

Most Immediate  
Bye-Election-2017

OFFICE OF THE CHIEF ELECTORAL OFFICER, ANDHRA PRADESH AND TELANGANA  
South 'H' Block, Secretariat, Hyderabad - 500 022

Memo.No.4078/Elec. B/A1/2017-22,

Dated:31.07.2017.

Sub: Elections - Bye-Election to 139-Nandyal Assembly Constituency, Kurnool district of Telangana State scheduled to be held on 23.08.2017 - Pre-certification of political advertisements - Bulk SMSs / Voice messages in political campaigning - ECI Instructions - Communicated - Reg.

Ref:1. From the Election Commission of India, New Delhi, Order No.491/Media Policy 2015/Communication, dt.28.05.2015.

2. This Office Memo No.4078/Elec.B/A1/2017-1. Dt:27.07.2017

--o0o--

In continuation of this office Memo second cited, a copy of the Commission's letter first cited is sent herewith to the Collector & District Election Officer, Kurnool district; Returning Officer for 139-Nandyal Assembly Constituency; Director-General of Police, Andhra Pradesh, Vijayawada; and Superintendent of Police, Kurnool district. They are informed that the Commission has directed that the 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 place and social media. The Commission has further informed that the legal provisions, as applicable to other mode of electronic media shall also be applicable to bulk SMSs/ Voice messages. In view of the Bye-Election to 139-Nandyal Assembly Constituency, scheduled to be held on 23.08.2017, they are requested to scrupulously comply with the instructions of the Commission.

2. They are, further requested to bring the instructions of the Commission to the notice of the district MCMC, all Political Parties, Mobile Service Providers and all other concerned to enable them to scrupulously comply with the said instructions of the Commission.

**BHANWAR LAL**  
**CHIEF ELECTORAL OFFICER &**  
**E.O. SPL. CHIEF SECRETARY TO GOVT.**

To

The Collector & District Election Officer, Kurnool district. (w.e)

The Returning Officer for 139-Nandyal Assembly Constituency (w.e)

(Through: The C & DEO, Kurnool district)

The Director-General of Police, Andhra Pradesh, Vijayawada, Krishna District (w.e)

The Superintendent of Police, Kurnool district (w.e)

All the Mobile Service Providers in the State of Andhra Pradesh

through the Superintendent of Police, Kurnool district (w.e)

SF/SC

//FORWARDED::BY::ORDER//

  
SECTION OFFICER





भारत निर्वाचन आयोग सचिवालय  
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA  
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001  
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. 491/MediaPolicy/2015/Communication

Dated: 28<sup>th</sup> May, 2015

**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

Gl 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/EPS dt 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.



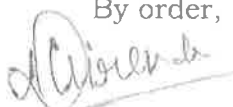
No.	2066
Date:	1/6/15
Section	D

Handwritten signature and date 1/6/15.

Handwritten initials 'B' and date 20/5/15.

3. Accordingly, in continuation of Commission's earlier letter dated 27<sup>th</sup> August, 2012 and 25<sup>th</sup> 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.