EXPLAINED

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Prime Minister Narendra Modi during his roadshow ahead of the Karnataka Assembly elections, in Bengaluru.

The story so far: In the recently-concluded Karnataka Assembly elections, political parties were provided free airtime on public broadcasters, All India Radio (Akashvani) and Doordarshan during elections. The allotment was available to six recognised national parties — the Bharatiya Janata Party (BJP), the Indian National Congress (INC), the Bahujan Samaj Party (BSP), the National People's Party (NPP), the Aam Aadmi Party (AAP) and the Communist Party of India (Marxist) and one recognised State party, the Janata Dal (Secular). The parties were allocated a base time of 45 minutes and additional slots based on performance in previous polls. A total of 630 minutes of free airtime was issued under this allotment.

The facility to provide free airtime for political parties during elections was given statutory basis through the 2003 amendment to the Representation of People Act, 1951. The Supreme Court, in its famed judgment (*The Secretary, Ministry of Information and Broadcasting vs Cricket Association of Bengal and ANR,* 1995), held that airwaves are public property and its use should serve the greater public good. Elections being the lifeblood of a democracy, the misuse or abuse of airwaves to gain unfair electoral advantage is a key regulatory apprehension of governments around the world.

In the U.S., for example, the Federal Communications Commission, which regulates the electronic media in the country, devised the fairness doctrine to keep electioneering on the airwaves equitable. The now defunct fairness doctrine placed a positive obligation on broadcasters who carry political content of one candidate on its programme to extend the same to another candidate in the electoral fray.

In the U.K. too, political parties are allocated designated slots by Parliament, called the party political broadcasts (PPBs) to convey important political information to the people. The British Communication watchdog, Ofcom, is responsible for ensuring that PPBs are included in every licensed public service television channel and commercial radio services. Similar requirements are adopted in Singapore, Brazil and Japan.

In the Karnataka elections, the BJP received 167 minutes of broadcast time on both DD and Akashvani, while the Congress got 174 minutes and the JD(S) got 107 minutes. Time vouchers are distributed by a lottery system by the Election Commission in a transparent process to

obviate any preferential treatment in getting primetime slots.

The transcripts of political parties are vetted to ensure that they adhere to relevant codes. These codes proscribe any content which are *inter alia* critical of other countries, attack religions or other communities or incites violence and personal attacks. In case of any disagreements over the content of the script as vetted by the public broadcaster, it is referred to an Apex Committee comprising members from Akashvani and DD whose decision is final.

In the Indian media landscape, due to the pattern of ownership of media houses, the public generally identify a broadcaster as being affiliated with one political party or the other. In this regard, State-sponsored airtime provides more diversity and colour to the electoral process.

For example, the NPP, which was a rank outsider in the Karnataka elections, was afforded the same base time of 45 minutes as the INC and the BJP. Since the content being aired has to adhere to specific codes, it upholds the principle of fair play.

The guidelines by the Election Commission of India (ECI) also require that a maximum of two panel discussions are also aired by Akashvani and DD. These discussions provide an excellent platform for parties, both big and small, to debate and criticise each other's policies and manifestos, and in general promote an informed citizenry.

The fact that the scheme is available to national and recognised State parties may attract arguments that it is not truly equitable. In light of the recent retraction of the national party status for the Nationalist People's Coalition (NPC) and the Trinamool Congress (TMC), this observation becomes important. However, the ECI is constrained by the considerations of practicality and the fact that airwaves are not an infinite resource.

The Apex Committee comprises officials from Akashvani and DD and are expected to sit in review of their own decision in case of conflict with the political party on the content of the transcript. This leaves scope for conflicts of interest and therefore, a more representative committee may be constituted.

There are also calls for extending the provision to cover private broadcasters akin to the fairness doctrine of the U.S. A designated slot may be mandated for private channels to air content equitably and provide a platform for smaller parties and candidates. The political broadcast may be clearly differentiated from regular news broadcasts and programmes.

The 2024 General Elections will witness unprecedented levels of electioneering in the media. As spaces for sober, fair, considered and thoughtful debates shrink in a frenzy to grab attention, it is imperative that airwaves are used to nourish and enrich the Indian democracy and set standards for other electoral democracies.

The authors are Indian Information Service officers. Views expressed are personal and not those of the government.

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