

State governments cannot enter into broadcasting on their own: I&B Ministry

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Those already broadcasting their content have been told to get it done through public broadcaster Prasar Bharati



The Information and Broadcasting Ministry on Friday issued an advisory stating that no Ministry or department of the governments at the Centre, States and Union Territories and their associated entities should enter into broadcasting or distribution of broadcasting activities in future.

Those already broadcasting their content have been told to get it done through the public broadcaster, Prasar Bharati, and the entities distributing the broadcasting content have been asked to "extract themselves" from it by December 31, 2023.

The Ministry said the advisory had been issued in view of the Telecom Regulatory Authority of India's (TRAI) recommendation, the Supreme Court judgment in the Cricket Association of Bengal case and the Law Ministry's legal opinion.

The move may have political implications as among those could be impacted by the advisory are Tamil Nadu's Kalvi TV and Arasu Cable, besides the Andhra Pradesh government's IPTV.

Exclusive privilege

Stating that the I&B Ministry was the nodal agency for all the matters related to broadcasting, the advisory said the power of legislation on issues of "posts and telegraphs, telephones, wireless, broadcasting and other like forms of communication" and exclusive privilege to grant licences in respect of "telegraphs and power" rested with the Centre.

In 2012, the TRAI had suggested that the Central and State governments, their companies, undertakings, joint ventures with the private sector and the entities funded by the governments should not be allowed to enter the business of broadcasting and, or, distribution of TV channels. It relied upon the Sarkaria Commission's recommendation and the Cricket Association case verdict.

The Supreme Court had observed that state control really meant governmental control, which in turn meant control of the political party or parties in power for the time being. It had further observed that public service broadcasting should be in the hands of a corporation (s) set up under a statute and the constitution of such a corporation (s) should be such as to ensure their impartiality in political, economic and social matters and on other public issues. They should promote pluralism and diversity of opinions and views, said the advisory.

In the context of the demand by some States to have their own broadcasting stations, the TRAI had cited the views of Sarkaria Commission and the Verghese Committee, noting that for controlling the "centrifugal" tendencies, the demand for either a concurrent or an exclusive power to the States regarding broadcasting could not be supported.

Functional independence

"The importance of Prasar Bharati, which is an independent statutory body, should also not be lost sight of. The TRAI has suggested that the body should fulfil the legitimate aspirations of government entities as regards broadcasting activities, while at the same time recommending the 'arm's length' relationship between Prasar Bharati and the government be further strengthened to enhance its autonomy and functional independence," said the advisory.

Based on the recommendation, the Ministry said, the existing operational broadcasts in respect of some of the Central government ministries and departments and some State governments had already been brought under Prasar Bharati's ambit through memoranda of understanding.

To implement the latest decision, the entry of Central/State/Union Territory governments into the broadcast activity for educational purposes would be allowed through Prasar Bharati route via "suitable" agreements. All such existing activities would also have to be brought under its purview. Till then, uninterrupted broadcast of the ongoing education channels and other scheduled programmes would be allowed.

Under the existing policy guidelines, government universities, colleges, schools, Krishi Vigyan Kendras, certain autonomous bodies and agricultural universities are eligible to set up community radios.

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