

**WRITTEN DIRECTIONS
FOR
PRIVATE AND PUBLIC
BROADCASTERS**

VILLAGE COUNCIL ELECTIONS 2020

**(ISSUED PURSUANT TO SECTION 5(1) OF THE
IBA ACT 2000)**

[EFFECTIVE DATE: 31 OCTOBER 2020]

WRITTEN DIRECTIONS FOR PRIVATE AND PUBLIC BROADCASTERS

VILLAGE COUNCIL ELECTIONS 2020

**WRITTEN DIRECTIONS ISSUED PURSUANT TO SECTION 5(1) OF THE
INDEPENDENT BROADCASTING AUTHORITY ACT**

(Effective date 31 October 2020)

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WRITTEN DIRECTIONS FOR PRIVATE AND PUBLIC BROADCASTERS

POLITICAL BROADCASTS

Issued pursuant to Section 5(1) of the Independent Broadcasting Authority Act

Broadcasting licensees shall ensure that these written directions are strictly adhered to by their officers, employees and agents, and, wherever applicable, their interviewees. These written directions are not in substitution for, but are addition to the IBA Act, licence conditions and all Codes in force. In addition, licensees should adhere to the written directions and other guidelines issued by the Electoral Supervisory Commission (ESC) as appropriate, and relevant enactments.

PART A – POLITICAL BROADCASTS

A.1 Preamble

(1) (a) Broadcasting licensees shall provide fair, equitable, balanced, accurate and impartial reporting of political events and fair, equitable and balanced coverage to all group, alliance or candidate, as the case may be, at elections. This implies, *inter alia*, that broadcasting licensees shall be guided by what the public has the right to know and shall not pose as an unchallenged authority that has unrestrained freedom to decide what the public 'should' know. Nor is it the broadcasting licensee's function to arbitrarily decide in advance that some candidates are more 'worthy' of coverage than others.

(b) Broadcasting licensees shall, in particular, ensure that, during the 24 hours starting from midnight immediately preceding polling day and up to the close of polling, they do not broadcast any political programme and politically-related matter which may reasonably upset the balance to be observed throughout the election broadcast period pursuant to these written directions. This includes opinion and intention polls. Surveys are covered under A.11.

(2) Broadcasting licensees shall not rely on group, alliance or candidate, as the case may be, to bring information to them. They shall actively seek out information so as not to give group, alliance or candidate, as the case may be, with greater resources inequitable amount of coverage.

(3) A declaration from a broadcasting licensee that it declines responsibility for anything said in the course of a broadcast shall not absolve the licensee from responsibility arising under the law.

(4) Broadcasting licensees are reminded that freedom of expression, as guaranteed under our Constitution, is subject to a number of limitations and that they



have to comply with all the laws of Mauritius and, in particular, the law relating to libel, slander and defamation.

(5) (a) For the purposes of these written directions, equitable treatment shall not be construed as being equal treatment in all cases. Each Radio/TV station shall apply equitable treatment individually.

(b) Equity also applies to the duration of broadcasts, to scheduling, issue coverage and approach, to conditions under which an appearance and/or intervention may be made, and in the case of paid political announcements, to the cost thereof.

A.2. Interpretation

For the purposes of these written directions –

“paid political announcement” means an announcement, on behalf of a group or alliance or candidate, as the case may be, of a political event, in respect of which a broadcasting licensee is entitled to claim payment and is subject to paragraph 4.1 of the Code of Advertising Practice;

“phone-in or call-in” in the context of broadcasting is a programme format in which viewers or listeners are invited to air their comments by telephone, electronic or any other means of communication, usually in respect of a specific topic selected for discussion on the day of the broadcast. It also includes programmes whereby members of the public are invited as audience/participants/interveners to attend the programme and is subject to paragraph 2.3 of the Code of Ethics;

“group” has the same meaning as in the Local Government Act;

“political programme” –

- (a) means a programme on political issues which is broadcast by the licensee; and
- (b) includes a debate, interview or any agreed programme format on political issues to which representatives of group, alliance or, candidates or other persons are invited by the broadcasting licensee;

“politically-related matter” means a programme format which is essentially on political, governmental and State matters and dealing with politics.

A.3. Political programmes and paid political announcements

- (1) Political programmes and paid political announcements shall not –

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- (a) involve character assassination or vilification of any candidate or other person, or any adverse comment on the integrity of any person;
- (b) involve any attack on the integrity of the President, the Vice-President and members of the Judiciary;
- (c) contain political appeals based on race, colour, caste, creed, gender or place of origin;
- (d) contain any defamatory, offensive or blasphemous language, or any language (or tone of language) which may provoke violence or sedition;
- (e) contain any remark likely to hurt the feelings of any person by reason of his gender, sex, race, colour, caste, creed or place of origin;
- (f) contain any statement which may constitute or result in a breach of the law;
- (g) allow political debates where participants are invited or otherwise to degenerate into a situation of mockery of our electoral system.

(2) (a) Broadcasting licensees shall ensure that paragraphs 1 and 4 of the Preamble to these written directions are strictly adhered to in relation to political programmes and politically-related matter with reference to themes, duration of programme, time allocation and envisaged sequence of appearances or interventions.

(b) (i) Broadcasting licensees and the groups, alliances or candidates, as the case may be, shall agree on the format of political programmes and debates in the event that such debates are scheduled.

(ii) The moderator/presenter of the programme or debate shall ensure that balance and fairness are observed throughout the programme.

(3) (a) Paid political announcements **shall not** exceed fifteen seconds and must include **only** the name of group, alliance or candidate, as the case may be, the place and the time of event(s) and the names of speakers.

(b) No advertisement, other than a paid political announcement, shall be broadcast towards any political end.

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(c) No advertisement, other than a paid political announcement, may be broadcast by or on behalf of any entity, the objects of which are wholly or mostly political in nature.

- (4) Paid political announcements shall be factual and informative in nature.
- (5) Neither slogan of any nature, nor music or songs which may have a political connotation shall be broadcast during, or immediately before or after, any paid political announcement.
- (6) Subscription television broadcasting/rebroadcasting licensees shall, in no circumstances, carry any programme with a local content unless approved by the Authority and provided such approval is permissible under the Act.
- (7) In accordance with paragraph 2.4 of the Code of Ethics, the broadcast delay for political programme or politically-related matter during an election period shall be at least thirty (30) seconds. This should give the licensee ample time to bleep, pixilate or otherwise pre-empt offending materials before they are broadcast.

A.4 Interviews in political programmes

(1) Broadcasting licensees shall ensure that an interviewee identified as a representative of a group, alliance or candidate, as the case may be, has been duly designated to speak on behalf of the group, alliance or candidate, as the case may be.

(2) Broadcasting licensees shall ensure that no interviewee in a political programme is interviewed live without his consent.

(3) Moderators of such programmes shall exercise restraints and ensure that interviewees stick to the theme chosen. The moderator shall warrant that the programme does not degenerate into an exercise whereby interviewees systematically deride each other or use vulgar or abusive language.

(4) (a) An edited or shortened version of an interview shall not misrepresent an interviewee's views and contribution.

(b) An interview shall not be edited so as to appear by juxtaposition to associate a contributor with a line of argument which he is unlikely to adhere to and on which he is given no opportunity to comment in the programme or feature.

(5) Special precautions shall be taken to avoid broadcast of any gender-biased views or comments in programmes.

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A.5 Phone-in/call-in programmes

(1) Broadcasting licensees shall **not** broadcast any live or recorded phone-in or call-in programmes on political matters or politically-related matters from, and inclusive of, **the date prescribed for the withdrawal of candidatures up to, and including, close of polling**, unless the following conditions are complied with –

- (a) broadcast licensees shall ensure, within the limits of presently available technologies, that –
 - (i) there is no capture of air by the same group, alliance or candidate, as the case may be; and
 - (ii) as many callers as possible are allowed to air their comments so as to have a diversity of views expressed;
- (b) necessary mechanisms for control will be put in place to ensure fairness on air, balance and avoid any slippage
- (c) the hosts of programmes comply with paragraphs (a) and (b) and abstain from giving their personal opinions and views to ensure fairness and impartiality;
- (d) the Broadcast Delay Mechanism is strictly applied in order to prevent any character assassination, defamation or insult on air;
- (e) no statements will be made that may disrupt social peace and harmony.

(2) The Authority reserves the right to seek information to ensure that broadcasting licensees comply with paragraph A 5(1) above.

A.6 Broadcasting of public meetings and rallies

(1) Broadcasting licensees are advised that the Code of Conduct for Broadcasting Services and paragraphs 1 and 4 of the Preamble to these written directions (and, in particular, the provisions regarding fair, equitable, balanced, accurate and impartial reporting of political events) apply to any live or recorded broadcasting of political public meetings or rallies.

(2) Broadcasting licensees shall make good any non-compliance with this paragraph, where such non-compliance results from technical breakdown during transmission of a political meeting.

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(3) In accordance with paragraph 2.4 of the Code of Ethics, the broadcast delay for political programmes or politically-related matters during an election period shall be at least thirty (30) seconds. This should give the licensee ample time to bleep, pixilate or otherwise pre-empt offending materials before they are broadcast.

(4) Where the sequence of speeches and times of delivery of such speeches at a public meeting held by a group, alliance or candidate, as the case may be, clash with or overlap with those of another meeting (held by another group, alliance or candidate, as the case may be,) which a broadcasting licensee also proposes to broadcast, the broadcasting licensee shall ensure that the broadcast of speeches is carried out in such manner as would result, as far as possible, in a fair and equitable allocation of time, on the day of the broadcast, to the respective group, alliance or candidate, as the case may be.

(5) Broadcasting licensees shall not broadcast defamatory statements made at public political meetings.

A.7 Right of reply

(1) Broadcasting licensees shall strictly comply with the Special Conditions of their licences relating to Right of Reply.

(2) In addition, in respect of a programme broadcast during the 24 hours starting from midnight immediately preceding polling day, broadcasting licensees shall ensure that groups, alliances or candidates, as the case may be, which are entitled to a right of reply are as far as possible, given the opportunity to reply at a reasonable time before polling day.

A.8 Polling day and counting day

(1) (a) There shall be no paid or free political announcement 48 hours starting from midnight immediately preceding polling day and up to the close of polling.

(b) News coverage on polling day and counting day shall be confined to statements of facts which are not open to controversy.

(c) No person intervening in a Radio/TV programme broadcast on polling day and up to the close of polling shall, directly or indirectly, invite or persuade any voter to cast his vote in favour of any group, alliance or candidate, as the case may be.

(d) No interview –



- (i) in the course of which a voter has been led to reveal the group, alliance or candidate, as the case may be for which, he has voted (or intends to vote); or
- (ii) carried out in such a manner as to attempt to ascertain from a voter the group, alliance or candidate, as the case may be for which, he has voted (or intends to vote), shall be broadcast on polling day.

(2) Broadcasting licensees shall not interfere, within polling stations or counting centres, with the voting and counting process.

(3) Paragraph (2) above shall be without prejudice to the powers of the Returning Officer within a polling station or counting centre.

(4) The whole counting process in any counting centre shall neither be broadcast live nor be recorded to be broadcast at a later time or shall be dealt with otherwise as directed by the Electoral Supervisory Commission.

(5) Broadcasting licensees may inform the public of the number of votes cast in favour of any candidate, at any stage of the counting process, whenever such information is made available to them by, or on behalf of, the Returning Officer in charge of the Counting Centre.

(6) The broadcasting licensee shall clearly indicate whether results being broadcast are official or final or are official only in respect of part of the ballot papers counted.

(7) The official proclamation of results may be broadcast live.

A.9 Over-exposure

(1) Broadcasting licensees shall ensure that excessive coverage is not provided during the election broadcast period to any group, alliance or candidate, as the case may be, so as to give, or appear to give an unfair advantage to that group, alliance or candidate, as the case may be, to the detriment of other group, alliance or candidate, as the case may be.

(2) Paragraph (1) above shall not preclude broadcasting licensees from continuing to inform their audience, during the election broadcast period, about news and events having a genuine informative value or relating to the national interest.

(3) During the election broadcast period, broadcasting licensees shall keep, and may be requested to provide the Authority with, records of the numbers and duration of broadcasts about groups, alliances or candidates, as the case may be, and significant election issues, so that any unwarranted over-coverage or under-



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coverage of any group, alliance or candidate, as the case may be, may be identified and rectified.

(4) For the purpose of these written directions, under-coverage does not arise if it results solely from a group, alliance or candidate, as the case may be, having voluntarily opted not to avail itself or himself of coverage offered by a broadcasting licensee to it.

A.10 Impartiality of presenters and reporters

Broadcasting licensees shall ensure that –

- (a) no presenter or reporter takes advantage, by any means whatsoever in his appearance, gestures, action or words, of his position on-air to further his personal political objectives and/or that of a group, alliance or candidate, as the case may be;
- (b) presenters of phone-in programmes are expected to moderate discussions and not to vehicle their personal opinion(s) on air and must always treat their callers fairly. Additionally, programmes must be protected against capture by organized pressure groups or by ill-motivated individuals;
- (c) during the course of political programmes and politically-related matter, facts must be respected and presenters of such programmes have an obligation to ensure that the opinions expressed, however partial, do not rest on false evidence. Moderators shall ensure that:
 - (i) any such misstatements are rectified without delay; and
 - (ii) the rectification obtains a fair degree of prominence.
- (d) no presenter or reporter who intends, or declares an intention, to stand for election shall be involved in any programming presentation until the close of polling;
- (e) no pre-recorded programme – other than political programme or politically-related matter - featuring any such presenter or reporter referred to in paragraph (d) above, is broadcast during the election broadcast period and until the close of polling.

A.11 Surveys

(1) Broadcasting licensees shall not broadcast, by any means whatsoever, any political or politically-related survey, or comment on any political or politically-



related survey, as from the date of withdrawal of candidatures to the end of polling day.

(2) No broadcasting licensee shall carry out any political or politically-related survey by any means or cause to broadcast the result or outcome of such survey.

A.12 Offence

(1) Non-compliance with these written directions issued under section 5(1) of the IBA Act, is an offence under section 37(1)(g) and 37(2) of the Act.

(2) Any person who commits an offence shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

PART B – MATERIAL TO BE SENT TO AUTHORITY

B.1 Integral recording of broadcast to be sent to the Authority

(1) Broadcasting Licensees shall make integral copies of recordings available upon request by the Authority at most within 24 hours.

(2) Prior to broadcasting any politically-related programme, licensees shall send a programme grid to the Authority at least 48 hours, in advance, informing it of any such programmes and the time, title, theme, duration and interveners.

(3) Broadcasting licensees shall cause to be sent to the Authority an integral recording of every political programme referred to in Part A at latest 4 hours before the broadcast;

(4) The recordings along with their transcripts shall be accompanied by the detailed political programme schedule of the day.

This 27th day of October.....2020.

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Bhooneswar RAJKUMARSINGH
Chairman

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Kaveeraj RAMPHUL
Acting Director

