

MEDIA LAW

Apurova Kirti Sharma

LLM DISSERTATION 2011
UNIVERSITY COLLEGE LONDON
FACULTY OF LAWS

**BBC'S OWN DISCUSSION AND TREATMENT OF ELECTION BROADCAST
ABOUT PARTIES IN UK AND INDIA**

1:- INTRODUCTION

Public Service Broadcasting is one of the most important powerful instruments for promoting citizen's democratic participation.¹ "The public is not only the beneficiary of public service broadcasting and its paymaster but also its controller."² "Public media has earned the public trust and is a proven trendsetter. It is helping us all to understand new global realities that affect our society and the ways in which our country affects others. It needs our help in continuing this role. An informed citizenry is vital to good governance and healthy democracy."³ It is the mass media that makes the exercise of freedom of expression a reality⁴ and thus, acts as an indispensable instrument for the proper functioning of a democracy. The justified treatment of election broadcasts about different parties by the BBC⁵ as a public service broadcaster in United Kingdom⁶ and as a commercial channel in India is the main issue which will be discussed in the forthcoming chapters of this study.

My research work is divided into five chapters. The first section is the introductory segment. It establishes the concept of public service broadcasting in general. It defines the relation between media and politics and how it affects its freedom of fair broadcasting especially during elections. The aim of this research paper is to investigate about different policies followed by the BBC in the capacity of a public

1 Indrajit Banerjee and Kalinga Seneviratne, Public Service Broadcasting: A best practices sourcebook (UNESCO, 2005), p.6

2 Werner Rumphorst, Model Public Service Law (ITU/EBU/UNESCO, 1998), p.7

3 By Susan V. Berresford, President of Ford Foundation.

4 Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism, Inter-American Court of Human Rights, Adv. Opn. OC-5/83 of 13 Nov, 1985, Series A no.5, reprinted in 7 Human Rights Law Journal (1986), 74 and in 8 EHRR 165.

5 For the purpose of this research British Broadcasting Corporation is also referred to as BBC

6 For this research United Kingdom is also referred to as UK

JAY KAY LAW REPORTER PVT. LTD.
AN SSI UNIT OF J&K
AN ISO 9001 : 2015 Certified Company

service broadcaster in United Kingdom during the elections and other political broadcasts. The study will also examine the role of BBC as a commercial channel in India, the election policies of public service broadcaster in India namely Doordarshan and the difference in the treatment of elections by BBC as a commercial channel in India and as a public service broadcaster in United Kingdom.

The relationship of media and politicians is mysterious and delicate. Media is one of the agents of a political process. These days, the largely powerful mass medium is a broadcast especially television. It is the most reliable source for the population for news⁷ and this form of broadcasting will be the main focus of this research paper. The mass medium is essential to conduct the democratic elections⁸ and to have adequate information about parties, policies and candidates. The election process is essential for free and fair election, which is the prime undertaking for any public service broadcasting system.

There are many reforms which have been introduced and few laws being revised for ensuring the independence of public service broadcasters in United Kingdom and in India for instance the introduction of Human Rights Act in 1998 in UK, the regulation of BBC's obligation by Ofcom created under Communications Act 2003 and the Broadcasting Act 1996, BBC's own producer or the editorial guidelines for setting the ethical standards for BBC⁹, The Prasar Bharati (Broadcasting Corporation of India) Act of 1990, Election Commission of India Compendium of instructions on conduct of elections¹⁰ and so on. Such guarantees of de jure independence, which is enjoyed by the public service broadcasters in UK and India, is no guarantee of de facto independence¹¹ which makes a big difference in BBC's treatment of election broadcast by parties in UK and India.

The second chapter will define the BBC's role as a public service broadcaster in UK. British Broadcasting Corporation has its own charter which regulates the appointment of its governors. It has its own constitution and body composed of the

7 Roper Organisation, Public Attitudes Towards Television and Other Media in a Time of Change (1985), pp. 10-11: 65 percent of the population rely primarily on TV for news, up to 51 percent in 1959.

8 Media and Elections <<http://aceproject.org/ace-en/topics/media-and-elections/onePage>>, accessed 2nd April 2011.

9<www.bbc.co.uk/guidelines/editorialguidelines/assets/guidelinedocs/Producersguidelines.pdf>, accessed 10th April 2011.

10 <http://eci.nic.in/eci_main/ElectoralLaws/electoral_law.asp>, accessed 10th April 2011

11 Chris Hanretty, 'Explaining the de facto independence of public broadcasters' (November, 2009) Vol. 40 Issue 01 British Journal of Political Science 75.

BBC Trust and Executive Board. Both these authorities perform their duties independently in the interest of public. The principle source of income for the BBC is the Television license fee which is paid by people having access to the television in UK. Such current funding arrangement has been formally explained in an agreement between the Secretary of State of National Heritage and the Corporation dated 26 January, 1996.¹² This system of public funding renders the ability to BBC to remain independent since the funds for its functioning are not dependent on the government. In this part of my research I will highlight the pros and cons of such system of public funding in UK and how it is beneficial for the independent political and election broadcasts of a public service broadcaster. In my opinion such a model of funding provides independence to BBC from the politicians and other pressure groups which is a strong playing card for all public service broadcasters.

Also, there have been certain recommendations to put BBC on a statutory footing in the past, which were denied by National Heritage Committee in 1993 favouring its independence and flexibility which it can enjoy under the Royal Prerogative.¹³ In 2004, an argument was put forth by the House of Commons Select Committee on Culture, Media and Sport, that putting BBC on statutory footing 'would provide for long term certainty, and transparency over the Corporation's basic terms of reference' and would refer its governance more open and democratic.¹⁴ In my view, the basic mission of BBC to inform, educate and entertain people will not be achieved by the statutory footing of the Corporation¹⁵. There have been serious allegations on the integrity of BBC's independent broadcasts in the past. To illustrate, the ban imposed on broadcasting of words spoken by representatives of organisations proscribed by Northern Ireland, of Sinn Fein and of the Ulster Defence Association¹⁶, the Cash for Honours inquiry, Lord Hutton's inquiry and so on, have raised many questions on the independence and accuracy of the BBC's political broadcasts but I certainly believe that the renewal of BBC's Charter, the change in its governing structure, the introduction of its editorial guidelines especially for coverage of political and election broadcasts (Section 10) and the incorporation of Ofcom has improved the election broadcasts of the BBC, about parties in UK, as a public service broadcaster.

12 Indrajit Banerjee and Kalinga Seneviratne, Public Service Broadcasting: A best practices sourcebook (UNESCO,2005), p.116

13 A.W. Bradley and K.D. Ewing, Constitutional and Administrative Law (14th edn., Harlow, Longman, 2006), p.547

14 House of Commons Culture, Media and Sport Committee, A Public BBC. First Report of Session 2004-05, vol. I, HC 82-I (London, TSO, 2004), paras 238 et seq., 244

15 For the purpose of this research BBC is also referred to as Corporation

16 H. Fenwick and G. Phillipson, Media Freedom under the Human Rights Act (Oxford, Oxford University Press, 2006), p.1037.

The third chapter will deal with the public service broadcasting in India which has its roots embedded in the British Empire. The Election Commission of India, born under Article 324 of the Constitution of India is an autonomous body that has the responsibility of conducting free and fair elections. It constructs the rules and regulations for both the commercial channels as well as the public service broadcaster in India namely Doordarshan. But the BBC in India is not governed like any other commercial channel by various acts like The Cable Television Network Rules 1997 and so on. Indeed the BBC in India more or less works like Doordarshan. I therefore wish to draw the differences and comparisons in the working and structure of the two public broadcasters so to understand the behaviour of the BBC in election broadcasts about parties in India.

Broadcasting in India started on 31st July 1924, when the Madras Presidency Radio club went on the air for the first time¹⁷ but the effort came to an end in 1927. Again an attempt was made by the Indian Broadcasting Company in the same year but it went in to liquidation. The government of India took over the company month later and then Indian State Broadcasting Company was born. Later, after a series of events it was named as All India Radio or AIR and the first television channel of India emerged as Doordarshan. A new department of Information and Broadcasting was created¹⁸ and included a section on "Counter Propaganda and Monitoring" which was formed from the Intelligence Section of the General Staff.¹⁹ And after independence this department became the Ministry of Information and Broadcasting, the institutional home of AIR and later Doordarshan.²⁰

In 1959, twelve years after the independence from British Empire, television took faltering steps in India. A committee was appointed in 1966 on Broadcasting and Information Media by the Ministry of Information and Broadcasting. This committee namely Chanda Committee was chosen to suggest the policy guidelines for AIR and Doordarshan who were wedded to the concept of public service broadcasting.²¹ The committee recommended that this AIR should be converted in to corporation run by the

17 <www.indiantelevision.com/indianbroadcast/legalreso/Chapter2.htm>, accessed 1st May 2011

18 P.C. Chatterji, Broadcasting in India (Sage Publications, New Delhi, 1987), p.44

19 H.R. Luthra, Indian Broadcasting (New Delhi Publications Division, Ministry of Information and Broadcasting, 1986), p.133

20 Victoria L. Farmer, 'Nation, State, and Democracy in India: Media Regulation and Government Monopoly', in the International Communications Association preconference on India and Communications Studies, (USA, 2009), p.1

21 Ibid n.20, p.3

Board of Governors on the model of BBC.²² It was argued by the committee that broadcasting is an instrument for the successful execution of government development plans. On the recommendation of Chanda committee Doordarshan was separated from AIR in 1976 but its administration was restructured which, according to this Committee, was necessary for “a broader outlook, greater flexibility, and freedom of action which the corporate form alone can give.”²³

Even though Doordarshan has emerged out of AIR but it has grabbed much limelight and media attention and therefore, the main focus of this part of my study will be on Doordarshan itself. Though AIR and Doordarshan had excellent track record yet, it was criticized to a large extent for its news and news based programmes including the current affairs. The credibility of Doordarshan touched the rock bottom during the Emergency period in India that is from 1975-1977.²⁴ Autonomy has been one of the ideals of Indian broadcasting system since the independence of India in 1947. There was a demand for the autonomy of AIR and Doordarshan by the public and consequently in the wake of ending the monopoly of government on the media, Verghese Committee was formed. It suggested that “the national broadcasting services should be vested exclusively in an independent, impartial and autonomous organisation established by Parliament to act as a trustee for the national interest.”²⁵ This gave birth to Prasar Bharati, a public service broadcaster in India, in 1997. It is an autonomous corporation, of the Ministry of Information and Broadcasting (India), Government of India²⁶, which comprised Doordarshan and AIR in it. In this part of my research paper I will explain the various changes that took place in the public service broadcasting of India after the incorporation of the Prasar Bharati (Broadcasting Corporation of India) Act of 1990 which governs the functions and powers of the Corporation, the constitution of the Prasar Bharati Board and how is it different from the BBC board. I will also discuss the hybrid funding system of Doordarshan which includes the government grants as well as the advertising revenue and its impact on Doordarshan’s political and election broadcast as a public service broadcaster... My main focus in this section will be on DD-News Channel, which is the first news channel in the country.

22 ‘Africa and India: Government Control and Autonomy’, (England, 1987) Vol. 8 Issue 03 and 4 Communication Research Trends 11

23 Ashok K. Chanda, Chair, Radio and Television: Report of the Committee on Broadcasting and Information Media (New Delhi: Ministry of Information and Broadcasting, 1966) para 779

24 Victoria L. Farmer, Nation, State, and Democracy in India: Media Regulation and Government Monopoly, n.20 above, p.5

25 Verghese, B.G., Chairman. 1978. Akash Bharati National Broadcast Trust: Report of the Working Group on Autonomy for Akashvani and Doordarshan. New Delhi: Ministry of Information and Broadcasting.

26 The Prasar Bharati (Broadcasting Corporation Of India) Act, 1990

Since there are no specific laws in India that govern the media activities during elections, therefore, the Election Commission of India, the permanent constitutional body established with the Constitution on 25th January 1950,²⁷ issues guidelines from time to time to prevent the media from influencing the choice of voters.²⁸ These guidelines govern both the public service broadcaster as well as the commercial channels in India. Therefore rules governing the BBC's treatment of the party and election broadcasts in India are same as that of Doordarshan. In this chapter I will describe the history of the election broadcasts of parties by the BBC in UK and Doordarshan in India, the difference between the party political broadcast and the party election broadcast of the two, the variations in the criteria for allocation of time for the parties during elections. I will explain the factors which affect the de jure independence of the BBC and Doordarshan and their autonomous news broadcasts especially during elections. I will also throw some spotlight on the role of judiciary in providing the balanced coverage and treatment of election broadcast of parties in UK and India.

The last and the fifth chapter is a conclusive section. In all the above segments I emphasised that BBC follows its values of impartiality and fairness in the role of a public service broadcaster in UK as well as a commercial channel in India. There is no doubt that the different system of functioning of the governments does make a difference in the political and election broadcast of parties in a democracy but the BBC has been successfully fulfilling its mission of entertaining, educating and informing people. There are few differences, in the election broadcast by BBC in India and UK because of factors like ever changing election codes, funding system, the different constitutional machinery of the two countries and so on but the BBC is a mentor for all the media channels in India and the world. I am sure, in the coming times, media in India will cater the interest and tastes of consumer as best as the BBC does in UK.

II: - BBC'S ROLE AS A PUBLIC SERVICE BROADCASTER IN UNITED KINGDOM.

The roots of public service broadcasting are generally traced to documents which are prepared in support of the establishment of the British Broadcasting Corporation by Royal Charter on 1st January 1927.²⁹ This concept of public service broadcasting was developed by Lord Reith, the first Director General of BBC. According to him, "Public

27 <http://eci.nic.in/eci_main/ElectoralLaws/electoral_law.asp>, accessed 10th May 2011

28 Subba Lakshmi Reddy, All India Radio Correspondent, 'Elections in India: The Changing Interface between Media and Politics', < <http://www.aibd.org.my/node/1219>>, accessed 12th May 2011.

29 Professor Eric Barendt, Broadcasting Law: A Comparative Study (Oxford, Clarendon, 1995), pp.10-11

broadcasting includes radio, television and other electronic media outlets that receive some or all of their funding from the public".³⁰

Even though the BBC is known for its impartial and fair broadcasts yet it has been criticised to a large extent in the past for its biasness in political broadcasting. There were many powers that government had kept in its hand to directly or indirectly control the news or the program broadcasts of BBC which has led to a number of crises in the past and thus such powers were given up in its new charter. The controversies leading to the new charter process for the BBC is explained in detail under the next sub heading. But I sternly believe that rendering few powers in the hands of government is indispensable for the proper functioning of a democracy or else there can be misuse of sources and powers in the interest of one section of society or some influential people. And it is for this reason that still government has its influence on the BBC under the "Defence and Emergency Powers arrangements."³¹

RENEWAL OF BBC CHARTER

BBC has become a cornerstone of public service broadcasting in United Kingdom with all such its values of fairness, accuracy and impartiality³² which are embedded in its Charter. There were recommendations by Skyes and the Crawford Committees in the 1920s that broadcasting should not be left to the commercial will and thus the BBC was established in 1927 by the Royal Charter.³³ The BBC's Royal Charter is a formal document for the establishment of BBC and defining its general objectives, which is granted under the Royal Prerogative.³⁴ The Charter is now supplemented by an agreement made between the BBC and the relevant Secretary of State which provides more detail on the terms of operation of the organisation.³⁵ This charter is periodically renewed since 1927 but there was altogether a new charter process for the BBC after the most controversial dispute between the BBC and the government in 2003 over the

30 <en.wikipedia.org/wiki/Public_broadcasting>, accessed 14th May 2011

31 BBC Agreement Section 81(1)

32 Responses to DCMS consultation, published on, accessed 16th May 2011.

33 Professor Eric Barendt, Broadcasting Law: A Comparative Study (Oxford, Clarendon, 1995), pp.10-11

34 <www.bbccharterreview.org.uk/global/faq_home.html>, accessed 18th May 2011.

35 Department of National Heritage, Agreement Dated the 25th Day of January 1996 Between Her Majesty's Secretary of State for National Heritage and the British Broadcasting Corporation, Cm 3152(1996), amended by DCMS, Deed of Variation dated 4th December 2003, Cm 6075(2003)('Agreement').

broadcast of an unscripted interview with a BBC Journalist on the Flagship Today Radio 4 news programme shortly after 6.AM on 29th May 2003.³⁶

There was a public allegation by Andrew Gilligan, the BBC Journalist, on government for tampering the evidence contained in a dossier to make a strong case for the war against Iraq. The senior adviser on Chemical Weapons to the Ministry of Defence, Dr. David Kelly, was the source of such notes of Andrew Gilligan.³⁷ All these events led to the death of Dr. Kelly and consequently an inquiry was ordered by Mr. Prime Minister into the circumstances of such an event. The inquiry was chaired by Lord Hutton and the conclusion was not good news for the BBC.³⁸ After the publication of the report of this inquiry, both the Chairman of the BBC's board of governors, Gavyn Davies, and its Director General, Greg Dyke, submitted their resignations and as a result a review team was formed by the BBC to consider the editorial changes required for its proper functioning. The report called "Neil Report", presented by a panel chaired by Ronald Neil, was published in 2004 which examined the editorial lessons for the organisation from the Hutton Inquiry.³⁹ There was an essential issue raised by Lord Hutton: the frailty of the BBC's political independence.⁴⁰ Also, in the course of the inquiry, it was realised that the governance, structure and the funding of the BBC was not enough to protect it from the government pressure.⁴¹ Thus, the foundation stone was set for the independence of the BBC in Government's Green Paper of March 2005 which was the Benchmark for New Independent Charter.⁴²

The new charter introduced two main changes in to the BBC. First, the whole governing structure of the BBC was changed with the institution of the BBC Trust and Executive Board. Second, many changes were brought in to the BBC editorial guidelines and the consideration of Ofcom's position in relation to public service broadcasters.

BBC GOVERNING STRUCTURE

36 <www.bbc.co.uk/info/policies/neil_report.shtml>, accessed 25th May 2011

37 Professor Irimi Katsirea, Public Broadcasting and European Law: A Comparative Examination of Public Service Obligations in Six Member States (Netherlands, 2008), p.124.

38 <www.the-hutton-inquiry.org.uk/content/report>, accessed 30th May 2011.

39 <www.bbc.co.uk/info/reports/pdf/neil_report.html>, accessed 2nd June 2011.

40 Irimi Katsirea, Public Broadcasting and European Law, n.37 above, p.125

41 The Review of the BBC's Royal Charter, 1st Report of Session 2005-06, HL 50-1, paras 22 et seq.

42 DCMS, Review of the BBC's Royal Charter: A Strong BBC, Independent of Government (Green Paper) (March 2005) p.12.

The main issue with the BBC governance before the renewal of the BBC Charter was that there was no “structural separation between the functions of delivery (devising strategy and providing services) and oversight (scrutinising strategy and assessing the performance of services)”.⁴³ Therefore on the proposal of Department for Culture, Media and Sport, in Government’s Green Paper of March 2005, a new governing structure was framed for the BBC. A new body was devised namely the BBC Trust which was given the role of upholding the public trust of the licensee fee payers and also representing their views. The trust was also responsible for holding the BBC accountable in the capacity of a public service broadcaster. The responsibility of the delivery of the BBC’s services was rendered to a formally constituted Executive Board.⁴⁴ This board is appointed and chaired by the Director General, or at the discretion of the trust which is non-executive⁴⁵ and it must deliver all the BBC’s services according to the priorities of the Trust. This structure of the BBC gives maximum authority to the Governors or the Trust which is a non- executive body and thus, the doubts in the mind of public regarding the independence of the BBC still remains.

I agree with opinions of Professor Colin Shaw that governors are a buffer between the programme makers and the government⁴⁶. But I feel there is still some change required in the constitution of the BBC because the new role for governors confuses the role of the governors as “representatives of the BBC’s audiences and the Government, representing the general public”.⁴⁷ Comparing with the earlier statutory footing of the BBC, the new charter being introduced for the Corporation has brought in massive positive changes with respect to its values of independence, accuracy, fairness and accountability but I sense that this structure still does not guarantee a clear separation between the service provider and the controller.

My suggestion is that the model proposed, by the BBC itself, in Building Public Value⁴⁸ for the governance of the BBC is the best model for the proper organisation and functioning of the Corporation. The suggestion given by Lord Burns and his panel to replace the Board of Governors with a new independent body, the Public Service

43 Ibid n.42, p.12

44 Department For Culture, Media And Sport, Copy of Royal Charter for the continuance of the British Broadcasting Corporation’(October 2006), Cm 6925, p.4

45 Ibid n.42, p.12

46 Colin Shaw, ‘The Board of Governors’, in, in Colin Shaw, ‘Rethinking Governance and Accountability’ (Great Britain, 1993), p.65.

47 Graham Mather, ‘Regulation of the BBC’, in Colin Shaw, ‘Rethinking Governance and Accountability’ (Great Britain, 1993), p.49

48 BBC (British Broadcasting Corporation), Building Public Value: Renewing the BBC for a Digital World (London, 2004), p.123

Broadcasting Commission (PSBC)⁴⁹ which will look in to the governance of the BBC was one of the best proposals according to me. There are other recommendations as well for instance The House of Lords Communications Select Committee suggested that the appointments for the Trust should be made by an independent panel⁵⁰ but I propose that it will still not solve the problem of the distinction between the devising authority (Trust) and the scrutinising authority (Executive Board). If an independent panel is created for the Trust then the demand for a representative Executive Board should also be fulfilled and in that case there is a danger of political interference. Whereas, I evaluate that it is best to have only one independent body, for instance a body called PSBC as named by Lord Burns, which can be composed of representatives of public, academic scholars, judges and ex- government officials of high prestige. This body may regulate the functions and performance of the BBC and I hope it would perhaps put an end to all controversies regarding the political independence of the Corporation.

PUBLIC FUNDING IN UK

From the very initial the BBC has been funded by a licence fee, first on radio, then from 1946 on radio and television and from 1971 on television alone.⁵¹ The current funding arrangements are being indicated in an Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation.⁵² It is clearly stated in its agreement that only the domestic services are being financed by the licensee fee and other services like worldwide services are financed by commercial and other means like advertising.

Such a model of public funding has been every now and then criticized with an intention of putting an end to the licensee fee. After the review of the BBC Charter in December 2003, the BBC entered in to the digital era and this brought in a lot of criticism for this model of public funding. It was argued that the digital era had put an end to the spectrum scarcity and thus there was no need for a publically owned broadcasters funded by a regressive tax like the licensee fee.⁵³ It was argued long back in Peacock report by Barry Cox⁵⁴ that the BBC should be subscription funded and

49 DCMS, Lord Burns Letter to the Secretary of State (London, 2005), p.12

50 <<http://www.opendemocracy.net/ourkingdom/richard-collins/governance-and-regulation-of-bbc>>, accessed 10th June 2011

51 Indrajit Banerjee and Kalinga Seneviratne, Public Service Broadcasting: A best practices sourcebook (UNESCO, 2005), p.116

52 BBC Agreement 2006 s. 75

53 Dr Paul Smith, The Politics of UK Television Policy: BBC Charter Renewal and the 'Crisis' of Public Service Broadcasting (Again) (October 2006), p. 13

54 Deputy Chairman of Channel 4 and a DCMS policy Advisor on Digital Switchover

programmes that represent PSB⁵⁵ should be funded by “broadcasting equivalent of the Arts Council.”⁵⁶ There was another report produced by Broadcasting Policy Group (BPG) which argued that there should be a subscription or voluntary funding for the BBC so that there is no need of imposing particular obligations other than the regular broadcasting codes and competition rules that govern other commercial channels as well.⁵⁷

In my opinion, BBC is a public service broadcaster and the licensee fee model is the one that best suits its funding as it can largely keep the Corporation independent from the government or political pressures. BBC caters to the need of all the sections of society with its impartial and independent broadcasts. The end of its public funding will imply the end of its public service broadcasting itself which is the bedrock of media of United Kingdom. The idea of subscription funding or the public funding for few public broadcasts, will jumble up the whole scenario. It will be difficult to maintain the high quality of programmes, the fairness of broadcasts and the equal treatment of all the consumers. There will be an end of the direct relation between the BBC and the British public.

Instead, I suggest that body like PSBC should act as a supervisory body for keeping a check on the spending of public money by the BBC and as proposed by Lord Burns it must also have the powers to set the level of the licensee fee.⁵⁸

BBC EDITORIAL GUIDELINES AND OFCOM

Traditionally the BBC had been a self governing organisation, but recently there have been external regulations for its certain activities, along with other broadcasters.⁵⁹ Communications Act 2003 is the main law that controls the broadcasting in United Kingdom.⁶⁰ Before 2003, there were two codes governing the public service broadcasting in United Kingdom, namely Broadcasting Standards Commission (BSE) and Independent Television Commission (ITC). But Ofcom superseded both the codes by its own code called Ofcom Broadcasting Code 2005⁶¹ which took effect on 25th July

55 In this research paper Public Service Broadcasting is also referred to as PSB.

56 Cox, Free for All? Public Service Television in the Digital Age (London, 2004), pp. 19-20

57 BPG (Broadcasting Policy Group), Beyond the Charter: The BBC after 2006 (London, 2004), para 11.8

58 Lord Burns, Independent Panel’s Final Advice to the Secretary of State (London, 2005) pp.1-2

59 Professor Lesley Hitchens, Broadcasting Pluralism and Diversity (Oxford And Portland, Oregon, 2006), p.69.

60 Carney and Sanders, Media Law (3rd edn. London, Sweet & Maxwell, 2004), p.235

61 <www.ofcom.org.uk/tv/ifi/codes/bcode_2005>, accessed 15th June 2011.

2005. With 2003 reforms, Office of Communication (Ofcom) is now responsible for the regulation of licensee fee services of the BBC. The intention of government behind such an act is to keep the consistency between the BBC and other public broadcasters.⁶² However in other areas like impartiality and accuracy, elections and referendums, sponsorship and commercial references, the BBC maintains its own standards under its Charter without any supervisory role of Ofcom⁶³ but for the time being it is required to obey Ofcom's Fairness under Section 107 of the Broadcasting Act 1996.⁶⁴

The BBC is governed by its own editorial guidelines called "The BBC Producer's Guidelines" which regulate the content of all the programmes broadcasted by the BBC. These guidelines are drafted by the Executive Board who also has a duty to ensure their compliance with them and to submit an editorial compliance report to the Trust twice a year.⁶⁵ The trust approves the guidelines under the new BBC agreement including a code on controversial issues like due accuracy and impartiality.⁶⁶

In my view, the governance of Ofcom and the creation of the BBC's own Producer Guidelines was a wise step for the proper regulation of the content of all the programmes broadcasted by the BBC. The strategic management of all the political and election broadcasts of the BBC is still in its own hand⁶⁷ and I agree that it is essential for these standards to be set by the public service broadcaster itself. The public of United Kingdom pay the license fee to the BBC for its services and therefore, the responsibility understood and felt by the BBC cannot be sensed by any other authority as best as it is **experienced by the Corporation.**

III:- PUBLIC SERVICE BROADCASTING IN INDIA

In India, television has been an educational service provider and a tool for national development since 1959.⁶⁸ The public service broadcaster of India namely

62 DTI and DCMS, The Drafts Communication Bill- The Policy, Cm 5508-III (2002) ("Policy Statement"), p.8.2.1.1

63 Secretary of State for Culture, Media and Sport, 'An Agreement Between Her Majesty's Secretary of State for Culture, Media and Sport and the BBC' (July 2006), Section. 46.

64 Ibid n.63, Section.45-The Standards and Fairness Codes make up together Ofcom's Broadcasting code.

65 BBC Trust, BBC Protocol: D4-Editorial Standards, January 2007.

66 BBC Agreement s 43 (1) and s 44(5)

67 The BBC'S Editorial Values 2005 s. 3 s. 4 s. 5 and s. 10

68 S. Rao, 'The New Doordarshan: Facing the challenges of cable and satellite networks in India', in S. R. Melkote, P. Shields, and B.C. Agrawal, International broadcasting in South Asia: Political, economic and cultural implications (New York, 1998), pp.47-59

Doordarshan was separated from All India Radio (AIR) as a separate media unit in the year 1976 on the recommendations of Chanda Committee. Even being a distinct unit, it remained within the Information and Broadcasting Ministry (I&B ministry) and therefore the policy of Doordarshan were based on the objectives of the Ministry only.⁶⁹ The objective of the Ministry of Information and Broadcasting is to inform, educate and entertain people⁷⁰ and therefore the main channel of Doordarshan (Doordarshan-I) has 3 major components of programme contents namely information, education and entertainment.⁷¹ I will be specifically dealing with information component which consists of News and Current Affairs.

There is a three tier programme service by Doordarshan that is National, Regional and Local. The DD-News channel is the only 24 hours terrestrial news channel in India. It telecasts over 16 hours of live news bulletins daily in Hindi and English. News in Urdu and Sanskrit is also telecasted on regular basis. Apart from this, there are Regional News Units which are attached to different Doordarshan Kendras that telecast daily news bulletins, at the same time, in the regional languages of varying duration and frequency.⁷² The events and issues of national importance are broadcasted in the national programmes. The regional ones concentrate more on State based information and are broadcasted on DD Channel from the state Kendras at some specific time. There are also Kendras at local stations that produce programmes in the local languages and they serve only the local interest.⁷³ Therefore it implies that Doordarshan has an access to the whole of India and vice-versa. It is thus necessary that the public service broadcaster of India must be autonomous and free from all the governmental control so as to provide fair and accurate information to the general masses which will shape their opinion accordingly. But the actual scenario was not the same and thus Prasar Bharati Act 1997 came in to being to end the monopoly of government on Doordarshan.

PRASAR BHARATI ACT AND ITS EFFECTS

The monopoly control over the mass media has always led to the allegations of dictatorship and imposing state ideology on the public.⁷⁴ The Indian government is not

69 Sundeep R. Muppidi, 'Aspirations, Choices and Realities of Media in Asia : A case study of Public Service Broadcasting in India', (June, 2005) Vol. 33 Issue 03 and 4 Media Asia Quarterly Review 180

70 <www.ddnida.gov.in>, accessed 20th June 2011

71 Ibid n.69, p.181

72 <<http://india.gov.in/knowindia/television.php>>, accessed 22nd June 2011

73 Sundeep R. Muppidi, n.69, p.183

74 S.R. Muppidi, The Uses and Gratifications of Doordarshan and Eenadu TV: A Study of a Regional Indian Television Audience, (Dissertation, Bowling Green State University, 1999)

an exception to it as time and again it has been blamed for using the radio and television networks as “propaganda wings for the ruling party.”⁷⁵ Since Doordarshan was under the Information and Broadcasting Ministry, it further strengthened the doubts of about it being politically influenced.⁷⁶ Until 1991, the main debatable issue was to end the monopolistic control of government over Doordarshan but this issue got settled itself only after the launch of satellite television which diluted this monopoly of government. Judiciary also had played a great role in ending the government monopoly on Doordarshan. In Cricket Association of Bengal’s⁷⁷ case the Supreme Court of India rejected the Government’s monopoly of the airwaves and stated that they are a public property. The Court suggested for an independent body to be set up in order to regulate their use. It was also mentioned by Justice Sawant that the right to impart and receive information is a fundamental right guaranteed under Article 19 (1) (a) of the Indian constitution.⁷⁸ After these events Prasar Bharati bill was passed in the Indian Parliament in late 90’s and eventually Doordarshan received autonomy after Prasar Bharati Corporation came in to existence on 23rd of November 1997. For India, this bill provided the establishment of an independent broadcasting authority which was named as Prasar Bharati.⁷⁹

The Prasar Bharati (Broadcasting Corporation of India)⁸⁰ is a body corporate having a perpetual succession and a common seal⁸¹ and is run by a Prasar Bharati Borad of 14 members. These members are people of high character and quality. The PBC also appoints committees for exercising and discharging its functions, powers and duties. The President of India is the supreme authority who looks in to all the matters relating to the appointment of members, their removal, transfer, summoning of the meetings and then calling them off, supervising the executive powers and functions of the members and so on.

75 P. Shields and S.R. Muppidi, ‘Integration, the Indian state and STAR TV: Policy and theory issues’, (August, 1996) Vol. 58 Issue 1 International Communication Gazette 12

76 A. Rajagopal, ‘The rise of national programming: The case of Indian television’, (London, 1991) Vol. 15 Issue 1 Media, Culture and Society 109

77 Secretary, Ministry of Information and Broadcasting v Cricket Association of Bengal [1995] 2 S.C.C. 161

78 Ibid n.78,p.299

79 S.R. Muppidi, The Uses and Gratifications of Doordarshan and Eenadu TV: A Study of a Regional Indian Television Audience, (Dissertation, Bowling Green State University, 1999)

80 For the purpose of this research Prasar Bharati (Broadcasting Corporation of India) is also referred to as PBC

81 <<http://prasarbharati.gov.in/Corporate/pb+act>>, accessed 25th June 2011

JAY KAY LAW REPORTER PVT. LTD.
AN SSI UNIT OF J&K
AN ISO 9001 : 2015 Certified Company

The PBC performs many functions like upholding the unity and national integrity and values enshrined in Indian Constitution, safeguarding the citizen's right to be informed freely and truthfully on all public matters, being fair and impartial to all the diverse cultures, sports, games, states and regions, protecting the interest of children and so on.⁸² If there are any complaints against discharging of functions by the Board, they can be brought to the Broadcasting Council established under this act.⁸³

Even though there were many positive changes brought in to the broadcasting culture of India after the incorporation of this Act but the government till date has held all the strings in its own hand for deciding the rules and regulations to be followed by Doordarshan in various political and election broadcasts for example the Parliamentary committee is constituted to supervise the proper functions of the PBC⁸⁴ Also, the Central Government has been given powers under this act to issue the directions for the PBC, from time to time, in the interest of the sovereignty, unity and integrity of India.⁸⁵ It also has a duty to prepare an annual report about all its activities, and suggestions by the Broadcasting Council on its working and then present this report to the Central Government which lays it before each House of Parliament that is Lok Sabha and Rajha Sabha.⁸⁶ The central government can obtain information from the PBC if required⁸⁷ and also has the powers to make the rules and regulations to be followed for the broadcasting of various programmes and news under this Act.⁸⁸

It is clear from all the above mentioned facts that the de jure independence enjoyed by Doordarshan is not same as the de facto independence. The central government has kept such special powers in its own hands to regulate and control all the important informative broadcasts about the government or the country's politics. Prasar Bharti was a step to end the government's monopoly but I believe that that the control of government is the same as it was in the past as said by Mr. Pavan Manvi, a past producer for Doordarshan that "Although Prasar Bharati is an autonomous body, Doordarshan still thinks it is a part of the government."

There is a massive need for bringing few changes in the composition of Prasar Bharati Board. Since India is a democracy therefore all its pillars are responsible for its fair and accurate functioning. The composition of the Board has included legislature

82 The Prasar Bharati (Broadcasting Corporation of India) Act 1990 s. 12

83 Ibid n.82, s.14

84 Ibid n.82, s.13(2)

85 Ibid n.82, s. 23

86 The Prasar Bharati (Broadcasting Corporation of India) Act 1990 s. 31

87 Ibid n. 86, s 24

88 Ibid n.86, s.32

and executive but I suggest that there should be few members from judiciary as well for better and blond decisions to be taken in the interest of public. There should be few amendments in the Prasar Bharati Act and few sections should be adopted which will render the power to judiciary for keeping a check on the activities of the central government like obtaining information from the Board, deciding rules and regulations for the news and other political broadcasts. It is quite strange to note that politicians are given the power to frame the rules for their own broadcasts itself.

FUNDING OF DOORDARSHAN

In India there is a hybrid system of funding for the public service broadcasting. The Central Government of India gives grants to the Corporation in each financial year to discharge its functions properly and efficiently.⁸⁹ But this is not the only way of funding for Doordarshan. It also receives its funds by the sales of its programmes internationally, exploiting New Media Business, providing unlinking facilities via its transmission facilities like DTH (Direct To Home) services for private broadcasters and by other means of revenue generating like marketing of its public service style programmes and so on.⁹⁰

The Prasar Bharati review committee considered all the options of funding for India and then reached to the conclusion of the hybrid funding. According to this committee, India is still a developing nation and it is not practically possible for the whole of population to afford the licensee fee every year. It is, therefore, one of the main reasons that the BBC funding model could not be followed in India. I personally believe that it was a good suggestion by the review committee because in a country like India 50 % population is below the poverty line and at times it becomes difficult for people to afford their needs and hence luxuries are a very high second priority. If the public service broadcaster can't reach half of the population in India, then its basic mission of informing educating and entertain the masses remains unfulfilled.

The committee also suggested that sole dependence of government is also not in line with the basic principle that Prasar Bharati should keep at arms lengths distance from the government.⁹¹ The option of advertising and sponsorship was also rejected for India because it will weaken the concept the public service broadcasting as the Broadcaster will not have the freedom to provide the kind of programmes necessary for a society in fact its programme will be more commercialised.

89 The Prasar Bharati (Broadcasting Corporation of India) Act, 1990 s , 17

90 Indrajit Banerjee and Kalinga Seneviratne, Public Service Broadcasting: A best practices sourcebook (UNESCO, 2005), p.121

91 <<http://www.scattmag.com/govt%20policies/rcpb1.htm>>, accessed 2nd July 2011

I am of the opinion that the hybrid system that is followed by India for the funding of Doordarshan is the most proper system of funding for a country like India. But a change is required only in the appointment of those people who decide how exactly these funds are to be utilized for the purpose of public service broadcasting.

IV: - BBC'S BROADCASTING OF PARTIES DURING ELECTION

There are many countries that have nothing written in their laws to govern the actions and performance of media during elections. But some nations have special media regulations to "level the playing field"⁹² and others have ever changing voluntary system of self regulations because of different demand of different electoral cycle. These are adopted by media as a "series of self limiting regulations."⁹³ Such a model is followed by the media in UK for the election broadcasts where as in India there is a main electoral supervisory body that has a responsibility of implementing regulations on the media during election campaigns named as Election Commission of India. Thus the BBC in UK follows its own editorial guidelines and to an extent few guidelines of Ofcom as well. Whereas it is presumed that all the media channels in India including the BBC follows the guidelines laid down by the Election commission of India for the election broadcast of parties for every electoral cycle.

In order to describe the treatment and discussion of election broadcast of different parties by the BBC in UK and India in this chapter, I have divided the role of election broadcasting campaign in to three broad categories. The first category is political party and candidate access to the people through the direct communication, at times, known as the political advertising. The second is problems faced in the independent broadcast of news coverage of parties, candidates and other important issues related to the elections. The third and the last category is the voter education information and awareness regarding the participation, voting process, parties and other democratic issues.⁹⁴

A:- BBC'S DIRECT BROADCASTING OF ELECTION CAMPAIGN ABOUT PARTIES IN UNITED KINGDOM AND INDIA

POLITICAL ADVERTISING

92 <<http://aceproject.org/ace-en/topics/media-and-elections/onePage>>, accessed 4th July 2011

93 <<http://aceproject.org/ace-en/topics/media-and-elections/onePage>>, accessed 6th July 2011

94 Article 19, Guidelines For Election Broadcasting In Transitional Democracies (August, 1994), p.25

JAY KAY LAW REPORTER PVT. LTD.
AN SSI UNIT OF J&K
AN ISO 9001 : 2015 Certified Company

There is a total ban on party political advertising in UK.⁹⁵ The reason stated for such a ban is to ensure that rich, well-established parties should not be able to afford much more advertising than new or minority parties.⁹⁶ Such a ban was discussed in detail in The Neil Committee's Report 1998 in regard with the right of free expression guaranteed by Article 10 of the European Convention on Human Rights.⁹⁷ It was stated by the Neil Committee that it favoured the ban but commented that the legal position had not been properly tested in European Court of Human Rights. In one of the recent cases of *Vgt Verein gegen Tierfabriken v. Switzerland*⁹⁸, where applicant was an animal rights pressure group, the European Courts of Human Rights, agreed that a blanket prohibition on political advertising does constitute an interference with the right of freedom of expression guaranteed by Article 10 of the Convention but this interference is necessary in a democratic society when there is a pressing social need. The Court disagreed on an issue of such a ban on only one form of media and others. In another case⁹⁹ of similar nature where the Appellant was a non-profit company who was campaigning against the use of animals in commerce, science and leisure and wanted to achieve changes in the law and public policy related to this issue. The House of Lords dismissed the appeal and upheld the ban on political advertising contained in section 319, 320 and 321¹⁰⁰ compatible with Art 10(2).¹⁰¹ The reason stated was that it is the responsibility of the broadcasters to achieve the levelling of the playing field of debate and discussions for all the political parties. It is not possible to attain this by allowing few political or non political units to use their financial power and get more importance and viewership for their individual views.¹⁰² Therefore the political advertising contaminates the fairness in the treatment of election broadcasts of various parties.

In UK, the BBC's treatment of election broadcasts about parties is a privilege and is entirely a matter of constitutional convention.¹⁰³ The BBC has all these values of

95 Communications Act 2003 s 319(2) (g) and 321(2). Earlier Broadcasting Act 1990 s. 8(2) (a)

96 Refer United Kingdom Argument in Case 4515/70 X & Assoc. of Z. v U.K. [December 1986] Coll. 38

97 Committee on Standards in Public Life (1998) *The Funding of Political Parties in the United Kingdom*, London: The Stationery Office, sections 13.8-13.11. pp 174-6

98 European Court of Human Rights, Application no. 24699/94: Final Judgment 28/09/01, Strasbourg.

99 *R (Animal Defenders International) v Culture Secretary* [2008] UKHL 15

100 Communications Act 2003

101 European Convention on Human Rights (ECHR)

102 <[http://www.5rb.com/case/issue/R-\(Animal-Defenders-International\)-v-Culture-Secretary-\(HL\)>](http://www.5rb.com/case/issue/R-(Animal-Defenders-International)-v-Culture-Secretary-(HL)>), accessed 12th July 2011.

103 The Broadcasting Act 1990 ss. 36 and 107 now requires the independent terrestrial television and national radio services to transmit party political broadcast.

accuracy, independence and impartiality embedded in its own editorial guidelines for political and election broadcasts encompassed under the ambit of Section 10. Although fairness is covered under section seven of the Ofcom Broadcasting Code, enforced by Ofcom¹⁰⁴ but the BBC is not an exception to it.

In India, Election Commission plays a vital role in deciding about the broadcasting of political advertisements on all channels. It has formed a committee on the instructions of the Hon'ble Supreme Court, to look in to the content of such political adverts before they are broadcasted. It was during 2004 general elections, there was a big controversy on the issue of advertisements on televisions and cable network. The political advertisements are prohibited under the law.¹⁰⁵ In a case of Gemini TV v Secretary Ministry of Information and Broadcasting et al¹⁰⁶, the High Court of Andhra Pradesh suspended the operation of Rule 7 (3) of the Cable Television Network (Regulation) Rules relating to the prohibition of political advertisements. The matter was taken to the Supreme Court where the Hon'ble Court instructed the Election Commission of India to set up a committee for the scrutiny of the advertisements of political nature before they are displayed on all channels including the public broadcasters. It was binding on all political parties, candidates, groups, and the trustee.¹⁰⁷

In my view, I agree with such findings of European Court of Human Rights, the Neil Committee and the Indian Supreme Court that there should be a political ban but I am not in favour of a total ban on advertisements as it can suppress the freedom of speech and broadcasting as expressed by Professor Eric Barendt.¹⁰⁸ I also agree that the freedom of speech argument in favour of political advertisement is a first world argument which is limited to only to wealthy and developed countries. There can be an argument against political advertisements as it can lead to inequality amongst different political parties or candidates for fair access to direct broadcasting and also it will suppress the freedom of political debate for all parties.¹⁰⁹ I believe the political advertising should be an option for both the countries along with direct access, if a party can afford it and chooses to do so.¹¹⁰ An important factor to be taken care of is that

104 Ofcom, Broadcasting Code (July 2005)

105 The Cable Television Network (Regulation) Rules, 1994 Rule 7

106 (2004) 5 SCC 714

107 Gemini TV v. Secretary Ministry of Information and Broadcasting et al (2004) 5 SCC 714

108 Professor Eric Barendt, Broadcasting Law: A Comparative Study (Oxford, Clarendon, 1995), pp.10-11

109 Linges v. Austria, Judgment of 8 July 1986, Series A no. 103, at para. 42

110 Media and Elections <<http://aceproject.org/ace-en/topics/media-and-elections/onePage>>, accessed 14th July 2011

the committee for constructing the regulations for such advertisements should be comprised of high integrity and character for their fair decisions.

ALLOCATION OF SLOTS FOR POLITICAL BROADCASTS

One of the most important decisions to be made by a public service broadcaster for organising a direct access broadcasts by the parties is to allocate the slots to different political parties especially during elections.¹¹¹ UK and India both follow the equity system that is the fair access to all the main parties for the allotment of the slots but the authority for allocation of these slots is different for both the countries.

The process of allocation of party political broadcasting started in UK in 1947. The Broadcasters Liaison group, formed in 1997, is a non statutory body of broadcasters who meet from time to time to decide the criteria for allotment of time for each type of election.¹¹² Section 333 of the Communications Act 2003 imposes the duty on the regulator Ofcom for making rules for the allotment, length and frequency of PPB¹¹³ and referendum campaign broadcasts for commercial broadcasters with public service obligations.¹¹⁴ Whereas the BBC Agreement underwent an amendment and therefore came under the formal obligation to broadcasts its party political and referendum campaigns¹¹⁵, but the services that will carry these broadcasts and the allocation time and the forum of the broadcast is a matter for the board of governors to decide.¹¹⁶ The Equity system is followed in such an allocation of broadcasting time to qualifying parties which contributes to the fairness of the election campaign.¹¹⁷

As far as Party Election Broadcasts¹¹⁸ are concerned, in Britain the first televised PEBs were transmitted in October 1951 when the Conservative, Labour and Liberal

111 <<http://aceproject.org/ace-en/topics/media-and-elections/onePage>>, accessed 4th July 2011

112 Oonagh Gay, Party Election Broadcasts (London, 2010), p.3

113 For the purpose of this research Party Political Broadcasts is referred to as PPB

114 Communications Act 2003, s 333

115 BBC Agreement 2006 s 48 (2)

116 Department of National Heritage, Agreement Dated the 25th Day of January 1996 Between Her Majesty's Secretary of State for National Heritage and the British Broadcasting Corporation, Cm 3152 (1996), as amended by Department for Culture, Media and Sport, Deed of Variation Dated 4th December 2003, Cm 6075 (2003), cls 5E.1-5E.2

117 Election 2001 Review Programme – Party Political Broadcasting Review DISCUSSION PAPER (December 2001), clause 2.2, p.7

118 For the purpose of this research Party Election Broadcasts are referred to as PEB

parties each made a 15 minute broadcast¹¹⁹ The allocation of PEB by the Committee on Party Political Broadcasting were continued to be made on an ad hoc basis prior to each general election.¹²⁰ There were quite a number of efforts put by The Liaison group, comprised of the BBC and S4C, together with ITC and the Radio authority for deciding the rules for the content of PEB's for instance a Consultation Paper on the Reform of Party Political Broadcast published in 1998¹²¹ and then in 2009 and so on. But even after so many efforts the content of the PEB has always been a controversial issue. Ofcom's own broadcasting code sets the rules for content of PEB for all the channels except the BBC which has its own regulations on the election broadcasting in its Producer Guidelines.¹²² Another issue with has to be taken care of in relation to PEB are the free-speech rights. The controversy in Pro-Life Alliance case highlights this factor. Pro-life Alliance, a registered political party requested the BBC to present a party election broadcast (PEB) at the 2001 General Elections describing different forms of abortion and showing aborted fetuses in a mutilated state but the BBC insisted on cuts which the Pro-Life refused to make. It took the case to the Court complaining that its rights under Article 10 of ECHR have been infringed.¹²³ The argument presented by the BBC was that it would cause widespread offence and it was the statutory duty of the BBC to avoid such offensiveness.¹²⁴ Even though the Court of Appeal upheld the Alliance's appeal on the grounds that the freedom of speech of political parties at the election time had to prevail over considerations of taste and decency¹²⁵ yet it was criticised by the House of Lords on a large scale. In my opinion it was well stated by Lord Hoffman that there was no discrimination by the BBC against the Pro-life Alliance in applying such standard which was the same for all other political parties.¹²⁶ In such cases I agree with the views of Lord Hoffman that the regulators are more aware of the public opinion that the judges and thus, the regulations governing the broadcasts of these media channels should be given more weight age where the tastes and choice of public is involved.

Further, the BBC is expected to ensure the balanced coverage of political parties during elections. It is, thus, required by law to adopt a code of practice and in drawing up this code; the BBC is required to "have regard to any views expressed by the election

119 Election 2001 Review Programme – Party Political Broadcasting Review DISCUSSION PAPER (December 2001), clause 2.11, p.9

120 Ibid n.119, p.9

121 Ibid n. 120, clause 2.21, p. 12

122 The BBC Editorial Values s 10

123 Professor Geoffrey Robertson & Andrew Nicol, Media Law (4th edn. London, Sweet & Maxwell, 2002), p. 881

124 R v. British Broadcasting Corporation, ex p. Prolife Alliance [2002] EWCA Civ. 297

125 Ibid n.124

126 Ibid n.123, p.882

commission."¹²⁷ The election and referendum guidelines are agreed upon by the Board of Governors and issued by Chief Advisor Politics before each election or referendum. It has its own strategy for the polling day. It closes the reporting of campaigns from 6.00 clock until polling day and ensures to keep its coverage to factual accounts so that there is nothing in its broadcast that influences the ballot.¹²⁸

In India, the system for political party broadcasting and political election broadcasting is a bit different from UK. Therefore the rules governing the BBC treatment of parties in India during elections are unlike that of UK, though it is clear that if there is any conflict between these rules and the BBC's own editorial guidelines, then the BBC will follow its own values and norms.¹²⁹ In India after the 2003 amendment of Representation of People's Act 1951¹³⁰, the Election Commission, during the election, has the duty to allocate equitable sharing of time to the recognised political parties based on their past performance.¹³¹ This allocation is made on all those broadcasters who address public in connection with an election. This allocation is made once the list of all contesting candidates under section 38¹³² is published and is valid till 48 hours before the fixed poll for election.¹³³ It is binding on all political parties and the Election Commission makes a code of conduct for all the cable operators as well as public service broadcasters for conducting the elections. The Election Commission of India has recently clarified that it has no objection to the broadcast of panel discussions, debate and interviews which political panellists during elections¹³⁴ but a broadcaster must not forget to display any election matter on TV or other apparatus during 48 hours before the fixed hour of conclusion for poll.¹³⁵

Thus, the formula for allocation of broadcasting time might be different for the BBC in UK and India for instance in UK each party get approximately up to 10 minutes for broadcasting where as in India it gets 15. Also, the bodies controlling such

127 The BBC Editorial Values s. 10.

128 Ibid n.127

129 The BBC must not give up its editorial principles of fairness and impartiality, even if the local broadcasters refuse to transmit the BBC services-section 10 of Editorial values.

130 Elections

<<http://lawmin.nic.in/legislative/election/volume%201/REPRESENTATION%20OF%20THE%20PEOPLE%20ACT,%201950.pdf>>, accessed 20th July 2011

131 Representation of People's Act 1951 s. 39 (A)

132 Representation of People's Act 1951

133 Ibid n. 132 s. 39 (A) (2)

134<<http://indiatoday.intoday.in/site/story/EC+issues+guidelines+on+media+coverage/1/38579.html>>, accessed 22nd July 2011

135 Ibid n.132, s.126

broadcasts of the BBC are also different like in UK it's the BBC itself and Ofcom and in India it's the Election Commission but I contend that the equity system followed in both the countries is a good system for the fair access as all the parties get an opportunity to talk to the electorate which is roughly in proportion to their public support.¹³⁶ It therefore gives chance to even small parties to have a say. I suggest that there should either be a non-governmental committee for both the countries to review the rules formed by the BBC governors in UK and the Election commission in India for the direct access of broadcasting during elections. Or there can be an option of enhancing the role of judiciary in such matters as it happened in Referendum Party case in 1997 where the referendum was rejected as it was established that the broadcasters were biased towards the main parties in allocation of party political broadcast.¹³⁷ The judges applied the "fairness" principles as the matter to be decided by the broadcasters unless their decision is irrational or made without considering the Referendum Party's complaints.¹³⁸ But since the constitution of UK is not written therefore no rules and regulations are codified to form the base for such judicial decisions as it is in India.

B:- IMPARTIALITY AND ACCURACY IN THE BBC ELECTION BROADCASTS ABOUT PARTIES IN UK AND INDIA

The media's contribution to the public sphere is judged by the content of the broadcast which maintains its integrity. Every public service broadcaster is a resource for the entire electorate and thus it should not be politically partisan in their editorial coverage.¹³⁹ In UK all the programmes including news must observe the special impartiality requirements and incorporate a no-editorialising obligation.¹⁴⁰ Editorialising at times can lead to partial views and thus, under the blanket of producing a range of views there might be a particular slant or bent towards one side.¹⁴¹ Gibson, however, contends that with the obligation of treating news and controversial material in an impartial manner, and by banning the editorial comment, the politicians want to stalk the concentration of the power in a single, powerful means of communication.¹⁴² It is agreeable to some extent as the no-editorialising rule is limited

136 Media and Elections <<http://aceproject.org/ace-en/topics/media-and-elections/onePage>>, accessed 24th July 2011

137 Professor Geoffrey Robertson & Andrew Nicol, Media Law (4th edn. London, Sweet & Maxwell, 2002), p.818

138 R. v. BBC and ITC, ex p. Referendum Party [1997] EMLR 605

139 UN Special Rapporteur on Freedom of Expression,, accessed 24th July 2011

140 Communications Act (UK) 2005 s 319 (2) (c)

141 Professor Eric Barendt, Broadcasting Law: A Comparative Study (Oxford, Clarendon, 1995), p 100.

142 T Gibbons, Regulating The Media (2nd edn. London, Sweet & Maxwell, 1998), p.96.

only to the broadcasters and not to the press. The reason I want to state for such a rule is because the impact on the mind of public by the news broadcasted on television is more than the news published in the newspaper.

The BBC, according to its guidelines, must apply the principles of Due accuracy and Due impartiality in matters dealing with the public policy and further it is not allowed to express opinions on the current affairs other than broadcasting and even not to be used as a source for any campaign.¹⁴³ It is not governed in matters of impartiality by Ofcom¹⁴⁴ but by its own guidelines and thus the complaints regarding these matters is addressed to the BBC and not Ofcom. It was stated by its chairman Michael Grade in his Goodman Lecture on the Future of Impartiality (May 2005)¹⁴⁵ that to maintain 'due impartiality' is the most important responsibility laid down upon the Board by Parliament.

As a public service broadcaster the BBC is under a general obligation of balance and fairness in its legislations governing the elections. In order to balance the proportional allocation of time for party election broadcasts, the BBC maintains a record of the time allocated in news bulletin to different political parties. Record keeping is an important element for a public service broadcaster so as to deal with complaints regarding the political broadcasting in the future.¹⁴⁶ Even though the BBC has the best intentions to provide the independent broadcasts to the public yet there have been examples in the past when the BBC has been accused of cultural and unintentional biasness. I feel the factors like its governance, the vast size of the markets for its broadcasting, the unwritten constitution of UK and the like are the main reasons behind such allegations...

In India, there are no specific laws as related to the ban on editorialising but it is presumed that the editorials are not allowed as the media in India follows the footsteps of the BBC since 1947. The commercialisation in India has led to an unhealthy competition amongst the news channels. Every story is tainted and presented with a view of attaining the viewer's attention by sensation and not sensibility. There are loose facts; the news broadcasts have become either storytelling or fairy tales.¹⁴⁷ The BBC in India follows its own guidelines and thus continues its no-editorialising policy. I

143 The BBC'S Editorial Values 2005 s. 10

144 Ofcom, Broadcasting Code (July 2005) ss. 5 and 6

145 <www.bbc.co.uk/pressoffice/speeches/stories/grade_goodman.shtml>, accessed 28st July 2011.

146 <<http://aceproject.org/ace-en/topics/media-and-election/onePage>>, accessed 30th July 2011

147<<http://www.merineews.com/article/media-should-report-not-editorialise/151765.shtml>>, accessed 30th July 2011

support the ban on editorials in a democracy where impartiality is highly required in an election coverage for the separation of facts and comments. The news coverage should be factual and the news reporting should be impartial and accurate as it can amend the thoughts of the whole nation.

C:- VOTERS AWARENESS

The wakefulness amongst the voters is expedient for their proper participation in the electoral process and for the free and fair elections. They should be fully aware of the procedure of voting, the modes of participation, the way of casting their vote, the details of the candidates they are voting for and so on.¹⁴⁸ The opinion polls are the most important way of knowing the intentions of voters about different parties, issue and candidate. Thus, they should not be ignored but handled with care as they can be easily manipulated. The BBC has its own guidelines for broadcasting of opinion polls¹⁴⁹ whereas the guidelines for the polls at election are agreed upon by the Governors and issued by Chief Advisor Politics before the start of each election campaign.¹⁵⁰ In regard with the opinion polls during election, no opinion poll is on the day of the election until the poll is closed.

In India, the Election Commission takes up the major campaign for the awareness of the voters with the cooperation of state owned media-Doordarshan and All India Radio which is governed by the Prasar Bharati.¹⁵¹ Therefore, it is necessary that the Prasar Bharati Board should be independent in its views and opinions. The Election Commission issues directions regarding the dissemination of the results of opinion and exit polls which should be published during 48 hours of the final result.¹⁵²

Other than these there are many other ways for a voter education and their interaction like voxpoxs, internet, facebook, twitter and blogs where the voters can directly log in and stay connected with the media for certain live participations in online surveys, discussions, debates and so on. To illustrate during the US Presidential

148<http://pgexchange.org/index.php?option=com_content&view=article&id=154&Itemid=149> accessed 1st August 2011

149 The BBC'S Editorial Values 2005 s. 10

150 Ibid, n.149

151 <http://eci.nic.in/eci_main/about-eci/the_setup.asp>, accessed 1st August 2011

152<<http://indiatoday.intoday.in/site/story/EC+issues+guidelines+on+media+coverage/1/38579.html>>, accessed 1st August 2011

Election campaign of 2008, Facebook was widely used by the American networks to weigh public opinion throughout the campaign.¹⁵³

The right of complaining given to the audience and their proper treatment by authorised regulatory bodies during elections is essential. There might be a variety in the complaints procedure and also different types of regulatory bodies.¹⁵⁴ For instance in UK the statutory Broadcasting Complaints Authority deals with electronic media and a voluntary Press Complaints Council deals with the print media. In India the complaint can be made directly to the Election Commission and the decisions of the Commission can be challenged in the Court of law by appropriate petitions.¹⁵⁵

Therefore, I agree that “the aim of any election coverage is to ensure that the electorate is empowered to make an informed choice¹⁵⁶ and the BBC is fulfilling this aim quite healthily in UK as well as in India even though under different governing authorities.

V:- CONCLUSION

The BBC is the world’s most famous public service broadcaster which is required by its Royal Charter to offer programmes of information, education and entertainment as public services.¹⁵⁷ Media plays a very important role in shaping up the public opinions and “levelling the playing field” for all political parties especially during elections.

In my research paper, I have explained the following factors namely the governing body, the regulatory codes and the funding system, in relation to the public service broadcaster in UK and in India. The renewal of the BBC Charter, after Lord Hutton’s report, has brought in many changes for the BBC in its governance, treatment of parties and so. Even though all these induced were very beneficial for the Corporation but I judge that this model of the BBC is not completely successful in separating the “functions of delivery and oversight”. As of even today, the BBC is strained of being biased in certain matters especially the broadcasts related to the criticism of the government. As already mentioned, according to me the best model is the one suggested by Lord Burns where an independent body composed of people of

153 <<http://unesdoc.unesco.org/images/0018/001876/187637e.pdf>>, accessed 2nd August 2011

154 <<http://aceproject.org/ace-en/topics/media-and-elections/onePage>>, accessed 2nd August 2011

155 <http://eci.nic.in/eci_main/ElectoralLaws/compendium/vol4.pdf>, accessed 4th August 2011

156 Southern African Broadcasting Association Editorial Guidelines 2006 Article 1

157 BBC Royal Charter Article 3

high intellect and veracity will look in to the governance of the Corporation. The BBC has a licensee fee model for its funding which is ideal for a public service broadcaster in UK but the expenditures and cuts will be clearer if the BBC will be supervised by an independent body. I believe it is the only minor change required for making the BBC a perfect model for public service broadcasting.

The BBC's treatment of different parties in India during elections depends on the Indian public broadcasting laws to a large extent. No doubt, the BBC acts on its own guidelines even outside UK but it has to follow certain laws of the land as well. The Prasar Bharati Act controls Doordarshan which works on the lines of the BBC except for its governing structure and its hybrid funding system which is required in a developing country like India. Doordarshan is run by its own code in general circumstances but during elections the Election Commission codifies the rules for all the media broadcasters including it. The independence to Doordarshan is still a big question mark even though judiciary plays a positive role in protecting it from the influence of the central government.

Since United Kingdom does not have a written constitution, it sets up a fact that media freedom was never a constitutional concept in English Law.¹⁵⁸ It was always a negative freedom and was left to the disposal of the legislature though there are any changes introduced after the incorporation of free speech principles guaranteed in Article 10 of (ECHR) and the Human Rights Act in 1998 in to the Britain law. At this point media freedom became positive freedom from the residual freedom¹⁵⁹ and it is protected under these conventions by the judiciary but it is not an absolute shelter. But India has written constitution and therefore the judiciary derives its powers from it to bind the hands of the government and keeps a check on political broadcasting under the ambit of protection of fundamental rights of people in a democracy.

Though there is a difference in the bodies governing the election broadcasts of the BBC in UK and India but the rules followed by the BBC in both the countries are almost similar. I agree with the ban on political advertising in UK and India for providing fair and equal opportunity to all the parties and candidates for discussions and debates but I am not in favour of a total ban on advertisements which is against the free speech argument. A committee should be formed for making rules for such advertisements and they should be allowed along with the free direct access to the parties. The equity system is followed in both the countries for the allocation of party

158 H. Fenwick and G. Phillipson, Media Freedom under the Human Rights Act (Oxford, Oxford University Press, 2006), p.1037

159 Ibid n.158, p.1038

JAY KAY LAW REPORTER PVT. LTD.
AN SSI UNIT OF J&K
AN ISO 9001 : 2015 Certified Company

political broadcasts and party election broadcasts. In both the countries the content of such broadcasts has to abide by the grounded rules formed for them for instances rules on libel, hatred, and violence and alike.¹⁶⁰ But, their criteria and contents are decided by the BBC governors in UK and the Election Commission in India. In my opinion there should be a non-governmental committee, individually, for UK to review such regulations governing PEB and PPB during elections. And in India the role of judiciary should be enhanced to justify such allocations to different parties. Impartiality is expedient for fair elections in a democracy and thus I completely favour the no-editorialising rule followed in both UK and India. I also believe that the requisites included by the BBC in its guidelines and by Election Commission in its code are necessary for a voter's awareness for an informed choice

Even though PSB in India is following the BBC pathway for conducting better and fair elections yet there are many areas where it lacks for example the complaint procedure about the election broadcasts. In case of UK it can be directly made to the BBC but in India the complaint about the election broadcasts of Doordarshan and all other channels has to be made to the Election Commission itself. It raises many questions in the mind of the public who cannot have a direct link with their broadcasters.

Even though there are few differences in the treatment of election broadcast by the BBC about parties in UK and India, but throughout the world the BBC acts in its capacity of a public organisation. "While other commercial broadcasters aim to create shareholder value, the BBC exists to create public value as the accuracy, robust, independent, and impartial journalism is the DNA of the BBC."¹⁶¹

WORD COUNT: 11, 995

160 <<http://unesdoc.unesco.org/images/0018/001876/187637e.pdf>>, accessed 6th August 2011

161 BBC (British Broadcasting Corporation), 'Building Public Value: Renewing the BBC for a Digital World' (London, 2004), p.28

BIBLIOGRAPHY

BOOKS

1. BBC (British Broadcasting Corporation), 'Building Public Value: Renewing the BBC for a Digital World' (London, 2004)
2. T Gibbons, Regulating The Media (2nd edn. London, Sweet & Maxwell, 1998)
3. Professor Geoffrey Robertson & Andrew Nicol, Media Law (4th edn. London, Sweet & Maxwell, 2002)
4. Professor Eric Barendt, Broadcasting Law: A Comparative Study (Oxford, Clarendon, 1995)
5. Oonagh Gay, Party Election Broadcasts (London, 2010)
6. Article 19, Guidelines For Election Broadcasting In Transitional Democracies (August, 1994)
7. Indrajit Banerjee and Kalinga Seneviratne, Public Service Broadcasting: A best practices sourcebook (UNESCO, 2005)
8. S.R. Muppidi, The Uses and Gratifications of Doordarshan and Eenadu TV: A Study of a Regional Indian Television Audience, (Dissertation, Bowling Green State University, 1999)
9. S.R. Melkote, P. Shields, and B. C. Agrawal, International broadcasting in South Asia: Political, economic and cultural implications (New York, 1998)
10. Lord Burns, Independent Panel's Final Advice to the Secretary of State (London, 2005)
11. Professor Lesley Hitchens, Broadcasting Pluralism and Diversity (Oxford And Portland, Oregon, 2006)
12. Carney and Sanders, Media Law (3rd edn. London, Sweet & Maxwell, 2004)
13. Dr. Paul Smith, The Politics of UK Television Policy: BBC Charter Renewal and the 'Crisis' of Public Service Broadcasting (Again) (October 2006)

JAY KAY LAW REPORTER PVT. LTD.
AN SSI UNIT OF J&K
AN ISO 9001 : 2015 Certified Company

14. Cox, Free for All? Public Service Television in the Digital Age (London, 2004)
15. BPG (Broadcasting Policy Group), Beyond the Charter: The BBC after 2006 (London, 2004)
16. Colin Shaw, 'Rethinking Governance and Accountability' (Great Britain, 1993)
17. Graham Mather, 'Regulation of the BBC', in Colin Shaw, 'Rethinking Governance and Accountability' (Great Britain, 1993)
18. Professor Irini Katsirea, Public Broadcasting and European Law: A Comparative Examination of Public Service Obligations in Six Member States (Netherlands, 2008)
19. International Communications Association preconference on India and Communications Studies, (USA, 2009)
20. P.C. Chatterji, Broadcasting in India (Sage Publications, New Delhi, 1987)
21. H.R. Luthra, Indian Broadcasting (New Delhi Publications Division, Ministry of Information and Broadcasting, 1986)
22. A.W. Bradley and K.D. Ewing, Constitutional and Administrative Law (14th edn., Harlow, Longman, 2006)
23. H. Fenwick and G. Phillipson, Media Freedom under the Human Rights Act (Oxford, Oxford University Press, 2006)
24. Roper Organisation, Public Attitudes Towards Television and Other Media in a Time of Change (1985)
25. Werner Rumphorst, Model Public Service Law (ITU/EBU/UNESCO, 1998)

ARTICLES

26. P. Shields and S.R. Muppidi, 'Integration, the Indian state and STAR TV: Policy and theory issues', (August, 1996) Vol 58 Issue 1 International Communication Gazette 12

JAY KAY LAW REPORTER PVT. LTD.
AN SSI UNIT OF J&K
AN ISO 9001 : 2015 Certified Company

27. S. Rao, 'The New Doordarshan: Facing the challenges of cable and satellite networks in India', in S.R. Melkote, P. Shields, and B.C. Agrawal, International broadcasting in South Asia: Political, economic and cultural implications (New York, 1998), pp.47
28. Sundeeep R. Muppidi, 'Aspirations, Choices and Realities of Media in Asia : A case study of Public Service Broadcasting in India', (June, 2005) Vol 33 Issue 03 and 4 Media Asia Quarterly Review 180
29. Graham Mather, 'Regulation of the BBC', in Colin Shaw, 'Rethinking Governance and Accountability' (Great Britain, 1993), p.49
30. Subba Lakshmi Reddy, All India Radio Correspondent, 'Elections in India: The Changing Interface between Media and Politics'
31. Victoria L. Farmer, 'Nation, State, and Democracy in India: Media Regulation and Government Monopoly', in the International Communications Association preconference on India and Communications Studies, (USA, 2009), p.1
32. 'Africa and India: Government Control and Autonomy', (England, 1987) Vol 8 Issue 03 and 4 Communication Research Trends 11
33. Chris Hanretty, 'Explaining the de facto independence of public broadcasters' (November, 2009) Vol. 40 Issue 01 British Journal of Political Science 75.
34. Rajagopal, 'The rise of national programming: The case of Indian television', (London, 1991) Vol 15 Issue 1 Media, Culture and Society 109

LAW REVIEWS

35. Vol. 33 Issue 03 and 4 Media Asia Quarterly Review 180
36. 58 Issue 1 International Communication Gazette 12
37. Vol. 8 Issue 03 and 4 Communication Research Trends 11
38. Vol. 40 Issue 01 British Journal of Political Science 75.
39. Vol. 15 Issue 1 Media, Culture and Society 109

LEGISLATIONS

40. The BBC'S Editorial Values 2005 s. 3 s. 4 s. 5 and s. 10
41. BBC Royal Charter Article 3
42. Ofcom, Broadcasting Code (July 2005) ss. 5 and 6
43. Southern African Broadcasting Association Editorial Guidelines 2006 Article 1
44. Communications Act (UK) 2005 s. 319 (2) (c) s. 321(2) s. 333
45. Representation of People's Act 1951 s. 39 (A)
46. BBC Agreement 2006 s. 48 (2)
47. The Cable Television Network (Regulation) Rules 1994 Rule 7
48. European Convention on Human Rights (ECHR)
49. Broadcasting Act 1990 s. 8(2) (a)
50. The Prasar Bharati (Broadcasting Corporation of India) Act 1990 s. 17 s. 12 s. 14 s. 13(2) s. 23 s. 31 s. 24 s. 32 s. 46
51. BBC Trust, BBC Protocol: D4-Editorial Standards, January 2007.
52. BBC Agreement 2006 s. 43 (1) s. 44(5) s. 75 81(1)

CASE LAWS

53. R. v. BBC and ITC, ex p. Referendum Party [1997] EMLR 605
54. R. v. British Broadcasting Corporation, ex p. Prolife Alliance [2002] EWCA Civ. 297
55. Linges v. Austria, Judgment of 8 July 1986, Series A no. 103, at para. 42
56. Gemini TV v Secretary Ministry of Information and Broadcasting et al (2004)5 SCC 715
57. R (Animal Defenders International) v Culture Secretary [2008] UKHL 15

58. X & Assoc. of Z. v U.K. [December 1986] Coll. 38
59. Vgt Verein gegen Tierfabriken v. Switzerland [2001] ECHR 24699/94
60. Secretary, Ministry of Information and Broadcasting v Cricket Association of Bengal [1995] 2 S.C.C. 161

INTERNET SOURCES

61. <<http://unesdoc.unesco.org/images/0018/001876/187637e.pdf>>, accessed 6th August 2011
62. <http://eci.nic.in/eci_main/about-eci/the_setup.asp>, accessed 1st August 2011
63. <http://pgexchange.org/index.php?option=com_content&view=article&id=154&Itemid=149>, accessed 1st August 2011
64. <<http://www.merineews.com/article/media-should-report-not-editorialise/151765.shtml>>, accessed 30th July 2011
65. <www.bbc.co.uk/pressoffice/speeches/stories/grade_goodman.shtml>, accessed 28st July 2011.
- 66.<<http://indiatoday.intoday.in/site/story/EC+issues+guidelines+on+media+coverage/1/38579.html>>, accessed 22nd July 2011
- 67.<<http://lawmin.nic.in/legislative/election/volume%201/REPRESENTATION%20OF%20THE%20PEOPLE%20ACT,%201950.pdf>>, accessed 20th July 2011
68. <[http://www.5rb.com/case/issue/R-\(Animal-Defenders-International\)-v-Culture-Secretary-\(HL\)](http://www.5rb.com/case/issue/R-(Animal-Defenders-International)-v-Culture-Secretary-(HL))>, accessed 12th July 2011.
69. <<http://www.scatmag.com/govt%20policies/rcpb1.htm>>, accessed 2nd July 2011
- 70.<<http://indiatoday.intoday.in/site/story/EC+issues+guidelines+on+media+coverage/1/38579.html>>, accessed 1st July 2011
71. <<http://aceproject.org/ace-en/topics/media-and-elections/onePage>>, accessed 24th July 2011
72. <<http://prasarbharati.gov.in/Corporate/pb+act>>, accessed 25th June 2011

JAY KAY LAW REPORTER PVT. LTD.
AN SSI UNIT OF J&K
AN ISO 9001 : 2015 Certified Company

73. <<http://india.gov.in/knowindia/television.php>>, accessed 22nd June 2011
74. <www.ddinida.gov.in>, accessed 20th June 2011
75. <www.ofcom.org.uk/tv/ifi/codes/bcode_2005>, accessed 15th June 2011.
76. <<http://www.opendemocracy.net/ourkingdom/richard-collins/governance-and-regulation-of-bbc>>, accessed 10th June 2011
77. <www.bbc.co.uk/info/reports/pdf/neil_report.html>, accessed 2nd June 2011.
78. <www.the-hutton-inquiry.org.uk/content/report>, accessed 30th May 2011.
79. <www.bbccharterreview.org.uk>, accessed 16th May 2011.
80. <www.bbccharterreview.org.uk/global/faq_home.html>, accessed 18th May 2011.
81. <www.bbc.co.uk/info/policies/neil_report.shtml>, accessed 25th May 2011
82. <en.wikipedia.org/wiki/Public_broadcasting>, accessed 14.5.2011
83. <<http://www.aibd.org.my/node/1219>>, accessed 12th May 2011.
84. <http://eci.nic.in/eci_main/ElectoralLaws/electoral_law.asp>, accessed 10th May 2011
85. <www.indiantelevision.com/indianbroadcast/legalreso/Chapter2.htm>, accessed 1st May 2011
86. <www.bbc.co.uk/guidelines/editorialguidelines/assets/guidelinedocs/Producersguidelines.pdf>, accessed 10th April 2011.
87. <http://eci.nic.in/eci_main/ElectoralLaws/electoral_law.asp>, accessed 10th April 2011

OTHER IMPORTANT SOURCES

88. Department of National Heritage, Agreement Dated the 25th Day of January 1996 Between Her Majesty's Secretary of State for National Heritage and the British Broadcasting Corporation, Cm 3152 (1996), as amended by Department for Culture, Media and Sport, Deed of Variation Dated 4th December 2003, Cm 6075 (2003), cls. 5E.1-5E.2
89. Election 2001 Review Programme – Party Political Broadcasting Review DISCUSSION PAPER (December 2001), clause 2.2, p.7
90. Committee on Standards in Public Life (1998) The Funding of Political Parties in the United Kingdom, London: The Stationery Office, sections 13.8-13.11. pp 174-6
91. DTI and DCMS, The Drafts Communication Bill-The Policy, Cm 5508-III (2002) ("Policy Statement"), p.8.2.1.1
92. DCMS, Lord Burns Letter to the Secretary of State (London, 2005), p.12
93. Department For Culture, Media And Sport, Copy of Royal Charter for the continuance of the British Broadcasting Corporation' (October 2006), Cm 6925, p.4
94. The Review of the BBC's Royal Charter, 1st Report of Session 2005-06, HL 50-1, paras 22 et seq.
95. DCMS, Review of the BBC's Royal Charter: A Strong BBC, Independent of Government (Green Paper) (March 2005) p.12.
96. Department of National Heritage, Agreement Dated the 25th Day of January 1996 Between Her Majesty's Secretary of State for National Heritage and the British Broadcasting Corporation, Cm 3152(1996),amended by DCMS, Deed of Variation dated 4th December 2003, Cm 6075(2003)('Agreement').
97. Verghese, B.G., Chairman. 1978. Akash Bharati National Broadcast Trust: Report of the Working Group on Autonomy for Akashvani and Doordarshan. New Delhi: Ministry of Information and Broadcasting.
98. Ashok K. Chanda, Chair, Radio and Television: Report of the Committee on Broadcasting and Information Media (New Delhi: Ministry of Information and Broadcasting, 1966) para 779
99. House of Commons Culture, Media and Sport Committee, A Public BBC. First Report of Session 2004-05, vol. I, HC 82-I (London, TSO, 2004), paras 238 et seq., 244
100. Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism, Inter-American Court of Human Rights, Adv. Opn. OC-5/83 of 13 Nov, 1985, Series A no.5, reprinted in 7 Human Rights Law Journal (1986), 74 and in 8 EHRR 165.