

Lecture- 28



Regulatory and Broadcasting Framework: An Introduction

Regulation of broadcasting of media in India

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Introduction

In our country, broadcasting is one of the primary mechanisms for communicating knowledge and information to the public at large. There were not any stringent laws on the broadcasting of content over television until recently.

India wanted to create a national regulatory framework to promote its works and for the interests of society. The Supreme Court directed the government to set up an independent autonomous authority that would free from the shackles of government control and ensure conditions in which the freedom of speech and expression could be meaningful and effectively enjoyed by one and all.

As per the Supreme court: “The right to freedom of speech and expression also includes the right to educate, to inform and to entertain and also the right to be educated, informed and entertained.” It gave a wider amplitude to the right to speech and expression: “The government has no monopoly on electronic media and under Article 19(1) (a) a citizen has the right to telecast and broadcast to the viewers through electronic media”.

Broadcasting is referred to as a central source of news and information across the globe. Due to this trait, it has the tendency of influencing the opinions of the public at large and is a target of illegitimate control.

The body that regulates and governs the media and entertainment sector in India is enshrined in the Cable Networks Act, 1995 and the Prasar Bharti Act, 1990. These are regulated by the Ministry of Information and Broadcasting and Prasar Bharti.

Broadcasting in India

In today's day and age, the Indian mass media comprises over 300 TV channels that reach over 112 households, 50,000 newspapers and magazines having a readership of over 250 million, around 300 radio stations, over a thousand feature films in 18 languages made yearly and a plethora of electronic, print, digital and telecommunications media. Doordarshan, which is the national television network channel with 22 channels, the national broadcaster and All India Radio are managed by the autonomous corporation called Prasar Bharti. The Indian Broadcasting and Cable TV market was valued at USD 11.61 Billion in FY 2020 and the market is forecast to reach USD 19.06 Billion in FY 2026.

Broadcasting services in India are provided by Cable TV, DTH Services, Terrestrial services (Doordarshan), Internet Protocol Television (IPTV), Radio (FM, AM, Community Radio). Key features of broadcasting regulations are that they provide signals on a non-discriminate basis to distributors, carry provisions for national and regional languages. In the recent past, there has been an estimation of the growth of the Indian broadcasting and cable TV market to undergo a robust rate of growth during the forecast period. There has been an increasing demand for television sets especially in the rural parts of the country is one of the key factors supporting the growth of this market. It is projected that by 2025 there will be a huge surge in the entertainment industry with a growing demand for international TV channels and shows propelling the growth of the Indian broadcasting and cable TV market.

The Telecom Regulatory Authority of India (TRAI) regulates the tariffs payable to subscribers of television channels and service providers in the broadcasting sector. According to the Broadcast Audience Research Council, over 197 million Indian households had a television connection in 2019. As of July 31, 2020, the Union Ministry of Information and Broadcasting (MIB) had permitted 920 TV channels to operate. The television broadcast ecosystem has three stakeholders: broadcasters, distributors, and consumers. Broadcasters make content for TV and distributors provide it to consumers using one of four technologies: cable, direct to home (DTH), head-end in the sky (HITS) or internet protocol (IPTV).

Bringing OTT platforms under government control

The OTT platform in India is regulated less as compared to its offline counterparts like films and television. This gives the platforms creative freedom which allows the platforms to cater to the needs of the masses with films brought to the platform from all across the globe. OTTs do not have any special regulations or legislations in terms of foreign programmes and Indian content. There is no discrimination and the same codes and rules are applicable throughout in terms of content regulation of the programmes.

According to a national survey, the online content industry has an estimated value of INR 4000 crores with a viewership of more than 17 crores from OTT platforms alone and all of these are regulated with little or no scrutiny. The Supreme Court issued a notice to the Centre in October 2020 to the Centre by way of a PIL where the petitioners demanded the creation of an autonomous regulatory system for online content. Over the years, the judicial approach has been such that online content would not fall under the ambit of the Cinematography Act, 1952. In parallel, several OTT platforms and operators like Hostar, Netflix are increasingly adopting self-regulation codes.

Currently, the Electronic Media Monitoring Centre, which was set up in 2008, is entrusted with the work of monitoring content on TV. It puts out reports on violations of the Programme Code.