



# STRENGTHENING COMMUNITY RADIO IN INDIA

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Working Paper

# REVISITING CR POLICY

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Community Radio policies in India have had two iterations, in 2002 and 2006, when the airwaves were opened to educational institutions first, and then to community-based organisations and not-for-profit entities. These policy developments were the result of civil society advocacy for the opening up of airwaves to communities, after the Supreme Court judgement of 1995 that declared airwaves to be public property. All along, there have been landmark declarations and occasions for advocacy that saw activists coming together to rally around the opening up of the airwaves to communities. The last National Consultation, held in 2010, was one such occasion that sought to push the policy envelope for CR further. Since 2006, the sector has grown from barely 20 to 202 CR stations in the country, with agricultural universities, Krishi Vigyan Kendras (KVKs – Agricultural Research Centres), and non-profit wings of corporate entities joining the fray. However, this is far from the 4000-5000 numbers that were mentioned at one time by Ministers of Information and Broadcasting, and does no justice to a country as vast and diverse as India, with its linguistic and cultural plurality.

In the last decade, this sector also had to grow against the background of several shifts in the country's socio-economic and political landscape. Drawing from a range of international and regional experiences, and India's own tryst with CR, it becomes imperative to revisit the currently operational CR policy. This paper, drafted by a working group on policy reviews policy guidelines for CR that are currently operational in India, provides an analysis of the issues faced by the sector, and makes recommendations for a vibrant, plural CR sector in the country.

### ***Current Policy guidelines & issues***

The CR Policy Guidelines of 2006 have certainly enabled the opening up of broadcasting to community-based organizations. At the same time, operational radio stations as well as community radio advocates have been finding many aspects of these guidelines rather limiting and even inhibiting the growth and sustenance of community radio in the country.

### ***Ownership & Licensing***

The policy guidelines lay down that organisations that are community-based, not-for-profit, rooted in and reflective of the community they seek to serve, and one that enjoys legal status with a track-record of community service are eligible to apply for a CR license. In addition, others eligible organisations include State Agriculture Universities (SAUs), ICAR institutions, Krishi Vigyan Kendras, Registered Societies and Autonomous Bodies and Public Trusts registered under Societies Act, whose registration is at least three-years old. These policy guidelines bar individuals, affiliates of political parties, for-profit bodies, government departments and any other organisations banned by the government from owning licenses. The GOPA issued by the government would be for a period of five years, and the ownership of the license is non-transferable. The TRAI Recommendations of 2014 took cognizance of the lapse of the five-year licensing period, suggesting that extension of licensing continue for five-year tenures subject to “performance evaluation” by the Ministry of Information and Broadcasting (MIB). Recent amendments to the guidelines announced by MIB addresses this lacuna in the policy by specifying the renewal process.

Civil society organisations feel strongly that the slow growth of the sector has been, at least to a substantial extent, because of the complex bureaucratic procedures involved in obtaining a license, especially, with the Ministry of Communications. Instead of aggressively addressing this problem, some government officials, it is believed, are advocating that licenses be issued to government departments so that a higher uptake of CR licenses can be reported. This in the face of evidence from recent research commissioned by the Ministry that apparently suggests that CR stations run by KVKs and Agricultural Universities, with their bureaucratic structures, perform poorly when compared with stations managed by community-based organisations. These officials also believe that only organisations with deep pockets can sustain the community radio station. This is paradoxical – like government-owned non-governmental organizations – and subverts the spirit of community radio.

Moreover, the constitution and functioning of the Screening Committee that screens applications is somewhat opaque and reasons are rarely offered to why some applications are rejected and some accepted. As a result, some anomalies in ownership have crept into the sector, with proxies of corporates, political entities, religious organisations and even mainstream media organizations managing to obtain community radio licenses. There may well be a legitimate space in the broadcasting spectrum for such and many other type of organisations including local government bodies, highway authorities, the railways, and the armed forces. If such entities need to be accommodated, the government needs to broaden the ambit of public service broadcasting rather than weaken the definition of CR.

The time has come to critically review the ownership guidelines in the policy. The disproportionate emphasis given to ‘development’ content and to the recognition of the NGO as the only legitimate non-state/non-market entity that deserves a CR license has led to what some scholars have been calling, ‘NGOization’ of the CR sector. While this is not an issue for policy directly, it may be seen as an indirect outcome of foregrounding the development discourse over communication rights in advocating for community radio in India.

### ***Spectrum and Technology***

Some organizations that have been engaged in development work in difficult physical terrain are also deterred by the limitation on transmission power to 100 watts ERP. While the theoretical possibility of a higher wattage for a CR station continues to be mentioned in the Policy Guidelines, no organisation has yet been bestowed with higher transmission power. Of course, there is the argument that greater the scale of operations of a station, less is the potential for effective community participation. In which case, those who are willing to do more focused work within a smaller geographical area could also be considered for lower-wattage transmitters, say of 20 W each.

Although some effort seems to have started in that direction, licenses are still hard to come by in regions of the country that are underserved by the media, areas that are often

dubbed ‘conflict zones’ by the security apparatus. Similarly, even as there are positive news stories about the role of community radio stations during natural disasters, there still seems to be reluctance to set aside frequencies for emergency broadcasting. The recent amendment allowing for a CR transmitter to be relocated with the district magistrate’s permission during a natural disaster is only a half-way measure.

There is also the issue of vanishing spectrum for community radio in urban areas, making it very difficult, if not impossible, for any new stations to come up in the cities. No systematic spectrum mapping has ever been made in the country or if it has been done, it is certainly outside the pale of public review.

There is also a global push for digitalization of broadcasting, with television having already made the switch. Radio seems to be the next frontier, as public radio in India has made a decisive choice for the DRM (Digital Radio Mondiale) standard, with large-scale upgradation and installation of transmitters under way. However, even in many developed countries, the community radio sector has been very circumspect in advocating the digital switch, preferring to continue with analogue broadcasting for the near future. In India, we need to proceed with extreme caution on this issue, keeping in view the high costs of transforming existing production, transmission, and reception technologies. If digitalization in broadcasting is an inevitability, in the short-term at least, let the analogue frequencies be left for community broadcasting. In addition, we need to examine the possibility of commercial concessions for technologies used by community radio stations, so that the costs of setting up and maintaining CR stations becomes considerably lower.

### ***Content guidelines***

In the original guidelines on community radio, it is ‘development and educational’ content that is prescribed clearly. Further, it proscribed content of a ‘political nature’ and broadcast of news. Recently, the Ministry issued a notification wherein it identified the following as not falling within the ambit of ‘news’: “sporting events excluding live coverage (except those of local nature), traffic and weather, local cultural events, results,

admissions, career, employment opportunities or public announcements would not be considered news.”

News, as it is commonly understood in broadcasting, especially in the community radio sector globally, continues to be prohibited in India, even as the Supreme Court is currently hearing a public interest litigation filed by Common Cause challenging the ban on news over commercial and community radios. There has been a standing offer from the government to community radio stations, permitting them to re-broadcast news from All India Radio. The sector, understandably, has reacted in a lukewarm fashion to this offer, seeing it as a distortion of the universally understood idea of community radio as occupying a third, alternative space to state and commercial broadcasting.

### ***Advertising***

The 2006 guidelines permitted broadcasting of advertising on community radio stations, limiting it to about five minutes per hour of broadcast time. While this was intended not to tie up community broadcasting into an unsustainable proposition, in practice, studies have suggested, most stations have been finding it difficult to meet even the five-minute limit, given the locations and demographics of their listening communities. Much of what prevails as advertising in community radio is state advertising given out to promote government policies and schemes by the DAVP (Directorate of Advertising & Visual Publicity) of MIB. Recent amendments to the guidelines have inexplicably raised the limit to seven minutes per one hour of broadcast time, apparently as a concession to CR stations. More importantly, the government removed the standard of low rates set by DAVP for mobilizing advertising from private sources.

### ***Public Funding***

The Community Radio Support Scheme (CRSS) was announced by the Ministry of Information & Broadcasting in 2013, to support the CR sector and a Rs.100-crore fund has been mentioned repeatedly. Grants to stations have been made out mainly to applicants seeking to acquire equipment, while other organizations have been given funding for conducting awareness workshops across the country (although some of these

workshops were being organised even before the CRSS). While the latter are important to popularize the concept of community radio among organizations engaged in community development work, the exclusive focus on acquisition of technology sidelines the variety of uses to which such a fund could be put to promote long-term sustainability, as envisaged by the document on an autonomous Community Radio Support Fund drafted and submitted by civil society organizations in 2011. Such a Fund, the advocates had suggested, would be characterized by autonomous administrative mechanism and a pooling of resources from various ministerial schemes and other international agencies and corporate bodies. The government needs to demonstrate its commitment to public funding of community radio through annual budget outlays and a disbursement process that is transparent and accountable.

### ***Monitoring of Community Radio***

The Policy Guidelines of 2006 mandated that all community radio stations archive content of at least the previous three months. The stations have also been required to follow the Programming Code of All India Radio, which it was suggested would serve as the bulwark against all potential violations of ethical broadcasting. These are provisions that all CR stations have been quite meticulously complying with, and in the over 10-year history of community radio in India there have hardly been any complaints over content by members of the community or by local authorities.

However, recently, the Government has either been issuing 'advisories' to CR stations to broadcast particular content or insisting that they submit six-months' worth of programmes for review (a decision that has been reversed recently). There have been occasions during the past year when a few, apparently, recalcitrant stations have been hauled up in disciplinary action and reprimanded. This is an alarming situation, given that there are no clearly laid down mechanisms for surveillance of community radio content or procedures for protecting community radio stations against arbitrary use of authority. It is imperative that both the government and the community radio sector jointly explore the possibilities for an independent, transparent, and just regulatory framework. The community radio associations and networks, on their part, would do

well to frame ethical guidelines for their member stations and insist on adherence to those norms.

The second issue related to monitoring is the government's oft-stated contention that the difficulty of monitoring so many localized FM broadcasts is what is deterring them from liberalizing content guidelines. Apart from the fact that community radios do not pose any threat to national integrity (notwithstanding the government's recently expressed apprehension before the Supreme Court), as is borne out by the experience of the last decade, the onus of putting in place an efficient and effective real-time monitoring, if that is what is desired, should be on the government. A seemingly technical obstacle to effective monitoring cannot be used as an excuse to prevent community radio from becoming a truly democratic space for an informed citizenry.

### **Recommendations:**

Community radios should be seen as repositories of plural cultural expression and as spaces that enhance deliberative democracy. Considering all the above issues faced by the sector, there is an urgent need to revisit and revise the CR policy of 2006, to allow for a CR Policy that is more in tune with the challenges and opportunities of the day. There have been some recent attempts to tinker with the CR policy by executive fiat rather than through deliberations with key stakeholders. It should be remembered that the community radio policy ushered in a distinct third tier of broadcasting in our media landscape because of grassroots advocacy and years of community audio production, not something imposed suddenly and abruptly from the top by policy-makers in 2002. The policy was a good example of deliberative democracy in action – it was an outcome of intense consultations among various stakeholders combined with hard negotiations with well-meaning bureaucrats. It is important that we swear by dialogue and discussion, which could be frustrating sometimes, but energizing and optimistic always about the possibility of the poor and marginalized having a voice that matters.

It is in this spirit of dialogue and deliberation that the present national consultation on community radio has sought to focus attention on the key issues facing the sector from



the perspective of civil society. What follows are some recommendations for a policy revision:

### ***Licensing***

- Expansion of ownership to a range of registered, non-governmental bodies that could include trade unions and cooperatives, with a demonstrable commitment to community service.
- Apart from public educational institutions, other government agencies and departments should be disallowed from setting up and running CR. This is in keeping with the true spirit of community radios, which are run and managed by communities.
- Catering to geographical diversity and topography of the region, CRs should be allowed, on a case-to-case basis, to go beyond the prescribed 100-watt ERP, especially in difficult terrain and higher altitudes.
- Integrated and speedy licensing of CR applications, including clearances from MoCIT, should be implemented, to enhance the effectiveness of the single-window mechanism.
- Licensing should prioritise states that do not yet have an operational community radio, and cater to regions that are underserved by the media.
- A separate nation-wide frequency for emergency and disaster situations must be allocated. Additionally, proactive licensing of applications from disaster-prone regions should be made high-priority.
- Constitution of the Screening Committee and its functioning should be made more transparent and genuinely representative, democratic, and inclusive. Reasons for rejection of applications by the Committee should also be made available on a public platform.

### ***Content***

- Keeping in line with international norms that permit airing of local news on CRs, broadcast of independently produced news and current affairs should be allowed on

community radio in India. If required, FCRA norms may be revisited to enable CR stations to broadcast news and current affairs programming.

- Suitable provisions should be made in the Intellectual Property Rights (IPR) policy to protect communities against commercial exploitation of local cultural resources aired on CRs, and to encourage local cultural programming.

### ***Funding and Monitoring***

- An independent regulatory body, with clear checks and balances, should be set up to address violations of programming guidelines by CR stations.
- Allocation for public funding of CR, as it exists today, should be reconceptualised to allow the setting up of an autonomous public body for decision-making on fund disbursement.
- Advertising, sponsorship and any other government funding for CRs should be made transparent.
- As part of Digital India, high speed broadband should be provided by Bharat Broadband Network Limited (BBNL) to every CR station. This could also address the government's concern about not being able to monitor FM broadcasts.
- As part of Digital India, telecom companies should exempt CRs engaged in online audio streaming from incurring data charges.

### ***Spectrum and Technology***

- The procurement of transmitters and other broadcasting equipment should be made easier, exempting CRs from incurring excise duties and other levies on import.
- Explore easier licensing procedures for low-power FM stations, say of around 20 W power.
- Take a more cautious and deliberate move towards digitalization of broadcasting, especially in community radio.
- Undertake a systematic spectrum mapping of the country and place it in the public domain, so that a more rational and realistic view can be taken of availability of frequencies in certain parts of the country.