

Need for a Cohesive Television Policy in India

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Abstract

The Indian television industry has been dramatically transformed since 1991 when foreign television channels such as STAR TV and others began beaming their programs into Indian households from foreign soil. The impact of the exponential growth in television channelsⁱ, television viewersⁱⁱ and the television software industryⁱⁱⁱ in India between 1991 and 2006 has been well documented (Rodrigues, 1998, 2005). This paper analyses whether the Indian government's television policy during the past decade and a half adequately met the challenge of the entry of private and foreign channels into Indian homes. The paper also makes a set of recommendations to the Government of India with regards to its television policy so that this popular medium can achieve its potential as a catalyst for social change in India (NAMEDIA, 1986).

A brief history of television policy in India

At the inception of television in India in 1959, the government's policy was that the public service broadcasters – Doordarshan and All India Radio – would function as a monopoly. The policy continued in the 1960s and 1970s, albeit with the public service broadcasters co-opted the principle of commercialism to boost their revenue. The Indian government did invest resources in expanding the hardware for terrestrial broadcast, but neglected the development of quality television programming (Rajgopal, 1993, p. 93). The bureaucratic and ministerial controls and the monopoly conditions did not encourage creativity. As a result, the Indian public television broadcaster, Doordarshan, was seen as a 'boring', 'government channel' instead of a public service broadcaster providing quality and development oriented programs (Gupta, 1998; NAMEDIA, 1986). This paucity of creativity on television was in contrast with the thriving Indian film industry, whose talents were finally brought onto the small screen in the 1990s following the expansion of cable and satellite television (essentially private and foreign channels).

Cable and satellite technology advances since 1991 led to the beaming of illegal television channels into Indian homes from the skies (Rahim, 1994). At the time, the unmet craving for variety programs among the middle class, and a change in the country's economic and political attitude towards globalisation and cultural imperialism, required a change in the then existing broadcast media policy. Instead, the government left more than a century old legal framework (the Telegraph Act 1885) in place to regulate the sprawling of cables all over urban India. The century old Telegraph Act prohibited laying of cables in public property, but it did not restrict reception of television signals from the skies. However, as the funding body for Doordarshan, the Ministry of Information and Broadcasting, did ask the broadcaster to compete in the market against private television networks to protect its advertising revenue, further encouraging commercialisation of the Indian public service broadcaster. As a result, Doordarshan's entertainment programming nearly doubled in its share of total programming during the 1990s^{iv}. Doordarshan in the interest of protecting its market share against new private and foreign players also began seeking exclusive rights to telecast popular sports events. This strategy got the public service broadcaster into trouble with the law. In a landmark judgement in the Union of India vs Cricket Association of Bengal in February 1995, the Supreme Court (the highest court in the land) held that the airwaves were public property and a monopoly over broadcasting whether by the government or anybody else was inconsistent with the citizen's right to free speech (*IPAN Online* 1997, p. 2). The Court criticized the Indian Government's inaction on the broadcast media policy front, and ordered it to implement a new appropriate policy overseen by an independent public authority to regulate important media like television and radio (Gupta, 1998; *IPAN Online*, 1997). The mid-to-late 1990s saw a succession of activities in the form of changes in the Cable Television Networks (Regulation) Act 1995, granting of autonomy to All India Radio and Doordarshan under the aegis of Prasar Bharati Board (1997), and later gradually (1998-2000-2003) allowing Indian and foreign television networks to uplink their services from Indian soil (*Asia Pulse*, 1998, *Indiantelevision.com*, 2003, *Indiantelevision.com*, 2006a)..

However, on several fronts, the government did not convert its intentions to reality. Doubts remain about Prasar Bharati Board's independence and its ability to function as an autonomous body since its constitution in 1997 (Bera, 1999, Swami, 1998). The Broadcasting Bill tabled in parliament in 1997 still needs to see the light of day, while the Convergence Bill 2001 (which incorporates regulation of the broadcasting industry) may never come to

fruition (Broadcasting Bill, 1997, *Business Line*, 2001). The Conditional Access System (CAS) experiment to control the cable and satellite industry and create a transparent system too ran out of steam in 2004 (Sinclair, 2005). The lack of action on television policy in India is historic in nature. Since the 1960s, the government has appointed committee after committee to review the various aspects of the broadcast industry in the country. These committees have come up with several constructive recommendations including genuine autonomy for a strong public service broadcaster in India and the need to encourage multi-layered competition in the broadcast media. The Varadan Committee as early as 1991 recognised “the importance of introducing competition in the Electronic Media to provide additional outlets to the creative talent, to strengthen the democratic fabric of the nation and help better meet the cultural aspirations of different regions”(Varadan, 1991, web document). For this purpose, the committee recommended setting up of regional radio and television channels and leasing out of Metro DD (Doordarshan) channels to suitable licensees, with preference given to public limited companies, universities and cooperative institutions (Varadan, 1991). But, of course, competition in the broadcast media has come from the private and/or foreign sector via cable and satellite television rather than a policy framework provided by the government.

One of the more controversial recommendations by a number of committees (Narayanamurthy, 2000; Verghese, 1978) has been the need for Indian public service broadcasters to become self-sufficient to achieve genuine independence from all levels of government (federal, state or local council). As an anonymous senior Prasar Bharati official put it – “how can a public service employee resist when a local politician comes into Doordarshan’s regional office and demands that the political function in his/her constituency be televised in the name of development news?” After all, Doordarshan’s charter states that it needs to educate and inform the public. Deep suspicions remain about politicians’ commitment to not use the public service broadcasters as their own propaganda machines. Government appointed committees since 1966 have emphasised the need for less government control, even if it means that public broadcasters become self-sufficient by raising revenue via commercialisation.

The Indian television market following the spread of cable and satellite television has been largely unregulated but whenever the government has decided to pull in the reins it has got results. It is not that the Indian government does not have the power or control to regulate the private sector. It seems more a case of not wanting to, due to a two-level need of the population from the broadcast media – education and entertainment. The dichotomy between the broadcast media meeting the needs of underprivileged class and middle class continues, making the government in part impotent.

Commercialisation, competition and regulation – a discussion of ideas

Considering the imperatives of commercial revenue for Prasar Bharati and its need for self-sufficiency to gain real autonomy from politicians, it seems Doordarshan needs parallel emphasis, where it needs to maintain its competitiveness in the advertising market and yet meet its charter obligations. This is not new. Many quality newspapers in the world continuously struggle between their need to have an independent editorial department and a revenue generating advertising arm. Similarly, in case of Indian public service broadcasters (All India Radio and Doordarshan), it is the ‘independent’ Prasar Bharati Board which can bring a balance between meeting the social change needs of the deprived one-third of the

population living below or near the poverty line, and the rest who can afford a television set and cable subscription (the middle class which may want more entertainment than educational programs on television). The public service broadcasting has to meet the needs of these “two-Indias”^v if it is to distinguish itself from private and foreign competitors and remain relevant in a crowded multi-channel market. The Prasar Bharati Board, as the Public service Broadcasting Review of 1999 suggests, also needs to concern itself with “developing taste” by encouraging creativity and production of quality programming thereby “correcting market deficiencies” (Narayanamurthy, 2000, p. 2-4).

As for the government, it ought to put a balanced legal framework of regulation in place where the broadcasting industry along with its convergence with information technology and telecommunication can grow for the benefit of its citizens. The Broadcasting Bill of 1997 and The Convergence Bill of 2001 were criticised by various stakeholders including the industry because they gave too much power to the Government and its bureaucrats (*The Tribune*, 2001; *Indiantelevision.com*, 2006b). The legal framework that the Indian government finally puts in place should not be an impediment in the path of the growth of this significant industry and others. The government must provide a level playing field to all players, be it public service broadcasters or private television networks. As noted by several committees, in India there is a real need for plurality of voices and decentralisation in the broadcast industry, with a role for non-commercial and more community-based players such as universities, local governments, cooperative institutions or non-government organisations (Paswan, 1996; Varadan, 1991; Verghese, 1978).

The entry of private and foreign media, and as a result increased commercialisation of the Indian public service broadcasting (Rodrigues, 2005), has led to an increase in the percentage of entertainment programs broadcast in India. The government could look at mandating that a certain percentage of programming on private television is locally produced or should focus on education and development oriented messages. It would remain the primary responsibility of the public service broadcasters to meet the developmental needs of the Indian population by informing, educating and entertaining the citizens, but the private sector can play a role in elevating the lives of people living in rural and regional India.

The Indian Government has the full right to determine the level of foreign investment or foreign equity allowed in a broadcast company, but that should keep pace with public interest debates and market realities which are influenced by technological advances. During the decade and a half of 1991 to 2006, the Indian Government gave conflicting messages to foreign owners and investors in the broadcast media. For example the ‘Working paper on National Media Policy’ by the Paswan Committee in 1996 suggested that foreign equity in electronic media should not be permitted. This was contradictory to the existing reality at the time when 100 per cent foreign owned television channels were beaming their programs into the country ((albeit from foreign soil) without any restrictions. Later in 1998, when permitting uplinking of private Indian channels from India, the government put the foreign equity share at 20 per cent. Then, in 2000, the government further liberalised its uplinking policies by allowing private broadcasters with 49 per cent foreign equity to uplink from Indian soil. As one of the foreign broadcasters reportedly said: “Why don’t they get some regulations in place? At least, we’ll know what and who we are fighting and what course of action we should take.” (Wanwari, 1996, web document).

Recommendation for a change in television policy in India

Some of the future policy recommendations have been articulated by various high-powered committees appointed by the Indian Government in the last four-and-a-half decades. The main question is whether there is sufficient political will to grant genuine autonomy to the Prasar Bharati Board, and to mandate it and the private sector to some extent to meet the public service obligations for the “two-Indias” (the “haves” and the “have-nots”)? Here are some recommendations for a policy change in India:

Genuine autonomy for Prasar Bharati Board

Genuine autonomy for the two public service broadcasters, Doordarshan and All India Radio, by adopting a policy of non-interference by the Information and Broadcasting Ministry and ruling parties in the appointments of Prasar Bharati Board members. The Prasar Bharati Board should be directly accountable to Parliament and not to the Ministry, and it should come within the purview of a uniform legal framework for the television industry in India similar to some of the developed countries such as Australia.

Guaranteed funding for public service programming on Doordarshan

The Government of India must provide a guaranteed level of funding for the two public service broadcasters to meet their public service obligations for the benefit of all segments of the population in the country, particularly the disadvantaged groups. It should not be left to the two public service broadcasters to raise funds from the market (via commercialisation of programming) to meet their public service obligations. This recommendation accepts the principle that the Government may not be able to fund 100 per cent of the two public service broadcasters' budgets, but it still has to fund part of their programs particularly education and development oriented programs for the disadvantaged groups in society. This needs to go hand-in-hand with the guarantee of transmission of these public service programs during appropriate time slots both on national and regional channels, for which the Cable Television Networks (Regulation) Act 1995 needs to be amended to ensure that the cable operators carry the appropriate Doordarshan signals on the right bandwidth.

A legal framework for the entire television industry in India

The Indian government needs to establish a legal and transparent framework to assist competition and growth of the television industry at national, regional and local levels. For this the recommendation contained in the Broadcasting Bill 1997 that a Broadcasting Authority be appointed to grant licences to private, community, educational and environmental institutions needs to be examined. The legal framework must also address the question of television content to ensure that the television networks followed some legally mandated content rules to protect the interests of various segments of the population such as children and minority groups, similar to the ones existing in Australia and elsewhere. But this framework of content regulation should be balanced with the need to have all players survive and grow in a competitive market situation.

Encourage competition

The Indian government has to encourage competition among multiple networks and their channels so that viewers can benefit from access to a variety of television programs. Admittedly, at present, anyone with sufficient funds can enter the television market in India, but the need is to encourage community and local institutions and other less wealthy entrepreneurs to provide a localised service to their local communities. The recommendation about decentralising the monopolistic Doordarshan and its production was made as far back in 1978 by the Verghese Committee. The recommendation still has merit because, as noted elsewhere, India has two broad segments of population (two Indias) – the “haves” and the “have-nots”. One of the solutions of meeting the developmental needs of the disadvantaged groups is to allow grassroots growth of audio-visual media so that the community and the local population can participate and produce their own programs in their own languages.

Universality of access

Keeping with one of the principles of public service broadcasting that it should be available to all citizens in the country, one of the recommendations would be that the Government of India continues to fund community viewing of television in rural and remote areas. This strategy was adopted in 1959 and subsequent years to popularise the viewing of television in rural India. The same need remains in the 21st century because one third of the Indian population still lives below the poverty line and cannot afford to purchase a television set of their own (*Census of India, 2001*).

Private participation in public service goals

This idea has been discussed in some circles in Europe and elsewhere, where commercial media has raised issues with providing public funding to public service broadcasters alone even though they may be comparatively more inefficient than private media in utilizing these funds (Cox, 2003). Jacka quotes Hartley to say that in this post-modern era, public service broadcasting has no claim to a special role in relation to education and democracy (Jacka, 2003, p. 184). Jacka further says that:

If, however, we see democracy as pluralized, as marked by new kinds of communities of identity, as a system in which the traditional public-private divide does not apply, and as a system in which there are no universal visions of the “common good” but, rather, pragmatic and negotiated exchanges about ethical behaviour and ethically inspired courses of action, and modes in which such a diverse set of exchanges will occur. [Then] we will be open to the notion that ethical discourse can be present in many different kinds and genres of media texts and in many different forms of media organisation. (Jacka, 2003, p. 183)

Jacka argues that the defence of public service broadcasters and their privileged position with respect to quality, democracy, and citizenship can no longer be sustained (2003, p. 188). In this multi-channel digital environment, the broadcasting policy needs to take into account the pluralisation of society, pluralisation of spaces for citizen discourses, and dismantling of traditional hierarchies of values and knowledge (Hartely in Jacka, 2003, p. 187). Jacka says that the role of public service broadcasting needs to be examined at each site (in each

country) where it exists and within the context in which it functions. Extrapolating from the above discussion, one could say that public service broadcasting in India today exists in specific media ecology, which has specific historical roots, and therefore must function in accordance with its specific economic and social ground realities.

Endnotes

ⁱ Before the spread of cable and satellite television in the 1990s, there were one or two Doordarshan channels available to viewers in metropolitan India. In 2006, a cable subscribing household could access over 200 channels, depending on the reception it received and the technical quality of television set in the household (*Indiantelevision.com*, 2006a).

ⁱⁱ Number of homes with television was 30.8 million in 1997 (Doordarshan, 1997, 44), which increased to 108 million homes in early 2005 (*Indiantelevision.com*, 2005a).

ⁱⁱⁱ According to a Confederation of India Industry report, the Indian television software industry had grown to Rs. 25 billion in 2000, producing 40,000 hours of original television content (*Indiantelevision.com*, 2002, web document). According to another report, the software industry is expected to touch Rs. 300 billion mark by 2009 (*Indiantelevision.com*, 2005b).

^{iv} Table 2 *Doordarshan's programming structure*

Program Genre	1988	1996	2001
Informative	21%	23%	38%
Development Orientation	24.4%	14%	15% (Education)
Art and Culture	23%	12%	---
Entertainment	24.5%	40%	47%
Advertising	7%	11%	---

Sources: Johnson, 2000, and Doordarshan Online, 2001.

^v The concept of “two-Indias” was first discussed by Kothari. According to Kothari, the ‘two Indias’ are: one that comprises of the urban and rural elite, the big farmers, the industrialists, the bureaucrats, the executives and professionals, and the intelligentsia; and the other, which is impoverished, malnourished, toiling day and night for survival including the poor, the untouchables, the tribals, the backward classes, the lower castes, but also a large section of the religious minorities and women (1988, 1993). According to *Asian Development Bank* (2001), 300-350 million people in India have not been touched by the 1990s rapid economic growth in the country.

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