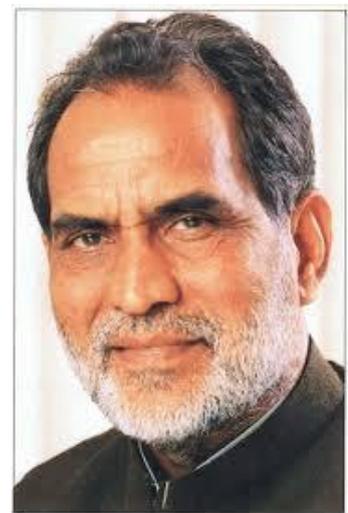
Janata Dal, National Front's largest constituent, won 143 seats with CPI-M and CPI securing 33 and 12 respectively. Independents and other smaller parties managed to win 59 seats.



VP Singh

However, the Congress was still the single largest party in the Lok Sabha with 197 MPs. The BJP was the biggest gainer in the elections increasing its tally to 85 MPs from just two in the 1984 elections. Singh became the 10th Prime Minister of India with Devi Lal as the Deputy Prime minister. He held office from December 2, 1989, to November 10, 1990. After BJP leader L K Advani started the RathYatra on the Ram Janmabhoomi-Babri Masjid issue and was arrested in Bihar by state chief minister Lalu Yadav, the party withdrew support to the VP Singh government. Singh resigned after losing the trust vote.

Chandra Shekhar broke away from the Janata Dal with 64 MPs and formed the Samajwadi Janata Party. He got outside support from the Congress and became the 11th Prime Minister of India. He finally resigned on March 6, 1991, after the Congress alleged that the government was spying on Rajiv Gandhi.



Chandra Shekhar

### **10th Lok Sabha (1991)**

The 10th Lok Sabha Elections were a mid-term one as the previous Lok Sabha was dissolved just 16 months after government formation. The elections were held in a polarised environment and are also referred to as the 'Mandal-Mandir' elections after the two most important poll issues, the Mandal Commission fallout and the Ram Janmabhoomi-Babri Masjid issue.

The elections were held in three phases May 20, June 12 and June 15, 1991. It was a three-cornered fight between the Congress, the BJP and the National Front-Janta Dal (S)-Left Front coalition.

A day after the first round of polling took place on May 20, former Prime Minister Rajiv Gandhi was assassinated by the Liberation Tiger of Tamil Eelam while campaigning at Sriperembudur. The remaining election days were postponed until mid-June and voting finally took place on June 12 and June 15. Voting was the lowest ever in parliamentary elections with just 53 per cent of the electorate exercising their franchise.



PV Narasimha Rao

The results threw a Hung Parliament with the Congress emerging as the largest party with 232 seats, while the BJP was second with 120 seats. Janata Dal came a distant third with just 59 seats. On June 21, PV Narasimha Rao of the Congress was sworn in as the Prime Minister. Rao was the only second Congress PM from outside the Nehru-Gandhi family after Lal Bahadur Shastri.

### **11th Lok Sabha (1996)**

Elections for 11th Lok Sabha resulted in a short-lived hung Parliament and two years of political instability during which three Prime Ministers were appointed.

During the previous Lok Sabha, Prime Minister P V Narasimha's Rao Congress (I) government had implemented a series of reforms which opened up the country's economy to foreign investors.



Atal Bihari Vajpayee

In May 1995, senior leaders Arjun Singh and Narayan Dutt Tiwari quit the Congress and formed their own party. The Harshad Mehta scandal, the Vohra report on criminalisation of politics, the Jain hawala scandal and the 'Tandoor murder' case had damaged the Rao government's credibility.

The BJP won 161 seats and the Congress 140; the halfway-mark in Parliament was 271. BJP leader A B Vajpayee took over as Prime Minister on May 16 and tried to get support from regional parties in Parliament. He failed and resigned 13 days later. Then Janata Dal leader H D Deve Gowda formed a United Front coalition government on June 1. His government lasted 18 months. I K Gujral, Gowda's Foreign Minister, took over as Prime Minister in April 1997 after the Congress agreed to support a new United Front government from outside. The minority Gujral government, the second by the United Front in 18 months since the May 1996 general elections, collapsed on November 28, 1997 when the Congress, headed by Sitaram Kesri, withdrew

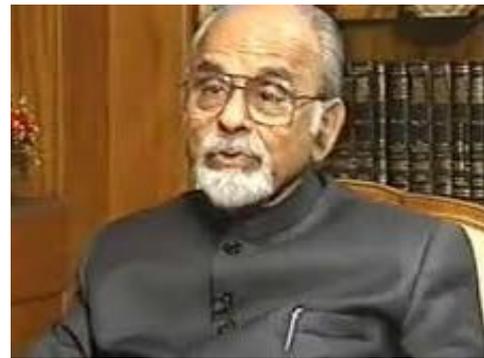


H D Deve Gowda

support over controversy surrounding involvement in the 1991 assassination of Prime Minister Rajiv Gandhi.

### **12th Lok Sabha (1998)**

The 12th Lok Sabha was constituted on March 10, 1998, and a coalition led by



I K Gujral

veteran Vajpayee was sworn in nine days later. The 12th Lok Sabha had a life-span of 413 days, the shortest to date. The dissolution came in the absence of a viable alternative after the 13-month-old Bharatiya Janata Party-led government was ousted by one vote on April 17.

This was the fifth time the Lok Sabha was dissolved before completing its full tenure.

Elections were held for all the seats of the Lok Sabha following the premature dissolution of the Lok Sabha on December 4, 1997. General elections had previously been held in April/May 1996. Post-poll alliance strategy gave the BJP-led alliance a working majority of some 265 seats. On April 17, 1999, Vajpayee lost a confidence vote in the Lok Sabha and consequently tendered the resignation of his coalition government. He cited a lack of cohesion in his 24-party National Democratic Alliance (NDA) as the reason. The BJP fell short of a single vote due to the withdrawal of one of their coalition partners, the AIADMK led by Jayalalithaa.

### **13th Lok Sabha (1999)**

The general elections of 1999 were the third in 40 months. The dates were spread over five weeks. Altogether 45 parties (six national, the rest regional) contested for the 543 Lok Sabha seats.

During the lengthy election campaign, the BJP and the Congress generally agreed on economic and foreign policy issues, including the handling of the Kashmir border crisis with Pakistan. Their rivalry only boiled down into a personal confrontation between Vajpayee and the Congress President Sonia Gandhi.

The entry of Sonia Gandhi, a relative newcomer having been elected to the party presidency in 1998, was challenged by then Maharashtra Congress leader, Sharad Pawar, on the grounds of her

Italian birth. This led to a crisis within the Congress and the BJP effectively used this as an electoral issue.

Another issue running in the BJP's favour was the generally positive view of Vajpayee's handling of the Kargil War, which had ended a few months prior to the polls and had affirmed and strengthened the Indian position in Kashmir. Also, in the previous two years, India had posted strong economic growth on the back of economic liberalisation and financial reforms, as well as a low rate of inflation and higher rate of industrial expansion. The NDA won 298 seats, 136 to the Congress and its allies. Vajpayee was again sworn in as Prime Minister on October 13.

### **14th Lok Sabha (2004)**

The general elections for 14<sup>th</sup> Lok Sabha were held in four phases between April 20 and May 10, 2004.

Most analysts believed the NDA, riding high on the feel-good factor and its promotional campaign 'India Shining', would beat anti-incumbency and win clear majority. The economy had shown steady growth during the BJP rule and the disinvestment of PSUs had been on track. The Foreign Exchange Reserves of India stood at more than \$100 billion (the seventh largest in the world and a record for India). The service sector had also generated a lot of jobs.

These elections, compared to all the other Lok Sabha elections of the 1990s, saw more of a head-to-head battle between personalities (Vajpayee and Sonia Gandhi) as there was no viable Third Front alternative. The fight was between the BJP and its allies on the one hand and the Congress and its allies on the other. However, regional differences emerged on the national scene.

Ahead of the elections there were attempts to form a Congress-led national level joint opposition front. In the end, an agreement could not be reached, but on regional level alliances between Congress and regional parties were made in several states. This was the first time that Congress contested with that type of alliances in a parliamentary election.

The left parties, most notably the Communist Party of India (Marxist) and the Communist Party of India, contested on their own in their strongholds West Bengal, Tripura and Kerala, confronting both Congress and NDA forces. In several other states,

such as Punjab and Andhra Pradesh, they took part in seat sharing with the Congress. In Tamil Nadu they were part of the DMK-led Democratic Progressive Alliance. Two parties refused to go along with either Congress or BJP, BahujanSamaj Party and Samajwadi Party. Both are based in Uttar Pradesh, the largest state of India.

The BJP lost the elections and the Congress was able to put together a comfortable majority of more than 335 members out of 543 (including external support from BSP, SP, MDMK and the Left front) with the help of its allies and under the direction of Sonia Gandhi. This post-poll alliance was called the United Progressive Alliance.



Dr Manmohan Singh

However, Sonia Gandhi surprised almost all observers by declining to become the new prime minister. Instead, she asked former finance minister Dr Manmohan Singh to take up the mantle. Dr Singh had previously served under Congress prime minister NarasimhaRao in the early-1990s, where he was seen as one of the architects of India's first economic liberalisation plan that staved off an impending national monetary crisis.

### **15<sup>th</sup> Lok Sabha**

The 2009 Indian general elections saw the Congress Party-led United Progressive Alliance (UPA) retain power, with a remarkable increase of seats in the Lok Sabha. Fifty eight per cent of the total 71.4 crore voters exercise their right to vote during the elections held between April 13, 2009 and May 16 2009. Three hundred and seventy parties contested the general elections and the average margin of victory plummeting to a record low 9.7% in 2009. These elections were exceptional because of their outcome as, for the first time since 1984, the ruling party was spared the anti-incumbency reflex, which had become almost systematic till then. The Congress managed to win 206 seats and formed the government again with the support of allies and Dr Singh again became the prime minister.

## Political Parties

Political parties are essential for democracy. According to Professor Harold Laski, “There is no alternative to party government save dictatorship in any state of the modern size.” He says, “They are inevitable in a democracy.”<sup>8</sup> The Constitution of India allows all citizens to form parties and contest elections. The number of parties has grown tremendously since the time of independence. The increase in their numbers has also changed the contours of Indian politics. While in the past, political parties used to be ‘primarily consensual in nature’, they have now become ‘coalitional’.

Professor Prakash Sarangi, University of Hyderabad, writes, “Political parties in an earlier era were primarily consensual in nature. There used to be a basic consensus on matters of policy and leadership. There were, of course, factions and dissensions. But the overall image of a party was rarely questioned. Whenever the consensus broke down, either a party faced a split or a new consensus; therefore, a new image emerged.”

However, all this has changed now. “Today the political parties in India are coalitional rather than consensual. No political party can claim to be a large monolith. Even the so called national parties are virtually coalitions of several state parties.”

Sarangi supports his claim with the example of the working of major parties in India. “The working of the Congress party’s state unit in West Bengal has nothing in common with that of Maharashtra, nor of Rajasthan with Tamil Nadu. In the recent elections, each state unit was following its own electoral strategy depending on local considerations.

“The bargaining power of leaders or groups at the national level depends on their performance at the state and local levels. The same characterization is more or less true about other political parties as well. There is a great gulf between the Bharatiya Janata Party (BJP) in the north and in the south. The politics in the Janata Dal in Bihar has a different flavour compared to its units in Orissa or Karnataka.”

“The working of Communist Party (Marxist) [CPM] in West Bengal, or of Communist Party of India [CPI] in Kerala, being important

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<sup>8</sup>Harold Laski, *parliamentary Government in England* (London 1959, p 99)

players in the respective states, determine their strategy at the national level. Coalitional characteristic of parties is not unique to the national level political parties. Even in the state level parties, one comes across multiple voices under a single banner.

“Secondly, there is a lot of change in the way a party relates itself to the people. This situation, of course, follows from the coalitional nature of politics. It is politically difficult to maintain a grand coalition. In an earlier era of consensual politics, every political party tried to woo all sections of society, irrespective of caste, religion, community or class. In fact, projecting this ‘nationalist’ image and not that of any sectional interests was the prevailing style of politics.

“This is not to deny the fact that caste and other factors were part of the calculus of the electoral strategy. These calculations were generally taking place only in the back rooms and were not normally a party’s acknowledged policy. This holistic style of politics is replaced by a segmental style where one or a few sections of society are seen as integral parts of a political party.”<sup>9</sup>

Political parties in India are recognised as a National party or a State party by the Election Commission of India (ECI). To be considered a National Party, a political party has to be recognised in four or more states and to be either the ruling party or in the opposition in those states.

Following is a list of major National and State parties as on March 23, 2014:

#### *National Parties*

1. Bharatiya Janata Party (BJP)
2. Bahujan Samaj Party (BSP)
3. Communist Party of India (CPI)
4. Communist Party of India (Marxist) (CPM)
5. Indian National Congress (INC)
6. Nationalist Congress Party (NCP)

#### *State Parties*

1. Delhi – Aam Aadmi Party (AAP)

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<sup>9</sup>Prof Prakash Sarangi, The Party System in India (Teaching South Asia; An Internet Journal of Pedagogy, winter 2001)

2. Arunachal Pradesh - Arunachal Congress(AC)
3. Tamil Nadu - All India Anna DravidaMunnetraKazhagam (AIADMK), PattaliMakkalKatchi (PMK)
4. Tamil Nadu and Puducherry – Marumalarchi Dravida Munnetra Kazhagam (MDMK), Dravida Munnetra Kazhagam (DMK)
5. Assam – Asom Gana Parishad (AGP), Assam United Democratic Front (AUDF)
6. West Bengal - All India Forward Bloc (AIFB), All India Trinamool Congress (AITC), Revolutionary Socialist Party (RSP)
7. Odisha- Biju Janata Dal (BJD)
8. Haryana - Indian National Lok Dal (INLD), Shiromani Akali Dal (SAD)
9. Karnataka and Kerala - Janata Dal (Secular) [JD(S)]
10. Bihar and Jharkhand - Janata Dal (United) [JD(U)]
11. Bihar- Lok Jan Shakti Party (LJP), RashtriyaJanata Dal (RJD)
12. Jammu and Kashmir- Jammu & Kashmir National Conference ( JKN), Jammu & Kashmir National Panthers Party (JKNPP), Jammu & Kashmir Peoples Democratic Party (JKPDP)
13. Jharkhand- Jharkhand Mukti Morcha (JMM)
14. Kerala - Kerala Congress (KEC), Kerala Congress (M) [KEC(M)], Muslim League Kerala State Committee (MUL)
15. Goa - MaharashtrawadiGomantak (MAG), United Goans Democratic Party (UGDP)
16. Manipur -Manipur Peoples Party (MPP)
17. Nagaland and Manipur- Nagaland Peoples Front (NPF)
18. Sikkim - Sikkim Democratic Front (SDF)
19. Maharashtra- Shivsena (SHS)
20. Uttar Pradesh- Samajwadi Party (SP)
21. Andhra Pradesh- Telugu Desam (TDP), Telangana Rashtra Samithi (TRS)
22. Meghalaya- United Democratic Party (UDP)
23. Uttarakhand- Uttarakhand Kranti Dal

## Election Commission of India<sup>10</sup>



The Election Commission of India (ECI) is the supreme Constitutional authority for conducting elections to Parliament and the state legislatures and also, the offices of the President and Vice-President. Originally, India only had one Chief Election Commissioner. Currently, the Election Commission has a Chief Election Commissioner and two Election Commissioners in charge.

### How does the Commission function?

The Commission has a secretariat at New Delhi, consisting of about 300 officials, in a hierarchical set-up. Two Deputy Election Commissioners, the senior-most officers in the Secretariat, assist the Commission. Directors, principal secretaries, and secretaries, under secretaries and deputy directors support the Deputy Election Commissioners in turn.

There is functional and territorial distribution of work in the Commission. The work is organised in divisions, branches and sections; each of the last mentioned units is in charge of a Section Officer. The main functional divisions are planning, judicial, administration, information systems, media and secretariat co-ordination.

The territorial work is distributed among separate units responsible for different zones into which the 29 constituent states and six Union territories are grouped for convenience of management. At the state level, the election work is supervised by a Chief Electoral Officer, who is appointed by the Commission from amongst senior civil servants. He is a full time officer and is assisted by a supporting staff.

### How does the Commission conduct the elections?

The Commission usually announces the election schedule a few weeks before the formal process is set in motion. The Model Code of Conduct for political parties comes into effect after

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<sup>10</sup><http://www.rediff.com/election/2004/feb/05elec.htm> (retrieved on March 22, 2013)

this announcement. The formal election process starts with a notification calling upon the electorate to elect members of Parliament or state legislatures.

**Who can vote?**

Any citizen over the age of 18 can vote. Those who are deemed unsound of mind, and people convicted of certain criminal offences are not allowed to vote.

As soon as the notification is issued, candidates can start filing nominations in the constituencies from where they wish to contest. The Returning Officer of the constituency scrutinises these nominations after the last date for filing nominations is over.

Candidates can withdraw from the contest within two days from the date of scrutiny. Candidates in the fray get at least two weeks for campaigning before the actual date of the election.

On account of the magnitude of operations and the size of the electorate, polling is held at least on three days for the general election.

A separate date for counting is fixed and the results declared for each constituency by the concerned Returning Officer.

**What is the size of the government staff and security forces that help the Election Commission conduct the election?**

The task force for conducting a general election consists of nearly fifty lakh polling personnel and security forces.

This huge election machinery is on deputation to the Election Commission and is subject to its control, supervision and discipline during the election period, extending over a period of between one-a-and-a-half to two months.

**How many days does it take to complete a general election?**

The entire process takes between five to eight weeks.

**What does the Election Commission do after the results of the general election are declared?**

The Election Commission compiles the list of elected members and issues an appropriate notification for due constitution of the Lok

Sabha. With this, the electoral process is complete. The President of India can convene the House.

### **What budget does the Commission have to conduct the election?**

#### **Who can contest the Lok Sabha election?**

Any Indian citizen who is registered as a voter and is over 25 years of age can contest elections to the Lok Sabha.

Every candidate has to make a deposit of Rs 10,000 for the Lok Sabha election. The deposit is returned if the candidate receives more than one-sixth of the total number of valid votes polled in the constituency.

The Commission has an independent budget, which is finalised directly in consultation with the finance ministry. The ministry usually accepts the Commission's recommendation for its budget. If an election is held only to the Lok Sabha, the expenditure is borne entirely by the central government. For elections held only to the state legislature, the expenditure is borne entirely by the concerned state.

#### **How many Lok Sabha constituencies are there?**

By 2014, India has been divided into 543 parliamentary constituencies, each of which returns one member to the Lok Sabha, the lower house of Parliament. The size and shape of the

parliamentary constituencies have been determined, subject to geographical considerations and the boundaries of the states and administrative areas.

### **What is an election photo identity card?**

The Election Commission has made photo identity cards for all voters compulsory to prevent electoral fraud.

More than 400 million identity cards have been distributed till now. Those who have not been issued photo cards can also vote, provided their name is accurately listed in the electoral roll.

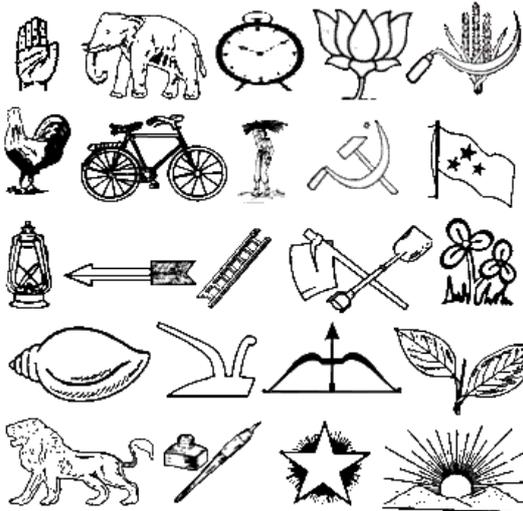
The Commission has computerized the entire electoral rolls.

### **Does the ECI control political parties?**

Political parties are registered with the ECI under the Representation of People Act. The Commission ensures inner party democracy by insisting that political parties conduct organizational elections at periodic intervals.

Political parties registered with it are granted recognition at the state and national levels. The Commission has quasi-judicial jurisdiction to settle disputes between the splinter groups of registered parties.

## Allotment of Party Symbols<sup>11</sup>



Voters identify political parties with their symbols during voting. The symbols are allotted by the ECI.

### How does ECI select the symbols?

The Commission has a list of symbols culled over the years. At any given point of time, the apex election office in New Delhi maintains at least 100 free symbols that have not been allotted to any party. The symbols chosen are such that they can be easily understood, remembered and

recognised by the average voter.

### How attached are political parties to their symbols?

The symbols are so important that today certain parties are identified by their symbols. So if you see a lotus, you instantly think Bharatiya Janata Party; if a politician holds up his palm, it means he is a Congressman. If there is a hammer and sickle on a poster, it means the candidate is a member of the Communist Party of India, Marxist.



Chief Election Commissioner (2014)  
V S Sampath

### Do political parties offer their own symbols to the Commission? Or does the Commission allot symbols to the parties?

<sup>11</sup><http://www.rediff.com/election/2004/feb/19elec.htm> (retrieved on march 23, 2014)

In most cases, parties offer their own symbols, which the Commission may or may not accept. If it is a unique symbol that no other party has laid claim to, then the Commission will allocate that symbol to the party. But if that or a similar symbol is already in use by another party, the Commission may deny permission and suggest alternatives.

### **What are the Commission's rules governing electoral symbols?**

The Commission has stipulated that the symbols of all nationally recognised parties should be standard throughout India. Thus, the BJP's 'lotus' symbol will not be allotted to any other party or individual, even if the BJP does not have a candidate in a particular constituency or state. (A party is considered a national party only if it is represented in at least four states and/or Union territories.)

Then there are the state parties, which are allotted certain symbols that no other party can use in that particular state, but which different parties in different states can use. Thus, the Shiv Sena in Maharashtra and the Jharkhand Mukti Morcha in Bihar both use 'bow and arrow' as their symbol.

### **What happens when a political party splits and different leaders stake their claim to its symbol?**

The Commission accepts representations from rival factions and takes a decision according to the merits of the case. For instance, in 1999, when the Janata Dal split, the rival factions demanded the 'wheel' symbol. But the Commission froze the symbol. Instead, it allotted 'farmer driving a tractor' to one faction and 'arrow' to the other.

The Commission has also stipulated that if a particular party or individual is contesting an election for the second time from the same constituency, that party or individual has first claim to the symbol they used the last time around.

### **Are animals allotted as electoral symbols?**

The Commission has stopped allotting animals as symbols after animal rights activists complained that parties were parading the creatures during campaigns and subjecting them to cruelty. The only exceptions are the lion and the elephant.

## **Model code of Conduct<sup>12</sup>**

Model code of conduct is a set of guidelines laid down by the Election Commission to govern the conduct of political parties and candidates in the run-up to an election. It is the most powerful tool for conducting free and fair elections in India.

It applies to all political parties, their candidates and polling agents, the government in power, and all government employees.

### **What is the need for such a code of conduct?**

It is intended to provide a level playing field for all political parties, to keep the campaign fair and healthy, avoid clashes and conflicts between parties, and ensure peace and order. Its main aim is to ensure that the ruling party, either at the Centre or in the states, does not misuse its official position to gain an unfair advantage in an election.

### **When does it come into force?**

The Model Code of Conduct comes into force the moment an election is announced and remains in force till the results are declared. In 2000, there was a tug of war between the central government and the Election Commission on the Model Code of Conduct.

The government went to the Supreme Court against the Commission's ruling that the code of conduct comes into force the moment elections are announced. The government insisted it should be enforced only from the date of formal notification of each phase of election. The Election Commission called an all-party meeting to settle the row. Eventually all parties, including the ruling Bharatiya Janata Party, agreed unanimously to support its stand on the Model Code of Conduct.

### **So what does the Model Code of Conduct mean for a ruling party?**

Ministers, including Prime Minister Manmohan Singh, cannot combine their official visits with electioneering work. They also cannot use official/government machinery or personnel for

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<sup>12</sup> Edited from: <http://www.rediff.com/election/2004/mar/04elec.htm> (retrieved on March 23, 2014)

electioneering work. Public places for holding election rallies and helipads for flights in connection with elections are to be made available to all parties on the same terms and conditions on which they are used by the party in power.

**Can ministries sanction grants out of the government's discretionary funds during election time?**

No. Ministers and other authorities cannot sanction grants and payments out of discretionary funds from the moment the elections are announced.

**Can the government run an advertising campaign in the mass media?**

Advertisements at the cost of the public exchequer and misuse of official mass media like Doordarshan for partisan coverage during an election have to be scrupulously avoided.

**In that case, what happens to the government-sponsored campaigns in media?**

No more. Such campaigns have to be suspended.

**What are the other guidelines for ministers and other government officials?**

Ministers and other government authorities should not announce or promise any financial grants to the people; they should not lay foundation stones for or inaugurate any projects; they should not promise public facilities like roads; and they should not make any ad hoc government appointments.

**How do candidates and parties campaign when the code of conduct is in force?**

Parties can issue its manifesto detailing the programmes they wish to implement if elected to government, the strengths of their leaders, and the failures of parties and leaders opposing them. They can use slogans to popularise and identify parties and issues, and they can distribute pamphlets and posters to the electorate. They can hold rallies and meetings where candidates can persuade, cajole and enthuse supporters, and criticise opponents.

Candidates can travel the length and breadth of the constituency to try to influence as many potential supporters as possible.

**Can parties/candidates hold meetings wherever they want?**

Yes, but the party or candidate has to inform the local police authorities of the venue and time of any proposed meeting well in advance to enable them to make necessary arrangements for controlling traffic and maintaining order.

**Can parties call for votes on communal lines?**

No. The Model Code of Conduct strictly prohibits parties and candidates from making any appeals to caste or communal feelings for securing votes. Mosques, churches, temples, and other places of worship also cannot be used for election propaganda. No party or candidate can indulge in any activity that may aggravate existing differences or create mutual hatred or cause tension among different castes, communities, religious or linguistic groups.

**Can parties criticise their opponents?**

Yes, but the criticism of other political parties should be confined to their policies and programmes, past record and work. Parties and candidates should refrain from criticism of all aspects of private life not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or distortions should be avoided.

**What happens if a candidate or party does not obey the Model Code of Conduct?**

The Election Commission can deal with any breach of Model code of Conduct sternly. The Commission has the power to disqualify a candidate if s/he refuses to follow the Model Code of Conduct.

## Presidential Elections<sup>13</sup>

The Indian President is elected indirectly by an electoral college. The members of this college consist of:

- a. the elected members of the Lok Sabha and the Rajya Sabha
- b. the elected members of the legislative assemblies of every state and the elected members of the legislative assemblies of the Union territory of Puduchery and the national capital territory of New Delhi. Nominated members to the two houses are not eligible to receive any votes.

Every elected MLA of a state is given a fixed number of votes. This number is equal to the population of the state divided by the number of elected members of the legislative assembly of that state and further divided by thousand. If this number is higher than 500 another vote is allocated to each member.

Every elected member of the two houses of Parliament will be given a number of votes. This is equal to the total of the votes given to the members of the state assemblies divided by the number of members of Parliament who are voting. For the purposes of calculating the votes, the population as ascertained by the 1971 census will be taken into account.

### **The ballot paper**

Unlike the Parliament and Assembly elections, the ballot paper does not contain symbols and party names. There are two columns: the first contains the name of the candidate and the second is blank and the voter can indicate the order of preference.

The election of the president has to be conducted before the present president's term of office comes to an end. This is because the country should not be without a President even for a day. If for some reason such as illness or death the Presidential office is vacated before another may be elected, the vice president steps into the President's shoes and acts as the president until the election is held.

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<sup>13</sup><http://www.thehindu.com/todays-paper/tp-in-school/how-is-indias-president-elected/article3617995.ece> (retrieved on March 23, 2014)

If for some reason both the president and vice president are unavailable, the Chief Justice of India has to act as the president until the election is held. Such a situation rose in 1969 and Mr M Hidayatullah who was the chief justice then took over as President for about a month.

## **Delimitation of Constituencies**

There are 543 Parliamentary constituencies in India each electing one member.

### **Who demarcates the boundaries of these constituencies?**

Delimitation Commission demarcates the boundaries of these constituencies.

Under Article 82 of the Constitution, the Parliament by law enacts a Delimitation Act after every census. After commencement of the Act, the Central Government constitutes a Delimitation Commission. This Delimitation Commission demarcates the boundaries of the Parliamentary Constituencies as per provisions of the Delimitation Act. The present delimitation of constituencies has been done on the basis of 2001 census figures under the provisions of Delimitation Act, 2002. Notwithstanding the above, the Constitution of India was specifically amended in 2002 not to have delimitation of constituencies till the first census after 2026. Thus, the present Constituencies carved out on the basis of 2001 census shall continue to be in operation till the first census after 2026.

### **What is the basis for allocation of seats to various States in the Lok Sabha?**

Population of the State is the basis of allocation of seats of the Lok Sabha. As far as possible, every State gets representation in the Lok Sabha in proportion to its population as per census figures.

### **Is there any reservation of seats for any special category in Lok Sabha?**

Yes, in Lok Sabha there is reservation of seats for Scheduled Castes and Scheduled Tribes. Here also census figures are taken into account.

### **On what basis is this reservation made?**

Allocation of seats for Scheduled Castes and Tribes in the Lok Sabha are made on the basis of proportion of Scheduled Castes and Tribes in the State concerned to that of the total population, vide provision contained in Article 330 of the Constitution of India read with Section 3 of the R. P. Act, 1950.

### **How many seats are reserved for Scheduled Castes and Scheduled Tribes in Lok Sabha?**

For Scheduled Castes, 84 seats are reserved in Lok Sabha. For Scheduled Tribes, 47 seats are reserved in Lok Sabha.

The 1st schedule to R. P. Act, 1950 as amended vide Representation of People (Amendment) Act, 2008 gives the State-wise break up.

### **Which are the States having the minimum number of seats in Lok Sabha?**

The following States and Union Territories have one seat each in the Lok Sabha

- Mizoram
- Nagaland
- Sikkim
- Andaman and Nicobar Islands
- Chandigarh
- Dadra and Nagar Haveli
- Daman and Diu
- Lakshadweep
- Pondicherry

### **For every State, there has to be a Legislative Assembly, but it is not so in the case of all Union Territories. Which are the U.Ts. having a Legislative Assembly?**

Out of the 7 Union Territories, only Delhi and Pondicherry have Legislative Assemblies.

# Reporting Elections: What and How<sup>14</sup>

Elections are the cornerstone of any democracy, and the media has a vital role - in informing the public about the politicians and what they are promising, and also in telling the politicians what ordinary people want, or do not want, and in ensuring that the polls are “free and fair”. Besides being a watch dog, media can and ought to play the role of an interface between the political parties and people. It must also provide a platform for free dialogue and exchange of views.

It is important for the media to play its watchdog role during the elections because from the time that elections are announced to when they take place, usually between six and eight weeks, there is ample opportunity for incumbent leaders and parties to bend the rules to their advantage, in subtle and not-so-subtle ways. It is the journalist’s task to deter them from doing this.

Good journalists should also report elections in a non-partisan way, suppressing their own political views in order to allow the public to make up their minds solely on the basis of what the various candidates are offering.

This guide looks at the various stages of the electoral process, and the areas where distortions can occur, either through deliberate actions or poor organisation.

## **Voting systems**

These mainly fall under three categories: Plurality--A candidate who obtains more votes than any other is elected even if that candidate wins only a minority of votes cast. The most common form of this is the “first-past-the-post” system, sometimes known as “winner takes all”, used in Britain, the United States and India, among others.

Majority--The successful candidate must win more votes than those of all the others combined. This is normally achieved by a holding a two-round contest in which the early loser is eliminated after the first.

Proportional --The most common version of this is when voters choose from party lists, and seats are awarded according to the votes going to each party. This is used in most continental European countries, South Africa and Israel.

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<sup>14</sup> This section is derived from The Media and the Election Process; reference Material published by the Reuters Foundation, London. It has been edited to suit the Indian context.

There is also the so-called Single-Transferable Vote, where voters indicate an order of preference among candidates. Once a candidate has received enough votes to be elected outright, second preference votes are added to the totals of the remaining candidates.

### **Counting the vote**

There are a number of ways of counting the vote. Increasingly there is a move towards some sort of mechanical and/or electronic systems. All systems have their advantages and drawbacks.

In India polls are conducted through electronic voting. This allows computers to count marks on a ballot with an optical sensor before they are put into the box. The original ballots are therefore retained in case there is a need for a re-count. Another version allows voters to input their vote directly into a counting machine.

### **The Basics**

As soon as an election is announced and campaigning begins, newspapers should carry essential information on how many candidates are involved, how many parties, the number of eligible voters, the total of constituencies, results of the last elections. This could be in a box to be included in every edition during campaigning, or in a special election supplement.

It is important to get this information out early to the electorate, so they can prepare to digest the barrage of information they will receive over the next few weeks.

Media should also advise the public on how to register as voters, and remind them of their rights and responsibilities in the political process.

Journalists covering elections should know the electoral law fairly well.

### **Registration of candidates and parties**

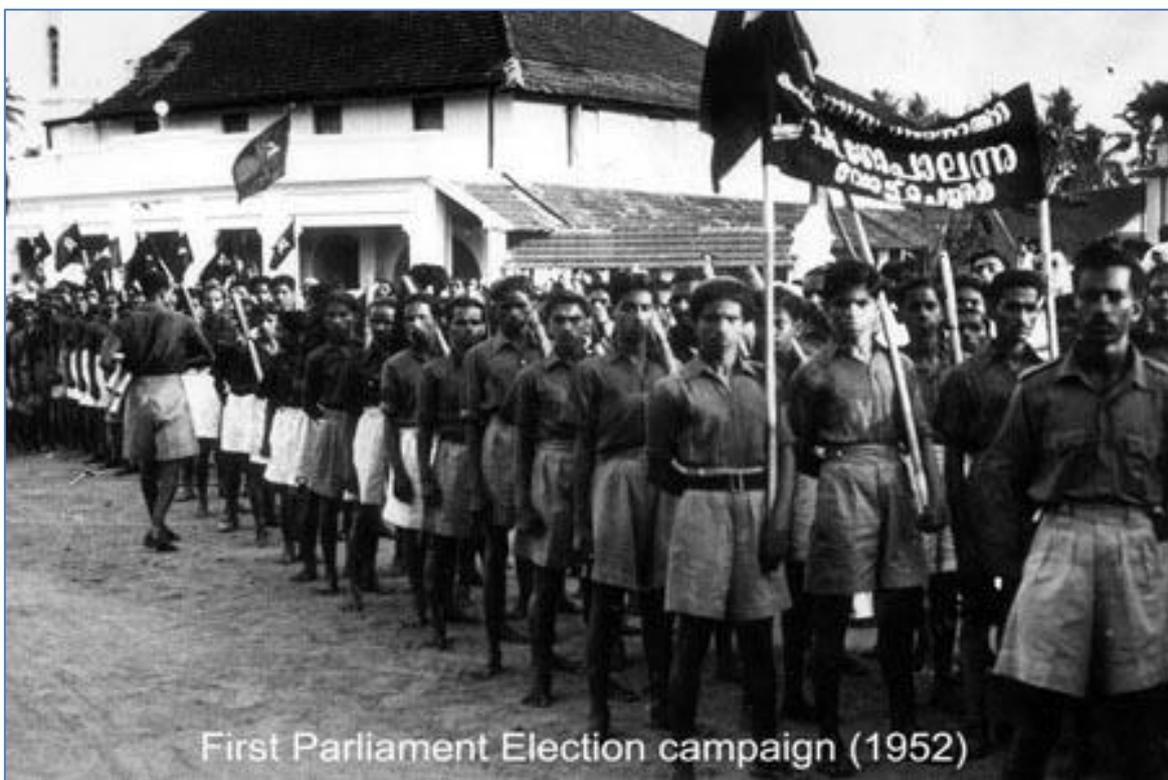
Check that all candidates seeking to stand have been allowed to register. Make sure that the current electoral law does not discriminate against any individuals or groups. Watch out for unusual candidates.

## Registration of voters

Voter lists should be posted well in advance, the registration process should be easily accessible for everyone, and there should be no restrictions according to gender, race, religion, ethnic origin, political affiliation, property ownership, qualifications or lack of money to pay a registration fee.

The Election commission of India provides for free registration of voters. It also runs campaigns to urge prospective voters for registration and participation in the election process.

The registration process can be vulnerable to manipulation. Journalists, along with observers, should be able to scrutinise and verify voters' rolls in advance. If registration is rushed and rolls are displayed after the official deadline, editors should be calling for a postponement of the vote.



## The campaign

Election campaigns are exhausting for all journalists covering them. Since campaign rallies and televised debates are usually signalled well in advance, media organisations should draw up detailed daily schedules assigning reporters to the various events. If possible it is useful to have the same reporter covering each of

the main candidates' rallies throughout the campaign. Get them to do in-depth profiles of the leading candidates.

Decisions must be made on how many of the candidates/parties to cover regularly. While some individual candidates may look like complete outsiders, conscientious reporters should try to reflect the views of the smaller groups, which may be of interest to the public. And behind-the-scenes bargaining during campaigning could eventually propel some of the minor players to power in a coalition government.

### **Access for media**

Journalists must ensure that there is unrestricted access for the media to all candidates/parties? All responsible media should report impartially about the election, particularly state-run media, since they are funded by the tax-payer.

Some governments have used media they control to attack opposition candidates, restrict the supply of newsprint and exclude opposition candidates from appearing on TV and radio.

One frequent abuse by incumbent governments is to allow balanced coverage in designated election broadcasts, but then show politically biased programmes on other programmes.

Conscientious newspapers and broadcasters should set up a monitoring system with daily assessments on the distribution of air-time and other issues.

### **The issues**

Increasingly elections have been dominated by the personality of the candidates. Journalists should try to keep the focus on the issues, by talking to ordinary people, particularly those lacking a strong voice in society – the elderly and the young, women, in some countries, the poor, ethnic and religious minorities. Ask them if they are better or worse off since the last polls.

Put their views to the candidates, and report their responses.

The specialist correspondents should look at the main issues arising during the campaign – the economy, law and order, transport, education, foreign policy, defence. Select a representative sample of the general public at the start of the campaign, and return to them regularly to see how they have been influenced by the campaigning so far.

Reporters must travel as widely as possible through the country to get the broadest selection of views.

### **Election observers/monitors**

In some countries, the election is monitored by international monitors and observers, such as from the OSCE, or independent domestic groups.

In India, the ECI appoints a large number of Observers to ensure free and fair campaign and poll. Election expenditure Observers keeps a check on the amount that each candidate and party spends on the election.

The Observers, who are appointed under Section 20 B of the Representation of the People Act, 1951 play an important role in ensuring free and fair elections. They act as crucial link between the field and the Commission. These officers remain under disciplinary control of the Commission till the end of elections. They monitor all the processes involved in the conduct of election to maintain its purity including the area of election expenditure incurred by the contesting candidates.<sup>15</sup>

The Observers are empowered to stop counting or the declaration of result in the event of happening something which could have made it difficult to ascertain the result correctly.

### **Security**

The administration has a duty to ensure that political rallies can take place without intimidation from rival groups. But at the same time they should not be deployed in such numbers and in such a way as to discourage people from attending such events – a tactic often used by authoritarian regimes.

A journalist should keep an eye on the security arrangements or the lack of it during poll rallies and meetings.

### **Campaign financing**

Many countries have the system of state financing for political parties. India does not have it still. The political parties in India receive donations from individuals and business houses. The public should to know if candidates are receiving significant cash from narrow business interests, with the potential for influencing

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<sup>15</sup><http://pib.nic.in/newsite/erelease.aspx?reid=70818>

the policy of a future government. In India, following regulations apply for campaign finance and expenditure.<sup>16</sup>

**Table 3: Regulations related to election finance in India**

Regulation	Provision	Governing law
Contributions to candidates/ political parties	No limits on individual contributions. Corporate contributions to candidates/political parties capped at 5% of the company's average net profits during the three immediately preceding financial years. Ban on foreign contributions to candidates/political parties.	Companies Act, 1956 Foreign Contribution Regulation Act, 1976
Campaign expenditures	Total campaign expenditure by a candidate for a parliamentary constituency between Rs 10 lakh and Rs 25 lakh. For state assembly constituencies, between Rs 5 lakh and Rs 10 lakh. No limit on expenditure for propagating the party's programme. No limit on expenditure for transport of party leaders (max 40 to be declared by the party). Any other expenditure by party deemed to be spent by candidate.	Representation of the People Act, 1951 Conduct of Elections Rules, 1961
Disclosure of expenditure	Candidate to lodge expenditure accounts with the district election commissioner within 30 days.	Representation of the People Act, 1951 Conduct of Elections Rules, 1961
Disclosure of contributions received	Each party to submit to the Income Tax Authority, a report of contributions in excess of Rs 20,000 from individuals or companies, Candidates are required to file an affidavit with the Election Commission disclosing their assets and liabilities.	Representation of the People Act, 1951 Election Commission's order dated 13 <sup>th</sup> March, 2003
State funding of elections	No direct state funding of elections in India. Candidates of recognized political parties get copies of the electoral rolls and other prescribed materials. Free time allocated on state television and radio for campaigning purposes proportionately amongst the recognised political parties contesting the election on the basis of their past performances.	Representation of the People Act, 1951 Conduct of Elections Rules, 1961
Civil Penalties	An MP/MLA/MLC convicted of bribery shall be disqualified. A candidate failing to lodge election expenses without good reason in the time and manner specified may be disqualified. A candidate who incurs or authorises expenditure in excess of the specified limits may also be disqualified from contesting elections for a period of six years.	Representation of the People Act, 1951 Conduct of Elections Rules, 1961
Criminal Penalties	Publishing election posters or pamphlets without the name of the printer and publisher shall be punishable with imprisonment up to six months and/or with fine up to Rs 2000. Spending on election campaign by any person without the written authority of the candidate carries a fine up to Rs 500. Any person who fails to maintain election accounts as required by law shall be punished with fine up to Rs 500. For corporate contributions breaching the specified limits, the company shall be fined up to 3 times the amount contributed. Senior officers shall be imprisoned up to 3 years and may also be fined. Any person who accepts or assists in accepting any foreign contribution shall be punishable with imprisonment up to five years, or with fine, or with both. A candidate who gives false information or conceals any information in his nomination paper or in his affidavit shall be punishable up to six months and/or with fine.	Representation of the People Act, 1951 Indian Penal Code, 1860 Companies Act, 1956 Foreign Contribution Regulation Act, 1976

<sup>16</sup>Chart prepared by PRS Legislative Research, New Delhi ( [www.prsindia.org](http://www.prsindia.org))

## **Campaign Style and Format**

Journalists may report on campaign style and format of different parties and leaders. In a diverse and colourful country like India with hundreds of communication forms and formats, these could be interesting stories.

Besides the content, watch out for the tone and tenor of the speeches of the leaders.

## **Crowd estimates**

Be very wary of using organisers' estimates of crowds attending political party rallies, which can be wildly exaggerated, aimed at inflating their support. If you can't do your own count, try and check with independent sources such as monitors, or police, though they may also have reasons to inflate or deflate crowd figures.

You can also check with other reporters if they are reliable.

The most accurate way of estimating crowds is from aerial photographs, but these may not be readily available.

On-the-spot counting is best done from a high point. One rough method is to divide the space into sections, count 100 people in one section, then multiply it to take in the whole area.

Another method is to work out the size of the crowd area, in square metres, and assign three people per square metre. Thus a road five kilometres long and 30 metres wide, if packed with demonstrators, will contain roughly 450,000.

## **Opinion polls**

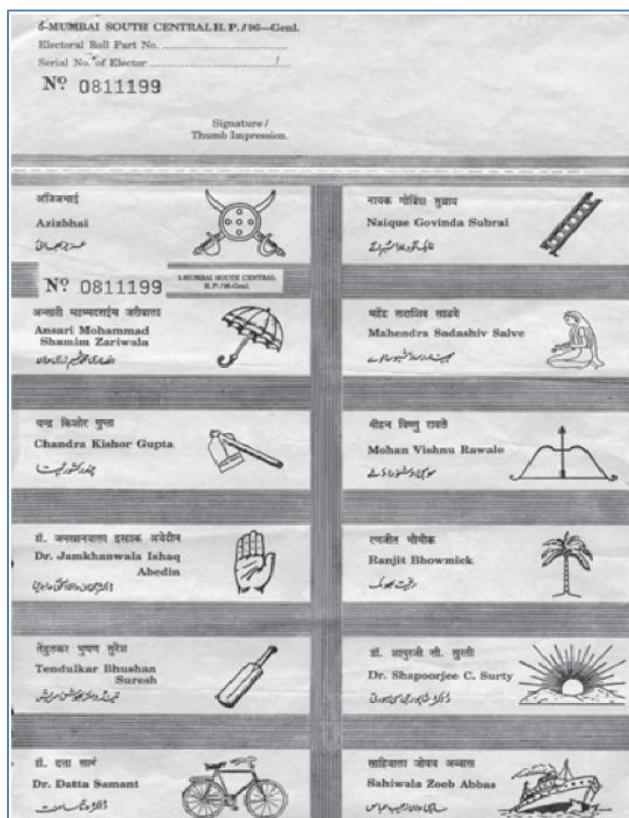
Opinion polls are widely used by media on a daily basis during campaigning to gauge the public's reaction to campaign issues, and their likely voting intentions. Many media engage market survey organisation/s to work for them throughout the campaign.

They should however be done by reputable, using scientific methods to reflect the broadest spectrum of public opinion.

Some broadcasting networks organise exit polls, asking people at polling stations how they voted, and declaring the winner immediately after the polls close. However such polls can be unreliable. Some countries have a ban on publishing opinion polls

in the last few days before the election, to allow voters to make up their own minds.

### Postal ballots



Many countries allow a proportion of voting to be done by post, despite criticism that the process is open to fraud and intimidation, particularly in collecting votes from military personnel who might feel under pressure to vote for the ruling authorities. There have been cases of ruling authorities requiring signatures on absentee military ballots after they have been cast, but before they have been counted.

India does not have an absentee ballot system for all citizens. The Representation of the People Act-1950(RPA) section 20(8) allows persons such as people on polling duty and serving in armed forces to vote in absentia through postal means.

Section 20 of the RPA-1950 disqualifies a non-resident Indian (NRI) from getting his/her name registered in the electoral rolls. Thus, it also prevents an NRI from casting his/her vote in elections to the Parliament and to the State Legislatures.

In August 2010, Representation of the People (Amendment) Bill-2010 which allows voting rights to NRI's was passed in both Lok Sabha with subsequent gazette notifications on Nov 24, 2010. With this NRI's will now be able to vote in Indian elections but have to be physically present at the time of voting. Recently several civic society organisations have urged the government to amend the RPA act to allow NRI's and people on the move to cast their vote through absentee ballot system.

### Absentee ballots

Another potential opportunity for unscrupulous governments to influence the vote. Many countries have expatriate communities

dotted around the world large enough to have a significant bearing on the vote.

Checks need to be made by journalists on whether they received their absentee ballots in time, whether their vote was cast in polling stations set up in their country of residence, or sent in by post. And whether the numbers of absentee votes tally with latest figures on expatriate numbers.

**Staggered voting** – In some countries with multiple time zones, such as Canada, voting is staggered to allow all voters to cast their ballots without being influenced by the results or trends in other parts of the country.

In some countries with remote communities and lack of communications, voters in these areas are allowed to cast their ballots days or even weeks early to allow them to reach the nearest counting office. As with postal and absentee ballots, it is crucial for a truly free and fair vote that these early results be kept secure, and are not published before the others, so as not to influence voting behaviour.

In India, general elections are conducted in several phases for logistical and security reasons. The 2014 general elections will be held in nine phases starting from April 4 to May 12. The results will be announced on May 16. This year more than 81 crore eligible voters are expected to cast their vote at about 9,30,000 polling stations spread all across the country.

In Uttar Pradesh, which has a population of over 20 crore, and Bihar, which is home to more than 10 crore– six days have been fixed for people to cast their ballots in 2014 elections.

### **Election eve**

Media should carry balanced reports summing up the programmes of the leading candidates, the main issues as expressed by people, prospects for the future, and the standing of the candidates/parties in the latest opinion polls.

The journalists must try to find out the issues which concern and impact the people of the concerned constituency in particular and the state or nation in general and write on and about them. Media should try to make people informed about the issues that concern them and what the different candidates and parties plan to do about them.

Media must also play the role of a guide in publishing reports, which must also include detailed information on voting procedure, with the location and opening and closing times of polling stations. They should also report when first unofficial results can be expected, if exit polls are being organised, and when first official results are likely. They could also carry a fact-box with all the essential details of the election.

### **Final Checklist**

(Questions reporters should be asking themselves):

- Is the electoral (Election) commission organising the poll independent of the government and balanced/neutral in its composition?
- Have all candidates seeking to stand been allowed to register. Does the electoral law discriminate against any individual or group?
- Is the registration process easily accessible to all and free of restrictions related to race, gender, or political or financial status?
- Are the numbers of voters in each electoral district more or less equal? Could the authorities have changed boundaries for political advantage?
- Do the media have unrestricted access to all candidates/parties? Any sign that government is using state-run media to attack opposition candidates or restricting their exposure on radio/TV?
- Are political parties state financed? Is there a limit to business/private donations and must parties declare them?
- Can all political rallies take place without intimidation by ruling authorities or rival groups?

### **Election Day**

For broadcasters, news agencies and evening papers, a report when the polls open in the morning is called for.

Start checking with your reporters, police and international and domestic monitors for indications of the size of the turnout, which will help determine the success of the whole electoral process and could provide a first hint of who is likely to win, as well as any early signs of violence, intimidation or other irregularities.

Follow the main candidates to the polling stations as they vote, for their early comments and local colour.

**Things to look out for:**

Multiple voting–All functioning voting systems include a mechanism aimed at ensuring that people vote only once. However none of them are fool-proof. There have been frequent cases of dead people being registered as voters, or of individuals finding ways of recording multiple votes.

Journalists should look closely at voters' rolls at polling stations to look out for repeats of names, addresses or occupations which could suggest multiple voting. One system used in several countries is to mark voters' fingers with indelible ink which stays visible for up to a week.

Getting out the voters–Candidates and parties can organise their own transport to polling stations on election day, particularly for the elderly and disabled. But the ruling authorities should not use state transport facilities for this, which would represent an unfair advantage.

Security presence– A heavy presence of police and security forces in and around polling stations could be construed as intimidation

Transparency–Are the ballot boxes sealed? Are they located out of sight of election officials? Are the voting booths unscreened, undermining the secrecy of the ballot, leaving voters vulnerable to discrimination post-election?

Other things to watch out for:

- People with valid voting papers being turned away.
- Officials demanding extra identification documents.
- Long queues at polling stations, indicating a lack of organisation. Any sign of rigging or booth capturing or jamming. Often political parties with strong local influence try to crowd out genuine voters. The reporters must look out for these.
- Campaign posters prominently displayed outside and inside polling stations

Check that the transport of the ballot boxes/ voting machines to the central counting office is monitored by concerned authorities.

As an example of the number of news angles that can be covered after an election, the following are headlines of stories covered by Reuters in the immediate aftermath of the Israeli elections in February 2001 that brought Ariel Sharon to power:

- Sharon claims all Jerusalem, Palestinians defiant
- Bush urges calm, says give Sharon chance for peace
- Victorious Sharon prays at Jerusalem Western Wall
- Sharon aide says Arafat sent letter to new leader
- Arafat's Fatah says Intifada will topple Sharon
- Israel's Barak concedes, to quit as Labour leader
- Arabs slam Sharon win, U.S. and EU plead for peace
- Larsen says U.N. urges Sharon to move on peace
- Sharon urges Palestinians to pursue dialogue
- Palestinians grim on Sharon, joyful on Barak defeat
- Arafat hopes peace talks will continue under Sharon
- Lebanon urges world to restrain Sharon

#### ANALYSES/BACKGROUND

- Israel's Sharon has big challenges, little time
- Sharon may find no partners for changed peace term
- Israeli markets, economy want unity government
- Israel's northerners recall Sharon the general
- Sharon's bleak legacy lives on in Lebanon
- Sharon is Palestinian nightmare
- Can Sharon make peace without even a handshake?
- Israelis see "Arafat factor" in Sharon triumph
- Failure to make peace costs Barak dearly

## The counting

Check that the count is done by an independent body, and monitored at all times by qualified observers and representatives of all main political parties and groups.

Cross-check that local counts at polling stations or district counting centres tally with published national figures.

In India the Electronic Voting Machines (EVM) has made counting relatively easy, transparent and error-free. However, the journalists need to be vigilant and see that these machines are functioning properly and there is no tampering.

## The result

When the result is clear, seek comments from the winners and losers, the final turnout figure, quick reaction from all of society including the man-in-the-street (vox-pop in case of audio-visual media) and independent analysts, and comments from international and domestic monitors as to the fairness of the poll, fall out of the result in different sectors, etc.

Also seek reaction from abroad, particularly neighbouring states, and from domestic and international financial markets, if available.

Look beyond the immediate figures of the result for the stories behind it, which could be more interesting in the longer term than a widely expected victory.

Was the turnout low, suggesting general voter disillusionment with politics, and possible rough times ahead for the victor or vice versa? If the turnout was exceptionally high, then why so?

Was there a surprisingly strong showing by a hitherto unheralded group, indicating a major political shift in the near future?

Is there a likelihood that defeated parties might agree to work together in coalition, which could dramatically alter the political balance?

### **The day after and thereafter**

Reporters do more in-depth interviews of the winners and losers, as well as further reaction from ordinary people, in particular those chosen earlier in the campaign for special attention.

Political correspondents, with the help of independent analysts and others, should look closely at the election results for any voter patterns or changes in voter behaviour.

How did women/young people/the elderly/ethnic minorities/ the different regions vote, and what does this mean for the future of the country?

Specialist correspondents should look at future prospects for the country under the new leadership in their various fields – foreign affairs, defence, the economy, law and order.

All of this information should be included in a final wrap-up piece looking at the election, the reaction, including from abroad, and future prospects.

After the elections are over, watch for the new Government to be formed. Write on the composition of the new ministry, write on individual ministers. There could be disgruntled elements; these could be good stories. There could be stories on the visions, plan and programme of individual ministry and minister; and how these are different from the previous ones.

A stock taking of the new government/ministry could be done after 30/50/100 days.

# Opinion Polls

Opinion polls give an insight into voter's mind. It tells us what proportion of a population has a specific viewpoint. They do not explain why respondents believe as they do. This is the work of social scientists, political commentators and journalists covering political beat. Polls are simply a measurement tool that tells us how a population thinks and feels about any given topic. This can be useful in helping different cultures understand one another because it gives the people a chance to speak for themselves instead of letting only vocal media stars speak on behalf of all.

Opinion polling gives people who do not usually have access to the media an opportunity to be heard.

	2009	AUG 2013	SWING
UPA	259	137	-122
NDA	159	155	-4
OTH	125	251	+126

TOTAL SEATS: 543  
SOURCE: INDIA TODAY-CVOTER

Surveys for Opinions polls can be conducted through telephone and face-to-face interviews, mail, online and self-administered surveys.

Recently, objection has been raised over Opinion polls and demand for its ban made by several individuals and organisations including the ECI. It has been alleged that Opinion polls conducted by various media houses are 'biased',

'politically motivated', 'unscientific' and affecting voter's choice to decide for their candidates on their own. The ECI made a proposal to amend the law for restricting publishing the results of opinion polls in March 2004.<sup>17</sup>

However, the proposal for banning Opinion polls has been equally opposed by many. Psephologist Yogendra Yadav says, "The real problem with Indian opinion polls, barring some honourable exceptions, lies with their non-transparency and non-professionalism. He points out three issues related to Opinion polls:<sup>18</sup>

<sup>17</sup><http://www.thehindu.com/news/national/ec-again-asks-govt-for-restrictions-on-opinion-polls/article5760883.ece> (retrieved on March 24, 2014)

<sup>18</sup><http://www.thehindu.com/opinion/lead/opinion-polls-the-way-forward/article5339890.ece>

First of all, we must recognise that systematic collection of public opinion is a must in modern democracies. Since elections are not a private act, citizens wish to, and need to, know how others are making up their mind. Survey based tracking of the mood of the electorate performs that crucial role. In an unequal country like India, where a tiny but voluble elite is used to passing off its voice as public interest, scientific sample surveys of public opinions are one of the few ways in which the voice of the poor and the disadvantaged gets registered.

All things considered, this is a better method to monitor the popular mood than anything else that exists. This creates a widespread need for this information among politicians, the media and people at large. That is why opinion polls and their use to track the electoral race are here to stay.

Second, it is precisely because opinion polls are the least inaccurate way of assessing the electoral race, making this information public affects the race itself. Of course, you do not win elections by leading in opinion polls; nor does a negative election forecast seal your electoral fate. But it does influence the race in small and, possibly, crucial ways. We do not have conclusive research on this point but the available evidence suggests that there is a small degree of 'bandwagon effect' of opinion polls.

A party that is seen to be leading in the polls gets some additional support from fence-sitters. This small difference could be decisive in a close contest. More than the voters, opinion poll-based forecasts do affect the morale of party workers and supporters. This makes a big difference during the campaign. The shrill denunciation of opinion polls by political parties is often an illegitimate expression of this legitimate anxiety.

Finally, opinion polls in India have not lived up to the highest standards of professional, rigorous and non-partisan polling. The problem is not that opinion poll-based forecast has been inaccurate. On balance, the record of Indian polls has been quite impressive. While exit polls and post-poll survey based projections have done better than pre-election polls, all forms of polls have proven to be a better guide to electoral prospects than any drawing room or news room gossip.

### **Scientific basis of Opinion Polls**

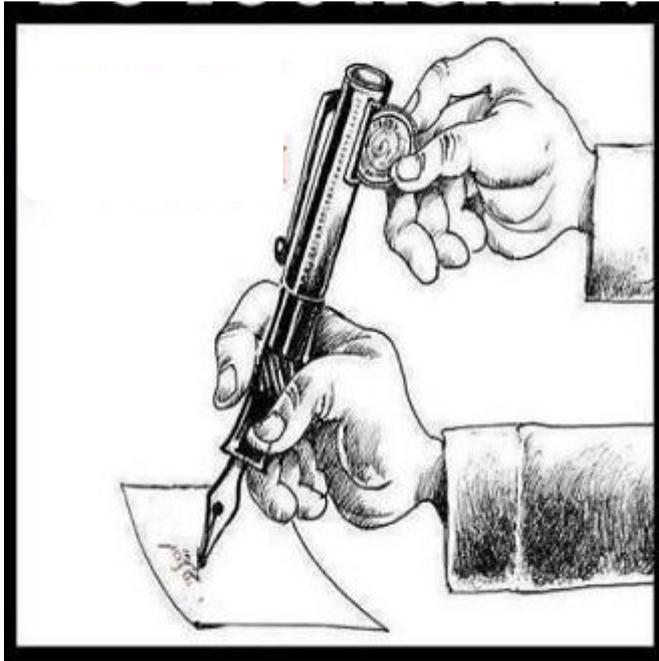
Rajeeva Karandikar, statistician and Director, Chennai Mathematical Institute, says that when done correctly, Opinion polls can provide a near-accurate estimation of the mood of voters. In a three part article published in The Hindu, dated 3 March 2014 he has explained the scientific basis of Opinion polls.<sup>19</sup> However in the same article he also explained the limitations of opinion poll based projections.

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<sup>19</sup> <http://www.thehinducentre.com/the-arena/article5739722.ece>

# Paid News

Paid News has been defined by Press Council of India (PCI) as any news or analysis appearing in any media (Print & Electronic) for a price in cash or kind as consideration. According to PCI guidelines, “news should be clearly demarcated from advertisements by printing disclaimers, should be strictly enforced by all publications. As far as news is concerned, it must always carry a credit line and should be set in a typeface that would distinguish it from advertisements.”



According to ECI, Paid News misleads the public and hampers the ability of people to form correct opinions. It causes undue influence on voters and also affects their Right to Information. It seeks to circumvent election expenditure laws/ ceiling and adversely affects level playing field.

A draft report of enquiry titled *Paid News: How corruption in the Indian media undermines Indian democracy* prepared by the Press Council of India in 2010, explicitly named newspapers and channels - including some of the biggest groups in the country - who were seen as having indulged in the

"paid news" practice.<sup>20</sup>

The report said the phenomenon of paid news has “become pervasive, structured and highly organised and in the process, is undermining democracy in India.” The “deception or fraud” that paid news entails has levels.

First: “the reader of the publication or the viewer of the television programme is deceived into believing that what is essentially an advertisement is in fact, independently produced news content.”

Second: “By not officially declaring the expenditure incurred on planting “paid news” items, the candidate standing for election violates the Conduct of Election Rules, 1961, which are meant to be enforced by the Election Commission of India under the Representation of the People Act, 1951.”

<sup>20</sup><http://www.thehindu.com/opinion/columns/sainath/paid-news-undermining-democracy-press-council-report/article407201.ece> (retrieved on March 23, 2014)

And third: “by not accounting for the money received from candidates, the concerned media company or its representatives are violating the provisions of the Companies Act, 1956 as well as the Income Tax Act, 1961, among other laws.”

The report traced the emergence of the paid news phenomenon over years and phases including such forms of space selling as MediaNet and Private Treaties. “In pursuing its quest for profits, it said, it can be argued that certain media organisations have sacrificed good journalistic practices and ethical norms”. What began as individual or one one-off transgression, it pointed out, became institutionalised over the years. “Private Treaties” involve deals where corporates pay media companies in shares for advertising, plus other, favourable treatment.

The “Private Treaties” have also disturbed the Securities Exchange Board of India (SEBI) which, as early as July 2009, wrote to the Chairman of the Press Council of India, Justice G.N. Ray, that such strategies “may give rise to conflict of interest and may, therefore, result in dilution of the independence of [the] press vis-à-vis the nature and content of the news/editorials relating to such companies”. SEBI “felt that such brand building strategies of media groups, without appropriate and adequate disclosures, may not be in the interest of investors and financial markets as the same would impede in them taking a fair and well-informed decision”.<sup>21</sup>

### **Illustrations of some paid news items identified by ECI**

- Identical articles with photographs and headlines appearing in competing publications carrying by-lines of different authors around the same time.
- On the same page of specific newspapers, articles praising competing candidates claiming that both are likely to win the same elections.
- News item stating that one candidate is getting the support of each and every section of society and that he would win elections from the constituency.
- News items favouring a candidate, not carrying any byline.
- Newspaper publishing a banner headline stating that a party/candidate is ready to create history in the

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<sup>21</sup>ibid

state/constituency but not carrying any news item related to this headline.

- News item saying that the good work done by a Party/Candidate had marginalised the electoral prospects of the other party/candidate in the state with each and every sentence of the news item in favour of the party/candidate.
- There are instances of fixed size news items, each say of a length of 125-150 words with a double-column photo. The fixed size news items hid more than they revealed. News items are seldom written in such a rigid format and size whereas advertisements are most often.
- In specific newspapers, multiple font types and multiple drop case styles were noticed within the same page of a single newspaper. This happened because just about everything – the layouts, fonts, printouts, photographs – was provided by candidates who had paid for slots in the pages of the newspaper.

The ECI on Feb 3, 2011 proposed following electoral reforms on paid news:

Amendment in the R P Act 1951, to provide therein that publishing and abetting the publishing of `paid news' for furthering the prospect of election of any candidate or for prejudicially affecting the prospect of election of any candidate be made an electoral offence under chapter-III of Part-VII of R P Act, 1951 with punishment of a minimum of two years imprisonment.

Starting from June 2010, the ECI has issued instructions to state and district officers to scrutinise, identify and report cases of Paid News. For this the Commission appointed a Media Certification & Monitoring Committee (MCMC) at District and State level for checking Paid News. The Committee has Officers from Ministry of I&B and State DIPR.

The MCMC scrutinises all media within its jurisdiction to identify political advertisement in the garb of news. It has to also actively consider paid news cases referred to it by the Expenditure Observers.

District MCMC has to intimate the Returning Officer for issue of notices to candidates for inclusion of actual expenditure on the

published matter in their election expenses account. On reference from District MCMC, RO can give notice to the candidates within 96 hrs of publication/ broadcast/telecast/receipt of complaint to explain why expenditure should not be added to the candidate's expenditure. The District MCMC can 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.

Challenges faced by ECI to check paid news

- There is circumstantial evidence, but little proof. Establishing transaction of cash or kind is indeed not very easy, as it is usually done without any record and promptly denied by both sides, when enquired.
- Media violations, surrogate advertisement and unreported advertisements are often mistaken as Paid News by MCMC. A suspect case of Paid News only begins from a news item.
- Timelines are quite tight. However if these are not maintained, it is not possible to account expenditure on Paid News in a particular election process.
- The enforcement needs to be more streamlined and the instructions would require higher clarity.

## **FAQ on Paid News**

### **Q. What does Paid News mean?**

**A.** Paid News has been defined by PCI as – “Any news or analysis appearing in any media (Print & Electronic) for a price in cash or kind as consideration”. The Commission has generally accepted the definition given by PCI.

### **Q. What is difference between advertisement and news?**

**A.** PCI guidelines say – news should be clearly demarcated from advertisements by printing disclaimers, should be strictly enforced by all publications. As far as news is concerned, it must always carry a credit line and should be set in type face that would distinguish it from advertisements. Besides, advertisement is meant to promote, while news is meant to inform.

### **Q. What made ECI to check Paid News?**

**A.** Commission experienced the problem of Paid News on the ground during the electoral process. Political parties and media groups had approached the Commission requesting for strong steps against Paid News. Parliament also discussed the issue. There was consensus among all political parties in their meeting with the Commission on 4 October

2010 and again on 9 March 2011 that stringent measures should be taken against Paid News.

**Q. What are the adverse effects of Paid News?**

1. In the election arena, Paid News misleads the public, causes undue influence on voters and affects their Right to Information.
2. It seeks to circumvent election expenditure laws/ceiling, through covert expenditure.
3. It disturbs the level playing field among political parties & candidates.

**Q. How to keep a check on Paid News?**

1. Self regulation by media and political functionaries.
2. Strict use of existing mechanisms to curb the menace in the electoral field.
3. Sensitize people and stakeholders on the subject.

**Q. Step taken by the ECI to make Paid News an electoral offence?**

**A.** The Commission has proposed Amendment in the R P Act 1951, to provide therein that publishing and abetting the publishing of 'Paid News' for furthering the prospect of election of any candidate or for prejudicially affecting the prospect of election of any candidate be made an electoral offence under chapter-III of Part-VII of the R P Act, 1951 with punishment of a minimum of two years imprisonment.

**Q. What mechanism has been developed by the ECI to curb Paid News?**

**A.** The Commission has appointed Media Certification & Monitoring Committee (MCMC) at District level and State level to monitor media for Paid News. They scrutinise all newspapers and electronic media, in order to locate political advertisement in the garb of news coverage and take necessary action against the concerned candidates.

**Q. What is District level MCMC and its functions?**

**A.** District MCMC examines complaints/issue of Paid News through a monitoring arrangement. It scans all media e.g. print media, electronic media, cable network, etc. In the suspected cases of Paid News, it intimates the Returning Officer for issue of notices to candidates for inclusion of actual expenditure on the published matter in their election expenses account or notional expenditure based on DIPR/DAVP rates in their election expenses account irrespective of whether the candidate actually has paid or not paid any amount to the channel/newspaper according to his/her own statement. District MCMC decides on the reply in a time-bound manner from the candidate and convey to the candidate/party its final decision.

**Q. What is State level MCMC and its function?**

**A.** State level Media Certification and Monitoring Committee (MCMC) examines all cases of Paid News on appeal against the decision of District level MCMC and cases that they may take up *suomotu*, in which it directs

the concerned Returning Officer to issue notice to the candidate. 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.

**Q. Where appeal can be made against the decision of State level MCMC?**

**A.** The candidate may appeal against the decision District level MCMC to State level MCMC and against the decision of State level MCMC to Election Commission of India. The decision of the Commission is final.

**Q. What is time frame for making appeal against the decision of District level and State level MCMCs?**

**A.** If the 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 level MCMC. The candidate may also appeal against the decision of State Level MCMC to Election Commission within 48 hrs of receiving of order from this Committee. The decision of the Commission is final.

**Q. What is the action against media house in the decided cases of Paid News?**

**A.** Once the cases are decided as Paid News, the Commission refers the cases of print media and electronic media to PCI and National Broadcasting Standards Authority (NBSA) respectively for taking necessary action in the matter.

**Q. What are the criteria to adjudge paid news?**

**A.** There can only be illustrations but no clinching or exhaustive list available from any authenticated source. Some of the illustrations are:

- a. Identical articles with photographs and headlines appearing in competing publications either carrying by-lines of different authors around the same time or without any author's name.
- b. On the same page of specific newspapers, articles praising competing candidates claiming that both are likely to win the same elections.
- c. News item stating that one candidate is getting the support of each and every section of society eulogising him and that he would win elections from the constituency.
- d. Small events involving a candidate being given exaggerated/repeated coverage and/or the opponents' news are not covered at all.
- e. PCI case decision on Paid News and previous decisions by MCMC of ECI can also serve as sources of guidance.

# Dynasty in Indian politics

It is an irony that in India, the World's largest democracy political parties are being increasingly ruled by dynasties. The leaders of these parties promote their sons/daughters to carry forward their legacies, or at times in the absence of any other strong stabilising candidate, the party itself promote sons/ daughters of their leaders.



The ruling Congress party at present is the most prominent example of dynasty in Indian politics. This is also visible in many state-level parties such as:

1. Akali Dal in Punjab
2. Shiv Sena in Maharashtra
3. NCP of Maharashtra
4. DMK in Tamil Nadu
5. TDP of Andhra Pradesh
6. BJD in Odisha
7. SP in UP
8. RJD in Bihar



Biju Patnaik

Navin Patnaik

There are many factors responsible for this. In India, and elsewhere, a political party is most likely to be dynastic if it does not have a cadre-based organisation; is not rooted in an independent civil society association and; has centralised financing of elections, it is much more likely to be dynastic. The factors responsible for the existence of dynasties in political parties are: <sup>22</sup>

## Factor 1: Selection of Successor

If a party has a party organisation where other contenders to the chief post can form their independent bases of power or lobby groups within the party, it may be harder to sustain dynastic

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<sup>22</sup><http://mrunal.org/2012/06/polity-political-dynasties.html> (retrieved on march 23, 2014)

parties. This was the case with the Congress in the 1960s when a strong organisation could discipline the ruling Congress party.

### **Factor 2: Civil Society**

If a party has strong ties to a civil society organisation that constrains the party leader from appointing kin as successor, the party will be non-dynastic. The classic case is the BJP. The RSS (in which the BJP is rooted) exercises enough influence over the choice of leadership to ensure that it is non-dynastic.

### **Factor 3: Party finance**

As long as politicians raise their own campaign finances illegally, their best insurance against disclosure is to keep the money in the family. If all politicians in India raised funds independently and openly (as they do in the United States) individual politicians could challenge the party leadership. In India this independence is discouraged and substantial campaign contributions are undisclosed and collected centrally. This centralisation of finances is essential to avoid detection. As many have observed, the bulk of the money for the 2009 election campaigns of various parties was allocated to Lok Sabha hopefuls by the central command. This gives the central party enormous control and the party leader is influenced by incentives that encourage keeping it all in the family.

## Reporting Elections- Guidelines

According to the Section 126 of the Representation of the People Act, 1951, display of 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 is banned. The relevant portions of Section 126 are re-produced below:<sup>23</sup>

Prohibition of public meetings during period of forty-eight hours ending with hour fixed for conclusion of poll-

(1) No person shall –

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

(b) 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.

(c) 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.

(d) 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 upto a period of two years, or with fine or both.

3. The Commission has also clarified that while telecasting/broadcasting programmes like debate/panel discussions, current affairs programmes etc., it should be ensured that these do not violate the provisions of Section 126, and that programmes involving candidates and leaders of political parties

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<sup>23</sup><http://pib.nic.in/newsite/PrintRelease.aspx?relid=104536> (retrieved on March 23, 2014)

including interviewing or projecting any candidate or political party or its leaders not be telecast/broadcast during the prohibited period of 48 hours mentioned in Section 126.

4. The Commission once again reiterates that the TV/Radio channels and cable networks should ensure that the contents of 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 panellists/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.

5. During the period not covered by Section 126 or Section 126A, concerned TV/Radio/Cable/FM channels are free to approach the state/district/local authorities for necessary permission for conducting any broadcast related events which must also conform to the provisions of the model code of conduct and the programme code laid down by the Ministry of Information and Broadcasting under the Cable Network (Regulation) Act with regard to decency, maintenance of communal harmony, etc. They are also required to stay within the provisions of Commission's guidelines dated 27th August, 2012 regarding paid news and related matters. Concerned Chief Electoral Officer/District Election Officer will take into account all relevant aspects including the law and order situation while extending such permission.

6 Attention of all print media is also drawn to the following guidelines issued by Press Council of India to follow for observance during the election:

- i. It will be the duty of the Press to give objective reports about elections and the candidates. The newspapers are not expected to indulge in unhealthy election campaigns, exaggerated reports about any candidate/party or incident during the elections. In practice, two or three closely contesting candidates attract all the media attention. While reporting on the actual campaign, a newspaper may not leave out any important point raised by a candidate and make an attack on his or her opponent.
- ii. Election campaign along communal or caste lines is banned under the election rules. Hence, the Press should eschew reports, which tend to promote feelings

of enmity or hatred between people on the ground of religion, race, caste, community or language.

- iii. The Press should refrain from publishing false or critical statements in regard to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate or his candidature, to prejudice the prospects of that candidate in the elections. The Press shall not publish unverified allegations against any candidate/party.
- iv. The Press shall not accept any kind of inducement, financial or otherwise, to project a candidate/party. It shall not accept hospitality or other facilities offered to them by or on behalf of any candidate/party.
- v. The Press is not expected to indulge in canvassing of a particular candidate/party. If it does, it shall allow the right of reply to the other candidate/party.
- vi. The Press shall not accept/publish any advertisement at the cost of public exchequer regarding achievements of a party/government in power.
- vii. The Press shall observe all the directions/orders/instructions of the Election Commission/Returning Officers or Chief Electoral Officer issued from time to time.

7. Attention of the electronic media is invited to the “Guidelines for Election Broadcasts” issued by NBSA dt 3<sup>rd</sup> March, 2014.

i. News broadcasters should endeavour to inform the public in an objective manner, about relevant electoral matters, political parties, candidates, campaign issues and voting processes as per rules and regulations laid down under The Representation of the People Act 1951 and by the Election Commission of India.

ii. News channels shall disclose any political affiliations, either towards a party or candidate. Unless they publicly endorse or support a particular party or candidate, news broadcasters have a duty to be balanced and impartial, especially in their election reporting.

iii. News broadcasters must endeavour to avoid all forms of rumor, baseless speculation and disinformation, particularly when these concern specific political parties or

candidates. Any candidate/political party, which has been defamed or is a victim of misrepresentation, misinformation or other similar injury by broadcast of information should be afforded prompt correction, and where appropriate granted an opportunity of reply.

iv. News broadcasters must resist all political and financial pressures which may affect coverage of elections and election related matters.

v. News broadcasters should maintain a clear distinction between editorial and expert opinion carried on their news channels.

vi. News broadcasters that use video feed from political parties should disclose it and appropriately tagged.

vii. Special care must be taken to ensure that every element of a news/programmes dealing with elections and election related matters is accurate on all facts relating to events, dates, places and quotes. If by mistake or inadvertence any inaccurate information is broadcast, the broadcaster must correct it as soon as it comes to the broadcaster's notice with the same prominence as was given to the original broadcast.

viii. News broadcasters, their journalists and officials must not accept any money, or valuable gifts, or any favour that could influence or appear to influence, create a conflict of interest or damage the credibility of the broadcaster or their personnel.

ix. News broadcasters must not broadcast any form of 'hate speech' or other obnoxious content that may lead to incitement of violence or promote public unrest or disorder as election campaigning based on communal or caste factors is prohibited under Election Rules. News broadcasters should strictly avoid reports which tend to promote feelings of enmity or hatred among people, on the ground of religion, race, caste, community, region or language.

x. News broadcasters are required to scrupulously maintain a distinction between news and paid content. All paid

content should be clearly marked as “Paid Advertisement” or “Paid Content” : and paid content must be carried in compliance with the “Norms & Guidelines on Paid News” dated 24.11.2011 issued by NBA.

xi. Special care must be taken to report opinion polls accurately and fairly, by disclosing to viewers as to who commissioned, conducted and paid for the conduct of the opinion polls and the broadcast. If a news broadcaster carries the results of an opinion poll or other election projection, it must also explain the context, and the scope and limits of such polls with their limitations. Broadcast of opinion polls should be accompanied by information to assist viewers to understand the poll’s significance, such as the methodology used, the sample size, the margin of error, the fieldwork dates, and data used. Broadcasters should also disclose how vote shares are converted to seat shares.

xii. The broadcasters shall not broadcast any “election matter” i.e. any matter intended or calculated to influence or affect the result of an election, during the 48 hours ending with the hours fixed for the conclusion of poll in violation of Section 126(1)(b) of The Representation of the People Act 1951.

xiii. The Election Commission of India (ECI) will monitor the broadcasts made by news broadcasters from the time elections are announced until the conclusion and announcement of election results. Any violation by member broadcasters reported to the News Broadcasting Standards Authority (NBSA) by the Election Commission will be dealt with by the NBSA under its regulations.

xiv. Broadcasters should, to the extent possible, carry voter education programmes to effectively inform voters about the voting process, the importance of voting, including how, when and where to vote, to register to vote and the secrecy of the ballot.

xv. News broadcasters must not air any final, formal and definite results until such results are formally announced by the Election Commission of India, unless such results are carried with clear disclaimer that they are unofficial or

incomplete or partial results or projections which should not be taken as final results.

The above guidelines should be duly observed for compliance by all the concerned media.

### **PCI Guidelines on Election Reporting- 1996**

General Election is a very important feature of our democracy and it is imperative that the media transmits to the electorate fair and objective reports of the election campaign by the contesting parties. Freedom of the Press depends to a large measure on the Press itself behaving with a sense of responsibility. It is, therefore, necessary to ensure that the media adheres to this principle of fair and objective reporting of the election campaign.

The Press Council has, therefore, formulated the following guidelines to the media for observance during elections:

1. It will be the duty of the Press to give objective reports about elections and the candidates. The newspapers are not expected to indulge in unhealthy election campaigns, exaggerated reports about any candidate/party or incident during the elections. In practice, two or three closely contesting candidates attract all the media attention. While reporting on the actual campaign, a newspaper may not leave out any important point raised by a candidate and make an attack on his or her opponent.
2. Election campaign along communal or caste lines is banned under the election rules. Hence, the Press should eschew reports which tend to promote feelings of enmity or hatred between people on the ground of religion, race, caste, community or language.
3. The Press should refrain from publishing false or critical statements in regard to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate or his candidature, to prejudice the prospects of that candidate in the elections. The Press shall not publish unverified allegations against any candidate/party.
4. The Press shall not accept any kind of inducement, financial or otherwise, to project a candidate/party. It shall not accept

hospitality or other facilities offered to them by or on behalf of any candidate/party.

5. The Press is not expected to indulge in canvassing of a particular candidate/party. If it does, it shall allow the right of reply to the other candidate/party.

6. The Press shall not accept/publish any advertisement at the cost of public exchequer regarding achievements of a party/government in power.

7. The Press shall observe all the directions/orders/instructions of the Election Commission/Returning Officers or Chief Electoral Officer issued from time to time.

#### **ii) Guidelines on *Pre-poll* and *Exit-poll* Survey- 1996**

The Press Council of India having considered the question of desirability or otherwise of publication of findings of pre-poll surveys and the purpose served by them, is of the view that the newspapers should not allow their forum to be used for distortions and manipulations of the elections and should not allow themselves to be exploited by the interested parties.

The Press Council, therefore, advises that in view of the crucial position occupied by the electoral process in a representative democracy like ours, the newspapers should be on guard against their precious forum being used for distortions and manipulations of the elections. This has become necessary to emphasize today since the print media is sought to be increasingly exploited by the interested individuals and groups to misguide and mislead the unwary voters by subtle and not so subtle propaganda on casteist, religious and ethnic basis as well as by the use of sophisticated means like the alleged pre-poll surveys. While the communal and seditious propaganda is not difficult to detect in many cases, the interested use of the pre-poll survey, sometimes deliberately planted, is not so easy to uncover. The Press Council, therefore, suggests that whenever the newspapers publish pre-poll surveys, they should take care to preface them conspicuously by indicating the institutions which have carried such surveys, the individuals and organisations which have commissioned the surveys, the size and nature of sample selected, the method of selection of the sample for the findings and the possible margin of error in the findings.

2. Further in the event of staggered poll dates, the media is seen to carry exit-poll surveys of the polls already held. This is likely to influence the voters where the polling is yet to commence. With a

view to ensure that the electoral process is kept pure and the voters' minds are not influenced by any external factors, it is necessary that the media does not publish the exit-poll surveys till the last poll is held.

**3.** The Press Council, therefore, requests the Press to abide by the following guideline in respect of the exit polls:

Guideline: No newspaper shall publish exit-poll surveys, however, genuine they may be, till the last of the polls is over.

# Safety guidelines for Journalists covering Elections

Journalism often becomes a dangerous profession in conflict prone areas and also at places where rate of crime is very high. Journalists are targeted, attacked and killed for their reportage. Even in India, six journalists were killed in the first six months of 2013. A biannual report *Killing the Messenger* by the International News Safety Institute (INSI) Code, ranked India as the second least safe country for journalists after Syria in 2013.<sup>24</sup> Considering the safety hazards of the profession, it is imperative for journalists to take safety measures and adhere to tips/guidelines.

While most of the international newspapers provides adequate training to journalists who are employed on hazardous assignments, in India such practice is missing. According to the former editor of *The Hindu*, Siddharth Varadarajan, “Indian journalists face four sorts of threats: illnesses, getting caught in riots, threats from state security forces, or from third parties like insurgents or gangsters.”<sup>25</sup> However, journalists here are not provided formal training before they go on assignment. Instead, they are encouraged to keep themselves away from the harm’s way. Even reputed organisations like *The Hindu* do not provide such training.

London based International News Safety Institute (INSI) recommends 16 steps which all journalists should follow if they have to work under difficult and hostile circumstances.

## Sixteen steps for Safety

1. Be physically and mentally prepared. Go on a Hostile Environment course that includes basic first aid training before your assignment if at all possible.
2. Most conflict zones require an ability at least to run, hike and endure discomfort. Ensure appropriate jabs and carry basic medical kit with clean needles. Wear internationally recognized bracelet with caduceus symbol and record of allergies, blood group etc.
3. Know the background of the people and place of assignment and of the dispute. Learn a few useful phrases in the local language, most essentially “foreign press” or “journalist”. Know the meaning of local gestures that might be important.

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<sup>24</sup><http://www.firstpost.com/india/india-more-dangerous-than-pakistan-for-journalists-report-1047447.html>

<sup>25</sup>[http://india.blogs.nytimes.com/2012/06/21/primer-to-best-practices-for-journalistic-safety/?\\_php=true&\\_type=blogs&\\_r=0](http://india.blogs.nytimes.com/2012/06/21/primer-to-best-practices-for-journalistic-safety/?_php=true&_type=blogs&_r=0)

4. Do not move alone in a conflict zone. If travelling by road, use a safe and responsible driver with knowledge of terrain and trouble spots and local language.

Identify your vehicle as media unless that would attract attack. Travel in close convoy if possible. Do not use military or military type vehicles unless accompanying a regular army patrol. Make sure your vehicle is sound, with plenty of fuel. In hot conditions check tyre pressures regularly as a blow-out can be disastrous.

5. Seek the advice of local authorities and residents about possible dangers before travelling.

Check the road immediately ahead at safe intervals. Inform your headquarters and colleagues remaining at base of where you are going, your intended ETA and expected return. Check in frequently. Beware of carrying maps with markings that might be construed as military.

6. Meet unfamiliar contacts in public places and tell your office or trusted colleague your plans. Try not to go alone into potential danger. Plan a fast and safe way out before you enter a danger zone.

7. Never carry a weapon or travel with journalists who do. Be prudent in taking pictures. Seek the agreement of soldiers before shooting images. Know local sensitivities about picture-taking.

8. Carry picture identification. Do not pretend to be other than a journalist. Identify yourself clearly if challenged. If working on both sides of a front line never give information to one side about the other.

9. Stay calm and try to appear relaxed if troops or locals appear threatening. Act friendly and smile.

10. Carry emergency funds and a spare copy of your ID in a concealed place such as a money belt. Have a giveaway amount ready to handover.

11. Keep emergency phone numbers at hand, programmed into satellite and mobile phones, with a key 24/7 number on speed dial if possible. Know the location of hospitals and their capabilities.

12. Familiarise with weapons commonly used in the conflict, their ranges and penetrating power so you can seek out the most effective cover. Know incoming from outgoing. Know what landmines and other ordnance look like. Do not handle abandoned weapons or spent munitions.

13. Wear civilian clothes unless accredited as a war correspondent and required to wear special dress. Avoid paramilitary-type clothing. Avoid carrying shiny objects and exercise care with lenses. Reflections of bright sunlight can look like gun flashes.

14. Be prepared to wear flak jackets, body armour, helmets, gas masks and NBC apparel as appropriate. For demonstrations, use more discreet gear such as hardened baseball-type hats and light undergarment protection.

15. Know your rights, internationally and locally. Know the Geneva Conventions as they relate to civilians in war zones.

16. Journalists who have endured high danger and witnessed dreadful events may experience traumatic stress in later weeks. Do not be embarrassed to seek counseling.

In India covering elections could be even more difficult because of the size and diversity of the country. The journalists need to take adequate precautions against sudden illness and small accidents. They must carry with them potable water and some dry food. Knowing local language could be a big advantage.

### Resources on Journalists Safety

- In *India Ink* blog of the *New York Times* website, Salil Tripathi has prepared a primer on best practices for journalistic safety to follow:<sup>26</sup>
- The International Center for Journalists in Washington has prepared a manual which can be found online<sup>27</sup>.
- The Committee for Protecting Journalists in New York has a security manual<sup>28</sup> which includes tips on operating in disaster zones as well as handling health-related risks. This guide provides information on basic preparedness, risk assessment, data protection, rules of operating in conflict zones, dealing with organized crime and corruption, reporting civil unrest, operating in areas of natural disasters or epidemics, dealing with family security and security surveillance, and coping with stress.
- The World Health Organization in Geneva prepares fact-sheets on diseases. The one on malaria can be found online: [www.who.int/mediacentre/factsheets/fs094/en/index.html](http://www.who.int/mediacentre/factsheets/fs094/en/index.html)
- The International News Safety Institute (INSI) in London issues regular advisories.
- Companies like Control Risks (<http://www.controlrisks-training.com>), AKE Ltd<sup>29</sup> and Centurion<sup>30</sup> provide training to professionals who have to operate in difficult environments.

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<sup>26</sup>ibid

<sup>27</sup> (<http://www.icjf.org/>

<sup>28</sup> <http://cpj.org/reports/2012/04/journalist-security-guide.php>

<sup>29</sup> (<http://www.akegroup.com/training/hostile-environment-training/>)

<sup>30</sup>[http://www.centurionsafety.net/About/Centurion\\_in\\_the\\_Media/Hostile\\_Environment\\_Training\\_101.html](http://www.centurionsafety.net/About/Centurion_in_the_Media/Hostile_Environment_Training_101.html))

# Frequently Asked Questions (FAQ) on Model code of Conduct

## **What is the Model Code of Conduct?**

The Model Code of Conduct for guidance of political parties and candidates is a set of norms which has been evolved with the consensus of political parties who have consented to abide by the principles embodied in the said code and also binds them to respect and observe it in its letter and spirit.

## **What is the role of Election Commission in the matter?**

The Election Commission ensures its observance by political party (ies) in power, including ruling parties at the Centre and in the States and contesting candidates in the discharge of its constitutional duties for conducting the free, fair and peaceful elections to the Parliament and the State Legislatures under Article 324 of the Constitution of India. It is also ensured that official machinery for the electoral purposes is not misused. Further, it is also ensured that electoral offences, malpractices and corrupt practices such as impersonation, bribing and inducement of voters, threat and intimidation to the voters are prevented by all means. In case of violation, appropriate measures are taken.

## **From which date the Model Code of Conduct is enforced and operational up to which date?**

The Model Code of Conduct is enforced from the date of announcement of election schedule by the Election Commission and is operational till the process of elections are completed.

## **What is applicability of code during general elections and bye-elections?**

- a. During general elections to House of People (Lok Sabha), the code is applicable throughout the country.
- b. During general elections to the Legislative Assembly (Vidhan Sabha), the code is applicable in the entire State.
- c. During bye-elections, the code is applicable in the entire district or districts in which the constituency falls.

## **What are the salient features of the Model Code of Conduct?**

The salient features of the Model Code of Conduct lay down how political parties, contesting candidates and party(s) in power should conduct themselves during the process of elections i.e. on their general conduct

during electioneering, holding meetings and processions, poll day activities and functioning of the party in power etc.

## **ON OFFICIAL MACHINERY**

### **Whether a Minister can combine his official visit with electioneering work?**

No. The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work.

### **Whether Govt. transport can be used for electioneering work?**

No. No transport including official air-crafts, vehicles etc. shall be used for furtherance of the interest of any party or a candidate.

### **Whether Govt. can make transfers and postings of officials who are related to election work?**

There shall be a total ban on the transfer and posting of all officers/officials directly or indirectly connected with the conduct of the election. If any transfer or posting of an officer is considered necessary, prior approval of the Commission shall be obtained.

### **Suppose an officer related to election work has been transferred by the Govt. before enforcement of model code of conduct and has not taken over charge at new place. Can such officer take over charge of office at new place after announcement of the code?**

No. Status-quo-ante shall be maintained.

### **Whether a Minister of Union or State can summon any election related officer of the constituency or the State for any official discussion during the period of elections?**

No Minister, whether of Union or State, can summon any election related officer of the constituency or the State for any official discussions anywhere. If Union Minister is travelling out of Delhi on purely official business, which cannot be avoided in public interest, then a letter certifying to this effect should be sent from the concerned Secretary of the Ministry/Department to the Chief Secretary of the concerned State, with a copy to the Election Commission.

### **Can an official meet the minister on his private visit to the Constituency where elections are being held?**

No. Any official who meets the Minister on his private visit to the constituency shall be guilty of misconduct under the relevant service rules; and if he happens to be an official mentioned in Section 129 (1) of

the Representation of People Act, 1951, he shall also be additionally considered to have violated the statutory provisions of that Section and liable to penal action provided there under.

**Whether Ministers are entitled for official vehicle during the election?**

Ministers are entitled to use their official vehicles only for commuting from their official residence to their office for official work provided that such commuting is not combined with any electioneering or any political activity.

**Whether Ministers or any other political functionaries can use pilot car with beacon lights affixed with siren?**

Minister or any other political functionary is not allowed during election period, to use pilot car or car with beacon lights of any colour or car affixed with sirens of any kind whether on private or official visit, even if the State administration has granted him a security cover requiring presence of armed guards to accompany him on such visit. This prohibition is applicable whether the vehicle is government owned or private owned.

**Suppose there is a visit of President / Vice President at anyplace in the State. Is a Minister allowed to use VIP Car with other protocol?**

Yes. The Minister may leave with VIP car and other protocol from his headquarters to the place of visit of President/ Vice President and return to his headquarters without attending any other function/meeting with any other political functionary. This restriction shall be applicable from the time he leaves the Headquarters and till he reaches back the headquarters.

**Suppose a vehicle has been provided to Minister by the State and the Minister is given an allowance for maintenance of such vehicle. Can it be used by the Minister for election purposes?**

Where a vehicle is provided by the State or the Minister is given an allowance for maintenance of the vehicle, he cannot use such vehicle for election.

**Whether facility of official vehicles can be withdrawn from those ministers who violate the provisions of Model Code of conduct?**

Yes. The Chief Electoral Officer shall also recover the cost of propulsion from the ministers who may misuse their official position.

**Whether there is any restriction or visits of members of National Commission for Schedule Castes or any other similar National/State Commissions?**

It is advised that all official visits of Members of such Commissions shall be deferred, unless any such visit becomes unavoidable in an emergent situation, till the completion of election exercise to avoid any misunderstanding that may arise in any quarters.

**Whether members of Finance Commission of Govt. of India can visit State(s)?**

Yes. Provided neither the press briefings nor press notes would be issued, highlighting the achievements of the State or otherwise.

**Whether Chief Minister and other Ministers can attend New Year Day function (of the State), which is a State function?**

No. Only Chief Secretary and other officials may participate and no political person including Chief Minister or Minister may participate in such function where Govt. funds are used.

**Whether a Chief Minister/Minister/Speaker can attend a "State Day" function of a State?**

There is no objection provided that he does not make any political speech on the occasion and the function is to be conducted only by Govt. officials. No advertisement depicting the photograph of Chief Minister/Minister/Speaker shall be released.

**Whether Governor/Chief Minister/Ministers can participate and address the Convocation function of University or Institute?**

Governor may participate and address the Convocation. Chief Minister or Ministers may be advised not to participate and address the Convocation.

**Whether "Iftar Party" or any other similar party can be hosted at the residence of political functionaries, the expenses of which will be borne by State exchequer?**

No. However any individual is free by to host any such party in his personal capacity and at his personal expense.

**Is there any restriction on address of Governor in the Assembly Session (budget)?**

No.

## **ON WELFARE SCHEMES, GOVERNMENT WORKS ETC.**

**Is there any restriction on issue of advertisement at the cost of public exchequer regarding achievements with a view to furthering the prospects of the party in power?**

Yes. The advertisement regarding achievements of the party at the cost of public exchequer in the print and electronic media and the misuse of official mass media during the period of election is prohibited.

**Whether hoardings/advertisements etc. depicting the achievements of the party(s) in power at Centre/State Governments at the cost of public exchequer can be continued?**

No. All such hoardings, advertisements etc. on display shall be removed forthwith by the concerned authorities. Further, no advertisements should be issued in the newspapers and other media including electronic media at the cost of public exchequer.

**Whether a Minister or any other authority can sanction grants/ payments out of discretionary funds?**

No. Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced.

**Whether money can be withdrawn from treasury against the sanctioned amount from the discretionary funds of Ministers to prepare draft in the names of beneficiaries which may be disbursed after process of election is completed?**

The funds may either be kept in "Personal Ledger Account" of the concerned Department or the release may be deferred till the completion of elections.

**Suppose work order has been issued in respect of a scheme or a programme. Can it be started after announcement of election programme?**

Work shall not be started in respect of which work order has been issued before announcement of election but the work has actually not started in the field. If a work has actually started in the field that can be continued.

**Whether fresh release of funds under MPs/MLAs/MLCs Local Area Development Fund of any scheme can be made?**

No. Fresh release of funds under MPs/MLAs/MLCs Local Area Development Fund of any scheme shall not be made in any area where election is in progress, till the completion of the election process.

**There are various rural development programmes/schemes of Central government like Indira Awas Yojana, Sampoorna Grameen Rozgar Yojana, Swaranjayanti Gram Swarozgar Yojana, National Food for Work programme, National Rural Employment Guarantee Act. Are there any guidelines for implementation of these schemes/programmes?**

Yes. Following guidelines shall be followed in respect of each scheme/programme as enumerated below:-

(a) Indira Awas Yojana (IAY) Beneficiaries, who have been sanctioned housing scheme under IAY and have started work, will be assisted as per norms. No new constructions will be taken up or fresh beneficiaries sanctioned assistance till the elections are over.

(b) Sampoorna Grameen Rozgar Yojana (SGRY) Continuing works in progress may be continued and funds earmarked for such works can be released. In case of any Panchayat where all ongoing works have been completed and there is a requirement for taking up new wage employment works and where funds released directly to the Panchayats from the Ministry of Rural Development are available, new works can be started from approved annual action plan for the current year with the prior consent of the District Election Officer. From other funds, no new works shall be started.

(c) Swaranjayanti Gram Swarozgar Yojana (SGSY) Only those help groups which have received part of their subsidy/grant will be provided the balance instalments. No fresh individual beneficiaries or SHGs will be given financial assistance till the elections are over.

(d) National Food for Work Programme (NFWP) There is no objection for continuance of old works and sanction of new works in those districts where no elections have been announced. In those districts where elections have been announced and are in progress, only those works may be undertaken that have already started physically on ground, provided outstanding advance given for implementation of such works at a given time shall not exceed the amount equivalent to work for 45 days.

(e) National Employment Rural Guarantee Act (NERGA) The Ministry of Rural Development shall not increase the number of districts in which it is being implemented after announcement of elections. The job card holders will be provided employment in the ongoing work, if they demand work, after announcement of elections. In case no employment can be provided in ongoing works, the competent authority may start new work(s) from the shelf of projects that has been approved and inform the fact to concerned District Election Officer (DEO). No new work shall be started by the competent authority till such time employment can be given in ongoing works. In case no shelf of project is available or all works available on shelf have been exhausted, then the concerned competent authority shall make a reference to the Commission for approval through

the concerned DEO. The competent authority shall also furnish a certificate to DEO to the effect that the new work has been sanctioned as no employment can be given to the job card holder in the ongoing work.

**Whether a Minister or any other authority can announce any financial grants in any form or promises thereof or lay foundation stones etc. of projects or schemes of any kinds etc.?**

No. Ministers and other authorities shall not announce any financial grants in any form or promises thereof; or (except civil servants) lay foundation stones etc. of projects or schemes of any kind; or make any promise of construction of roads, provision of drinking water facilities etc. or make any ad-hoc appointments in Government, Public Undertakings etc. In such case, senior Govt. Officer may lay foundation stone, etc. without involving any political functionary.

**A budget provision has been made for a particular scheme or the scheme has been sanctioned earlier. Can such scheme be announced or inaugurated?**

No. Inauguration/announcement of such scheme is prohibited during election period.

**Whether ongoing beneficiary scheme can be continued?**

No. The processing of beneficiary oriented scheme, even if ongoing, shall be suspended during election period. Further, no fresh release of funds on welfare schemes and works should be made.

**Suppose work order has already been issued for a scheme. Can work be started in respect of such scheme?**

No work shall be started in respect of which even if work orders have already been issued, if the work has actually not started in the field. Work can start only after the completion of election process. However, if a work has actually started, that can be continued.

**Is there any bar to release of payments for completed work?**

There shall be no bar to the release of payments for completed work subject to the full satisfaction of the concerned officials.

**How the Govt. may meet the emergency situation or unforeseen calamities, when there are restrictions for announcing welfare measures?**

For tackling emergencies or unforeseen calamities like providing relief to people suffering from drought, floods, pestilences, other natural calamities or welfare measures for the aged, infirm etc., Govt. may do so after obtaining prior approval of the Commission and all ostentatious

functions shall be strictly avoided and no impression shall be given or allowed to be created that such welfare measures or relief and rehabilitation works are being undertaken by the Govt. in office with any ulterior motive.

**Whether financial institutions funded, partially or wholly by the Governments can write off loans advanced to any individual, company, firm, etc.?**

No. The financial institutions funded, partially or wholly by the Governments recourse to writing off loans advanced to any individual, company, firm, etc. Also, financial limits of such institutions, while granting or extending loans, should not be enhanced by issuing of loans indiscriminately to beneficiaries.

**Whether tenders, auctions etc. relating to matters such as liquor vends, Tendu leaves and other such cases can be processed?**

No. Processing of such cases should be deferred till the completion of election process in the concerned areas and the Govt. may make interim arrangements where unavoidably necessary.

**Q. Suppose contract for Toll Tax is expiring at the end of financial year (31st March of the year), for which auction date has already been proposed/advertised. Whether auction can be held for awarding the contract?**

Yes. Provided the contract is supervised by the Commissioner/Divisional Commissioner or some other senior District Officer directly answerable to the Commissioner/Divisional Commissioner and there is no change in the earlier policy or auction procedure.

**Whether meeting of Municipal Corporation, Nagar Panchayat, Town Area Committee, etc. can be convened to review the revenue collection and preparing draft annual budget etc?**

Yes. Provided that at such meetings only the matters of routine nature relating to day-to-day administration may be taken up and not the matters relating to its policies and programmes.

**Whether function regarding “Stop TB” programme can be held which may be inaugurated by a political functionary and whether an advertisement on “World TB Day” can be released and published?**

There is no objection provided –  
i. during the inauguration ceremony, no political speeches are made,

- ii. no advertisement with photographs of PM and / or any Minister is issued, and
- iii. advertisements and speeches are confined to the subject of combating and eradication of TB only.

**Whether political functionaries can participate in the celebration of “Sadbhavna Diwas” which is celebrated throughout the country?**

The Central Ministers / Chief Minister / Ministers in the States and other political functionaries can participate in the celebration of “Sadbhavna Diwas” subject to condition that the “theme” of their speeches should be confined only to the promotion of harmony among the people’ and no political speech should be made. Messages, if any, issued in the name of Minister should be confined to the theme of national integration only and should carry no photograph of the concerned Minister.

**Whether State-level functions can be held for observance of Martyrdom of Martyrs which may be presided/attended to by Chief Minister / Minister?**

Yes. Provided that the speeches of the Chief Minister and other Ministers should restrict to the Martyrdom of the Martyrs and praising them. No political speech or speech enumerating or referring to the achievements of the Government or party in power should be made.

**Whether birthday celebration of Babu Jagjivan Ram and Dr. B.R. Ambedkar which falls on 5th April and 14th April respectively as a State function may be conducted?**

Yes. Provided it is not used as an occasion for political campaign or highlighting public achievements of the Govt. and also there is no ostentation and no political functionary addresses such meetings. The above restriction shall be equally applicable in all such other functions.

**Whether Kavi Sammelan, Mushiaras or other cultural functions can be organized in connection with the Independence Day/Republic Day celebration and whether political functionaries can attend the same?**

Yes. The Central Ministers / Chief Minister / Ministers in the States and other political functionaries can attend the programme. However, it will be ensured that no political speeches highlighting the achievements of the party in power are made on the occasions.

**Whether films can be telecast on the occasions of birth and death anniversaries / ceremony anniversaries of prominent leaders in which VVIPs/VIPs may likely to feature?**

May not be telecast, in case the coverage involves VVIPs/VIPs.

**Whether media campaign can be made for effective implementation of statutory warnings, etc. on sale of cigarettes and other tobacco products?**

Yes. Provided that photos/messages of political personalities etc. shall not be associated with the campaign.

**Whether political advertisements can be printed on backside of the bus-ticket of Govt. owned buses?**

No.

**Whether Govt. can release convicted criminals on parole after following due procedures?**

If the Govt. feels that the release of any convict on parole is absolutely essential for certain compelling reasons, in that case Govt. shall consult the Chief Electoral Officer before granting parole.

**Whether minimum support price of wheat and other agricultural products can be determined?**

A reference in the matter shall be made to the Election Commission.

**Whether the Government can proceed and act upon the following indicative illustrative list of items, which is not exhaustive, without obtaining clearance/approval from the Election Commission?**

- (i) Extension of term of an official for further period except officials related to conduct of elections,
- (ii) Enhancement of minimum penalty in case of ticket less travel,
- (iii) Sanctioning of grants to consumer co-ordination council from consumer welfare fund to organize a conference on world consumer rights day,
- (iv) Issuing advertisement regarding pulse polio immunization programme,
- (v) Seeking financial assistance from National Calamity Contingency Fund for drought relief measure-deputing of Inter-Ministerial team of officers to visit concerned State,
- (vi) Request of the State Govt. for transportation of water and fodder by Rail in areas declared drought affected,
- (vii) Promotion of officials by convening DPC and filling regular posts falling due to retirement, deputation, etc.,
- (viii) Appointment of persons on compassionate grounds in pursuance of Court's orders,
- (ix) Celebration of "May-Day",
- (x) Providing additional charge of office of one officer to another one,

- (xi) To call and finalize tenders of routine, repair maintenance, strengthening and up gradation public utilities being run by the local authorities,
- (xii) Replacement/repair or damaged water supply distribution pipes,
- (xiii) To issue work order of construction of public facilities and public toilets on BOT basis in pursuance of Court's directions,
- (xiv) To conduct the election of college students union,
- (xv) Clearance of unauthorized structure/land as per orders of Court,
- (xvi) Release of advertisement for activities relating to control of HIV/AIDS,
- (xvii) Release of advertisement to create awareness about important provisions of labour laws,
- (xviii) Purchase of uniform clothes and equipments for Police and awarding of Tender thereof,
- (xix) Commencement of desilting of drain/cattle ponds
- (xx) Grant of financial upgradation under assured career progression scheme to employees,
- (xxi) Calling of tenders for work to control mosquitoes
- (xxii) Transfer/posting of doctors,
- (xxiii) To shift criminals from one jail to other jail in pursuance of Court's orders,
- (xxiv) To form Committee for stock of chemical fertilizer for Kharif and Rabi crops ,
- (xxv) To purchase medicine and equipments for hospitals for which grants have already been sanctioned and tenders for which were already called for.
- (xxvi) Recruitment rally to enrol youth into the Army,

Yes. Provided that no impression is given or created that the same has been done with a view to influencing the electorate in favour of ruling party. Further, in the case of advertisements, photo of Minister/political functionary should not be contained therein.

**Whether the Government can proceed and act upon the following indicative illustrative list of items, which is not exhaustive, without obtaining clearance from the Commission?**

- (i) Issuing sanction orders to out of turn PCO/Telephone connections and to nominate members to various Telephone Advisory Committees which were ordered by the minister before the elections.
- (ii) Issue of appointment order to a person as a part time non-official Director on the board of PSU after Cabinet's approval.

- (iii) Fixing of tariff for Major Port Trusts by Tariff Authority for major ports.
- (iv) Sanctioning of grants from Consumer Welfare fund to eligible voluntary consumer organizations as per guidelines.
- (v) Implementation of SEZ rules and regulations
- (vi) Publication of a booklet titled “Year of Achievement of the Department” highlighting the salient achievement of the Department,
- (vii) Anganwadi Karyakartri BimaYojana, an insurance scheme under the LIC’s social security group scheme for anganwadi workers and helpers,
- (viii) Appointment of Central Govt. nominees to the General Council as well as Executive Committee of National Council for Teachers Education,
- (ix) Recruitment drive only for wards of serving/retired service personnel as a welfare measures for troops.
- (x) Issue of advertisements in newspapers and video & audio spots on generic advertisement of processed food,
- (xi) Issue of Notification for setting up a new Promotion Council for pharmaceutical sector,
- (xii) Appointment of a person as a Sr. Consultant from a Private Company as Head of the internal system group to review the ongoing projects and E-governance initiations.

No. The processing of aforesaid items may be deferred till the completion of elections.

**Whether State Govt. can seek clarification/clearance/approval in respect of any proposal directly from the Election Commission?**

No. Any proposal from State Govt. for seeking clarification/clearance/approval from the Election Commission should only be routed through Chief Electoral Officer, who will make his recommendation or otherwise in the matter.

**ELECTION CAMPAIGN**

**What are the main guidelines for political parties/candidates while making election campaign?**

During the election campaign, no party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic. Further, criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other

parties. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided.

**Are there any restrictions in using religious places for election propaganda?**

Yes. Religious places like Temple, Mosque, Church, Gurudwara or other places of worship shall not be used as forum for election propoganda. Further, there shall be no appeal to caste or communal feelings for securing votes.

**Can a candidate go to the office of Returning Officer for filing a nomination with a procession?**

No. The maximum number of vehicles that will be allowed to come within the periphery of 100 mtrs. of Returning Officer's office has been restricted to 3 and maximum number of persons that will be allowed to enter the office of Returning Officer has been limited to 5 (including the candidate).

**How many persons are allowed at the time of scrutiny of nominations by the Returning Officer?**

The candidate, his election agent, one Proposer and one other person (who can be an advocate) duly authorized in writing by the candidate, but no other person, may attend at the time fixed for scrutiny of nominations by Returning Officer. (Refer: Sec. 36 (1) of Representation of People Act, 1951)

**Are there any guidelines regarding use of vehicles by ministers/political functionaries/candidates, who have been provided security cover by the State?**

Yes. In respect of persons covered by security, the use of State owned one bullet proof vehicle for the particular person (PP) will be permitted in all cases where the security agencies, including the intelligence authorities, have prescribed such use. The use of multiple cars in the name of stand-by should not be permitted unless so specifically prescribed by security authorities. The cost of propulsion of such bullet proof vehicles where such use of bullet proof vehicles is specified will be borne by the particular person. The number of vehicles to accompany the carcade including pilots, escorts etc. will be strictly in accordance with the instructions laid down by the security authorities and shall not exceed them under any circumstances. The cost of propulsion of all such vehicles, whether owned by Government or hired vehicles, will be met by the State Government.

The restrictions do not apply to the Prime Minister whose security requirements are governed by the Government's Blue Book.

**Whether there is any restriction for plying of vehicles forelectioneering purposes?**

Candidate can ply any number of vehicles (all mechanized/motorized vehicles including two- wheelers) for the purpose of election campaign but he has to seek prior approval of the Returning Officer for plying such vehicles and must display permit issued by Returning Officer in original (not photocopy) prominently on the windscreen of the Vehicle. The permit must bear the number of the vehicle and name of the candidate in whose favour it is issued.

**Whether a vehicle for which permission has been taken forelection campaign in the name of a candidate, can be usedfor election campaign by another candidate?**

No. Use of such vehicle for election campaign by another candidate shall invite action under section 171H of Indian Penal Code.

**Can a vehicle be used for electioneering purposes without getting permit from the District Election Officer/Returning Officer?**

No. Such vehicle shall be deemed to be unauthorized for campaigning by the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately out of the campaigning exercise and shall not be used for further campaign.

**Whether there is any restriction on use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies?**

Use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies is not allowed.

**Is external fitting/modification allowed in the vehicles used for campaigning?**

External modification of vehicles including fitting of loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules as well as other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc. can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.

**Is there any restriction or use of rest houses, dak bungalows or other Govt. accommodation for campaign office or for holding any public meeting for the purpose of election propaganda?**

Yes. Rest houses, Dak bungalows or other Govt. accommodation shall not be monopolized by the party in power or its candidates and such

accommodation shall be allowed to use by other parties and candidates but no party or candidate shall be allowed to use as campaign office. Further, it shall be ensured that –

- (i) no functionary can use the Circuit House, Dakbungalow to set up campaign office as the Circuit Houses/Dakbungalows are only for temporary stay (boarding and lodging) during transit of such functionaries,
- (ii) even casual meeting by Members of political parties inside the premises of the Government owned guesthouse etc. are not permitted and any violation of this shall be deemed to be a violation of the Model Code of Conduct,
- (iii) only the vehicle carrying the person allotted accommodation in the guest house and not more than two other vehicles, if used by the person, will be permitted inside the compound of the Guest House,
- (iv) rooms should not be made available for more than 48hours to any single individual, and
- (v) 48 hours before the close of poll in any particular area, there will be freeze on such allocations till completion of poll or re-poll.

**Are there any conditions for getting Govt aircraft/helicopters (including Public Sector Undertakings) by political parties/candidates?**

Yes. While allowing the chartering of Govt. aircrafts/helicopters to political parties/candidates or private companies etc., the following conditions should be followed:-

- i There should be no discrimination between the ruling party on the one hand and the other parties and contesting candidates on the other.
- ii The payment will be made by the political parties or the contesting candidates and proper record maintained.
- iii The rates and terms and conditions should be uniform for all.
- iv The actual allotment should be made on the first-come first-served basis. For this purpose, the date and time of receipt of the application should be noted down by the authorized receiving authority.
- v. In the rare case when both the date and time of two or more applicants is the same, the allotment will be decided by draw of lots.
- vi No individual, firm, party or candidate will be allowed to charter the aircraft/helicopter for more than three days at a time.

**Is there any restriction on displaying poster, placard, banner, flag etc of the party concerned or the candidate on a public property?**

Candidate may display poster, placard, banner, flag etc of the party concerned or the candidate on a public property subject to provisions of local law and prohibitory orders in force. For details, refer Commission's instructions No.3/7/2008/JS-II, dated 7.10.2008.

**If local law/bye-laws permit wall writings and pasting of posters, putting up hoardings, banners etc. on private premises/properties, is it necessary to obtain prior written permission from the owner of the premises/properties?**

Yes. Candidate is required to obtain prior written permission from the owner of the properties/premises and photocopy (ies) of such permission should be submitted within 3 days to the Returning Officer or an officer designated by him for the purpose.

**Is there any restriction on displaying/carrying poster/placard/banner/flag of the party concerned or of the candidate on the vehicle during the procession?**

.Candidate may display /carry one poster/placard/banner/flag of Candidate's party/or his own on vehicle during the procession subject to conformity with the provisions of Motor Vehicle Act and any other local laws/bye-laws.

**Whether there is any ban on use of plastic sheets for making use of posters/banners during the election campaign?**

The political parties and candidates should try to avoid the use of plastic/polythene for preparation of posters, banners etc. in the interest of environmental protection.

**Is there any restriction on the printing of pamphlets, posters etc?**

Yes. Candidate shall not print or publish, or cause to be printed or published any election pamphlet or poster which does not bear on its face names and addresses of the printer and the publisher thereof.(Refer : Section 127A of Representation of 1951)

**Whether there is any restriction on air dropping of leaflets/pamphlets by the Political parties/candidates?**

No. Provided that all the expenses in this regard have been booked against the election expenses of the candidate, on whose behalf the leaflets/pamphlets are being dropped.

**Is wearing of special accessories like cap, mask, scarf etc. of a candidate permitted during the campaigning?**

Yes, provided they are accounted for in the election expenses of the candidate concerned. However supply and distribution of main apparels like saree, shirt, etc. by party/candidate is not permitted as it may amount to bribery of voters.

**Whether dummy ballot units of EVM can be prepared by the candidate for the purpose of educating the voters?**

Yes. The dummy ballot units may be made of wooden, plastic or plyboard boxes, half the size of the official ballot units and may be painted brown, yellow or grey.

**Whether there is restriction to display to the public any election matter by means of cinematograph, television or other similar apparatus?**

Yes. Candidate cannot display to the public any election matter by means of cinematograph, television or other similar apparatus during the period of 48 hours ending with the hour fixed for the conclusion of poll. (Refer: Sec. 126 of Representation of People Act, 1951)

**Whether a candidate can print and distribute the diary/calendar/sticker depicting his image or image of Gods/ deities etc.**

No. This will amount to bribery under section 171E of Indian Penal Code.

**Whether distribution of printed "Stepney Covers" or other similar material containing symbol of party/candidate or without depicting it, is a violation?**

Yes. In case, it is established that such material have been distributed, a complaint may be filed before the area Magistrate by District Administration against the distribution of the said material under section 171 B of the IPC.

**Are there conditions/guidelines for setting up and operating of Temporary Offices by Party or candidate?**

Yes. Such offices cannot be opened by way of any encroachment either on public or private property/ in any religious places or campus of such religious places/ contiguous to any educational institution / hospital / within 200 meters of an existing polling station. Further, such offices can display only one party flag and banner with party symbol/photographs and the size of the banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc., then the lower size prescribed by local law shall prevail.

**Is there any restriction on the presence of political functionaries in a constituency after campaign period is over?**

Yes. After the closure of campaign period (starting from 48 Hrs. before closure of poll), political functionaries etc. who have come from outside the constituency and who are not voters of the constituency should not continue to remain present in the constituency. Such functionaries should

leave the constituency immediately after campaign period is over. This will not apply in the case of candidate or his election agent even if they are not voters in the constituency.

**Is such restriction applicable in the case of office bearer of a political party who is in-charge of election in the State?**

Yes. However, such restriction is not insisted upon during the general elections to Lok Sabha/State Assembly only in respect of the office bearer who is in-charge of the State during the election period. Such office bearer shall declare his place of stay in the State Headquarters and his movement during the period in question shall remain confined normally between his party office and place of his stay. The above restrictions will be applicable to all other functionaries in all elections.

**Whether there is any restriction for holding public meeting or taking out processions?**

Yes. Prior written permission should be obtained from the concerned police authorities for holding of a meeting at any public or private place and for taking out processions.

**Whether loudspeakers can be used for public meetings or for processions or for general propaganda without obtaining permission from Police authorities?**

No. Prior written permission should be obtained from the concerned police authorities for using loudspeakers.

**Whether there is any time limit for using loudspeakers?**

Yes. Loudspeaker cannot be used at night between 10.00 P.M. and 6.00 A.M.

**What is the deadline after which no public meetings and processions can be taken out?**

Public meetings cannot be held after 10 PM and before 6.00 AM. Further, Candidate cannot hold public meetings and processions during the period of 48 hours ending with the hour fixed for the conclusion of poll. Suppose, poll day is 15th July and hours of poll are from 8.00 A.M to 5.00 P.M., then the public meetings and processions shall be closed at 5.00 P.M on the 13th July. (Refer: Sec. 126 of Representation of People Act, 1951)

**Whether there are any guidelines for political parties/candidates for issue of unofficial identity slips to voters?**

Yes. The unofficial identity slip, on white paper, shall contain only the particulars of the voter i.e. name, Serial number of voter, part No. in the

electoral roll, sl. no. and name of Polling Station and date of Poll. It should not contain the name of candidate, his photograph and symbol.

**Is there any restriction on appointment of a Minister/M.P./M.L.A/M.L.C or any other person who is under security cover as an Election Agent/Polling Agent/Counting Agent?**

Yes. A candidate cannot appoint a Minister/M.P./ MLA/MLC or any other person who is under security cover, as an election/polling agent/counting agent, as his personal security shall be jeopardized with such appointment, because his security personnel will not under any circumstances be permitted to accompany him into the 100 meter perimeter of polling stations described as the “Polling Station Neighbourhood” and within the polling booth and campus of counting centre and within the counting centre. Also any person having security cover will not be allowed to surrender his security cover to act as such agent of a candidate.

**Is a candidate allowed to appoint persons as polling agents from anywhere?**

No. Such person who is appointed by the candidate as a polling agent must be an ordinarily resident and elector of the concerned polling station area only and not from outside the concerned polling area. Such person must also have Elector’s Photo Identity Card. However, in the case of polling stations exclusively manned by the women polling personnel, the restriction of resident of same polling area shall not be applied for.

**Who is the authority to issue permits to Star Campaigners (Leaders) of the Political Parties who avail benefit under Section 77(1) of R.P Act, 1951?**

In case the mode of road transport is to be availed of by Star Campaigners (Leaders) of political, the permit will be issued centrally by the Chief Electoral Officer. If such party applies for issue of permit for the same vehicle to be used by any leader for election campaigning throughout the State, the same maybe issued for such vehicle centrally by the Chief Electoral Officer, which will be prominently displayed on windscreen of such vehicle(s) to be used by concerned leader(s). If different vehicles are to be used by such party leaders in different areas, then the permit can be issued against the name of the person concerned who will display it prominently on the windscreen of the vehicle being used by such leader.

**Whether Opinion poll or Exit poll can be conducted, published, publicized or disseminated at any time?**

No. The result of any opinion poll or exit poll conducted shall not be published, publicized or disseminated in any manner by print, electronic

or any other media, at any time-(a) during the period of 48 hours ending with the hour fixed for closing of poll in an election held in a single phase; and(b) in a multi-phased election, and in the case of elections indifference States announced simultaneously, at any time during the period starting from 48 hours before the hour fixed for closing of poll in the first phase of the election and till the poll is concluded in all the phases in all States.

**Whether there is any restriction for transmitting SMS?**

Transmitting objectionable messages on SMSs during election is prohibited. For objectionable SMSs which may violate the law and ECI instructions issued in this behalf, the police authorities shall advertise special mobile numbers on which the receiver of such SMS can forward the said SMS with the mobile number of sender. The police authorities shall take action under the law.

**POLL DAY**

**Are there any guidelines for setting up of election booth by candidate/political parties near polling station on the day of poll?**

Election booth can be set up beyond a distance of 200 meters from the polling stations, only with 1 table and 2 chairs with an umbrella or a piece of tarpaulin or cloth to protect the two occupants. Only one banner (3 x 41/2 feet) can be displayed showing the name of the candidate/ party / election symbol at the booth. However, two election booths can be set up, if more than two polling stations have been set up in a building.

**Is it necessary to obtain written permission of the concerned Government authorities or local authorities for setting up of election booth?**

Yes. It is necessary to obtain the written permission of the Government authorities concerned or local authorities before setting up of such booths. Written permission must be available with the persons manning the booth for production before the police /election authorities concerned on demand.

**Is there any restriction of canvassing in or near polling station?**

Yes. Canvassing for votes etc. within a distance of one hundred meters of polling station is prohibited on the day of poll.

**Whether the use of mobile phone is allowed in the polling station?**

No person is allowed to either carry or use mobile phones, cordless phones, wireless sets etc. in 100 meter perimeter of the polling stations described as the “polling station neighbourhood” and within the polling booth. Only Observer/Micro Observer, Presiding Officer and security

personnel are allowed to carry mobile phone but they will keep their mobile phones in silent mode.

**Is there any restriction of going armed to or near polling station?**

Yes. No person is allowed to go armed with arms as defined in Arms Act 1959 of any kind within the neighbourhood of a polling station on the day of poll. (Refer: Section 134B of Representation of 1951)

**How many vehicles a candidate is entitled for on the day of poll?**

i) For an election to the House of the People, a candidate will be entitled to:

(a) One vehicle for candidate's own use in respect of the entire constituency. One vehicle for use of candidate's election agent for entire constituency.

(b) In addition, one vehicle for use of candidate's workers or party workers, as the case may be, in each of the assembly segments comprised in the Parliamentary Constituency.

(ii) For an election to the State Legislative Assembly, a candidate will be entitled to:

(a) One vehicle for candidate's own use

(b) One vehicle for use of candidate's election agent

(c) In addition, one vehicle for use of candidate's workers or party workers.

**If the candidate is absent from the constituency on the day of poll, can the vehicle allotted in his name be used by any other person?**

No. Vehicle allotted for candidate's use is not allowed to be used by any other person.

**Can any type of entitled vehicle be used on the day of poll?**

No. The candidate or his agent or party workers or workers will be allowed to use only four/three/two wheeler vehicles i.e. cars (of all types), taxis, auto rickshaws, rickshaws and two wheelers. In these vehicles not more than five persons including drivers are allowed to move on the day of poll.

**Whether Political Party/Candidate can make arrangements for transporting voter to and from Polling Station?**

No. Any arrangement, direct or indirect, to carry any voter to or from polling station by any kind of vehicle used for transport is a criminal offence. (Refer: Sec. 133 of Representation of People Act, 1951)

**Whether there are restrictions on plying of Govt./private vehicles on the poll day?**

No. Public transport like buses, minibuses are allowed to ply but it should be ensured that they are not used clandestinely for the conveyance of voters. Further, private cars, taxis carrying passengers to places other than polling booths like hospitals, airports, railway stations, bus stands, friends and relations houses, clubs, and restaurants will be allowed on the road. But they should not be allowed to come clandestinely near the polling areas for the conveyance of voters.

**Can a leader of Political party use private fixed-wing aircraft and helicopters for the purposes of supervising and monitoring the polling and counting process on the day of poll and counting?**

No. Leader of a political party is not allowed to use private fixed-wing aircraft and helicopters for the purposes of supervising and monitoring the polling and counting process on the day of poll and counting.

# Annexure-I

## *CODE OF CONDUCT FOR TELEVISION/RADIO BROADCASTS IN*

### *CONNECTION WITH ELECTIONS*

The Election Commission (EC) recognises the significance of television and radio in the coverage of elections. Their reach is widespread and impact substantial. On the one hand, the electronic media can be misused to favour one party or another. But on the other hand, the EC recognises that electronic media can, if used properly be an important source of information for voters across the country. It can provide the widest first hand education for voters on political parties, their symbols, various leaders and different issues in the election. This is why electronic media all over the world is the single biggest source of information of voters in terms of debates, campaign, coverage etc.

It is essential therefore that a model code of conduct is established for electronic media both to ensure that it is not misused as well as to ensure that it be used in the best interest of democracy and the voter.

Listed below are the Do's and Don'ts for election coverage on electronic media.

#### DONTs

1. There should be no coverage of any election speeches or other material that incites violence, against one religion, against one language, against one group etc.
2. In any constituency, only one candidate should not be projected. While it is not necessary to cover every single candidate (as some constituencies may have several candidates), at least the more important candidates should be covered in any reports from a constituency.
3. The following could be covered in a balanced and fair manner:-
  - a. Campaigning and excerpts from campaign speeches.
  - b. Symbols, banners, flags and other campaign materials of parties.
  - c. Results of opinion polls by non-political, professional organisations with a proven track record.
  - d. Party manifestoes (critical analysis of which is also perfectly legitimate.)
  - e. Candidates and their views in different constituencies across the country.
  - f. The positions taken by the main parties on different issues important to the electorate.
  - g. Debates between major parties and candidates.

h. Analysis of previous voting patterns, victory margins, swings etc.

4. By a balanced and fair it is meant that among the major political parties:-

- a. No political parties should be given substantially more coverage than others. The balance need not be achieved in any single day or in a single story, but over a reasonable period of time, say one week.
- b. Balance does not mean each party must get exactly the same air time to the last second, but parties should be given broadly the same amount of time.
- c. Balance implies that to no reasonable person should it appear that one political party is being projected to the exclusion of others.

5. Procedures:

- a. All producers must record a copy of their programme off air for use as reference in case of any disputes.
- b. The EC shall be the final arbiter in any dispute.

6. The final interpretation of any disputed passage or story should be with

The Election Commission .In Case of disagreement with the broadcaster, one authority could be nominated by the Election Commission who could take a decision immediately when approached.

\*Subsequent clarifications-

Opinion/Gallop Polls are not to be published/broadcast during the period 48hrs before each phase of polling till the completion of the phase of polling.

Exit poll results are not to be published/broadcast before the completion of each phase of polling.

## Annexure-II

### Instructions of ECI for use of social media in Election Campaigning

ELECTION COMMISSION OF INDIA

NirvachanSadan, Ashoka Road, New Delhi – 110001.

No. 491/SM/2013/Communication Dated: 25 thOctober, 2013

To,

1. Chief Electoral Officers of all States and Union Territories
2. Presidents/General Secretaries of All National/State recognized Political Parties.

**Sub: Instructions of the Commission with respect to use of Social Media in Election Campaigning.**

Sir,

The Commission's attention was drawn to use of social media for election campaigning and also certain violations of the Electoral Law in the social media, which need to be regulated in the interest of transparency and level playing field in the elections.

Social media refers to the means of interactions among people in which they create, share, and/or exchange information and ideas in virtual communities and networks. It differentiates from traditional/industrial media in many aspects such as quality, reach, frequency, usability, immediacy, and permanence. The prevalence of Web and social media has increased over the years and there have been demands from the political and social groups to regulate the social media during elections as other media is regulated.

There are broadly five different types of social media: a) collaborative projects (for example, Wikipedia)b) blogs and micro blogs (for example, Twitter)c) content communities (for example, YouTube)d) social networking sites (for example, Facebook)e) virtual game-worlds (e.g., Apps)

Legal provisions relating to election campaigning apply to social media in the same manner in which they apply to any other form of election campaigning using any other media. Since social media is a relatively new form of media, it appears necessary to clarify to all concerned by the following instructions:-

A. Information to be given by candidates about their social media accounts. Candidates are required to file affidavits in Form-26 at the time of filing of nominations.

Detailed instructions and the format in which the affidavits have to be filled were issued vide the Commission's letter No. 3/4/2012/SDR dated 24, August, 2012. Para 3 of this Form requires that email ID of the candidate, if any, should be communicated to the Commission in this Form. The Commission finds it necessary that authentic social media accounts of candidates should also be informed to the Commission. This information should be furnished in the said Para 3 as follows:—"My contact telephone no. (s) is/are.....,my email ID (if any) is ....., and my social media accounts (if any) are....."

B. Pre-Certification of Political Advertisements. In pursuance of the Hon'ble Supreme Court of India's Order in SLP (Civil) N.6679/2004, dated 13 April,2004, the Commission issued detailed instructions on this subject vide its order no. 509/75/2004/JS-1/4572 dated 15.04.2004. In this order, it was stated that every registered/national and State political party and every contesting candidate proposing to issue advertisements on television channels and/ or on cable network will have to apply to Election Commission of India/designated officer for pre-certification of all political advertisements on electronic media before the publication. The order was further modified and consolidated vide Commission's order dated 27.08.2012, wherein Media Certification and Monitoring Committees at district and State levels were given the responsibilities of pre -certification of such advertisement along with other functions viz acting against Paid News etc. 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 mutatis mutandis to websites including social media websites and shall fall under the purview of pre-certification. You are, therefore, requested to ensure that no political advertisements are released to any internet based media/websites, including social media websites, by political parties/candidates without pre-certification from competent authorities in the same format and following the same procedures as referred in the aforesaid orders.

C. Expenditure on campaigning through internet including social media websites. According to Section 77, sub section (1), of Representation of the People Act,1951, every candidate is required to keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has filed nomination and the date of declaration of the result thereof, both dates inclusive. The Hon'ble Supreme Court of India had directed in Common Cause Vs. Union of India in 2005 that political parties should also submit a statement of expenditure of elections to the ECI and such statements are required to be submitted within 75 days of assembly elections and 90 days of Lok Sabha elections. It is obvious that expenditure on election campaign through any advertisement in social media is a part of all expenditure in connection with the elections. For the sake of removing any ambiguity, it is hereby directed that candidates and political parties shall include all expenditure on campaigning, including expenditure on advertisements on social media, both for maintaining a

correct account of expenditure and for submitting the statement of expenditure. This, among other things, shall include payments made to internet companies and websites for carrying advertisements and also campaign related operational expenditure on making of creative development of content, operational expenditure on salaries and wages paid to the team of workers employed by such candidates and political parties to maintain their social media accounts, etc.

D. Application of Model Code of Conduct to content on internet including social media. The Commission has a model code of conduct in place during the elections in respect of political parties and candidates which remains in force from the date the elections are announced by the Commission till the completion of elections. It is clarified that the provisions of model code of conduct and related instructions of the Commission issued from time to time shall also apply to the content being posted on the internet, including social media websites, by candidates and political parties.

E. As far as the content posted by persons other than candidates and political parties is concerned, the Commission is considering the matter in consultation with the Ministry of Communication and Information Technology on practical ways to deal with the issue, in so far as they relate to, or can be reasonably connected with, the election campaigning of political parties and candidates. These instructions may please be brought to the notice of all concerned including candidates, political parties, media and election observers for immediate necessary action.

Yours faithfully,

Sd/-(Rahul Sharma)

(Under Secretary)

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