UNIT 4: TV REGULATIONS

UNIT STRUCTURE

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4.1 LEARNING OBJECTIVES

After going through this unit you will be able to:

- name the various commissions and acts related to TV broadcasting
- explain the history and background of each of them
- describe the role and significance of each of them

4.2 INTRODUCTION

In the previous three units you have been introduced to the audio-visual medium, its characteristics, impact and reach. You have also learnt about the growth and development of the very popular audio-visual medium, television over the ages and how it today occupies a position of great significance in our society today.

However, the tremendous growth that the medium has achieved has brought along with it the necessity to exercise some control over it, so that it can fulfill a restrained and responsible role in the society and in the truest sense of the term play the role of the media of the masses. Consequently, various commissions and acts have been put in place by the law enforcing agencies of the country.

In this unit you will learn about these different commissions and acts related to TV broadcasting in our country.

4.3 CHANDA COMMITTEE, VERGHESE WORKING GROUP, JOSHI WORKING GROUP

Since independence electronic media in India has been controlled by the government and, therefore, time and again the ownership and control of electronic media has been a matter of controversy. Voices were raised to free electronic media from government control and as a result several bodies have looked into this from time to time. During the 1989 General Elections it became a major issue and almost all political parties pledged to secure autonomy for All India Radio and Doodarshan.

At the time of its inception both in Britain and in India electronic media was in the hands of private ownership but subsequently it was taken over by the government.

The demand for autonomy of broadcasting was first raised during a discussion in the Constituent Assembly. It was on March 15, 1948, that Prime Minister Jawaharlal Nehru also said that he was in favour of a broadcasting set up somewhat resembling the British model of BBC. In the same speech he made it clear that “this was not an immediate issue.” To keep up her election manifesto during her tenure as the Minister of Information, Mrs. Indira Gandhi appointed a committee on Broadcasting and Information Media under the chairmanship of A.K. Chanda who was a former Auditor General. Other members of this committee were Nath Pai, M.S. Gurupadaswamy, Dr. L.M. Singhvi, Smt Kamala Chaudhuri, Vidhya Charan Shukla, Hasan Zaheer, Ashok Mitra, M. Chalapathi Rau and Dr. Hazari Prasad Dwivedi. Mehra Masani who was a senior Director of AIR’s programme staff was appointed secretary of this committee.

The Chanda committee opined, “It is not possible in the Indian context for a creative medium like broadcasting to flourish under a regiment of departmental rules and regulations. It is only by an institutional change that AIR can be liberated from the present rigid financial and administrative procedures of Government.” The committee recommended that separate

public corporation should be set up for Akashvani and Doordarshan to evolve new methods of recruitment, financial management, and conditions of service suitable for special requirements of creative media. The committee clearly pointed out that though, "theoretically it (AIR) has the freedom of a national newspaper to present objectively topics of current interest but in practice it has failed to do so mainly for two reasons. First, successive ministers have usurped the policy making functions of the Director General and started interfering even in matters of programme planning, and, second, the selection of the directing staff was so made as to ensure unquestioning compliance. As a result the public image of AIR has become tarnished, its objectivity destroyed, and its initiative gradually whittled away."

These recommendations were considered by the cabinet headed by Prime Minister Indira Gandhi in December 1969. After considering the recommendations of the Committee by the cabinet in April 1970, the Parliament came up with the decision that it was not an appropriate time for giving autonomy to the AIR. This decision was criticized by the opposition who wanted the separation of AIR and Doordarshan. They were under the impression that the ruling government wanted to utilize the powerful media for gaining mere political interest.

Verghese Working Group

In the elections of March 1977, the Janata party came to power and declared that it would make AIR and Doordarshan "genuinely autonomous". To keep up its promise, the Janata Government constituted a Working Group on August 17, 1977 to devise the autonomy of Akashvani and Doordarshan. This working group was formed under the chairmanship of B. C. Verghese and came to be known as the Verghese Working Group. The other members of the Group were V.S. Rajyadhyaksha, Dr. Malcolm S. Adiseshiah, Chanchal Sarkar, P.L. Deshpande, Uma Shankar Joshi, A.G. Noorani, J.D.Sethi, P.L. Fernandes, C.R. Subramanium and Dr. Ishwar Dass (Member Secretary). Another member of this group, Mrs. Nayantara Sehgal was appointed on November 77, 1977. The working group submitted its report to the Government on February 24, 1978.

In its recommendations it put forward the policy of forming a National Broadcast Trust known as "Akash Bharati" which would be an autonomous

body to look after both Akashvani and Doordarshan. The Trust should have a Board of Trustees consisting of 12 persons (but not to exceed 21 should there be need for inducting additional members); of these three were to be full-time trustees and should look after (i) current affairs (ii) extension and (iii) culture. The trustees should be appointed by the President on the recommendation of the Prime Minister. These appointments should be made from among a list of names submitted by a nominating panel consisting of the Chief Justice of India, the Chairman of the Union Public Service Commission, and the Lok Pal (Ombudsman). The above nominating panel would recommend two or at the most three names out of which one would be forwarded by the Prime Minister to the President the appointment of the Chairman. The Controller General of Broadcasting, the Chief Executive of the Trust was to be appointed by the Board of Trustees. The other Directors on the Central Executive Board would look after Radio (Akashvani), T.V. (Doordarshan), News and Current Affairs, Engineering, Finance, Personnel and Audience Research. The Service was to be decentralized into a four-tier structure-national, zonal, regional and the stations to facilitate quick decision-making and to deal with regional and local sensitivities.

Among the other recommendations of the working group the most important were: the auditing of accounts by a duly qualified company of auditors; setting up of a Licensing Board for permitting others mainly educational, franchised stations to function under specified terms; and a Complaints Board consisting of a chairman and two other members appointed by the Chief Justice of India. The annual report of the Trust along with the reports of the auditors, the Licensing Board and the Complaints Board was to be laid on the tables of both the Houses of Parliament.

This report of the working group was discussed in Rajya Sabha on May 18, 1978 and the Lok Sabha on November 30 and December 1, 1978 during which the Government promised to bring a bill during the then next budget session of the Parliament. The bill would be on the future set up of the broadcasting body in India.

Joshi Working Group

The Verghese Working Group soon failed to give autonomy to Dordarshan and, therefore, on December 6, 1982 the Government appointed a Working

Group on software for Doordarshan under the Chairmanship of Dr. P. C. Joshi who was formerly the Director of the Institute of Economic Growth. This group was known as the Joshi Working Group. The group also had Manzural Amin who was the Additional Director General of Doordarshan as its Member Secretary. The other members of the group were Sai Paranjpe, Alyque Padasmsee, GNS Raghavan, Kami Chhabra, Binod C. Agrawal, Rina Gill, Yogendra Singh; Mohan Upreti, Bhupen Hazarika, K.S. Gill and R.B.L. Srivastava. This working group submitted its report to the Government on April 2, 1984, which was placed on the table of the Lok Sabha on August 12, 1985.

In the opinion of the Joshi working Group "the issue of reforms in structure and in management style is much more complex and subtle than is captured by the fashionable cliché government control vs. autonomy." A structure may be fully autonomous from government control and yet still be formidable limitation on the discharge of creativity. This is confirmed by numerous examples of highly bureaucratized and hierarchically organised autonomous structures which seriously ruin creativity and get away from social accountability. On the other hand, an institution may continue to be within the government framework but may be so well thought-out that it can provide powerful support to creativity and innovation. Atomic Energy Commission and Space Research Centre are good examples.

The Joshi working group suggested that the Ministry of Information and Broadcasting should be reorganized. It suggested that it should follow the system of recruiting personnel from the broadcasting profession rather than bureaucrats selected through the IAS. The Minister should receive the benefit of advice not only from the proposed Information Board but also from a national Doordarshan Council. The minister would be the chairman of the council while the Director General would act as the Convener. The Chief Engineer of Doordarshan would also be a member of the Council. At least six to eight other members of the council would be non-officials drawn from various fields such as education, science and technology, agriculture and rural development, communication research, advertising and sports. The term of the council would be of three years and it would meet once a quarter.

The council would discharge three kinds of functions: to review the performance of Doordarshan, to guard its professional and functional autonomy, and to function as Ombudsman in matters concerning news and current affairs. The Director General should be a person with proven record of excellence in social communication as well as leadership qualities necessary for attracting and utilising creative talent. His service should be purely on contractual basis but his status should not be less than that of the Secretary to the Government of India.

Among all its other suggestions the Group also asked each Doordarshan Kendra to have a Programme Advisory Council comprising members with expertise in different subjects. It also suggested other structural changes in Doordarshan which include "cutting of the umbilical cord that keeps it tied to All India Radio despite the formal separation of television from sound broadcasting in 1976." The Group felt that that there was no justification for the continuing movement back and forth of programme of engineering staff between AIR and Doordarshan. It suggested that these staff should be provided with legitimate prospects of career advancement within Doordarshan.



CHECK YOUR PROGRESS

Q.1. Who appointed the Chanda Committee?

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Q.2. When did the Verghese Working group submit its report?

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Q.3. What did the Chanda Committee recommend?

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Q.4. What was the main recommendation of the Verghese working group?

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Q.5. Dr.Bhupen Hazarika was a member of which working group?

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Q.6. Which working group suggested a Programme Advisory Council for Doordarshan?

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4.4 PRASAR BHARATI ACT, BROADCASTING BILL

The Prasar Bharati Act (1990)

The Prasar Bharati Act (1990) is the result of the Prasar Bharati Bill (1989) which was based largely on the Verghese Report (1978) and the Prasar Bharati Bill (1979) that was introduced by the Janata regime in Parliament in May 1979. The main objective of the Prasar Bharati Bill (1989) was the creation of a Broadcasting Corporation through an Act of Parliament. The Verghese Report clearly wanted the creation of a National Broadcast Trust and wanted broadcasting autonomy to be a part of the Indian Constitution. This would be necessary to ensure that no future government would tamper with the freedom and independence of the Corporation. Yet the Prasar Bharati Bill (1989) did not go as far as the Verghese Report which wanted the Ministry of Information and Broadcasting to shed its responsibility for broadcasting altogether. The Bill managed to sneak in a representative of the Ministry as a part-time Governor. This was not the 'full autonomy' the Verghese Committee had in mind. The Prasar Bharati Bill (1989) was patterned closely on that of the British Broadcasting Corporation (BBC).

The Prasar Bharati Bill (1989) finally became an Act in 1990. The Prasar Bharati Act, 1990 was passed to provide for the establishment of Broadcasting Corporation for India, to be known as Prasar Bharati. It says that it shall be the primary duty of the Corporation to organize and conduct public broadcasting services to inform, educate and entertain the public and to ensure a balanced development of broadcasting on radio and television.

Prasar Bharati was established on November 23, 1997 following a demand that the government owned broadcasters in India should be given autonomy like those in many other countries. The Parliament of India passed an Act to grant this autonomy in 1990, but it was not enacted until September 15, 1997.

In India, the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 provides that -

1. Subject to the provisions of this Act, it shall be the primary duty of the Corporation to organise and conduct public broadcasting services to inform, educate and entertain the public and to ensure a balanced development of broadcasting on radio and television.
2. The Corporation shall, in the discharge of its functions, be guided by the following objectives, namely:-
   - upholding the unity and integrity of the country and the values enshrined in the Constitution;
   - safeguarding the citizen's right to be informed freely, truthfully and objectively..., and presenting a fair and balanced flow of information including contrasting views....;
   - paying special attention to the fields of education and spread of literacy...;
   - providing adequate coverage to the diverse cultures and languages of the various regions...;
   - ... to encourage healthy competition and the spirit of sportsmanship; .....
   - ... keeping in view the special needs of the minorities and tribal communities;
   - ...to protect the interests of children, the blind, the aged, the handicapped and other vulnerable sections of the people;
   - promoting national integration...;"

The Broadcasting Bill (1997)

The Broadcasting bill was adopted to provide independent authority for the broadcasting services in India. This authority should be known as the broadcasting authority of India which should facilitate and regulate the broadcasting services in India. The authority will have a continuous

succession and a common seal with powers to enter into a contract and can sue and can be sued in its name. The authority will operate under a chairperson. This Chairperson will be appointed by President of India on recommendation from the Chairman of the states who will be the Chairman of the Committee, the I & B minister and the Press council of India. It will also consist of maximum eleven part-time members to be appointed by the central government. The authority will also have the secretary to the government in-charge of DOT as the secretary general. The term of office of the chairman will be of five years and he will act as a whole time member. The requisite qualification for being appointed as the chairman is that he should be a person of eminence with more than fifteen years of experience in administration, law, broadcasting, programming, engineering, journalism etc .The part time members shall hold office for three years and also will be eligible for reappointment for the second term. The authority will hold minimum eight meetings every year.

The functions of authority will be:

1. To carry out the planning of frequencies or band of frequencies assigned to it by the wireless adviser to the government for the purpose of services
2. To grant licenses for broadcasting services.
3. To ensure that wide range of broadcasting services are available throughout India.
4. To offer a wide range and qualitative programmes to appeal to variety of tastes and interests.
5. To determine the programme code and standard.
6. To take necessary action for violation of code, violation of condition of license.
7. To set technical and other quality standards to ensure a reasonable quality of reception.

The authority can appoint a committee of experts to advice on:

1. Practices to be followed in connection with unjust and unfair treatment to any person in programmes, unwarranted infringement of privacy included in programmes.

2. Practices to be followed in connection to portrayal of violence, sexual conduct in the programmes i.e., to set standards of decency for programmes with regards to the attitude for the public at large.

CHECK YOUR PROGRESS

Q.7. Fill in the blanks :-

a. The Prasar Bharati Bill of 1989 was based on.....
.....and .....

b. The Prasar Bharati Bill of 1989 became an act in .....

c. The Prasar Bharati Bill (1989) was patterned closely on that of the.....

d. The formation of an independent Broadcasting Corporation of India was provided by.....

Q.8. What was the main objective of the Prasar Bharati Bill of 1989?

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Q.9. When was Prasar Bharati established as a corporation?

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Q.10. What are the functions of the broadcasting authority as provided by the Broadcasting Bill of 1997?

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4.5 LET US SUM UP

- The ownership and control of electronic media has been a matter of controversy since independence. Several bodies have looked into this from time to time. For example: the Chanda Committee, Verghese Committee, Joshi Working Group etc.
- The Chanda Committee was appointed by Mrs. Indira Gandhi with A.K. Chanda, a former Auditor General, as chairman.

- After the March 1977 elections, the new Janata government declared that it would make AIR and Doordarshan "genuinely autonomous", and constituted a Working Group on Autonomy of Akashvani and Doordarshan on August 17, 1977 with B.C. Verghese as Chairman.
- On December 6, 1982 the Government appointed a Working Group on software for Doordarshan with Dr. PC. Joshi, Director of the Institute of Economic. This was the Joshi Working Group.
- The Prasar Bharati Act (1990) is the result of the Prasar Bharati Bill (1989) which was based largely on the Verghese Report (1978) and the Prasar Bharati Bill (1979). The main objective of the Prasar Bharati Bill (1989) was the creation of a Broadcasting Corporation through an Act of Parliament.

4.6 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q No.1 : Mrs. Indira Gandhi

Ans. to Q No.2 : February 24, 1978

Ans. to Q No.3 : The Chanda committee recommended that separate public corporation should be set up for Akashvani and Doordarshan to evolve new methods of recruitment, financial management, and conditions of service suitable for special requirements of creative media.

Ans. to Q No.4 : The main recommendation of the Verghese working group was to set up "Akash Bharati" a National Broadcast Trust as an autonomous body to look after both Akashvani and Doordarshan. It should have a Board of Trustees consisting of 12 persons (but not to exceed 21 should there be need for inducting additional members); of these three were to be full-time trustees and should look after (i) current affairs (ii) extension and (iii) culture. The trustees should be appointed by the President on the recommendation of the Prime Minister from out of a list of names submitted by a nominating panel consisting of the Chief Justice of India, the Chairman of the Union Public Service Commission, and the Lok Pal (Ombudsman). For

the office of Chairman, the above nominating panel would recommend two or at the most three names out of which one would be forwarded by the Prime Minister to the President. The Controller General of Broadcasting, the Chief Executive of the Trust was to be appointed by the Board of Trustees. The other Directors on the Central Executive Board would look after Radio (Akashvani, T.V. (Doordarshan), News and Current Affairs, Engineering, Finance, Personnel and Audience Research. The Service was to be a four-tier structure-national, zonal, regional and the stations. This decentralization was to facilitate quick decision-making and to deal with regional and local sensitivities.

Ans. to Q No.5 : Joshi Working Group

Ans. to Q No.6 : Joshi Working Group

Ans. to Q No.7 :

a. Verghese Report of 1978 and Prasar Bharati Bill of 1979

b. 1990

c. British Broadcasting Corporation

d. Prasar Bharati Act of 1990

Ans. to Q No.8 : The main objective of the Prasar Bharati Bill (1989) was the creation of a Broadcasting Corporation through an Act of Parliament.

Ans. to Q No.9 : November 23, 1997

Ans. to Q No.10 : The functions of the broadcasting authority as provided by the Broadcasting Bill of 1997 are:

a. To carry out frequency planning of such frequencies or band of frequencies assigned to it by the wireless adviser to the government for the purpose of services

b. To grant licenses for broadcasting services.

c. To ensure that wide range of broadcasting services are available throughout India.

d. To ensure services of high quality and offer a wide range of programmes to appeal to variety of tastes and interests.

e. To determine the programme code and standard.

f. To take necessary action for violation of code, violation of condition of license.

g. To set technical and other quality standards to ensure a reasonable quality of reception.



4.7 FURTHER READING

1. Ghosh, Subir (1991) Mass Media India : In the Indian contex . Profile Publishers
2. Kumar, Keval J (2012) Mass Communication in India. Mumbai : Jaico Publishing House



4.8 POSSIBLE QUESTIONS

Q.1. Write short notes on the following:

a. Chanda Committee

b. Verghese Working Group

c. Joshi Working Group

d. Prasar Bharati Act of 1990

e. Broadcasting Bill of 1997.

Q.2. What is the importance of the various regulations on Broadcasting?

Q.3. What are the provisions of the Prasar Bharati Act of 1990?

Q.4. What are the recommendations of the Joshi Working group?