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Title: Television Broadcasting and Content Regulation in India:

A Study of Private News Channels 1990-2010

ABSTRACT

The thesis is about broadcast regulation in India with particular attention to content regulation of private television news channels. It examines the process of policy making pertaining to broadcast regulation in the context of the emerging actor's interests post liberalization and how they challenged the established institutional structures forcing the State to adopt new strategies, in the process giving birth to new policy choices.

During the early 1990s, the twin phenomenon of economic liberalization and satellite technology gave rise to new regulatory challenges, but the State was unable to put together a coherent regulatory system to address the same. The purpose of this study is to investigate the evolution of this fractured regulatory framework while examining the key developments in broadcast regulation from 1990 to 2010, the actors who emerged in the new economic milieu and what were the key debates among the emergent actors. In other words, this study examines the discourse surrounding regulatory reform, with particular reference to content, as well as interrogates how the changing power equations shaped the trajectory of the reform.

The study also locates this phenomenon in the social, political and economic contexts and discusses how traditional concerns of media regulation coalesced with new regulatory concepts as visible in the discourse surrounding regulatory reform. In doing so, the research takes reference from historical institutionalism which centers on path dependency inferring that once certain policy choices are made, the path taken becomes intractable due to a combination of factors, forcing policy down a narrow pathway for perpetuation. Alternate paths are created when external shocks factors disrupt this equilibrium giving birth to new policy choices. The study also takes a cue from Galperin's suggestion of using institutional analysis in communication policy reform to understand how the arrangement and structure of institutions influence the policy output.

It is therefore able to demonstrate that though the actor's interests influence policy making, they are not the sole dictators of reform, rather, the State and its structures absorb these pressures at multiple levels of governance, leading us to understand that policy outcome is also based on institutional structures. This also explains why certain governments are the enablers of policy reforms over others, and why certain actor's interests find greater traction over their counterparts. This finds reflection in the Indian context, where the instilled path of Nehruvian socialism which perpetuated the model of state directed planned development and public ownership of undertakings, was disrupted due to external shocks derived out of economic deregulation. These jolts changed the pathway and created new policy choices. The study is qualitative in nature and is a phenomenological study of the policy making process, investigating what happened and why did it happen. In doing that it is clearly a policy analysis rather than policy research which suggests actions to policy makers.

The study derived its empirical data from the interviews conducted with relevant actors, analysis of related documents and cases selected. While the interviews provided the insiders perspective on the arguments and strategies used by actors to protect their interests, documents allowed access to direct expression of values of organizations, in addition to providing context and historical background of the changing milieu. A total of 29 in-depth interviews were conducted with policy decision makers, media scholars, media professionals, and active members of the civil society, representing the varied actor groups. Further, the study also analyzed both primary and secondary documents to understand the meaning, context, and interaction of various actors in policy making. The primary documents included various laws, government rules and directives, official reports and minutes of meetings which provide the official point of view of the reform processes. The laws and mandates identified for analysis pertained to communication matters, including distribution, broadcasting and content regulation. These documents provided the framework of broadcasting regulation in India. Since some of the key documents were not available online, the researcher sourced them from the ministry of information and broadcasting using provisions of Right to Information Act.

The study further analyzed two cases which deal with the discourse surrounding the Broadcast Services Regulation Bill (BSRB), 2006 and the trajectory of its revised version, BSRB, 2007. This enabled the comprehension of the ``how'' and ``why'' of the reform

process, and allowed investigation into the phenomenon in its ``real life context''. The researcher chose the above mentioned case studies because it was for the first time in 2006 with the drafting of the BRSB that the policy making process was opened for feedback from stakeholders signifying a marked shift in the closed approach of the State. It also bears significance that the revised BRSB 2007 seemed to have taken into account some of the concerns of the various actors. It however, also indicated how the State in proposing the regulatory agency which was controlled by it, tried to adhere to established patterns of control. The analysis of these cases also mirrored how the broadcasters by using innovative strategies like self-regulation, came closer to the State goal of regulating television content, and were therefore received relatively favorable response.

The study contends that the bid to retain control by the State stems from a larger existential issue since putting a truly independent body to regulate broadcasting may strip the state and/or government of all power over television. And in a scenario where television has become increasingly powerful, at times, even challenging political power, losing control would have larger implications.

It is pertinent to note that most proposed legislations seemed spurred by the increasing sensationalism of content and eroding public trust, and therefore content remained at the center-stage of the rationale for regulation. In addition, its enormous power as a cultural tool, and an instrument for shaping the public sphere by generating social debate, makes its contribution to democratic ideals critical. It is this philosophy that has been the touchstone for imposition of restrictions on free speech in several democracies. The study emphasizes that media content cannot be considered as just another product, rather it possesses the critical dimension of a social good which enables a marketplace of ideas by disseminating ideas and information and generating debate. This holds specifically true for reportage of news on television due to its riveting nature, made more so by the introduction of concepts like ``live'', ``breaking'' and ``exclusive'' news. Furthermore, television news and the debate generated by it are considered powerful as it influences policy decision making. This made regulation of private television news channels into an issue which needs policy attention.

Keywords: Content Regulation, Broadcast Regulatory Framework, Television News Channels, Policy Analysis, Political Economy, Institutionalism, Self-regulation.