

# ELECTION COMMISSION OF INDIA

NirvachanSadan, Ashoka Road, New Delhi – 110 001.

No. 491/MCMC/2018/Communication

Dated : 13<sup>th</sup> September, 2018

To

(1) The Chief Secretaries of  
all States and Union Territories.

(2) Chief Electoral Officers of  
all States and Union Territories

Subject: Supreme Court Order dated 13th April 2004 – pre certification of political advertisement on electronic media.

Sir/Madam,

I am directed to invite your attention to Commission's letter No. 509/75/2004-JS- I, dated 15th April 2004, forwarding therewith its Order of even No. dated 15th April 2004, its subsequent letter No. 509/75/2004/J.S.- I/Vol.II dt 26<sup>th</sup> Sept, 2007(copy enclosed), and 491/Paid News/2012/Media dt 27<sup>th</sup> August, 2012.

2. The Hon'ble Supreme Court's directions dated 13.04.2004 inter-alia provides in specific and unambiguous terms that -

**“This order is being issued in exercise of the powers under Article 142 of the constitution of India and it shall bind all the political parties, candidates, persons, group of persons of Trusts who propose to insert the advertisement in the electronic media, including cable networks and/or television channels as well as cable operators.”**

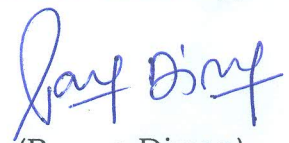
3. Under Article 142 of the Constitution, the scope and ambit of the directions dated 13.04.2004 of Hon'ble Supreme Court, referred to above would be **applicable in the whole of territory of India at all times** and not restricted only during the period, as has already been clarified vide the Commission's letter dated 26<sup>th</sup> Sept. 2007, referred to above.

4. I am, therefore, to request that the instructions/clarifications may be brought to the notice of all Media Certification and Monitoring Committees (MCMCs)/District Election Officers/ Returning Officers/media/political parties & all other stakeholders in the State/Union Territory for strict compliance.

6. A copy of instructions forwarded by you in this regard may be sent for information and record.

7. Kindly acknowledge the receipt.

Yours faithfully,



(Pawan Diwan)

Under Secretary

# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110 001.

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No. 509/75/2004/J.S.-I/VOL. II

Dated : 26<sup>th</sup> Sept., 2007

To

(1) The Chief Secretaries of  
all States and Union Territories.

(2) Chief Electoral Officers of  
all States and Union Territories

Sub. Supreme Court Order dated 13<sup>th</sup> April 2004, relating to advertisement of political nature on TV Channel and cable networks.

Sir,

I am directed to invite your attention to Commission's letter No. 509/75/2004-JS-I, dated 15<sup>th</sup> April 2004, forwarding therewith its Order of even No. dated 15<sup>th</sup> April 2004, its subsequent letter and Order of even Nos. dated 22<sup>nd</sup> July 2004 and dated 20<sup>th</sup> September 2004 respectively, on the subject cited **(copies enclosed for ready reference)**. The Hon'ble Supreme Court vide its order dated 5.7.2004, has directed subsequently that its order dated 13.04.2004 will remain in operation until further orders.

2. In this connection, I am further to state that the orders of the Election Commission, referred to above, were issued in pursuance of the Hon'ble Supreme Court directions dated 13.04.2004 with reference to the provisions of the Cable Television Networks (Regulation) Act, 1995 and the rules framed thereunder.

3. The Hon'ble Supreme Court's directions dated 13.04.2004 *inter-alia* provides in specific and unambiguous terms that -

**“This order is being issued in exercise of the powers under Article 142 of the constitution of India and it shall bind all the political parties, candidates, persons, group of persons of Trusts who propose to insert the advertisement in the electronic media, including cable networks and/or television channels as well as cable operators.”**

4. You are aware that the provisions of Model Code of Conduct for Guidance of Political Parties and Candidates come into force from the date of announcement of the election schedule by the Commission and till the completion of election process.

5. In this connection I am further to state that the directions dated 13.04.2004 of Hon'ble Supreme Court, referred to above, have been issued **under Article 142 of the Constitution of India, the scope and ambit of which are applicable in the whole of territory of India at all times** and **not restricted only** during the period commencing from the date of announcement of the election schedule by the Commission and till the completion of election process.

6. It has been brought to the notice of the Commission that instructions/directions issued by it, in pursuance of orders passed by Hon'ble Supreme Court in the matter, are not being followed by the Political Parties etc. as provided in the said directions of the Hon'ble Supreme Court relating to advertisements of political nature in the electronic media, including cable networks and/or television channels as well as cable operators. The advertisements of political nature are being telecast over T.V. channels and cable networks **without getting certification of advertisement(s) for telecast from the Competent Authority.**

7. I am, therefore, to request that the Commission's Orders issued in this behalf, as referred to above may be given wide publicity and this may specifically be brought to the notice of all District Election Officers/ Returning Officers & all other concerned authorities, T.V. Channels and cable operators and political parties in the State/Union Territory for strict compliance. **It may also be brought to their notice that failure to comply with the orders of the Hon'ble Supreme Court will amount to contempt of the Court.** The Chief Electoral Officer may also issue a suitable Press Note in this behalf.

8. A copy of instructions issued by you in this behalf may also be endorsed for its information and record.

9. Kindly acknowledge the receipt.

Yours faithfully,

(A. K. MAJUMDAR)  
PRINCIPAL SECRETARY

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