

MOST ORGENT
ELECTION MATTER



STATE ELECTION COMMISSION
NCT OF DELHI
NIGAM BHAWAN, KASHMERE GATE, DELHI
Phone: 011-23990919, 23952340
Email: stateelectioncomm.delhi@gmail.com

No. F. 10(10)/Bye-Elec.-2025/SEC/21231

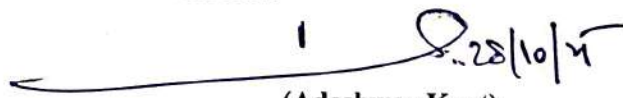
Dated: 28/10/2025

ORDER

In pursuance of order dated 13th April, 2004 of the Hon'ble Supreme Court in SLP No.6679 of 2004 (Min. of Information and Broadcasting Vs. M/s Gemini TV Pvt. Ltd. and others), **an Appellate Committee** comprising of following persons is hereby constituted to entertain complaints/grievances of any political party or candidate or any other person in regard to decision to grant or refuse certification of an advertisement by the Media Certification and Monitoring Committee (MCMC Cell) functioning in Districts and in State Election Commission,(HQ) for Bye-Election of MCD elections-2025:-

S.No.	Name	Designation
1	Sh. K.C. Surender, Special Director, (Administrative Reforms)	Chairperson
2	Sh. Rakesh Dahiya, NDMC	Member
3	Sh. P.K. Goel, Consultant, SEC	Member
4	Sh. Ratnesh Mishra, Resident Editor (Rashtriya Sahara)	Member

This issues with the approval of Hon'ble State Election Commissioner.


(Adeshwar Kant)
Secretary-In charge

Copy to: - The Chairman and all Members of MCMC Appellate Committee, State Election
Commission-Delhi

Copy for information to: -

1. SA to Hon'ble SEC – Delhi.
2. DEOs/ROs concerned.

5/C

ELECTION COMMISSION OF INDIA

NirvachanSadan, Ashoka Road, New Delhi - 110 001.

No. 491/MCMC/2018/Communication

Dated : 13th 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 26th Sept, 2007(copy enclosed), and 491/Paid News/2012/Media dt 27th 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."

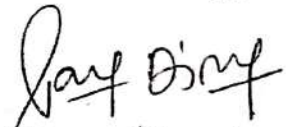
3. Under Article 142 of the Constitution, the scope and ambit of the directions dated 13.04.2004 of Hon'ble Supreme Court, referred to above would be **applicable in the whole of territory of India at all times** and not restricted only during the period, as has already been clarified vide the Commission's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

A handwritten signature in black ink, appearing to read 'Pawan Diwan', written in a cursive style.

(Pawan Diwan)

Under Secretary

ELECTION COMMISSION OF INDIA

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

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

Dated : 26th 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 13th 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 15th April 2004, forwarding therewith its Order of even No. dated 15th April 2004, its subsequent letter and Order of even Nos. dated 22nd July 2004 and dated 20th 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 or Trusts who propose to insert the advertisement in the electronic media, including cable networks and/or television channels as well as cable operators."

2/c 2/1

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

STANDARD DISTRIBUTION

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 509.75 2004/JS-I

Dated 15th April 2004

ORDER

Whereas Section 6 of the Cable Television (Regulation) Act. 1995 provides that no person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code: and

2. Whereas. Sub - rule (3) of Rule 7 of the Cable Television Network (Regulations) Rules. 1994 laying down the advertising code in terms of the abovementioned Section 6 provides that "no advertisement shall be permitted the objects whereof are wholly or mainly of a religious or political nature advertisements must not be directed towards any religious or political end" and

3. Whereas, the High Court of Andhra Pradesh, by its judgment and order dated 23-03-2004 in WPMP No.5214/2004 (Gemini TV Pvt. Ltd. Vs. Election Commission of India and others) suspended the above-mentioned provisions of Rule 7(3) of the Cable Television Network (Regulation) Rules. 1994: and

4. Whereas the Hon'ble Supreme court by its interim order dated 2-4-2004 in SLP (Civil) No.6679 2004 (Ministry of Information & Broadcasting Vs Ms Gemini TV and Others), in substitution of the order under challenge, had directed as below. –

- (i) **No cable operator or TV channel shall telecast any advertisement, which does not conform to the law of the country and which offends the morality, decency and susceptibility of views or which is shocking, disgusting and revolting;**
- (ii) **The telecast shall be monitored by the Election Commissioner of India;**
- (iii) **The question as to whether the expenditure incurred by the candidate on inserting such advertisement should or should not be included, shall be considered on 5th April, 2004; and**
- (iv) **The modalities whether such advertisements are in conformity with law, shall be laid down by the Election Commissioner of India.**

5. Whereas. The Hon'ble Supreme Court of India by its further order dated 13th April, 2004. in SLP (Civil) No.6679/2004. has directed as follows:

"—Before we pass the order, it will be worthwhile to notice certain provisions of the Cable Television Networks (Regulation) Act, 1995 (for short, "the Act"), as amended from time to time, and the Rules framed there under. The object of the Act is to regulate the operation of the cable television network in the country. Section 6 of the Act provides that no person shall transmit or retransmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code. Section 11 of the Act provides that if any authorized officer has reason to believe that the provisions of the Act have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network. Section 12 of the Act provides for confiscation of the equipment in the event of any violation of the provisions of the Act. Similarly, Section 13 of the Act also provides for seizure or confiscation of the equipment and punishment. Section 16 further provides for punishment for contravention of the provisions of the Act. Section 19 lays down that an authorized officer, if he thinks necessary or expedient so to do in the public interest, may, by order, prohibit any cable operator from transmitting or re-transmitting any advertisement which is not in conformity with the prescribed programme code and advertisement code and it is likely to promote enmity on grounds of religion, race, language, caste or community or any other grounds whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religion, racial, linguistic or regional groups or castes or communities or which is likely to disturb public tranquility. Section 22 of the Act empowers the Central Government to frame Rules to carry out the provisions of Act. The Central Government in exercise of the powers conferred on it by Section 22 of the Act is empowered to make Rules which are known as The Cable Television Networks Rules, 1994 [for short, "the Rules"].

Rule 7 of the Rules provides that where an advertisement is carried in the cable service it shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers. Sub-rule (2), inter-alia, provides that no advertisement shall be permitted which derides any race, caste, colour, creed and nationality, is against any provision of the Constitution of India and tends to incite people to crime, cause disorder or violence or breach of law or glorifies violence or obscenity in any way. Sub-rule (3) further provides that no advertisement shall be permitted the objects whereof are wholly or mainly of religious or political nature, advertisements must not be directed towards any religious or political end. It is in this background, we now propose to pass the following order:

Every registered National and State, political party and every contesting candidate proposing to issue advertisement on television channel and/or cable network will have to apply to the Election Commission/Designated Officer (as designated by the Election Commission) not later than three days prior to the date of the proposed commencement of the telecast of such advertisement. In case of any other person or unregistered political parties, they will have to apply not later than seven days prior to the date of the telecast. Such application shall be accompanied by two copies of the proposed advertisement in electronic form along with a duly attested transcript thereof. In case of first phase of elections, the application shall be disposed of within two days of its receipt and until decision thereon is taken, our order dated 2nd April, 2004, shall apply. In case of subsequent phase of election, the application shall be disposed of within three days of its receipt and until the decision thereon is taken, our order dated 2nd April, 2004, shall apply. While disposing of such applications, it will be open to the Election Commission/Designated Officer to direct deletion/modification of any part of the advertisement.

The application for certification shall contain following details:

- (a) The cost of production of the advertisement;
- (b) 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 such insertion;
- (c) 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;
- (d) 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 the political party or a candidate and that the said advertisement has not been sponsored or commissioned or paid for by any political party or a candidate; and
- (e) A statement that all the payments shall be made by way of cheque or demand draft.

We find that Section 2ia) of the Act defines "authorized officer", within his local limits of jurisdiction, as (a) District Magistrate; (b) Sub-divisional Magistrate; or (c) or Commissioner of Police. Similarly, Section 28 A of the Representation of People Act, 1951 provides that the Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and any other officer appointed under this part and any police officer designated for the time being by the State Government, for the conduct of any election shall be deemed to be on deputation to the Election Commission for the period commencing on and from the date of the notification calling for such election and ending with the date of declaration of results of such election and, accordingly, such officer shall during that period, be subject to the control, superintendence and discipline of the Election Commission.

Since it is not physically possible for the Election Commission to have a pre-censorship of all the advertisements on

various cable networks and television channels, it has become necessary to authorize the Election Commission to delegate its powers in this behalf to the respective District Magistrates of all the States or Union Territories, not below the rank of a Sub-divisional Magistrate or a member of the State Provincial Civil Service. This may be done by a general order issued by the Election Commission. These officers shall act under the control, superintendence and discipline of the Election Commission. The Election Commission in its turn may delegate its powers to the Chief Electoral Officer of each State or the Union Territories, as the case may be.

The Chief Electoral Officer of each State or Union Territory may appoint a committee for entertaining complaints or grievances of any political party or candidate or any other person in regard to the decision to grant or to refuse certification of an advertisement. The committee so appointed shall communicate its decision to the Election Commission.

The committee so constituted will function under the overall superintendence, direction and control of the Election Commission of India.

The decision given by the committee shall be binding and complied with by the political parties, candidates, or any other person applying for advertisements in electronic media subject to what has been state above.

The comments and observations for deletion or modification, as the case may be, made, shall be binding and complied with by the concerned political party or contesting candidate or any other person within twenty four hours from the receipt of such communication and the advertisement so modified will be re-submitted for review and certification.

We may clarify that provisions of Section 126 of the Representation of People Act, 1951, shall apply to the advertisement covered by this order.

If any political party, candidate or any other person is aggrieved by the decision taken either by the committee or by the Designated Officer/Election Commission it will be open for them to approach only this court for clarification or appropriate orders and no other court, tribunal or authority shall entertain any petition in regard to the complaint against such advertisement. This order shall come into force with effect from 16th April, 2004 and shall continue to be in force till 10th May, 2004.

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 or Trusts who propose to insert the advertisement in the electronic media, including cable network and/or television channels as well as cable operators.

It will be open to the Election Commission to requisition such staff as may be necessary for monitoring the telecast of *such advertisements*. Where the Election Commission is satisfied that there is a violation of this order or any provisions of the Act, it will issue an order to the violator to forthwith stop such violations and it will also be open to direct seizure of the equipments. Every order shall be promptly complied with by the person(s) on whom such order is served.

The funds to meet the cost of monitoring the advertisements should be made available to the Election Commission by the Union of India. Adequate publicity of this order shall be given by the Union of India on the electronic media and through print media.

This order is in continuation of the order passed by this Court on 2nd April, 2004 and shall remain in operation as an interim measure till 10th May, 2004.

Subject to the aforesaid order, the judgment of the High Court of Andhra Pradesh dated 23rd March 2004 shall remain stayed. This order is passed not in derogation of but in addition to the powers of the Central Government in regard to the breach of the provisions of the Act."

6. Now therefore, in pursuance of the aforesaid directions of the Hon'ble Supreme Court, the Election Commission, hereby directs as follows: -

(i) The Chief Electoral Officer Delhi is hereby directed to constitute a Committee comprising the following persons to deal with the applications by the political parties and organizations mentioned in para (ii) herein below:-

- a) The Joint Chief Electoral Officer-Chairperson.
- b) Returning Officer of any Parliamentary Constituency in Delhi.
- c) One expert being an officer not below the rank of Class-1 officer to be requisitioned from the Ministry of Information & Broadcasting.

(ii) The above Committee will entertain applications for certification of any advertisement to be inserted in a television channel or cable network by the following:-

- a) All registered political parties having their headquarters in NCT of Delhi.
- b) All groups or organizations or associations or persons having their headquarters in NCT of Delhi.

(iii) The Chief Electoral Officer of every other State/Union Territory is hereby directed to constitute the following Committee to deal with applications by political parties and organizations mentioned in para (iv) below:-

- (a) The Additional/Joint Chief Electoral Officer - Chairperson.
- (b) Returning Officer of any Parliamentary constituency located in the capital of the State.

(c) One expert being an officer not below the rank of Class-1 officer to be requisitioned from the Ministry of Information & Broadcasting.

(iv) The Committee constituted in para (iii) above will entertain applications for certification for advertisement on television channel and cable network by the following:-

- (a) All registered political parties having their headquarters in that State /Union Territory,
- (b) All organisations or group of persons or associations having their registered offices in that State/Union Territory.

(v) The Returning Officer of every Parliamentary constituency in the country are hereby declared as Designated Officers for the purpose of entertaining application for certification of an advertisement proposed to be issued on cable network or television channel by an individual candidate contesting the election from the Parliamentary constituency of which such Designated Officer is the Returning Officer and candidates contesting in the Assembly constituencies falling within that Parliamentary constituency. The said Returning Officer may co-opt any of the Assistant Returning Officers, not below the rank of a Sub-divisional Magistrate belonging to the State Provincial Civil Service to assist him in the task of certification of applications.

7. The Chief Electoral Officer of every State/Union Territory will constitute the following Committee to entertain complaints/grievances of any political party or candidate or any other person in regard to the decision to grant or refuse certification of an advertisement:-

- (i) The Chief Electoral Officer - Chairperson.
- (ii) Any Observer appointed by the Election Commission of India
- (iii) One expert to be co-opted by the Committee other than the one mentioned in paras 6(i) and 6(iii) above.

8. The applications for certification of any advertisements by even^r registered political parties and ever^r contesting candidates shall be made to the Committees mentioned in paras 6 (i) and 6 (iii) above or the Designated Officer as mentioned in para 6 (iv) above, as the case may be. not later than 3 (three) days prior to the date of the commencement of the telecast of such advertisements. In the case of first

phase of elections such applications shall be disposed of within 2 (two) days of its receipt and until decision thereon is taken, the order of the Supreme Court dated 2-4-2004 shall apply.

9. Where an application for certification of advertisement is by any other person or unregistered political parties, it will have to be made not later than 7 (seven) days prior to the date of telecast.

10. Every such application, in the format prescribed at Annexure A, shall be accompanied by the following :

- (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 following details:-
 - (a)The cost of production of the advertisement:
 - (b)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 such insertion:
 - (c)It shall also contain a statement whether the advertisement inserted is for the benefit of the prospects of the election of a candidates (/parties:
 - (d)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 the political party or a candidate and that the said advertisement has not been sponsored or commissioned or paid for by any political parry or a candidate:
 - (e)A statement that all the payment shall be made by way of cheque or demand draft.

11. While taking a decision on the applications for certification of an advertisement, it will be open for the Committees constituted in para 6 (i) and 6 (iii) above or the Designated Officer as in para 6 (v) above or the review Committee as constituted in para 7 above to direct deletion/modification of any part of the advertisement. Every such order making comments and observation for deletion

and modification shall be binding and be complied by the concerned political party or contesting candidate or any other person within 24 hours from the receipt of such communication. The advertisement so modified will be re-submitted for review and certification.

12. Where the Committees constituted in para 6 (i) and 6 (iii) above or the Designated Officer or the review Committee as constituted in para 7 above as the case may be, is satisfied that the advertisement meets the requirements of the law and in accordance with the directions of the Supreme Court as inserted in paras 4 and 5 above, it should issue a certificate to the effect of the advertisement concerned is fit for telecast. The format for the certificate is at **Annexure B**.

13. The directions contained in the order dated 13th April 2004 by Supreme Court shall be strictly complied with by everyone concerned and will remain in operation till 10th May 2004 and it shall bind all the political parties, candidates, persons, group of persons or Trusts who propose to insert the advertisements in the electronic media, including the cable networks and/or television channels as well as cable operators.

By Order,

Sd./-

(K.F. WILFRED)

SECRETARY

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 alongwith 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 / Wo _____
 (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 :

Annexure - B

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: