

Paid News MCMC and

Media



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Functions of MCMC

- The Commission has issued instructions to appoint Media Certification & Monitoring Committees (MCMC) at District and State level for. These MCMCs have three major functions :
 1. Pre-certification of Political advertisements on Electronic Media including Social Media.
 2. Monitoring and action on Paid News cases.
 3. Monitoring the media violations cases during election process

1-Pre- certification, Paid News and Media Monitoring

- Pre-Certification of Political advertisements: All political advertisements appearing in the electronic media is to be pre- certified by a committee called Media Certification Monitoring Committee (MCMC) during the time of elections. On poll day and one day before the polling, Print media advertisements also need to be pre certified.

- The members of the committee examine the advertisements keeping in mind the basic principles of Model Code (MCC). The committee also keeps a check on:
 - a) Criticism of other countries;
 - b) Attack on religions or communities;
 - c) anything obscene or defamatory;
 - d) incitement of violence;
 - e) anything amounting to contempt of court;
 - f) aspersion against the integrity of the President and Judiciary;
 - g) anything affecting the unity, sovereignty and integrity of the Nation;
 - h) any criticism by name of any person;

Pre-Certification jurisdiction

- Pre-Certification request of candidates shall be entertained by District MCMC
- Pre-Certification request of recognised political parties and registered political parties shall be entertained by state level MCMC headed by Addl. CEO/Joint CEO

2-What is Paid News?

Definition : Press Council of India (PCI) defines Paid News as - Any news or analysis appearing in any media (Print & Electronic) for a price in cash or kind as consideration.

- Money used through media in elections has assumed alarming proportion. The phenomenon of Paid News is the major chunk of media malfunctioning in recent time, which has assumed alarming proportion as a serious electoral malpractice. Though Paid News is still not made an electoral offense by law, and has been causing concern to the Election Commission in conducting free and fair elections.

Paid News: Cause of Concern

Paid News misleads the public and hampers their ability to form correct opinions.

- Paid News causes undue influence on voters and also affects their Right to Information.
- Paid News seeks to circumvent election expenditure laws/ ceiling.
- Paid News adversely affects the level playing field.

Ways to keep a check on Paid News

- Make 'Paid News' an electoral offence through amendment of RP Act, 1951
- Use expenditure ceiling mechanism to curb this menace.
- Partner with stakeholders, including political parties and media to fight this threat against democracy.
- Most significantly, Sensitise people on the ill effects of Paid News as a menace to the conduct of free and fair elections.

Paid News Monitoring Mechanism

Measures to be ensured by Election Going States :

- Constitution of MCMC
- Training
- Obtaining Rate Card
- Sensitization of Media
- Skilled employees and experts to be deputed for reporting media/MCC violation/Paid News/Social Media
- Organising Media and Political party Workshop

Constitution of MCMC at various levels

District MCMC membership & functions

- DEO/RO (of Parliamentary Constituency)
- ARO (not below the rank of SDM)
- Central Govt. I&B Ministry official if any in District)
- Independent Citizen/Journalist as may be recommended by PCI
- DPRO/district Information officer/equivalent (Member Secretary)
- The committee has two distinct sets of functions:
 - *Certification of Advertisements for which two specific members of MCMC i.e. RO and ARO have to consider and decide on such advertisements for certification.*
 - *Examining complaints/issues of Paid News etc by all members through a monitoring arrangement.*

District MCMC

- District MCMC intimates the Returning Officer for issue of notices to candidates for inclusion of actual expenditure on the published/broadcast matter in their election expenses account.
- Inclusion of Actual/Notional expenditure based on DIPR rates in the election expenses account irrespective of whether the candidate actually has paid or not paid any amount to the channel/newspaper.
- A copy of the notice is also be marked to Expenditure Observer.

Notice:

- Paid news cases be taken into account from the date of filing of nomination by the candidate (Sec77(1) of RP act 1951)
- On reference from District MCMC, RO shall 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.
- District MCMC shall 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.

Appeal (State Level MCMC)

- If 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 MCMC.

Membership: State Level MCMC

- (a) Chief Electoral officer(Chairman)
- (b) Any observer appointed by ECI
- (c) One expert to be co-opted by the committee
- (d) One officer of the Indian Information Service (at the level of US/DS posted in the state/UT
- (e) Independent Citizen/Journalist as may be recommended by PCI
- (f) Addl/Joint CEO in charge of Media (member secretary)

State Level MCMC (continue)

The State level MCMC has two sets of functions:

- *Deciding appeal from both District and Addl/Jt CEO Committees on Certification of advertisement as per the Commission order dt 15th April, 2004 and examining all cases of Paid News on appeal against the decision of District MCMC or cases that they may take up suo motu, in which case it shall direct the concerned ROs to issue notices to the candidates.*
- The State level MCMC disposes of the case within 96 hrs of receipt of appeal and convey the decision to the Candidate with a copy to District level MCMC.
- The Candidate may appeal against the decision of State level MCMC to ECI within 48 hrs of receiving of order from this Committee. The decision of ECI shall be final.

Decided cases of Paid News

- The Decided cases leads to addition of the notional costs to the election expenditure A/c.
- CEOs have to submit weekly report of all paid news cases to Commission every week (on Friday) from the last date of scrutiny of nomination.
- Final report be sent to Commission after completion of election.
- ECI refers cases to PCI and NBSA (News Broadcasting Standards Authority) in respect of the concerned print media and electronic media respectively for necessary action against the involved media.

Training of MCMCs

- CEOs of states where elections are to be held are required to confirm whether all the MCMCs have been sensitized/trained with all the guidelines of Paid News and certification of political advt. If not so far, training may be completed at the earliest. After the announcement of election, a VC based training would also be conducted from the ECI for all the MCMCs.
- Master trainers are being trained.

Acquiring Rate Cards

- As per Commission's guidelines dated 27th August 2012, six months before the due date of normal expiry of State Legislative Assembly, a list of all Television channels/radio channels/newspapers, broadcast/circulated in the state/UT and their standard rate cards shall be obtained by the CEOs and provided to all District level MCMCs for fixing the rates of advertisements. These are also required to be sent to ECI



Deputing Skilled Employees

Skilled employees and experts to be deputed for reporting media/MCC violation/Paid News. While deputing following should be taken into account:

- Fully aware with the role of media during election
- Expertise in identifying violation of MCC cases
- Have better understanding of various forms of paid News
- Apolitical background

Organising Media Workshop at State HQ

Main Objective of workshop:

- Sensitisation of all stake holders including media and political parties on media related regulations, paid news and MCC cases.
- Defining role of media-How media acts as “eyes and ears” in MCC violations.
- Defining role and expectations from political parties to ensure free and fair election.
- Informing regulations on social media during elections.

Paid News Cases since 2014

Election	Paid News cases
Lok Sabha Elections 2014	972
2015	
NCT of Delhi	59
Bihar	07
2016	
Assam	05
Puducherry	NIL
Kerala	NIL
Tamil Nadu	17
West Bengal	01

Paid News Cases since 2014 contd...

Election	Paid News cases
2017	
Goa	NIL
Punjab	80
Uttarakhand	02
Uttar Pradesh	56
Manipur	NIL
Gujarat	238
Himachal Pradesh	85
2018	
Karnataka	15

Checklist to identify cases of paid news

- 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.
- Newspaper publishing a banner headline stating that a party/candidate is ready to create history in the state/constituency but not carrying any news item related to this headline.
- News item stating that one

Checklist to identify cases of paid news

- 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.
- News items favoring a candidate, not carrying any byline.
- News item saying that the good work done by a Party/Candidate had marginalized the electoral prospects of the other party/candidate in the state with each and every sentence of the news item in favor 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. News items are seldom written in such a rigid format and size whereas advertisements are most often.

3. Media Regulations

The Election Commission does not regulate media; however it is the responsibility of Election Commission to enforce the provisions of the law or the Court's directions, which might have linkages with media or certain aspects of media functioning. These laws are:

- ❖ Section 126A of the R. P. Act, 1951- It prohibits conduct of Exit poll and dissemination of their results during the hour fixed for commencement of polls in the first phase and half hour after the time fixed for close of poll for the last phase in all the states. No restrictions on Opinion Poll (Except last 48 hours before poll)
- ❖ Section 126 (1) (b)- It prohibits displaying of any election related matter by means of cinematograph, on television or similar apparatus during the period of 48 hours ending with the hour fixed for conclusion of poll.

Media Regulations

- ❖ Section 127A- The printing and publication of election pamphlets, posters, etc. is governed by its provisions, which makes it mandatory to bear on its face the names and addresses of the printer and the publisher.
- ❖ Section 171 (h)- of the IPC prohibits incurring of expenditure on advertisement without the authority of the contesting candidate.

ECI Publication - Manuals & Compendiums

(under process)

Compendium of Instructions on Media Related Matters

- Provides all instructions related to media with FaQs for ready reference.

Election Commission of India and Media in Elections

- Over the last six decades, the Indian media has been among the most powerful ally of the Commission, its eyes and ears in the field and the most eager supporter of the Commission's constitutional function.
- ECI believes that a vibrant media and its substantial involvement in Indian elections is essential in the conduct of the elections. Indian media is Commission's strength and an ally in election management.
- Media is a facilitator of transparency and accountability through debates and analysis thus paving way for forming an informed choice for voters.
- There are 2 major aspects of engagement with media during elections i.e. facilitation and regulation of media.

Positive engagement with media

Commission has always found media as an important ally in election management. Absence of positive communication with media can create difficulties in conduct of elections, considering the reach of modern day media. Hence, in preparation for and in conduct of assembly elections, CEOs need to take care about the following

- ❖ Regular interaction with media almost on daily basis during election and maintaining a line of positive communication with media.
- ❖ Creating an efficient structure for Information dissemination to media, including appointment of a nodal officer and a spokesperson.
- ❖ CEOs of states where elections are due, to propose suitable dates for the media workshop in their States/Uts in consultation with the Communication Division of the Commission.

- The media is considered extremely essential to a democracy. A healthy democracy cannot exist without a free and responsible media.
- Independent and pluralistic media are essential for ensuring transparency, accountability and participation as fundamental elements of good governance and effective elections.
- Conduct of free and fair election is not only about the freedom to vote and the knowledge of how to cast a vote, but also about a participatory process where voters engage in public debates and have adequate information about parties, policies, candidates and the election process itself in order to make informed choices.

Facilitation to Media and Free Air Time to Political Parties on Govt. Media

- **Better dissemination of critical information** : Media has an important role in the dissemination of critical information during electoral process. Starting from the announcement of elections to declaration of results all of these require widest circulation.

The voter comes to know about the basic information regarding elections generally through media hence, during elections Media Centers (MC) must be set up in the office Campus of the CEOs and DEOs especially for the purpose of disseminating election related information.

- **Authority Letters:** Election Commission for every election provides **Authority Letters** to media persons for better access and coverage of the polling stations. For the coverage of actual polling inside the polling station, the entry of media persons is permitted by the Officer In-charge on the basis of Authority Letters issued by the ECI. (The secrecy of voting to be preserved)
- CEOs have to forward only the names of the media representatives to whom Authority Letters are to be issued along with their recommendations to the Commission for its approval.

- **Air time allocation to political parties:** For equal representation of political parties in media, ECI allocates air time free of cost to political parties on Govt. owned media (TV and radio) to propagate their agenda during elections. Time is allotted on the basis of performance of political parties in last elections.
- To rule out any confusion and deviation in approval of transcript submitted by the political parties to DD & AIR, Prasar Bharti constitutes an Apex Review Committee in all the States/UTs during elections which has members/experts of both AIR and DD. In case of any difference of opinion/approval between AIR/DD and political parties related to transcript of broadcast/telecast, matter may be referred to this Apex Review Committee for final decision.



Use of Social Media

- ❖ All information to be shared on such platforms should be completely vetted by the competent authority before its final posting.
- ❖ Regular analysis of content and response on social media should be done at both State and District level to get proper understanding of ways to improve voter turnout.
- ❖ Complaints received on this platform would be promptly responded to.
- ❖ Social Media team at CEO office shall be in constant touch with ECI's Social Media team during election and shall respond promptly if any complaint/suggestion/message, received on ECI's Facebook page, is forwarded to them.

Monitoring Social Media

It must be ensured that :

- ECI has been branching out to various platforms of Social Media as to engage with electors, disseminate information and monitor it.
- By definition Social Media comes under the ambit of Electronic Media and all the political advertisements should be pre- certified by the MCMC.
- The candidates are required to mention their authentic social media accounts while they file affidavits in Form-26 at the time of filing of nominations.

Expenditure on campaigning through internet including social media websites

- The Commission in its instructions dated 25/10/2013 clearly states, political parties shall include all expenditure on campaigning, including expenditure on advertisements on social media and maintaining a correct account of expenditure in its account of expenditure incurred in elections.

This expenditure should 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.

Checking Fake News on Social Media

What is Fake News?



Definition: According to a fact checking website Politifact, *“Fake news is made-up stuff, masterfully manipulated to look like credible journalistic reports that are easily spread online to large audiences willing to believe the fictions and spread the word.”*

- Disinformation or hoaxes have always been present in our society since the inception of communication, but the recent rise of internet and Social Media platforms has provided “fake news” a medium and increased its reach substantially thus, affecting the perception of the individuals
- Today digital misinformation has become pervasive because:
 - It is very difficult to trace its originating point,
 - It becomes extremely difficult contain the damage of a particular fake news once it goes viral.
 - It becomes an alarming issue when such viral news items are then picked by news organizations and treated as authentic news items.

Strategies to counter Fake News

- ❖ ECI has taken note of the potential threat of 'fake News' and initiated steps to match the challenge. The strategies include:
- ❖ Strengthening and enforcement of provisions of the Model Code of Conduct for screening the content in media including social media and websites.
- ❖ During election period if there is any misinformation being circulated about election management issues the District Election Officer concerned of that area communicates to the media actual facts of the incident and clarifies doubts through Media Centers set up at all district levels.

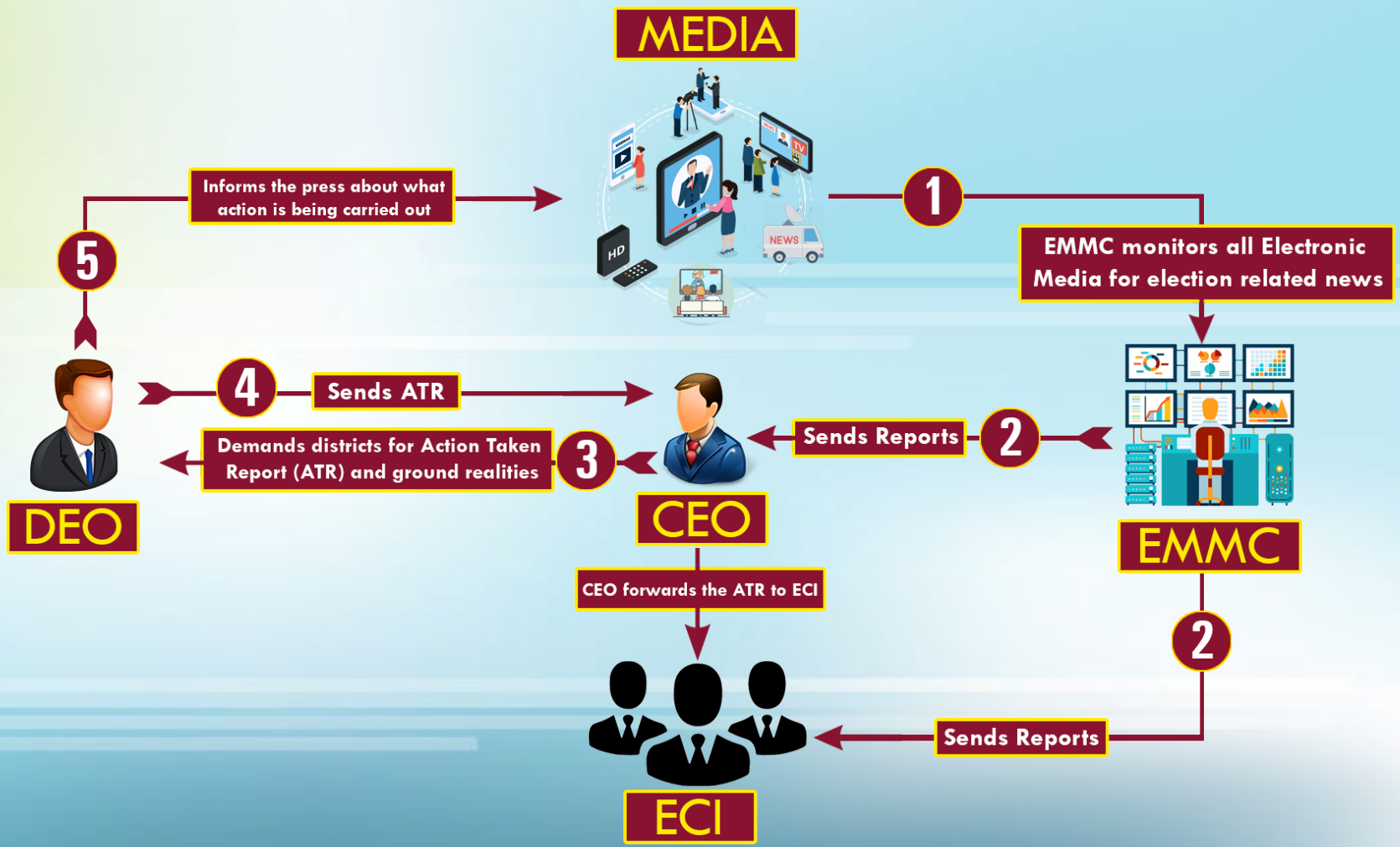
New initiatives towards a sensitized Electorate

- During the recent 2018 Karnataka Assembly elections, CEO Karnataka tied up with Facebook India to check the spread of Fake News on the platform. Under this initiative Facebook India partnered with third-party fact-checking website, Boom to fight the spread of false news.
- BOOM is a independent digital journalism initiative certified through the International Fact-Checking Network, non-partisan international fact checking network at Poynter.
- Such initiatives and informed electorate & stakeholder can help make the electoral process devoid of such ill practices like Fake News, Paid News and Hate Speeches.

Monitoring the Media for better Election Management

- The Commission considers media as its eyes and ears especially at the time of elections. It is through media that incidents of use of muscle power and money power by either political parties or candidates are highlighted and brought into its notice.
- **Electronic Media Monitoring Centre (EMMC)** : In a scenario where there are about 388 news channels presently in the country, the Election Commission has devised a fine mechanism to keep the Commission up to date about the situations at the ground level at the time of poll process.

- This mechanism involves Electronic Media Monitoring Centre (EMMC) which sends a two hourly reports on election management related news reports from both national and regional level to the Chief Electoral Officer (CEO) of the poll going state and ECI on the poll day and a day prior of poll day.
- The CEO office then sends an Action Taken Report on all the cases mentioned in the report to ECI as well as media on . The ATR contains the necessary action that has been taken on the matters reported in the EMMC reports. Constant supervision is done of all the EMMC reports by the Commission itself. Media is informed on action taken on the reports.



Media Monitoring during elections

- ❖ For this purpose, dedicated staff under the supervision of a senior officer (Addl/Jt./Dy. CEO) be deputed in Media Control Room to monitor election management related news and to promptly respond to EMMC/ECl reports.
- ❖ Action taken in any reported case shall also be informed to the media concerned. And if any news item is not found correct, concerned media shall also be informed by the CEO to issue rebuttal.
- ❖ All the contact details (mobile no, landline no & email) of the concerned officer/media control room are required to be shared with Communication Division of ECl.

Thank You