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Government of India  
Ministry of Information and Broadcasting  
(BP&L Section)

Shastri Bhawan, New Delhi-110011  
Dated, the 21<sup>st</sup> October, 2022

**Advisory**

Subject: Issues relating to Broadcasting and Distribution Services by Central Government Ministries / Departments / State Governments and other Institutions / bodies – regarding.

The Ministry of Information and Broadcasting, Government of India is the nodal Ministry for all matters relating to broadcasting. Further, entry No.31 in List I (Union List) of the Seventh Schedule to the Constitution of India covers "Posts and telegraphs, telephones, wireless, broadcasting and other like forms of communication". Thus, only the Central Government, as per Article 246 of the Constitution, can legislate on these subjects.

2. Further, Section 4 of the Indian Telegraph Act, 1885 gives *exclusive privilege in respect of telegraphs and power to grant licenses to the Central Government*.

3. Telecom Regulatory Authority of India (TRAI) has made recommendations on 'Issues relating to entry of certain entities into broadcasting and distribution activities' dated 12.11.2008, 28.12.2012 and 22.01.2015. In its recommendations dated 28.12.2012, TRAI has, inter alia, recommended as under:-

(a) *The Authority recommends that the Central Government Ministries and Departments, Central Government owned companies, Central Government Undertakings, Joint ventures of the Central Government and the private sector and Central Government funded entities should not be allowed to enter into the business of broadcasting and/or distribution of TV channels.*

(b) *The Authority recommends that State Government Departments, State Government owned companies, State Government undertakings, Joint ventures of the State Government and the private sector, and State Government funded entities should not be allowed to enter into the business of broadcasting and/or distribution of TV channels.*

4. The Authority had relied on the spirit of the Sarkaria Commission's recommendations and the Hon'ble Supreme Court's judgement in the case of *Cricket Association of Bengal (1995 AIR(SC) 1236 :: 1995 (2) SCC 161)* in its recommendations. The Hon'ble Supreme Court had observed, inter alia, that State control really means governmental control, which in turn means control of the

political party or parties in power for the time being and has further observed that public service broadcasting should be in the hands of a statutory corporation or corporations set up under a statute and the constitution of such corporation or corporations should be such as to ensure their impartiality in political, economic and social matters and on other public issues and they should promote pluralism and diversity of opinions and views.

5. In the context of the demand of some States to have their own broadcasting stations, TRAI had quoted the views of the Sarkaria Commission and the Verghese Committee and noted that in order to control the centrifugal tendencies, the demand for either a concurrent or an exclusive power to the States with respect to broadcasting cannot be supported.

6. The importance of Prasar Bharati, which is an independent statutory body, should also not be lost sight of. The TRAI has suggested that this body should fulfil the legitimate aspirations of government entities as regards broadcasting activities, while at the same time recommending the 'arm's length' relationship between Prasar Bharati and the Government be further strengthened to enhance its autonomy and functional independence.

7. The TRAI's recommendations have been considered in the Ministry and in the spirit of such recommendations, the existing operational broadcasts in respect of the some of the Central Government Ministries/Departments and some State Governments have already been brought under the ambit of Prasar Bharati through a Memorandum of Understanding to ensure the continuity of such societal initiatives.

8. Comments of Ministry of Law and Justice were also sought on the matter. Ministry of Law and Justice, inter-alia, observed that the view expressed by TRAI are acceptable. Ministry of Law and Justice has furnished its opinion that Central/State Government should not enter into the business of broadcasting and distribution of TV channels.

9. In view of recommendations of TRAI, the judgement of the Hon'ble Supreme Court and the legal opinion given by the Ministry of Law and Justice, the Ministry has come to the conclusion that no Central Government Ministries/Departments, State/UT Governments and related entities should enter into the business of Broadcasting/Distribution of broadcasting.

10. Further, in order to implement the decision, it has been decided that entry of Central/State/UT Governments into the business of broadcast for educational purposes should be done through the Prasar Bharati route, through suitable agreements between Prasar Bharati and the concerned Central/State/UT Governments.

11. At the same time, all such existing broadcasting, if any, of all Central Government Ministries, State/UT Governments and related entities as detailed in the