

BROADCAST REGULATION 3.0, COMMISSIONS AND OMISSIONS

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

To enjoy additional benefits

CONNECT WITH US

December 01, 2023 12:08 am | Updated 01:29 am IST

COMMENTS

SHARE

READ LATER

'There are numerous apprehensions that arise from the Broadcasting Bill's manifest scope as well as its noteworthy silences' | Photo Credit: Getty Images

The [Broadcasting Services \(Regulation\) Bill released in November](#) by the Ministry of Information and Broadcasting (MIB) is part of an arc of endeavours to regulate broadcasting in an integrated manner. The last initiative to take on this ambitious task was back in 2007, in the form of the Broadcasting Services Regulation Bill. Ten years before that, when cable and satellite broadcasting was in its infancy, the Broadcasting Bill of 1997 scripted the first effort to visualise an integrated regulatory framework for this sector. The recent third rendition of a Broadcasting Bill comes on the heels of a pre-consultation paper on 'National Broadcasting Policy' by the Telecom Regulatory Authority of India (TRAI), a document initiated following a reference from the MIB.

There appear to be three positive propositions in the current Bill, albeit each requiring crucial refinements. First, it obliges broadcasting network operators and broadcasters to maintain records of subscriber data, and subject this to periodic external audits, as is the international norm. Second, the Bill seeks to stipulate a methodology for audience measurement, and the sale of ratings data. Both mechanisms will bring the much-needed transparency in the opaque value chain of the cable and satellite television business in our country. That said, the Bill completely lacks any guardrails to shield the privacy of subscribers and audiences in such practices of data collection. Third, the provision to permit private actors in terrestrial broadcasting will encourage competition to Doordarshan, the state broadcaster, as is in many G-20 countries. Back in 2016, TRAI had initiated consultations on this. At that time, there was an opinion about terrestrial broadcasting proving viable only for large players, including those already in cable and satellite broadcasting; consequently, such a move, it could be argued, is likely to diminish the diversity of suppliers in broadcasting as a whole. This anxiety can be pacified if the Bill allows terrestrial broadcasting to those not involved in other forms of broadcasting.

Apart from these potentially positive provisions, there are numerous apprehensions that arise from the Broadcasting Bill's manifest scope as well as its noteworthy silences.

A major concern is the Bill including Over-the-Top (OTT) content suppliers in the definition of

broadcasting services — as also proposed in TRAI's 'National Broadcasting Policy'.

Intriguingly, both moves come amidst intense discussions catalysed by the Ministry of Electronics and Information Technology (MEITY) (hitherto mandated to deal with the online media) on licensing OTT players. Now, the MIB appears to poach on MEITY's jurisdiction — a territorial slugfest typical in countries with a fragmented regulatory architecture. For the news media and their audience, there is a different concern. The Bill's expanded definition of broadcasting constricts the conditions in which journalists and news outlets that are not a part of large, multi-lingual television networks can continue their professional pursuits.

While it is fruitful for a news outlet to have an oversight body, warranting a 'Content Evaluation Committee' takes the Bill in a questionable direction: mandating an internal body to self-certify news programming. The issue is not only of feasibility and costs but also of desirability. Since the role of an internal oversight mechanism is to maintain the accuracy of news and quality of journalism, its design is best left to individual news outlets. They could decide whether to design this along the lines of an ombudsperson, as some newspapers attempted in the past, or akin to a 'Readers' Editor', as practised by few online news outlets.

Now, the two crucial silences in the Bill. Like the TRAI paper, the Bill is mum on issues of ownership. While the Bill is keen to stipulate a methodology for audience measurement, there is no desire to measure the extent of cross-media and vertical ownership. Both these forms of media power thwart the diversity of suppliers, and perhaps, consequently, that of viewpoints, in the marketplace of news. In fact, just last year, TRAI itself had drawn attention to extensive cross-media ownership between newspapers and news broadcasters through indirectly owned affiliates, and the need to evolve a system to capture this.

Amusingly, one such news outlet with cross-media interests was apprehensive about inroads by telecom companies into broadcasting. They rightly feel such inroads add another dimension to vertical integration, since some cable and DTH distributors also own, in a roundabout manner, news broadcasters. Both renditions of vertical integration risk the ability of the audience to access, avail, and/or afford news from a diverse range of suppliers.

The Bill is equally silent on creating an independent broadcast regulator, as hinted in TRAI's paper. This was first mooted in the 'airwaves' judgment of 1995, subsequently in the 1997 Broadcasting Bill, and reiterated in the 2007 iteration of the Bill. Instead, this Bill plans a 'Broadcast Advisory Council' to examine viewers' grievances and violations of the Programme Code and Advertisement Code. This raises two concerns: first, the capacity of such a Council to track and address grievances, genuine or motivated, raised by over 800 million TV viewers; and second, the lack of autonomy accorded to this body, since the Bill empowers the Central government to ultimately decide on the Council's advice.

In addition, the Bill empowers the government to inspect broadcasters without intimating them in advance, and to impound their equipment, presumably including those issued to their employees.

Also read | [Centre advises TV channels against giving platform to persons facing charges of serious crimes such as terrorism](#)

Furthermore, violations of the Programme Code and Advertisement Code attract deleting or modifying content, in addition to existing measures such as ceasing transmissions for particular durations. Finally, the Bill grants tremendous leeway to government to curtail broadcasting and its distribution in "public interest", a term that is distressingly left undefined. All these intrusive mechanisms augment the vulnerabilities of professional news suppliers to external pressure

groups. This should worry those who will deliberate over legislating the Bill, irrespective of which benches they occupy in Parliament.

As the latest extension of the arc of endeavours to devise an integrated regulatory framework for broadcasting, this Bill must not lose the opportunity to protect press freedom and diversity. To do so, it has to will its way to incorporate some startling omissions, review its intrusive commissions, and fine-tune potentially positive provisions.

Vibodh Parthasarathi teaches media policy at the Centre for Culture, Media and Governance, Jamia Millia Islamia, New Delhi

COMMENTS

SHARE

[government](#) / [laws](#) / [telecommunication service](#) / [G20](#) / [media](#) / [personal data collection](#) / [data protection](#)

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our [community guidelines](#) for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Crack