

Autonomy to Electronic Media (Prasar Bharti)

The long demand of freeing the electronic media from government control formally came into effect on September 15, 1997 by the Prasar Bharati Act. It was on the lines of British Broadcasting Council (BBC) to give autonomy to electronic media (Akashwani and Doordarshan). Unlike other advanced countries, Akashwani and T.V. in India had been state monopoly by which the free and fair flow of news, views and reviews were not met. As a result the ruling party had been misusing the Radio and T.V. to its advantage. The misuse was most evident during the emergency period (1975-77).

The question of autonomy for Electronic Media had been gaining momentum for quite some time. Various committees had been set up like Verghese Committee in 1978 on autonomy for Doordarshan and Akashwani. In 1990, the Prasar Bharati Act, was passed with the objective of granting autonomy to Doordarshan and AIR but nothing was done in the last seven years despite the Supreme Court's 1995 Judgment on freeing the airways which meant that government could not claim a monopoly ownership of the electromagnetic spectrum and that is linked with freedom of expression of the Constitution.

The basic concept of autonomy is to achieve the constitutional guarantees. It would not be an exaggeration if it is pointed out that we have been quite unconstitutional in our approach while having the electronic media under government control. Article 19(1)(a) of the Constitution is the guarantor of an individual's right to freedom of speech and expression against the state action with some reasonable restrictions like security of the state, public order, decency or morality and sovereignty and integrity of India, etc.

According to the Act, there will be a Prasar Bharati Corporation headed by a part-time Chairman who would be part of a 14 member board. The Corporation will be subjected to the overlordship of a committee of 22 MPs. There will also be a Broadcasting Council, which will include four M.Ps, to deal with complaints. The Chairman and members, not the ex-officio nominees of the board will be appointed by the President from among a list of names recommended by a selection panel. The panel will comprise a nominee of the President, Rajya Sabha Chairman and Chairman of the Press Council. The executive member of the board will be the chief executive of the Corporation. A representative of the Information and Broadcasting Ministry and the Directors-General of AIR and Doordarshan will be among the ex-officio members. There will also be a Broadcasting Bill which will set up a Broadcasting Authority of India for regulating broadcasting services. The broadcasting authority will license AIR and DD apart

from satellite, terrestrial, cable, DTH. However, it will regulate AIR and DD. They will be regulated by Prasar Bharati. The commercial, non public broadcasting comes under the purview of the Broadcasting Authority. So we can see these are elements that are overlapping and conflicting between these two structures which could create a lot of confusion.

Also there is provision for the Broadcasting Council to be formed by the government to look into various complaints against DD and Air. Thus its one function is as a complaints body, and the other is to oversee whether Prasar Bharati Corporation is fulfilling its objectives. So it is both a complaints body and a supervisory body. Broadcasting Council will consist of President and 10 other members appointed by the government for four MPs. As a complaints body it will be dealing with complaints on the issues of fairness and impartiality on the one hand, and on standards on the other. Standards mean taste, decency, sex and violence, children, religion, etc. At the same time there is another mechanism for complaints again dealing with Standards-the Broadcasting Bill. So we have two complaints authorities under two different heads.

How far is the Prasar Bharati Act really autonomous is the moot question? The government still continues to have control as the government will have a real say in the appointment of the chief executive. Also members, barring the ex-officio nominees of the Board, can be removed only on grounds of judicially proven misbehavior, a member can be suspended when an enquire is pending. The corporation is required to furnish such information as the government may consider necessary and include in its annual report information relating to its work which the government specifies.

In theory, the Corporation and Board are accountable to Parliament, but in effect, it would be to the ruling majority. Where is the need for two committees of M.Ps, when even one is enough to make any corporation and its chairman doubtful of autonomous functioning? Such needs to be done to remove or amend several of the provisions to make the corporation genuinely autonomous.

For all the shortcomings, the Prasar Bharati Act is a welcome first step towards freeing the airwaves and wresting AIR and DD from the government's grip. The Act, like any other legislation, is a product of politics and party games. Autonomy comes as much from the culture of a corporation as its mould. The degree of autonomy varies in corporation some may be very tightly controlled, partly because of the personal attitudes of people at either end. So that is the legal aspect. The other is the conventions, the traditions and the culture. Freedom can never be given, it has to be grasped.