

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 509/75/2004/J.S-I/Vol.II/RCC/

Dated: 21st November, 2008.

ORDER

Sub: The Commission's order dated 15th April, 2004, regarding advertisements on political nature on T.V Channels & Cable T.V. Networks - Extension to Radio

1. The Commission. vide its order No. 509/75/2004/JS-I dated 15th April, 2004, in pursuance of the order dated 13-4-2004 of the Hon'ble Supreme Court in SLP(Civil) No. 6679/2004(Ministry of I&B Vs M/s Gemini TV and Others), issued directions regarding advertisements of political nature on T.V Channels & Cable T.V. Networks.

2. The Ministry of Information & Broadcasting has, vide their letter No. 1/04/2004-BC.IV dated 20th November, 08, informed that clause-II (4) of the Code for Commercial Advertising on All India Radio, has been amended by adding the following proviso :-

“But advertisements in the form of spots and jingles on payment of prescribed fees, from political parties /candidates/any other person shall be accepted only in respect of General Elections to Lok Sabha/General Election to the State Assemblies/General Election to Local bodies during the period when the Model Code of Conduct is in force. Such advertisements shall be subject to pre-broadcast scrutiny by the Election Commission of India/authorities under the Election Commission of India in respect of elections to Lok Sabha and the State Assemblies and State Election Commissions in the case of Local bodies.”

3. In view of the above, the Commission has directed that its order dated 15th April, 2004, regarding advertisements of political nature on TV Channel/Cable Networks shall apply to advertisements on Radio also, including the Private FM Channels, during the period Model Code of Conduct is in operation in connection with general election to the House of the People or to the Legislative Assembly of any State/UT. Accordingly, for broadcasting any advertisement of political nature on Radio, application for certification for broadcast shall be submitted to the Committee set up in the office of the Chief Electoral Officer of the State concerned for pre-broadcast scrutiny and certification

permitting broadcast of the advertisement. The application shall be submitted in the same format as the one prescribed vide the order dated 15-4-2004 for advertisement on TV Channel/Cable Networks, alongwith the Tape/ CD and an attested transcript of the proposed advertisement . The format for certification of advertisement shall also be the same as that prescribed in the order dated 15-4-2004. The reference to 'telecast' in these formats shall be read to include 'broadcast' for the purposes of advertisements on Radio.

4. It is clarified that all other directions and the conditions specified in the order dated 15th April, 2004, and the subsequent instructions on the subject shall apply in the case of advertisements of political nature on Radio.

By order,

(K. F. WILFRED)
SECRETARY