Exit & Opinion Polls

Why in news?

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The editor of a hindi newspaper, Dainik Jagran has been arrested for violating a 2010 election law on publishing exit poll results while elections are still on.

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What are exit & opinion polls?

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- An opinion poll is a pre-election survey to gather voters' views on a range of election-related issues.
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- An exit poll, on the other hand, is conducted immediately after people have voted, and assesses the support for political parties and their candidates.
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Why is the Election Commission (EC) against these polls?

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- Both kinds of polls can be controversial if the agency conducting them is perceived to be biased.
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- The projections of these surveys can be influenced by the choice, wording and timing of the questions, and by the nature of the sample drawn.
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- Political parties often allege that many opinion and exit polls are motivated and sponsored by their rivals, and could have a distorting effect on the choices voters make in a protracted election, rather than simply reflecting public sentiment or views.
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What is the statutory backing?

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- The Constitution Bench of the apex court observed in 1999 that the EC cannot enforce any guidelines to ban such polls in the absence of statutory sanction.
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- In 2004, the EC approached the Law Ministry seeking an amendment to the **Representation of the People Act** to provide for a ban on both exit and opinion polls during a period specified by the Commission.
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- In February 2010, restrictions were imposed only on exit polls through the introduction of **Section 126(A)** in the RPA.
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- In November 2013, the EC held consultations with political parties to revive its demand to restrict pre-election opinion polls as well from the date of notification of elections until the end of polling.
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- The suggestion was sent to the Law Ministry, but no action has been taken on it so far.
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What is the current order?

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- In the Jagran case the District Election Officers were directed by EC to file criminal cases under Section 188 of the IPC i.e for disobedience to order duly promulgated by public servant.
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- It is a cognisable offence therefore it led to the arrest on Tuesday of Jagran online editor.
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What is the international practise?

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- Sixteen European Union countries ban reporting of opinion polls, with ban timeframes ranging from a full month to just 24 hours before polling day.

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- Italy, Slovakia and Luxembourg have a ban of more than 7 days.
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- **France -** The French ban has been reduced to 24 hours ahead of voting day.
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- **UK** - There are no restrictions on publishing results of opinion polls — however, results of exit polls can’t be published until the voting is over.
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- **US** - Media coverage of opinion polls is regarded as an integral part of free speech in elections, and publication is allowed at any time.
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- The only restriction that exists — not reporting likely outcomes from exit polls before voting is over on election day — is one that news organisations commissioning the polls voluntarily impose upon themselves.
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Source: The Indian Express

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