

Ofcom Broadcast and On Demand Bulletin

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Exclusive

Type of case	Broadcast Standards
Decision	In Breach
Service	PTC Punjabi
Date & time	01 January 2022, 00:56
Category	Due impartiality
Summary	A music video contained statements that were strongly supportive of the Shiromani Akali Dal Party ahead of the Punjab Legislative Assembly elections in India. The programme lacked any alternative viewpoints and was therefore not duly impartial. In Breach of Rule 5.5 of the Broadcasting Code.

Introduction

PTC Punjabi is a news and general entertainment service broadcasting in Punjabi, and originating from India. The channel is available in the UK on a digital satellite platform. The licence for PTC Punjabi is held by G Next Media UK Limited (“GNM UK” or “the Licensee”).

Exclusive is a music video¹ programme. Ofcom received a complaint that a music video included in this programme was biased, especially in light of the fact that Indians who are resident in the UK have the right to vote in India².

This programme was broadcast in Punjabi, therefore Ofcom prepared an English translation of the material and gave the Licensee an opportunity to comment on its accuracy. The Licensee did not raise any issues with the translation and we therefore relied on it for the purpose of our investigation.

¹ [PTC Punjabi website](#) describes *Exclusive* as “a collection of latest Punjabi songs”.

² See [NRI voting rights](#), High Commission of India, London United Kingdom.

Summary

This edition of *Exclusive* included a music video referring to the Indian Shiromani Akali Dal Party and its leader, Sukhbir Singh Badal. The Shiromani Akali Dal Party is one of the major political parties in the Punjab State in India³.

The music video, which was just under four minutes in duration, started with the singer standing on a stage addressing an assembly of people gathered in a village. He said:

“What we said we were going to do, we did it. What we say, we will do. This is not a false promise, or a hollow guarantee, these are the promises of the leader of the Akali Party”.

He then sang the following lyrics whilst scenes of life played by fictional characters mirroring the meaning of the lyrics were shown, as follows:

“Along with bread and lentils, you will get a two thousand rupees cheque” [a man was shown collecting a bag of lentils whilst another one was shown being given bank notes by another man standing behind a desk. The first man was shown apparently clasping his hands in gratitude to God].

“Diesel will be afforded for ten rupees less, for your farming needs” [a man was shown on a tractor driving across a field].

“We will make your electricity bills less expensive. You will receive 800 units for free, spend it all away!” [A man standing in front of a house was shown being given what appeared to be some form of receipt by the same man who was shown giving out banknotes in the first clip above].

Various clips of Sukhbir Badal, the leader of the Shiromani Akali Dal Party, were then shown as he was greeting crowds of people who appeared to be cheering him on and praising him as he was passing in the streets, whilst the chorus of the song was as follows:

(Chorus)

³ [Times of India, Punjab’s Political Parties.](#)

*"This is not a fake promise Khalsa⁴.
Nor have we filled out fake forms.
Praise be to Sukhbir Badal, he does as he says.
Praise be to Mr Badal, he does as he says".*

The video then showed a woman pushing a man in a wheelchair in what appeared to be a hospital. As she was getting money out apparently to pay for treatment, the women behind a desk refused payment and the first woman was shown clasping her hands in what appeared to be in gratitude to God, as the singer sang:

*"We will remedy any illness for free, up to one million rupees
Whether it be a private or public hospital".*

The video then cut to a young woman and older woman sewing clothes as they watched Sukhbir Badal giving a speech on television. As the singer sang the following lines, the young woman's face lit up, and the older woman clasped her hands in gratitude, as the singer sang:

*"Don't stress about your college fees.
We will provide one million rupees without a second thought".*

The video then cut back to the singer and then to Sukhbir Badal's supporters being shown riding motorbikes as Mr Badal was being driven around in a vehicle, waving to them. This was followed by clips of his supporters standing along the road waving their arms and fists in the air, whilst the chorus of the song was played again:

*"This is not a fake promise Khalsa.
Nor have we filled out fake forms.
Praise be to Sukhbir Badal, he does as he says.
Praise be to Mr Badal, he does as he says".*

Following this, a clip of a man arriving on a motorbike was shown as he approached his parents to show them a letter as they clasped their hands apparently in gratitude, whilst the singer sang:

*"We vow to give one million jobs to the youth.
One million Punjabis shall be afforded posts in government
departments".*

The video then cut to a man in a farm filling five large cannisters with milk and an aerial shot of a tractor tilling the land, as the singer sang:

"We will impose an MSP⁵ on milk, fruits and vegetables

⁴ Khalsa is a term used to refer to the Sikh community.

⁵ MSP is a minimum price guarantee that acts as a safety net or insurance for farmers when they sell particular crops.

We will pass agricultural laws in Punjab, we will pass agricultural laws in Punjab”.

The video then included more clips of Sukhbir Badal being driven down streets surrounded by his supporters cheering him on as the chorus was played again:

*“This is not a fake promise Khalsa.
Nor have we filled out fake forms.
Praise be to Sukhbir Badal, he does as he says.
Praise be to Mr Badal, he does as he says”.*

The video then showed Sukhbir Badal giving speeches to various rallies of people who appeared to be cheering him on, some with raised fists in the air, as the singer sang:

*“The world knows Mr Sukhbir is a man of his word.
He stands up for those who have been wronged.
Punjab will see prosperity under the Akali Party.
Go on and grant us victory and see promises fulfilled by the Akali Party”.*

The video then cut back to the singer on stage as he sang the chorus once again:

*“This is not a fake promise Khalsa.
Nor have we filled out fake forms.
Praise be to Sukhbir Badal, he does as he says.
Praise be to Mr Badal, he does as he says”.*

Ofcom requested information from the Licensee about the basis on which the video had been included in the programme. The Licensee informed us that the item had not been transmitted in return for payment or other valuable consideration.

For the reasons set out in this Decision, it is Ofcom’s view that the programme was dealing with matters of political controversy and/or matters relating to current public policy, namely the policies and actions the Shiromani Akali Dal Party, including in relation to: access to education and medical care; the cost of energy; and agriculture.

Ofcom considered that, at the time of the broadcast, it was public knowledge that the Shiromani Akali Dal Party and its leader would be contesting⁶ the Punjab Legislative Assembly⁷ Elections that were due to take place in February 2022. However, Ofcom took into account that the programme was broadcast on 1 January 2022, prior to the announcement of the schedule of the Legislative Assembly elections on 8 January 2022⁸. We therefore considered that the programme was not broadcast during the election

⁶ [Financial Express, 07 Dec 2021](#) and [The Quint, 14 Sept 2021](#).

⁷ The Punjab Legislative Assembly is a unicameral legislature of the state of Punjab in India. The elections are held every five years to establish which political party will govern Punjab.

⁸ [Hindustan Times, 08 Jan 2022](#).

period⁹ for the Punjab Legislative Assembly Elections, and, as such, the rules in Section Six of the Code were not engaged in this case.

We considered, however, that this programme raised potential issues under the following rule in [the Broadcasting Code](#) (“the Code”):

Rule 5.5: “Due impartiality on matters of political and industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service...This may be achieved with a programme or over a series of programmes taken as a whole”.

Ofcom requested comments from the Licensee on how the programme complied with this Code rule.

Response

In its representations, the Licensee explained that the song had been aired by mistake. It stated that this occurred because the person who “handles the logs was on leave due to Christmas and New Year”. They went on to state that they “have taken immediate action and stopped running the song”.

Ofcom issued a Preliminary View that the programme was in breach of Rule 5.5 and gave the Licensee an opportunity to comment. It did not submit representations to Ofcom in response.

Decision

Reflecting our duties under the Communications Act 2003, Section Five of the Code requires that the special impartiality requirements of section 320 of the Act are met.

Section 320 sets out the special impartiality requirements, which include the preservation, in the case of every television service, of due impartiality on matters of political or industrial controversy and matters relating to current public policy. This section requires Ofcom, for the purposes of setting the due impartiality rules in the Code, to take particular account of the need to ensure the preservation of impartiality in relation to matters of major political or industrial controversy.

Rule 5.5 of the Code requires that “due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service...This may be achieved within a programme or over a series of programmes taken as a whole”.

Every time Ofcom applies the Code to broadcast content, Ofcom gives careful consideration to the broadcaster’s and the audience’s Article 10 rights under the European Convention of Human Rights. This encompasses the broadcaster’s right to freedom of expression as well as the audience’s right to receive information and ideas without interference. In order to establish a Decision on whether or not due impartiality was maintained in this programme, Ofcom has taken into account the Article 10 rights and the relevant contextual factors.

⁹ For UK elections, the election rules in Section Six sets out a definition of “election period”. For non-UK elections, Ofcom will take into account all relevant factors when considering whether the rules in Section Six are engaged.

To assist broadcasters in complying with the due impartiality rules in Section Five of the Code, Ofcom has [published Guidance](#). Among other things, Ofcom’s Guidance makes clear that how due impartiality is preserved is an editorial matter for the broadcaster, as long as the Code is complied with¹⁰; and there are a range of editorial techniques for maintaining due impartiality.

Application of Section Five of the Code

Ofcom first considered whether Rule 5.5 applies in this case – that is, whether the programme concerned matters of political or industrial controversy or matters relating to public policy. Whether a matter of political or industrial controversy and matter relating to current public policy is being dealt with in a programme will depend on a range of factors. Just because a ‘political’ or ‘policy’ matter is referred to in a programme does not mean that the special impartiality rules are engaged. By contrast, in principle and depending on the facts, any genre of programming, including as in this case music videos, can engage the due impartiality rules.

The lyrics included in the music video contained statements that clearly promoted the Akali Dal Party’s proposed policies for the State Government of Punjab¹¹, if it were to be elected at the then forthcoming Legislative Assembly. The music video showed how grateful fictional characters would benefit from the welfare and education policies the Akali Dal Party and its leader would put in place if they were elected, including details of the benefits associated with those policies, such as: the cost of energy (*“you will get a two-thousand-rupee cheque”; “We will make your electricity bills less expensive, you will receive 800 units for free, spend it all away!”*); access to medical care (*“We will remedy any illness for free, up to one million rupees, whether it be a private or public hospital”*); access to education (*“don’t stress about your college fees, we will provide one million rupees without a second thought”*); promises of jobs for the younger generation (*“we vow to give one million jobs to the youth, one million Punjabis shall be afforded posts in government departments”*)¹²; and, taxes on agriculture (*“we will impose an MSP¹³ on milk, fruits and vegetables. We will pass agricultural laws in Punjab, we will pass agricultural laws in Punjab”*)¹⁴.

The lyrics also included statements praising Sukhbir Badal, the leader of the Akali Dal Party, for: his honesty; staying true to his promises; and standing for the less fortunate (for example: *“Praise be to Sukhbir Badal, he does as he says”; “The world knows Mr Sukhbir is a man of his word”; “He stands up for those who have been wronged”; “Punjab will see prosperity under the Akali Party”*). Further, towards the end of the video, there was a call to action from the singer to the public to vote for the Akali Party, if they wanted to see all the promises set out in the video fulfilled (*“Go on and grant us victory and see promises fulfilled by the Akali Party”*).

¹⁰ [Ofcom’s Section Five Guidance](#), paragraph 1.6.

¹¹ [Shiromani Akali Dal Election Manifesto](#).

¹² [Ibid](#), Page 14.

¹³ See footnote 5.

¹⁴ Shiromani Akali Dal Election [Manifesto 2022](#), Page 12.

We considered that the music video constituted a highly one-sided endorsement of the policy platform of a particular Indian political party, albeit in lyrical form, ahead of a set of provincial elections taking place in the Indian state of Punjab. As such, in our view, the programme was clearly dealing with matters of political controversy, or matters relating to current public policy, namely the policies of the Akali Dal Party. Section Five was therefore engaged.

The preservation of due impartiality

Ofcom went on to assess whether due impartiality was preserved in the programme. In judging whether due impartiality has been preserved in any particular case, the Code makes clear that “due” means adequate or appropriate to the subject and nature of the programme. “Due impartiality” does not therefore mean an equal division of time must be given to every view, or that every argument must be represented. Due impartiality can be preserved in a number of ways and it is an editorial decision for the broadcaster as to how it ensures this.

The Code also makes clear that the approach to due impartiality may vary, according to the nature of the subject, the type of programme and channel and the likely expectation of the audience. In addition, context, as defined in Section Two (Harm and Offence) of the Code is important in considering whether due impartiality has been preserved.

Ofcom was of the view that the music video was a self-standing one-sided expression of support for the Shiromani Akali Dal Party, its leader and its policies in relation to the State of Punjab. Ofcom was also mindful that the Punjab Legislative Assembly Elections were to be held on 20 February 2022, approximately seven weeks after the broadcast. We considered that, at the time of the broadcast: the Shiromani Akali Dal Party was one of the major political parties that had indicated it would be contesting those elections¹⁵; and the policy programme of the party for the elections had been widely published in the media¹⁶. We considered it likely that a number of viewers who watched this music video strongly advocating for the Shiromani Akali Dal Party would have been Indian citizens with the right to vote in the Punjab Legislative Assembly Elections. Although, for the reasons explained above, we did not consider the election rules in Section Six applied in this case, it was still incumbent on the Licensee to preserve due impartiality in this case.

We took into account that the programme did not contain any alternative views which could be reasonably described as criticising or opposing the policy platform of the Shiromani Akali Dal Party that was referred to in this music video. Rather, it was clear from the content that the music video was used by the Shiromani Akali Dal Party as a political platform to promote its policy programme in advance of the elections on 20 February 2022. Further, GNM UK provided us with no evidence of alternative views being reflected in a series of programmes taken as a whole i.e. more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience.

In its representations, the Licensee claimed that the broadcast was the result of a technical error and that it had occurred because the person who “handles the logs” was on leave. It said that the music

¹⁵ [First Post, 24 Oct 2021.](#)

¹⁶ [NDTV, 04 Aug 2021.](#)

video was no longer being broadcast on PTC Punjabi. However, for the above reasons, it is Ofcom's Decision that GNM UK failed to preserve due impartiality on matters of political controversy or current public policy, and this programme was therefore in breach of Rule 5.5 of the Code.

Decision: Breach of Rule 5.5