

# **ELECTION COMMISSION OF INDIA**

Nirvachan Sadan, Ashoka Road, New Delhi – 110 001

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No. ECI/PN/ 12 /2009

Dated : 17<sup>th</sup> February, 2009

## **PRESS NOTE**

**Subject : Guidelines for Publication and Dissemination of Results of Opinion polls/Exit polls.**

In pursuance of the Order passed by the Hon'ble Supreme Court on 19-01-2009, in writ petition © No. 207 of 2004, the Election Commission has issued Guidelines to be followed in the matter of publication/dissemination of results of opinion polls and exit polls in connection with elections to the Lok Sabha and State Legislative Assemblies. A copy of the Order is enclosed.

(R.K.SRIVASTAVA  
SECRETARY

## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.509/121/2004/JS-1

Dated : 17<sup>th</sup> February, 2009

### ORDER

**Subject:- Guidelines for Publication and Dissemination of Results of Opinion polls/Exit polls.**

The Election Commission had issued an Order on 20<sup>th</sup> January, 1998 prescribing the following guidelines for publication and dissemination of results of opinion polls and exit polls.:

- (i) The organizations or agencies conducting Opinion Polls shall be free to conduct such polls, and publish results thereof, in or by any print or electronic media, at any time, except the period mentioned in clause (ii), during the run up to the polls for the aforesaid general elections to the House of the People and State Legislative Assemblies mentioned above.
- (ii) No result of any opinion poll conducted at any time shall be published, publicized or disseminated, in any manner whatsoever, in or by any print or electronic media, after 1700 hours on the 14<sup>th</sup> February, 1998 (16<sup>th</sup> February, 1998 being the first day of poll for the aforesaid general elections) and till half an hour after the closing of poll in all States and Union Territories, except three Parliamentary Constituencies in the State of Jammu and Kashmir i.e., 1730 hours on the 28<sup>th</sup> February, 1998.
- (iii) The above organizations and agencies shall also be free to conduct exit polls. But the result of any such exit poll conducted at any time shall also not be published, publicized or disseminated, in any manner whatsoever, in or by any print or electronic media, at any time from 0700 hours on the 16<sup>th</sup> February, 1998 (being the first day of poll for the aforesaid general elections) and till half an hour after the closing of poll in all States and

union Territories, except three Parliamentary constituencies in Jammu and Kashmir, i.e. 1730 hours on the 28<sup>th</sup> February, 1998.

- (iv) Any organizations or agencies conducting any Opinion Poll or Exit Poll, while publishing, publicizing or disseminating the result of any such poll, must indicate the sample size of the electorate covered by such polls and geographic spread of survey so conducted. They must invariably give the details of methodology followed, likely percentage of errors, the professional background and experience of the organization or organizations and the key professionals involved in the conduct and analysis of the poll.”
2. The above guidelines were followed by the media and other organizations/agencies in the general election to the House of the People and legislative assemblies held in 1998. The Commission vide its order dated **20<sup>th</sup> August, 1999**, again adopted these guidelines for the then ensuing general election to the House of the People. The order was challenged in the Hon’ble Supreme Court in writ petition No. 80 of 1998 and some other connected petitions. During the course of the hearing of the said matters before the Hon’ble Supreme Court, in September, 1999, the Commission opted to withdraw the said guidelines and accordingly issued an order on 14<sup>th</sup> September, 1999, withdrawing the guidelines.
3. In a meeting convened by the Commission with the recognized National and State Political parties on the **6<sup>th</sup> April, 2004**, all the political parties which attended the meeting expressed the unanimous view that publishing the results of opinion polls and exit polls should not be permitted till the completion of the poll in all constituencies in

multiphased elections. A similar view was expressed by some of the political parties in the meeting held by the Commission on 3<sup>rd</sup> February, 2009.

4. In the meanwhile, a writ petition (WP (C)No. 207 of 2004), was filed before the Hon'ble Supreme Court seeking the following reliefs:-

- “(a) that the result and analysis of the opinion polls and exit polls be not published in the newspaper, magazines and other print media and also by electronic media including radio, television and internet;
- (b) direct the Election Commission to enforce its guidelines issued from time to time dated 20-01-98, 10-02-98 and 20-08-99 particularly in view of Section 126 of the Representation of the People Act.”

5. In the above writ petition, the Hon'ble Supreme Court passed the following order on 19-01-2009:

“ Adjourned, in view of the pending legislation which, we are told, has already been initiated by the Rajya Sabha. We make it clear that, in the meantime, Election Commission would be at liberty to issue any other appropriate direction.”

6. The Commission has considered the matter. In pursuance of the above mentioned order of the Hon'ble Supreme Court, the Commission, in exercise of its powers under Article 324 of the Constitution, and all other powers enabling it in this behalf, issues the following directions with regard to dissemination of results of opinion polls and exit polls regarding elections to the Lok Sabha and Legislative Assemblies of States/Union Territories, by any media/agency./organization/individuals:

7. **No result of any opinion poll or exit poll conducted at any time shall be published, publicized or disseminated in any manner, whatsoever, by print, electronic or any other media, at any time-**

- (a) during the period of 48 hours ending with the hour fixed for closing of poll in an election held in a single phase; and**
- (b) in a multi-phased election, and in the case of elections in different States announced simultaneously, at any time during the period starting from 48 hours before the hour fixed for closing of poll in the first phase of the election and till the poll is concluded in all the phases in all States.**

Explanation: In this Order: -

- (a) Electronic media' includes Radio and Television -both Government owned and Private and covers Satellite/DTH, Terrestrial and Cable Channels.
- (b) `Dissemination' includes publication in any newspaper, magazine or periodical, or display on electronic media, or circulation by means of any pamphlet, poster, placard, handbill or any other document.

By Order,

(K.F.WILFRED)  
SECRETARY