

Media Coverage of Elections Rules and Regulations of the Kingdom of Bhutan

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ELECTION COMMISSION OF BHUTAN

Media Coverage of Elections Rules and Regulations of the Kingdom of Bhutan

In keeping with the provisions of the Election Act of the Kingdom of Bhutan, 2008 in the interest of free, fair and transparent elections, the Election Commission of Bhutan hereby adopts and promulgates the Media Coverage of Elections Rules and Regulations of the Kingdom of Bhutan.

1. Short Title, Extent, Application and Commencement

- (a) These Rules shall be called the Media Coverage of Elections Rules and Regulations of the Kingdom of Bhutan;
- (b) These Rules shall extend to the whole of the Kingdom of Bhutan;
- (c) These Rules shall apply to the Media and Media Functionaries; and
- (d) These Rules shall come into force

2. Definition

- (a) “Election Act” means the Election Act of the Kingdom of Bhutan, 2008;
- (b) “Candidate” means a person who has filed a nomination paper with a Returning Officer in the manner prescribed in the Election Act, and whose nomination as a candidate has been endorsed;
- (c) “Campaign Period”, means the period commencing from the date of issue of notification as announced by the Election Commission and ending forty-eight hours prior to the hour fixed for the commencement of the poll;
- (d) “Commercial” means a short song or slogan broadcast on the radio, internet and television or message advertised on the print media to promote political views;

- (e) “Commission” means the Election Commission of Bhutan;
- (f) “Election Period” means the period starting on the day of issue of notification by the Commission under the provisions of the Election Act and ending after the close of poll;
- (g) “Free Media Access” means not only equality of time and space allotted but also giving due regard to the hour of broadcasting and the placement of printed advertisement;
- (h) “Media Agency” means the mass media including print and electronic media and such other forms as may be prescribed by the Commission from time to time;
- (i) “Political Party” means a party duly registered with the Commission;
- (j) “Prime Time” means the block of time when the most audience is available to a broadcast;
- (k) “Neutral” means that the information is presented in an unbiased manner;
- (l) “Media Functionaries” means individual owners, full-time or part time staff members or other individuals contracted to write, produce or present articles, programmes or other materials intended for public dissemination;
- (m) “Spot” means advertisement on radio or TV;
- (n) Words importing the masculine gender shall include the feminine gender; and
- (o) Words importing the singular number shall include the plural number and vice-versa, unless the context otherwise requires.

3. Principle and Purpose

- (a) The Media does not merely depict the political environment; it is the political environment itself as it shapes the perceptions that form the reality on which political action is based. Therefore, the regulation of media is

essential to enhance active and informed participation of citizens in elections.

4. Coverage

- (a) The Commission shall permit a media agency to cover an election only upon signing the undertaking in **Media Coverage of Elections Form No. 1**.
- (b) The period of broadcast and telecast shall start on the last date of filing the nominations and end 48 hours before the date of poll.
- (c) A Broadcasting Agency shall, in consultation with the Commission, decide the actual date and time for broadcast and telecast.

5. Code of Conduct

A Fundamental Principles

- (a) The Media shall in its coverage and reporting during the period of election campaigning:
 - i) Hold themselves independent and free of any control and direction of the government, political parties, candidates individuals, groups, or organisations representing or promoting special interests of any political party;
 - ii) Refrain from the publishing or broadcasting of any matter with the potential or likelihood of promoting or inciting discord, bias or contempt, cause public disorder, pose or become a threat to the national security;
 - iii) Refrain from ridiculing, stigmatising or demonising people on any grounds;
 - iv) Not omit relevant facts and points of view while reporting major issues of public interest as it may mislead and misinform the public;

- v) Avoid distortion of reality so that the public is not misled and misinformed; and
 - vi) Not publish or broadcast any report, which, by its content, carries a clear risk of inciting discord or political disorder without having the accuracy and authenticity of the report confirmed by independent sources.
- (b) The Media in the exercise of their constitutional right of freedom of press, radio, television and other forms of dissemination of information, and in recognition of their consequential social responsibility to the society shall at all times endeavour to:
- (i) Provide a truthful, comprehensive, accurate, balanced and fair account of events;
 - (ii) Serve as a forum for the exchange of public comment, opinion, discussion and criticism in a balanced and reasonable manner;
 - (iii) Offer an accurate picture of the candidates and parties contesting in elections and of the society in general; and
 - (iv) Present and clarify, as far as possible, the goals and values of the candidates and parties contesting in elections.

B Fair, Balanced and Accurate Reporting

- (a) The Media shall for fair and impartial reporting during the campaign period acknowledge the importance of accurate and balanced reporting by ensuring that it does not:
- (i) Omit facts of major importance or significance and is therefore incomplete; and
 - (ii) Include rumour or unsubstantiated statements that mislead or deceive the reader, listener or viewer.

C Equal Access to Paid Election Advertising

- (a) The Media shall acknowledge their obligation to provide equal access and opportunity to all political parties and candidates without discrimination, to purchase space in newspapers and time on radio and television giving due regard to prime time so as to promote their respective views during the campaign period.
- (b) The Media shall, immediately after the announcement of elections, make available to contesting political parties, candidates and all public relations firms and advertising agencies full information about space and time availability and their published advertising rates.

D Censorship and Editing

- (a) The Media may exercise editorial judgment in respect of public safety and decency and shall refuse any material submitted by political parties, or their representatives, likely to be hateful, offensive, likely to promote public disorder or harm the national security.
- (b) A contesting Political Party shall submit in advance, transcripts and recordings prepared at their own costs in studios which meet the technical standards adopted by the public broadcasting agency and cable operators.
- (c) The Media shall in all cases of such refusal, immediately inform the concerned political party, and intimate the Media Arbitrator, of the reasons for rejection, and if time permits, the concerned party, or its representatives, shall be given the opportunity to modify the rejected material in order to conform to acceptable legal and moral standards.

E News Reports and Current Affairs Programmes

- (a) The Media shall aim to subscribe to the highest principles of impartiality, fairness and integrity in their judgments as editorial judgments rest solely with the editors.

- (b) The Media shall always separate fact from inference in matters of political and other controversy, supported by eye-witness, attributable official statements and other sources to corroborate facts in particular stories.

F Errors of Fact

- (a) The Media shall deal responsibly with any complaints received in respect to reports published or broadcast that contained errors of fact, and where, in their opinion, such complaints are justified, publish or broadcast appropriate corrections.

G Coverage on the Day of Poll

- (a) The Media shall be prohibited from covering any activity by political parties and candidates during the period between closure of campaigning and the closure of poll.

H Political Activities of Media Functionaries

- (a) The Media functionaries shall refrain from using their programmes for the purpose of promoting political objectives during the period of elections and ending with the completion of polls.
- (b) The Media functionaries shall refrain from disseminating advertisements of political parties under the guise of editorial coverage or news.

6. Media Arbitrator

- (a) The Commission shall appoint a public official as a Media Arbitrator responsible for the administration of these Rules and the provisions of the Election Act that deal with political broadcasts.
- (b) The Media Arbitrator shall be responsible for allocation of campaign broadcasting time and resolving disputes among broadcasters, political parties and candidates under these Rules or the Election Act.

- (c) The Media Arbitrator shall receive complaints and other communications on the performance of newspapers, radio and television stations and issue appropriate public statements.
- (d) The Media Arbitrator on receiving complaints under sub-section (c) shall resolve disputes among broadcasters, political parties and candidates in accordance with these Rules and the Election Act.
- (e) The Media Arbitrator shall obtain or collect all relevant documentation including correspondence, articles, scripts, audiotapes, videotapes or other materials concerning any complaint formally submitted for his consideration.
- (f) The Media Arbitrator shall undertake review of all relevant materials and other information to determine, whether or not the complaint constitutes non-adherence to the Code of Conduct or non-compliance with the Guidelines issued by him, and therefore justifies an investigation.
- (g) The Media Arbitrator shall undertake an investigation, by whatever appropriate means under the law.
- (h) The Media Arbitrator shall submit his findings and conclusions regarding any investigation to the Commission for appropriate action.
- (i) The decision of the Commission under sub-section (h) shall be final and binding.
- (j) The Media Arbitrator shall be responsible for monitoring the following programs:
 - (i) All information programs, such as the main news of the day, current affairs programs and news flashes;
 - (ii) All advertising blocs, announcements, short messaging system, and paging service;
 - (iii) Radio, television and cable network commercials, spots, etc; and

- (iv) Special election programs in which representatives of political parties and candidates participated at the invitation of the radio/TV station, for the presentation of their political programme to the public.
- (k) The Media Arbitrator shall, at the end of each election, assess the performance of the media in his report and submit his recommendation to the Commission. However, the above assessment shall be based on an objective check-list devised by the Media Arbitrator in consultation with the Commission and shared with concerned media agencies using the Sample check-list in **Media Coverage of Elections Form No. 2**.
- (l) The Media Arbitrator shall be provided with adequate resources such as personnel and finance by the Commission to enable him to discharge his responsibilities effectively and independently.

7. Media Arbitrator's Guidelines

- (a) The Media Arbitrator shall issue a set of guidelines, with the prior approval of the Commission, before the end of the second day after the day of issue of notification by the Commission under the Election Act respectively.

8. Access to Media

- (a) The state authorities shall, to facilitate equality of opportunity between political parties and candidates, remain neutral with regard to the election campaign and coverage by the media.
- (b) The state authorities shall ensure that there is access for all parties and candidates to print and audio-visual media, with regard to the election campaign and advertising.

9. Allocation of Free Broadcasting Time, and Space in the Print Media Paid by the Commission

- (a) Every contesting political party shall be provided with equal broadcasting time, and space in the print media for the transmission of political announcements and similar programmes.

Provided that the maximum time limit and the number of publications shall be determined by the Commission and subject to review by the Commission whenever it may deem necessary.

- (b) The Commission shall reimburse expenditure incurred under subsection (a) to such network operators.
- (c) The Media Arbitrator shall ensure that allocation of broadcasting time and space in the print media are done in an equitable and fair manner among contesting political parties.

10. Allocation of Paid Broadcasting Time, and Space in the Print Media

- (a) The Media Arbitrator shall, in addition to the allocation of broadcasting time, and space in the print media paid by the Commission, based on consultations with contesting political parties ensure allocation of broadcasting time, and space in the print media to political parties in an equitable and fair manner.
- (b) Expense incurred on purchase of broadcasting time, and space in the print media shall be paid out of the permissible funds available with the political party and shall be considered as an election expense of the political parties.

11. Restriction on Rates Charged for Election Advertising

- (a) Media Agency must charge a political party or candidate a uniform rate for election advertising in a periodical publication or on radio or television during the same campaign period.

12. Broadcasting Restrictions

- (a) No person or a political party or candidate shall transmit election advertising or resort to election advertising or discuss a position on an issue by means of internet, SMS or any other medium that promotes or opposes a contesting political party or a candidate after campaign period ends and till the closure of poll.

13. Premature Transmission of Election Results

- (a) Any person who transmits results of voting in a constituency prior to the declaration of the results by the Commission shall be guilty of an offence punishable under the Election Act.

14. Broadcasting Public Opinion Survey Results

- (a) Public opinion survey reports on an election shall not be released to the general public prior to closure of the poll.
- (b) Any forecast or prediction relating to the probable result of an election based on the information provided by or obtained from voters or observers shall not be transmitted before the closure of the poll.

15. Coverage by Foreign Media

- (a) Only those foreign media duly accredited by the Ministry of Information and Communications shall be permitted to cover an election.
- (b) The foreign media shall be granted accreditation upon signing the undertaking under these Rules.

16. Broadcasting from Outside Bhutan

- (a) No political party, candidate or their supporter shall sponsor the broadcast of election advertising from outside Bhutan.

17. Movement of Media Personnel during Elections

- (a) The Commission shall provide the necessary documents to facilitate movement and access to the places of elections upon fulfilment of the requirements laid down by the Commission.

18. Miscellaneous

- (a) Cable television network, radio, television, newspapers, news magazines and internet sites shall provide voters with correct information about the parties and candidates.

- (b) A Broadcasting Agency shall strictly adhere to the Guidelines prescribed by the Commission for broadcast and telecast.

19. Penalties

- (a) Any person or organization found guilty of violation of any provision of these Rules shall be dealt with in accordance to the Election Act.

20. Power of the Commission to Issue Instructions and Directions

The Commission may issue instructions and directions:

- (a) For the clarification of any of the provisions of these Rules and Regulations;
- (b) For the removal of any difficulty which may arise in relation to the implementation of any such provisions; and
- (c) In relation to any matter with respect to media coverage in elections for which these Rules make insufficient provision, and clarification is necessary in the opinion of the Commission.

21. Authority of Interpretation and Amendment

- (a) The Commission shall be, in case of differences in meaning, the final authority in the interpretation of these Rules.
- (b) The Commission shall have the power to amend by way of addition, variation, or repeal the provisions of these Rules.

Draft Media Coverage Rules and Regulations

Done under our hands and seal of the Election Commission of the Kingdom of Bhutan on this...Day of the ...Month of the Year... corresponding to the...Day of the... Month of the ...Year in the Bhutanese calendar.

Election Commissioner

Election Commissioner

Chief Election Commissioner

Media Coverage of Elections Form No. 1

ELECTION COMMISSION OF BHUTAN

UNDERTAKING

Given the desirability of a fair, peaceful and well-regulated election:

1. *We agree and accept* that the Media will contribute to the holding of a free and fair election.
2. *We agree to accept, subscribe and abide, by* the Code of Conduct provided in the Media Coverage of Elections Rules and Regulations of the Kingdom of Bhutan and take all necessary steps to ensure its observance.
3. *We agree to accept, subscribe and abide, by* the provisions of the Election Act of the Kingdom of Bhutan, 2008.
4. Further, we accept that:

Accuracy requires the verification and presentation of all facts that are pertinent and necessary to understand a particular event or issue, even if some of the facts conflict with a journalist's, or a broadcaster's particular beliefs and feelings; and

Balance, or impartiality, requires the presentation of all the main points of view or interpretations of an event or an issue, regardless of whether the journalist, reporter, broadcaster, editor or the audience agrees with these views.

We fully understand and undertake that any willful violation of these commitments on our part would be dealt with as per the laws of the Kingdom of Bhutan.

Signature of Authorised Personnel

Dated:

Name of Company

Media Coverage of Elections Form No. 2

SAMPLE

CHECK LIST FOR ASSESSMENT OF THE MEDIA'S PERFORMANCE

The Media Arbitrator's Media Assessment Report shall include the following:

For all Media Forms

1. Analysis of the discourse/ subject /theme / issues covered by the Media.
2. Bias or slanted coverage of parties or candidates showing them in a positive or negative light without corroborating the facts and getting views from all sides concerned.
3. Analysis of the sources of news.

For TV, Radio and Cable

1. Time allotment analysis
 - a. Total time allotted to each Party and Candidate
 - b. Timing e.g. prime time vs slack

Internet and Print Media

1. Total coverage analysis
 - a. Total space allotted in each newspaper for each party and candidate
 - b. Placement of the coverage e.g. front page

Recommendations

Necessary Recommendations based on analysis of the media's performance.