

Lecture- 29



Foreign productions

The entry of foreign and private broadcasters was a result of liberalization in the 1990s. There was a huge surge in the number of channels. Entrepreneurs set up small cable TV networks and began broadcasting local video channels including music videos within neighbourhoods. Satellite television and the launch of channels by CNN, Zee and STAR led to the birth of national multi-system operators (MSOs) and local cable operators (LCOs)

Foreign investment in the TV industry is subject to sector caps and the regulatory guidelines as may be prescribed from time to time. India has entered into film co-production treaties with the United Kingdom, Italy, Brazil, Germany, France and New Zealand. The Ministry of Information and Broadcasting is the body that is responsible for creating, administering laws, rules and regulations relating to information, broadcasting of films and press.

It also regulates international co-operation in films, broadcasting and its foreign counterparts on behalf of the government of India. The programs should not be in violation of the Program Code issued under the provisions of the Cable Television Network (Regulation) Act, 1995.

The Indian Broadcasting Foundation laid down its “Content Code and Certification Rules, 2011” which provide for a BSP (Broadcast Service Provider) to ensure that all programmes are self-certified by each broadcaster as:

- 1) Generally Accessible; ‘G’
- 2) Restricted Access; ‘R’

The former can be aired at all times while the latter has a window from 11pm to 5am. It is the duty of the Broadcast Service Provider to obtain prior certification from the Central Board of Film Certification for all films, including foreign films, music videos, albums, trailers, etc and shall broadcast them on television or radio only after such certification.

Broadcasting in India versus the UK

Regulation in India is entrusted with the Union whereas, in the United Kingdom, it is entrusted with private and public entities. The UK has a self-regulated print media and both the print and broadcast media are independent of government control. In India, the press and media are predominantly influenced by political authorities.

Foreign telecasting companies

It is a mandatory requirement for foreign broadcasters who are telecasting their channels in India to appoint an Indian company as their representative in following of the guidelines issued by the Ministry of Information and Broadcasting. Such foreign broadcasters earn advertising and subscription revenues from India. The income of foreign producers should not be taxable in India in respect of operations confined to the shooting of a film in India for transmission out of India based on an exemption under the domestic tax laws.

Conclusion

There are not any specific legislation as such which talk about regulation of foreign-produced programmes and the same is governed by the regulations and codes prescribed by the domestic legislation. The Ministry of Information and Broadcasting along with The Telecom Regulatory Authority of India regulate the content of such programmes.

The Cable Television Networks (Regulation) Act of 1995 made the Rules introduced in 1994 binding on all cable networks which are either downlinked to or uplinked from, India, which include foreign programs as well.