

**SPECTRUM  
FEE HIKE  
SPECIAL**

# CRnews

tracking community radio in India

www.communityradioindia.org

## Civil society protests CR spectrum fee hike

The recent notification from Ministry of Communications and IT (MoCIT) announcing a five-fold hike in the spectrum fee for Community Radio broadcasters in the country heated things up, this summer. According to the Wireless Planning and Coordination (WPC) wing of the Ministry, the revised royalty and licence fee for the allocation and usage of spectrum has now shot up to Rs. 91,000, from Rs.19,100.

The absolute lack of a consultative process only made matters worse while exposing the WPC's unilateral policy-making process. The lack of consultation and coordination between the MOCIT and the Ministry of Information & Broadcasting (MIB) is a case in point, with the former hiking the fee and the latter trying to bring CR advocates together for a policy consultation in Delhi. Decrying the hike, the Community Radio Forum boycotted the consultation meeting on May 9

& 10.

Despite 'bigger' spectrum stories grabbing headlines, MOCIT's announcement found coverage in some outlets in the mainstream media. I&B secretary Uday Kumar Varma was quoted as having said that ministry's views were not sought before the decision was taken. "This five-fold increase in spectrum fee would have a crippling impact on the growth of community radio stations in India

**The arbitrary and unreasonable hike will exclude genuine and grassroots communities from community radio**

*(Continued on Page 2)*

## Sangham Radio women to fight hike

India's first community radio station Sangham Radio has strongly denounced the hike in spectrum fee and has decided to protest against the "unjust fee hike."

At a plenary meeting of all the Radio Sanghams convened recently agitated members discussed the adverse impact the abnormal fee hike would have on the running of their CR station, decided to fight tooth and nail against the decision and drew up an immediate course of action.

Protest plans include organising dharnas in Zaheerabad, Sangareddy and Hyderabad to holding begging camps to beg the public to give them alms to present to the government. Members have also decided to approach the mainstream media to highlight their plight, and reach out to UPA Chairperson Sonia Gandhi and the Chief Minister of Andhra Pradesh, to drive home the point that their CR station should in fact be supported by the state.

The meeting also saw decisions being made on strengthening the organisation of the Radio Sanghams. In a bid to increase participation and listenership, Radio Sanghams function in each village of the district, with sub-sangham level listener groups in place. Each Sangham now has one Radio Sangham which has about five members, with each member representing one section of the sangham.

The plenary meeting saw members deciding to form themselves into a Federation and form an advisory/action committee to take care of the problems of Sangham Radio.

## Rs.5 Cr. MIB support for CR

The Ministry of Information and Broadcasting (I and B) has earmarked Rs. Five crore to help non-government organisations (NGOs) and other bodies in setting up over 1,000 community radio stations across the country.

Joint Secretary Supriya Sahu has said that the ministry proposes to provide financial assistance to the tune of Rs.170 crore during the 12th Plan period.

Underlining the need for setting up of community radio stations by NGOs in villages, Ms Sahu said out of 300 licences issued so far, more than 130 community radio centres had come up in interior villages where hardly any development had taken place.

The ministry had earlier set up a panel to work towards the setting up of a Community Radio Support Fund and guidelines to disburse the fund.



# Protests against spectrum fee hike



*(Continued from Page 1)*

as many organizations would find it impossible to meet this huge increase in royalty charges," he said in his letter to Telecom Secretary R Chandrashekhar. Thirty six member stations of the Forum observed 'a day of silence' on air on the first day of the consultation meeting. Sevanti Ninan, media critic and editor of The Hoot, emphatically wrote, "True the CR licence fee has remained unchanged since 2003, but then elsewhere in the world the trend is to bring down costs of CR to enable its spread. Some countries have a free citizen band of spectrum," highlighting the non-profit nature of functional CR stations.

The landmark Supreme Court verdict (MIB vs Cricket Association of Bengal case) in 1995 upheld the idea of the commons-that airwaves are public property and should be directed towards public good. The judgement paved way for activists and advocates who helped develop the current CR policy that enables communities to air their voices via their own CR stations. "Unlike commercial radio stations that have the money and the programming muscle to survive, 150 community radio stations spread across the country started operations mainly to cater to marginalised communities or residents who need a platform to discuss local issues", Ninan said.

Take for instance Henvallvani in the hills of Uttarakhand. "We just found our voice, after a five year-long battle with the government to get a licence for community radio," says Rajendra Negi, Director, Henvallvani ruing the sudden fee hike. Ram Bhat, Vice-President, CR Forum said, "...such a method would arbitrarily and unreasonably raise the barriers to entry, causing the smaller players to drop out. The fee rise would exclude the genuine and grass roots communities from the concept..." N. Ramakrishnan, General Secretary of the CRF, strongly feels that the government should recognise community radio as a resource. "In fact, the Telecom Regulatory Authority of India (TRAI) had recommended

zero spectrum fee for community radio."

CR activists and advocates have been vociferous in condemning the rather maladroit CR policy shift that the hike has brought about. K Stalin, President, Community Radio Forum says the move is ridiculous. "Is the government trying to make money from this spectrum allocation, too? This is commodification of air waves. Will the government now apply the rules of the market to something that belongs to the community in the first place?" Joining Stalin was Sajan Venniyoor of CR Forum, who said "No one tells us why the charges were raised. It could be because of the Supreme Court ruling in the 2G case that all spectrum must be auctioned. But how can it be applied to local initiatives like community radio stations?"

Community Radio Association of India (CRAI) also met the MoCIT minister Kapil Sibal and urged him to withdraw the hike. CRAI has strongly condemned the decision taken by the WPC Wing. In a letter issued on its website, CRAI has termed this move as "unreasonable, illogical and unacceptable".



Likewise, CRAI's South Zone has passed a resolution demanding an immediate rollback. "This step would hit the existing stations hard and dissuade the educational institutions/NGOs interested in establishing new station," the resolution reads.

**(Compiled from reports & columns in the media)**

***This issue of CR News brings together concerns over policy pertinent to Community Radio in India, perspectives and personal accounts around the issue of the hike in the spectrum fee.***



## OPINION

# A blow to voices of the poor

I often urge my students of journalism to do a small experiment. I say "Connect your TV to a video recorder. Take a remote in your hand. Select a channel. Never mind what it is. Start your recorder. Use your remote and start surfing. Every tenth second, move to a new channel. After 15 minutes stop and play back your recorder. You will have a brand new programme. A programme that will have an unbelievable continuity, a fantastic unity of movement, and thematic integrity. Test it for yourself. You will be absolutely amazed."

Why does this happen? Why do all the channels have the same programmes at a given time, the same people on their panels, the same kind of arguments and even the same ads at the same time? Is this a bankruptcy of creativity or is this a designed process? To my mind, the later is true. The design is very simple. As many iconic media pundits such as Noam Chomsky say, it is focused on manufacturing consent. So that the entire country receives the same message/s, processes them in the same fashion and arrive at the same conclusion. This is a "Democracy made easy and simple" effort.

The only thorns in their path are the community media institutions, which, by not being a part of the mainstream media machine, start subverting the mainstream media market ethos by creating independent minds that can critique, analyse and form their own opinions. How dangerous to democracy, don't you think? Therefore, for the government which is committed to defend democracy, nipping such community media in the bud is an urgent issue, to be taken up on a war footing.

The grassroots media also have another dangerous obsession. Through their articulations the communities of the grassroots media can address the issues of environmental, ethical and climate



crises. Stuff that the mainstream media does not even understand the concept of, let alone articulate it. The communities of the disprivileged are a source of enormous knowledge which they constantly share with others through their media. This knowledge is alien to the mainstream. Therefore, given a chance, the community media can create a different knowledge society that is beyond the confines of the computer monitors of the experts who form the major source for the mainstream media. Doesn't it pose a threat to the Knowledge Commissions that the governments set up in cahoots with their IT biggies?

These larger questions are at the back of the Spectrum Fee hike by the *Mai Baap* government. Otherwise, what would it gain in sheer monetary terms through this hike? Would a government which generously offers revenue write offs to the tune of Rs 5,00,000 crore [as per P. Sainath] or Rs 1,40,000 crore [as per Nirupam Sanjay, a Congress spokesman & MP] per year, care for a few paltry lakhs when it comes to count? The total spectrum hike earning per year from all CRs cannot match the money spent on an hour of a raucous session of Indian parliament, won't you agree?

But what does it mean for the Sangham Radio, a radio set up by a community of 5000 women from marginal communities, from the poorest sections of the society [a

classical less than \$2 a day earner group ]? It means that they might just have to decide to close down their radio station. A station which symbolises their collective voice, an expression of their self identity, a mark of their hard-won dignity to speak for themselves. Can these match the mighty objectives of Defending Democracy that the government is attempting?

Honourable Minister for Communication, Mr Kapil Sibal is a reputed lawyer. The increased spectrum fee that his department will earn per year from a station like DDS is about Rs. 80,000. This does not equal the fee he earns for a half an hour appearance in the Supreme Court. But what is Rs. 91,000 for the communities of Sangham Radio? For a woman of the DDS communities which set up Sangham Radio, whose earning is a princely sum of Rs 50 for ten hours of work in the harsh sun, the spectrum fee hike is worth the wages she would earn every day in the sun for full five years! Is this the fee for dignity and attempting to find their voice for the poorest of this country?

Some years ago, when I sat with these women I asked them a question if their radio should be supported by them monetarily as well as in other ways. And why would they choose to do it. The reply was not only electrifying but also highly moving. They said that *Sangham Radio* is the Daughter of DDS [an organisation they had set up 25 years ago] and hence it was their duty to bring up this daughter. Now if this monstrous hike in spectrum fee comes into operation, this daughter of DDS will be killed. Since it is the government which is abetting this murder, can the Government of India be charged of abetting female infanticide, Mr Sibal?

**(PV Satheesh, Director, Deccan Development Society)**

## EDITORIAL

# Who cares about Community Radio?

A historian, attempting to cover the course of community radio policy in India, might be prompted to describe the first couple of decades as throwing up a series of uneasy questions and- at best - piecemeal answers:

Between 1996 (in the aftermath of the Supreme Court of India judgment on airwaves being public property) and 2006, the question that many community radio activists may have posed (and did) to the government was: Who's afraid of Community Radio?

Since 2006 (in the aftermath of the Government of India guidelines enabling the eligibility of grassroots community organizations to have a community radio station) the questions might well have been: Who's bothered, befuddled, bewildered and brazen about Community Radio?

Now, with the Ministry of Communications and Information Technology decision to impose a staggering 450 per cent spectrum fee hike another question seems to have entered the arena: Who cares about community radio?

History also reminds us that it is not just a matter of questions, but a question of answers that ultimately determine the coherence, intention and sustainability of policies and practices.

The spectrum fee hike has raised a several questions pertinent to media regulation, public good, equity and inclusiveness. Underlying these questions are even more fundamental issues which strike at the very heart of community radio policy in India. Consider the following: The question of survival: The spectrum fee hike could (as several reports have indicated) compel many community radio stations to shut down.

The question of public good: The promise of the 2006 government guidelines not only enabled a three tier radio structure to be in place. The absence of license fees made it

International experiences confirm a trend indicating a reduction in spectrum fees. Countries like Australia, Canada, Denmark, South Africa, Uruguay and the US do not levy a spectrum fee while in other countries like Bangladesh and Colombia the amount ranges from moderate (USD 480) to low (USD 150). But India apparently prefers to look the other way.



easier for "poor and marginalized" groups to have community radio stations of their own. The revision of the spectrum fee from Rs 19,700 to Rs 91,000 sharply reverses the promise. More than five and a half years since the 2006 guidelines, we have less than 50 community radio stations run by NGOs. About a year and half ago, a committee set up by the I & B ministry recommended and developed the proposal of a

corpus community radio support fund which would strengthen both growth and sustainability of the sector.

The recommendation was subsequently disallowed for technical reasons: Ministry of Finance Guidelines prohibit creation of fund either through revenue of government borrowing.

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Many of these questions are discussed more substantially in this issue of CR News. We're inspired by the contributions – a mix of articles, views and experiences from community radio advocates, legal experts and practitioners- that our request for articles received.

Different perspectives notwithstanding - all of them underscore the relevance of sociologist, John Thomson's principle of regulated pluralism where "the establishment of an institutional framework accommodates and secures the existence of a plurality of independent media organizations free from the exercise of state power, but also unhindered by market forces." The legitimization of community radio in India as a distinct and independent third tier had evoked the possibility of such a principle. The reality check of the past however, would compel us to keep our eyes on the hills even as we keep our feet firmly on the ground. Otherwise, we might well be traversing the long road to nowhere.

**Ashish Sen**

## ANALYSIS

## From opportunity to aspiration... to frustration



It is close to 10 years since a putative community radio policy was announced by the Government of India, allowing 'established educational institutions' to apply for a license to broadcast over a limited-power FM frequency. Before we rush into a spirit of decadal celebration, we need to make a sober assessment of where we stand today. It took three years after that initial announcement was made for the government to concede the right to community-based organizations, which were not any more seen as 'a threat to the security and sovereignty' of the nation. There was much excitement (if not actual radio stations) in the air as government luminaries threw out numbers like a possible 4000-5000 community radio stations across the country. For a variety of reasons, not least because of intransigent bureaucratic procedures, we now have only about 130 operational stations licensed under the policy, of which less than a third are those run by NGOs.

Contrast this with Thailand, where there are at least 6000 CR stations (started unlicensed, but now getting legalized) or with neighbouring Nepal with about 200 stations or with Colombia (violence-prone

though it is) where there are close to 1000 stations or with the Democratic Republic of Congo which has over 250 community radio stations. According to a 11-nation survey in Africa, community radio grew at an astounding rate of about 1386 per cent between 2000 and 2006.

So what is the problem in a democratic and open society such as India? The recent arbitrary five-fold hike in the annual spectrum fee payable by community radio stations is symptomatic of the twisted and tangled mass (mess?) called CR policy in the country. While the Ministry of Information & Broadcasting (MIB) is the front ministry driving the policy, with a fairly pro-active approach to issuing preliminary clearances, there are other Ministries, some less conspicuous than others, which seem to control the pace of this process of democratization of airwaves.

The Ministry of Communications & IT holds the reins of spectrum and seems to deploy completely mysterious and mystifying processes to allocate spectrum. A government with an avowed pro-common man orientation has a ministry that says the spectrum fee is agnostic of user and purpose. In other words, it makes no distinction between an Ambani whose demands on the spectrum have a purely profit motive and those of this poor Kutchi woman for whom access to airwaves is about a choice between silence and voice. The Ministry of Home Affairs, with its known hawkish approach to security matters, decides that millions of people, for the sole crime of living in so-called 'troubled areas' of the country, are deprived of an opportunity to articulate their concerns.

One can go on by citing instances of pronouncements from time to time by ministries of rural development, health, agriculture, environment, and panchayat raj which seem to have implications for CR. But you

get the picture of a policy in disarray – bad ideas and half-knowledge driving away good intentions. It is time we had an integrated policy on community radio, with the government speaking in one voice in favour of the poor and the deprived getting the right of access to the airwaves.

Even as community radio stations all over the country are waiting for the government to roll-back this unfair increase in spectrum fee, there are many other aberrations raising their ugly heads in the Indian CR mediascape. These include excessive focus on financial sustainability (through advertising, ostensibly) without a deeper socialization into the philosophy of community radio, state attempts to appropriate and co-opt CR spaces through the backdoor, NGO-ization of CR, reproduction of the same top-down pedagogical approaches to development, and a stultifying imposition of standardized formats and genres in the name of training. Friends in the CR movement in Bangladesh tell me that they are following the Indian community radio policy closely. I would say, 'tread softly'!

In May 2004, when UNDP had brought many of us together to see how we can make the policy more community-oriented (and beyond campus), my distinguished colleague Prof. B.P. Sanjay (then director of IIMC) made this prescient comment, which seems very apt for the current phase of CR policy in India: "Community radio has moved from the opportunity phase, to the aspiration phase, and now to the frustration phase. We need an enabling framework." Touché!

**Prof. Vinod Pavarala, UNESCO Chair on Community Media, Department of Communication, University of Hyderabad**



# Spectrum: Its Price

What we call the 'spectrum' is actually a whole range of frequencies, from high-frequency gamma and x-rays at one end, all the way to low frequency waves used for TV, mobile phones and radio at the other. It also includes the visible frequencies that we see as light. Some two hundred years ago, countries like England, France and Spain got the clever idea of taxing windows (and doors) "for raising the Public Credit" (which, in those days, was sorely needed for waging pointless wars, just as it is in our age). The Window Tax was hugely unpopular, and many saw it - rightly - as a tax on light and air. For centuries, the visible frequencies were the only 'useful' part of the spectrum, but shortly after the Window

Tax was repealed in the 1850s, another part of the spectrum came into scientific and, later, practical use. These were the 'radio waves' used for wireless telegraphy and later, radio broadcasting. Sure enough, it wasn't long before governments realized they were sitting on a virtual gold-mine, without any of the headaches associated with gold-mines. Unlike mines, the spectrum does not lie under layers of earth, forests, wildlife and tribal settlements. The spectrum is there for the taking, and selling. In India, in the 1990s around the time the government realized that everything that is useful to its citizens can be commoditized and priced, the Supreme Court decided - counter-intuitively - that the air-

waves are public property and should be used for the public good. The idea of communication as a social good, while astonishing in this age of market triumphalism, somehow caught the imagination of a few activists, community groups and even old-school bureaucrats." They hesitantly suggested that poor, rural and marginalized communities should be allowed to set up very low power radio stations, at no cost to the state, for community broadcasting, especially in rural and remote areas where there is no demand for radio spectrum. It took the government nearly ten

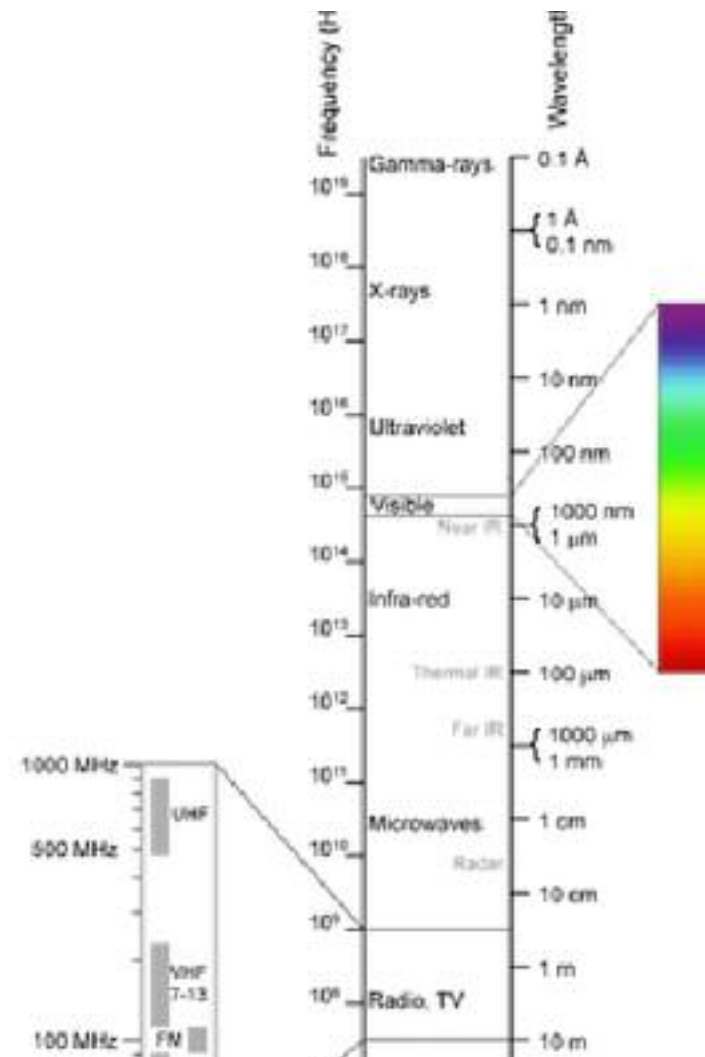


*"The most fateful change that decades was not an increase markets, and of market values, governed by nonmarket norms. we need to do more than inve have a public debate about whe*

*they d*

**Michael J.**

**Political philosopher & Pro**



years to decide that this was a Very Good Idea, and its exceptional virtue is evident in the fact that it took the government another ten years to debase it. Genuine community-based radio stations were licensed in 2007 and no licence fee was levied on CR stations. There was, however, a Spectrum Usage Fee of Rs.19,700 per year, which caused a certain amount of niggling disquiet among CR groups. But since very few CR licences were given to civil society organizations, and most of the licences were cornered by rich universities and private colleges, the Spectrum Fee wasn't considered a terrible burden on CR. Then along came the 2G telecom scam. An unexpected and completely un-

# e, Value & Meaning



unfolds during the past three years in greed. It was the reach of greed into spheres of life traditionally reserved for the state. To contend with this condition, we need to create markets where they don't belong—and where they don't.

**Michael J. Sandel**  
Professor, Harvard University

The unintended fall-out of the 2G scam, one that hit CR right where it hurt, was the judgment by the Supreme Court that the best way to distribute natural resources – including the spectrum – was to sell it to the highest bidder. There were probably very good intentions behind this judgment. As their Honours pointed out, “it is the burden of the State to ensure that a non-discriminatory method is adopted for distribution and alienation [of natural resources], which would necessarily result in protection of national/public interest.”

The next thing we knew, the Department of Telecommunications had quintupled the Spectrum Usage Fee for community Radio to Rs.91,000 a year.

Now, I am not suggesting that the

Supreme Court judgment in the 2G case is directly responsible for the rise in Spectrum Fee, but the timelines are significant. The SC judgment was delivered in February this year, and the spectrum fee hike was announced a month later. While one may disagree with the apex court's view that “a duly publicized auction [...] is perhaps the best method” for the distribution of scarce natural resources, their intent seems to have been to ensure a fair and transparent method for ‘disposal of public property’ to profit-making companies.

I don't think their Lordships had community radio in mind.

Ironically, community radio licensing follows exactly the same egregious first-come-first-served (FCFS) policy that roused the Supreme Court's ire in the first place. As their Lordships pointed out, there is a fundamental flaw in first-come-first-served “inasmuch as it involves an element of pure chance or accident”. Methods like FCFS are “likely to be misused by unscrupulous people who are only interested in garnering maximum financial benefit and have no respect for the constitutional ethos and values.”

Thanks to the Ministry of Information & Broadcasting's own first-come-first-served CR licensing policy, Delhi NCR (which has more CR stations than J&K, the North East, Jharkhand, Orissa and Chattisgarh put together) has just one civil society led CR station. Not one of the six CR stations in New Delhi is a community-based station – all the available frequencies were snapped up by educational institutions on Day One. This is true of other cities like Chennai and Bangalore as well, where applications from community-based organizations are routinely turned down due to ‘non-availability of spectrum’, while educational institutions have been squatting on their assigned frequencies for years without even bothering to set up CR stations.

But to come back to the hike in Spectrum Fee, it is unfair at many levels. The Telecom Ministry is terribly proud that it is ‘technology agnostic’ when pricing the spectrum. That is to say, it prices the spectrum the way toothpaste and moisturizing lotions are priced – one price across India, regardless of whether the consumer is rich or poor, urban or rural, profit making or not-for-profit. The fact that the DoT does not actually manufacture the spectrum, that spectrum usage differs widely in urban and rural areas and that social goods like community broadcasting may have a slightly different and higher purpose than cold cream seems to be lost on the mandarins of Sanchar Bhavan. As a consequence of this appalling increase in spectrum fee, even fewer rural and community-based groups will apply for a CR licence, skewing further an already skewed ratio. As things stand, over 80 of the 130 operational community radio stations in India are licensed to universities, colleges and schools, mostly in cities. Another ten licences have gone to government-run agricultural institutions. Of the remaining 40 CR stations, which are licensed to NGOs, probably no more than ten are in rural India. For these genuinely community-based radio stations which serve the interests of rural, remote and historically disadvantaged communities, the hike in spectrum fee is the last straw, virtually a death knell.

It is believed that the phrase ‘daylight robbery’ is a reference to the Window Tax of a past and infamous age. Today, governments would not presume to tax air and light, but they evidently have no qualms about robbing the poor of their voice.

**Sajan Venniyoor is a writer and former broadcaster based in New Delhi**



# Community Radio Forum's letter to MoCIT

To:  
**Shri Kapil Sibal**  
**Hon'ble Minister**  
**Communications and Information Technology**  
**New Delhi**

From:  
**Stalin K.**  
**President**  
**Community Radio Forum**  
**New Delhi**

Hon'ble Shri Sibal:

## **Sub: Revision in Spectrum Fees, w.r.t to Order P-11014/34/2009-PP(I)**

This is with regard to royalty charges for assignments of frequencies to captive users involving single channel operations for terrestrial broadcasting, which has been issued by the Wireless Planning & Coordination (WPC) Wing of your Ministry on 22nd March 2012.

Since 2002, by allowing community radio in India, the Ministry of Information and Broadcasting (MoIB) along with Ministry of Information and Communication Technology (MoCIT), has recognized the fundamental rights of communities to speech and expression in accordance with Article 19, Clause 1 Sub-Clause A of the Indian Constitution. The Central government has also acknowledged the landmark judgment given by the Supreme Court in 1995 (See Sec. MoIB Vs Cricket Association of Bengal) wherein the bench headed by Justice P.B Sawant has said that:

- Freedom of speech and expression includes right to acquire information and to disseminate it
- The airwaves are a public property and they have to be used for the benefit of the society at large

Given this background, it is indeed regrettable that community radio stations, which are of, for and by communities, often in remote, rural and hilly areas, operating in marginalizing and disadvantageous conditions, have now no choice but to pay as much as Rs. 91,000 per annum as royalty/license charges for operating a small FM community radio station broadcasting within a range of 5-10 kilometers with 50 watt transmitter.

We acknowledge that spectrum is limited in the current licensing and administrative context, but we would also request you to consider that community radio is a non-profit sector and works for the development of the people of India, and therefore will be placed at much hardship if forced to pay the increased royalty/license charges to DoT. As of now, with government support and enthusiasm from the poor and marginalized peoples of India, we already have 132 community radio stations operating in India, addressing issues ranging from gender to education, often ignored by the mainstream media. It has also empowered people by giving them a voice to express themselves. Given the paucity of resources faced by most CR stations, we have engaged with the Dept. of Telecommunications in the past, and have recommended the exemption of the CR sector from paying spectrum fees. Instead, DoT has responded by increasing the spectrum fee by more than 4 times - Rs.19700/annum to Rs.91000/annum - a move that will totally paralyze the community radio sector, as many existing stations will have to shut down, not being able to afford the high fees. Further, it will also discourage new applicants from applying for community radio. We, on behalf of all broadcasting community radio stations in India, hereby request you to consider exemption of royalty/license charges for spectrum for community radio stations, under the powers given to the Government under Sec. 4 of the Indian Telegraph Act 1885.

We hope that you will urgently consider this proposal in order for our communities to realize the right to freedom of speech and expression, not just in letter but also in spirit.

Sd/- General Secretary, CRF  
For **Stalin K**  
**President**  
**Community Radio Forum of India**



# Spectrum fee against TRAI's recos

Spectrum is public property and must be used for public good as articulated by Supreme Court judge P B Sawant. Even though spectrum is public property, the government is a caretaker since it is a scarce and natural resource, AND has implications for national security given the rise of wireless communication technologies etc.

However, even as a caretaker, the government must realize that the caretaker's job is to use the spectrum for public good. The government seemed to realize this in 2006, when the guidelines for community radio was released. However, it seems to have since forgotten that public good objective.

Charging fees for spectrum, from a non-profit sector, while within the ambit of their authority, is going against public good. Clearly, by imposing a five-fold increase, they have raised the barriers to entry and the net result is indirect censorship. The government order is also directly in opposition to the regulator TRAI's recommendations in 2004, which advised the government not to charge any spectrum fee for this sector.

As the country heads towards general elections in 2014, one expects the government to show confidence in the public by increasing de-centralization and encouraging freedom of expression. However, the government has disappointed by effectively suppressing community radio stations which reach roughly 13 million people via 130 stations and many more waiting in line (300 more have already applied). One can only interpret this in two ways.

First: CR, in their eyes, it is too small a sector, to take the time and effort to create a special mechanism where spectrum fees for CR is



not hiked or exempted. It is just easier to go with one-size-fits-all kind of policy making.

The other possibility is much worse - that the government has deliberately hiked spectrum fee for community radio fully well knowing that it will suppress the voices of the communities it should seek to amplify in the first place.

Given that we are a democracy, I would like to believe that the government still respects and wants to encourage freedom of expression, and this is merely an issue of laziness and carelessness.

I hope that the vibrant protests by communities across the country will take the shape of a wake-up call for the concerned authorities and they will take the positive step of not just rolling back the fee, but totally exempting the community radio sector from any payment of spectrum fees.

Continuation of the spectrum fee hike indicates incompetent governance or media censorship, both of which are dangerous for a country with deep inequalities and not enough avenues to voice discontent.

**Ramnath Bhat, Vice-President,  
CR Forum, India**

## VIOLATION OF RIGHT TO FREE SPEECH

The unreasonable hike in the spectrum fees is a retrograde move with serious implications for access and freedom of speech and expression. The government in recent years seems to conflate large and powerful telecom corporations and CR stations. The 'UNMDG' instance acknowledges access to communications technologies as being vital to the eradication of global poverty and hunger and views access to communications as a basic human need to participate in modern economic and political activity. The hike then needs to be understood not only in terms of its impact on the ability of a radio stations to survive, but on the impact that it has on the underlying development goals.

### LEGAL TAKE

The Cricket Association case which inaugurated a new jurisprudence of access to communication clearly stated that the monopoly of the state over airwaves loses its moral legitimacy when a section of society is denied access to broadcasting. It is also pertinent to recall that while freedom of speech and expression is an individual right its actualization often relies on a vast infrastructure of intermediaries. A structural impediment such as the imposition of unreasonable fees results in an indirect control on free speech. The Supreme Court in India has consistently recognized the distinction between direct controls on free speech and indirect or structural controls on free speech. If the imposition of unreasonable costs on newsprints is seen as a violation of the right to free speech then surely the imposition of a fivefold hike in spectrum fee has to be a candidate for a claim of free speech violation.

**Lawrence Liang, Co-founder,  
Alternative Law Forum,  
Bangalore**

## INTERNATIONAL RESPONSE

# AMARC Asia-Pacific urges roll-back



The Asia Pacific Board of the World Association of Community Radio Broadcasters (AMARC) is deeply concerned at the recent spectrum fee hike imposed by the Government of India. One of the milestones of the Community Radio Guidelines of 2006 was the creation of a distinct three tiered radio policy – public, private and community - based on the promise of inclusiveness and equity. As a result of these guidelines, India became the first country in South Asia to have a distinct policy for community radio which took sides with the excluded and marginalized. By raising the spectrum fee from Rs 19,700/- per annum to Rs 91,000/- per annum, the policy would appear to defeat the purpose of providing a voice to the voiceless and blurring these distinctions. As a global network committed to media democratization and strengthening the voices of the excluded through community radio, AMARC supports the Community Radio Forum of India's (CRF) stand that the hike will "choke the rights of communities to voice." Further, it goes against the spirit of the citizens' fundamental right to speech and expression as enshrined in Article 19 Clause 1 Sub

Clause A of the Indian Constitution. As a result of the hike, "genuine and grassroots communities will be excluded....and community radio will be a mockery of the stated policy objectives of the government of India."

A recent rapid assessment survey conducted by the AMARC International Secretariat indicates that the movement towards reducing spectrum fees is gaining ground across the world. Countries like Australia, Canada, Denmark, South Africa, and Uruguay do not levy a spectrum fee, while in countries like Bangladesh, Colombia, and Nicaragua the amount ranges from USD 150 to USD 480 to USD 50-100 (raise the fee over 1000 watts) respectively.

AMARC urges the Government of India to urgently enable an inclusive and truly participative community climate in India by taking steps that will revoke the spectrum fee hike as well as end other restrictions like the ban on news.

May 10th, 2012  
**Ashish Sen, President  
 &  
 Suman Basnet  
 Regional Coordinator  
 AMARC Asia Pacific**

## An unaffordable threshold frustrates right to communicate



This topic recognizes the Principles published in the declaration on diversity in broadcasting by the Four UN Special Rapporteurs on Freedom of Opinion and Expression. "Community broadcasting should be explicitly recognised in law as a distinct form of broadcasting (and) should benefit from fair and simple licensing procedures ... should benefit from concessionary licence fees..."

Against this backdrop, the impact of the increase of the fee must be seen as an unaffordable threshold that drives the radio stations to a vulnerable situation in terms of sustainability and independence. Best regulatory practices related to community broadcasting are based on affirmative action for supporting diversity and pluralism and that includes mechanisms that provide communication to isolated or poor communities.

If a government decides to make fees or other obligations unaffordable, those who suffer consequences are not only the broadcaster, but all those.... whose right to communicate becomes a frustrated right.

**Damian Loreti  
 Lecturer, Media Law, University  
 of Buenos Aires, Argentina  
 Legal Counsellor to  
 AMARC International**



## INTERNATIONAL RESPONSE

### Pluralistic broadcasting key to democracy

It has long been recognised that international guarantees for the right to freedom of expression – such as Article 19 of Universal Declaration of Human Rights and the same article in the International Covenant on Civil and Political Rights, which India acceded to on 10 April 1979 – place an obligation on States to put in place special, less onerous licensing regimes for community broadcasters. For example, a Joint Declaration adopted on 12 December 2007 by the UN Special Rapporteur on freedom of opinion and expression and his counterparts at the Organization for Security and Co-operation in Europe (OSCE), the Organization of American States (OAS) and the African Commission on Human and Peoples' Rights, included the following statement: *Community broadcasting should be explicitly recognised in law as a distinct form of broadcasting, should*



*benefit from fair and simple licensing procedures, should not have to meet stringent technological or other licence criteria, should benefit from concessionary licence fees and should have access to advertising.* In many countries, these broadcasters do not have to pay any spectrum fees at all. The airwaves are a public resource and facilitating the ability of communities to have access to those airwaves, rather than obstructing access through excessive fees, is clearly in the wider

public interest. Indeed, in many countries, instead of charging fees to community broadcasters, there are subsidy schemes which facilitate their ability to survive. In any case, imposing a fee hike of this magnitude is simply not reasonable. Few commercial organisations would easily weather a five-fold increase in one of their key operating costs. This is even more so for community radios, given the small operating budgets that many survive on.

The Government of India should reconsider these proposals and, instead of imposing fee hikes, should look at ways in which more public support can be provided to community radio, a key part of a democratic, pluralistic broadcasting sector.

**Tony Mendel, Executive Director, Centre for Law & Democracy, Canada**

### Australia provides spectrum access to CRs free of charge



According to the Radio Communications Act, the first and overarching imperative of regulating access to this resource is to "maximise ... the overall public benefit derived from using the radiofrequency spectrum".

Furthermore, it provides for an "efficient, equitable and transparent system of charging for the use of spectrum, taking account of the value of both commercial and non-commercial use of spectrum". In recognising the non-commercial nature of community radio stations

- established as not-for-profit, mainly volunteer staffed entities - the government waives spectrum access fees (taxes).

CR stations do, however, pay fees (taxes) to license their radio frequency transmitters. These fees (taxes) are as low as \$ AUS 30 per year.

However, CR stations are not without responsibility. In return for free access to the airwaves, they are required to adhere to the principles of community broadcasting as laid out in the Broadcast Services Act 1992.

These principles establish the not-for-profit, volunteer, open, participatory, audience service based model that community radio stations around the world adhere to. Under the model of license fees (taxes) adopted in the Australian context, the "overall public benefit" outweighs the economic considerations of managing the radio frequency spectrum.

This is not say this situation will not change in the future but at present, community radio stations are valued not for their economic efficiencies or practices but for the contribution they make in the social development, cultural preservation, artistic expression and civic solidarity of the communities they operate within.

A government policy which follows the model outlined above can only be positive in its outcome.

That is, if governments wish to support the social and civic development of their societies, then providing free or highly subsidised access to the radio frequency spectrum is, perhaps, the most effective way of promoting development goals at the local, regional and national levels.

**Shane Elson, Alternative Radio (Australia) & AMARC Asia Pacific Treasurer**



## ECHOES

This is ridiculous! Absolutely ridiculous! ...Right off the bat, this seems wrong!--**Saritha Thomas, People's Power**

Fees for spectrum that belongs to the people? What next? Fees for breathing air?--**Rajen Varada, Technology for People**

We all must oppose this. Government should support CR Stations to become financially sustainable rather than charging fee. Actually we should demand for zero fee.--**Rakesh Pandey: Shramik Bharti & Waqt Ki Awaaz!**

Let's keep the pressure and the follow up and certainly the fee hike will be rolled back.--**Pankaj Athawale, MUST Radio**

I would like every CRF member to seriously consider that unless we take a strong enough collective stand, even a nominal shutting down of broadcast for a day will not move the mandarins of Sanchar Bhavan. Their attitude in handing

out of frequencies to the CR sector, issuing WOLs and even holding up licenses when it suited them is really a build up to a very dim future for all of us.--**Arti Jaiman, Gurgaon Ki Awaz**

The hike in spectrum fee serves no purpose other than being a deterrent for any grassroots organizations wishing to start a CR station. How would any change in CR policy make any difference if communities are not able to afford/pay the spectrum fee and continue to broadcast?--**Kanchan K. Malik, University of Hyderabad**

We have decided to continue to pay the old rate, until informed otherwise by CRA. This is because CRA is already negotiating with the Union Government on the matter.--**Community Radio Association of India**

We as CRF totally oppose it, and will fight tooth and nail against this hike. This hike will hamper the growth of CR station in India will

affect the ongoing Community Radio Movement in India very badly.--**Community Radio Forum**

The true meaning of CR will be lost. The CR will not be for those for whom we advocated. Where is the money and where are the donors to promote CR the way Govt wants? The journey of so many years to get CR approval for those who need the most should not go waste! We have to help raise the voice again. --**Geeta Malhotra, One World South Asia**

Let's go to Delhi. Let's meet Soni-amma if necessary and tell her we can't pay the spectrum fee.--**Women of Sangham Radio, Pastapur**

What if all the stations decide to stop paying any spectrum fee? Will the government shut down all the 100-odd Community Radio stations?--**Vasuki Belavadi, University of Hyderabad**

*All views & opinions expressed in this issue are those of the authors & do not necessarily reflect those of the Unesco Chair on Community Media, Department of Communication, University of Hyderabad*

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## Call for contributions

The editorial team seeks contributions by way of news reports, features, announcements and opinions on recent community radio activities in your organization/region/nation. Voices/Stories from the field, including interviews with community members (listeners and producers) are especially welcome.

Please note:

- Contact address and details of authors/organization should accompany the contributions.
- The last date for submissions is **August 01, 2012.**

- Electronic submission of contributions is recommended. Please email your articles/reports/features to: **crnews2010@gmail.com**

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