

NFADE/ PBAA/ RLC/2010/01

25/11/10

Sh. B.B.Bhatnagar
Regional Labour Commissioner (Central)
New Delhi

Sub: Repeal Prasar Bharati Act 1990
Ref: Letter No.ND.8(17)2010-PA

Respected Sir,

We are grateful to your goodness for granting the opportunity extended from your good office to this Federation to settle our demand, i.e. Repeal Prasar Bharati Act 1990.

Though the Hon'ble GoM & Hon'ble Cabinet has decided that the employees of AIR&Doordarshan shall be on deemed deputation till retirement, with all facilities of Central Government employees and thereby will continue to be controlled under the CCS rules, and not repeat not by the rules of IDA, by honouring your initiative, we are hereby submitting our demand for your consideration to take up with the competent authority.

Sir, NFADE is an umbrella organization of 21 staff Associations of AIR & Doordarshan representing 38000 employees - ranging from Group D to SAG level - various disciplines of Programme, Engineering & Administration wings of the National and Public Service Broadcaster.

As you are kindly aware, All India Radio and Doordarshan were Government organizations till 1997. They played the role of National and Public broadcaster and served as the voice of the Government and the people. Then, to give it better functional autonomy, it was decided by the Hon'ble Parliament to convert it into Prasar Bharati. This move was expected to enable the organization to function freely and fearlessly as a true Public Service Broadcaster. The irony is; even today the public broadcaster is at the crossroads, without having slightest idea about the direction it will be heading in times to come, if things are allowed to continue in the prevailing manner. In fact, years of experiments and uncertainty have dented the reputation of the organization. With the presence of demotivating factors all around, it is becoming extremely challenging for the professionals within the organization to keep the standards high.

The experiments over the last 12 years proved that Prasar Bharati is not only financially unviable but defeated its very basic concept.

AIR has a network of 336 Broadcasting Centers with 143 Medium Frequency (MW), 54 High Frequency (SW) and 161 FM Transmitters. The coverage is 91.42% of the area, serving 99.13% of the people in the largest democracy of the world. AIR covers 24 languages and 146 Dialects in Home Services. In External Services, it covers 27 Languages, 17 National and 10 Foreign Languages. In addition to this terrestrial network, AIR started Direct to Home (DTH) services with 12 channels on free to air band.

Doordarshan has a network of 66 Production Centres and 1404 Transmitters, to telecast the programmes in 24 channels. The coverage is 89% of the area, serving 94% of the people in India in addition to crores of viewers overseas through satellite network. Doordarshan started Direct to Home (DTH) services with 30 channels on free to air band. It may kindly be noted that Doordarshan is the only TV network in the world offering DTH services free of cost.

Being a media with vast reach, All India Radio & Doordarshan have been playing a pivotal role as instruments of social and economic development, besides entertaining people.

We are performing the dual role of Public Service Broadcaster as well as National Broadcaster by serving the Nation even in the border areas, remotest terrain & disturbed areas, be it in the J&K, North East or islands like Port Blair and Lakshadweep. Section 12 of Prasar Bharati Act also entrusts both these responsibilities with this media organisation.

Section 12.1 of the Prasar Bharati Act says that it shall be the primary duty of the Corporation to organise and conduct Public Broadcasting Services to inform, educate and entertain the public and to ensure a balanced development of broadcasting on radio and television. While section 12.2.(b) to 12.2.(p) defines the duties of Public Service Broadcasting, section ***12.2.(a) determines the duties of National broadcaster- upholding the unity and integrity of the country and the values enshrined in the Constitution;***

Many of the countries around the world have the concept of '***National Broadcasters***' as well as '***Public Service Broadcasters***' with distinct identities, in addition to the ***Commercial Broadcasters***.

The duties of the “National Broadcaster” include ensuring the integrity & security of the country while informing the masses about the policy initiatives of the Government. It is also accepted worldwide that it is the responsibility of the Government of the Day of the Country to ensure the existence of the National Broadcaster in the interest of the country.

It is a fact that most of the countries, ranging from America to China and Angola to Zimbabwe are maintaining their National Broadcaster for protecting the interests of respective country.

The duties of the “Public Service Broadcaster” is to inform, educate and entertain the population of the country without any discrimination on the basis of cast, language, gender, age, geographical conditions etc...etc.

It is accepted principle worldwide that the existence of the Public Service Broadcaster is the necessity and thereby the responsibility of the democracy of the country.

Going by the global trend, All India Radio and Doordarshan, being the National & Public Service broadcasters, are to be financially supported by the Government to discharge the national duties and responsibilities. Also in view of the multidimensional socio-cultural fabrics of India, the age-old

broadcasting organizations like AIR & Doordarshan, which have discharged the duties towards national integration, preservation of art and culture and socio-economic development of the nation, should not be left to the mercy of the market forces. These responsibilities cannot be compared with the aims & objectives of any other Corporation, thereby necessitating the need for a serious thought to roll back the AIR & DD to the Govt of India by repealing the Prasar Bharati Act.

AIR & Doordarshan is the unique organisation in the world endowed with the dual role of National as well as Public Service Broadcaster. Both these roles are clearly laid out in Section 12 of PB Act. Hence it shows that it is the responsibility of the Government as well as the democracy of this country to ensure the existence of AIR & Doordarshan in India.

Dr. Manmohan Singh, Hon'ble Prime Minister was kind enough to grant two meetings to this Federation (on 16th December 2004 - along with Sh. Gurudas Dasgupta, Hon'ble Member of Parliament & GS, AITUC & on 12th August 2005 - along with Late Sh. Chitabrato Majumdar, Hon'ble M.P. and GS, CITU at the time). On our basic demand of Repeal Prasar Bharati Act 1990, Hon'ble PM was kind enough to constitute the hon'ble GoM to discuss about the future of Prasar Bharati. The Hon'ble GoM, after realizing the fact that the Prasar Bharati is financially not viable to even pay the salaries for the employees, proposed to retain the govt status with all facilities to the employees, which was later accepted by the hon'ble union cabinet in its meeting held on 29/1/2009.

Sir, Ministry of I&B itself had accepted in the Hon'ble Supreme Court way back in 2005 that Prasar Bharati is financially not viable.

We request your kind attention to the following few points which proves that the relevance of PB Act today is not as was, compared to the situation prevailing way back in 1978, 1990 & 1997.

Your goodself is aware that the concept of Akash Darshan was brought in 1978 by Sh. L. K. Advani, the then Minister for I&B and the Hon'ble Parliament passed the PB Act in 1990. The scenario in 1978, 1990 & 1997 was totally different from today. There was allegedly a monopoly of Govt. during those days which was criticised by various political parties and even the hon'ble court.

The verdict of Hon'ble High Court, Calcutta & Hon'ble Supreme Court has freed the airwaves from the Monopoly of any agency/individual including the Govt. in 1995 thus opened the Indian media to Commercial (Private) Broadcasters. Today we have 454 TV channels and 248 Radio channels (with another 320 waiting for license) in the private network- as Commercial Broadcasters; the public now has many options at the press of the few buttons of remote control.

The experience of the last 12 years and the movements of the employees under the platform of NFADE proved beyond doubt that Prasar Bharati **cannot survive financially** while serving the dual responsibilities to the Nation and it cannot be compared with any broadcaster of the world.

The experience of the last 12 years clearly indicates that Prasar Bharati in the present form is neither financially viable nor professionally well equipped to face the challenges of the day. Major part of the annual expenditure of Prasar Bharati is coming from the Government in the form of grant-in aid. The revenue generated by Prasar Bharati is used for the rest. Thus the pay & perks, which include the pension and gratuity, and the career progression of the 40,000 employees, are not secure in Prasar Bharati.

We apprehend that country is being subtly prepared to accept the privatization of the Public Broadcaster. Starving Prasar Bharati will become vulnerable to market forces. The role of Prasar Bharati is quite different from that of private channels. Under the prevailing circumstances, it cannot earn money and will meet its natural death in the fierce competition. Further we believe that there is a conspiracy to

ultimately disinvest Prasar Bharati as a loss making PSU. The assets of the organization have been drastically undervalued with such an ulterior motive.

Most of the political parties have reconciled to the opinion that Prasar Bharati board is not able to come up to the expectations. Leaders of major political parties have echoed the sentiments in discussions, that Prasar Bharati board has neither brought any major changes to its functioning nor gave any contribution to the country since its inception.

Though the Hon'ble Supreme Court expressed its reservations on handling of media by any individual agency, if we go by the holding patterns we find that the Private Channels in India are being run by individuals or agencies only!

Moreover the Hon'ble Supreme Court, in the ongoing case (since 2005) did not direct the Govt to implement the Act, rather it directed the govt to take any credible decision on employees, i.e. to take them to Corporation or to retain with the Govt. Hon'ble Court have repeatedly pointed out that their duty is to ensure the implementation of the law/Act passed by the Executive (Govt) but it is for the Govt to take decisions on creation/amendment/withdrawal of any Law/Act.

Sir, Repeal of Prasar Bharati Act will purely be a political decision in the larger interests of the nation. If the prevailing circumstances are an indication, handing over the 1800 stations and more than 38000 workforce to a Corporation, may prove to be unsustainable risk to the cause of the integrity and security of this Nation.

But we are confident that if your goodself seek a report on the performance of Prasar Bharati for the last 12 years, it will be disheartening to note that prior to 1997 AIR & Doordarshan were fulfilling the responsibilities of National Broadcaster & Public Service Broadcaster better in comparison with the Prasar Bharati Era.

Now the PB Act Amendment Bill 2010 also has been introduced in the Hon'ble Rajya Sabha on 31/8/2010, without considering the points raised by the employees. **But the experience of the employees has proved that no amendment in the Act may provide any such protection for AIR & DD or its employees to serve the country as the National & Public Service Broadcaster. "The only option available to protect AIR & DD, the pillar of the democracy is to entrust the responsibility of running AIR & DD to the Government of India, by repealing the Prasar Bharati Act 1990."**

While considering all these factors, we request your goodself to kindly think seriously for repealing the Prasar Bharati Act 1990 and thereby entrust the responsibility of the smooth functioning of the National Public Service Broadcaster of the country with the Union Government.

We are confident that your intervention will make all the difference in keeping the National electronic media alive in the interest of our great nation to discharge its duties as Public Service and National Broadcaster in a befitting manner.

Copy of our latest notice to the Hon'ble Minister for Information & Broadcasting is attached for your kind reference.

With deep regards.

Sincerely yours

(Kulbhushan Bhatia)
Secretary General

(Anilkumar S)
Chairman