Community Radio: Policies, Power and Possibilities

by

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Introduction

One doesn't have to be a Marxist to tell that large media conglomerates and transnational companies are disconnected from the lives of communities where they operate from. Worse still, the much talked about 'Digital revolution' in the contested topography of the 'information society' has resulted in new forms of cyber-capitalism and digital divides. Contrary to this, community radio provides a framework, not only to re-engage those communities which exist on the periphery, but also gives a chance for civic transformation, participatory democracy and mutuality. Community Radio is a counterpoise to the egotistical profit driven media accountable to their own selves.

Radio broadcasting and within that Community Radio is by far the cheapest mode of disseminating information and education among communities that often live in hard-to-reach areas. Despite this or perhaps because of being a poor man's medium radio has got little or no place in the broadcasting policy framework of this country. It is hardly shocking that as late as in the year 2007 we cannot lay claim to even a dozen functional community radio stations in India. Government apathy, policy flip-flops, red tape, and bureaucratic machinations have tried to batter the concept even before it could take-off.

What we had hoped to achieve when television first came to India with the famous Satellite Instructional Television Experiment (SITE) in 1975-76 is now expected from CR: capacity-building in rural areas, preservation of traditional culture and wisdom, disseminating information that can be used by the concerned communities directly,

bolstering Panchayati Raj institutions and of course strengthening grassroots democracy. The goals are realistic (they have been successfully achieved to a lesser or greater degree in other countries) but at the moment without much legislation to back them they exist in a vacuum. The Indian experience with CR so far has demonstrated that if these objectives are to be achieved, government policy must be triggered towards propagation of community radio stations across the length and breadth of the country. In technical terms this inherently implies major policy reforms. Being able to articulate these desired reforms is the motivation and **objective** behind this paper. CR policy must try achieve- a liberalization of eligibility criteria, expediting of licensing, meticulous planning to ensure the availability of frequencies to a large number of CR stations, make the hardware available at prices which are affordable by the poorest of poor, ensure sustainability once a station has started and building an interface with communities to help develop programs on the key issues of concern. This must be informed by principles of transparency, equity, social justice self-determination and active participation for all.

Context behind the paper

The paper is an attempt at analysing and assessing how far the current CR policy scenario in our country is conducive to achieving the above social objectives. While the constitutional guarantee as stated in Article 19 (1) (a) of the *Freedom of Speech and Expression* promises media access to all, the attempts by powerful media houses to colonise the electromagnetic spectrum cannot be denied. Supreme Court's landmark judgement delivered by Justice P.B. Sawant and Justice S. Mohan on 9.2.1995 in the case between the *Union of India & Cricket Association of Bengal* which very unambiguously ruled that the airwaves or frequencies are a public property and have to be controlled and regulated by public authority in the interests of the public further upheld the right of the citizens. While the 'public property theory' could make the task of democratization of CR very easy, coming as it does from the highest court in the country, it fails to explain the ambiguities which exists in the system- Why is 'spectrum' an exclusive property of the government? How are airwaves public properties in a framework where the government has the right to auction, rent, buy or sell frequencies? Isn't the community the 'owner' of

its station? Does the government have a total right over the entire spectrum or is it a limited right?

At this point I would like to go back to the history of India's broadcasting regulation in general and the CR policy in particular. The fact that the history of broadcasting in India is full of instances of delayed even restrictive pieces of legislative inputs which have failed to achieve the constitutional mandate of freedom of speech is rather well recorded. The first 'real' attempt at legislation was the Akash Bharti Bill, which was introduced in Parliament after much pressure only to lapse with the dissolution of the Lok Sabha in 1979. The same Bill in its later rechristened version - the 'Prasar Bharti Bill' was enacted but failed to get notified. This was followed by a long legislative vacuum which was broken only as late as 1997 with the Gujral government managing its notification to make it a law. Prasar Bharti Bill sought to give day-to-day functional autonomy to All India Radio and Doordarshan so as to free the electronic media from governmental interference. But the next government, the Bhartiya Janta Party (BJP) led by Vajpayee, wanting to keep airwaves under its tight control let the ordinance notifying the Prasar Bharti to lapse and even went to the extent of disbanding its board of trustees which had been appointed to look into the functioning of the public broadcaster. The Communication Convergence Bill 2001 met a similar fate with the dissolution of the 13th Lok Sabha. The Broadcasting Services Regulation Bill (BSRB) which is the latest in the long line of broadcast regulations was kept a secret for a long time and only after much public outcry was a draft copy posted on the Ministry Of Information and Broadcasting website in August 2006 to invite public comments. Like many other earlier bills the problem with BSRB is that it reflects the same old government paranoia of controlling the media.

The entry of large media conglomerates with their tendency of rampant vertical and horizontal integrations has taken policy further away from the disempowered section of society. It is being increasingly felt that the hegemonic dominance of 'media elites' on policymaking and governance, coupled with operational challenges often faced by community groups, results in legislation that restricts the enormous potentiality of

community media access, participation and representation. Why else do we have such double standards like a separate policy for CR and FM.?

The same set of regulators which will go to extremes when it comes to licensing or when monitoring content (all in the name of public-interest) had no predicament when in July 2005 during the second round of allocation of broadcast circles, FM stations were handed over to the 'highest bidder'. The idea behind Phase II in the very own words of the ministry was "to attract private agencies to supplement and complement the efforts of All India Radio". (New Delhi, 13th July, 2005). Sect 3.2 of the announcement for these applications stated clearly the "financial competence" of the bidder under several categories. The minimum net worth minimum net worth required for one channel per center in all regions ranged from Rs. 50 Lakh for the lowest that is the D category centres (which have a population between 1 lakh-3 lakhs) to over Rs. 3 Crore for A+ category centres. Little surprising, Sun TV, got as many as 23 FM circles. The highest bidder certainly could not have been a group of 'adivasis' from a remote village in Orissa. One cannot help but agree with Chomsky when he says in his seminal book *Manufacturing Consent* - "In countries where the levers of power are in the hands of a state bureaucracy, the monopolistic control over the media, often supplemented by official censorship, makes it clear that the media serve the ends of dominant elite."

Methodology

In the remarkable absence of any sustained policy research on CR in India a lot of my efforts have been directed towards collecting, collating and evaluating policy-related documents from all possible sources including the net. Field notes and interviews of practitioners and the student community at *Radio Jamia 90.4 FM* has been a tremendous source of information in assessing the real impact of policy on the ground. Questions were aimed at understanding issues that arise from the current CR landscape - The role and implication of community radio license policies on its distribution and reach? Who are the beneficiaries? What lessons can be learnt from previous and present hetero-

regulation and self-regulation mechanisms at the local and global level? And finally what recommendations should be made at the policy level if the CR movement were to be strengthened?

Listening to Radio Jamia in the very studio from where it is aired from 3:00 pm to 4:30 pm helped ascertain issues of content production and dissemination and explains why programs must be created from among the members of the very community for whose good it is incepted, in this case the students of Jamia.

Detailed study of the history of broadcasting and the issues that currently challenge/impede media policy formation in India when compared with case studies and practices in CR globally help identify instances where we have gone wrong and what can be done to correct them in the future. This paper also takes from my ongoing work on the area of 'Communication for development and social change' focused on the broadcast media. Inherent to my research are the principles which have been practiced and adopted by such founding fathers of CR as Paulo Freire and practitioners' such as Ramiro Beltran and Escobar.

Community Radio Policy 2002: Access or Denial?

In December 2002, the Government of India approved a policy for the grant of licenses for setting up of Community Radio Stations to well established educational institutions including IITs/IIMs. A cursory glance at the 10-page guideline neatly divided into 9 sections leaves one wondering whether amidst all pretences of freeing the spectrum and promises of free speech, clause after clause, state control in not only reinforced but strengthened.

To begin with, an applicant to CRS has to 'fit' into stringent eligibility criteria before one can hope to get anywhere close to it. The applicants have to fall in one of the 3 categories which have been allowed to apply for the license. The categories are limited to –(A) Educational Institutions, (B) Agricultural University/ ICAR Institution/Krishi Vigyan

Kendra and the last category (C) Non Profit Organisations, Voluntary Organisations, NGOS. Category C has to furnish other details like- whether registered under Societies Act , must have completed 3 years of registration at the time of application, a copy of the Memorandum of Article of Association, certified copies of the balance sheet for the last three years of the Organisation/NGO/Civil Society Organisation, details of grants it has received from the Central Govt./State Govt./Multilateral agencies. Annexure I of the application for applying for a license gives a 9 point certification/Affidavit to be undertaken by the authorized signatory.

The process of screening the applications is long drawn and frustratingly tedious; and in the final analysis squarely rests on the pleasures of the government whose authority comes from its power to determine permissive players by awarding licenses to those it deems fit . The processing itself takes anything between 8 months to 1 year that too if everything were to happen on time which of course a rarity. This is a step-by-step breakup:

➢ Within one month of receipt of the application in the prescribed form, the Ministry of I&B shall process the application, if satisfied, it will will send the copies of the application to the other Ministries for clearance

➢ The Ministries concerned shall communicate their clearance within three months of receipt of the application and the successful applicant will be selected for issue of the Letter of Intent (LOI).

➢ Within one month of the issue of the Letter of Intent (LOI) the eligible applicant will be required to apply, in the prescribed format to the WPC Wing of the Ministry of Communication & IT, Sanchar Bhawan, New Delhi for frequency allocation & SACFA clearance. A time frame of six months from the date of application is prescribed for issue of Standing Advisory Committee for Allocation of Frequency in Ministry of Communication & IT (SACFA) clearance.

> ➢ On receipt of SACFA clearance (a copy of which shall be submitted by the applicant), the LOI holder shall furnish a bank guarantee in the prescribed format for a sum of Rs.25, 000/-.

> ➢ The LOI holder will then be invited to sign a Grant of Permission Agreement (GOPA) by Ministry of I&B, which will enable him to seek Wireless Operating License (WOL) from the WPC Wing of the Ministry of Communication & IT.

> ➢ The Community Radio Station can be made operational only after the receipt of WOL from the Ministry of Communication & IT.

> ➢ Within three months of receipt of all clearances the Permission Holder shall set up the Community Radio Station and shall intimate the date of commissioning of the Station to the Ministry of I&B.

Not mentioned in the policy guidelines are the facts that SACFA clearance from the Ministry of Telecommunications also requires a map of the location, details of transmitter certified by the Survey of India along with a fee of Rs.1,000/- . Clearances are also required from the Ministry of Defence - Navy, Army, Air Force and the joint operations have to give an NOC. The Survey of India's report cost nearly Rs. 10,000/- not to forget the spectrum fee upward of Rs15,000/- to the Wireless Planning and Coordination (WPC) for issue of actual license.

A lengthy section on content regulation and monitoring states among other things that the permission holder shall not broadcast any programmes, which relate to news and current affairs and are otherwise political in nature. Only harmless feel-good programs on areas of 'developmental, agricultural, health, educational, environmental, social welfare' are encouraged. Any violation is liable to severe punishment which can also lead to the revocation of the Permission Agreement. A very short section on perhaps the biggest issue in CR that of funding and sustenance sets the maximum time limit for commercials which is restricted to five minutes per hour of broadcast. This when read in the backdrop

of the government policy on advertisements on private FM stations shows their hypocrisy. It is common knowledge that most of the successful electronic broadcasters carry anything between 15-20 min of commercial breaks in an hour of programming in the prime time slots! But the government for very obvious reasons has chosen to overlook them!

Lessons from around

The history of CR around the world is marked by complexities and struggles that have advanced both its scope and practice while still leaving many unresolved tensions that exist between the 'core-periphery' relations. The Free or Associative radio movement in Europe was a response to a centralized State owned broadcast. Rural Radio stations in Africa with their thrust on education (formal and non-formal) are based on the principle where the State is a supporter but not a direct participant. Our island neighbour Sri Lanka's Kothmale Community Radio (KCR) project was set up in 1989 by the government-run Sri Lankan Broadcasting Corporation (SLBC). The volunteers were recruited from among the plantation workers in the neighbourhood. A UNESCO grant of US $50,000 in 1998 helped in the initial phase but later when the grant was stopped in 2001, KCR had to find alternative sources of funding and it worked quite effectively. Most of the successful examples of the 'co-operative model' can be found in Nepal. Radio Lumbini, in Nepal, which began in 1998, operates on a co-operative model. Back home in India, Radio has three 'avtaars': the All India Radio with its National and the Local Radio Services, the commercial broadcasting popularized by scores of private FM stations and the Community Radio by the CSOs / NGOs. The Kutch Mahila Vikas Sangathan (KMVS) project in Bhuj (Gujarat); the Deccan Development Society-DDS project in Pastapur (Andhra Pradesh), and the Voices project in Budhikote (Karnataka) are good examples of sustained initiatives where community participatory radio programs have been used to expand developmental activities in the local communities.

Key findings: Possible policy options

Sustainability is a huge issue. Radio Jamia is a case in point. Increasing program time from the current 90 minutes per day would mean increased expenditure. This despite the fact that since Radio Jamia went on air each student in the university is required to pay an annual fee of Rs 50/- for the same. CR policy has to be re-considered to addresses this very important concern.

The other pitfall with the CR policy in its existing form is that it does not allow stations to air news and current affairs program. In the very least this is against the ethos of modern democracies. Liberalism's ideal that all political will be based on debate remains unfulfilled when access to such information is denied. To deny CR its emancipatory potential of being able to transform citizens from mere 'spectators' to actors in the political arena is to deny it any agency whatsoever.

A lot of debate today has shifted from what is CR and who are these 'communities' which we are talking about to the CRS 'model' that India must adopt. The fact is that there is no one model which is the answer to India's varied communities and their needs. It is not a question of having to choose between Africa's rural radio or the Asian experience of a mix of State-public radio based on semi autonomous and independent community radio models. It is about first liberalizing the regulatory framework and letting communities get their firsthand experience of what CR is all about. Only then will these communities be able to evolve their own best practices and participatory approaches.

The challenge facing governments both at local and global levels is to make way for a reconfiguration of power to allow for dialogue, participation and development.

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Notes/ documents

- The policy guidelines on expansion of FM radio broadcasting services through private agencies (Phase-II) can be obtained from the MIB website:
  http://mib.nic.in/informationb/CODES/frames.htm

- The application form for applying for the CRS(FM) can be downloaded from the website: http://mib.nic.in/CRS/ApplCRSFM.pdf

- A full draft of the text of the BSRB which was kept a secret for a long time was after much outcry posted on the Ministry Of Information and Broadcasting website only in August 2006 to invite public comments on this bill. It can be procured from the website-
  http://mib.nic.in/informationb/POLICY/BroadcastingBill.htm