



Media and Election Surveys in India: Some Reflections

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ABSTRACT

India is acclaimed as the world's largest democracy. Media plays an inseparable role in the Indian democracy and it is often referred as the 'Fourth Estate', while the Administration, Judiciary and Legislature are the remaining Three Estates. Nevertheless, to say that the beauty of Indian democracy lies in its election system, where all the Indian citizens above the age of 18 years can choose their leaders by way of casting their vote. Elections are conducted once in every five years and all the citizens can cast their vote in the elections irrespective of their caste, creed, religion or gender.

1. Introduction

Similarly, almost all the voters are eligible to contest the elections, provided they fulfil certain guidelines prescribed by the Election Commission (EC) of India, an independent body that takes care of the entire election procedure. The contesting candidates may be either from the registered political parties or independent candidates. Voters are free and independent in casting their vote, as they can choose either the nominees of political parties or even the independents. Once voted to power, the elected candidates/party/parties will remain in power for a period of five years and rule the state or nation with support from the civil administration and judiciary. In this context, an attempt is made in this paper to analyse the issues relating to media and election surveys in India. Role of media during the elections particularly with respect to opinion-polls and exit-polls is critically analysed.

2. Media and Elections:

Media is associated with every sphere of public life including elections. Newspapers and television channels are very vital in creating awareness among the youngsters about the importance of enrolling themselves as voters and in assessing the strengths and weaknesses of the parties/candidates who are in the poll fray. However, media's role in conducting election surveys, of late, has been widely debated in different forums. The academic and social institutions are taking the lead role in conducting these debates. These debates are frequently held particularly when the elections are ahead. During such period media conducts surveys in different forms. Some media houses go for a tie-up with survey agencies to conduct the surveys, while some other institutions send their men to the field with a questionnaire. Normally, the surveys begin one year before the commencement of the elections and are continued up to the time of elections. During the time of elections, the media houses come forward with opinion polls as well as exit polls.

Generally, an opinion poll is a pre-election survey to gather voters' views on a range of election-related issues; whereas an exit poll is conducted immediately after people cast their votes on an election day and assess the extent of support for political parties and their candidates. The Election Commission, however, is opposed to media coverage of opinion polls and exit polls during a multi-phase election. It is argued that the projections of these surveys can be influenced by the choice, wording and timing of the questions, and also by the nature of the sample drawn.

In this context, it may be of interest to examine the allegations on opinion polls and exit polls as well as the judicial interventions on this subject.

3. Allegations:

The main allegations of the political parties is that many opinion polls and exit polls are motivated and sponsored by their rivals and could have a distorting effect on the choice voters make in a protracted election, rather than simply reflecting public sentiment or views. In view of this, the Election Commission held its first consultation meeting with political parties on opinion polls as well as exit polls on December 22, 1997 followed by another on December 23, when M.S. Gill was the Chief Election Commissioner. During these deliberations, several representatives of the national and state parties expressed their opinion that these polls were unscientific and suffered from biases with respect to the size and nature of samples. With Lok Sabha polls and Assembly elections in Gujarat, Himachal Pradesh, Meghalaya, Nagaland and Tripura round the corner the Election Commission has initiated certain measures for free and fair polls. After considering the reservations expressed by several political parties, the EC issued guidelines under Article 324 of the Constitution on January 11, 1998, prohibiting newspapers and news channels from publishing results of pre-election surveys and exit polls between 5 pm on February 14 and 5 pm on March 7.¹ It is because of the fact that the first votes in the elections were scheduled to be cast on February 16, 1998, and the last votes on March 7. It is made mandatory by the Election Commission for the newspapers and channels to disclose the sample size of the electorate, the details of polling methodology, the margin of error and the background of the polling agency while carrying the results of exit and opinion polls.

However, there were strong protests and the journalists contended that the guidelines violated their fundamental right of free speech and expression. The Election Commission's order was challenged in the Supreme Court and the High Courts of Delhi and Rajasthan. Against the EC guidelines petitions were filed by 'Frontline' represented by its then editor, N. Ram, the Tamil weekly 'Nakkeeran' by its then editor, R. Rajagopal, and S. N. Tiwari, an individual from Rajasthan.² The Supreme Court did give an urgent hearing, but did not stay the Commission's guidelines. Thus, 1998 Lok Sabha elections were the only elections in the country in which both opinion and exit polls were banned for about one month period.

4. Court Cases:

After the successful imposition of its guidelines during the 1998 Lok Sabha polls, the Election Commission wanted to invoke these guidelines again ahead of the Lok Sabha polls of 1999. However, several media houses have refused to follow the guidelines of EC and this forced the EC to appeal in the Supreme Court. The matter was referred to a Constitution Bench of the apex court and after examining the matter it expressed concern over the constitutional validity of the EC guidelines. The Bench observed that the Commission cannot enforce such guidelines in the absence of statutory sanction and as a result the EC has withdrawn its guidelines with respect to opinion polls and exit polls.

However, again in 2004, the Election Commission has approached the Law Ministry along with the endorsement of six National parties and 18 State parties, seeking an amendment to the Representation of the People Act 1951 in order to provide for a ban on both exit and opinion polls during a period specified by the Commission.³ A part of the recommendation was accepted in February 2010 and through the introduction of Section 126(A) in the Act restrictions were imposed only on exit polls.

Subsequently, in November 2013, the EC discussed the issue with political parties in order to revive its demand to restrict pre-election opinion polls. The suggestion to forbid media houses from publishing results of opinion polls from the date of notification of elections until the end of polling was sent to the Law Ministry and it appears that there was no action taken on the matter till today.

5. Time Limitations on Opinion Polls:

It is very interesting to note that different countries have different time frames for opinion polls and exit polls. As many as 16 European Union countries have banned reporting of opinion polls, with ban on time frames ranging from a full month to just 24 hours before polling day. A ban of more than 7 days is specified in Italy, Slovakia and Luxembourg. However, a 7-day blackout imposed by France in 1977 was overturned by a court order that deemed it to be violative of the freedom of expression. Subsequently the French government has reduced the ban period to 24 hours ahead of voting day.

In the UK, though there are no restrictions on publishing results of opinion polls, results of exit polls can't be published until the voting is over. In the United States, media coverage of opinion polls is regarded as an integral part

of free speech in elections, and publication of opinion polls is allowed at any time. However, there are restrictions regarding the reporting of likely outcomes from exit polls before the completion of voting on the Election Day. The media organizations commissioning the opinion polls voluntarily adhere to these restrictions.

However, in the Indian context there are some cases of digression with regard to the publication and broadcast of the results of the opinion polls and exit polls. These are viewed by the EC very seriously and appropriate measures were initiated. In February 2007, during Assembly elections in Punjab, the EC has asked District Election Officers of 20 districts from the state of Punjab to file separate complaints against the director of NDTV, Mr. Prannoy Roy, on charges that exit poll-like projections were broadcast by the channel during voting hours. In a different case in 2017 elections in Uttar Pradesh, the EC has directed the District Election Officers to file criminal cases under Section 188 of the IPC (disobedience to order duly promulgated by public servant), which is a cognizable offence, on the online editor, Mr. Shashank Shekhar Tripathi, of Hindi daily Dainik Jagran for running an exit-poll on the first phase of UP Assembly elections.⁴ From these cases, it is to be noticed that opinion polls and exit polls should not deviate from the general election guidelines of the Election Commission. It is necessary that the rules of the Representation of the People Act, 1951 are strictly adhered to ensure free and fair elections in the country.

6. Present Scenario in India:

In view of the general elections in India that are scheduled for April/May 2019, it is interesting to deliberate on the media's role in election surveys. It is in the public domain that a good number of media houses have already come out with their survey reports – some favoring the ruling party and the others predicting brighter chances to the Opposition parties in the ensuing elections. The issue of conducting pre-polls and exit polls will be out for another discussion soon and this time, the social media too joined hands with the mainstream print and electronic media. The Election Commission's concern is that these surveys, likely, may influence the voters from casting their vote in a free and fair manner.

On the other hand, several political parties are concerned about the polarization of survey reports by the media houses. If the report is not in favor of a political party, the leaders leave no stone unturned to prove that the report is polarized and far from reality. These allegations may cause a dent to the trustworthiness of the media houses in the long run. However, there are some exceptions to the poll surveys as well. But, publishing 'far from reality' survey reports in frequent intervals will have a negative impact on the media organizations in the long run, for which they may have to pay a heavy price. Once the trust is lost, the media houses cannot bring it back and the political parties are aware of this fact. Hence, it is going to be a tight rope walk for the media when it comes to dealing with the poll surveys.

7. Conclusion

From the above discussion it may be concluded that Media plays a significant role during elections in a democratic country like India. It not only promotes awareness among voters about the importance of their vote in electing a good government but also may tilt the balance in favor of certain political parties with the pre-poll and exit-poll surveys. As such, the media should always strive to present the truth about the political parties, their manifestos and the candidates. Thus the role of media is very critical for a healthy and vibrant democracy.

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