ORDER

Subject: Pre-Certification of political advertisements- Use of bulk SMSs/voice messages in political campaigning-reg

The Commission has taken cognizance of the fact that political parties/candidates often use bulk SMSs and recorded voice messages in their election campaigning. Likewise, their supporters/workers and other organizations supporting them also resort to the said method of carrying out election campaign on their behalf. Apart from use of normal SMS gateway through mobile, internet is also linked with the mobile gateways to send SMSs and recorded messages. This feature may also be sometimes misused for sending malicious and vilifying materials in political campaigning and thereby violating electoral and criminal laws and Model Code of Conduct relating to elections. The Commission vide its letter no. 464/INST/2008/EPSt 5/11/2008 has already issued direction regarding monitoring of such bulk SMSs by police authorities and inclusion of expenditure on such bulk SMSs into election expenditure accounts of the candidates (copy enclosed).

2. The Commission has now decided that it is necessary to monitor the contents of such bulk SMSs to the electors during election process so that objectionable contents are not transmitted through this medium. As per law, the said medium of Communication - through SMSs is also part of 'electronic media' by definition. The Commission, vide its order no. 509/75/2004/JS-I dated 15/4/2004, and the subsequent order dated 18/3/2009, has put in place mechanism at district and state level for certifying political advertisements on TV channels, Cable Network and Radio. The Commission has decided that the directions in the said order shall hereinafter apply mutatis mutandis to the use of bulk SMSs/voice messages over phone for political campaigning during elections.
3. Accordingly, in continuation of Commission's earlier letter dated 27th August, 2012 and 25th October, 2013, in regard to certification of political advertisement on election media including Social media, the Commission has directed that bulk SMSs/voice messages on phone in election campaigning shall also be in the purview of pre-certification of election advertisements as in case of TV Channels/Cable Network, Radio including private FM Channels, Cinema Halls, audio-visual displays in public places and Social Media. Legal provisions, as apply on other mode of electronic media, shall also be applicable on bulk SMSs/voice messages. The procedure prescribed in the order dated 15.4.2004 shall be followed for this purpose.

4. The above may be brought into the notice of State/District MCMCs, political parties/ candidates mobile service providers and all others concerned.

By order,

Dhirendra Ojha
(Director)

To,

Chief Electoral Officers of All States / UTs.