

23-समस्तीपुर (अ.जा.) संसदीय
निर्वाचन क्षेत्र एवं बिहार विधान
सभा का उप निर्वाचन, 2019

बिहार सरकार
निर्वाचन विभाग

मुख्य निर्वाचन पदाधिकारी, बिहार का कार्यालय
7, सरदार पटेल मार्ग (मैंगल्स रोड), पटना-800015.

ई-मेल

फोन नं० :- 0612-2217956
फैक्स नं० :- 0612-2215611
ई-मेल :- ceo_bihar@eci.gov.in

पत्रांक: बी1-3-126/2019- 6887

पटना, दिनांक 25 सितम्बर, 2019 ई०।

प्रेषक,

बैजूनाथ कुमार सिंह,
उप मुख्य निर्वाचन पदाधिकारी, बिहार।

सेवा में,

जिला निर्वाचन पदाधिकारी
-सह-जिला पदाधिकारी,
समस्तीपुर, किशनगंज, दरभंगा,
सहरसा, सिवान, भागलपुर एवं बांका।

विषय :- 23-समस्तीपुर (अ.जा.) संसदीय निर्वाचन क्षेत्र तथा 54-किशनगंज, 76-सिमरी बख्तियारपुर, 109-दरौंदा, 158-नाथनगर एवं 163-बेलहर विधान सभा निर्वाचन क्षेत्र का उप निर्वाचन, 2019 - Use of Social Media - regarding.

- प्रसंग:- 1) श्री धीरेन्द्र ओझा, निदेशक, भारत निर्वाचन आयोग, नई दिल्ली का पत्रांक 491/SM/2015/Communication दिनांक 6 सितम्बर, 2016.
2) श्री राहुल शर्मा, अवर सचिव, भारत निर्वाचन आयोग, नई दिल्ली का पत्रांक 491/SM/Comm./2013 दिनांक 16 अप्रैल, 2014.
2) श्री राहुल शर्मा, अवर सचिव, भारत निर्वाचन आयोग, नई दिल्ली का पत्रांक 491/SM/2013/Communication दिनांक 25 अक्टूबर, 2013.

महाशय,

कृपया उपर्युक्त विषयक प्रसंगाधीन पत्रों का संदर्भ किया जाये, जिसकी छायाप्रति संलग्न है।

निदेशानुसार अनुरोध है कि आयोग के उल्लिखित पत्रों में दिये गये अनुदेशों का अनुपालन ससमय सुनिश्चित कराया जाये एवं इन पत्रों की प्रति संबंधित प्रेक्षक/निर्वाची पदाधिकारी/सहायक निर्वाची पदाधिकारी/अन्य संबंधित पदाधिकारियों तथा अभ्यर्थियों, जिलास्तरीय राजनैतिक दलों के प्रतिनिधियों को अविलम्ब उपलब्ध कराने की कृपा की जाये।

अनु०:- यथा उपर्युक्त।

विश्वासभाजन

25/9/2019

(बैजूनाथ कुमार सिंह)

उप मुख्य निर्वाचन पदाधिकारी, बिहार

ज्ञापांक:- बी1-3-126/2019- 6887

पटना, दिनांक 25 सितम्बर, 2019 ई०।

प्रतिलिपि :- प्रमंडलीय आयुक्त, पूर्णिया प्रमंडल, पूर्णिया/कोशी प्रमंडल, सहरसा/सारण प्रमंडल, छपरा/भागलपुर प्रमंडल, भागलपुर/दरभंगा प्रमंडल, दरभंगा/निर्वाची पदाधिकारी-सह-अनुमंडल पदाधिकारी, किशनगंज, निर्वाची पदाधिकारी-सह-अनुमंडल पदाधिकारी, सिमरी बख्तियारपुर, निर्वाची पदाधिकारी-सह-उप विकास आयुक्त, सिवान, निर्वाची पदाधिकारी-सह-अपर समाहर्ता, भागलपुर, एवं निर्वाची पदाधिकारी-सह-उप विकास आयुक्त, बांका को अनुलग्नक की प्रति के साथ सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।

अनु०:- यथा उपर्युक्त।

25/9/2019

उप मुख्य निर्वाचन पदाधिकारी, बिहार

पटना, दिनांक 25 सितम्बर, 2019 ई०।

ज्ञापांक:- बी1-3-126/2019- 6887

प्रतिलिपि :- उप मुख्य निर्वाचन पदाधिकारी, पूर्णिया प्रमंडल, पूर्णिया/कोशी प्रमंडल, सहरसा/सारण प्रमंडल, छपरा/भागलपुर प्रमंडल, भागलपुर/दरभंगा प्रमंडल, दरभंगा/उप निर्वाचन पदाधिकारी, समस्तीपुर, दरभंगा, किशनगंज, सहरसा, सिवान, भागलपुर एवं बांका को अनुलग्नक की प्रति के साथ सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।

अनु०:- यथा उपर्युक्त।

25/9/2019

उप मुख्य निर्वाचन पदाधिकारी, बिहार

ज्ञापांक:- बी1-3-126/2019- 6887

पटना, दिनांक 25 सितम्बर, 2019 ई।

प्रतिलिपि :- सभी मान्यताप्राप्त राष्ट्रीय एवं राज्य स्तरीय राजनैतिक दलों को अनुलग्नक की प्रति के साथ सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।

अनु०:- यथा उपर्युक्त।

(बैजूनाथ कुमार सिंह)

उप मुख्य निर्वाचन पदाधिकारी, बिहार

7964
14/9/16

By Speed Post / e-mail

Election Commission of India

NirvachanSadan, Ashoka Road, New Delhi-110001.

779/CO
7/9/16
7/9/16
491/SM/ 2015 /Communication

Dated: 6th September, 2016

Dy. E.O (AP)

To

CEOs of All States & UTs

Subject:- Use of Social Media- reg.

Sir/Madam,

अतिरिक्त
14-9-16
यशपाल पंडित
सचिव
14.09.16

Of late, Social Media has occupied a very important place in the world of communication. There has been increasing demand for the use of social media for a better outreach and communication with the voters and dissemination of election related information to them. In the recent elections, many States used social media in varying degree as a tool and platform for the communication with electors, especially with youth and other stakeholders.

2. Considering the relevance of social media for dissemination of information and communication with voters and other stakeholders, the Commission has desired to build capacities to use social media at State/UT or district level. All the Chief Electoral Officers and District Election Officers are expected to start their official accounts on Facebook, Twitter, or Youtube channel. CEO's social media platform should mainly propagate information relating to voter education, voter registration, MCC, pre-certification and other connected issues. They should also crowd source SVEEP creatives from the voters especially from students or youth. CEOs should also setup a Social Media Cell in their offices to make meaningful use of social media and also to handle MCMC, code of conduct, pre-certification, suggestions of various stakeholders. CEOs may make use of expert agency and necessary staff in order to professionally handle the Social Media.

3. Similarly, at the district level District Election Officers should also initiate the similar move as directed for the CEOs Office for dissemination of necessary information relating to electoral process. At the field level, the activities like capturing of other campaign activities such as video, audio and photographs should be encouraged for the social media. Complaints received on the social media platform should be promptly addressed to.

b

4. It is also directed that all the vital information relating to electoral roll revision process such as NERP should be disseminated to the voters and stakeholders in a more innovative and interesting way. Collaboration or partnership with Social Media pages and links of Civil Societies or Educational Institutions will help in developing the synergy.

5. The Social Media Cell proposed to be setup at ECI level will regularly monitor the performance of States/UTs & the districts and will also be guiding them for greater and effective use of Social Media platforms and will train the State level master trainers from time to time.

6. CEOs shall take necessary steps as directed and shall issue necessary instructions to all the DEOs in this regard.

7. CEOs may also consult other CEOs of recently poll-gone states on their experience on use of Social Media.

Yours faithfully,



(DhirendraOjha)
Director

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/SM/Comm./2013

Dated:16th April, 2014

To

Chief Electoral Officers, All State/UTs

Subject - Clarification regarding social networking sites and E-Papers-regarding.

Sir/Madam,

I am directed to clarify the following for information and compliance by all concerned.

- i. Any political content in the form of messages/comments/photos/videos being posted/uploaded on the 'blogs/self accounts' on websites/social media websties will not be treated as political advertisement and and therefore would not require pre-certification. Even if the same is posted/uploaded by political parties/candidates, it would not fall within the meaning political advertisement and would not be subject to directions/guidelines issued by the Commission.
- ii. As per provisions contained in Commission's letter no. 491/Paid News/2014 dated 26.02.2014 political advertisements issued in e-papers of any newspapers shall invariably require pre-certification by the concerned Committee.

Yours faithfully,

(Rahul Sharma)
Under Secretary

1138/CEO
25/10/13

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi - 110001.

No. 491/SM/2013/Communication

Dated: 25th October, 2013

To,

- Dy. CEO (NKR)
1. Chief Electoral Officers of all States and Union Territories
 2. Presidents/General Secretaries of All National/State recognized Political Parties.

Sub: Instructions of the Commission with respect to use of Social Media in Election Campaigning.

Sir,

The Commission's attention was drawn to use of social media for election campaigning and also certain violations of the Electoral Law in the social media, which need to be regulated in the interest of transparency and level playing field in the elections.

Social media refers to the means of interactions among people in which they create, share, and/or exchange information and ideas in virtual communities and networks. It differentiates from traditional/industrial media in many aspects such as quality, reach, frequency, usability, immediacy, and permanence. The prevalence of Web and social media has increased over the years and there have been demands from the political and social groups to regulate the social media during elections as other media is regulated.

There are broadly five different types of social media:

- a) collaborative projects (for example, Wikipedia)
- b) blogs and micro blogs (for example, Twitter)
- c) content communities (for example, YouTube)
- d) social networking sites (for example, Facebook)
- e) virtual game-worlds (e.g., Apps)

Legal provisions relating to election campaigning apply to social media in the same manner in which they apply to any other form of election campaigning using any other media. Since social media is a relatively new form of media, it appears necessary to clarify to all concerned by the following instructions:-

A. Information to be given by candidates about their social media accounts.

Candidates are required to file affidavits in Form-26 at the time of filing of nominations. Detailed instructions and the format in which the affidavits have

to be filled were issued vide the Commission's letter No. 3/4/2012/SDR dated 24, August, 2012. Para 3 of this Form requires that email ID of the candidate, if any, should be communicated to the Commission in this Form. The Commission finds it necessary that authentic social media accounts of candidates should also be informed to the Commission. This information should be furnished in the said Para 3 as follows:-

"My contact telephone no.(s) is/are.....,
my email ID (if any) is, and
my social media accounts (if any) are....."

B. Pre-Certification of Political Advertisements

In pursuance of the Hon'ble Supreme Court of India's Order in SLP (Civil) N. 6679/2004, dated 13 April, 2004, the Commission issued detailed instructions on this subject vide its order no. 509/75/2004/JS-1/4572 dated 15.04.2004. In this order, it was stated that every registered/national and State political party and every contesting candidate proposing to issue advertisements on television channels and/ or on cable network will have to apply to Election Commission of India/designated officer for pre-certification of all political advertisements on electronic media before the publication. The order was further modified and consolidated vide Commission's order dated 27.08.2012, wherein Media Certification and Monitoring Committees at district and State levels were given the responsibilities of pre-certification of such advertisement along with other functions viz acting against Paid News etc. Since social media websites are also electronic media by definition, therefore, these instructions of the Commission contained in its order No.509/75/2004/JS-1/4572 dated 15.04.2004 shall also apply mutatis mutandis to websites including social media websites and shall fall under the purview of pre-certification. You are, therefore, requested to ensure that no political advertisements are released to any internet based media/websites, including social media websites, by political parties/candidates without pre-certification from competent authorities in the same format and following the same procedures as referred in the aforesaid orders.

C. Expenditure on campaigning through internet including social media websites.

According to Section 77, sub section (1), of Representation of the People Act, 1951, every candidate is required to keep a separate and correct account of all

expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has filed nomination and the date of declaration of the result thereof, both dates inclusive. The Hon'ble Supreme Court of India had directed in Common Cause Vs. Union of India in 2005 that political parties should also submit a statement of expenditure of elections to the ECI and such statements are required to be submitted within 75 days of assembly elections and 90 days of Lok Sabha elections. It is obvious that expenditure on election campaign through any advertisement in social media is a part of all expenditure in connection with the elections.

For the sake of removing any ambiguity, it is hereby directed that candidates and political parties shall include all expenditure on campaigning, including expenditure on advertisements on social media, both for maintaining a correct account of expenditure and for submitting the statement of expenditure. This, among other things, shall 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.

D. Application of Model Code of Conduct to content on internet including social media.

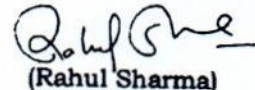
The Commission has a model code of conduct in place during the elections in respect of political parties and candidates which remains in force from the date the elections are announced by the Commission till the completion of elections. It is clarified that the provisions of model code of conduct and related instructions of the Commission issued from time to time shall also apply to the content being posted on the internet, including social media websites, by candidates and political parties.

E. As far as the content posted by persons other than candidates and political parties is concerned, the Commission is considering the matter in consultation with the Ministry of Communication and Information Technology on practical

ways to deal with the issue, in so far as they relate to, or can be reasonably connected with, the election campaigning of political parties and candidates.

These instructions may please be brought to the notice of all concerned including candidates, political parties, media and election observers for immediate necessary action.

Yours faithfully,


(Rahul Sharma)

(Under Secretary)

Tel. 011-23052070

Email: rahulsharma.eci@gmail.com

बिहार सरकार

निर्वाचन विभाग

मुख्य निर्वाचन पदाधिकारी, बिहार का कार्यालय

7, सरदार पटेल मार्ग (मिंगल्स रोड), बिहार, पटना - 800015

ज्ञापांक : 1424

पटना, दिनांक 06 मार्च, 2014 ई०।

प्रतिलिपि :- सभी प्रमंडलीय आयुक्त/सभी जिला निर्वाचन पदाधिकारी -सह-जिला पदाधिकारी, बिहार राज्य को सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।

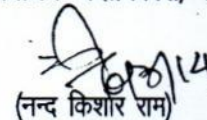

(नन्द किशोर राम)

उप मुख्य निर्वाचन पदाधिकारी, बिहार।

ज्ञापांक : 1424

पटना, दिनांक 06 मार्च, 2014 ई०।

प्रतिलिपि :- सभी उप निर्वाचन पदाधिकारी/सभी प्रभारी निर्वाचन पदाधिकारी, बिहार राज्य को सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।


(नन्द किशोर राम)

उप मुख्य निर्वाचन पदाधिकारी, बिहार।