Chapter 6

Live News and Need of Broadcasting Regulation
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6.1 Production of Live News

There are many departments involved in Live Telecast of News. The most important is the proper coordination in all the departments and the control room. In any case, it is a team work. For one live telecast, from studio or from outdoor places, minimum team of twenty to twenty five journalists and technicians as well as engineers is involved in the process. The following are the important departments involved:

To decide the content and to select the events or treat the scripts as well as the Fix Point Charts are some of the most important functions of the Editorial Department. This department has to work hand in hand with all the other departments, to reach the dead line and to achieve the results on time. This department is supposed to be the leading one in all the others, as far as the news channel is concerned. The other departments are to follow the instructions, commands and work on the guideline of the editorial. Except the news channel, on any other channels, the production department, which handles visual part of any program, has been given top importance and has maximum power. But News in channel, the importance is given to the Editorial, and the chief or Managing editor is the captain of the ship.

The next in command is obviously the production, which is responsible for converting the editorial content in to the audio visual packaging. The production department has the responsibility to depute cameramen, visual editors, visual reference, Graphics, animation, archrival, Library, OB coverage, Planning the locations of the live talk shows out door or in the studio, Deputing the Production control Room staff, Post production, news Packaging, feeding and also look of the
channel, get ups of the Anchor Persons. Their personality Developments, costumes, Style and over all look of the channels and maintaining the identity.

Engineering is also one of the most important department who is responsible for the overall transmission, unlinking, dealing with the satellite links, and feeding, receiving and sending the visuals through satellite, matching the frequencies, sorting out the problems in telecast, efforts for live and deferred programs and news casts. All the operations and Processing related problems are sorted out by this department. The maintenance of cameras, edit machines, computers, other servers, net works and equipment are handled and managed by engineering also. The other departments like Administration, Finance, Marketing, Sales and Human resources Development, are the supplementary departments, which are always their in any corporate or industrial sector. The proper coordination is expected with in all these departments.

Considering the importance of proper working and coordination, the situation of various channels will have to be taken in to consideration. In Zee Marathi, the technical coordination is on professional level, but lacking the live feeding facility from any other place than in Pune and Nagpur. In last 8 years after starting this channel, the 4 MB lines could not be installed from the major 8 cities. This demand was made by the editorial of this channel, but could not be fulfilled. This affects the performance and the visuals which are 36 to 40 hours old, are shown on this channels.

In the same case is about the public Broadcaster Sahyadri channel news, or Even DD national news. The regional channel has got feeding facility from Nagpur alone, and not from any other centre of DD. Mainly the capital cities of all the states are links on
the DD national net work. This never serves the purpose. Any thing happens in the remote parts of the states remains uncovered for the hours and in some cases for the weeks even.

The only channel in Marathi Language, which has feeding infrastructure ready from 8 places in Maharashtra, and from more than 140 places in India, is ETV network. This channel has got better visual sources, feeding and infrastructure better than any other channel in the country, but unfortunately, it does not have proper professional editorial control, capacity and process to work on it. It has been observed that the private companies like Reliance and Tata have offered their service to all the news maker channels, from every city of the country. Some times the big channels like NDTV have started using these facilities from various corners of the country, as every time it is not possible to take the OB vans to these cities. Most of the laces are connected by these companies by the 2 or 4 MB lines through which the visual can be carried to Mumbai or Delhi head Quarters of these channels and then the post production can be done on that footage.

6.1.1 New participatory element of the viewers

"Except for a few news addicts on the Internet, not many noticed the real story - the increasing participation of citizens in the news production process. In more ways than one, the events amounted to a 'tipping point' for the Indian and British media. The World Wide Web changed that equation. It enabled anyone and everyone to become a journalist and publish different versions of the same event. The traditional media slowly started losing their monopoly over news in the 1980s as news websites mushroomed, many of them started by individuals with no overt links with mainstream media companies." ¹

Prasun Sonwalkar UK-based Academic and Journalist
The British Media Experts think that since India has long been a media-rich poor country, with a vibrant and diverse press - television is a relatively recent phenomenon, where professional journalistic standards are yet to stabilize. Internet density there is among the lowest in the world, but a large number of news websites are active, and not all have been set up by traditional media groups.

News coverage has traditionally had a top-down dynamic - a few individuals deciding which event or issue to cover and how to cover it. These individuals - journalists - were at one end of the communication process, providing their version of reality to the large audience of citizens.

The new satellite channels like CNN-IBN in India have started the concept of Citizen Journalists, which has become popular in a short time, and people have started sending their views. The Local problems are represented, the photographs or even moving shots on armature cameras are taken by the people, before the TV camera crews of the channels are reached on the spot of any mishap, accidents and any happenings that creates news. Again the Democratization Theory of Mass communication which stress the main feature of giving opportunity to the people to opine, participate and criticize on the issue they feel

It may be recollected that in the mishap of 9/11, the pictures of the collapse of the twin towers were taken by the citizens alone, which were telecast later on many TV channels of the world. Less than 10 minutes after the first passenger plane struck the World Trade Center, eyewitness accounts by citizens - web logs - began to appear on the web. They were then followed by major news sites and, as the day unfolded, hundreds of websites emerged with what was called 'personal journalism'.
Here in India, the concept has been converted as a “Citizen Journalist”

The participation of the viewers and the people at large was started somewhere in the period of 1972 to 1974, when DD Marathi Centre was started in Mumbai. Practically speaking there was not much importance given to the people’s reactions.

The Peoples reactions are the indicators of the people’s opinion which reflects the mind set of the population. If the time of the arrival of television in Maharashtra in Marathi language is considered, the world Media was already 30 Years old by that time. All the big television companies like BBC, CNN and others had started giving larger publicity to the people’s opinion. But it was very strange that it was not allowed on the official television channel of India, because the ruling parties always feared of the public opinion, which was unpredictable.

In all the Mass Communication theories, Media Equation Theory predicts why people respond unconsciously and automatically to communication media as if it were human.

According to Byron Reeves and Clifford Nass, this theory looks at interpersonal communication between an individual and the media. We talk back to our computers, and we use the same personal spacing techniques with media as we would if that particular medium were a real person. We unconsciously act as if the media are people. It is relatively new, and considers new forms of interpersonal communication. It predicts that people will treat the media (according to interpersonal theory) as they would treat a real person. It explains ways the audience is active.

Participation of the Viewers was started in a true sense in India, when Dr. Prannoy Roy and Vinod Dua handled the Election analysis shows on DD itself. Dr. Roy had a clear understanding for his freedom as an anchor, to criticizes and analyzes the
situation, along with the people's verdicts, opinion, and even their predictions. Both the anchor persons gave a different dimension to the Indian live broadcasting and even to the representation of the people at large on the small screens. This was phenomenal and revolutionary step. Only the opinion polls were not allowed or the results of the sample taken were not allowed for the broadcast purpose, before the voting took place. Still in 2006, no opinion poll is officially conducted by the DD news staff.

Zee and Star News started their first Satellite Newscasts in 1992-93 in India, and started to use the frequent Vox Pops on various subjects of day to day lives of the viewers and the citizens.

Even when the researcher was working as the News Editor of DD Mumbai, and in the GNR of DD New Delhi, the same restrictions were applied, for not telecasting the news items which were completely against the government or ruling party. The only difference was that the people's VOX pops were allowed in a balanced way. This means out of the ten reactions were against, the remaining five were telecast for the government to balance the issue.

After the satellite channels came in to operation, all these obstacles were removed and the freedom of the production and presentation of the news cast was taken by the news channels.

Now the situation is, on any subject, in any situation and in any aspect, the VOX pop can be recorded or taken on live. There is no hurdle and obstacle on any channel. DD is still an exception up to some extent even in 2007, because of the same old mentality, for not going against the system or the government.
6.1.2 VOX POP

“Vox populi” which means literally in Latin, voice of the people. This term is often used in broadcasting for interviews of members of the ‘general public’. Usually the interviewees are shown in public places, and supposed to be giving spontaneous opinions in a chance encounter — unrehearsed persons, not selected in any way. As such, broadcast journalists almost always refer to them as the abbreviated VOX pop. In American broadcast journalism it is often referred to as a man on the street interview.

Because the results of such an interview are unpredictable at best, usually VOX pop material is edited down very tightly; doing it live is mostly impractical. This presents difficulties of balance, in that the selection used ought, from the point of view of journalistic standards, to be a fair cross-section of opinions.

6.1.3 Opinion Poll

Polls are utilized or conducted to understand the verdict or slant in the minds of the voters or people at large. I can attribute to some election, selection or some important issue related to the public, or some group of socially important people or a common man.

6.1.4 SMS Reactions

SMS are utilized to get the feedback of the viewers, on any issue being broadcasted. These reactions through ca also be analyzed and the percentage is utilized to get the true picture of the mindsets. This is also a different indicator of the popularity of the channels or the program or the awareness of the people.

6.2 Live participation

There are two ways of live participation of the people, or the representatives of the people or the elected leaders. One is to talk to them in Studio, or to take the camera and OB van to the
spot, where these people are, and take them on the live telecast and, make them speak or react in the live debates and the talk shows.

**Recorded reactions feed**

This is the most common way of putting the reactions of the people, on the pre decided subjects or the sudden happenings. Due to the technical inability to take the people on live telecast or on the live discussions or debates, the recording is done on the subjects, and with the help of the pre decided questions. The recording can be edited according to the need of the time slot or relevance of the subject, presentation and the requirement.

### 6.2.1 Citizen Journalist

This is a concept where anybody can become a TV Journalist, provided he or she has got some thing to show or say, which is newsworthy, and which has not been covered by the concerned or any channel.

Most of the accidents or untoward incidents become news only after it takes place. The natural disasters also fall under same category which can be reported by any sensible person present on the spot, witnessing it.

Most of the English and Hind news channels have started the citizen journalist reporting for the following reasons:

1. It adds to the authenticity of the news reporting.
2. Some times it is most useful, when the official team of coverage is not reached to the spot of happening or reached late than expected time.
3. Some times the content is received by some other source, but no pictures are available.
4. The coverage done by citizen journalists can not be criticized as managed or manipulated as these are the original and
transparent voices with the public participation itself, which is impartial, unbiased and genuine.

5. Citizen Journalists can be utilized as the reporters live on any telecast, or even for the recorded coverage. Some times the photographs taken by the citizens on the mobiles or tiny amateur cameras can also prove to be very rare and important as the first hand visuals from the spot.

6.3 Sting Operations: Production and legal compulsions

Sting operations must be considered as a very powerful weapon of TV Journalism, which made a revolutionary change on the general perceptions of common citizen of India. Mostly all these operations were conducted and shown with the help of the private satellite channels like Star, Aaj Tak, India TV, NDTV, etc. It must be noted, that while considering the changes in production and presentation of the television news in India, the sting operations can not be avoided. The process of pre production during the sting and the effects of the post sting operations have made a lot of impact on society, citizen and the legal system as a whole.

A sting operation is an operation designed to catch a person or a group committing a crime by means of deception has a fair amount of shock value. It is the most effective way of exposing the truth. Being 'caught in an act' on camera leaves little scope for doubt about those who shamelessly manipulate the system for vested interests.²

The sample survey conducted for this research shows that more than 72% viewers firmly believe that sting operations serve the purpose fully, to bring out the truth and expose the anti social and criminal elements from different fields. Here the Diffusion of innovating Theory explains that “There does not seem to be free
will in viewers. It is fated as to what information is received to the masses, they have no choice but they are exposed to”.

Surprisingly, being the public broadcaster, DD has not even touched the way of operating the sting operations, when minimum ten to fifteen major stings were conducted by all the satellite channels in India, over the years. It must be noted as a part of interesting observation, that in The United States, FBI alone has conducted 175 sting operations to reveal the truth and confirm the allegations of irregularities as well as malpractices and even the criminal and corrupt practices. The only difference in that the American operation follow a specifically defined procedure of their constitution, and in India, no such regulation has been imposed until the end of 2006.

6.3.1 Objectives of a sting

Objectives of a sting are to expose the illegal Activities, to create an evidence, to find out the operating process, to avoid ambiguity, to remove all the doubts, to show it to people and Judiciary.

Such exposures can thus stand the test of time only on account of credibility and veritable proof of the alleged facts. There is also the occupational hazard when he/she is engaged in a sting operation. In the case of Tehelka, the associates were made to pay a heavy price, virtually grounding the organization operationally and financially. But the fact remains that the press cannot punish the guilty nor can it command accountability from those occupying positions of power. Arun Shourie and M J Akbar had set the ground rules of new journalism by conducting daring exposes like the purchase of Kamala, The Bhagalpur blinding case and the famous Gundu Rao interview when it comes to Operation Duryodhan or Operation Chakravyuh it’s certainly public interest investigation and the painstaking journalists who
took the risk deserve all credit. The reason for the impression created in the minds of the viewers is “Seeing is Believing”.

Public Interest

“There’s an anti-politician mood in the country where the gladiatorial approach of (TV) journalists fits in well. And, if a sting is done in the public interest (as most TV channels will insist on), it enhances the credibility of a channel.”

Rajdeep Sardesai, Editor in chief, CNN IBN

Tehelka Operation West End

Newsgathering acquired a new meaning with Tehelka’s ‘Operation West End’ which shocked the common for the political system. It was not just governance, but also other systems of everyday life, which if left unchecked, spell disaster for the common man.

The most explosive sting by Tehelka was exposing the twists behind the Best Bakery case. The Tehelka tapes alleged that Zaheera Sheikh was paid Rs 18 lakh by a BJP MLA. The startling revelation had led the judiciary to examine a dubious deal.

The researcher wishes to focus some of the important elements of the sting operations conducted in the past on various channels, to show the changing ways of covering the unrevealed matters, and in a way directly exposing the criminals or anti social elements with the camera. This is an important effort to observe the change in the production and presentation process as a whole for the TV News in India.

A. Soft Targets

India TV started the trend with a series of on-air sex exposes involving film and TV personalities on the casting couch and politicians and religious leaders in various stages of undress. The most of these sting operations have kept away from the stock
market and the financial world. Preferring to concentrate on politicians and TV and film people whether it's the 10 MPs caught on camera accepting money for raising issues in Parliament.

B. Technology

The miniature audio-video technologies including pin-hole cameras make it easy for any one to clandestinely make a recording of a conversation or some dubious action. There are several ways in which a camera can be concealed—inside briefcases, pagers, cigarette lighters, cell phones, fountain pens, smoke detectors, or even spectacle frames. Using a briefcase makes it easier to hide the recording equipment, the transmission cord and the battery. In some cases, a few components for secret recording are attached to the body of the user. If a connecting cord is used, it is possible for an observant person to detect something unusual in the actions of the person who is recording and might put the former on alert. Most of these gadgets either possess a self-activation mechanism or one that has to be activated manually. The briefcase cameras get activated when the briefcase is kept in a particular position.

From the point of view of the media, such exposes are done for societal good the cash-for-question scandal aired by Aaj Tak, was good for its sheer simplicity and impact, but for the 'victims' it's invasion of privacy where the idea primarily is to shoot the messenger.

C. Regulatory Framework

Politicians now have started coming out in the open for having a broadcast regulatory framework in place to check such stings, the ordinary people are left wondering what next. Yashwant Sinha argued in Parliament making it clear that his party's feeling was that more than public interest, commercial gains prompted the sting.
There is no law at present in our country to regulate or legitimize sting operations. Sting operations keep the guilty on tenterhook, as well as the Government on alert. Better broadcasting regulations would make the sting operators more responsible and accountable to some machinery in democratic set up like India.

D. High Ratings

Though, the likes of Rajdeep Sardesai feel that such programs need not necessarily translate into high ratings. India TV's Sharma believes that ratings of the channel did go up dramatically after they aired sting ops involving TV and film actors and this helped other aspects of the broadcasting business too.

But the manner in which the channels go hyperbole, good journalism quickly turns into a shouting match soap opera, a non-stop melodrama, the zoom and fast cuts of box office pop, with background music which can give Ramsay Brothers a scare. The medium becomes the message.

Today, even an innocent-looking pen can act as a transmitter. Times have changed. It may still be argued that a sting operation ipso facto is unethical and immoral. But then, how does one find the truth? Is there any way that one can exercise a check on sinning MPs?

The objective of a sting operation is to catch the corrupt and spy on those involved in illicit or anti-national activities.

E. SC restrained Broadcast

Sting operations over telephones will have to wait for a while. The Supreme Court has restrained the print media and broadcasting houses, from publishing or broadcasting contents of illegally tapped telephone conversations, till it examines the entire issue and frames guidelines.
“It’s a serious business now. The difficulty with sting operations is that they violate one basic rule of journalism: providing the context to every truth. But sting operators don’t care about context. Sting operators are generally canny businessmen on the look out to “fix” someone in order to sell their product to the highest bidder in the media market”.^5

Sagarika Ghosh, CNN IBN

6.3.2 New rules for the Sting Operations in India

New rules for operating and conducting the sting operations in India, are frames by the ministry of Information and broadcasting, Government of India, in march 2006, but these rules have not been applied to the TV channels in practice till the end of 2006. The regulator for the broadcasting in India has not been appointed yet, and the implementation is not possible without it.

The rules are as following: 6

- The channel must convince others that the sting operation has been carried out in and for the best interest of the public and people at large in this country.
- While producing any news bulletin or the news related current affairs, no channel is allowed to expose the personal life of any person.
- No channel is allowed to record in any form, the conversation with any person, without his/her prior permission.
- While broadcasting any such sting operation, it will have to be withheld or stopped, if any objection is raised by the concerned or any involved person or party.
- Both the parties have the right to approach the court of law at any given time but prior to that, the transmission or telecast of the concerned item or program will have to be stopped.
6.1 Four window live coverage from different spots

6.2 Vox Pop – Reactions of the people
6.3 Sting Operation I

6.4 Sting Operation II

6.5 Sting Operation III
6.4 Live, real and Reality in Television news in India

The main worry about these live News based bulletins is that they are becoming real or reality shows. Any stunning or shocking incident is taken as a breaking news or exclusive news and it is repeatedly shown for 24 to 36 Hours. This new trend has created shock waves in the Indian viewers, as they are not habitual for this sort of treatment. Mainly these coverages are started in the format of the exclusive stories. Then the OB Van is send on the concerned spot with the reporters at the same time the experts opining on the subject from all the sides and the representatives of the people are also invited in the studio.

Examples

1. In a Temple in Muzaffarabad, some young children went to pray and take blessing from the pujari, and decided to stay there only. The worried parents agitated in front of the temple, and approached police. One TV Channels deputed its OB van on the spot of the mandir, and the three-way live telecast was conducted. The parents were invitee in the studio, the children were put on line from the mandir, and this episode was en-cashed like a real life true story or drama, for two days.

2. One Financial Institution refused to give Housing Loan to the blind Couple. The TV channels made it an issue for two days. Several interviews of the police, financial officers, relatives of the blind couple, authority on human rights commission were invited for the constant discussion.

3. Building Compound Wall collapsed - 5 dead in Mumbai. The channels brought the police, legal advisors, the relatives of the victims, the accused builder together. In a way, before the matter was investigated, the channels started the media trials on camera.
4. Amitabh and Jiya Khan in NISHABDA film... 20 yrs girl married with 80 yrs man. A creative effort was taken by the channels for the postmortem, and the various parts of the society were included to comment upon the film and subject including the treatment. There were self proclaimed cultural police also.

6.4.1 Real life in to the Live news

The main intention to give these examples is, that the trend is changing from reporting the news in the format of news story has been changed. Now any small incident is converted into a true life story, which has a repeat value, and the dramatic tense unusual element, which stuns and attracts the viewers. It seems that the real life true stories presented in this format of the live coverage of reality, attracts more viewers in less production cost.

In all these above stories, the happenings were treated as the hard News, and whole day the Star News channel and IBN-7, repeated the issues on following different levels and from different places.

- Main news story of 2 minutes
- Studio discussion with the people directly involved and affected due to the happening
- Live coverage from the OB van permanently Parked out side of the main event place, where that episode is taking place.
- Conferencing is possible in between four to sex places, to have reactions or participation related to the socio, political, financial and legal aspects, even the law and order aspects at the same time.

Considering this new trend to cover some most unusual cases in day to day life of anybody, from love affair to the separation, and from suicidal attempt to murder, question arises whether this can be called as News coverage or not?
Which elements prove that this is as good as the hard news? If it affects to the life of the most common man, then yes, it is. But at the same time, if any happening in anybody's personal life is called the hard news, then any thing is news for the other unknown person or viewers. Time has come to decide whether this is the real show or reality show or simply live show. The most indecent visuals were shown in the above mentioned story from Jalandhar, on IBN -7, showing almost naked women and man near bed, and beating ladies. Who has given the authorities to the channels to bump in to the homes? Even though the family people have used the electronic media to create pressure and evidence, there was no control on what should be shown and what is not, on the channels.

Another question is that has Indian television news become live, direct but biased? The newscasts are often observed taking the help of the unusual happenings, and converting it in to the live, by utilizing the OB vans and putting the related people on live telecasts along with the vox-pops. Many times it could be biased coverage also, because the electronic media has no restriction in India, in bypassing anybody's personal or private life. In India, still there is no Broadcasting Regularity Code is formed and implemented. Making hype of the same happening affects the format of pure news or not?

Yes. Definitely it affects the basic structure of the Television news, because it can not be always considered as a hard news. Most of the time it is narrative commentary on the past, not revealing as a news or investigation for the news. Narrating any unusual story about anybody's personal life can not be called an investigative and responsible TV Journalism.
6.4.2 Some examples of real coverage

Some trends in live telecast are harmful to the society as a whole. These changes have been brought by the TV channels to surpass the others in the race. For this, the channels have gone to any extent. These changes in the production and presentation of the live coverage of any happening and posing it as a real live, is a dangerous sign for TV journalism. The following are some of the examples:

- The live coverage of a Delhi student putting himself on fire was shown live by most of the Channels. This was not only provocative but was against the broadcasting ethics. But considering the shocking treatment, the channels went ahead with it, and with the visuals of the mute spectators watching instead of making any effort to save the person.

- In an incident in Gaya, one contractor put himself on fire to protest something. Some TV channel assured him to save, but they could not, and he died. This was an example of a dirty rat race to show something different and unusual as breaking news.

- Prince Bachao movement, a detailed live coverage of a 4 year boy stuck in a boar well 58 feet under ground, and his rescue operations was started by Zee, and followed by all other channels. Zee got TRP GRP of 27 % of market share. (Zee News and then All channels)

- Telling the future of self death (Sahara)

- The channels showed a story about love story of Batuk Nath, a professor and his girl friend student. Though it was a very family affair, the channel showed the drama of fights between two women and even others beating the student. (Star News)
• Chasing the Miss India winner and claiming that she is a married woman (Aaj Tak)
• Mikka Sing forcibly kissed Rakhi Sawant the shot was played hundred times for three days (Star and All)
• Arrests of the youngsters in the Rave Party near Sinhagarh fort in Pune. This story was played from different angles and even the faces of teenagers were shown, which was against the ethics.

6.4.3 Need for Broadcasting Regulatory Authority in India

The broadcast sector is witnessing massive technological and policy changes. The introduction of Conditional Access System, Direct to Home etc. will fundamentally alter the way we perceive and use television. It is widely felt that the current regulatory framework may not be able to grapple with the complex issues that are likely to arise in such a complex technological set up and therefore, the need to establish an independent regulatory authority for broadcasting sector is being debated.

It is in this background that the meeting of the Entertainment Committee of Federation of Indian Chambers of Commerce and Industry regarding the need for a broadcast regulator in India was held in Mumbai on August 1, 2003 and subsequently consultations between various stakeholders in the industry and government representatives were held in Delhi on August 27, 2003. These consultations were aimed at deciding on the nature and scope of a regulator on the broadcasting sector. Various industry stakeholders were party to the deliberation on the issue of the need for a broadcast regulator. This note is a critical evaluation of various viewpoints and issues raised in the meeting so as to formulate a course of action in future.
The Convergence Bill presently being considered will replace a number of existing regulators (like Telecom Regulatory Authority of India) and laws (e.g. The Cable Television Network Regulation Act, 1995) across various sectors with a super regulator, namely the Convergence Commission. Once the bill is passed and the Convergence Commission is established there under the said commission will also have the power to regulate the broadcasting sector. However, the basic issue that emerged from the deliberations in the meeting amongst industry stakeholders on August 1, 2003 in Mumbai is whether we require a broadcast regulator immediately or not.

6.4.4 Broadcast Regulators in Other Countries

There are many countries in the world of television, which have imposed some broadcast code on their existing channels.

Table: 6.1 Broadcast regulators in the World

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<th>Country</th>
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<td>1</td>
<td>Australia</td>
<td>Australian Broadcasting Authority</td>
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<td>2</td>
<td>Canada</td>
<td>Canadian Radio Television and Telecommunications Commission</td>
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<td>3</td>
<td>Hong Kong</td>
<td>Hong Kong Broadcasting Authority and Television and Entertainment Licensing Authority (TELA)</td>
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<td>4</td>
<td>United States</td>
<td>US Federal Communications Commission</td>
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<td>United Kingdom</td>
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<td>Singapore</td>
<td>Singapore Broadcasting Authority</td>
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<td>7</td>
<td>Indonesia</td>
<td>Indonesian Broadcast Bill, 2002</td>
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<td>8</td>
<td>Thailand</td>
<td>Thailand Art. National Broadcasting Commission</td>
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<td>New Zealand</td>
<td>New Zealand The Broadcasting Standards Authority.</td>
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<td>Malaysia</td>
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<td>12</td>
<td>Philippines</td>
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As is evident from the above table various jurisdictions have established or are in the process of establishing a broadcast regulator. In this respect it must be emphasized that the need for a broadcast regulator has been felt across the globe - in developed as well as developing countries. The provision of a broadcast regulator is so essential that in certain countries it has been recognized constitutionally (E.g. in Thailand and South Africa).

The regulatory framework is expected to be specific to the needs of the sector and of the Country. In most of the countries broadcast regulators have been formed during the evolution of the sector while in India it has been a decade since TV medium is growing. Indeed a broadcast regulator is long overdue.

Specially appointed independent regulatory authorities, with expert knowledge in the broadcasting sector, have an important role to play in the development of Broadcasting.

“Airwaves or frequencies are public property and their use has to be controlled and regulated by a public authority in the interests of the public and to prevent the invasion of their rights of freedom of speech and expression. The Central Government shall take immediate steps to establish an independent autonomous public authority representative of all sections and interests in the society to control and regulate the use of airwaves.”

Justice P. B. Sawant, Supreme Court

The argument in favor of creation of a separate interim broadcast regulator in India, pending creation of the Convergence Commission is further strengthened by the following:
6.4.5 The Broadcasting Bill, 1997

The bill was prepared by the then Minister of Information and Broadcasting, S. Jaypal Reddy, in 1997, to provide for an independent authority to be known as the Broadcasting Authority of India for the purpose of facilitating and regulating broadcasting services in India. The authority will have a perpetual succession & a common seal with powers to enter into a contract & can sue & can be sued in its name. This bill was supposed to be passed in the winter session of the parliament in 2006, but it was not done.

This bill consisted of a chairperson who will be appointed by the President of India on recommendation from the chairman of the states who will be the chairman of the committee, the information and broadcasting minister and the Press Council of India. It will also consist of a maximum of 11 part-time members to be appointed by the central government, a secretary to the government in charge of the department of telecommunications and a secretary general.

The chairperson will be a whole-time member and will hold office for a term of five years. He will be appointed from amongst the persons of eminence with more than 15 years of experience in administration, law, broadcasting and public relations.

**The functions of authority**

1. To carry out frequency planning of such frequencies or band of frequencies assigned to it by the wireless adviser to the government for the purpose of ING services.
2. To grant licenses for broadcasting services.
3. To ensure that a wide range of broadcasting services are available throughout India.
4. To ensure services of high quality and offer a wide range of programs to appeal to a variety of tastes and interests.
5. To determine the program code and standard.
6. To take necessary action for violation of code, violation of condition of license.
7. To set up technical and other quality standards to ensure a reasonable quality of reception.

6.4.6 An Indian Broadcast regulatory framework-

Challenges and issues

A number of issues currently facing the broadcast sector in relation to a regulatory framework were raised and discussed in the consultation in Delhi in 2006. The participants emphasized the need for the interim regulator and some of its functions like (a) promotion of competition by ensuring that there is no abuse of dominance and the negotiations are fair; and (b) ensuring enforcement of regulations.

It was agreed that the Broadcast Regulator should be a comprehensive regulator regulating television as well as radio and all the stakeholders (content creator, broadcaster, uplink and other infrastructure services provides, multiple service operators, independent/franchisee cable operators etc.). In short, everything relating to broadcast sector should fall within the purview of the Broadcast Regulator. It was also agreed that the Broadcast Regulator would regulate the public service broadcaster’s viz., Doordarshan and All India Radio as well.

The fast pace of technological changes in the broadcast sector was also taken note of. Technology has a very short span and the pace of technological change, at times, creates problems. Therefore, the regulation has to be technology agnostic. In this respect the regulatory framework envisaged in the Broadcast Bill, 1997 is not appropriate in the light of the technological developments that have since taken place in the interim period. Introduction of new technology is also accompanied by more advanced and innovative techniques of hacking, piracy etc.
Restrictions on controlling

1. No proprietor of a newspaper will either be a participant with more than 20 per cent interest in or control a body corporate which is the holder of a license to provide a licensed service under this act.

2. No proprietor of a newspaper who is a participant with more than five per cent but less than 20 per cent interest in a body corporate and not controlling such a body corporate, holding a license will be a participant with more than five per cent interest in any other such body corporate.

The changes in production and presentation have taken place in the working of all the satellite channels over the years. Unless the broadcasting code is not finalized and the bill is not approved, there won’t be any control over the different ways of presenting the live or real television.

When this Research work was in the final stage, two important happenings took place. The one was the beginning of the National debate on the formation and implementation of the Broadcaster Authority. The Private Satellite channels have firmly opposed to the formation of such a regulator by the government, fearing that the Ministry would control the broadcasting and in a way it would be a censorship on Indian Electronic Media. Instead the Industry expressed its willingness to conduct self regulations, which was not acceptable to most of the citizen forums.

A. Government V/S electronic Media

The Ministry of Information and Broadcasting is very keen on bringing the bill in Parliament by the end of 2007. Doordarshan initiated this national debate in one of the seminars held on DD National Telecast in Delhi on September 15, 2007, to mark 48th anniversary of the public broadcaster national channel of India. In
this seminar almost all the Satellite News Channels were represented by their media Heads. The main points expressed by these channel Heads were as following:
1. Channels were only telecasting what the viewers preferred to see or what people want to see.
2. In a disagreement, some channels said that News Channels should show what people ought to see.
3. Some said that news channels were Reporters, and not social reformers or activists.
Here are some excerpts of the opinions expressed by these media Heads:
1. It was wrong to blame all the channels, because of the work of some Hindi news channels. There is a crisis of credibility, because most of the editors do not perform duty of responsible editing. (Rajdeep Sardesai, CNN-IBN)
2. What News Channels were showing today, can not fall in to News Category and 80 % of it was ‘crass-entertainment’. Why did news channels do not carry out what people wanted to see? The viewers want news, and not sensationalism. There has to be a defining line between news and entertainment. (Deepak Shauri, MD, discovery India)
3. Broadcasts are capable of appointing their Regulator. All broadcasters should not be held responsible for the failure of the few. (Pankaj Pachauri, NDTV)
4. Forth estate could not get away from its social responsibility by dumping it on DD. Private channels are addicting and conditioning them to a certain type of programming. (Chitra Mudgal, member, Prasarbharati)
5. News and entertainment channels must have separate codes. News channels should have freedom with responsibility as
they are often very irresponsible. (Peter Mukarjia, Media Chief Strategy Officer, INX)

6. Content of news channels should come under scanner. (Nalini Singh, TV Producer)

7. It is not the work of TV channels to define public service broadcasting. It had to show what people wanted to see (Prabhu Chawla. Editor, Aaj Tak)

**B. Restructuring TV viewer measurement**

In a major development on September 16, 2007, the leading industry association of advertising sector has formed BARC (Broadcast Audience Research Council, to control TV Viewers measurement systems as well as mechanism in India. This has followed by the displeasure expressed by the minister of Information and Broadcasting, Priyaranjan Dasmunshi, on the present TAM way of measurements. He had strongly criticized present 6000 meters of measuring the audience choices and tastes, out of 70 million TV Sets across the country.

There was increasing opposition to the present TAM system, on which more than thousands of crores of Rupees are invested in terms of Advertisements and commercials every year, from the corporate sector.

In 1997, a Joint Industry body (JIB) consisting of ISA and AAAI signed an agreement with AC Nelson and IMRB, which had created TAM Form August 2007, TAM was under scanner of the Government.

Newly formed BARC will be offering relevant and practically accurate research about the real choices, priorities and preferences of Indian television viewers, mainly without fear, pressure and favor, in a very transparent manner in a reasonable cost to the users.
The above two major happenings are revolutionary, in the history of Indian broadcasting, and which could change the traditional results about the so called TRPs and choices of the viewers. In long term, this would also affect the economy, production, and presentation of TV News as well as TV programming and marketing as a whole.

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