



OFFICE OF THE CHIEF ELECTORAL OFFICER

Villianur Main Road, Lawsthottam, Reddiarpalayam, Puducherry-605 010

Phone: (0413) 2292204, 2292205 / Fax: (0413) 2292206

Web: <http://ceopuducherry.py.gov.in> Email: ceo_pondicherry@eci.gov.in

No.: E.4(1)/2019 / 392

Puducherry, dt.

27 FEB 2019

ORDER

Sub.: Elections - General Elections to Puducherry Lok Sabha, 2019 –
Constitution of DL-MCMC, SL-CCA and SL-MCMC Committees –
Reg

In pursuance of the directions of the Election Commission of India's Order No.509/75/2004/JS-1 dated 15-04-2004 read with its Instructions/Guidelines dated 21.11.2008, 08.06.2010, 23.09.2010, 18.3.2011, 16.08.2011, 27.8.2012, 08.11.2013, 15.3.2014, 11.04.2014, 12.04.2014, 14.04.2014 and 25.2.2019, the following Committees are constituted with immediate effect.

I. DISTRICT LEVEL MEDIA CERTIFICATION AND MONITORING COMMITTEE (DL-MCMC):

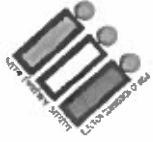
(a) Composition of the DL-MCMC: The DL-MCMC Committee shall consist of the following members:

a.	District Election Officer, Puducherry/Karaikal	Chairperson
b.	Assistant Returning Officer (not below SDM- to be co-opted by DEO)	Member
c.	An intermediary expert/Social media expert to be chosen by DEO*	Member
d.	News Editor All India Radio	Member
e.	Independent citizen/journalist (as may be recommended by PCI **)	Member
f.	Assistant Director of Information & Publicity	Member-Secretary
*	<i>Intermediary expert/Social media expert should be preferably be a Govt. Officer not below the rank of SDM and has at least 5 years of experience of working in IT department/cell/social media cell of the Government. In case if he/she is not a Government Officer, then he/she should have a Master's degree in the filed of IT having 10 years' experience of working in IT Department/Cell/Social media cell of the government with good understanding of social media platforms and how they work and should be eligible in terms of background and neutrality.</i>	
**	<i>In case PCI does not provide the name, DEO may appoint either an independent senior citizen or accredited journalist who is willing and who, in the opinion of the DEO, is eligible in terms of background and record of neutrality.</i>	

(b) Functions of the DL-MCMC: The DL-MCMC shall have two distinct sets of functions:-

(i) Certification of advertisements:	:	For the purpose of certification of advertisements, including those in social media, in accordance with the orders of the Hon'ble Supreme Court, the Members at (1) and (2) of DL-MCMC shall entertain application for certification of advertisements on television channel, cable networks in respect of :- CONTESTING CANDIDATES ONLY FOR THE ENTIRE DISTRICT CONCERNED
(ii) Examining Complaints/Issues of Paid News	:	For this purpose all the Members of DL-MCMC shall examine complaints and issues of Paid News, including those appearing in social media, through a monitoring arrangement

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(c) Powers of the DL-MCMC:-

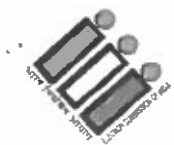
(i) Certification of advertisements: District Election Officer and the Assistant Returning Officer (not below SDM) shall-

- a) have the powers to direct deletion/modification of any part of the advertisement and the concerned political party or contesting candidate or any other person shall comply with the directions within 24 hours from the receipt of such communication. The advertisement so modified shall be re-submitted for review and certification.
- b) if satisfied that the advertisement meets the requirements of the law and in accordance with the directions of the Supreme Court contained in Orders dated 02-04-2004 and 13-04-2004, a certificate as prescribed in **Annexure "B"** shall be issued.
- c) shall maintain a record for all applications received for certification. Each application should be serially numbered and the serial numbers should also be indicated on the two copies in electronic form and the receiving officer should affix his signature on the electronic copy. After issue of certificate, one electronic copy of the advertisement as certified for telecast, should be retained by the Committee.
- d) shall forward a copy of the permission along with all expenditure details to the accounting Team constituted for this purpose.

(ii) Examining Complaints /Issues of Paid News: All the members of DL-MCMC shall scan all media (e.g. newspapers, print & electronic media, cable network, internet, mobile network etc.,) for

- a) suspected cases of Paid News –
- b) activity considered paid news case referred to by the Expenditure Observers
- c) intimate the Returning Officer for issue of notice to candidates for inclusion of the actual expenditure on the published matter or notional expenditure based on DIPR rates or in absence of DIPR rates, DAVP rates, either based on or irrespective of whether the candidate actually has paid or not paid any amount to the channel/newspaper, in their election expenses.
- d) copy of the notice served shall be marked to the Expenditure Observer.
- e) monitoring political advertisement in electronic media for checking if the telecast / broadcast has been done only after certification.

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- f) monitoring political advertisement, including publicity or advertisement or appeal by or on behalf of candidate or by Star Campaigner(s) or others to impact candidate's electoral prospects, in other media, in relation to candidates, either overt or covert, from expenditure monitoring angle.
- g) checking if the advertisements in print media is with the consent or knowledge of the candidate and if so to account it in the election expenses of the candidate. If the advertisement is not with the authority from the candidate take action for prosecution of the publisher for violation 171H of IPC.
- h) checking of the name and address of the publisher and printer is carried on any election pamphlet, poster, handbill and other document as required under section 127A of Representation of the People Act, 1951 and if any, printed material does bear on its face the name and address of the printer or publisher, it shall be brought to the notice of the Returning Officer for further necessary action. For the purpose of Section 127A of the Representation of the People Act, 1951. "Paid News would also fall in the category of other documents".
- i) The DL-MCMC shall submit a daily report to the Accounting Team with a copy to the Returning Officer and Expenditure Observer in respect of each candidate, in the format prescribed in Annexure 12 of the Expenditure Guidelines with reference to the expenditure incurred for publishing the "News" that is substantiated by necessary documents furnished by the candidate or notional expenditure as computed by the DL-MCMC in the assessed cases of Paid News.
- j) DL-MCMC shall create a suitable mechanism for monitoring media and shall be equipped with adequate manpower and infrastructure.

(iii) Mode of Application for Certification for advertisement: All political parties, other associations or groups or groups of persons or organizations having headquarters or registered Office, as the case may be, in the Union Territory and contesting candidates must submit application in **Annexure-A** which shall be accompanied with :-

- a) two copies of the proposed advertisement in the electronic form along with a duly attested transcript thereof.
- b) the application for certification shall contain the following details:
 - the cost of production of the advertisement;
 - the approximate cost of proposed telecast of such advertisement on a television channel or cable network with the break-up of number of insertions and rate proposed to be charged for each of such insertions;

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- it shall also contain a statement whether the advertisement inserted is for the benefit of the prospects of the election of a candidate(s)/parties;
- if the advertisement is issued by any person other than a political party or a candidate, that person shall state on oath that it is not for the benefit of a political party or a candidate and the said advertisement has not been sponsored or commissioned or paid for by any political party or a candidate;
- a statement that all the payment shall be made by way of cheque or demand draft.

(d) Time Frame:

- All political parties, other associations or groups or groups of persons or organizations by every registered political parties party and every contesting candidate shall be made the Committee no later than three (3) days prior to the date of the commencement of the telecast of such advertisement.
- Any other person or unregistered political parties shall make an application not later than seven (7) days prior to the date of telecast.
- All these applications shall be considered and disposed off within two (2) days from the date of receipt of the application

II. Addl./JOINT CEO COMMITTEE ON CERTIFICATION (Addl/Jt.CEO-CC)

(a) **Composition of the Addl/Jt.CEO-CC:** The Addl./Jt.CEO-CC shall comprise of the following members:-

a)	Additional/Joint Chief Electoral Officer	Chairperson
b)	RO of PPC	Member
c)	An intermediary expert/Social media expert to be chosen by Addl./Jt.CEO*	Member
c)	Director of Information & Publicity, Puducherry	Member
d)	Deputy Director (Programme), Doordarshan Kendra (DDK), Puducherry	Member
*	<i>Intermediary expert/Social media expert should be preferably be a Govt. Officer not below the rank of SDM and has at least 5 years of experience of working in IT department/cell/social media cell of the Government. In case if he/she is not a Government Officer, then he/she should have a Master's degree in the filed of IT having 10 years' experience of working in IT Department/Cell/Social media cell of the government with good understanding of social media platforms and how they work and should be eligible in terms of background and neutrality.</i>	

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(b) Functions of the Addl./Jt.CEO-CC: The Addl./Jt.CEO-CC shall be distinct from DL-MCMC and shall deal with:

(i) Certification of advertisements:	:	Certification of advertisement for the entire U.T of Puducherry by (i) all registered political parties having headquarters in Puducherry and (ii) all organizations or group of persons or associations having their registered office in the U.T of Puducherry.
Addl./Jt.CEO-CC will have no jurisdiction over "paid news" cases.		

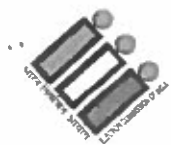
(c) Powers of the Addl./Jt.CEO-CC: The Addl./Jt.CEO-CC shall:

- i. have the powers to direct deletion/modification of any part of the advertisement and the concerned political party or contesting candidate or any other person shall comply with the directions within 24 hours from the receipt of such communication. The advertisement so modified shall be re-submitted for review and certification.
- ii. if satisfied that the advertisement meets the requirements of the law and in accordance with the directions of the Supreme Court contained in Orders dated 02-04-2004 and 13-04-2004, a certificate as prescribed in **Annexure "B"** shall be issued.
- iii. shall maintain a record for all applications received for certification. Each application should be serially numbered and the serial numbers should also be indicated on the two copies in electronic form and the receiving officer should affix his signature on the electronic copy. After issue of certificate, one electronic copy of the advertisement as certified for telecast, should be retained by the Committee.
- iv. shall forward a copy of the permission along with all expenditure details to the accounting Team constituted for this purpose.

(d) Mode of Application for Certification for advertisement: All political parties, other associations or groups or groups of persons or organizations having headquarters or registered Office, as the case may be, in the Union Territory must submit application in **Annexure-A** which shall be accompanied with :-

- (i) two copies of the proposed advertisement in the electronic form along with a duly attested transcript thereof.
- (ii) the application for certification shall contain the following details:
 - the cost of production of the advertisement;
 - the approximate cost of proposed telecast of such advertisement on a television channel or cable network with the break-up of number of insertions and rate proposed to be charged for each of such insertions;

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- it shall also contain a statement whether the advertisement inserted is for the benefit of the prospects of the election of a candidate(s)/parties;
- if the advertisement is issued by any person other than a political party, that person shall state on oath that it is not for the benefit of a political party or a candidate and the said advertisement has not been sponsored or commissioned or paid for by any political party or a candidate;
- a statement that all the payment shall be made by way of cheque or demand draft.

(e) Time Frame:

- i. the application for certification shall be submitted by political parties, other associations or groups or groups of persons or organizations having headquarters or registered Office, as the case may be, in the Union Territory shall be made the Committee no later than three (3) days prior to the date of the commencement of the telecast of such advertisement.
- ii. Any other person or unregistered political parties shall make an application not later than seven (7) days prior to the date of telecast.
- iii. All these applications shall be considered and disposed off within two (2) days from the date of receipt of the application

III STATE LEVEL MEDIA CERTIFICATION AND MONITORING COMMITTEE (SL-MCMC):

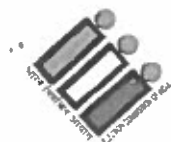
(a) **Composition of the SL-MCMC:** The SL-MCMC shall comprise of the following members:-

a)	Chief Electoral Officer	Chairperson
b)	Any Observer appointed by the Election Commission of India	Member
c)	One expert to be co-opted by the Committee	Member
d)	Director of All India Radio	Member
e)	Independent citizen/journalist as nominated by PCI *	Member
f)	An intermediary expert/Social media expert to be chosen by CEO**	Member
g)	Additional / Joint Chief Electoral Officer	Member-Secretary
*	<i>In case PCI does not provide the name, CEO may appoint either an independent senior citizen or accredited journalist who is willing and who, in the opinion of the CEO, is eligible in terms of background and record of neutrality.</i>	
**	<i>Intermediary expert/Social media expert should be preferably be a Govt. Officer not below the rank of SDM and has at least 5 years of experience of working in IT department/cell/social media cell of the Government. In case if he/she is not a Government Officer, then he/she should have a Master's degree in the filed of IT having 10 years' experience of working in IT Department/Cell/Social media cell of the government with good understanding of social media platforms and how they work and should be eligible in terms of background and neutrality.</i>	

(b) **Functions of the SL-MCMC:** The SL-MCMC shall have two distinct sets of functions-

- (i) **Certification of advertisements:** Deciding appeal **ON THE ORDERS OF BOTH Addl.Jt.CEO-CC AND DL-MCMC** on certification of advertisement as per Commission's order dated 15-04-2004.

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(ii) **Examining all cases of Paid News:** Deciding on appeal against the decision of DL-MCMC or cases that they may take *suo moto*, it which case direct the Returning Officer to issue notices to the candidates.

(c) Powers of the SL-MCMC:

(i) **Appeal on Certification of advertisements:** The Chief Electoral Officer, any Observer appointed by Election Commission of India and One Expert to be co-opted by the Committee shall handle appeals in the manner specified in the Commission's Order dated 15-04-2004 and no reference needs to be made to the Commission.

(ii) **Appeal on examining Complaints / Issues of Paid News:** All the members of SL-MCMC shall handle appeals in the case of decision of the DL-MCMC in the matters relating to examining Complaints / Issues of Paid News.

(d) Time Frame: The SL-MCMC shall disposes appeals within 96 hours of receipt and convey its decision to the candidate with a copy to the DL-MCMC in case of appeal. The candidate can appeal against the decision of the SL-MCMC to the Election Commission of India within 48 hours of receiving the order and the decision of the Election Commission of India shall be final.

2. This Order will come into force with immediate effect.

/BY ORDER OF THE CHIEF ELECTORAL OFFICER/

L. Kumar
27/2/19.

(L. KUMAR)

ADDITIONAL CHIEF ELECTORAL OFFICER

To

1. The District Election Officer, Puducherry
2. The District Election Officer, Karaikal

with a request to communicate this order to all PPs and Cable TV operators in Karaikal

3. All Assistant Returning Officers, PPC, Puducherry/Karaikal
4. All Assistant Returning Officers, PPC, Mahe/Yanam

with a request to communicate this order to all PPs and Cable TV operators in their respective region

Copy to :-

1. The Station Directors, Doordarshan Kendra/AIR, Puducherry/Karaikal
2. The Director of Information & Publicity, Puducherry
3. Shri Malay Mallick, Secretary, ECI, New Delhi *malaym@eci.gov.in*
4. Shri.Pawan Diwan, Under Secretary, ECI, New Delhi *media.election.eci@gmail.com*
diwaneci@yahoo.co.in
5. All Registered & Recognized National/State Political Parties, Puducherry
6. All Registered unrecognized Political Parties/ All Cable T.V Networks, Puducherry

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APPLICATION FOR CERTIFICATION OF ADVERTISEMENT

I.

(i)	Name and full address of the applicant	
(ii)	Whether the advertisement is by a political party / contesting candidate / any other person / group of persons / association/ organization / Trust (give the name)	
(iii)	(a) In case of political party, the status of the party (whether recognized National/ State / unrecognized party)	
	(b) In case of a candidate, name of the Parliamentary / Assembly Constituency from where contesting	
(iv)	Address of Headquarters of political party / group or body of persons / association/ organization / Trust	
(v)	Channels / cable networks on which the advertisement is proposed to be telecast	
(vi)	(a) Is the advertisement for the benefit of prospects of election of any candidate(s)	
	(b) If so, give the name(s) of such candidate(s) with full address and name(s) of constituency(ies)	
(vii)	Date of submission of the advertisement	
(viii)	Language(s) used in the advertisement (advertisement is to be submitted with two copies in electronic form along with a duly attested transcript)	
(ix)	Title of advertisement	
(x)	Cost of production of the advertisement	
(xi)	Approximate cost of proposed telecast with the breakup of number of insertions and rate proposed for each such insertion	
(xii)	Total expenditure involved (in Rupees)	

II.

I, Shri / Smt. _____, S/o / D/o / W/o _____, (full address) _____, undertake that all payments related to the production and telecast of this advertisement will be made by way of cheque / demand draft.

Place :

Signature of the applicant

Date :

III.

(Applicable for advertisement by a person / persons, other than a political party or a candidate)

I, Shri / Smt. _____, S/o / D/o / W/o _____, (full address) _____, hereby state and affirm that the advertisement(s) submitted herewith is not for the benefit of any political party or any candidate and that this advertisement(s) has / have not been sponsored / commissioned or paid for by any political party or a candidate.

Place :

Signature of applicant

Date :

CERTIFICATION OF ADVERTISEMENT FOR TELECAST

I.

(i)	Name and address of the applicant / political party / candidate / person / group of persons / association/ organization/ Trust	
(ii)	Title of advertisement	
(iii)	Duration of advertisement	
(iv)	Language(s) used in advertisement	
(v)	Date of submission of advertisement	
(vi)	Date of certification for telecast	

II. Certified that the above advertisement is fit for telecast as per the guidelines prescribed by the Hon'ble Supreme Court of India.

Signature of chairperson /
members of committee /
Designated Officer

Place :
Date :