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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

MEDIA GUIDELINES UNDER ARTICLE 104B (5)(A) OF THE CONSTITUTION OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

THE Media Guidelines made by the Election Commission under Article 104B(5)(a), (b), (c) (i) of the Constitution of the Democratic Socialist Republic of Sri Lanka.

MAHINDA DESHAPRIYA
Chairman
Election Commission

N. J. ABEYSEKERE
Member
Election Commission

S. RATNAJEEVAN H. HOOLE
Member
Election Commission

Colombo,
19th September, 2019.

01. Every media institution shall provide accurate, balanced and impartial information in broadcasting or televising or publishing their news bulletins and any other programme relating to political matters. The neutrality and impartiality of media shall be monitored regularly by the Standing Committee of Permanent Representatives on Elections Complaints and the Standing Committee of Permanent Representatives on Media Guidelines.
02. Every telecasting, broadcasting and print media shall be neutral and impartial in their reporting of matters relating to an election and shall not act in a manner which discriminates against any contesting political party, independent group or a candidate or confers a special benefit to any such party, group or candidate, in allocating airtime on radio or television and allotting space in the newspapers for such political party, independent group or a candidate.
03. Editorials published in the newspapers shall not be commented on by electronic media as opinions in such commentaries may be biased. Whenever an editorial opinion is broadcasted, televised or published, the affected party shall be given an opportunity to broadcast, telecast or publish material to counter such opinion.



04. Every presenter of programmes and announcer of television and radio channels shall refrain from expressing personal views, on programme where newspaper headlines and cartoons are presented, which may promote one party while causing prejudice to another.
05. It shall be the responsibility of the news and current affairs divisions of all electronic and print media institutions not to broadcast, televise or publish any programme or supplement during the period of election, if such programme, supplement or news item is inconsistent with the election laws and media guidelines of the Election Commission.
06. Where any material covering an incident or event is broadcasted, televised or published during the period of an election with comments of one candidate, any other political party or independent group having an interest in such event or likely to be affected by that incident or event should also be given an opportunity to express their views on the same incident or event.
07. The names of the script writer, announcer and the editor of any documentary programme or any other special programme broadcasted or televised during the period of an election which is directly connected with such election shall be disclosed when such programme is broadcasted or telecasted. In the event of any such media institution retaining the right not to disclose such particulars, the person in charge of such programme shall be held responsible for the contents thereof.
08. Any media institution shall not utilize air time during any programme or news bulletin to make allegations against any candidate contesting at an election if the allegations cannot be substantiated. If any political party, independent group or a candidate claims that another political party, independent group or a candidate or a supporter thereof has made any false and prejudicial statement against such political party, independent group or candidate that party, group or candidate shall be given an opportunity to counter the same.
09. Where any news or programme covering any official function or event related to any crime which is likely to promote or demote any political party, independent group or a candidate is published, even if such news or programme is not related to any election, every media institution if publishing such news or programme shall consult the parties involved therein for clarity.
10. Where during the period of an election coverage is given by radio or television to opinions or views expressed by the President or the Prime Minister or any Minister, it shall be treated as coverage given to the political party to which such person belongs. Therefore, any leader of a rival political party contesting such election shall also be given equal coverage in similar programmes. The print media shall similarly provide equal space and prominence to all political parties, independent groups and candidates in publishing special discussions and reporting campaign meetings.
11. No candidate shall be specially and favourably treated in allocation of airtime on radio or television or space in the print media, to promote the election of such candidate or to cause disadvantage to another candidate.
12. No lecture, interview, or such other programme with public officers shall be published or broadcasted or telecasted, during the period of an election, promoting any contesting candidate or causing disadvantage to another candidate.
13. Every electronic media institution shall act in a reasonable manner in selecting participants for panel discussions so that the composition of the panel is balanced. Every media institution shall refrain from conducting programmes which cause disadvantage to any participant by conducting the programme in a language which such participant is not proficient. Interviews with participants shall be conducted in a language that the participant is proficient in. Information obtained through vague and incoherent questions should not be published, or such questions should not be asked. At the outset, a participant in the programme should be warned not to make statements which are unethical or harmful to communal harmony, and if such statements are made while the discussion is in progress, the programme should be discontinued then forthwith.

14. In any phone-in programme, every caller shall be given fair opportunity to pose questions which are not unethical, not harmful to the religious or communal harmony and are consistent with the laws relating to elections. Every person conducting such phone-in programmes shall be answerable for any biased phone-in programme.
15. If the chairperson, member of the board of management, director or any journalist of any electronic or print media institution is actively involved in political activities and where any such involvement may result in a conflict of interest in providing balanced broadcasting, telecasting or publishing, such person shall inform in writing to the management of the institution, the following :-
 - (a) the involvement of such person in political activity ;
 - (b) the position held by such person in the institution ; and
 - (c) the extent of involvement of such person in arranging and conducting programmes.
16. Where any person holding any position in any recognized political party and also holding a dominant office such as the chairman, member of the board of directors, chief executive or chief editor of any media institution and, where such person is also a candidate at an election or the party to which such person belongs is directly or under a recognized alliance contesting at such election, he shall cease to engage in the duties assigned to him in such media institution. Further, if such person is contesting as a candidate or holding office in a contesting party at an election, he shall not be involved in moderating any programme in any television or broadcasting institution which is of political in nature and, in the case of print media such person shall not publish articles on political matters through that media institution.
17. Where any participant of a political party refuses to participate in a discussion or an interview in any media institution without assigning any reason for such non-participation, such media institution shall not display an empty chair or use similar means to emphasize such non-participation. It is recommended that a simple and direct announcement be made about the absence of the participant.
18. Any electronic media which broadcasts or print media that publishes the result of an opinion poll shall broadcast or publish the name of the organization which conducted such poll, the organization or the person which commissioned and funded such poll, the methodology employed, the size of the sample, margin of error and the period of fieldwork. Further, the broadcaster or publisher shall state that such poll reflects the public opinion only at the time of such opinion poll.
19. Where any candidate makes any statement to promote the candidature of another candidate of a party or group, to which such candidate does not belong, no publicity shall be given to such statement by way of broadcasting or telecasting such statement.
20. Every media personnel shall refrain from taking photographs or videoing of the inside of any polling station or postal voting center, without the written consent of the Election Commission. Any photograph or video visual obtained without such permission shall not be published in newspapers, televised or broadcasted through any media. Even the photographs and visuals obtained with the approval of the Election Commission may be published or televised only after the poll.
21. Any advertisement, quiz programme, entertainment programme, any programme relating to development activities or any such activities, film, teledrama, musical show or any other programme of such nature televised, broadcasted or published prior to the date of election, conducted by or featuring any candidate or promoting or demoting any candidate or party or an independent group shall not be telecasted, broadcasted or published during the period of silence which operate just before the date of poll. It is considered vital that a period of silence prevails just before the date of poll to enable the voter to contemplate and, consider the pros and cons of various policies announced and promises made by political parties and candidates during the election campaign.

22. Every media institution shall refrain from broadcasting, telecasting or publishing material that may promote or induce hatred and intolerance among Sri Lankan people on various grounds including the religious beliefs, faith, language, ethnicity, customs and castes.
23. Every media institution shall avoid broadcasting, telecasting or publishing propaganda activities that promote hateful politics among political activists and within society.
24. Every media institution shall refrain from republishing or repeat telecasting of any statement made previously by any candidate or a supporter about another candidate of another political party, without the consent of the declarant and shall honour a request made by a declarant not to repeat such statement made by him previously.
25. A media institution shall not give coverage to anonymous notices or material and to notices or material under the names of fake organizations or persons. The responsibility in this regard shall lie with the respective media institution.
26. A media institution and the person making any statement or reading the news, as the case may be, shall be equally accountable with regard to the publishing, broadcasting or telecasting of incorrect statements or news and shall be subject to legal proceedings that may arise in this regard.
27. It shall be the responsibility of every electronic and print media institution to adhere to and abide by the moral ethics of media.
28. All government and semi government media institutions shall refrain from the use of state property and funds to promote any political party, group or candidate and to cause loss to government revenue and act so as to cause damage to any institution. In the event of the breach of this guideline, in addition to the penalties specified in the Constitution, disciplinary action may be instituted against those responsible.
29. The proprietors of all electronic and print media shall adhere to these guidelines and ensure that the respective institutions owned by them observe such guidelines.
30. It shall also be the responsibility of the administrators of social media sites and owners of Cable Television channels to follow these guidelines as applicable to them, during the period of an election.
31. It is not only the duty, but also the responsibility of the proprietors of media institutions and administrators and users of social media to adhere to these guidelines, as observance of these guidelines is essential to ensure a free and fair election.
32. In these guidelines “period of an election” means the period commencing on the making of a Proclamation or Order for the conduct of Referendum or for the holding of an election, as the case may be, and ending on the date on which the result of poll taken at such Referendum or election, as the case may be, is declared.
33. Failure to comply with these guidelines is a punishable offence under the Constitution.
34. The *Gazette Extraordinary* No. 2008/28 dated 03.03.2017 and *Gazette Extraordinary* No. 2048/1 dated 04.12.2017 is hereby rescinded.