

The Nitesh Sengupta Committee Report on Prasar Bharati

(from the Ministry of Information & Broadcasting, August, 1996)

The Nitesh Sengupta Committee was set up to review the provisions of Prasar Bharati (Broadcasting Corporation of India) Act, 1990 and to make recommendations regarding the restructuring of Prasar Bharati.

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Chapter - 1

Introduction

1.1 This group was set up by the Ministry of Information and Broadcasting vide a notification dated 28th December, 1995 under the Chairmanship of Dr.N.K.Sengupta to review the provisions of Prasar Bharati (Broadcasting Corporation of India) Act, 1990 and to make recommendations regarding the restructuring of Prasar Bharati. Besides Dr. Sengupta, the other Members are Brig. M.R.Narayanan and Shri Ved Leekha.

1.2 Dramatic Changes have taken place at a dizzy pace on the media front since the passing of the Prasar Bharati Act in 1990. The advent of satellite channels and their rapid proliferation have substantially transformed the environment that Prevailed till 1990 when Prasar Bharati, the autonomous broadcasting corporation was envisaged in the 1990 Act passed by the Parliament and awaiting implementation. A complete rethinking of the role, organisation and functions of Prasar Bharati became necessary in a multi-channel scenario, mostly driven by market forces, Prasar Bharati needs the requisite degree of flexibility and financial powers to hold its own. There has been a constant debate concerning the quality and purpose of Indian Broadcasting quite for some time now. Some basic questions will have to be addressed to be able to evolve a vibrant and versatile model of a national broadcasting system, including a reinvigorated Prasar Bharati, in a vastly changed and fast-changing scenario. It was in this context and in order to undertake a comprehensive review that the Government of India has constituted an expert group. Annexure-I to this report contains a copy of the notification. Shri T.R. Malakar, Deputy Director General, All India Radio has been nominated as the Coordinator to assist the Group in its deliberations and in finalising the report.

1.3 The Group had several meetings and also interacted with media experts, representatives of various associations of the employees of Doordarshan and All India Radio, senior executives of

AIR and Doordarshan stationed in Delhi, Bombay, Calcutta and Madras and eminent people representing different walks of life such as management, education, literature, culture, arts, music, dramatics and journalism. The Group also visited the headquarters of Coal India, Calcutta, Indian Airlines, Delhi and Air India and General Insurance Company, Bombay to interact with the senior management in these organisations to study their respective management structures. The Group also received representations from different quarters. A list of all those who had appeared before the Group or sent representations, is given in Annexure-II.

1.4 The Group had to complete its deliberations within a short time, barely 3 to 4 months, which too were interrupted by political developments and General Elections of 1996. Also, the Chairman had to be away from Delhi under unavoidable circumstances for a period of over seven weeks, in two spells. However, it is a matter of gratification that the changes in the Government did not in any way hamper the working of the Group.

1.5 The Chairman took advantage of his visit to London in June, 1996 in some other connection to call on Right Honorable Virginia Bottomley M.P., Secretary of State for National Heritage who is the Administrative Minister for BBC and spent some time with her and other officials of the Ministry and the BBC to ascertain how in the United Kingdom they are ensuring the autonomous functioning of the BBC and also facing the problems caused by the explosion of satellite channels. He is thankful to the Secretary of State and the other British officials who found time to meet him. This discussion and the material obtained from them have been of great help in the deliberations of the Group.

1.6 The Group notes that there has been a sea change in the present media scenario in the world and in India since the Prasar Bharati Act was enacted in September, 1990. In a short span of five years, there was a significant paradigm shift from State monopoly of electronic media to virtual *laissez faire*. The privatisation of AIR's FM Service by way of leasing out of slots to private operators and the plethora of satellite channels have ended the monopoly of the State-owned electronic media. This is however more true of television than of radio. More significantly, in the light of the recent judgement of the Supreme Court, Government is required to set up an independent authority to regulate the airwaves. And, Prasar Bharati will eventually be only one of the players in the broadcasting arena. The Supreme Court of India, in its judgement delivered by Justice P.B. Sawant and Justice S. Mohan, on 9th February, 1995 in Secretary, I&B & Ors..... Petitioners vs. Cricket Association of Bengal & Ors..... Respondents, held that:

"(i) The airwaves or frequencies are a public property. Their use has to be controlled and regulated by a public authority in the interests of the public and to prevent the invasion of their rights. Since the electronic media involves the use of the airwaves, this factor creates an in-built restriction on its use as in the case of any other public property.

(ii) The right to impart and receive information is a species of the right of freedom of speech and expression guaranteed by Article 19(1)(a) of the Constitution. A citizen has a fundamental right to use the best means of imparting and receiving information and as such to have an access to telecasting for the purpose. However, this right to have an access to telecasting has limitations on account of the use of the public property, viz., the airwaves, involved in the exercise of the right and can be controlled and regulated by the public authority. This limitation imposed by the nature of the public property involved in the use of the electronic media is in addition to the restrictions imposed on the right to freedom of speech and expression under Article 19(2) of the Constitution.

(iii) The Central Government shall take immediate steps to establish an independent autonomous public authority representative of all sections and interests in the society to control and regulate the use of the airwaves".

1.7 Justice B.P.Jeevan Reddy delivering a separate concurring judgement in the above mentioned case observed: "While I agree broadly with the conclusions arrived at by my learned brother Sawant, J., I propose to record my views and conclusions on the issues arising in these matters in view of their far-reaching importance". Excerpts from the summary of this judgment are given in Annexure-III.

1.8 While the Parliament and the Government were contemplating creation of autonomous electronic media free from political and other extraneous pressures, the satellite T.V. channels

made their appearance during the same year starting with the STAR T.V. These channels proliferated very rapidly and India was inexorably drawn into their purview. The monopoly that Doordarshan had enjoyed in the country since its inception became the very first casualty. More and more satellite channels started directly bringing their programmes to Indian homes over which no one could have any control. The information and communication revolution that swept across the world during the nineties has for all practical purposes, obliterated national frontiers and our traditional concepts of national sovereignty over the airwaves. Recent experience in other countries also bear it out that whether or not a government permits a foreign satellite channel uplinking facilities in its territory, it is simply impossible to prevent the same channel with uplinking facility in other country from beaming its programmes directly into the homes in its country. Thus, there is no point being ostrich-like by refusing to grant such permission and not facing the real issue which is that it may be a better option to grant permission and having satellite channels under some discipline rather than letting them operate as free uncontrolled agents. On the other hand, despite the proliferation of the satellite channels, and the government controlled electronic media losing their earlier monopoly, paradoxically, the need for autonomy for electronic media re- mains stronger. They have to compete successfully with new challengers who have entered into the arena and at the same time successfully reflect the true non-political facets of our nation and its rich and variegated cultural heritage.

It is, in this context, that the Group proceeded with its deliberations bearing in mind that the present unimplemented Act requires certain relevant modifications if it has to reflect the true spirit of autonomy, accountability and national needs and aspirations. The Group is of the opinion that there is no need to change the whole Act, but would recommend that it is necessary to alter some of the provisions, introduce some newer ones and delete few of the existing provisions in order to make this Act workable.

Acknowledgments:

1.9 The Group acknowledge their gratefulness to all those who had participated in the deliberations of the Group at our invitation and also to those who had sent representations. These interactions were stimulating and rewarding in gaining valuable insights.

1.10 The Chairman and the Members also acknowledge the important professional contribution made by Shri T.R. Malakar, Deputy Directory General, All India Radio who took unremitting pains in assisting the Group.

1.11 The Group is also grateful to the Ministry of Information and Broadcasting and the Officers of All India Radio and Doordarshan for providing necessary facilities. The Group wishes to place on record its appreciation for the help rendered by Shri B.R.Chalapathi Rao, former Director, All India Radio in sifting the material collected by the Group, making our task easier. We were served by a competent secretarial provided by AIR and appreciate their unstinted cooperation.

Unanimous Report:

1.12 We present herewith this unanimous report on the autonomous structure for Indian broadcasting with plurality tempered with social responsibility. In making our recommendations we have tried to balance a number of considerations, at times conflicting ones, and recommended a package that is feasible and practical rather than ideally desirable. Before presenting the views and recommendations of the Group, we feel it is necessary to recount, the genesis, growth, role and objectives of All India Radio and Doordarshan to gain a perspective concerning their limitations and achievements as State-owned broadcasting organisations with a public service mandate.

Chapter - 2

Genesis and Growth of Indian Broadcasting

2.1 The history of broadcasting is inextricably interwoven with the history of a momentous era, an era which saw the climax of India's struggle for independence, the attainment of freedom and the first steps of a young nation on the road to fulfillment and stirrings of economic reconstruction.

2.2 Broadcasting in India started on 31st July, 1924, when the Madras Presidency Radio Club went on the air for the first time. However, their pioneering, effort came to an end in 1927 owing to financial crisis. The move towards a regular broadcasting service was made in the same year by the Indian Broadcasting Company, a commercial undertaking, which chose for its operations the two premier cities of Bombay and Calcutta. In March, 1930 the Indian Broadcasting Company had to go into liquidation. A month later, the then Government of India took over the control of the Company's affairs and the Indian State Broadcasting Service was born; but the worst was not over. After operating the service for about 18 months, the Government decided to close it down having concluded that the service was hardly a viable proposition. At this juncture, public opinion began to assert itself and the Government gave up the contemplated closure. And thus, in May, 1932, Indian Broadcasting received its permanent lease of life. The next four years were marked by some significant developments and, in June, 1936, Indian State Broadcasting was given its present name, All India Radio.

2.3 First phase of AIR's development was barely complete when the Second World War broke out. AIR had to gear itself to the demands of an entirely new situation. As soon as the war ended, AIR's planners turned their attention to future development. But like everything else, it had to wait till India's own future was settled. During the partition of the country and the exodus of vast masses of people, AIR did yeoman service to thousands of uprooted innocents, carrying to the people the comforting voice of the Father of the Nation.

2.4 Most memorable among the many broadcasts was the coverage of the Mid-night Ceremony marking the transfer of power. Shri Jawaharlal Nehru, the first Prime Minister said:

"Long years ago we made tryst with destiny and now time comes when we shall redeem our pledge not wholly or in full measure, but very substantially. At the stroke of the mid-night hour, when the world sleeps, India will awake to Life and Freedom..."

2.5 In 1947, when India attained independence, AIR's network consisted of only 6 Stations, i.e., Delhi, Bombay, Calcutta, Madras, Lucknow and Tiruchi. With integration of princely States, AIR took over 5 stations of Aurangabad, Baroda, Hyderabad, Mysore and Trivandrum. The Five Year Plans gave a new impetus to the growth of broadcasting resulting in a phenomenal expansion. Today, the magnitude of AIR's network is mind-boggling. It comprises 105 Regional Stations, 72 Local Radio Stations and 31 Vividh Bharati Centres besides External Services (In 16 foreign and 8 Indian languages), the National Channel, the North Eastern Service and the FM Stereo Service at the four metros and Panaji.

2.6 The fare offered on the primary channel network of All India Radio includes the following broad categories of programmes:

Music

Devotional

Classical-Indian & Western

Folk/Pop/Light

Film

News and Current Affairs.

Specific Audience Programmes (For Farmers, Women, Children, Youth, Industrial Workers)

Formal and Non-formal Education.

Development-oriented broadcasts in a variety of formats.

Sports Commentaries.

Programmes are broadcast in 20 Indian languages, and 146 dialects, besides English.

2.7 The News Services Division of AIR daily produces 89 bulletins in 19 languages which emanate from Delhi and are relayed by several AIR Stations. There are also 41 Regional News Units which bring out 134 bulletins everyday, in 64 languages/dialects. The Division also produces current affairs programmes.

Hardware

2.8 When India became independent, AIR's network had a total complement of only 18 transmitters, six of them on medium wave (MW) and the remaining on short wave (SW). At present, AIR possesses 148 MW, 51 SW and 94 FM transmitters. Through its medium wave transmitters, AIR reaches 94 per cent of the population. On the completion of 5th Plan (1992-97) projects, AIR will have 171 MW, 55 SW and 128 FM transmitters.

2.9 All India Radio is utilising satellite radio networking (RN) Channels for distribution of programmes to Stations spread over the entire country. All the Stations are capable of receiving the RN signals, through receiver terminals in S- band. In addition, C-band down link is also available at certain important Stations and, HPTs carrying the external services. Programmes thus received are rebroadcast by terrestrial transmitters of AIR. CXS band uplinks are operating from Delhi and almost all the capital Stations for regional uplinking. One additional channel for use by Vividh arati Service is uplinked from AIR's TRACT, the mobile uplink terminal. TRACTs are also being used for the coverage of important events and sports commentaries, two recent examples being the Wills World Cup and Thyagaraja Aradhana Festival from Tiruvaiyaru (Tamil Nadu). Single channel uplinks from major programme production centres were installed. AIR has a captive uplink station at Broadcasting House, New Delhi for CXU uplink. Sixteen major AIR centres have C-band receive facility as well.

2.10 FM has several advantages over the conventional MW transmitters such as uniformity in the extent of coverage both during day and night, interference-free quality of reception. In India, VHF-FM band remained unexploited till the late seventies. FM transmitters were established at four metros, in a phased manner-Madras (1977), Calcutta and Bombay (1980) and Delhi (1984). At present FM stereo service is available at the four metropolitan cities round the clock. AIR Panama also has FM stereo service for nine hours. AIR Jalandhar and AIR Cuttack too have FM service but do not yet have stereophonic broadcasting capability. The growth of AIR network in terms of number of stations and transmitters and medium wave cover- age is given in the Annexure-IV. The important milestone events are given in Annexure-V.

2.11 The External Services Division of All India Radio broadcasts programmes in 24 languages- 16 foreign and 8 Indian languages-for a total duration of 70 hours everyday, round-the- clock. Broadly speaking, the external services are aimed at four broad categories of listeners. These are:

- i) Listeners in the neighbouring countries.
- ii) Listeners of Indian origin served by broadcasts in different Indian languages (in Malaysia, Singapore, Fiji, Sri Lanka, Mauritius, etc.)
- iii) The English-speaking population of the world served by the General Overseas Services (in English)

iv) Other foreign listeners in the target countries served through broadcasts in the respective languages.

2.12 All India Radio is unable to reach countries on the other side of the globe such as the United States of America, Canada, the Latin American Countries and the Caribbean. At present, AIR has no relay base which would enable it to originate transmissions from sites close to the intended targets. However, canned programmes are sent every week to ethnic broadcasting stations through the Indian Missions.

2.13 AIR has broken new ground when on 2nd May, 1996 it introduced on-line information service on the Internet. AIR's daily news update, commentary on current topics and highlights from Indian newspapers are being fed regularly, once a day, in text mode. The system and the 'home page' design have been carried out by the R&D Wing of AIR. This service on Internet has received worldwide acclaim, especially from the non-resident Indians in different parts of the world.

2.14 News bulletins are included in every language service. Besides these, bulletins, commentaries on topical subjects presenting India's point of view on international affairs are put out. Editorial comments appearing in the national and world Press are also broadcast in the form of Press Review.

2.15 The avowed objective, of the external services is to project the image of a modern, vibrant and resurgent India, highlighting the country's secular ideals and progress achieved in different spheres of activity. Recent shifts in India's policy, particularly in the economic sphere, such as liberalisation and a market-friendly approach are being projected. The external service also serves as an emotional link with the people of Indian origin living or settled abroad.

Doordarshan

2.16 Television in India took faltering steps in 1959. This delayed entry was due to the misconception prevalent in the fifties that television is a luxury which only the more advanced and affluent countries in the world can afford. But there was also realisation of the immense potential of television as an instrument of rapid socioeconomic transformation.

2.17 Television made a small beginning as a result of three developments. First, there was an offer from M/s Philips & Co. to sell a part of its equipment which they had exhibited at the Industrial Fair in New Delhi in 1955. Secondly, UNESCO, as part of its programme to assist member States, agreed to help in establishing a pilot television centre for carrying out studies in the use of this medium for social education. Thirdly, the United States' Government agreed to lend certain supplementary equipment. And so, in September 1959 India joined the small Asian community of TV nations.

2.18 In October 1959 an agreement was signed with UNESCO providing a grant of US \$ 20,000 to be utilised towards programme production, training, organisation of teleclubs for community viewing, supply of TV receivers. for the teleclubs and evaluation of project. The project was described in the agreement as:

"An experiment for assessing the value of different types of educational television programmes suitable for group viewing in rural and urban communities in such a way that the results of such an assessment may be useful not only for India but also for other Asian countries in the use of television for community education."

2.19 In 1961, educational television was launched for the Delhi schools for which the Ford Foundation gave a grant of US \$ 4,74,000. At present, regular school TV programmes are produced and telecast from Delhi, Bombay and Madras Kendras. E-TV programmes are also

telecast from a number of States in different languages covering both formal (curriculum based) and non-formal (towards enrichment) education. The software for these programmes is produced by the Central Institute of Education Technology (CIET), Delhi and the State Institutes of Education Technology. To cater to students in villages and small towns the University Grants Commission (UGC) has a 'country-wide class room', putting out programmes on the National Network both in the morning and the afternoon. Syllabus based programmes for the students of Indira Gandhi Open University are also being telecast on the National Network.

2.20 The year 1982 witnessed the introduction of a regular satellite link between Delhi and different transmitters, the introduction of Colour T.V. and the process of the National Programmes and Doordarshan switching to colour transmission. The major impetus for these developments was the Asian Games held in Delhi in 1982.

2.21 After 1982, there was rapid expansion owing to the setting up of Low Power Transmitters (LPT) throughout the country. The number of transmitters grew from 46 to 553 in just one decade.

2.22 In 1984, a second channel was added at Delhi to provide an alternate viewing facility. This facility has been extended to viewers in Bombay, Calcutta and Madras. In 1993, these four terrestrial transmitters were interlinked through a satellite to provide more entertainment for the urban audiences. This service known as DD-2 Metro Entertainment Channel has been extended to many more cities and now nearly 125 million people can receive programmes on this channel terrestrially and the rest through the use of dish antenna.

2.23 To meet the regional aspirations, 10 regional language satellite channels were introduced by Doordarshan. The regional services are available terrestrially in the respective States. What is more, as the footprints of the INSAT satellites cover the whole country, regional language programmes are available throughout the country regardless of one's place of residence.

2.24 Doordarshan launched its International Channel with effect from 14th March, 1995. Doordarshan has entered into an agreement with Panamsat for three transponders for this channel on two Panamsat satellites. The first is on the South Asia Middle East beam on PAS-4 which covers India, South Asia, Middle East and parts of the Europe and on PAS-1 conus beam over North America. In some of these countries there are restrictions on using dish antenna, which curtails the actual coverage. Doordarshan is currently transmitting a three-hour daily service-scheduled to be increased by one hour-known as DD-India. On 7th April, 1995 Doordarshan introduced the Movie Channel bringing to the viewers feature films in Hindi, regional languages and English. A round-the-clock service of news and current affairs commenced on 30th June, 1995 facilitated by an agreement with Turner International entered into by Doordarshan, the former paying an annual fee of US \$1.5 million to Doordarshan for the use of its transponder and both sharing the commercial revenue. As per the agreement, Doordarshan and CNN will have access to each other's footage. Doordarshan has been utilising only the part of the four-hour window on the DD-CNNI channel and CNN has not yet been given time on the terrestrial channel for any of their programmes. The tenure of the agreement is two years.

2.25 Today Doordarshan has emerged as one of the largest broadcasting networks of the world, with over 700 terrestrial transmitters, utilising 17 transponders on the INSAT satellites. A staggering 300 million people in the country watch a variety of Doordarshan programmes in different languages and formats. The growth of Doordarshan is given in Annexure-VI while the major landmarks are indicated in Annexure-VII.

Public Service Obligation

2.26 From the very inception, both AIR & Doordarshan were wedded to public service broadcasting. In the sphere of instructional programmes, both have made signal contribution. Beginning from the Pune experiment involving radio rural forums in the fifties to recent experiments in interactive communication on a variety of themes such as social forestry, conscientious parenthood, non-formal education and agricultural innovation, AIR has a commendable record. Both the organisations played a tangible role in accelerating the process of transfer of technology from lab to land. The Satellite Instructional Television Experiment (SITE) was acclaimed. the world over the and had emerged as a model for others to emulate. Doordarshan has been actively involved in social advertising and has set up for the purpose the Lok Seva Sanchar Parishad, a voluntary body with people from the fields of media and marketing. Some of the quickies, spots and short films produced under the logo of the Parishad such as *Mile Sur*, *Raag Desh* and *Freedom Run* one plaudits. Each of them was an epitome of creative excellence and made an indelible impact on the audiences.

2.27 Whatever be the future structure of AIR & Doordarshan, social responsibility and public service idealism should continue to be their hallmark. A developing country can ill-afford to give up this obligation, the strong dictates of financial self-reliance notwithstanding. With the emergence of transnational broadcasting and the scramble for ratings followed by the lure of quick pickings, the need for public service broadcasting is accentuated.

Commercial Broadcasting

2.28 The Committee on Broadcasting and Information Media, popularly known as Chanda Committee, made specific recommendations in April, 1966, as far as AIR is concerned that "for additional resources for expanding the network and improving the programmes, advertising would be the most fruitful source of revenue. Advertising should be accepted under certain safeguards" As regards television, the Committee observed that "as revenue from licence fee would be insufficient for the recurring cost of the service, the acceptance of advertising would be necessary to supplement licence revenue".

2.29 Realising that it is imperative to generate resources internally to overcome the frustrating sense of dependence on the Treasury for funds needed for the expansion of the network and its modernisation, All India Radio introduced the Commercial Broadcasting Service with effect from 1st November, 1967. Vividh Bharati, which is a light entertainment service with a preponderance of film music, was considered pre-eminently suitable as a carrier of the commercial service. However, to ensure that advertisements are not jarring or obtrusive, AIR introduced a restriction on the quantum of ad. content and a code for commercial broadcasting.

2.30 There are now 30 Vividh Bharati-cum- Commercial Broadcasting Centres in the country. During the 7th Plan (1980-85), no new Vividh Bharati Centre was established as the accent during this period was on setting up local radio stations. During the 8th Plan period (1985-90), 10 Vividh Bharati Centres are being set up. Of these, Varanasi and Cochi have been commissioned.

2.31 Commercials were introduced with effect from 1st April, 1982 on the Primary Channel before the national news bulletin in Hindi and after the national news bulletin in English, both in the morning and the evening. However, at present, commercials go on the air only before the 8.00 A.M. Hindi bulletin and after the 9.00 P.M. English bulletin. With effect from 26th January, 1985, commercials were introduced over 55 Primary Channel Stations. In a phased manner, commercials were extended to most of the Primary Channel Stations. Recently, Local Radio Stations were also thrown open to commercials.

2.32 Commercials were introduced on Doordarshan from 1st January, 1976 from its Delhi Kendra and were extended to other kendras. Increase in Doordarshan advertisement revenue was spectacular as can be seen from the following table:

Doordarshan	
Year	Gross revenue (Rs million)
1976-77	8
1981-82	113
1986-87	933
1991-92	3006
1995-96	4301

Gross revenue earnings of Akashvani (Vividh Bharati and Primary Channel networks and Doordarshan are given in Annexure-VIII

2.33 Both AIR and Doordarshan are caught in a dilemma with the Government insisting on mobilisation of maximum resources internally. It is tempting to stray from the path of public service broadcasting. After the advent of satellite TV channels' an impression had gained ground that Doordarshan is more inclined to offer frothy entertainment relegating development-oriented programmes to the background. The task of evolving a judicious blend of these seemingly conflicting requirements is indeed a tough one.

Credibility

2.34 AIR and Doordarshan, despite their excellent track record in the realm of public service broadcasting, find themselves vulnerable to criticism when it comes to news and news based programmes, including current affairs. The question naturally arises: to what extent is the criticism warranted?

2.35 There is a duality in the character and functioning of the so-called official media. On the one hand, their position as an organ of the Government places on it the responsibility to project the policies and objectives of the Government. As an extended arm of publicity for the Government, it presents and emphasises viewpoints which the Government is anxious to place before the people. In a climate of conformity, controversial issues get elbowed out or glossed over. In the tussle between providing a service which will be lively and provocative and the constant desire to play safe, one tends to take shelter behind the maxim 'prudence is better part of valour'.

2.36 In the listeners' mind, AIR and Doordarshan are inevitably identified with the Government. Disenchantment with any aspect of Government's policy or activity has a bearing on one's reaction to the programmes. There is a predisposition among the people to presume that whatever comes from an official source should be treated merely as one side of the picture. Even in the innocuous area of development communication, when the recommended inputs are not available at the field level, it is the credibility of the official media which is unfortunately eroded. It is not uncommon for the Press to adopt a any-stick-is-good-enough-to-beat-a-dog-with attitude towards these media.

2.37 Credibility of AIR and Doordarshan touched the rock bottom during the Emergency period;

admittedly, it was an aberration. But it took quite some time to restore public faith. In a survey conducted by the In-house audience Research Wing after the Emergency in 1977, the following elements of credibility were perceived by the audience:

- a) Medium should be impartial;
- b) It should be truthful;
- c) It should have a balanced approach;
- d) It should have objectivity in the coverage of events;
- e) It should give an equal opportunity to all the viewpoints including criticism of the Government.

Once bitten twice shy as they say. It is the blatant misuse of mass media during the Emergency that lent an urgency to the demand for granting of autonomy to AIR and Doordarshan.

2.38 The Working Group on Software for Doordarshan constituted in December, 1982 under the Chairmanship of Dr. P.C.Joshi made the following observations:

"It is regrettable that Doordarshan and AIR should be so identified as organs of official policy and news rather than as non-partisan, professional purveyors of all significant news of general interest which a citizen in a democracy needs in order to arrive at informed judgements..... The choice of themes for the current affairs programmes is governed by the same timidity and self-censorship which make the news bulletins. The scope of the subjects is narrowly limited to those which are currently of interest to Government and, with rare exceptions, also non-controversial".

Copious excerpts from the recommendations of this Working Group are given in the Annexure-IX.

Vergheze Committee and After

2.39 The Working group on Autonomy for Akashvani and Doordarshan, popularly known as the Vergheze Committee, was constituted in the wake of the stranglehold of the Government on the media during the Emergency. Public opinion asserted itself in favour of creation of an independent professional body, protected from the day-to-day incursions of politics and free from the rigid regimen of rules and regulations of the Government. The recommendations of the Group concerning the setting up such an autonomous body, is reproduced hereunder:

"An autonomous broadcasting organisation nationally owned and responsible to Parliament and yet under the Centre legislatively and for purposes of international relations through external broadcast and frequency allocations, and P & T and Space support, appears logical and desirable" "We are of the opinion that all the national broadcasting services should be vested exclusively in an independent, impartial and autonomous organisation established by Parliament to act as a trustee for the national interest".

2.40 The Vergheze Committee reported that there were 20 million radio receivers and 600,000 television sets and projected that there might be 12 - 18 million TV sets by the turn of the century. This was in 1978. The picture today is totally different. There are now an estimated number of 110 million radio and 52 million TV households. Of the latter, 9 million TV homes have access to satellite television, according to 1995 estimates.

2.41 A major premise of the Group was the monopolistic situation obtaining in the country when they were studying the issue of setting up of an autonomous broadcasting corporation. The Group observed:

"Since we do not conceive of a totally competitive broadcasting system and since we are thinking in terms of a largely monopolistic system, some restraint on autonomy is inevitable."

2.42 The media-morphosis that had occurred in the country after 1978 was indeed remarkable. No wonder the Prasar Bharati Act made a considerable departure from the 'Akash Bharati' as conceived by the Vergheze Committee. An extract from the recommendations of this Committee is given in Annexure-X.

Chapter - 3

A Review of Provisions of the Prasar Bharati Act, 1990

3.1 In the light of the impressions and insights gathered in course of the hearings and on a study of the representations made, the Group is of the opinion that Prasar Bharati should be a Statutory Corporation as envisaged in the Act. The Preamble to this Act may be amplified as follows:

"An Act is to be provided for the establishment of a Broadcasting Corporation of India, to be known as Prasar Bharati for providing public service broadcasting and fulfil the basic information, education and entertainment needs of the people and to define its composition, functions and powers and to provide for matters connected therewith or incidental thereto."

3.2 It is necessary to split Doordarshan and AIR into two completely separate wings under the corporate umbrella of the Prasar Bharati. True that historically, Doordarshan has emerged out of AIR, but, of late, it appears to have grabbed much of the limelight and media attention. Although the service cadres, by and large, continued to be the same but, in actual practice, officers who are once posted in Doordarshan have a tendency to resist return to AIR. This creates a lot of internecine bickering in the service cadres of the AIR and Doordarshan organisation which affects the morale of the employees and is not conducive to the degree of efficiency and motivation which would be desirable in the functioning of the two organisations. Doordarshan has been generating sizeable advertising and other revenue resources in recent years whereas AIR, by and large, lagged far behind until very recently with the advent of the FM. There are some signs of a new spirit in AIR in regard to the raising of advertising and licensing revenue. On the whole, officers working in AIR have a 'poor cousin' psychosis which, in our opinion, will not disappear unless the two organisations are physically delinked and turned into two independent operating wings charting their own separate course in the matter of purveying of news and providing entertainment and wholesome cultural programmes. Although, they will have to work in close coordination in some respects, they may have to compete with each other in many other respects, and we are of the opinion that this will boost up the morale of both and provide motivation and stimulation to employees of both AIR and Doordarshan. We, therefore, strongly suggest that while the Prasar Bharati can start operating immediately, under it there should be two separate wings for AIR and Doordarshan respectively. Organisational steps should be immediately taken to split the personnel and assets including infrastructure. Each should be headed by a Managing Director. The two Managing Directors should be Members of the Prasar Bharati Board with the designations Member (Radio) and Managing Director-Akashvani, and Member (Television) and Managing Director-Doordarshan, respectively.

3.3 In our opinion, the resurgence of radio in recent years in the Western countries creating its own niche market and providing a lot of gratification to the audience, often in competition with the TV holds some lessons for India. Even in India, one can see how the advent of FM has brought about a transformation in the scenario. We, therefore, strongly feel that after separation from Doordarshan, All India Radio as a separate enterprise will show a new innovativeness, and creativity identifying new markets and new listener groups and bring forth a lot of new initiatives.

3.4 The skills required for successful television programmes and radio programmes, in our opinion are different. So also as of now are the technologies involved in TV and Radio respectively despite the fact that during the years ahead the advent of digital technology may, to some extent, bring them closer. It should, therefore, be possible to demarcate the hardware and the assets and bifurcate the personnel including the engineering, programme and news

personnel into two distinct compartments, one for All India Radio and another for Doordarshan. We, therefore, recommend that the two should operate as independent wings under the umbrella of Prasar Bharati with close coordination in areas clearly defined and delineated by the Corporation.

3.5 The Group carefully considered the issue whether the Prasar Bharati should be a regular company like NFDC or a statutory corporation. While on commercial considerations a company would, no doubt, be more desirable than a statutory corporation, the Group also felt that turning the Prasar Bharati into a company under the Companies Act, 1956 would also involve major recasting of the present Act which the Group felt would not be desirable in the interest of bringing the Prasar Bharati, already delayed by about six years, into existence. The Group would, therefore, like to suggest that Prasar Bharati should be brought into being for the present as a statutory corporation as envisaged in the Act. But after the Corporation has become fully operational, the possibility of turning it into a Company could be explored. In that event, the modality that has been followed for transforming the Indian Airlines and Air India from statutory corporations into Companies could be followed.

3.6 We do not recommend a part-time Chairman as envisaged in the original Act. In our opinion, a full time Chairman is essential in the interest of ensuring true autonomy and in directing and coordinating the massive diversification in the electronic media in the formative years, which we have envisaged. Indeed, the tasks before the full-time Chairman of Prasar Bharati will be enormous, arduous and sensitive in nature given the magnitude of the two organisations and the challenges ahead of them. It is true that organisations like the BBC have a part-time Chairman. However, they have a much longer tradition and many more years of autonomous functioning during the course of which healthy conventions have been established, enabling the Chairman and the Chief Executive to operate in close coordination. We strongly feel that the function of the 'Chairman' and of 'Chief Executive' should be combined in one functionary, namely the full-time Chairman.

3.7 We recommend the following other Members on the Board of the Prasar Bharati:

- i) Member (Finance);
- ii) Member (Personnel);
- iii) Member (Radio) and Managing Director - Akashvani;
- iv) Member (Television) and Managing Director - Doordarshan;
- v) Member (Programme Planning);
- vi) Member (Technical Planning),
- vii) A representative not below the level of Joint Secretary nominated by the Ministry of Information and Broadcasting;
- viii) Four part-time Members to be nominated by the Committee envisaged in Section 4(3) of the Act on the basis of experience or expertise in management, electronic media, performing arts, communication, literature, art and culture or journalism.

All the Members, except those at (vii) & (viii), will be whole-time Members. The whole-time Members shall be persons having special knowledge and practical experience in their respective functional areas. The Managing Director-Akashvani and Managing Director-Doordarshan will be in charge of the entire gamut of operations of the respective organisations. Member (Programme Planning) and Member (Technical Planning) will be responsible for major policy formulations in the sphere of hardware and software respectively, as distinct from line jobs, keeping pace with the rapid changes in the media front, evolving suitable strategies for expansion and modernisation and formulating and submitting feasible proposals to the Chairman through the Managing Directors of Akashvani and Doordarshan as the case may be.

3.8 We gave considerable thought to the provisions relating to the election of representatives of

the employees of the Corporation on the Board, one being elected by the Engineering Staff from amongst themselves and the other being elected by other employees from amongst themselves. We are constrained to observe that all the associations representing various services in AIR and Doordarshan demand the right to elect representative from amongst their own segment e.g. Programmes, News, Engineering, Announcers, Secretarial staff, Motor Drivers, Group 'D' Staff, etc. This itself is a problem that cannot be easily thrashed out. Also, the election process involving the employees of Akashvani and Doordarshan is sure to introduce a lot of complexities, legal and otherwise, which might vitiate the entire process and jeopardise the free functioning of the Board. Also, we noted that the experience of having workers' representative on the Boards of several public sector enterprises has not been known to be successful. In the light of these considerations we recommend deletion of Clause 3(5)(i). This does not mean that we are opposed to the general principle of representation of workers on the Management Boards. However, time and circumstances are not ripe yet in India where multiplicity of trade unions prevail and it will be very difficult, almost impossible, to get smooth and fair elections and to elect any representatives who by and large command the confidence, of all the sections of employees. If the Parliament of Government are very keen on some kind of representation of workers we would rather recommend that the President appoints one trade union leader of eminence and standing, not necessarily working in the Prasar Bharati, as part-time Member of the Board.

3.9 We further recommend that for redressal of employees grievances, an appropriate scheme of employees participation in management should be devised and implemented by the Corporation separately for Akashvani and Doordarshan, below the Board level.

Section 4(1)

3.10 We recommend that the Chairman shall be appointed by the President of India on the recommendation of a committee consisting of:

- (a) the Chairman of the Council of States, who shall be the Chairman of the Committee;
- (b) the leader of the Opposition, in the Lok Sabha; and
- (c) the Chairman of the Press Council of India established under Section 4 of the Press Council Act, 1978.

3.11 As we are recommending a larger number of full-time members and as it may be difficult for the Committee as envisaged in Section 4(1) to be convened as frequently as the selection of the larger number of members would make it necessary, we recommend that for selection of other full-time members there may be another Committee consisting of:

- (a) the Chairman of the Press Council of India, who shall be the Chairman of the Committee;
- (b) the Chairman of Prasar Bharati;
- (c) the Chairman, Public Enterprises Selection Board; and
- (d) the Chairman, Union Public Service Commission.

Section 5

3.12 We recommend replacement of the Executive Member by the whole-time. Chairman, who will be the Chief Executive of Prasar Bharati. Section 6(1)

3.13 We propose the following amendment in place of the existing section: "The Chairman shall be a full-time member and shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of 58 years". However, we strongly recommend that in view of the enormous and intricate problems the Corporation will have to face during the initial years, the term of the first Chairman should be five years, irrespective of his/her age. Section 6(2)

3.14 We recommend a term of five years instead of six years. The Group noted that the present age of superannuation of all employees of Akashvani and Doordarshan is 58 years. Prescribing any higher age limit for full-time Board Members is bound to invoke a similar demand from all other categories of employees which it will be very difficult to resist, and, if accepted, would retard the growth prospects of existing employees and would also adversely affect induction of fresh blood in the Corporation. The Group therefore feels that the age of 'retirement' of Board Members should be fixed at 58 years.

Section 6(3)

3.15 For part-time Members, we recommend term Of Office of two years rather than six years. In that event, the expression that the one-third, of such Members shall retire on the expiration of their term, is to be deleted. In our opinion, six years is too long a period for this sort of appointment.

Section 7(1)

3.16 This sub-section may be amended as under: "Subject to the provisions of sub-section (3), the Chairman or any other Member, the latter whether full-time or part-time, except the Member nominated by the Ministry of Information and Broadcasting, shall only be removed from his office by the order of the President of India on the ground of misbehaviour after the Supreme Court, on a reference being made to it by the President, has, on enquiry held in accordance with such procedure as the Supreme Court may by rules provide, reported that the Chairman or such other Member, as the case may be, ought, on such ground, be removed. As regards the Ministry's representative, any misbehaviour on his part will be referred to the Ministry and dealt with by the Ministry in accordance with the appropriate rules".

Section 7(2) & 7(4)

3.17 In these sub-sections, the following may be deleted: "except an ex-officio Member, the Nominated Member or an elected Member".

Section 7(6)

3.18 The Group recommends three months notice in respect of the Chairman and the full-time Members.

Section 8(3)

3.19 Delete the provision of 'the Executive Member and in the absence of both.

Section 9(1)

3.20 As we envisage the appointment of Managing Director, Akashvani, and Managing Director, Doordarshan, in consultation with the Committee mentioned by us earlier in Para 3.11., the phrase "the Director-General (Akashvani), the Director-General, Doordarshan and such other may be deleted from this sub-section. Accordingly, this sub-section may be amended as under: "Subject to such control, restrictions and conditions as may be prescribed, the Corporation may appoint, after consultation with the Recruitment Board, officers and other employees as may be necessary".

Section 10(1)

3.21 We recommend that this sub-section be amended as under: "The Corporation shall, as soon as may be, after the appointed day and in such manner and subject to such conditions and restrictions as may be prescribed, establish for the purposes of Section 9, one or more Recruitment Boards. Provided that for the purposes of appointment to the posts carrying scales of pay which are not less than that of a Joint Secretary to the Central Government, the Recruitment Board shall consist of the Chairman, Member (Personnel), Member (Radio), Member (Television) and, Member representing the discipline concerned".

Section 11(1)

3.22 Certain operational difficulties are likely to arise due to the existing provision. The amendments which we recommend are spelt out here. According to the existing provision, the Central Government is empowered to transfer to the Corporation any Officers or other employees of Akashvani and Doordarshan. The proviso to the sub-section prohibits issue of order in respect of any officer(s) or other employees in Akashvani and Doordarshan who opt(s) against becoming an employee of the Corporation. This Group recommends that the Officers and employees recruited specifically for Akashvani/Doordarshan, whether they belong to an organised service or not, should not have such an option.

Section 11(2)

3.23 As regards officers/ employees in Akashvani and Doordarshan borne on cadres such as the Indian Information Service and Central Secretariat Service, this sub-section gives them the option to become employees of the Corporation or the continue on deputation with the Corporation on terms and conditions to be prescribed. We would like to add a proviso that such officers/ employees may continue on deputation at the discretion of the Corporation. We do not want the Corporation to be in a state of flux for too long or the Corporation to have a large chunk of employees who are birds of passage, impinging on its efficiency. A sense of belonging and a sense of involvement is essential for a cohesive structure, operational flexibility and clear and direct chains of command.

Section 12(5)

3.24 The maximum limit for the quantum of advertising content may be determined by the Corporation itself without seeking the approval of the Central Government. For, the Radio and Television Authority proposed to be set up shall deal with complaints, if any, about the surfeit of advertisements.

Section 13

3.25 The Group strongly recommends that this Section should be deleted. There is no such provision anywhere in our system specifically for a particular organisation. There is a Parliamentary Standing Committee on Communication looking after the Ministry of Information & Broadcasting and, in our opinion, this Committee can itself do whatever is necessary for Parliamentary supervision of the working of the Prasar Bharati. We could rather have a provision that an Annual Report on the working of the Prasar Bharati will be placed before both the Houses of Parliament alongwith the demands for grants-in-aid. This will provide the Hon'ble Members of Parliament an opportunity to discuss or debate at length on the various relevant issues connected with the Corporation or its work and also raise any issues they consider relevant. Also the Hon'ble Members of the Parliament have a right to raise questions in the two Houses on any specific matter connected with the work of the Corporation and that will provide an opportunity to the Members to obtain relevant information and also to discuss on specific issues when placed in the

House in connection with the Corporation. There is also the Consultative Committee of the Ministry of Information and Broadcasting which can oversee the working of Corporation. In the Group's opinion, these provisions will adequately serve the purposes of accountability to the Parliament to ensure that this Corporation should function in accordance with the provisions of the Act.

Sections 14 & 15

3.26 These Sections deal with the establishment of a Broadcasting Council to receive and consider complaints referred to in Section 15 and to advise the Prasar Bharati in the discharge of its functions. For the reasons recorded in the Chapter on satellite channels, we have recommended the establishment of an independent Radio and Television Authority of India to license satellite channels, domestic and foreign, with uplinking facilities and impose appropriate terms and conditions on their operations. We are of the opinion that the same Authority should be entrusted with the responsibility of receiving and considering complaints against the violation of the terms and conditions imposed on a licensee or violation of standards laid down in the Advertising Code etc. - something akin to the role being played by the Press Council of India, in respect of the print media - with regard to decency national sovereignty and security requirements and preventing disrespect to national symbols or departed national leaders. In making these recommendations, we have taken into account the recommendations made by the Sub-Committee of the Consultative Committee of the Ministry of Information and Broadcasting on National Media Polity under the Chairmanship of Shri Ram Vilas Paswan, in its Working Paper. It is understood that the Ministry of Information and Broadcasting is already considering bringing in a separate legislation to give effect to such a body. If so, it is not necessary for Sections 14 & 15, in their present form, to be in the Prasar Bharati Act. Alternately, we propose the recasting of Sections 14 & 15 in an appropriate manner on the lines of what we are suggesting. We are envisaging this Authority as of higher stature than that of the Broadcasting Council proposed in Section 14. It will not, therefore, be desirable that this Authority's recommendations on a complaint, if found to be justified, will be referred to the Executive Member of the Prasar Bharati for appropriate action. In any case, it is a fundamental principle of law that the same authority should not be both a player and an umpire. Thus, if the Prasar Bharati runs separate TV or Radio channels for pure entertainment or for commercial purposes, it will be in the position of a player. In that event, it should not be called upon to adjudicate on complaints made to the Broadcasting Council. The Independent Television and Radio Authority of India, that we are envisaging should consist of a President and other Members to be appointed by the President of India from amongst persons of eminence in public life as envisaged in Section 14. We also agree with the suggestion that the President shall be whole-time member and other members shall be part-time members, who will hold their office for three years. We do not think it desirable that 4 Members of Parliament should be members of this Authority as envisaged in Section 14 (2) (ii). Its constitution and functions will, by and large, be on the lines of the Independent, Television Commission and Radio Authority of the United Kingdom except that for our purposes, we would envisage one composite body rather than two separate bodies. Section 15 will need to be recast to provide for this Authority hearing and disposing of all such complaints received and making the final orders which will be enforced on the parties concerned. We would like to leave it to the Government whether the establishment of the proposed Authority is brought about by a separate law on this subject or by appropriate changes in Sections 14 & 15 in the Prasar Bharati Act. In any case, we are envisaging Prasar Bharati and the proposed Radio and Television Authority of India as two separate bodies without any organisational or procedural linkages.

Section 24

3.27 In this Section, the present Act envisages that the Central Government may require the Corporation to furnish such information as that Government may consider necessary. The Group

feels that this gives the Government a very sweeping power to get involved in the day-to-day functioning of the Corporation and thereby impairing the very concept of autonomous functioning for which the Prasar Bharati is being created. However, the Corporation will furnish the annual financial statements to the Central Government as stipulated in Section 20, sub-Section (2). Needless to say that Government should have 'full liberty' to examine the accounts of the Corporation and ask the Corporation to furnish all forecasts, estimates, information and documents which the Government may require to examine with regard to, the financial transactions and engagements of the Corporation. This is proposed keeping in view the same procedure which has been adopted by the BBC as per the Royal Charter of 1996.

Section 31

3.28 As a sequel to the recommendation of this Group to do away with the Broadcasting Council, both in sub-Sections (1) & (2) the Broadcasting Council may be substituted by the Radio and Television Authority of India.

3.29 We have already stated in the proposed Act that under the Corporate umbrella of the Prasar Bharati, AIR and Doordarshan should be bifurcated into two separate wings.

3.30 There should be six Deputy Managing Directors under the Managing Director of All India Radio and also the Managing Director of Doordarshan representing the six disciplines of Engineering, Programmes, News, Marketing and Audience Research, Finance and Personnel/ administration. There is urgent need to create a professional marketing set up in the Corporation, one each for both the wings namely Akashvani and Doordarshan. As a first step in this direction, the Commercial Broadcasting wing of these two organisations should be strengthened and the personnel trained in marketing of airtime.

3.31 Considering the large network of both the organisations, it is necessary to decentralise the functioning to a great extent and give the Heads of regions individual delegated powers to be able to operate independently without having to look up to the Headquarters for direction and guidance for day-to-day operations. The Corporation, may consider giving a shape to these regional setups. For the sake of cohesive functioning of various disciplines serving in a region, the Heads of each and every discipline will report to the Chief of the region who should be of the level of Deputy Managing Director, who in turn will report to the Managing Director concerned. The Chief of the region could be from any of the disciplines of the organisation or even from outside.

3.32 In the light of the above recommendations, some of the definitions in Section 2 of the Act cease to be relevant.

These are:

- (e) Broadcasting Council
- (i) Elected Member
- (j) Executive Member
- (m) Member (Finance)
- (n) Member (Personnel)

And, certain definitions modified as indicated hereunder:

- (f) "Chairman" means the whole-time Chairman of the Corporation appointed under section 4.
- (r) "Part-time Member" means a Part-time Member of the Board under section 4.
- (w) "Whole-time Member" means Member (Finance), Member (Personnel), Member (Radio),

Member (Television), Member (Programme Planning) or Member (Technical Planning),

3.33 In the foregoing paragraphs we have discussed the amendments proposed by this Group to several existing provisions of the Act. In respect of certain Sections where only some additions or deletions were required, these have been recommended. However, in respect of other provisions where major changes have been recommended, the relevant Sections would require recasting. It is pertinent to add that the remaining provisions in, respect of which we did not make specific recommendations, have been found unexceptionable.

CHAPTER - 4

FINANCING THE PRASAR BHARATI

4.1 A question often posed is whether independent functioning of the Corporation is likely to be hamstrung if it were to depend on Government funding. We feel that such misgivings are baseless. Dependence on the grant-in-aid from the Government does not necessarily lead to an abridgement of autonomy. It is reassuring to remind ourselves that hoary institutions such as judiciary and the Press Council, the latter an example from the media world itself, are government-funded but have remained fiercely independent. However, it should be the endeavour of Prasar Bharati to become financially self-reliant over the years.

4.2 Government budgetary grant is the primary source of sustaining Akashvani and Doordarshan in the present scheme of things. The Akashvani and Doordarshan (Commercial Services Revenue) Non-lapsable Fund was created in 1977. This Fund commonly known as Non-lapsable Fund (NLF) is derived from the net advertising revenue. The Fund was originally intended to facilitate improvements in software generation. Subsequently, it was also used for funding improvements in hardware and for training needs. The non-Plan revenue budget includes transfer to NLF. Even Doordarshan, despite its gross advertising revenue of Rs. 430 crores last year, is able to recover only about one-third of its annual expenditure. The following table gives the budget, both revenue and capital juxtaposed with gross commercial revenue of Doordarshan and Akashvani during the last four years:-

DOORDARSHAN :

Year	Capital Budget (Rs.millions)	Revenue Budget (Rs.millions)	Total Budget (Rs.millions)	Commercial Revenue (Rs.millions)
1992-93	6296	1375	7671	3602
1993-94	6919	1253	8712	3730
1994-95	7820	1754	9574	3890
1995-96	8691	2199	10890	4301

AKASHVANI :

Year	Capital Budget (Rs.million)	Revenue Budget (Rs.millions)	Total Budget (Rs.millions)	Commercial Revenue (Rs.millions)
1992-93	2900	836	3736	389
1993-94	3442	1095	4537	643
1994-95	3982	754	4736	644
1995-96	4269	794	5763	810

4.3 Government of India, at least during the initial years, will have to fund Prasar Bharati to enable Akashvani as well as Doordarshan to meet not only their revenue expenditure but also their capital expenditure. The latter is bound to be formidable during the Ninth Five Year Plan. It is tempting to suggest that different user-ministries should make available a portion of their grant to Akashvani and Doordarshan depending on the airtime devoted to the respective Ministries, for dissemination of information concerning their activities. We have received suggestions to this effect from several quarters. The notional cost of the programmes put out by Akashvani and Doordarshan by way of support to the multi-media campaigns launched by different Ministries will be stupendous. The moot question is whether these two organisations should continue to lend such support free of cost or at least recover the cost on a subsidised basis. We prefer the latter option not so much because Prasar Bharati will be funded by the Government but owing to its public service commitment.

4.4 In our opinion, the Prasar Bharati should formally have a share capital. We recommend an authorised share capital of say Rs. 5,000 crores and paid-up capital of say Rs. 2,000 crores. Against the allotment of shares to the Government, the Government will transfer part of the assets of Doordarshan and Radio at present, to the Prasar Bharati. The hardware at the disposal of AIR and Doordarshan of the estimated value of Rs. 55,000 crores can be transferred on a 99-year lease to the Prasar Bharati Corporation. In our opinion, initially the Corporation will have to depend largely on an annual grant-in-aid from the Government. Both the wings will also raise sufficient resources operating the various profit-making channels other than one or two channels which will be reserved for Public Service Broadcasting.

4.5 There is tremendous scope for extending the use of television in our country and we feel that so far the potential of television has not been fully exploited. There is scope for running channels exclusively for education, agriculture, public health And sanitation, weather etc. The resources of TV needs to be exploited in promoting literacy campaign and also promoting population control. These are areas where the potential of television has not been exploited. We are only scratching the surface. We recommend that other than channels made for the Public Service Broadcasting, Doordarshan and Akashvani should have the freedom to operate as many channels as they like and raise commercial revenue and advertising revenue to the extent possible. As and when, percentage of revenue goes up, the percentage of grant-in-aid will gradually come down. However, we should take care that in the race for garnering advertising and commercial revenue, these organisations do not go so far as to become dependent on the sources of such revenue, viz. Industry and Commerce. That again will militate against the very concept of true autonomy in another way. We have recommended the levying of an application fee and an annual licence fee for Satellite TV add Radio Channels and for terrestrial and for local TV and Radio stations. We feel that in course of time. that will bring in very sizeable volume of revenue. We also recommend that a B.R. licence fee abolished in the early eighties be revived. However, we

recommend B.R. licence fee not for radio sets, but only for TV sets.

4.6 Licence of one and two band radio receivers was abolished with effect from 25th August, 1980. Subsequently, licence on all types of receivers including television receivers was abolished on 17th March, 1985. BRL fee is expensive to collect and it is also difficult to stem the revenue losses through evasion. Earlier the P&T Department was entrusted with the task of collection and anti-piracy activity. The Department was understandably ineffective in the latter area of activity, as the Inspectors did not have the power for search or confiscation.

4.7 It is estimated that, at present, there are 110 million radio receivers and 52 million television receivers, both colour and Black & White. We would recommend an annual licence fee of Rs. 500 on a Colour TV and Rs. 200 on Black and White. These should be collected through the Commercial Banks. We need not go back to the old arrangement where post offices were used to collect the same. The Group also considered a suggestion that instead of the annual licence fee for each TV, a one time fee should be levied on each television set at the time of purchase. This also has some advantages. If this is accepted in place of the other alternative, we would recommend a one time fee of Rs. 1,000 for colour television and Rs. 500 for Black & White television. In our opinion, considering the huge amounts involved in installation of transmitting facilities and preparing adequate software for transmission to various homes, the public should not grudge having to pay a small amount of licence fee. We feel that, they will gladly do so.

4.8 We are told that FM RDS paging has yielded Rs. 6 crores revenue during 1995-96. This value-added service is now available at 17 places where AIR's FM stations are located. During the second phase, 16 more centres will have the facility boosting the revenue from AIR's paging service further.

4.9 Doordarshan as well as AIR should strive to exploit the assets and generate income from its programmes including archival material. Prasar Bharati should evolve a more aggressive strategy for the sale of material, facilities, services and expertise at home and abroad. For, we envisage heavy capital investment as Prasar Bharati enters the 21st century. The Corporation will have to take advantage of several, technological opportunities which the next decade will bring and raise sufficient resources internally.

4.10 The Group notes that the BBC has in recent years entered into several joint ventures to deal with specific, areas of broadcasting and business opportunities in an internationally competitive environment. In our opinion, both the wings of Prasar Bharati should be encouraged to enter into collaborations as joint venture with Broadcasting Organisations/industries for marketing their products or diversifying into newer, but allied activities or value-added services. These activities other than the commercial revenue, could be brought under one umbrella for marketing on the model of BBC Enterprise which can be another company operated within the Prasar Bharati.

Chapter - 5

Prasar Bharati as Public Service Broadcaster Par Excellence

5.1 The Group attaches paramount importance to 'public service' broadcasting - in its broadest sense, the service provided by AIR on its Primary Channel including local radio and by Doordarshan on DD-1 - which is a vital part of life in this country. It educates and entertains, provides extensive news coverage and it seeks to cater to the interests of the few as well as of the many.

5.2 In the wake of large influx nay deluge of alien entertainment, directed to the top crust, the minority with growing purchasing power and propensity to spend, the significance of public service broadcasting needs no over-emphasis. The presence of mere frothy entertainment, fun and frolic can only amuse for a while but cannot meet the real desires of people unless the fare offered is imbued with social purpose. We believe broadcasting has a higher purpose than the constant drive to reach out to the largest possible number of people, flattening out in the process disparate audiences into a homogeneous mass of buyers. Crass commercialisation hinders variety in approach and style, resulting in mere variation of the same theme.

5.3 We are convinced that without statutory protection, public service broadcasting will be far too vulnerable, especially in a multi-channel scenario. Public service broadcasting needs to be structurally embedded to Prasar Bharati so that it becomes a source of enrichment and empowerment of the masses.

5.4 The Committee is of the opinion that Prasar Bharati Corporation should have at least one TV channel and one radio wave length dedicated to the purpose of public service broadcasting. While the cost of running these should, by and large, be met from Government's grant-in-aid, some elements of entertainment-oriented programmes should also be there, partly because they would provide a certain variety which would make people view or listen to them and partly because these programmes will provide an opportunity to earn some commercial revenue through advertising or sponsored programmes in order to supplement the Government's grant-in-aid. We recommend that one or two channels can be provided exclusively for promoting programmes based on population control, promotion of literacy, agricultural and horticultural developments, public health, sanitation and cleanliness all round. A special channel could be devoted both by Akashvani and Doordarshan to education where not only will special emphasis be given to literacy promotion but the teaching of the best teachers or professors on various subjects would be brought within the reach of students and researchers all over our vast country. In fields like management education or other related disciplines where there is possibility of earning considerable revenue through sponsored programmes or through special paid channel programmes, this should be actively promoted. Needless to say it is open to Prasar Bharati to run, in addition to these channels or frequencies, other channels or frequencies exclusively for entertainment. Such channels or frequencies will have to compete with the private channels or frequencies and may be subjected to the regulation by the proposed Radio and Television Authority of India.

5.5 The Paswan Sub-Committee, inter alia, recommended that broadcasting should "observe a greater degree of responsibility and sensitivity to Indian culture and ethos and cater to the development requirement of the country". An abstract of the Sub-Committee's recommendations is given in Annexure-XI. One of the fervent appeals made to this Group was for the formation of a public broadcasting system administratively independent of the State and commercial interest, giving access to a wide spectrum of programme makers and affording an arena for a plurality of views and modes of expression. This Group does not therefore rule out the possibility of the Authority prescribing that the private licensees should also put out a certain quantum of development oriented programmes as distinct from entertainment, plain and simple. Satellite channels, including Open Universities and institutions of higher learning, should be encouraged to earmark chunks if not operate separate channels, devoted to education including literacy

promotion and continuing education.

5.6 In discharging its public service broadcasting role and having regard to the vast network and the multi-ethnic and multi-linguistic character of our country, both Akashvani and Doordarshan must decentralise their functions. The regional Heads and the Station Directors must be given enough powers to generate local programmes without having to look up to the Headquarters for direction and guidance for day-to-day operations.

5.7 The Corporation may consider giving a structure to these regional set-ups. For the sake of cohesive functioning of various disciplines serving in a region, the Heads of each and every discipline will report to the Chief of the region who should be of the level of Deputy Managing Director, who in turn will report to the Managing Director concerned. The Chief of the region could be from any of the disciplines of the organisation or even from outside

Chapter - 6

Satellite Channels

6.1 We have already noted how the broadcasting scenario has undergone a sea change after 1990 following the advent and rapid proliferation of satellite channels. Direct broadcasting by satellite by which TV images are transmitted by satellite directly to people's homes has been available throughout the world since 1989 and in India since 1990 or so (See enclosed chart at Annexure-XII). We understand that from time to time, Government of India received requests from foreign satellite channels to provide uplinking facilities from the Indian soil and that this has not been agreed to on the ground that this can be seen to violate sovereignty and national security. The fact remains, however, that whether or not uplinking facilities are permitted from the Indian soil, there is no way by which we can prevent such satellites transmitting programmes directly to Indian homes with uplinking facilities from centres in neighbouring countries notably Hong Kong. It is also a fact that technologically, it is very difficult, and much too costly, to prevent such direct transmission. There are stray cases of the banning of dish antenna in a few countries. But, this involves gigantic enforcement machinery which one cannot conceive of in Indian situation. Nor will it be liked in India where we believe in the freedom of media. We, therefore, feel that Government should change its present policy and consider granting licenses to satellite channels operators, domestic or foreign, with uplinking facilities from India. In granting such permission, we do not see any compromise with national security.

6.2 Granting such permission to satellite channels will result in the following advantages to the nation:-

1. If uplinking from India is permitted, we can stem the outflow of money currently spent by these channels in uplinking from outside the country, generating substantial revenue internally and also attracting huge foreign exchange. Such earnings could be deployed for expansion of reach, uplinking-downlinking capability, upgrading delivery system and of course programming.

2. Regulatory Control: If uplink licensees are associated with fair broadcast codes or regulations, the uplinking from India will actually provide far greater control than the unbridled deregulation. It can be expected that responsible broadcasters moving in to India would be prepared to voluntarily submit to such regulations as prevail in other democratic countries. We have noted some of these regulations such as those promulgated by the authorities in the U.K. There is also a general Programme Code for AIR and Doordarshan and Advertising Codes for both AIR and Doordarshan. We recommend that these be applied mutatis mutandis as necessary

terms and conditions while granting licences to satellite TV or radio channels.

3. Employment and Human Resource Development: The uplinking would encourage foreign channels to base activities in India rather than other Asian countries, owing to the strength of our democratic fabric. At present the ban on uplinking has simply allowed some of our neighbouring countries to become Asia's hubs, at the expense of India. With an already well developed film industry and supporting infrastructural facilities, the employment opportunities for India would be enormous and domestic talent would also have exciting opportunities.

4. Upgradation of knowledge and skills : Indians would benefit by the exposure to, and the absorption of, other countries' skills and sophistication in the media and entertainment industries of other countries.

5. Upholding India's Sovereignty: In the event of any serious threats to national sovereignty

6.3 Our recommendation about a liberal policy in respect of promoting satellite channels with uplinking facilities in India and also radio frequencies and our recommendation about permitting local terrestrial TV stations or radio stations besides earth stations would open up great possibilities of employment generation all over our vast country and also preservation of local cultural forms and identities. Even, at present, there are local cable TV/ Radio stations operating in some of the steel towns like Rourkela, Bhilai and Jamshedpur. Such examples could proliferate and wherever State Governments, local authorities or even corporations in respect of their industrial townships wish to set up local TV or radio stations, they should be encouraged to do so subject, of course, to some broad disciplines or standards laid down by the independent Radio and Television Authority of India.

6.4 Once a licence is granted to a foreign or domestic channel, uplinking facilities can be obtained on business terms from the Engineering Wing of Doordarshan or All India Radio as also from Videsh Sanchar Nigam, which also has the requisite technological capability. Many of these advantages, apart from the specific advantage of foreign exchange earning, will accrue to all concerned if a liberal policy is formulated in respect of permitting local terrestrial TV and radio stations. The State Governments, municipal bodies or Panchayati Raj Institutions can also take advantage of this facility to provide local services to the local community. It will, however, be necessary to amend the provisions of the Indian Telegraph Act which, at present, creates a monopoly for Government for all broadcasting services. We endorse the recommendations of the Inter Departmental Committee on introducing competition in the electronic media that preference should be given to setting up new TV/ Radio channels in different parts of the country for regional broadcast. These transmitters can, over a period of time, link up suitably either by forming a consortium or by entering into suitable arrangements amongst themselves, to provide inter-regional network. A summary of the recommendations of this Inter-Departmental Committee is given in Annexure-XIII.

6.5 In U.K. all satellite channels are licensed and regulated by Independent Television Commission (ITC). There are two types of licences. One is for service transmitted from the United Kingdom using frequencies specifically designated for broadcasting news and general reception in the U.K. (Domestic Satellite Service Licence). The other is for services transmitted from the U.K. using telecommunication frequencies and for general reception in the U.K. or any European Union Member Country (Non-domestic Satellite Service Licence). The ITC has so permitted over 100 non-domestic satellite service licences. These are easily available on demand, provided that the content of proposed services would not breach the Consumer-Protection Requirements of the U.K. Broadcasting Act, 1990 and the applications for licence is found to be granted subject to the fulfillment of appropriate terms and conditions. All licensees have to comply with certain Consumer Protection Requirements relating to taste and decency and

impartiality in programmes and have to comply with I.T.C. announced Codes on programmes, sponsorship and advertising. All such licences are valid for ten years.

6.6 We recommend that a provision to be added in the Prasar Bharati Act providing for creation of an independent Radio and Television Authority of India to grant licences to satellite channels, domestic or foreign, subject to the payment of the required application fee and the annual licence fee and subject to adherence to the standard Codes on broadcasting and advertising of our country, in particular, the avoidance of indecent or immoral features or showing disrespect to national sovereignty or national symbols or departed national leaders and also avoiding any infringement of the security requirements. All complaints relating to infringement of the standards should be brought before the Independent Authority which can charge appropriate fines or revoke the licence in extreme cases after giving to the accused party a reasonable opportunity to refute the accusations. We notice that in United Kingdom there is a separate Radio Authority, more or less dealing with same functions that the I.T.C. discharges in relation to the satellite channels. In the Indian context, we do not recommend two separate bodies but feel that the same Independent Authority can deal with satellite TV channels and terrestrial television and radiowaves. The Group has noted that the local terrestrial televisions and radio stations have made significant headway in the advanced countries. It is logical to expect that such developments will take place in India in the near future. In that event, the Authority should have an open mind about permitting licence to such stations to telecast and broadcast programmes on normal terms and conditions. In our opinion, all these developments will augment the revenue resources of the Authority very substantially.

6.7 Ensuring plurality alone may not be an adequate safeguard unless the electronic media are free from manipulation by commercial or partisan political interests. It is necessary to prescribe programming obligations and programming standards for the private operators to ensure quality and diversity while there will be no change to the cornerstone public service role of AIR and Doordarshan.

6.8 Allowing private operators to set up radio and television stations which the Group envisages would not only generate revenue substantially for the regulatory Authority to make it self-sustaining and truly independent as already mentioned but will also create an atmosphere of competitiveness in the field of electronic media which ultimately produce better programmes and the Group hopes that it will help to develop the overall quality of programming in the broadcasting. Also, it will lead to the creation of newer employment opportunities and substantially boost up all round economic activities. It has also been seen in foreign countries that wherever privatisation has been allowed, it has ultimately helped in supporting the developmental activities of the Government. The Group also welcomes the idea of some of the State Governments, Universities and even the Panchayat Institutions opening up their own small TV/radio stations.

6.9 There is the question of how to deal with a foreign satellite service with uplinking from a foreign station, telecasting programmes which are indecent or pornographic or detrimental to national sovereignty or defence needs. There is nothing that we can do directly in such cases. However, if the independent Radio and Television Authority considers that the quality of programmes telecast by any foreign satellite service was unacceptable, it can notify this to the Central Government and the Central Government may make an order proscribing this particular service. In the event of such an order, cable operators will not be allowed to carry that satellite channel to the Indian homes. No doubt, some people can still get this through their own dish antenna, but they will be a minuscule minority. Also, our Government can take up the matter with the Government of the country from where this foreign satellite is uplinked. In this connection, we notice that under the terms of European Community Broadcasting Directive all such channels are regulated by the country from which it is transmitted and the matter can be

taken up bilaterally by an aggrieved country with the other country where from the channel is uplinked.

6.10 The 'Complaints' function which is envisaged for the Broadcasting Council of India in Section 14 could also be discharged by the same Radio and Television Authority of India. It will mean that the functions which are envisaged in this Section will be transferred to it for the reasons given in the Act. We do not recommend any Member of the Parliament to be nominated to the Broadcasting Council. In our opinion, the proposed Radio and Television Authority of India should consist of a full-time President with sound background of the electronic media and ten Members appointed by the President of India from amongst the public-academia, consumer activists, social scientists/ researchers. We envisage that regional branches of the Authority will be located in various regions of the country to discharge their functions regionally.

6.11 We have noted that there is a Cable Television Networks (Regulation) Act, 1995 (Copy enclosed at Annexure XIV), but this has not yet been really given effect to. We also note that in the Budget for 1996-97, a proposal has been made for putting tax on the cable operators. We strongly feel that there should be a system of giving licences to the cable operators as in the USA, the UK and several other countries. Such licence should be subject to a licence fee and some appropriate terms and conditions under which the cable operators will be forbidden to distribute the services of satellite channels where some programmes which have already been distributed are found to offend against the standards of decency and dignity or their safety and security considerations of the nation, by the Radio and Television Authority of India on inquiring into complaints made by consumers' forum or representative organisations.

6.12 We have received representations from Women's Groups about portrayal of women in the media. They feel that women continue to be stereotyped, reinforcing the gender bias and general perceptions about women and their capabilities. Even in women's programmes devised by media professionals women are portrayed sometimes either as 'victim' or 'aggressor' without bringing out the complexity of women's personalities and predicaments, these groups aver. Stereotyping of women and inequality in women's access to and participation in all communication systems, specially in media, has been identified as one of the critical areas of concern for the advancement of women and achievement of equality between women and men. The Platform for Action agreed upon at the 4th World Conference on Women held at Beijing, in September, 1995 has identified the following strategic objectives in this regard:

- i) Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication; and
- ii) Promote a balanced and non-stereotyped portrayal of women in the media.

Chapter - 7

Summary and Recommendations

7.1 Unparalleled changes have taken place in broadcasting throughout the world. The boundaries between broadcasting, telecommunications and information technologies are becoming blurred. We have also witnessed rapid and fundamental changes in India's media scenario in recent years, driven by technological developments, economic reforms and liberalisation and, the demands of increasingly discerning audiences. We have already entered the era of choice and competition. The conventional and rigid regulations of yesteryears in the realm of broadcasting have become ineffective and impractical. The new technologies have

demolished the monopoly of State run electronic media and rendered redundant the regulations. Loosening of controls is a global phenomenon. On the other hand, the satellite revolution launched by the global giants, not to speak of some enterprising Indian entrepreneurs, is not an unmixed blessing. The unfettered freedom enjoyed by the foreign satellite channels and their lack of sensitivity to Indian culture and ethos as also the ersatz culture promoted by other private channels are matters of continuing concern to people.

7.2 Both Akashvani and Doordarshan have attempted with mixed success to adjust themselves with the fast changing scenario. They have had a remarkable record in public service broadcasting. They are the major cultural patrons of music, drama and the visual arts. They have no peers as purveyors of messages intended to support and stimulate socioeconomic development. But what tended to undermine the image of these so called official media was the impression that had gained ground over the years that they could be influenced by those who wished to manipulate them for their own needs, whether it is the government of the day or other interested groups. The vociferous demand for granting autonomy to the electronic media and thus insulating them against external pressures ultimately led to the promulgation of the Prasar Bharati Act of 1990. The postulates that guided the Act have been overtaken by several events of the nineties especially the emergence of transnational broadcasting and the two separate but conquering landmark judgements on airwaves by the Supreme Court in February, 1995 holding inter alia that airwaves of frequencies were a public property and that broadcasting media should be under the control of the public as distinct from the Government.

7.3 We noticed an overwhelming consensus in favour of freeing airwaves from Government monopoly, thereby allowing Indian broadcasters the facility of uplinking from Indian soil. Such a consensus is absent in regard to foreign satellite channels, although there is a body of opinion in favor of this. We also noted that mere denial of permission to a foreign channel does not prevent it from broadcasting programmes directly to Indian homes with the help of uplinking facilities from other countries.

7.4 As a sequel to the landmark judgement of the Supreme Court declaring the airwaves as a public property, there is urgent need fishing a suitable regulatory framework for the multiplicity of channels likely to emerge on the audiovisual landscape in the near future. An authority to grant frequencies and franchises and regulate the licensees, has to be created to ensure that there is no unfair or unjust treatment and unwarranted infringement of privacy or violation of accepted standards of public taste and decency. We strongly endorse the recommendation of the Paswan Sub-Committee for setting up an independent apex body to regulate and monitor airwaves. We propose setting up a Radio and Television Authority of India, an independent body which is not part of Prasar Bharati. On the contrary, Prasar Bharati being one of the many players in the Indian broadcasting arena, will also be overseen by the Authority as far as the complaints function' is concerned. The Authority will perform the following functions:-

i) Licensing of

- (a) satellite uplinking*
- (b) terrestrial analog transmission of radio and television*
- (c) terrestrial digital transmission of radio and television*
- (d) multiplex providers*

ii) Prescribing programming obligations and programming standards to ensure quality and diversity.

iii) Making arrangement for ascertaining and monitoring public opinion about the programmes and services and ascertaining the needs, interests and tastes of members of the public.

iv) Determine the maximum limit for the quantum of advertising content so that advertisements are not obtrusive or jarring.

v) Receive complaints of violation of norms of decency and of the Programming and Advertising Codes and, adjudicate on them after bearing the parties concerned.

7.5 There is a school of thought which believes that terrestrial broadcasting should remain the monopoly of Doordarshan, as the National Broadcaster. We do not agree with this view. We have noticed that local TV stations have been competing very successfully with satellite channels in other countries. Why then should not such local terrestrial TV and radio stations be permitted in a country of India's vast size and diversity? The immediate fallout of allowing uplinking in respect of private broadcasters, both Indian and foreign and in permitting local terrestrial stations will be to create enormous job opportunities and also to bring handsome revenue to the nation.

7.6 We understand that Indian Broadcasters like JAIN, Sun TV and Asianet and others like Zee TV, Sony, ATN and BITV have been spending crores of rupees worth of foreign exchange in obtaining uplinking from places like Dubna in Russia, Subic Bay in the Philippines, Singapore and even Sri Lanka. This involves diversion of foreign exchange both by the satellite operators and by Indian companies who have to pay for advertising their products in their channels in foreign exchange. If and when they are allowed to uplink from Indian soil their expense will come down considerably and they will also avoid possible FERA violations. On the other hand, India may gain billions of dollars in foreign exchange through the licence fee and royalty payable by the foreign satellite channels and the advertising revenue that will come from companies outside India. Also this will bring about some real competition for Doordarshan. In the long run this will improve the competitive strength of Doordarshan and will also open up opportunities for news and current affairs programmes on foreign networks. Advertising tariff will substantially escalate as it will be guided by considerations like event marketing and popularity.

7.7 Another advantage of extending uplinking facilities to domestic and foreign satellite channels will be that they can be brought under the purview of Indian laws. While granting licenses the Radio and Television Authority of India that has been envisaged will compel them to adhere to the prevalent Programming and Advertising Codes. The Authority will have the power to prevent telecasting of obscene 'adult' movies and enforce on the satellite channels the same guidelines that DD follows. Similarly liquor advertisements can also be done away with. Fears have been expressed by some sections about the airing of anti-national programmes or messages on private networks and possible violation of the standards of national security. But we feel such fears are not justified. It is much better to permit and control airwaves than letting them move around as a free floating channels. The 1885 Telegraph Act aimed at checking misuse of airwaves has become outdated and requires to be recast. Before providing uplinking from Indian soil to a foreign party, the credentials of the party will have to be scrutinised

7.8 We share the concern of the women's groups and activists about stereotyping of women and inequality in women's access to and participation in all communication systems specially in media which has been identified, and rightly so, as one of the critical areas for the advancement and empowerment of women. This is an area to which the proposed Radio and Television Authority as well as Prasar Bharati should give due weightage.

7.9 This Group believes that Prasar Bharati, as the inheritor of the great tradition, should be the quintessential public service broadcaster. This is not to suggest that private broadcasters have no role to play in this sphere. Indeed, the private operators should have an obligation to put out programmes devoted to socially relevant themes and earmark certain slots for the purpose.

7.10 This Group recognises that for public broadcasting financial support from the Government is

inevitable. We do not subscribe to the view that this might lead to an abridgement of the autonomy of Prasar Bharati, in any way, we are suggesting the revival of the Broadcast Receiver Licence (BRL) fee for TV sets. Such public funding will place on Prasar Bharati an obligation to be accountable to its clientele.

7.11 So far there has been very inadequate attention given to marketing in Akashvani and Doordarshan systems. First, our electronic media have to compete with invaders of the scene from the outside and the domestic competitors. Secondly, they will have to compete a great deal with each other. We have no doubt that this process will bring about a new motivation and all round innovativeness in both these organisations in creating as well as marketing new products and services. We notice that in recent months Akashvani has registered a significant improvement in its marketing activities resulting in earning of extra revenue whereas Doordarshan has lagged behind in its marketing efforts in the last one or two years. Not only has it given up direct marketing, it appears to have gone for the softer option of franchising to others which accounts for the significant fall in its ad revenue compared to earlier years. We recommend that both the organisations should give a lot of importance to marketing. There should be one Deputy Managing Director each in Akashvani and Doordarshan for marketing. We also note that the Ministry has constituted a Committee to evolve suitable strategies for marketing airtime in Akashvani and Doordarshan. The strategies and recommendations made by this Committee will be of considerable use for Prasar Bharati in revamping their marketing.

7.12 We are presenting hereunder summary of the major recommendations of this Group.

1. Prasar Bharati should be a Statutory Corporation as envisaged in the Act and can start operating immediately. The preamble to the Act may be suitably amplified and the suggested modified version is reproduced hereunder:- "An Act is to be provided for the establishment of a Broadcasting Corporation of India, to be known as Prasar Bharati for providing public service broadcasting and fulfil the basic information, education and entertainment needs of the people and to define its composition, functions and powers and to provide for matters connected therewith or incidental thereto."

2. It is necessary to split Akashvani and Doordarshan into two completely separate wings under the corporate umbrella of the Prasar Bharati Corporation, with close coordination in areas clearly defined and delineated by the Corporation. For all practical purposes they should operate as separate entities. Steps should be taken to demarcate the hardware and the assets between Akashvani and Doordarshan and, bifurcate the personnel across all disciplines. (3.2)

3. We recommend a full-time Chairman, instead of the part-time Chairman as envisaged in the Act, in the interest of autonomy and in view of the 'magnitude of the network of the two wings and expansion of their operations in the years to come. We also feel that the functions of the Chairman and of Chief Executive should be combined in one functionary, i.e. the whole-time Chairman. (3.6)

4. We recommend six full-time and four part-time members of the Board, in addition to a representative from the Ministry of Information and Broadcasting not below the level of a Joint Secretary. The Managing Directors of Akashvani and Doordarshan will be Members of the Prasar Bharati Board representing radio and television respectively. (3.7)

5. We are of the firm opinion that the provision for two elected representatives, of the employees of the Corporation on the Board is fraught with serious complications. The acrimony and disharmony likely to be generated by this process, owing to the plethora of associations representing conflicting interests might jeopardise the smooth functioning of the Board. However, we recommend introduction of a separate scheme of employees' participation in management,

both in Akashvani and Doordarshan, below the Board level to look after the various issues related to staff and their welfare. In addition to this, a trade union leader of standing not necessarily serving in Akashvani or Doordarshan could be nominated to the Prasar Bharati Board as a part-time member. (3.8) & (3.9)

6. We recommend that the Chairman of the Prasar Bharati Board shall be appointed by the President of India on the recommendation of a Committee consisting of

- a) the Chairman of the Council of States, who shall be the Chairman of the Committee
- b) the Leader of the Opposition, in the Lok Sabha; and
- c) the Chairman of the Press Council. (3.10)

Composition of the Committee for selection of other full-time Members of the Board may be as under:-

- a) the Chairman of the Press Council who will be the Chairman of the Committee
- b) the Chairman of the Prasar Bharati
- c) the Chairman, Union Public Service Commission; and
- d) the Chairman, Public Enterprises Selection Board. (3.11)

7. We recommend that the term of office of the Chairman as well as of each whole-time member should be five years from the date on which they enter office or until he or she attains the age of 58 years, whichever is earlier. However, the first Chairman may be allowed to complete the full term of five years irrespective of his or her age. And, for part-time members the term of office should be of two years rather than six years as contemplated in the Act. (3.13)

8. We recommend that the officers and other employees recruited specifically for Akashvani and Doordarshan, whether they belong to organised service or not, should not have the option against becoming an employee of the Corporation. As regards those borne on cadres such as the Indian Information Service and Central Secretariat Service, they may continue on deputation, if they are not prepared to be inducted into the Corporation, at the discretion of the Corporation. (3.22) & (3.23)

9. The Group recommends that the Section 13(1) of the Act under which a Parliamentary Committee is required to be constituted to 'oversee' the Corporation, may dispensed with. In our opinion, the Standing Committee on Communication, looking after the Ministry of Information and Broadcasting and also the Consultative Committee attached to the Ministry of Information and Broadcasting, can perform the roles assigned to the said Parliamentary Committee. (3.25)

10. We recommend the setting up of an independent Radio and Television Authority of India, as strongly enjoined by the Supreme Court, to license private channels, domestic and foreign, to impose appropriate terms and conditions on these licensees in accordance with the Broadcasting and Advertising Codes and also to receive and adjudicate on complaints of violation of these Codes, received from the public or representative bodies or consumers' forums. These 'complaints' functions of the Authority will also cover the channels run by Prasar Bharati. This Authority will also serve as the regulatory mechanism for private radio and television stations/channels. As such, the establishment of a Broadcasting Council under Section 14 is not considered necessary. (3.26)

11. We find the provision under Section 24 of the Act enabling the Central Government to seek such information as the Government may consider necessary, rather sweeping and nebulous and may impair the very concept of autonomous functioning of Prasar Bharati. There is need to precisely define the areas in respect of which the Corporation will furnish information to the Central Government. Of course, the Central Government can legitimately ask the Corporation to

furnish all forecasts, estimates, information and documents which the Government may require with regard to the financial transactions and engagements of the Corporation. (3.27)

12. We recommend six Deputy Managing Directors under the Managing Director of Akashvani and Doordarshan respectively representing the six disciplines of engineering, programmes, news, marketing and audience research, finance, and personnel/ administration. (3.30)

13. There is urgent need to create a professional marketing set-up in the Corporation, one each for both the wings, i.e. Akashvani and Doordarshan. As a first step in this direction, the Commercial Broadcasting Wing of these two organisations should be strengthened and the personnel trained in the art of marketing airtime. (3.30)

14. We recommend an authorised share capital of say Rs. 5,000 crores and paid-up capital of Rs. 2,000 crores for the Prasar Bharati. (4.4)

15. The hardware at the disposal of Akashvani and Doordarshan of the estimated value of Rs. 55,000 crores can be transferred on a 99-year lease to Prasar Bharati. (4.4)

16. While self-sufficiency should be the ultimate goal of Prasar Bharati, it will have to initially depend on an annual grant-in-aid from the Government. As and when the share of advertising and commercial revenue goes up, grant-in-aid will gradually diminish. (4.5)

17. We recommend the revival of an annual BR Licence fee for TV sets - Rs. 500 on a colour TV and Rs. 200 on black & White sets. The fee could be collected through commercial banks. Alternatively, if a one-time BRL fee to be levied at the time of purchase of TV set is found acceptable, we recommend a fee of Rs. 1000 for colour TV and Rs. 500 for black & white. (4.7)

18. The Prasar Bharati should evolve more aggressive strategies for the sale of programme material including archival material, facilities, services and expertise available in abundance in Akashvani and Doordarshan to meet the heavy capital investment required in the next decade to take advantage of technological opportunities. (4.9)

19. We are convinced that without statutory protection, public service broadcasting will be far too vulnerable, especially in a multi-channel scenario. Public service broadcasting needs to be structurally embedded to Prasar Bharati so that it becomes a source of enrichment and empowerment of the masses. (5.3)

20. The cost of running the public service broadcasting channels, as distinct from purely entertainment-oriented channels, should be met from the Central Government's funding paid to the Corporation by way of grant-in-aid, equity or loan. As far as the external services and the Central Monitoring Service are concerned, the Central Government would reimburse expenses incurred by the Corporation in this regard as mentioned in Section 12(4). (5.4)

21. Doordarshan and Akashvani should dedicate at least one channel to education, including both literacy promotion and continuing education. Satellite channels including the Open Universities and institutions of higher learning should also be encouraged to do so. The spread of literacy among the people will make them capable of forging their own destinies. (5.4) & (5.5)

22. We recommend that the Government should consider granting licences to satellite channel operators, domestic or foreign, with uplinking facilities from the Indian soil. The major spinoff of such a policy will be generation of substantial revenue. and also employment opportunities and regulatory control to ensure that the private operators also fall in line with Prasar Bharati in terms of adherence to the programming and advertising codes in vogue in this country. (6.1)

23. We recommend that local terrestrial TV and radio stations should be permitted. These stations will also help municipal bodies and Panchayati Raj Institutions in providing local broadcasting services to the community. For this purpose, the Indian Telegraph Act, 1885 could be suitably amended. (6.4)

24. We have elsewhere recommended (Recommendation No. 10) creation of an independent Radio and Television Authority of India to grant licences subject to payment of requisite fee and adherence to the standard codes of broadcasting and advertising of our country. All complaints relating to infringement of these codes should be brought before the Authority to initiate punitive action where considered necessary. The decision of the Authority shall be binding. The Authority will take a firm and objective stance in support of healthy development and growth of radio and television network in India while containing and controlling mushroom growth. (6.6)

25. The proposed Radio and Television Authority to be created by a new Act should consist of a full-time President with a sound background of the electronic media and ten members appointed by the President of India from amongst the public-academia, consumer activists, social scientists/researchers, etc. This Authority, inter alia will perform the 'complaints' function as envisaged for the Broadcasting Council in Section 15 of the Act which will not be necessary any longer. (6.10)

N.K.SENGUPTA
(Chairman)

M.R.NARAYANA
(Member)

VED LEKHA
(Member)