CHAPTER 4

BROADCAST POLICY MAKING

Broadcasting structures are partial and temporary solutions to complex social and political problems.¹

Andrew Garnham

In Britain

Governments and Broadcasting Policy

Jeremy Tunstall’s take on the complex art of broadcast policy making as practised by democratic governments is that while they almost make a virtue of having no coherent media policy (as a way of declaring to the world at large that they respect the independence of the Fourth Estate), they compensate for this by keeping a tight grip over issues relating to what he describes as the hardware component of broadcasting such as frequencies and technology drivers.² Tunstall meant this to apply to both the Press and broadcasting, but as he admitted later on, while the first part held true more for Press and less for broadcasting, the latter part had definitely proven to be the case for broadcasting.³ Thus, even before broadcasting made its appearance on an organised scale with the establishment of the British Broadcasting Company in 1923, the government had made sure that it had a leading role to play, courtesy, two pieces of legislation, the Telegraph Act of 1869, which gave the Post Master General (PMG) control over the transmission of

¹ Quoted from Trine Syvertsen, Public Broadcasting in Transition: A Comparative and Historic Analysis of the BBC and the NRK (Leicester: Leicester University, Ph.D. Thesis, 1992), p. 28

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telegrams in the United Kingdom, and the 1904 *Wireless Telegraphy Act* which extended the Post Master General's powers to the control of wireless telegraphy as well. When the company folded up and made way for the Corporation, the technical and programme requirements incorporated into the Charter and Licence gave the government sufficient "reserve" powers to bring the BBC under its control, if circumstances that warranted such a move came to pass. The dilemma that the government had to face was how to drive broadcasting policy without too many overt indications of doing so? A partial solution was found in the mechanism of a prestigious and non-partisan Committee of Inquiry⁴, with the government at liberty to accept or reject its recommendations.⁵ According to Bob Franklin, the Board of Governors was born out of a similar "need to discover an institutional mechanism which will allow broadcasters freedom for critical enquiry and sustain their independence of politicians but at the same time, guarantee broadcasters accountability to the wider community."⁶ This chapter examines and follows the twist and turns of broadcast policy making, examining the role of various actors who have a say in it, including Inquiry Committees, White Papers on Broadcasting, the Board of Governors and the Director General of the BBC/ITA. It examines not only the machinery behind broadcast policy making, but also the individuals who are in control of the machinery, since study has shown that, the democratic process

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³ Ibid., p. 313
⁴ An additional advantage that accrued from having broadcasting policy driven by a committee of inquiry was that it gave the impression that such policy was being formulated after public debate, a further feather in the cap of democracy. See Tunstall, n.2, p.310
⁵ In any case, the inquiry committees had any number of politicians and MPs in their ranks and this ensured that the government's case was heard.
notwithstanding, individuals at the helm of affairs, whether in the committees of inquiry, or the government, or the broadcasting organisation itself, have a major role in the conceptualisation and enactment of broadcast policy. In the case of India, as previous chapters have shown, there were a number of attempts to evolve a similar mechanism for broadcast policy making, but ultimately, they all bit the dust. Since these attempts were few and far between, the emphasis here is more on examining those attempts in depth, in order to comprehend the reasons why it has not been possible to evolve a mechanism for broadcast policy making in the Indian context.

Inquiry Committees and White Papers

Inquiry Committees on Broadcasting came into existence in order to provide a solution to a particular problem, and, subsequently, ended up being a permanent part of the broadcasting structure in Britain. In the first instance, a committee was constituted to try and solve the financial woes of the British Broadcasting Company. In addition, it was also asked to consider “broadcasting in all its aspects” and to make recommendations for its future development.7

The Sykes Committee

The Committee was headed by Major-General Frederick Sykes, a well-known soldier/politician, and had as its members, three Members of Parliament – J.J. Astor, Henry Norman and Charles Trevelyan; a Press representative – Viscount Burnham, chairman of the Newspapers Proprietors Association; W.H. Eccles,

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President of the Radio Society of Great Britain; Field Marshal William Robertson; John Reith, the Managing Director of the Company, and F.J. Brown and Henry Bunbury from the Post Office. The Committee held thirty-four meetings, examined thirty-two witnesses and produced a fifty-page report which was submitted to Parliament in August 1923. In the course of its five-month long deliberations, the Committee discussed threadbare various issues affecting the BBC at that time, including censorship and broadcasting “controversial items.” Though the government accepted a number of its recommendations, it was largely not successful in solving the financial problems of the Company.

The Crawford Committee

This pattern was repeated again in 1926 when the government appointed a new committee under the chairmanship of the Earl of Crawford and Balcarres to “advise as to the proper scope of the broadcasting service and as to the management, control and finance thereto after the expiry of the existing licence of 31st December 1926.” The Crawford Committee was also made up of a number of MPs – Lord Blanesburgh, William Graham, Ian MacPherson, and Captain Ian Fraser; science was represented by Lord Rayleigh, a physicist; arts and letters by Henry Haddow and Rudyard Kipling, respectively. Other members were Thomas

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8 According to Ian McIntyre, the Field Marshall was ostensibly representing the public “the composition of the committee throws interesting light on how the concept of the great and the good has evolved over the years. Ian McIntyre, *The Expense of Glory: A Life of John Reith* (London: Harper Collins, 1993), p.124

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Royden and Dame Meriel Talbot. The minutes of the BBC’s Board of Directors meeting contain the following report on the Committee: “Practically all the members are known to us personally and are known also to be interested in and friendly towards broadcasting and our work.” The Committee, which submitted its report on 2 March 1926, took the crucial decision to bring broadcasting under the direct purview of the government in whatever form possible but operating as a monopoly. Before arriving at this conclusion, the Committee had wide-ranging discussions with all sections of opinion on broadcasting, including the press, music publishers and representatives from the audience. The most important input, no doubt, came from John Reith who had written a “Memorandum of Information on the Scope and Conducting of the Broadcasting Service” in which his sole intention was to “show the desirability for the conduct of broadcasting as a public service, for the adoption and maintenance of definitive policies and standards in all its activities and, for unity of control.” Reith’s conviction that broadcasting should come under the government was born out of his experiences till then with both the government, in the form of a largely intransigent and unhelpful Post Office, as well as with the companies that owned the BBC and its competitors such as the Press. As he put it, “the trade are a nuisance so long as they think they can control the BBC, which, of course, they do not do actually, but might do, and so long as other

11 BBC, Written Archives Centre (now on WAC), CO7/4, BBC Board of Directors Minutes 1925, 17 September 1925. An interesting comment was to do with Rudyard Kipling: “Mr. Kipling is the outstanding exception .... He is systematically without interest and has declined to broadcasting or allow his work to be broadcasted....”

12 Crawford Report, n.10, 2 March 1926.

13 Paulu, n. 7, p.8
people think they do."¹⁴ Thus, as far as he was concerned at that time, it was a
question of choosing the lesser evil.

The Ullswater Committee
The Committees were thus proving to be useful fora for wide discussion of matters
relating to the BBC and broadcasting in general, and therefore, it was not
surprising that whenever any issue of importance came up, it was immediately
referred to a committee. Thus, the Selsdon Committee was appointed in May 1934,
to examine the case for television.¹⁵ And in 1935, two years prior to the expiry of
the BBC’s licence, the government set up a Committee under the chairmanship of
Viscount Ullswater to examine the BBC.¹⁶ Among its members were J.J.Astor,
McLintock, the Marchioness of Reading, Lord Selsdon and H.Graham White, M.P.
The Ullswater Committee submitted its report in a record eight months, and, in
general, was appreciative of the BBC and the way in which it had fulfilled its
public service responsibilities.¹⁷ However, one of its members, Clement Attlee,
then a Labour MP, and future Prime Minister, also handed in a minority report in
which he deplored the manner in which “the broadcasting system was used by the
government [during the General Strike of 1926] .... This created in the minds of a

¹⁴ Ibid.
¹⁵ Similarly, in September 1943, a Committee under the Chairmanship of Lord Hankey was
appointed to “consider the reinstatement and development of the television service.”
¹⁶ The Chairman, Viscount Ullswater, a former Speaker of the House of Commons, was eighty
years old. Reith’s impression of him was “that the whole affair is quite beyond his
comprehension.” McIntyre, n.8, p.215
very large section of the community grave suspicion .... The BBC should have sufficient independence to resist being made the instrument of one side in a national controversy." He also accused the BBC of having favoured the party in power in the matter of allocation of broadcast time during the General Election of 1931. Such criticism was only an indication of the increasing importance of the BBC, especially with regard to dissemination of information which was a major political resource. Burton Paulu notes that Attlee's dissenting note "presaged some future trends" and Asa Briggs comments, in Volume 2 of his *History of Broadcasting*, that though "the Ullswater Report suggested no drastic change in the life of the BBC, it hinted ... that one day drastic changes might come...."20

*The Beveridge Committee*

Again, in 1949, two years before the expiry of the BBC's licence,21 the government appointed a committee under the chairmanship of Lord Beveridge to conduct the most exhaustive investigation into British broadcasting up to that time, questioning even the basics such as the continuation of the monopoly. This Committee had four MPs, representative of their parties; Lady Megan Lloyd George, Brigadier Selwyn Lloyd, Alderman Joseph Reeves and Ernest Davies; a trade unionist James Bowman; an industrialist, William Coates; a number of educationists, A. L. Binns, Director of Education for Lancashire, W. F. Oakeshott, Headmaster of Winchester,

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18 Ibid., p.51
19 Paulu, n.7, p.9
and Mrs. Mary Stokes, Principal of Westfield College. The Beveridge Committee came up with a hundred recommendations, but left the basic structure of the BBC untouched. Despite calls for opening up broadcasting to more competition, the Committee favoured the maintenance of the monopoly and added that this monopoly position should include television. Among its other recommendations were that broadcasting should continue to be financed by the licence fee and that the selling of time to advertisers should continue to be prohibited. Here, a dissenting note surfaced in the form of a minority report by Selwyn Lloyd, MP, who maintained that “all this actual and potential influence should not be vested in a public or private monopoly ... its dangers were both insidious and insufficiently appreciated by the public.” Lloyd went further and called for both commercial radio and television to provide both healthy competition to the BBC as well as alternative programming “which sooner or later the public will certainly demand....” Another important recommendation of the Committee was that henceforth the governors need no longer be asked to sign the “Whitley” Document, and, in order to ensure that the governors were always in touch with public opinion, three among them should be with “special knowledge” of Scotland, Wales and Northern Ireland.

21 The Labour Government had extended the BBC’s licence by five years in 1946, without enquiry on the grounds that the dislocation resulting from the war made considered judgment impossible at that time.
25 Ibid. Within three years of this report, commercial television was to come to Britain.
As stated earlier, the committees of Inquiry, in their prestigious and non-partisan form, as they had evolved, performed a useful function in bringing all shades of opinion into a common forum for useful debate, though the ultimate authority to accept or reject its recommendations was left to the government. Notably, unlike the Board of Governors of the BBC, who, as Atlee had put it in his dissenting note, were too old “with a consequent over-emphasis on the outlook of the past”, it was the younger members of the Inquiry committees who were more open to new ideas and receptive to changing trends in public opinion and tastes. Indeed, Burton Paulu’s and Asa Briggs’ comments on the Ullswater Committee could be said to hold good for all the committees of Inquiry.

The Chairmen of these Committees also had a profound influence on the outcome of the inquiries. That is partly the reason why these committees came to be called after them. As presiding officers, they could set both the tone and determine the outcome of the proceedings. Lord Beveridge was a case in point. Members of his Committee were provided “two formidable sets of Chairman’s thoughts.”26 Asa Briggs discerns three sets of contending influences in them – a deep sense of public service; a liberal distaste for monopoly and a belief in what may best be called a ‘university model’ of broadcasting and its influence.27

However, the Committees of Inquiry, their high-profile proceedings and bulky reports notwithstanding, were ultimately there only in an advisory capacity; it was the government that held the reins of broadcasting via the powers it derived from

the Charter and Licence, the most important of which was its power to periodically determine the licence fee. So long as the focus of the broadcasting debate was on the cultural aspect, the government did not have any problem in accepting and implementing the recommendations of the various committees of inquiry. But, when, towards the 60s and 70s, the emphasis began to shift towards bread-and-butter economic issues, the government was not as forthcoming as before in accepting committee recommendations. The Government then began to use the instrument of the White Paper as a means of commenting on the report of the Inquiry Committee and seizing the initiative back from them by picking and choosing those recommendations which it wanted to implement or even to direct changes in broadcasting policy which had not been recommended to begin with. Thus, over a period of time, it was seen that the changes in British broadcasting were set to a pattern, beginning with the setting up of an inquiry committee. Once a Committee of Inquiry had published its findings, the report then went to the relevant government Minister and department. After the Report had been scrutinised, then a White Paper would follow, after which the government would introduce a Bill based on the Report and the White Paper. The bill, when it finally gets enacted, would reflect only quite a small part of the Committee of Inquiry’s recommendations. Though this was the pattern followed at first, over a period of time, the government’s role in broadcasting policy became more and more prominent, due to the deficiencies in the workings of the committees of inquiry,

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27 Ibid., p.258
28 Refer Pilkington Report, n.31 and Annan Report, n.50
one of which was that the committees did not quite tailor their reports to the
governments’ needs. This aspect can be seen in the successive White Papers to
successive committees of enquiry, and their differences of perception and
emphasis. Jeremy Tunstall has talked in terms of a ‘policy cycle in broadcasting’
marked by three phases, among them the *inquiry phase*:

in which the ‘public interest’ is to the fore, reflecting the consensus of the committee members who are the usual selection of public persons from the law, the universities, big businesses, the trade unions, Scotland and Wales. From their consensual focus on the public interest and from their scanning of the evidence and the old reports of previous policy cycled, they go for proposals which indeed stress the ‘public interest’, which are expressed in apolitical terms, are a trifle unworldly and rather lacking in financial realism...\(^{30}\)

The other two phases according to him were the *political phase* when the report went to the relevant government minister and department who would come out with a White Paper based on which a bill would be enacted after debate in Parliament. The *third phase* was the operational phase when the legislation was put into effect by the institution concerned and its many problems were ironed out.

Parliament has had only a limited role to play in broadcast policy making; as far back as 1933, the House of Commons had resolved that “…it would be contrary to the public interest to subject the Corporation to any control by the government or by Parliament other than the control already provided for in the Charter and

\(^{29}\) Tunstall called this the *political phase* of the policy-making cycle. See earlier.

\(^{30}\) Jeremy Tunstall, n.2, pp.314
This surrender of its powers was certainly magnanimous since, in most other cases, Parliament was supreme and sovereignty rested in it rather than in a Constitution as was the case in most other democracies of the world.

The first of the major White Papers on Broadcasting was the one that followed the publication of the Beveridge Report in 1950. The Labour Government took seven months to publish its responses in the White Paper (Cmd 8291), brought out on 10 July 1951. Though the government agreed with the Beveridge Report on issues such as retaining the monopoly, it laid down that the Post Master General (PMG) should retain his powers, and recommended that the Prime Minister should, from time to time, designate a senior colleague to deal with broadcasting policy. The clause in the BBC’s Charter prohibiting advertising without the written consent of the PMG was retained while Beveridge’s recommendation that the Government should reserve power to license other agencies than the BBC to operate local broadcasting stations was shelved. As far as political broadcasting was concerned, the Government decided not to accept any of Beveridge’s proposals as they stood, but proposed to discuss them with both the opposition and the BBC. It was also decided to appoint National Governors for Scotland, Northern Ireland and Wales. Another proposal that was accepted was that the Governors need not sign the “Whitley Document” any longer.

32 It, however, suggested that the monopoly should be “reviewed in public enquiry” after at the most, 15 years.
33 Briggs, n. 26, p.267ff
The Conservative Government which came to power in 1951 issued its own White Paper (Cmd 8550) in May 1952, in which after paying fulsome tribute to the BBC calling it “an important part of the structure of our national life”, then proceeded to insert what later came to be known as the “Trojan Horse” clause wherein it was the view of the government that “in the expanding field of television, provision should be made to permit some element of competition when the calls on capital resources at present needed for purposes of greater national importance make this feasible.”

This backdoor entry to commercialism in broadcasting was further formalised by a new White Paper (Cmd. 9005) issued on 13 November 1953. This White Paper gave detailed proposals for the establishment of a “Second Authority” to supervise a commercial broadcasting network through ownership and operation of transmitting stations and the renting out of its facilities to commercial companies who in their turn could sell advertising time to advertisers but also had to undertake responsibility for daily programme making and securing balanced programme output from their stations/channels.

The next White Paper connected with broadcasting was issued in the aftermath of the Suez Crisis, and was a continuation of the enormous pressure exerted on the BBC by the government during that time and after. Charles Hill, Chancellor of the

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34 The BBC was not enamoured of this clause since it feared that it would end up dealing with locally elected politicians with an agenda different from that of the BBC’s. Briggs, n.20, p. 92


36 In the intervening year between the two White Papers, much lobbying by various powerful interests had taken place. Raymond Kuhn, The Politics of Broadcasting (London: Croom Helm, 1985), p. 19

37 Briggs, n.26, p.286

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Duchy of Lancaster\textsuperscript{38} was asked to conduct an inquiry into the overseas broadcasting services. His recommendations were contained in a White Paper (Cmd.225) published in July 1957. As for these recommendations, though the BBC’s overseas services were to be allocated a budget higher than that of the previous year by £58,000, its total external output was to be reduced with cuts in many language services. Many of these recommendations were accepted and resulted in serious imbalances in the BBC’s overseas coverage, particularly in Western Europe and South America.\textsuperscript{39} However, though it was feared that the White Paper might be used as a smokescreen to impose the punitive sanctions that the BBC was threatened with at the time of the Suez Crisis\textsuperscript{40} that did not take place.

The Pilkington Committee

With the current BBC Charter and Licence due to expire in 1962, the Pilkington Committee was appointed on 13 July 1960 to “consider the future of the broadcasting services in the United Kingdom...”\textsuperscript{41} which now included both the BBC and the commercial companies under the aegis of the Independent Television Authority (ITA).\textsuperscript{42} This Committee was headed by Harry Pilkington, a successful businessman and, unlike earlier committees, the number of MPs in this Committee was kept to a minimum; in fact, there were none! Members included R. L. Smith-Rose, a radio engineer; Jock Campbell, an industrialist; Billy Wright, Director of

\textsuperscript{38} And a future Chairman of the BBC’s Board of Governors.

\textsuperscript{39} Briggs, n. 26, p.319

\textsuperscript{40} See Chapter 5.

\textsuperscript{41} Pilkington Report, n.31, p.1

\textsuperscript{42} In fact, the BBC’s Charter and Licence were extended by two years, to 1964, to coincide with the expiry of the Television Act of 1954 which served as Charter and Licence for the ITA.
the Shakespeare Memorial Theatre; Billy Wright, a footballer; Joyce Wright, a popular television entertainer, and one of two women; Mrs. Elizabeth Whitley, a social worker and journalist; Harold Collison, a trade unionist; and two educationists, Elwyn Davies and J.S Shields. Its terms of reference were:

To consider the future of the broadcasting services in the United Kingdom, the dissemination by wire of broadcasting and other programs, and the possibility of television for public showing; to advise on the services which should in future be provided in the United Kingdom by the BBC and the ITA; to recommend whether additional services should be provided by any other organisation; and to propose what financial and other conditions should apply to the conduct of all these services.43

The Committee held 120 meetings over a two-year period and presented its findings to the government on 5 June 1962, in the form of a 302 page report, with 1268 pages of supplementary material.44 The report itself was in five parts – while Part I was a General Survey of Broadcasting and its Purpose, Part II examined the services provided and Part III, the Constitutional position of the Broadcasting Services and their means of finance. Here, the powers and duties of the Government were analysed as also the role of the broadcasters, and alternative means of financing as well as their pros and cons. Part IV examined the technical considerations and Part V consisted of a Conclusion and prescriptions for the future. Despite having a businessman as Chairman, the Committee, while appreciating the services of the BBC, was highly critical of the commercial companies and particularly their programming, and called for radical changes in

42 Pilkington Committee Report, n.31, para.1, p.1
the way in which commercial broadcasting was structured in Britain, to the extent of restructuring the Constitution of the ITA. It suggested that the ITA should take over the responsibility of planning programming, selling advertising time and buying programmes from software companies, “thereby insulating the commercial companies from the handling of advertising money.”

The government, which commissioned the Pilkington Committee, did not accept many of its most important recommendations.46 In response, the government issued a White Paper (Cmnd 1770) on 4 July 1962, a week after the report appeared, in which it rejected most of the Pilkington Committee’s recommendations, and reserved its position on those areas it had not covered, such as BBC local radio and pay television, both of which had been rejected by the Committee.47 However, it agreed with the Committee on allotting the second television channel to the BBC, and the BBC was authorised to begin the channel by 1964, though there was no mention of how the increased expenditure necessitated by the new channel was to be funded. Asa Briggs notes in this regard: “Whatever recommendations were to be made by official committees on broadcasting policy, the governments’ control of the level of the licence fees was to prove a serious check on the scale and scope of public broadcasting.”48

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44 Ibid. The Committee incurred expenses of £ 45,450 on producing the Report.
45 Ibid., pp.155-90
46 Briggs, n.26, p.328ff. The one recommendation that it did accept was the award of the second television channel to the BBC.
47 Ibid.
48 Ibid., p.329
A second White Paper (Cmnd. 1893) was issued in December 1962 to take care of those issues that had not been covered by the previous one. This White Paper categorically rejected the Pilkington Committee’s proposals for restructuring ITV, but it also did not attempt to restore ITV’s parity with the BBC by allocating it also a second television network. The rapidly changing world of broadcasting was re-emphasised when the Government had to come out with another White Paper (Cmnd. 3169) after four years in December 1966 in which it reversed its decision not to allow BBC local radio following competition from radio pirates operating from sea-based stations outside the British territorial waters.

The Annan Committee

The Annan Committee was originally set up in 1970 by the government of Harold Wilson. But following the victory of the Conservatives under Edward Heath the Committee was stood down, and it was reconvened only after the Labour Party came back to power in 1974. On 10 April 1974, Roy Jenkins, then Home Secretary, announced the terms of reference of the Committee:

To consider the future of the broadcasting services in the United Kingdom, including the dissemination by wire of broadcast and other programmes and of television for public showing; to consider the implications for present or any rec. Additional services of new techniques; and to propose what constitutional, organisational and financial arrangements should apply to the conduct of these services.

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The Committee had Members of Parliament and other politicians, academics, businessmen and several people with experience in radio and television among its ranks. Among its members were Peter Goldman, Hilde Himmelweit, Tom Jackson, Anthony Jay, Marghanita Laski, A. Dewi Lewis, James MacKay, Mrs. Charles Morrison, Dipak Nandy, John G. Parkes, John Pollock, Geoffrey Sims, Phillip Whitehead, M.P. and Marcus Worsley. Among those appointed were two who had been TV producers in the BBC, one of whom had also worked in an ITV company. For the first time, therefore, on a committee of this kind there were members who knew television from the inside. "In addition, two of us were experienced free-lance broadcasters, another was a professor well-known for her research on broadcasting problems, and another was expert in the technological problems which the Committee had to consider." The Committee held 44 meetings over a 2 and a half year period – and members of the Committee toured the country with some members going abroad to Canada and West Germany.

The Home Secretary asked the Committee to report in 2 and a half years and accordingly extended the BBC's Charter and Licence until 1979 so that there would be adequate time for debate and for any necessary legislation to be prepared and implemented. The Committee deliberated till 1977 when it issued a report containing 174 recommendations in a 522-page report. The Report itself covered

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51 Ibid. The expenses of the committee came to £ 315,000.
52 Ibid., p.3
53 Ibid., p.5
54 Ibid., p. 7
55 Compared with Beveridge's 100 and Pilkington's 120. Cain, n.49, p.114
the gamut of issues, including studies of particular types of programmes, technical matters, industrial relations, audience research and programme journals. The Committee also considered the changes that had occurred in broadcasting since the last Committee (Pilkington) had submitted its report 12 years ago. It concluded that the most striking change in broadcasting was brought about by the change in the climate of opinion in the country.\textsuperscript{56}

Therefore, the duty of this Committee is to consider whether broadcasting should be “opened up”. At present, it is argued, the broadcasters have become an overmighty subject, an unelected elite, more interested in preserving their own organisation intact than in enriching the nation’s culture. Dedicated to the outworn concepts of balance and impartiality, how can the broadcasters reflect the multitude of opinions in our pluralist society? Their obsession with obtaining as large a mass audience as possible, so the argument runs, contorts the scheduling of programmes and constricts the creativity of the producers. Perhaps the only way, therefore, to break up the mass audience is to break up the broadcasting organisations.\textsuperscript{57}

Its two major recommendations were for a new local broadcasting authority to take over all existing services from both the BBC and the IBA, and for an “Open Broadcasting Authority” to operate a fourth television channel. The government rejected the first recommendation but implemented the second in a modified form. The IBA was authorised by the government of Margaret Thatcher to establish a fourth channel designed to be innovative and to complement ITV.\textsuperscript{58}

Since the BBC was not directly under Parliament, the Inquiry committees were almost a substitute for them in the democratic process of deciding the direction in

\textsuperscript{56} Annan Report, n.50, p. 14
\textsuperscript{57} Ibid., p.16

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which broadcasting policy should be carried forward. The contributions of the inquiry committees were both tangible and intangible. The most intangible important contribution of the Inquiry Committees has been the strengthening of the philosophy of public service broadcasting through constant re-examination and refining. Every committee without exception contributed to developing the ethos of public service broadcasting. The Sykes Committee set that particular ball rolling in 1923 by arguing that "broadcasting was of great national importance as a medium for the performance of a valuable public service." The Crawford Committee, set up barely three years later, suggested that in view of the scale, significance and potentialities of broadcasting, the duties and status of the newly created corporation "should correspond with that of a public service." The Ullswater Committee in 1935 elaborated further: "The influence of broadcasting upon the mind and speech of the nation [made it]... an urgent necessity in the national interest that the broadcasting service should at all times be conducted in the best possible manner and to the best possible advantage of the people." The Beveridge Report in 1950 said: "Like the work of the Universities, the work of broadcasting should be regarded as a public service for a social purpose." The Pilkington Committee came out with its report after commercial television had been introduced, and after looking at both services, it said "The concept of broadcasting has always been of a service, comprehensive in character, with the duty of a public corporation of

\[58\] Cain, n.49, p.115
\[59\] Sykes Report, n.9, para 21.
\[60\] Crawford Report, n.10, para 49.
\[61\] Ullswater Report, n.17, para 7.
bringing to public awareness the whole range of ... activity and expression developed in society." According to Jim Curran, "successive reports developed the idea of broadcasting as a public service – catering to all sections of the community, reaching all parts of the country regardless of cost, seeking to educate, inform and improve, and prepared to lead public opinion rather than follow it." The tangible contributions of the Inquiry Committee system were in the recommendations they put forward in their reports, often after examining many witnesses and considering representations from all shades of opinion and interest groups. Among those notable recommendations included the Beveridge Committee(1951) Report which ensured that television would expand on the same lines as radio, the Pilkington Committee(1962) recommendation that the allocation of the third TV channel should go to the BBC, not ITV and the Annan Committee in 1977 paving the way for the introduction of Channel Four.

The Board of Governors of the BBC

While the Committee of Inquiry and the government initiate and direct broadcasting policy, in the case of the BBC it is the Board of Governors "to whom the Director General is immediately responsible" who are charged with the onerous task of "controlling BBC policy." The origins of the Board of Governors can be traced back to the days of the British Broadcasting Company which had its own Board of Directors who represented the interests of their own individual

61 Beveridge Report, n.22, para 217.
62 Pilkington Report, n.31, para 23.

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companies. The day-to-day operations were left in the hands of the General Manager, who in this case was the very capable John Reith. Once the Company was passed on as a 'going concern' to the government, the problem arose as to how exactly to define and re-order its relationship with the government, given all the intricacies inherent in this relationship. The solution to this, as already stated, was the mechanism of the Charter and Licence, and its creature, the Board of Governors. The Crawford Committee, based on whose recommendations the BBC made its transition from Company to Corporation justified the establishment of a Board of Governors thus: “The aspirations of broadcasting can best be studied by a body appointed ad hoc, endowed with adequate tenure, and concentrating on this particular duty”. The Committee went further and defined the Board as “a body of people acting in the public interest.” In keeping with that definition, it rejected the proposal that the Board “be composed of persons representing various interests, such as music, science, drama, education, finance, manufacturing and so forth... [but should rather] be men and women of business acumen and experienced in affairs.” This line was restated by subsequent committees of inquiry. While the Beveridge Committee of 1950 urged that “it is necessary to appoint governors of first-rate quality”, the Pilkington Committee of 1962 observed that “the Governors of the BBC should be remarkable men and women; remarkable in their

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65 From the BBC Handbook, 1939. Quoted in Briggs, n. 20, p. 14
66 Quoted in Briggs, n. 35, p 17
67 Crawford Report, n.10, para 8.
understanding of their responsibilities, and able to defend that independence against the challenges it is bound to meet.\footnote{68}

In keeping with the independent nature of the BBC, the Royal Charter states that the governors are to be appointed by the Queen, but on the advice of the Prime Minister. As per the provisions of successive Royal Charters, the governors are appointed for a five year term, though their services may be terminated earlier or they may be disqualified on a number of grounds, viz., unsoundness of mind or bankruptcy, absence from meetings continuously for three months without the consent of the corporation, or resignation. Their services could also be terminated if it was found that a Governor "holds any office or place of profit in which his interests may ... conflict with the interests of the Corporation."\footnote{69} Out of the governors so appointed, one was to be nominated as Chairman, another as Vice-Chairman and three others as National Governors for Scotland, Wales and Northern Ireland. Colin Shaw describes the process of appointing the Governors thus: "As usual with such appointments, soundings are taken in advance from different quarters and the role of the Secretaries of State is, of course, central in the selection of National Governors."\footnote{70} Eric Barendt is more to the point when he says that Prime Ministers take "considerable interest in the appointment of BBC governors especially Chairmen" since they see it as a means of "influencing

\footnote{68}{Quoted in Paulu, n.7, p.129}
\footnote{69}{Briggs, n.20, p. 22}
\footnote{70}{Colin Shaw, "Broadcasting In Britain In The Next Decade", Combroad (London), no.94, January-March 1992, pp. 33-38}
broadcasting policy in more subtle and indirect ways." That such appointments exercised the minds of those in the highest levels of government is indicated by the minutes of a meeting on appointing a Chairman of the Independent Television Authority's Board of Governors, which reports the Prime Minister as saying: "This (the question of filling this vacancy) will be very important. No one must be approached without my approval." 

The position of Chairman was more than merely being "first among equals"; a fact recognised by the Royal Charter which gave the Chairman a higher remuneration than the other governors. The Chairmen played influential roles, not only because of the positions they held, but also because they usually were outstanding people and because they were the only members expected to make broadcasting their main interest. The Chairmen also spoke in public on behalf of the Board of Governors. Both the Pilkington and Annan Committees observed that the appointment of the Chairman was of considerable importance, and that the Chairman "should be of high personal integrity, wide experience and of sufficient standing to command the respect of Cabinet Ministers." 

A study of the 85 members of the Board of Governors appointed in the first fifty years of the BBC by Asa Briggs brings out some interesting revelations. Forty of

72 UK, Public Records Office (from now PRO), HO256/470, "Appointment Of ITA Chairman, 1962-63 (Lord Hill)," in Prime Ministers Minutes, 25 July 1962
73 Paulu, n.7, p.130
74 Briggs, n.35, p.14
75 Paulu, n.7, p.130
them had been educated at Oxford or Cambridge, nineteen were former Members of Parliament, again, nineteen were Conservatives, eight owed allegiance to the Labour Party, and seven to the Liberal Party. Twenty one governors had a business background, six had trade-union backgrounds while eleven were former diplomats or Civil servants. There were also seven authors, six journalists, five lawyers and a further five who had retired from the Armed Forces. Only two were former members of the BBC. Sixteen were interested or experts in the arts while eight were outstanding sportsmen. Two were blind. Of the thirteen Chairmen, six were peers. 76 According to Eric Barendt, the history of the Board of Governors has shown that governments were inclined to use their powers of appointment to “pack the board with members sympathetic to the ruling party” and “prime ministers frequently take considerable interest in the appointment of BBC governors, particularly of the chairman.” 77 Given the largely consensual nature of British politics in the period under study and the common pool of the great and the good from which the Board members were drawn on in the knowledge that they could be depended on not to rock the boat, it was only during the turbulent 60s and 70s when the content of broadcasting became more controversial than before, reflecting the spirit of the times, with programs containing references to hitherto taboo moral and political issues ranging from sexual morality to taking hard look at the politicians through programmes such as That Was The Week That Was which took a satirical look at politicians that the governors had to reluctantly step into the

76 Briggs, n.35, p.30-34
77 Barendt, n.71, p.20

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limelight and take unpleasant decisions. As the Annan Committee put it: “For years, British broadcasting had been able successfully to create, without alienating Government or the public, interesting and exciting programmes from the world of reality as well as the world of fantasy ... these now began to stir up resentment and hostility, and protests against their political and social overtones.” Questions then began to be raised as to whether it was wise to continue the present system under which “essentially amateur men and women exercise control over professional broadcasters ... since the system produced ... frustrations for both groups of people: for the former because they suspect the professionals of trying to blind them with expertise and even occasionally of succeeding; for the latter because they feel their problems are not properly understood.” Ian Trethowan, a former Director General wrote in his autobiography with reference to the institution of the Board of Governors, “my efforts to find a better system have failed”. The alternatives, as he saw it, were: 1) direct government control; 2) Parliamentary control, in which case meetings would turn into political dogfights, or 3) an elected body – here, there was no guarantee that suitable people would be elected.

78 Briggs, n.20, p.119
79 Annan Report, n.50, paras 2.26, 2.27, pp 4-15. As a fallout of this, a Programmes Complaint Commission was instituted in October 1971 to look into complaints on BBC programmes.
80 From a BBC internal document on “The Control of Broadcasting” 28 September 1972. Quoted in Briggs, n.20, p.137
Board of Governors vis-à-vis the Government

Case Studies

The Hashagen Case 1932

This was the very first instance in which the BBC came into conflict with the Government after it had become an independent corporation. The facts of the incident are extracted from an aide-memoire on Governmental Interference with the BBC submitted to the Committee on Broadcasting in 1960. The BBC had planned a series of talks consisting mainly of first-hand accounts of adventures during the First World War. One of the speakers scheduled was Capt. Ernst Hashagen, a former German U-boat Commander and who was to "broadcast his experiences of sinking British and allied merchant shipping during the War" on 9 July 1932. When a question regarding this was sought to be raised in Parliament on 7 July 1932, a Cabinet meeting on the previous day decided to instruct the Corporation not to proceed with the talk since it "would cause pain and resentment to those who had lost relatives in the war." The Post Master General informed this decision to John Reith who refused to cancel the broadcast without consulting the Chairman of the Board of Governors, J.H. Whitley. In the meantime, an emissary of the Cabinet, General Jack Seely was sent to the BBC "to extract from the Corporation an undertaking that the talk would not be given. The General threatened that if the Corporation did not give this undertaking he would proceed to Buckingham Palace... and request that His Majesty cancel the royal visit to

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82 BBC, WAC, File R34/409(4), "Aide-memoire on Governmental Interference with the BBC, Case of the U-Boat Commander" submitted to the Committee on Broadcasting 1960.

83 Briggs, n.35, p.191
Broadcasting House planned for the following day.\textsuperscript{84} The BBC finally decided to withdraw the broadcast, not because of Seely's threat "but because the Post Master General had asked for an immediate decision from the Corporation as to whether or not the talk would go forward."\textsuperscript{85}

After the immediate crisis had passed, the Chairman of the Board of Governors protested to the Cabinet about this breach of the autonomy of the BBC:

The impugnment of the Corporation's considered judgement in the matter of a particular talk is regretted; but the real issue is a constitutional one. The Corporation was established by Royal Charter, and the Governors appointed by the Crown. In the early stages of its existence one of the greatest obstacles to overcome was the impression that the Broadcasting Company had become a Government Department. This unfortunate idea is by no means eradicated today. There have been occasions on which, without justification, Government suggestion or Government domination has been alleged by critics. The Corporation is a new and important experiment in the management and control of a public utility service. Its progress is watched with closest attention, not only in this country but in most foreign countries. Its detachment from the Government of the day has been a cardinal element in its international prestige.

The autonomy of the Corporation has been repeatedly affirmed by successive Post Masters General in Parliament. That a detail of its work should have been discussed and the matter settled without any attempt to ascertain the views of the Corporation would have been incredible had it not happened.

According to the Licence which accompanies the Royal Charter, the Post Master General is given plenary powers, but the Corporation was informed by the Postmaster General of the day (1927) that they would not be exercised except in time of national emergency; not hitherto have they been used.

\textsuperscript{84} BBC, WAC, R34/409(4), n.82, p.1
\textsuperscript{85} Ibid.
In the interests of this great public service for which it is responsible the Corporation feels that an incident so contrary to the spirit and intention of the Royal Charter should not pass without protest. The Governors venture to assume that it will not form a precedent. 86

According to the Aide-memoire, in acknowledging the Chairman’s letter, the Cabinet Secretary, Maurice Hankey, used the following words: “The Cabinet had decided that a broadcast talk scheduled for the following Saturday night should not be given.” Also, in an accompanying informal letter to the Chairman, Maurice used the words “…the decision of the Cabinet on Wednesday July 6th prohibiting the broadcast talk scheduled for the following Saturday night....”87 thus indicating that the Chairman’s letter cut no ice with him, at least. Whitley’s letter was discussed in the Cabinet, together with a note from the Post Master General referring to the BBC’s Licence and Charter which, together, gave the Post Master General “complete power to prohibit any broadcast.” The PMG also claimed he “had no knowledge of any statement made by the Post Master General in 1927 that this power would not be used ‘except in time of national emergency.’”88 The matter was brought to a close only after a meeting of the Chairman of the Board of Governors with the Prime Minister on 13 September 1932. According to a BBC note of this meeting, “The Prime Minister was most anxious that nothing now or in the future should be taken as an instruction or an order. Even a suggestion as in the present conversation was for the BBC to accept or reject after consideration. The Prime Minister was assured by the Chairman that the BBC desired only to free him

86 Briggs, n.35, p.193
87 BBC, WAC, File R34/409(4), n.82
88 Briggs, n.35, p.194
and the government from any kind of responsibility for its decisions in its day to
day work.\textsuperscript{89} The Prime Minister also apologised for the behaviour of General
Seely.

\textit{The Mosley Affair 1935-36}\textsuperscript{90}

This controversy began with a proposal of the BBC for a series of education talks
by representatives of different political persuasions. The speakers included Oswald
Mosley (Fascist), Harry Pollit (Communist), Isaac Foot, MP (Liberal), Herbert
Morrison (Labour) and Kenneth Pickthorn, MP (Conservative). The project was
submitted in detail to the Board of Governors who gave their formal approval.\textsuperscript{91}
This was then forwarded to the Foreign Office who raised objections to both Pollit
and Mosley. The Board of Governors considered the Foreign Office objections but
decided to go ahead with the talks. When further pressured by the government, the
BBC decided to postpone the talks but said it would cancel them only if the
"Corporation could state it was taking this course because the government was
anxious that the talks should not be given"\textsuperscript{92} since the talks had already been
scheduled and publicised. Earl Stanhope, the then Under-Secretary of State, turned
that argument on its head while issuing an implied threat by saying: "I imagine that
the Board has considered the effect that may be produced in Parliament by a public
announcement, shortly before the new Charter comes up for defence, that the

\textsuperscript{89} BBC, WAC, File R34/409(4), n.82

\textsuperscript{90} The "Mosley Affair" is the name given to the file containing papers on this controversy in the
Public Records Office. PRO, HO256/359 – "Mosley affair" in \textit{Controversial Broadcasts -
Government Intervention}.

\textsuperscript{91} BBC, WAC, R34/317/2, \textit{The Broadcasting of Controversial Matter}, p.15

\textsuperscript{92} Ibid., p.16

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Government have felt impelled in the public interest to stop a series of talks. It seems to me that it may strengthen the case for those who demand more Parliamentary control of the BBC."93

This seemed to have a salutary effect on the BBC and it decided to withdraw the talks "without the government being mentioned in the withdrawal."94 As Asa Briggs put it, "despite the misgivings of the Board ... the Government of the day had succeeded in forcing a cancellation of published broadcasts, and in keeping the fact quiet."95 He attributes a major reason for this decision as being the imminent publication of the Ullswater Report and the BBC's anxiety to maintain a low profile at this stage.

**Board of Governors vis-à-vis Director General**

That the constitution, powers and functions of the Board of Governors has been a vexatious issue is evident from the recurring references to these questions in successive committees of inquiry. As stated, this arises from many factors, chief among them is the fact that the Board of Governors post dated the institution of the BBC, which, from the beginning, had a dominant force in the shape of the Director General, John Reith. Reith was used to the hands-off approach of the erst-while Board of Directors of the Company. "It was humanly impossible for Reith to regard the newly appointed Board of Governors as filling any other role than that left by the Board of Directors which had been content to leave it all to him ... the

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93 Briggs, n.35, p.198
94 UK, PRO, HO256/359-" Mosley affair, 14/12/36- Letter from PMG Tyron to PM Baldwin", in *Controversial Broadcasts Government Intervention.*
attempts by some of the governors to redefine their own position and authority in
terms they thought reflected the intention of Parliament were no more than a
nuisance...." To make matters worse, while the Royal Charter laid down many
provisions regarding the structure and functions of the Board of Governors, it was
silent on the crucial issue of the position of the Board of Governors vis-à-vis the
Director General. The result was constant friction, right from the beginning,
between the Board of Governors and the Director General on their respective
positions as far as implementing broadcasting policy was concerned. The
Governors demanded the right to attend all advisory meetings, to call on heads of
departments, and to clarify all appointments and resignations. 97 While Clarendon,
the first Chairman of the Board, saw its function as similar to that of the
"Commander-in-Chief" of an army, Reith compared it to the Cabinet at home
while the Director General was in the shoes of the Commander-in-Chief. 98 In later
years, the same argument was advanced by successive Directors Generals but as
Lord Hill, a Chairman of the Board of Governors, put it, "the argument that unless
the Director General is seen to be 'Commander-in-Chief', it is difficult for him to
enjoy the loyalty of the staff is plausible but not wholly convincing...." 99

The Director General is the Chief Executive cum Editor-in-Chief of the BBC, by
virtue of which he is not only responsible for the output of the entire corporation,

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95 Briggs, n.35, p.198
97 Briggs, n. 35, p.57
98 Asa Briggs, The History of Broadcasting in the United Kingdom, vol 2: The Golden Age of the
but also for the “proper handling of finances, personnel, engineering and general administrative matters affecting a staff of some 26,000 people.”

He is appointed by the Board of Governors, and is, therefore, answerable to them for the actions of the Corporation, and they, in their turn, are expected to deal with the Corporation through him, whether it be with regard to implementing new policy initiatives or exercising their supervisory rights.

No wonder that Alisdair Milne, a former Director General, described the primary function of the incumbent as, first, “to do his utmost to engineer a harmonious relationship with the Board of Governors.”

This was a view echoed by Hugh Greene when he said “I can tell you what makes a good BBC – it is a good relationship between the Director General and the Board of Governors. However able and well-intentioned a Director General or a Chairman, if they cannot work together, the BBC would be in trouble.”

A “diarchy” of Joint-Director Generals was instituted to replace Ogilvie, based on a combination of BBC and outside experience. The “insider” was Cecil Graves, while the outsider was Robert Foot, from the Gas Light and Coke company, his remit being to consider ways of dealing with the BBC’s finances.

Foot gave an outsiders’ viewpoint of the relationship between the DG and the Board of Governors when he maintained that “the governors were in fact the bosses ... since

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101 Tunstall, n.2, p.316

102 Tunstall, n.2, 318

it is they and not the Director General who carry the final responsibility on all important matters of policy ... and it was for the Director General to put the policy into effect and make it successful."^{105}

The testy relationship between the Board of Governors and the Director General continued till Clarendon was replaced by J.H Whitley, and he capitulated to Reith and drew up what came to be known as the "Whitley Document" in 1932. This document defined the rights and duties of the Board of Governors as well as their relationship vis-à-vis the Director General. *Inter alia*, it stated that:

> The Governors of the BBC act primarily as trustees to safeguard the broadcasting service in the public interest. Their responsibilities are general and not particular ... with the Director General they discuss and then decide on major matters of policy and finance, but leave the execution of that policy and the general administration of the service in all its branches to the Director General and his competent officers.... The Governors should be able to judge of the general effect of the service upon the public, and subject as before mentioned, are finally responsible for the conduct of it....^{106}

The outcome of this document was that the Board of Governors functioned more or less as an appendage with no real powers of its own. It was only with Reith's exit in 1939 that the Board could make some effort to fulfil its rightful role. However, the imbalance in the roles of the Board of Governors vis-à-vis the Director General was not one that could be righted all that easily. As Lord Simon, Chairman of the Board of Governors, put it in 1952 after having been Chairman for 5 years:

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104 Briggs, n. 35, p.75
105 Quoted in ibid., p.81
The Reith tradition of a powerful Director-General, combined with the excellence of the BBC, must tend to make the Director-General wish to keep effective power in his own hands.... Sir William Haley (Director General during Lord Simon’s tenure) and myself ... had together been Directors of the Manchester Guardian; we were agreed completely in principle as to the aims and ideals of the Corporation ... but we differed throughout the whole of my Chairmanship.... As regards the proper relations between the Chairman, the Governors and the Director General.... It was quite wrong that any one man, whatever his ability, should be allowed to be in effect sole dictator of the BBC; and the Reith conception almost resulted in that when put into practice....

The Beveridge Committee of 1950 undertook an intensive analysis of the function, method of appointment, amount of service (whole or part-time) and tenure of the Board of governors and came out strongly against the Whitley Document. The Committee's reasoning was that the powers and functions of the Board of Governors over the BBC should correspond with that of a government minister in the absence of one in the present scheme of things. Therefore,

The Governors in effect must themselves undertake the function of the Minister, that of bringing outside opinion to bear upon all activities of the permanent staff, of causing change where change is necessary, of preventing broadcasting from falling in any way into the hands of a bureaucracy which is not controlled....(para 209). The channel for informed democratic control of broadcasting must lie in the governors.... The Charter should place them in unfettered control of the staff and all its activities, for only if they have full authority can they feel fully responsible....(para 552) [The Governors] cannot, any more than a Minister does, themselves undertake the daily work for which they are responsible, but they

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106 Cited in Anthony Smith, British Broadcasting (London: David & Charles ,1974), pp.60-61. This document was to remain the definitive document for over thirty years, and successive governors were actually required to sign it on taking office.

107 Quoted in Burns, n.96, p.31

108 Ibid., p.30

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must have the unquestioned right to look into every detail as a Minister has, and like a Minister, they must be prepared to defend or correct every detail. No Minister... would be allowed, in the words of the Whitley Document... to say that his responsibilities were "general, not particular".... In dealing with this document, we recommend that it should come to an end.... Any suggestion that the Governors should formally be confined to matters of policy or principle and warned off the ground of practice and execution is dangerous; policy and principle have no life except in individual instances....(para 554)  

The Committee was of the opinion that the governors should play a much more active role and take a more positive part in bringing 'new ideas into broadcasting than they do at present'. However, this was easier said than done; while the BBC had over the years built on the Reith legacy of a well structured organisation, the Board of Governors was still grappling with a clear definition of its powers. The tug of war was now not between the Board of Governors and the Director General but between the former and the BBC's senior management, all of whom were ironically appointed by the Board of Governors. The mere withdrawal of the Whitley document was not sufficient to lay the matter to rest since by now both the BBC and the Board of Governors had widely differing views on the latter's functions. The main problem was that the latter by their own admission could not be intimately involved in a day-to-day hands-on style of functioning; their job was more in the nature of reviewing the work of the institution on a recurring basis. And, at the same time, being the public face of the BBC, it was to be their duty to

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109 Beveridge Report, n.22, para. 209 - 554
110 Briggs, n. 35, p.90. Asa Briggs also quotes the Labour leader Herbert Morrison exhorting the Board of Governors during the Parliamentary Debate on the 1952 White Paper: "...they should not regard themselves as a mere advisory committee to the Director-General...."
shield it from undue pressures and to stand by the BBC when it came under attack.

But unless they were intimately involved in the first instance, it would be difficult for them to carry out the second part. A memorandum on the Board’s structure prepared by the Board of Governors for submission before the Annan Committee attributed the following responsibilities for the Board: “…to put the BBC’s case to government and society, and in certain situations to protect the BBC from undue or unfair criticisms or pressure ... in addition to a broadly administrative role, the Board has, therefore to be both a critic and guardian of broadcasting.”111 In his seminal work on the BBC, Tom Burns accused the Board of Governors of abdicating their responsibility to the public:

For the most part, they have accepted the compliant, consultative role the Director-General, and the Corporation, generally needs of them ... and has fitted them into. They speak, publicly at least, for the Corporation to Parliament and its agents, to the press, and the public at large, and not as the chosen guardians of the public interest vis-a-vis the Corporation and its activities.112

However, Asa Briggs, in his work on the Board of Governors, Governing the BBC, says the role played by the Board of Governors can be understood only when put into a larger perspective and related both to internal and external forces which were seldom in equilibrium, “to the range of experience and knowledge represented in the Board and to the balance of personalities in it, to the personality and ability of the Director-General, to the attitudes and relative strength in Parliament of

111 Paulu, n.7, p.132
112 Burns, n.96, p.33. Lord Hill agreed on this point in his first impression of attending a meeting of the Board of Governors. According to him, it “became obvious that they decided very little and
Government and Opposition; and to the spectrum of public opinion and pressure groups.”

It was only in the fractious 1960s that the government weighed in on the side of the Governors by appointing Lord Hill of Luton as Chairman of the Board of Governors after he had served a term a Chairman of the Board of the Independent Television Authority, the BBC’s commercial rival. As he puts it, the BBC was openly hostile to his appointment due to their (and the general) perception that he was the government’s “instrument to put the BBC in its place.” This perception was brought about because he had acquired a reputation as a largely hands-on and no-nonsense Chairman at the ITA and also, as he put it, “I had been a Minister and it might have been feared that I would be on the side of the politicians whatever their colour and encourage inroads into the independence of the BBC.” Lord Hill quotes his predecessor as Chairman of the Board of Governors, Lord Normanbrook’s view of place of the Board of Governors within the BBC to buttress his point that they had a definite role to play and it was not the role assigned them by the BBC. “The ultimate level of decision making, even executive decisions on matters of first importance, lies in the Board of Governors; in a matter of urgency, the Chairman can act under authority delegated by the Board....” Lord Hill said he accepted that definition; “the ultimate responsibility for what the

that a common form of so-called decision was what the Governors agreed with the Director General.” Hill, n.99, p.77

113 Briggs, n.35, p.29
114 Hill, n.99, p.81
115 Ibid.
116 Ibid., p.263

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BBC does rests on the Board of Governors in fact as in law.” He drew parallels with the structure of government; “The Minister is an amateur and his department consists of professionals. So within the BBC. The Governors represent the outside world to a complex organisation of professionals....”\(^{117}\) The Director General at the time, Hugh Greene, criticised Lord Hill’s approach saying, “since 1967, the division of functions has become increasingly blurred and the Board of Governors has tended to abandon its traditional role and thereby to lose some of its former credibility as the trustee of the public....”\(^{118}\)

**Case Studies**

*That Was The Week That Was (TW3)– 1962-3*

The above named programme’s claim to fame was not that it was the first television programme to fall foul of the government, but that it was the first of a new genre of programming, “highly topical, with new sketches, new songs, new and barbed portraits of leading political figures and new lyrics which embodied sharp comments on the contemporary political scene.”\(^ {119}\) It was first broadcast on 24 November 1962 and its anti-establishment and iconoclastic nature soon brought it into trouble with those it poked fun at, the politicians. At the same time, it proved popular with the viewing public; though expecting an audience of 2-3 million, it had about 8-10 million tuned in, an exceptionally high figure for a late evening programme.\(^ {120}\) From the conception stage itself, Hugh Greene, the Director

\(^{117}\) Ibid., p.264  
\(^{118}\) Greene, n.103. p.17  
\(^{120}\) Its transmission time was 10.50 p.m.
General, had involved the Board of Governors in the new programme. Though the governors initially supported the programme, they were soon taken aback "by the introduction of adolescent smut, by the items offensive to sincere religious feeling ... by the unrelieved iconoclasm of its constituent elements; and by the snide sneer and the personal attack which turned the subject into a monster not credible in terms of the original or to which the subject could reply."\(^\text{121}\) Within the Board of Governors too, there was considerable dissent to the extent that it seemed likely that the Vice Chairman, James Duff, would resign over the issue. According to Tracey, he was "a very upright and forceful character, [who] made it clear that either he or TW3 would go. Greene's anxiety was that if Duff went, there would be a whole-scale collapse of the governors and a severe weakening of the Corporation. It was not a prospect he was prepared to contemplate."\(^\text{122}\)

Finally, the Director General decided it would be in the interest of the BBC that the programme should come off the air.\(^\text{123}\) According to Michael Tracey, Greene's biographer, this issue was at the heart of all the various pressure swamping the BBC at a time when society itself was in ferment. That Was The Week That Was was a programme that reflected the spirit and the morals of the age. Complaints about the programme came in "from those who felt, that as part of the established social order, they were being intellectually and morally lashed for offences which

\(^\text{121}\) Briggs, n.26, p.336
\(^\text{123}\) Briggs,n.26, p.337
they only half understood."124 Ultimately, the BBC had to face up to the fact that the "moral standards it had to reflect were those of Sir James Duff and his ilk, rather than the majority of the ten million or so viewers of TW3."125

Yesterday's Men – 1971

This was a television documentary on the effects of defeat on senior members of the Labour Party which had been voted out of office in the 1970 General Elections. The programme would find out if the former members of the government suffered from withdrawal symptoms and what activities, if any, they were pursuing to fill up their time and to make up the shortfall in their income.126 The title of the programme itself was a contentious one since it seemed to pass judgment on the Labour Party itself, the fact that it was a phrase taken from the Labour Party's description of the Conservative opponents during the election campaign, notwithstanding.127 In their wisdom, the producers also withheld the name of the programme from the politicians they interviewed. Further problems arose during the recording of the interview with former Prime Minister Harold Wilson when the interviewer asked him how much he had been paid for his recently published memoirs. Wilson, considering the question irrelevant to the programme immediately objected and called an end to the recording. He then called up the Director-General and asked for that segment of the programme to be deleted.128 The

124 Tracey, n.122, p.209
125 Ibid.
127 Paulu, n.7, p.220. See also Briggs, n.5, p.223.
producer agreed to cut the part that had disturbed Wilson from the programme and there the matter would have ended but for the matter having been leaked to the newspapers. The issue was widely reported in the press the next day after which Wilson came up with more demands including asking for the cancellation of the programme failing which he wanted at least a change in the name of the programme.\textsuperscript{129} Other politicians who had figured in the programme also got in on the act and put pressure on the Board of Governors leading to its previewing a programme for the first time ever, and subsequently the programme was broadcast, but with the offending portions removed, but the title intact.\textsuperscript{130} The issue continued to be debated by Governors, lawyers and BBC officials up to the moment of transmission and Lord Hill, Chairman of the Board of Governors ordered an inquiry which led to a formal BBC apology.\textsuperscript{131} The impact of this was, as Anthony Smith put it, a constitutional pattern that had been observed strictly all these years had been overturned.\textsuperscript{132} There was much discussion among the Governors about the utility of previewing programs. The Chairman acknowledged that “the Governors could not hope to oversee the whole of a vast output, while other Governors were of the view that they could not, and did not want to exercise editorial control.”\textsuperscript{133} As Hugh Greene, who had been made a Member of the Board of Governors after his resignation as Director General, put it: “In the past the Board would not have seen the programme in advance and any statement they subsequently made could have

\begin{itemize}
\item \textsuperscript{129} Leapman, n.126, p.177
\item \textsuperscript{130} Paulu, n.7, p.22 and Briggs, n.35, p.227
\item \textsuperscript{131} Pimlott, n.128, p.578
\item \textsuperscript{132} Briggs, n.35, p.226
\end{itemize}
been accepted as an impartial judgement – as in this case it was not so accepted and indeed could not be.”134 In a later publication he elaborated on this saying: “The Board of Governors should renounce its right of final review before a programme is broadcast, while the Director General should keep them fully informed about the circumstances and content of any programme which is likely to become the subject of controversy.”135

In India

The Structure of Broadcasting

As per the quasi-federal structure of the Indian constitutional system, powers are divided between the central government and the state governments. The Constitution assigns the power to legislate and regulate broadcasting to the Central government. However, the only law that regulates broadcasting is the Indian Telegraph Act of 1885, which vested with the government the exclusive right to “establish, maintain and work” wireless apparatus.136 P.C. Chatterji points out that all broadcasting related policy decisions ever since have been based on this one Act. This Act has also been used to justify the monopoly of broadcasting by the government.137

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133 Ibid., p.225
134 Ibid., p.225
135 Greene, n.103, p.18
136 P.C. Chatterji, Broadcasting in India (Delhi: Sage, 1991), p.59. A number of Broadcasting Bills were introduced in Parliament in 1977 and 1997, but none could be passed because the governments that sponsored these Bills fell in the meantime.
137 Ibid., p.58
When broadcasting first began in India in 1927, the Department of Industries and Labour was placed in charge of it. From there, it was later shifted to the Department of Communications in 1937, the Department of Information and Arts, and finally to the Department of Information and Broadcasting when it was set up in 1941. The two broadcasting organisations come under the Ministry of Information and Broadcasting. After Independence, this became a full-fledged Ministry with Sardar Vallabhai Patel as the first Minister of Information and Broadcasting, a post he held in addition to being the Home Minister.

Though they are portrayed as semi-autonomous departments with the ministry coming into the picture only when it comes to making major policy decisions, reality seems to indicate otherwise; all major (and minor) decisions are taken in consultation with the Ministry to the extent that there seems to be no demarcation as to where the responsibilities of the ministry ends and that of the organisations begin. Furthermore, all major posts (such as that of Director-General and posts in the Ministry itself) filled up, with rare exceptions, with bureaucrats drawn from the elite Indian Administrative Services cadre who are usually generalists with no prior knowledge or experience of broadcasting. As Derek Holroyde, BBC Representative in India noted in 1955 with regard to the structure of Indian broadcasting, “All policy decisions are ... taken by the Ministry, and it would be more correct to equate the Minister ... with the Director General as we understand

139 Separate from the Ministry of Communications.
140 Chatterji, n. 136, p.92
the classification. The Director General of AIR virtually has less authority than one of our Controllers and even matters of broadcasting technique are frequently referred to the Ministry for decision."\textsuperscript{141}

**The Broadcasting Committees**

As early as 1937, there had been calls for a Broadcasting "Commission" to be established to look into Indian Broadcasting. An article in the issue of World Radio magazine dated 2 July 1937 said "the time is now opportune for the appointment of a carefully chosen Broadcasting Commission of Inquiry and Investigation...."\textsuperscript{142}

J.L. Dar, writing in the "Annual Number" of the *Hindustan Times* in February 1938, was of the opinion that Indian broadcasting "had reached a stage when further developments in it must be carefully planned ahead."\textsuperscript{143} He pointed to the examples of the Committee system in Great Britain and the Federal Radio Commission in the United States as having been instrumental in guiding broadcast policy making in those two countries.

Indian broadcasting has reached a stage when the further developments in it must be carefully planned ahead. To that end, why should there not be a Commission on Indian broadcasting? There is little doubt that such a Commission, after a full study of the subject on the spot, would urge the rapid expansion of the services, since it is obvious to anyone who is acquainted with conditions in rural India, that such services would greatly ameliorate the

\textsuperscript{141} BBC, WAC, E1/2064/1 "Report from Derek Holroyde to C.O.S" in *India (4) 1955-57 New Delhi Office*, 20 January 1955.

\textsuperscript{142} British Library, India Office Records, Information Department, L\&N445, "Broadcasting in India – Triumphing Over Difficulties" in *Correspondence on Broadcasting in India 1932-45*, 2 July 1937


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condition of the masses. Moreover, there is imminent necessity for such a Commission lest broadcasting in India should freeze into a pattern injurious for its future development. Last year a fervent appeal for such a Commission of enquiry and investigation was made, but it proved nothing but a cry in the wilderness.**144**

In the post-Independence period, Derek Holroyde, BBC Representative in Delhi noted in a report in 1957, "AIR remains firmly a branch of Government and has no power to assert its independence in any branch of activity. The Minister has during the past four years, consistently refused to appoint any Commission to enquire into the present state of broadcasting, and has rejected all suggestions that AIR might become autonomous 'because when we look around, we do not see a body of people capable of running this organisation responsibly."**145** The cry in the wilderness was heard only in December 1964 when the then Information Minister Indira Gandhi announced the setting up of a committee to look into the broadcast media.

**Committee on Broadcasting and Information Media**

The Committee was headed by A.K. Chanda, a former Auditor-General of India, and had ten members, mostly members of Parliament. The members were Nath Pai, M.P., M.S. Gurudapraswamy, M.P., L.M. Singhvi, M.P., Kamla Chaudhuri, M.P., V.C. Shukla, M.P., Ashok Mitra from the Indian Civil Service, Hasan Zaheer, M.

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**144** Ibid.

**145** BBC, WAC, E1/2064/1 "Report from Derek Holroyde to C.O.S" in India (4) 1955-57 New Delhi Office, 15 November 1957, p.3
Chalapati Rao, and Hazari Prasad Dwivedi. Mehra Masani, a Director in All India Radio was designated as Secretary of the Committee.\textsuperscript{146}

On 23 February 1965, five advisors were appointed to help the Committee. These were Paul Neureth of the Ford Foundation, Frank Wilder of the United States Agency for International Aid and Development (U.S.A.I.D), Mr. Torgesdul of the United Nations Economic, Social and Cultural Organisation (UNESCO), Chanchal Sarkar of the Press Institute of India, and I.L.S Chanderkant of the Ministry of Education.\textsuperscript{147} The BBC files reveal a letter A.K. Chanda wrote to the Director General of the BBC, "recalling that the BBC had helped with the inception of A.I.R. and asking whether he could similarly make one or more experts available on a short-term basis not exceeding eight weeks in an advisory capacity."\textsuperscript{148} In response, Hugh Greene, Director General of the BBC wrote back nominating Leonard Miall, Assistant Controller, Television to assist the Committee as expert.

A sub-committee made a study tour to various countries to examine the workings of different broadcasting systems. An extract from a confidential letter of 19 June 1965 from Leonard Miall to the Director, Television, gives a good background to both the dramatis personae and the visits themselves:

\textsuperscript{146} Luthra, n.138, p.225. Of these, Ashok Mitra resigned on 6 July 1965 when he was taken in the Planning Commission, and Chalapathi Rao and Shukla resigned on 23 September 1965, the former because of his preoccupation with other work, and the latter on his appointment as a Deputy Minister in the Union Government.

\textsuperscript{147} BBC, WAC, E/2067/1, "Visits to India, D.Tel and A.C.P.S. TEL" in Chanchal Sarkar, 19 May 1965, p.2

\textsuperscript{148} BBC, WAC, E/2056/1, "Memo from Leonard Miall" in Committee on Broadcasting and Information Media, 13 April 1965. Chanda added: "I am making inquiries from others as well and it is only after their replies have been received that we will be able to choose the persons best suited to our needs."
You will have heard that the Chanda Committee, is after all, going to visit London....Chanda himself, who I find was Deputy High Commissioner ... under Krishna Menon, with whom he did not get along, is coming, and so is the Secretary, Mehra Masani.... The third full member of the party is Dr. L.M. Singhvi, an independent M.P., and a lawyer. He is in his mid-thirties, ambitious, even for an Indian politician, and probably most interested in questions involving the use of broadcasting for political purposes.

There are two other M.Ps., both Congress Party, who will be joining the trip for different parts. M.S. Gurudapaswamy ... will be looking at television in Cairo and Rome, but, will then return to India. The sub-committee then proceeds to Dublin and London, and are joined by Nath Pai, M.P., who will be on his way back from some junket to America. He is a lively and intelligent man in his early forties and well worth taking trouble over.... After finishing in the British Isles, they are returning via a look at Moscow television.149

Findings of the Committee

The Committee submitted its final report in April 1967. In between, it submitted five interim reports; one of these was the Report on Radio and Television which was submitted to Parliament on 16 May 1966. The Committee focussed to a large extent on the structure of broadcasting, analysing the shortcomings with the existing structure and using them as sign-boards to point out what it perceived to be the government’s disinterest in broadcasting on the one hand, as well as its disinclination to let it go out of its control, on the other. The Committee first went into the administrative set-up, pointing out that denying Cabinet status to the Minister in charge of Information and Broadcasting was detrimental to its development since “effective mass communication in a developing country is essential for its economic and social regeneration.... The Minister at the helm

149 BBC, WAC E/2056/1, “Confidential Memo From Acting Head Of Overseas And Foreign Relations”, in Committee on Broadcasting and Information Media, 5 July 1965.
should have suitable authority and status for the purpose."\textsuperscript{150} This step-motherly attitude extended to within the organisation as well; while "the pay of the Director-General is the same as that allowed to a joint Secretary, he has not been equated in status to a joint Secretary nor does he exercise any powers of government."\textsuperscript{151} In the same breath, the Committee decried the fact that the thread of bureaucratisation and centralisation that ran "through the fabric of India's administration" applied to broadcasting too. As it put it, the "rules and regulations framed for administrative purposes are not wholly suitable ... for a creative medium like AIR."\textsuperscript{152} The existing bureaucratic structure itself had serious short-comings in that "the principle that all executive levels should have administrative authority and financial power commensurate with their responsibilities and function has yet to find acceptance."\textsuperscript{153} There was also a reluctance to part with power which extended all the way down the hierarchy. Whereas the industrial and commercial activities of the government had been corporatised to overcome such deficiencies, "in the case of AIR, no such dispensation has yet been made."\textsuperscript{154}

The Committee next considered the various structures of broadcasting that existed round the world, viz., the Soviet system (within which, it, incidentally, placed the system obtaining in India), the American system where the major broadcasting systems were in "private hands largely exploited for profit", and the British system


\textsuperscript{151} Ibid.

\textsuperscript{152} Ibid., p.174

\textsuperscript{153} Ibid.

\textsuperscript{154} Ibid.
where they were owned by the state "but entrusted to autonomous corporations subject to specified control over policies and programs."\textsuperscript{155} The Committee ridiculed the argument that the Soviet system, in which the broadcasting institution existed as an appendage of the government, was a viable model for India just because its success there had proved that the status of the broadcasting organisation "need not hamper development or quality of programmes."\textsuperscript{156} According to the Committee, this logic needed analysis and refutation, and it accordingly set out to do so. In the first instance, the Committee felt that the political and administrative system of the Soviet Union was vastly different from those of India. Secondly, "radio and television in those countries are instruments of a monolithic state for propagating an ideology and giving directional control to political, economic and social life. And thirdly, the Chief Executive of the organisation in the Union of Soviet Socialist Republics is currently the chairman of the Committee on Radio and Television of the Council of Ministers and occupies a high rank in the Cabinet."\textsuperscript{157} Having considered the existing system and found it wanting, the Committee then considered the suitability of the other two models of broadcasting.

The American system was also rejected on the following grounds:

First, there is the consideration that no commercial interest would be able to undertake the enormous capital outlay involved in setting up a radio and television organisation unless it were given unfettered discretion to earn revenue from advertisements. They might not also provide requisite time and resources for programmes of educative value, and indulge in sensationalism, sacrificing

\begin{footnotes}
\item[155] Ibid.
\item[156] Ibid., p.176
\item[157] Ibid., p.176-7
\end{footnotes}
objectivity and integrity in presenting news. We must, therefore, turn our face against this form of organisation .... The most important consideration on which we have rejected this form, however, is that radio and television have a purposeful role to fulfil in our developing economy. They have to mobilise public opinion to support the plans of development, they have to educate and inform the people and strive to better their social and economic life.\textsuperscript{158}

The Committee also considered the opinion of several witnesses, "including Union and State Ministers and officials" who advocated private stations operating alongside the present set-up, their justification apparently being that "the national network should be supplemented by private endeavour to meet the requirements of local communities."\textsuperscript{159} The Committee went to the extent of panning this as a dangerous move which would lead to a lowering of standards. Thus having considered the alternatives, it opted for "retaining for the national network a monopoly in the field of broadcasting."\textsuperscript{160} However, that was where the status quo ended as far as the Committee was concerned. Its recommendation was that the broadcasting services should be entrusted to "an autonomous corporation set up by statute which would clearly define the authority and control which Government could exercise over its activities."\textsuperscript{161} The Committee then pre-empted criticism on this recommendation by considering potential arguments both for and against such a move. Arguments in favour included: "AIR must not be considered by the people as an instrument of the government of the day as it is today .... If its organisation

\textsuperscript{158} Ibid., p.180  
\textsuperscript{159} Ibid., p.181  
\textsuperscript{160} Ibid.  
\textsuperscript{161} Ibid.

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were to be made autonomous ... it would create public confidence and lead to the acceptance of its programmes as objective and unbiased and consequently their impact would be far greater.\textsuperscript{162} The Committee also noted another important aspect which had the potential to create problems for AIR if it continued in its present avatar.

There is also a political consideration which cannot be lightly dismissed, more so in a federal state. If some of the States came to be controlled by parties other than the one in power at the Centre, AIR would be exposed to stresses and strains which are best avoided.... AIR, to play a significant role in national reconstruction, should have independence and objectivity and should be kept outside the pale of political influence. We enter this caveat as we have found that in some countries political changes or changes in leadership cause major upheavals both in the policy and personnel of their broadcasting organisations.\textsuperscript{163}

The arguments put forward by those who were opposed to the idea of an autonomous corporation were briefly as follows: 1)As an instrument of instruction and education, AIR should be in the hands of the State; 2)Parliament would lose control if AIR were to be made an autonomous corporation; and 3)Since broadcasting makes large demands on public revenues it is essential that Government should have a very close control over its working.\textsuperscript{164} The Committee was of the opinion that these arguments were canards and misconceptions put forward by vested interests who were against even the slightest structural change and were keen to retain broadcasting under direct control of the Government. The

\textsuperscript{162} Ibid.

\textsuperscript{163} Ibid.

\textsuperscript{164} Ibid., p.183-4
Committee made clear the identity of some of these vested interests, citing again and again, the excuses put forward by Ministers in charge of Information and Broadcasting to justify government control over the medium. Among such excuses listed by the Committee included the Emergency that had been declared in the country following the war with China in 1962 and the over-riding need to keep broadcasting in direct government control to mobilise public opinion, the bogey of industrial action by the staff of AIR as they "would not welcome the formation of a corporation as their service rights would be adversely affected," and the voicing of the imagined fear that "that the establishment of a corporation would immediately open the way to commercial programmes implying thereby that control of AIR would gradually pass to private hands."\textsuperscript{165} The Committee refuted each of these arguments either with examples of similar experiences around the world or by setting the record straight by explaining the correct facts of the matter. Regarding the argument on corporatisation being tantamount to commercialisation, the Committee referred to broadcasting corporations around the world, some of which took advertisements and others that did not. Their study showed that "it has been clearly demonstrated that autonomous corporations which accept advertisements have not come even remotely under the sway of commercial interests, sacrificed an iota of their independence or deflected from the high ideals which brought them into being."\textsuperscript{166} Similarly, the threat of industrial action was dismissed by the Committee as an invalid argument in that "evidence ... revealed that this structural

\textsuperscript{165} Ibid., p.184
\textsuperscript{166} Ibid., p.185
change would be welcome to a large section of the employees of AIR." In any case, appointments made since 1943 had a clause attached to it that the employees would accept liability to serve if AIR were converted to a public Corporation and that they would accept the terms and service conditions laid down by the Corporation.\textsuperscript{167}

\textit{Recommendations on Radio}

Having got these arguments out of the way, the Committee next spelt out the structure of the autonomous entity it had in mind to replace the existing set-up. This model envisioned by the Committee seemed to have been influenced a great deal by the British example, in that it provided for an autonomous Corporation with a Board of Governors at its helm.

The Corporation should be set up by an Act of Parliament in which its objectives should be clearly laid down. The scope of the Government’s authority should also be clearly defined and be free of ambiguity. The right to require the Corporation to broadcast certain programmes as also the right to veto broadcasts in certain subjects may be reserved to Government. It may be understood that such powers should be sparingly used and only when the national interest so demands. These reservations would automatically define the accountability of the Minister to Parliament. We also consider the Act itself should lay down the authority and powers of the Governors to prevent possible encroachment.\textsuperscript{168}

However, there were certain deficiencies in the Committee's recommendations beginning with the constitution of the Board of Governors, upon which the Committee seemed to place undue reliance considering it almost as a panacea for

\textsuperscript{167} Ibid., p.184
\textsuperscript{168} Ibid., p.187
all the ills bedevilling broadcasting up to then. The Committee was of the view that the “Chairman of the Corporation should be a public figure with a national reputation for his integrity, ability and independence.”\(^{169}\) Similarly, the members were to be drawn from diverse fields of national life, each enjoying a reputation in his particular field. The Committee considered various suggestions for ensuring the independence of the Board of Governors, including that appointments should be made either by the President or by the President in consultation with the Chief Justice of India, besides another suggestion that “public organisations and associations with related activities should each submit a panel and selections should be confined to the names included.”\(^{170}\) It ultimately left the selection to the Government, saying that “experience had shown that once selected to such autonomous bodies, people act independently and do not sacrifice the interest of the organisation to outside pressure.”\(^{171}\) By that, it was presumably referring to the British example. The Report also suggested that the Director-General of the Corporation should be “a person with a dynamic personality endowed with drive, imagination and initiative, capable of creating a well-knit team of devoted workers and giving it resolute leadership.”\(^{172}\) The Committee acknowledged that it was difficult to find such a superman anywhere in the world and would be more so in India since, as it sarcastically put it, the search was often limited to Government servants. The Committee was of the view that the net would have to be cast much

\(^{169}\) Ibid.
\(^{170}\) Ibid.
\(^{171}\) Ibid.
\(^{172}\) Ibid.
wider and people from the fields of journalism, advertising, the film world and the academic world should be offered this position if they were capable of fulfilling it in a "spirit of dedication and service."\textsuperscript{173}

The Committee seemed to have devoted far more time to analyse the problems of AIR than working out a viable structure to replace it. After making tentative jabs at other issues such as decentralisation (needed in the interests of efficiency), competition, (not advisable at the present juncture since there's a scarcity of resources, even though it had a "tonic effect on the BBC"), and financing (to be continued through the Licence Fee mechanism and acceptance of advertisements on the Vividh Bharati service of AIR),\textsuperscript{174} the Committee moved on to the question of television.

\textit{Recommendations for Television}

With regard to television, the report recommended that development of radio and television installations should be planned simultaneously in spite of high costs involved with television, and responsibility for planning and execution of television development and programmes should be placed in the hands of the proposed Television Authority, entirely separate from All India Radio.\textsuperscript{175} Recognising that television was an expensive proposition for a developing country, the Committee asserted that the problem was that the role of the media of mass

\textsuperscript{173} Ibid.

\textsuperscript{174} Ibid., p.189-93

\textsuperscript{175} Government of India, \textit{Interim Report of the Commission on Broadcasting and Information Media on Television for India, 16 May 1966} (Delhi: Ministry of Information \& Broadcasting, 1966), pp.8-11

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communication had been insufficiently realised and consequently, there had been insufficient allocation of money in successive five-year plans. To redress this, the Committee recommended that a proportion of the sums allocated in the Third Five-Year Plan for agriculture, animal husbandry, community development and Health should be invested in the development of broadcasting.\textsuperscript{176} Though the government had approved a master plan for the introduction of television and its development over a period of 25 years with an estimated investment of Rs. 100 crores spread over 5-year plans, with Rs.5 crores to be spent in the fourth Plan itself to establish centres in major metropolitan areas such as Madras, Bombay, Calcutta and Kanpur, the Commission was of the view that television should be developed at a much faster scale with the aim being to provide television services to all towns with a population of over 100,000 within a period of seven years.\textsuperscript{177} The Committee felt that the expenditure on television would be offset by the gains "which would accrue to the country as a whole as a result of the raising of standards in agriculture, education, etc, through T.V."\textsuperscript{178} Other possible way of funding television which could be explored included commercial advertising to supplement revenue\textsuperscript{179} as well as the possibility of forming "a foreign consortium of aid to finance the T.V. scheme as a whole."\textsuperscript{180}

\textsuperscript{176} Ibid., p.7  
\textsuperscript{177} Ibid., p.12  
\textsuperscript{178} Ibid., p. 40  
\textsuperscript{179} Ibid., p. 43-4  
\textsuperscript{180} Ibid., p.39
The Committee's three major recommendations were: i) All India Radio be converted into a Corporation run by a Board of Governors roughly like the BBC; ii) Television and Radio be separated into two public service corporations; and iii) Radio should have a commercial channel whose profits could be ploughed back into radio for utilization. The Report went further and identified the many problems faced by broadcasting through being a government department: "It is not possible in the Indian context for a creative medium like broadcasting to flourish under a regiment of departmental rules and regulations. It is only by an institutional change that AIR can be liberated from the present rigid financial and administrative procedures of the government...."¹²¹ To overcome this, the Committee recommended that the separate corporations so set up should have the freedom to evolve its own pay conditions, and methods of manpower recruitment.

Given the views expressed by the Committee on the gamut of issues around the Broadcasting media, it was not surprising that there was a surfeit of press comments and views on the Report. The most scathing of these was an editorial comment in the National Herald which had ridiculed not just the report, calling it a tell-tale report which does not tell much, but also the Committee itself, saying that its only major achievement was that a sub-committee visited broadcasting and television organizations in Moscow, London, Rome and Cairo, though for what purpose this was it had not been clear, since it was not reflected in the report. The editorial criticised many aspects of the Committee and its reports, beginning with

¹²¹Luthra, n.138, p. 226
the expenditure incurred by the Commission on its fact-finding mission abroad as well as on "un-important BBC experts who came to India for the delight of the Committee."\textsuperscript{112} The Editorial was also not too impressed by the credentials of the members of the Committee and accused them of rubber-stamping recommendations put forward by vested interests.

About the qualifications of some members or of their keenness of interest, there could be legitimate doubt. The first two interim reports showed that they had been drafted before there could be discussion, and the drafts were probably discussed only for the purpose of signature. The third interim report must have been a more ambitious affair.... And naturally in conformity with the evidence of the chambers of commerce and not buttressed even for the sake of form by any wide expert or lay opinion.\textsuperscript{113}

Other newspaper reports examined the recommendations of the Committee and juxtaposed them with the situation existing at present. Most of the comments referred to the main recommendations; ie, the re-organisation of AIR, introduction of commercials and recommendations for a television service. The \textit{Hindustan Times} commented that several experts had in the past recommended that the establishment of an independent radio corporation was the best solution to the various problems facing radio broadcasting in India. "That the Chanda Committee should, after an extensive study prescribe the same remedy emphasises that it is long overdue".\textsuperscript{114} The \textit{Indian Express} justified the Committee's recommendations for an infusion of experienced journalists into AIR, and demanded the inclusion of

\textsuperscript{112} National Herald, "A Committee of Cross Purposes" (Editorial), \textit{National Herald} (New Delhi), 7 April 1966

\textsuperscript{113} Ibid.

\textsuperscript{114} \textit{Hindustan Times} (New Delhi), 18 May 1966.
men of known integrity, imagination and courage into the Board of Governors. The *Times of India* continued in the same vein, warning that the setting up of such a corporation "will have little meaning if the board is packed with persons who cannot resist official pressure." The papers were also in favour of commercials on radio, with the *Indian Express* wondering why the "the government should be so pig-headed about advertising and allow the outflow of revenue to foreign commercial companies." The *Times of India* pointed out that the government would not be in a position to encourage talents unless it has ample resources and approves the case made out by the Committee for the introduction of advertisements.

Opinions were mixed on the Committee's recommendations regarding television. *The Statesman* felt that the Committee had failed to realise fully the importance of concentrating on the existing media, ie. AIR. "Only dilettantes or experts with professional or other special interests to promote can believe that at the beginning of 1966 India needs to bother urgently and expensively about Television," it had argued in an earlier editorial on 14 March 1966. The *Indian Express* argued in a similar vein: "The Chanda Committee recommendation calling for a television network within seven years to cover 113 towns and 250,000 villagers betrays a wrong sense of priorities."

As Mark Dodd, BBC representative in Delhi reported to the BBC's Head of Foreign Relations: "Debate mainly centres on whether India can afford the Chanda

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185 *Indian Express* (New Delhi), 18 May 1966.
recommendations and whether this would be the best use of money and effort.”

Dodd went on to elaborate on this by quoting from various newspapers and giving his own interpretation on their comments. While the newspapers were supportive of the Committee's recommendations on television, they did not want television at the cost of reduced expenditure on “farmers, hospitals and schools” as the Statesman put it. This was a view shared by many other newspapers though the Hindu of Madras felt that “India's television could to a considerable extent become self financing on the lines of ITV in the U.K.” The paper also was “pleased to note that the report strengthens the hand of the Prime Minister in her enthusiasm for a national Television network.”

Mark Tully, the BBC's Chief of Bureau in Delhi wrote out a one-page report on the reaction of Narayan Menon, Director General of All India Radio, to it in an internal memo to his superiors, which read as follows:

The D.G., A.I.R. feels there is much that is good in the report, and that needed saying. Nevertheless he considers the report thin in factual analysis and does not think its members have started to understand either the technical complexities or the costs involved in TV expansion on the scale they recommend.

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186 BBC, WAC, E1/2056, “Memo from Mark Dodd to HOFR” in India Press Comment and the Chanda Report, 14 March 1966.
187 The paper also wondered on what evidence had the Committee come to the conclusion that television will be much more effective in reaching the people for educational purposes than AIR has been, and observed caustically, “The Chanda Committee is well aware of AIR’s sad performance but apparently it has no doubt that ‘community viewing will thrive where community listening has languished’.”
188 Quoted in BBC, WAC, E1/2056, n.185.
189 Quoted in Ibid.
He welcomes the corporation recommendation for radio as well as TV, but understandably is dubious about the separation of the two mediums under separate corporate bodies.

He believes that there will be further support for the corporation recommendation in the press and in Parliament. He thinks there will be great discussion but in the end the government will decide against such a drastic measure and its decision will, of course, be upheld in Parliament.

Dr. Menon is evidently working on a compromise proposal which he hopes to get through if, and when, the corporation idea is killed. On the subject of greater editorial freedom, Dr. Menon maintains there is no particular problem here. Given the right minister, secretary to the Ministry and D.G., a tradition of editorial independence could be established – this process had already begun with his partnership with Indira Gandhi. He remarked that the setting up of a corporation in itself would not ensure an independent minded AIR. After 10 years of close control and neglect, as he puts it, AIR people need a lot of education themselves in independence.

Dr. Menon reaffirms his opposition to advertising as a means of financing, radio or television. He believes in the effectiveness and quality of Public Service Broadcasting.

Dr. Menon concluded by saying that of course the government would have to do some of the things Chanda recommends -- he will hope, without much conviction, that the setting up of a corporation would be one of these.

Leonard Miall, the BBC's advisor felt that: “The Chanda report is over optimistic about the possible scale of Indian television and the likely impact of rural broadcasting”. In an internal memo, dated 18 March 1966, to the Head of Foreign Relations, he further ruminated that “the great question, however is, whether

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190 BBC, WAC, E1/2056/1, "Report from Mark Tully on AIR Director General’s reaction to Chanda report" in Committee on Broadcasting and Information Media, 16 May 1966.
anything will be done to implement its recommendations. I doubt whether Indian television will be prised loose from the tight governmental grip."\(^{191}\)

The recommendations of the report were duly considered in a cabinet meeting in December 1969 and the Lok Sabha was informed in April 1970 that “it was agreed that the present is not an opportune time to consider the conversion of All India Radio into an autonomous corporation.”\(^{192}\)

**Working Group on Autonomy for Akashvani and Doordarshan**

The next Committee to be formed was in 1977 and had an exclusive remit as its name suggested. This was the ‘Working Group on Autonomy for Akashvani and Doordarshan’ and it was formed as fulfilment of a promise in the manifesto of the Janata Party, reiterated in the Presidential address to Parliament that “one of the serious developments in the recent past was the erosion of freedom and impartiality of the media of publicity and information ... government would take steps to restore to the media their due place in democracy.” The committee was headed by B.G. Verghese, a noted editor and had among its members, Malcolm Adiseshiah, then Vice Chancellor of Madras University, Chanchal Sarkar, Director, Press Institute of India, P.L Deshpande, a noted Marathi playwright, Umashankar Joshi, Vice Chancellor of Gujarat University, A.G. Noorani, noted advocate, Prof J.D Sethi of Delhi University, P.J Fernandes, Secretary, Finance Department in the

\(^{191}\) BBC, WAC, E1/2056/1, “Memo from Assistant Controller, Programme Services, Television to Head of Foreign Relations on Television for India” in *Committee on Broadcasting and Information Media*, 18 March 1966.
Government of India, and C.R. Subramanium.193 Dr. Ishwar Das was member-secretary.194 Its terms of reference were;

i) to examine the functional, financial and legal aspects of the proposal to give full autonomy to Akashvani and Doordarshan, consistent with accountability to Parliament, keeping in mind the different forms of autonomous organisations existing in other democratic countries in the matter of broadcasting;

ii) to suggest the form and structure of the autonomous organisations and their relationship with government.195

The Committee noted that an autonomous system could be set up only by an Act of Parliament, since the Indian Constitution gave Parliament the exclusive power to legislate in respect of wireless, broadcasting and other like forms of communications in its Seventh Schedule. However, since any institution set up by an Act of Parliament could be dissolved by another Act or even an Ordinance issued by the Government, the Committee was of the opinion that the autonomy of the corporation and its independence from governmental control should be entrenched in the Constitution itself and the idea of a trust woven into it. Such a move would serve two purposes: "Besides being a check, the constitutional provision would serve also to highlight the importance of the institution in the national life of the country." 196 The Committee felt that such a check was necessary since this autonomous institution was being "created against the


193 Times of India (Bombay), 14 August 1977, p.1

194 Luthra, n.138, p.228. Ms. Nayantara Sehgal was appointed as an additional member in November 1977.

195 Verghese Report, n.192, p.37
background of erosion of autonomous institutions and the credibility of radio and television.“ The broadcasting statutes of other countries (examples cited were of Australia, New Zealand, Canada and Ireland) might confer enormous powers on the government but this was on the understanding that “they will be very sparingly used as, indeed, they have been.” In the view of the Committee, autonomous broadcasting corporations had grown in these countries over a long period and in an environment in which autonomy had come to be increasingly respected. Indian broadcasting had been denied this long gestation period nor did a suitable environment exist here at present. The only way out was for legislation to ensure that the long arm of the government would be unable to touch broadcasting, save for minimal powers for public information purposes. Parliament was seen as the lesser evil in this context and the proposed corporation was sought to be made accountable to it, but even this was a “light touch” indeed; the trust “had a duty to report to Parliament through its budget and an Annual report together with the accounts ... Members of Parliament have the inherent right to ask questions. But it is expected that they will refrain from so doing on day-to-day basis.”

The Committee’s recommendations for a broadcasting structure revolved around the establishment of a National Broadcast Trust (or Akash Bharati) on the line of the BBC’s Board of Governors to be set up to oversee AIR and Doordarshan. The

196 Ibid., p.39
197 Ibid., p.42
198 Ibid., p.42
199 Ibid., p.44. This point was queried by Dilip Padgaonkar in the Times of India wherein he wondered why the Members of Parliament “would be so indulgent to the National Broadcasting
autonomy and independence of the Trust was to be entrenched in the Constitution, with the Committee also providing the draft constitutional amendment as follows:

All broadcasting shall be organised and conducted exclusively by or under the authority of an autonomous and independent public corporation acting impartially as a Trustee in the public interest referred to in this Constitution as Akash Bharati, the National Broadcast Trust.

The National Broadcast Trust shall consist of a Chairman and trustees and the appointment of the Chairman and the other Trustees shall be made by the President from out of a list of names put forward by a nominating panel duly constituted by law.\(^{200}\)

Appointments to the Trust were to be made by the President on the recommendation of the Prime Minister from a list of names proposed by the Chief Justice of India, the Chairman of the Union Public Service Commission, and the Chairman of the Lok Pal (an autonomous organisation which was to have the powers of an ombudsman to the government). These Trustees were to be at least twelve in number but not to exceed twenty-one. Of these, the Chairman and three members in charge of Current Affairs, Extension and Culture respectively would be full-time and in charge of while the rest would be part-time.

They shall be men and women of eminence in public life representing a fair cross-section of all parts of the country and various vocations and disciplines. They must clearly be persons of such integrity and independence and imbued with so keen an awareness of the immense power and potential of the media being entrusted to their care that they are able to resist subversive pressures from even the highest quarters.\(^{201}\)

\[^{200}\] Verghese Report, n.192, p.40

\[^{201}\] Ibid., p.45
They were to be appointed for a term of six years, with one-third of the members retiring every alternate year. The Committee also recommended that the Trustees should enjoy the status of Supreme Court Judges and should be subject to similar disqualifications and procedures for removal.\footnote{202}

As for their functions, among the most important would be that of appointing the Controller-General of Broadcasting who would be its Chief Executive, and Head of its Central Executive Board (comprising Directors responsible for Radio, Television, News and Current Affairs and so on) which would be responsible for the day-to-day management of Akash Bharati. Another critical responsibility would be the preparation and submission of the budget and an annual report to Parliament, along with the audited accounts. “All major investment and policy decisions bearing on the expansion of the broadcast system, technological issues, the quality of service, major programme departures, and issues likely to affect the financial viability of the Trust, including wage and salary revisions, should be subject to approval by the Board of Trustees.”\footnote{203} The Committee also did not expect the Trustees to “retire into an ivory tower” but to “visit stations, meet people and endeavour constantly to remain in touch with all sections of opinion in all parts of the country so that they are properly able to interpret the broadcast organisation to the public and the public to the broadcast organisation.”\footnote{204}

\footnote{202} Ibid., p.50
\footnote{203} Ibid., p.49
\footnote{204} Ibid.
The Report aroused enormous interest and its provisions were discussed threadbare by the media and politicians. Dileep Padgaonkar, writing in the *Times of India*, pointed to three major limitations which he saw in the proposals. In the first instance, he pointed out that the broadcasting institution's survival was contingent on the "privileged legal and financial relationship with the government which the report seeks to eliminate" and wondered whether there was indeed a feasible alternative to government subsidies. Secondly, there was the "near-absence of conventions and traditions in this country which facilitate the growth of autonomous bodies." Thirdly, there was a "dearth of talent which can whet the appetite of the electronic media." He also saw a strong bias in favour of the establishment with regard to the nominating panel with no representation from groups like peasants organisations, women's groups, teacher's groups and so on. He also wondered why there were no full-time trustees for engineering and management while at the same time pointing out the dangers of "super-bosses" if trustees with specialisation were appointed.

The Bill that was finally introduced in Parliament, after the government had received the report, sought to give autonomy to Doordarshan and AIR through the setting up of an autonomous corporation to be known as Prasar Bharati. It was to have a governing body of eleven to fifteen members with a full-time Chairman. The Governing Body would also have seven to eleven non-official members and

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the Secretaries of the ministries of Information and Broadcasting, and Finance as ex-officio members. The bill rejected the concept of trusteeship and the provision of constitutional safeguards as envisaged by the Committee. Financial control over the proposed corporation was to continue to be in the hands of the government and modifications were made in the selection procedure for the Chairman of the Corporation which implied that this would be a political appointment. The Bill also empowered the government to issue directives to the Corporation from time to time as it considered necessary, with a copy being laid before each House of Parliament. Thus, the Bill contained provisions that were considerably watered down from those proposed by the Verghese Committee. Information and Broadcasting Minister L.K. Advani strongly defended the Bill in Parliament, saying it fulfilled the basic objective of granting autonomy to the broadcasting corporation, while ensuring that it remained accountable to Parliament. He said this was in tune with the wishes of members, cutting across party lines. “All the while that the discussions went on in Parliament or in the Consultative Committee, there was emphasis from all sides that there is need to balance the demands of autonomy with the demands of accountability.” This accountability was further elaborated upon:

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207 Luthra, n. 138, p.228
208 Chatterji, n. 136, p.167
209 Ibid., p.167
210 India, *Rajya Sabha Debates*, 22 May 1979, col. 80.
The Bill that we have brought, the Prasar Bharati Bill, lays down a Charter under which the new Corporation is to function. Having laid down that Charter, I think that the Government is accountable to Parliament to ensure that the Charter is being adhered to. We cannot just sever the umbilical cord altogether, and then, if something goes wrong, say, “After all, the setup is independent, what can we do? We cannot do anything” Yes, we cannot do anything so far as day-to-day programming of the new set-up goes. But if basic principles of the Charter are violated, then the Government is certainly accountable.211

The Minister also referred to the government’s decision to defer from the procedure suggested by the Verghese Committee to be adopted for selecting the Chairman of the Corporation. Where the Verghese Committee had proposed that the Selection Committee should comprise of the Chief Justice of India and the Chairman of the Lok Pal, the Bill replaced those august personalities with the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha, thus effectively making it a political appointment, as mentioned earlier. According to L.K. Advani: “Many members here and many members in the (Consultative) Committee felt that the Chief Justice and the Lokpal should not be brought in.”212

The Chairman and five members of the Committee (out of eleven) issued a statement expressing their dissatisfaction with the bill.213 They pointed out the various inconsistencies in the Bill vis-à-vis its apparent intent of providing autonomy for Doordarshan and AIR.

211 Ibid., col.81
212 Ibid., col.82.
Instead of a genuine autonomy for broadcasting the country was promised, the Bill offers something emasculated and confined with the executive continuing as the dominant influence. The Group had proposed a harmonious scheme with built-in checks and balances that would have ensured a distinguished and truly national broadcast Trust as the repository of the collective freedom of speech and expression of the Indian people as enshrined in Article 19 (1) (a).

The Bill, as introduced, leaves the corporation dependent on the government for the composition of the single board proposed. The reserve powers of the government sought by the working group to be confined largely to the ‘reasonable restrictions’ on freedom of speech and expression mentioned in the Constitution have now been made absolute.

Government directives may now be issued on any and every matter. That such directives shall subsequently be placed before Parliament is a delayed and inadequate safeguard.... The very wide powers assured by the government could, in certain circumstances insidiously compel compliance without formal resort to their use.

The fact that the government has taken such sweeping powers, and is also directly represented on the Board by the senior most officers of Information and Broadcasting and Finance will make it appear that the Government will still be responsible even for day-to-day matters and therefore answerable to the public and Parliament.

Only consultation with, and not concurrence of the Lok Sabha Speaker and Rajya Sabha Chairman is required in nominating the Chairman. The Complaint Board is also made a government appointed body.214

The government responded vigorously to these charges. In a news conference in Calcutta on 3 June 1979, L.K. Advani said the Bill was “a complete fulfilment of the Janata Party’s pledge to the people in respect of autonomy.” He said that the Committee had exceeded the brief given to it, by “conceiving of not just an

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autonomous corporation but an independent constitutional status for AIR.... The government is unable to accept this independent entity concept, but so far as the concept of autonomy is concerned it has gone far beyond the Chanda Committee’s recommendations." He elaborated on this saying, the Chanda Committee had favoured absolute authority to be given to the government in the nomination and removal of Directors of the Board. The Prasar Bharathi Bill, on the other hand gives government authority to consult the Rajya Sabha Chairman and the Lok Sabha Speaker. As far as removal of the Chairman was concerned “it has been put beyond the pale of executive authority by making it obligatory to secure the approval of the Supreme Court.” With regard to the Government’s authority to issue directives, he said the BBC pattern was being followed wherein when the government issues any directives to the BBC, “it has to place such directives before Parliament.”215 Advani’s stout defence of the Bill notwithstanding, as B.K.R. Kabab summed up in the Times of India: “The government found itself caught in a dilemma of its own making. It was eager to take credit for giving autonomy to the organisation and at the same time afraid that it may be giving away more than what it bargained for.”216 A.S. Abraham was more blunt in his assessment, saying the Janata Party turned out to be “less idealistic and more crafty about the uses of power and succumbed to its seductive charms.” He put the point across that “had the Committee pitched its demands more realistically, it would


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have seen more of its proposals included in the Bill in their original form but it can also be argued that if the Committee had done that, it might have got even less."217

With all the controversy surrounding the Bill, it was referred to a Joint Select Committee of both Houses of Parliament and was slated for discussion during the monsoon session of Parliament in July 1979. However, the government fell and Parliament was dissolved before that, and subsequently the Bill lapsed. Whether a Joint Select Committee would have given more autonomy to broadcasting is a matter of conjecture, but Vasant Sathe, L.K. Advani's successor as Minister of Information and Broadcasting in the Congress ministry, trotted out the same tired old arguments to make it clear that he was only in favour of limited autonomy for broadcasting with the politicians being the ultimate arbiter.

The question comes up from time to time as to who should own and operate this powerful instrument. We are clear in our mind that in a developing country like India where the developmental message has to reach every nook and corner, the agency in charge of development, namely the Government, should be actively associated with the media. This has little to do with autonomy. In fact full functional autonomy is given to those who are in immediate charge of the media and all governmental and bureaucratic bottlenecks in their free functioning are being steadily removed....218

In a speech in 1988, L.K. Advani pointed out that the Bill had provided for a five-year term for the Chairman and non-official members of the Corporation; “and also

stipulated that they could be removed only on the ground of misbehaviour, after the Supreme Court, on a reference being made to it by the President, has, on enquiry, held that the Chairman (or member, as the case may be) ought, on any such ground, be removed", as evidence that the Government had made every effort to ensure that Prasar Bharati enjoyed full autonomy. He held that the Prasar Bharati Bill was in line with all the Chanda Committee recommendations and felt that if the government had gone ahead with implementing those recommendations instead of appointing the Verghese Committee, it "would have been spared a lot of criticism and embarrassment." However, the idea that there should be a constitutional role for the media was not the invention of the Verghese Committee. Way back in the 18th century, the noted British Parliamentarian, Edmund Burke, first coined the term "Fourth Estate" for the media. In a speech, he noted the various estates of the realm: The Lords Spiritual, the Lords Temporal and the Commons. Then he added, pointing to the press gallery, "And yonder sits the Fourth Estate, more important than them all." As John Tusa puts it, implicit in Burke's statement was the idea that media had a legitimate place in the constitution of the country.

220 Ibid.
221 Quoted in John Tusa, "Fourth Estate or Fifth Column? – Media, the Government and the State," Combroad, no. 94, January-March 1992, p.1
The Joshi Working Group on Software

The Joshi Working Group on software was set up by Prime Minister Indira Gandhi on 6 December 1982 to enquire into and report on the requirements of software for Doordarshan. This was a prelude to her decision to set in motion a Rs. 68 crore development plan for expansion of television during 1984-85. The group was asked to "prepare a software plan taking into consideration the main objectives of television of assisting in the process of social and economic development of the country and to act as an effective medium for providing information, education, and entertainment." The Group was headed by P.C. Joshi, Director of the Institute of Economic Growth, and contained thirteen members drawn from various fields. Though asked to report in four months, the group took over a year to submit its report in three volumes. It took a further eighteen months before the government placed the report in Parliament on 12 August 1985. A probable reason for this delay was that, the Committee, like its predecessor, seemed to have exceeded its brief (as far as the government was concerned) delivering not only a harsh indictment of the quality of programmes broadcast by Doordarshan as well as their Delhi-centric nature, but also making recommendations for modification of the organisational structure of broadcasting. As the Committee put it: "On the basis of the evidence presented to us... the Working Group is convinced that instead of providing support and encouragement to creativity, the present structure and

222 Ibid., p.170
223 Which was again an indirect disapproval of Mrs. Gandhi’s decision to extend the TV network by setting up relay transmitters, and then to increase the hours of the National Network programmes broadcast direct from Delhi and relayed through these transmitters.
management style hampers creativity and initiative at all levels."\(^\text{224}\) The group suggested certain reforms for bringing about "functional freedom" to the two media by loosening the strangle-hold the Ministry of Information and broadcasting held over the two organisations. This included converting the Ministry into an organ, akin to the Railway Board, with an "Information Board comprising professional heads of media units, including Doordarshan, to tender policy advice to the Minister and with the secretariat of the Ministry only to deal with financial and administrative matters."\(^\text{225}\) In addition, the Minister was to be assisted by a "National Doordarshan Council" with three key roles: "to review and guide the organisations performance, as a guardian of Doordarshan's functional and professional autonomy; and as a counterpart of the Press Council for examining complaints of inaccuracy or bias in the reporting of news and comment on current affairs."\(^\text{226}\) The members were to be drawn from various fields such as education, science and technology, agriculture and rural development, communication research, advertising and sport,\(^\text{227}\) in other words, "members competent by virtue of their experience and wide expertise in the field, to tender advice to the Minister on the broad social objectives and the modes of TV programming."\(^\text{228}\) In addition, Doordarshan was to be headed by a Director-General who was to be appointed on contract, "with a proven record of excellence in social communication, as well as


\(^{225}\) Ibid., p.22

\(^{226}\) Ibid., p.56

\(^{227}\) Chatterji, n. 136, p.175

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leadership qualities necessary for attracting creative talent in the service of the people."²²⁹

The Sarkaria Commission Report on Centre-State Relations

Of relevance here are the views of the Sarkaria Committee set up to investigate into Centre-State Relations. Its authority to bring autonomy in broadcasting within the ambit of its investigation drew from the fact that Entry 31 of the Union List in the 7th Schedule of the Constitution gave the Central government full authority over "wireless, broadcasting and other like forms of communication."²³⁰ The Committee reported that most states were satisfied with the existing set-up where control of broadcasting rested exclusively with the Centre. However, the states that were dissatisfied with the status quo differed in their opinion of what would be an adequate replacement. Some wanted broadcasting to be transferred to the Concurrent List on the grounds that they were responsible for a large chunk of development activity and, in any case, states had been re-organised on linguistic lines. Therefore, they should have "adequate access to radio and television facilities to propagate their language, culture, values, development programmes and different view points with regard to their special problems and opportunities."²³¹ The lone state that wanted broadcasting to be transferred to the State List was not alone in alleging that states, "particularly those governed by parties other than the one ruling at the Centre" did not get reasonable access to

²²⁸ Joshi, n.224, p.56
²²⁹ Ibid., p.56
these media and were denied legitimate use of these media to put across their views to the public. There were other more radical suggestions from other states. One state government wanted that "a law be made ... to enable State governments... to set up their broadcasting stations, subject to such conditions or restrictions in the national interest." Another state suggested that "in a country with India's size, diversity and complexity of problems, it is important that State Governments are allowed parallel jurisdiction over radio and television and the Constitution be amended accordingly." Only two state governments urged autonomy for the media. Most of the states were unanimous in implying that there was too much over-centralisation and "too much interference from the bureaucratic system at present."

The Committee considered these suggestions and arguments put forward by the states in support of their suggestions in detail and then gave what amounted to a point by point rebuttal of the arguments of the states. To the suggestion that the Constitution be amended to transfer broadcasting to either the State or Concurrent List, the Committee implied that in its opinion, the states were not really serious about this extreme step and had only suggested it to emphasise the degree of their dissatisfaction with the present system. To carry out such a step was not feasible in view of the fact that "in this country... parochialism, chauvinism, casteism and communalism are pervasive and are actively made use of by powerful groups [and] if uncontrolled use of these media is allowed, it may promote centrifugal

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231 Ibid.
232 Ibid.
tendencies endangering the unity and integrity of the nation." The Committee also put forward the economic argument against such a move, saying that it would bring about a gap between rich and poor states. While the richer states would be able to take advantage of such a development and set up their own broadcasting stations, the poorer ones "would not have the resources to avail of the freedom and their areas will continue to develop without an understanding of the basic unity(sic), further strengthening centrifugal forces." The Committee concluded that "for all these reasons and particularly the need to control centrifugal tendencies, we cannot support the demand for either a concurrent or an exclusive power to the States with respect to broadcasting."

With regard to the demand for autonomy to be granted to the broadcasting organisations, the Committee, even after taking cognisance of the Verghese Committee Report, was still of the opinion that these media were too powerful to be made autonomous given the fragile nature and fissiparous tendencies of the Indian nation. In the words of the Committee,

These powerful media have to be used in our country in the public interest to further the cause of development with social justice and strengthen the impulses of modernisation. ...Their immense potential should be exploited to foster national unity and integrity, and to fight effectively the fissiparous tendencies. Keeping in view these objectives and their enormous potential for making India a strong modern nation (or harming it, if improperly used) we are of the view that there can be no total autonomy for such powerful media.... Till national integration and unity become more firmly

233 Ibid.
234 Ibid., p.510
235 Ibid.
rooted than what is obtaining today, and the pulls of regionalism, parochialism, casteism and communalism are substantially reduced, it will be premature to consider the grant of uncontrolled functional freedom to these powerful media. 236

These observations notwithstanding, the Commission tried to address some of the complaints of the state governments through its recommendations. As it saw it, the major complaint was that there was insufficient “coverage available to the state governments for communication of their policies and in allowing political parties adequate access to put across their political philosophy.” 237 The other problem, particularly with regard to television, was the occupation of prime time by the National Programme broadcast predominantly in Hindi from Delhi. 238 This was causing much heart-burn, particularly in the Southern states where Hindi was not widely comprehended. However, whatever it proposed was only within the ambit of the existing framework; the essence of its recommendations was that this framework was essential to preserve the unity and integrity of India, and whatever complaints there were, could be solved if the various mechanisms already in place were implemented in letter and spirit. Chief among these mechanisms was the Programme Advisory Committee in which “non-official members predominate and a quorum requires at least one-third of the non-official members to be present”. 239 It was also proposed “that a specific rule may be introduced that the State

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236 Ibid.
237 Ibid., p.511
238 According to the statistics available with the Commission, the National Programme occupied 155 minutes out of a total of 345 minutes of prime time viewing. Para 19.6.03, Ibid., p.512
239 Ibid., p.514
Government concerned should be consulted in the selection of non-official members and Chairman of the Programme Advisory Committees in the State.\(^{240}\)

**Conclusion**

Governments have found broadcast policy making a tricky act because their natural inclination was to restrict the broadcast media to the extent possible. This could be best done by maintaining the *status quo* since the power and regulatory equations were heavily loaded in favour of the government at the outset of broadcasting. However, economic, technological, social and even political changes put paid to any such wishful thinking by governments. The next option was to ensure that they had as much control over the broadcast policy making process as possible. This was achieved to some extent through the mechanism of the Inquiry Committees, the members of which were appointed by the government. The increasing complexity of broadcasting issues was reflected in the expanded terms of reference of each succeeding Committee of Inquiry and the time it took to complete its allotted tasks. If the very first Committee took only five months to complete its Inquiry, the Annan Committee set up in 1975 took all of two and a half years to complete its task and presented a comprehensive report containing nearly 200 recommendations. These Committees not only reviewed the performance and achievements of the broadcasting institution(s), but also contemplated the question as to whether broadcast policy was also on the right track and whether any changes needed to be undertaken in the light of new developments in the economic and

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\(^{240}\) Ibid., p.515
technological front. Their composition also changed to reflect the technical complexity of the medium; while the only qualification of the members of the first few Committees seems to have been that they be either bona fide members of the Establishment or Members of Parliament, members of committee in the latter years were selected in such a way that they each brought to the table some thing unique and relevant to the subject they were examining. The Annan Committee, for instance, had a mixture of academics, broadcasters, businessmen and politicians in its ranks.

The dual combination of the Inquiry Committee and the White Paper ran like a well-oiled machine. While the Inquiry Committee acted like a lightening rod and drew a large number of suggestions and criticisms of the existing set-up from various interest groups, individuals and members of the broadcasting community, and then published a voluminous report incorporating its recommendations as well as numerous appendices, the Government was at liberty to accept or reject these recommendations, since they were not binding while laying out the reasons for its decisions as well as its perception of the road ahead through its White Paper. Though this was criticized by many as too slow a method for deciding policy for the fast-changing area of broadcasting, this began to hold true only after the period under consideration.

Since any shift in broadcast policy is fraught with positive or negative consequences, and since the pace of broadcast policy making was not completely in the hands of the policy makers, dictated as it was, by technological, economic and societal change, this made it all the more difficult to initiate policy that would
satisfy all parties concerned.

Thus, the British system had both its positive and negative points. The Inquiry committee system was suitable for the period under study since it kept pace with technological and societal changes. It was also useful for bringing policy changes and shifts into the public arena and provided for feedback from affected parties, be they individuals or groups. What all those involved in broadcasting realized was that given the sensitive nature of broadcasting, it was essential that certain systems and institutional arrangements be put in place and be given legitimacy if it had to succeed.

The task of interpreting the nitty gritty of such policy was entrusted to a Board made up of the Great and the Good, again appointed by the government. However, the plot did not always keep to the script here since it was one thing to say on paper “The Board of Governors are the BBC” and quite another to expect a bunch of amateurs to keep tabs on an operation that employed people in the tens of thousands and whose cumulative output was in the thousands of hours every week.

Thus, the Board of Governors did not have an easy task to perform. In the first instance, their functions were not clearly laid down and that made them objects of criticism and easily subject to pressure from all sections, be it the government, the broadcasters or the interest groups connected with broadcasting. While the government criticized them for being too soft on the broadcasters, the latter felt that they did not stand up for the rights of the broadcasters often enough.

Nonetheless, the system still worked reasonably well within limits mainly because
the institution of the Board of Governors was again dependent on the calibre of the men and women appointed to it, and the largely consensual nature of British society ensured that none of those appointed to the Board never even remotely dreamt of rocking the boat by disagreeing too vehemently with decisions taken or with regard to conflicts with the government or the Director General, or going public with those disagreements. The role played by the Board of Governors also changed according to time and circumstance. In the initial years, the towering personality of John Reith virtually made the Board more or less redundant, and playing only an advisory role. It was only later that the Board of Governors was able to assert its authority to a greater extent and the relationship became more symbiotic as British polity became more confrontational and the BBC came into the firing line as it attempted to present both sides of the picture and ended up pleasing no-one in the process. The Board of Governors were then called upon to play their part as “buffers” and shield the BBC from those who took potshots at it and to respond to allegations of partiality by examining these allegations and enquiring into them. The function of the Board of Governors was akin to being an umpire and correcting acts of commission and omission on the part of the BBC and thus ensuring that this was not made an excuse for its autonomy to be trampled on. It also helped that the stature of the collective membership of the Board of Governors also made it an institution that could not be trifled with so easily, and any accusation that was responded to by the Board of Governors gave it credibility and respectability that would not be so readily commanded if it were, for instance, been responded to by the BBC.
In the Indian context, the fact that the Minister was the man in charge and the broadcasting institutions were part of a much larger department of Information and Broadcasting led to an inferiority complex on the part of the broadcasters which the politicians used to their advantage and sought act upon by paying scant attention to broadcasting. The Ministers effectively had power without responsibility since they could blame all the ills on the actual people who ran the show while taking all the accolades when something went right. Broadcasting policy was also distorted by the fact that the Minister was at the helm of affairs since the emphasis was on making regular announcements to create a favourable image of the Minister without adequate examination of the merits of these decisions. They also had no long-term interest since their portfolios could be taken away from them at a moment’s notice, This malaise was extended into the broadcasting organization with the creation of the Indian Information Service whose employees were not limited to the broadcasting institutions alone. Their loyalty lay not to the broadcasting organizations but to their political masters since their career prospects depended on the goodwill of the politicians rather than on their competence. Major decisions such as the creation of the Indian Information Service were purely administrative decisions taken without discussion or debate. The result of this stepmotherly treatment meted out to the broadcasters was that they began to live in a delusional self created self-important worlds, and had little touch with society or reality which was reflected in their programmes.

The Inquiry Committees came up with some very relevant and good reports but they were not followed up since governments were simply not interested in giving
up control over broadcasting which was the point of departure of any of the reports. The Chanda Committee only had a limited remit and since the advocates for autonomy at that time in polity and society were in a minority, its report was not given much attention. The case of the Verghese Committee was different; it was created in the aftermath of the Emergency when the credibility of broadcasting was brought to its lowest ebb. Public and political opinion was strongly in favour of granting autonomy to the broadcast media. Despite the fact that broadcast policy with regard to autonomy and independence had been stuck in a time warp all these years, the Verghese Committee attempted to make the best of a bad situation and came out with a report that spelt out in detail why autonomy was the life-blood of a vibrant broadcasting set-up. It came out with a comprehensive blueprint for putting autonomy into practice taking all the particularities of the Indian environment into consideration. But the fluid political environment closed that tiny window of opportunity and even a watered down Prasar Bharati Bill could not pass muster with the government because it feared that this was the thin edge of the wedge and would encourage the broadcasters to put their nominal independence to the test.

Broadcasting suffered because it was always seen to be biased and a mouth piece of the government notwithstanding the government’s argument that Broadcasting must necessarily remain in its hands for administrative and political reasons as managed agents of change. Its arguments were bolstered by reports such as the Sarkaria Commission Report which looked at broadcasting primarily through the prism of administration and governance and concluded that Broadcasting must remain in the hands of the state to facilitate governance since the creation of the
Indian state was still a work in progress and any sector that had even the remotest chance of disrupting this work must be closely controlled by the state. Since other interested parties in civil society such as interest groups were not sufficiently strong enough to effectively counter such arguments, the views of the state prevailed on this subject. As a compromise, the state gave "functional autonomy" to the broadcasting organisation which was nothing more than a play on words since, to all events and purposes, the state of affairs remained as they were before.