



भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
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Ashoka Road, New Delhi-110001

No. 491/SM_SOP/2024/Communication

Dated: 6th May, 2024

To,

The President/General Secretary/Chairperson of
All National/State recognized Political Parties.
(As per the list attached)

Subject: Responsible and ethical use of social media platforms and strict avoidance of any wrongful use by political parties and their representatives during MCC period in General Elections and by-elections-regd.

Sir/ Madam,

The ECI's attention has been drawn to certain violations of MCC and the extant legal provisions by Political Parties /their representatives while using social media for election campaigning, which need to be regulated in the interest of transparency, ethical campaigning and level playing field during the elections. The use of such manipulated, distorted, edited content on social media platforms has the potential to wrongfully sway voter opinions, deepen societal divisions, and erode trust in electioneering process by attacking laid out instrumentalities of the electoral steps in terms of means and material. Further, the scale of spread of such misinformation has been observed to be dangerously unrestrained due to the availability of the option of "forwarding/re-sharing/ re-posting/ re-tweeting" on the social media platforms.

2. As you should be aware, the Commission had issued detailed guidelines dated 25.10.2013 inter alia providing that provisions of Model Code of Conduct and related instructions of the Commission shall apply to the content being posted on the internet, including social media by candidates and political parties.

3. The Election Commission of India has a constitutional duty to conduct free and fair elections and to ensure level playing field among the stakeholders. Accordingly, taking cognizance of the directions of the Hon'ble Delhi High Court in Writ Petition (C) (PIL) No. 6186 of 2024 and possibility of

disturbing the level playing field by the Political Parties, their representatives and star campaigners by using “deep fakes”, AI generated distorted content which spread fake information/misinformation/disinformation and distortions of facts, the ECI brings to the specific notice of political parties of the provisions of the Model Code of Conduct, the Information Technology Act, 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 , the Indian Penal Code and framework of the twin acts namely the Representation of People Act, 1950 and 1951 that govern the regulatory framework and underline the emphasis for the same. The Commission directs political parties to take notice of the following regulatory framework governing the subject matter and strictly observe following guidelines –

Extant regulatory framework:

- (i) **Section 66C of the IT Act** states that whoever, fraudulently or dishonestly make use of the electronic signature, password or any other unique identification feature of any other person, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to rupees one lakh.
- (ii) **Section 66D of the IT Act** punishes individuals who use communication devices or computer resources with malicious intent, leading to impersonation or cheating.
- (iii) **Section 123(4) of the RP Act, 1951** states that publishing of any statement of fact which is false by a person, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate’s election, shall be a corrupt practice.
- (iv) **Section 171G of IPC** states that whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.
- (v) **Section 465 of IPC** states that whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(vi) **Section 469 of IPC** states that whoever commits forgery, intending that the document or electronic record forged shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(vii) **Section 505 of IPC** states that whoever makes, publishes or circulates any statement, rumour or report, creating or promoting enmity, hatred or ill-will between classes, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(viii) **Paragraph (I)(2) of the Model Code of Conduct** provides that criticism of other political parties, when made, shall be confined to their policies and programme, past record and work and that the Parties as well as Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Further, it prohibits criticism of other parties or their workers based on unverified allegations or distortion.

Having taken notice of the abovementioned, the political parties shall:

- (i) Not use social media platforms to disseminate any misinformation or information which is patently false, untrue or misleading in nature and those that impersonate another person, including any information which is synthetically created or generated or modified in a manner that such information reasonably appears to be authentic or true while in actuality dishonestly or fraudulently deceive any person who receives such information; and
- (ii) Not impersonate another person, including political parties or their representatives on a social media platform; and among other things
- (iii) Not post or promote content which is derogatory towards women or repugnant to the honour and dignity of women; and
- (iv) Not use social media platforms to carry any content which goes against the Commission's advisories prohibiting the use of children in any political campaigning; and
- (v) Not portray violence, harm or harassment of animals in any of their content on social media platforms.

- (vi) Not allow their respective social media handles to publish and circulate deepfake audios/videos which violate the provisions of extant rules and regulations.
 - (vii) Whenever such deepfake audios/videos, come to the notice of political parties, they shall immediately take down the post but maximum within a period of 3 hours and also identify and warn the responsible person within the party.
 - (viii) Report the presence of any unlawful information and fake user accounts, looking alike their official handles on a social media platform, to the concerned social media platform forthwith.
 - (ix) In case of continued presence of such unlawful information or fake user account after reporting to social media platform, to approach the Grievance Appellate Committee (GAC) under Rule 3A of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
4. The Commission has been repeatedly directing the political parties and their leaders to maintain decorum and utmost restraint in public campaigning. The Commission once again directs with emphasis that all the political parties and their leaders must refrain from using in their campaigning any technological/ AI based tools which distorts information or spreads misinformation, which resultantly lowers the standards of electioneering.

Yours faithfully,



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