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## FAQ on Certification of Advertisement

**Q. What is certification of advertisement?**

A. Clearance of political advertisement by MCMC before being telecast on electronic media by any registered political party/group/organisation/association/individual. It applies in the whole territory of India at all times.

**Q. Does the provision of pre- certification of political advertisements apply on print media?**

A. The provision of pre- certification applies to electronic media at all times however, during the General Election to Lok Sabha and State Legislative Assemblies , 2019 the Commission in exercise of its powers has directed that during these elections provisions of pre- certification shall be applicable on the print media also on poll day and one day prior to poll day in all the phases, thus ensuring that offending and misleading advertisements are not published during the last stage of election.

This decision was first taken during Bihar Assembly Elections 2015 to ensure that instances of advertisements of offending and misleading nature published in print media during the last stage of election do not vitiate the election process.

**Q. What are the types of Committees for certification and their functions?**

- A. 1. For certification of political advertisements from an individual, the Committee comprises:
- (i) Returning Officer (of Parliamentary Constituency)
  - (ii) Assistant Returning Officer (not below Sub Divisional Magistrate)
  - (iii) An intermediary expert/Social media expert (to be chosen by the RO subject to the eligibility criteria)

This Committee entertains application for certification of an advertisement proposed to be issued on electronic media by an individual or candidate contesting election from the Parliamentary Constituency concerned or candidate contesting in Assembly Constituency falling within that Parliamentary Constituency. The above officials are already the members of the District level MCMC along with some other members who do not have a role in such certification.

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2. State level Media Certification Committee with following composition:

- (i) The Addll/Joint CEO – Chairperson
- (ii) Returning Officer of any Parliamentary Constituency located in the capital of State.
- (iii) One expert being an officer not below the rank of Class –I officer to be requisitioned from Ministry of I&B.
- (iv) One intermediary expert/social media expert as chosen by the chairperson of the committee subject to the eligibility criteria.

This Committee entertains the applications for certification received from all recognized and registered political parties having their headquarter in that State/UT, organizations, associations having their registered office in that State/UT.

3. The State level Appellate Committee with the following members:

- (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.
- (iv) An intermediary expert/Social media expert (to be chosen by the CEO subject to the eligibility criteria)

The State Level Appellate Committee entertains complaints/ grievances/ appeal of any political party or candidate or any other person in regard to decision to grant or refuse certification by Parliamentary Constituency level Committee and State level Committee headed by Addl/Jt CEO.

4. Delhi based Committee with the following composition –

- (i) The Joint Chief Electoral Officer – Chairperson
- (ii) Returning Officer of any Parliamentary Constituency in Delhi
- (iii) One expert being an officer not below the rank of Class –I officer to be requisitioned from Ministry of I&B.
- (iv) One intermediary expert/social media expert as chosen by the chairperson of the committee subject to the eligibility criteria.

This committee entertains the application for certification received from all recognized and registered political parties having their headquarters in NCT of Delhi, and from organisations or associations having their headquarters in NCT of Delhi.

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**Q. Time limits for application for certification?**

- A. For recognized National and State party, registered and unregistered party and every contesting candidate, not later than three days prior to the date of the proposed commencement of the telecast of the advertisement. In case of any other organization/association, it should be not later than seven days prior to the date of the telecast.

**Q. What are the documents required to be attached with application for certification?**

- A. The application should be accompanied by two copies of the proposed advertisement in electronic form, alongwith duly attested transcript thereof.

Apart from this, the application for certification shall also contain following details:

- (i) Production cost of the advertisement.
- (ii) 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. Statement whether the advertisement inserted is for the benefit of the prospects of election of a candidate(s)/parties.
- (iii) 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 any 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
- (iv) A statement that all the payment shall be made by cheque or demand draft.

**Q. What are the duties of District level MCMC besides certification of political advertisements and monitoring Paid News cases?**

- A. The District level MCMC performs the following functions:
- 1. Scan the political advertisements in electronic media to check whether the telecast/broadcast has been done only after certification by the Committee.
  - 2. Monitoring the political advertisements in media, in relation to candidates either overt or covert from expenditure monitoring angle this will also include publicity or advertisement or appeal by or on

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behalf of candidate, or by Star Campaigner(s) or others to impact candidate's electoral prospects.

3. Monitoring, if any advertisement in print media is published with the consent or knowledge of candidate in which case it will be accounted for in the election expenses of the candidate(s).

However, if the advertisement is not with the authority from the candidate, then action may be taken to prosecute the publisher for violation of 171H of IPC.

4. Checking, if the name and address of the publisher and the printer is printed on all election pamphlets, poster handbills and other documents as required under section 127A of the RP Act 1951.
5. Submission of daily report to Expenditure Accounting team with a copy to RO and Expenditure Observer in respect of each candidate in the prescribed format w.r.t expenditure incurred by the candidate on election advertising or actual expenditure incurred for publishing the news.

**Q. Does the Media Certification Committee at Constituency/District or State level has the right to refuse to give certification of an advertisement, if does not find fit to be telecast?**

- A. Yes, the above Committee has the right to refuse to certify an advertisement, if it does not find it fit to be telecast.

**Q. Which Committee will certify advertisement of National Party in regional language?**

- A. If any National Party or State Party with Headquarters in Delhi wishes to seek certification of advertisement in any regional language, the application has to be submitted to the State Level Committee of the State concerned (to which the regional language pertains).

**Q. In the case of same advertisement of a National Party in multiple languages, which Committee will certify it?**

- A. If a National Party seeks certification of the same advertisement in Hindi/English and in regional languages, the advertisement material in each of the languages along with certified transcript of each should be submitted to the Committee in Delhi along with an affidavit affirming that the regional language versions are true translation of the advertisement in Hindi/

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English and that the applicant will be responsible for any mistake therein. The certificate issued by the committee in Delhi will be sufficient for the advertisements in regional languages. The party should submit a copy of the certificate issued from Delhi to the Chief Electoral Officer of the other State concerned along with the declaration that the copy of certificate is a true copy of the original issued by the committee in Delhi.

**Q. Where can the appeal be made against the decision of above Committee.**

A. Any political party or candidate can make an appeal against the decision of above Committee to State level Appellate Committee.

**Q. Whether the decisions of the above Committees are legally binding?**

A. Yes, Supreme Court Vide its order dt. 13th April, 2004 authorized the Commission to constitute the Committees for the certification of political advertisements.

**Q. Whether individuals other than political party or candidate can give advertisements on TV channel, Cable Network and Radio, against a candidate?**

A. Honorable Supreme Court [in SLP (C) No. 6679 of 2004] does not specifically prohibit ads by persons other than political party or candidate. However, the order does say that such persons cannot give ads for the benefit of any political party or candidate. This implies that ads against a party or candidate cannot be allowed, as that would benefit other parties/candidates.

**Q. Whether the use of bulk SMSs/Voice messages in political campaigning require Pre-Certification as political advertisements?**

A. Yes, the Commission has decided that the directions issued and mechanism provided at district and state level for certifying political advertisements on TV channels, Cable Network and Radio shall apply mutatis mutandis to the use of bulk SMSs/Voice messages for political campaigning. It is necessary to monitor the contents of such bulk SMSs/Voice messages forwarded to the electors so that objectionable contents are not transmitted through this medium.

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**Q. Would political content on social networking sites and E-papers require pre-certification?**

A. Any political content in the form of messages/comments/photos/videos being posted/uploaded on the 'blog/self accounts' on websites/social media websites will not be treated as political advertisement and therefore would not require pre-certification. However as per Commission's letter No. 491/Paid News/2014 dated 26.02.2014, political advertisements issued on social media and e-papers versions of newspaper, shall invariably require pre-certification by the concerned Committee.

**Q. What will be the roles and responsibilities of the social media expert in MCMC?**

- A. The social media expert in MCMC will handle the following:
- (a) Assist MCMC in the matter of certification of political advertisements proposed to be published on social media platforms.
  - (b) Assist MCMC in scanning social media platforms for suspected cases of Paid News.
  - (c) Assist MCMC in submitting a daily report to Accounting team with copy to RO and Expenditure Observer w.r.t. expenditure incurred by the candidate on election advertising on social media platforms.
  - (d) Assist MCMC in the matters of queries/complaints related to advertisements on social media platforms.
  - (e) Look after the overall coordination between MCMC and the intermediaries/social media platforms.
  - (f) Make sure that the Election Laws are strictly adhered to with matters related to advertisements on social media platforms.
  - (g) Assist MCMC in handling the violation cases on Social media.
  - (h) Being part of State level MCMC, he/she will assist in deciding appeal from District and Addl. /Jt. CEO Committee on certification of advt. on social media and also examining all cases of Paid News on appeal against the decision of District MCMC or cases that they may take up suomotu.