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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

L.D.- B 12/2016.

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) of the Constitution of the Democratic Socialist Republic of Sri Lanka.

Chairman,
Election Commission.

Colombo,
03rd March, 2017.

1. Every media institution shall provide accurate, balanced and impartial information in broadcasting or televising 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.
2. Every telecasting, broadcasting and print media shall be neutral and impartial in their reporting of matters relating to any election and shall not act in a manner which is discriminatory against any contesting political party, independent group or a candidate or causing a special benefit to any such party, group or candidate in allocating airtime and allotting space for such political party, independent group or a candidate in the newspapers.
3. Editorials published in the newspapers shall not be commented by electronic media as opinions in such commentaries may be confused and biased. Whenever an editorial opinion is broadcast, televised or published, the affected party shall be given an opportunity to broadcast, telecast or publish material to counter such opinion.



4. Every presenter of programme and announcer of television and radio channels shall refrain from expressing personal views at the newspaper desks where newspaper headlines and cartoons are presented which may promote one party while prejudice another.
5. It is the responsibility of the news and current affairs divisions of all electronic and print media institutions not to broadcast, televise or publish any biased programme or supplement during the election period, if such programme, supplement or news item is inconsistent with the election laws and media guidelines of the Election Commission.
6. Where any material covering an incident or event is broadcast, televised or published 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 should also be given an opportunity to express the views on the same incident or event.
7. The names of the script writer, announcer and the editor of any documentary programme or any other special programme broadcast or televised during the period of an election which is directly connected with such election shall be disclosed during the time of that programme. In the event of any such media institution retains the right not to disclose such particulars, the person in charge of such programme shall be held responsible for the contents thereof.
8. Any media institution shall not utilize air time during any programme or news bulletin to make unsubstantiated allegations against any candidate contesting at an election if it cannot be reasonably proved. 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 shall be given an opportunity to counter the same.
9. 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 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 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 opportunity 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 allocating air time 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 broadcast 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 discussion is balanced. Every media institution shall refrain from directing programmes to cause disadvantage to any participant by conducting the programme in a particular language which such participant is not proficient with. Interviews with participants shall be published in a language that the participant is proficient with. Information obtained through vague and incomprehensible questions should not be published, or such questions should never be asked. At the outset, the 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 and there.
14. In any phone-in programme, every caller shall be given fair opportunity to the questions which are not unethical, not harmful to the religious or communal harmony and consistent with the laws relating to elections. Every person conducting such phone-in programme shall be answerable for any imbalanced phone-in programme.

15. If any chairperson, member of the board of management, director or any journalist of any electronic or print media institution actively engaging in political activities and where any such activity may cause conflict of interest in providing balanced broadcasting or publishing, such person shall inform in writing to the management of the institution, the following :-
 - (a) the involvement of such person ;
 - (b) the position held by such person in the institution ; and
 - (c) the extent of involvement of such person in organizing programmes.
16. Where any person holding any main position in any recognized political party or any person having similar powers and is 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 not actively 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 involve 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 his own political articles 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 create other similar dramatic situation 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 announce or publish the name of the organization conducted such poll, the organization or the person commissioned and funded such poll, methodology employed, the size of the sample, margin of error and the period of fieldwork. Further, the broadcaster or publisher should state that such poll reflects the public opinion only at the time of such poll.
19. Where any candidate makes any statement to promote the candidature of another contestant of 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 written consent of the Election Commission. Any photograph or video visual obtained without permission shall not be published in newspapers, televised or promoted 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, broadcast 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 prevails just before the date of poll. Hence, 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 propaganda that may create or induce hatred and intolerance among Sri Lankan people on various grounds including the religious beliefs, faiths practice, languages spoken, 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 honour the request made by a declarant not to repeat such statement made by such person previously.
25. Any media institution shall not give coverage to anonymous notices or propaganda and to the notices or propaganda under the names of fake organizations or persons. The responsibility in this regard shall lie with the respective media institution.
26. Any media institution and the person making any statement or reading such news, as the case may be, shall be equally accountable with regard to publishing, broadcasting or televising incorrect statements or news and shall be subject to legal proceeding that would 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 to cause damage to any institution. In the event of such activity, 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 observe such guidelines.
30. It shall also be the responsibility of the administrators of social media sites to follow these guidelines as applicable to them, during any election period.
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, because it is essential to follow them to ensure a free and fair election.
32. The *Gazette Extraordinary* No. 1955/19 dated 25.02.2016 is hereby rescinded.