

A deceit called autonomy

Why did the Information and Broadcasting Ministry suddenly choose to tread on the toes of the Prasar Bharati Board? And why did the board that so far had no history of tiffs with the ministry, reportedly take “strong exception” to the ministry’s recent directive? After all, the Prasar Bharati Act of 1990 has conferred autonomy upon the corporation and iterated that its board alone will have the final say in matters pertaining to running it.

Why do our women continue to demand that laws and lawmakers guarantee them equality of opportunity and parity of wages? Doesn’t our Constitution promise these as the fundamental rights of all citizens of India?

The answer to both these questions is the same and follows Aristotle’s logic closely. According to him, Nature requires that the same right and the same rank should be given to all those who are equal by Nature, but here he also adds that the natural temperance of a man and woman are not the same nor their courage or their justice. So it follows that according to natural law, men will command and women will obey.

Thus the Indian interpretation of autonomy for public corporations. Let there be autonomous public corporations as distinct from the government, but the Government of India representative on the board shall retain an original entitlement to final decision-making for the ministry, because he represents the ultimate authority that is the Government of India.

An in-built tension thus inevitably stretches between all our deemed autonomous public enterprises and their parent ministries. Whatever their constituent Act may say, on ground ministries’ ex officio representatives on boards of PSUs continue to be treated as superior to the other members with a puzzlingly higher level of entitlement that their niche in the ministry lends them. Such an overarching presence of the Gol almost invariably devalues the decision-making authority within and casts a veil of doubt on views or red-flagging emanating from within. This is why successive governments have woken up to crisis situations and scams only after the situation is near irredeemable.

To come back to the particular reported angst recorded by the present Prasar Bharati Board. It seems to arise in this instance from a recent directive from the ministry. It is sad but not surprising that this piece of communication from the I&B ministry has directed the board to okay the appointment of certain candidates for crucial positions within the corporation. And also ordered immediate termination of the services of the entire contractual staff (which by now may be almost three-quarters of the total) without putting in place any alternative mechanism. According to reports, the usually compliant board rightly considers this order as a “violation of provisions (of the Act)”, also terming the proposed new appointments and the compensation packages for two editors recruited by the ministry as “exorbitant” and rejecting their appointment.

The board has the Prasar Bharati (Broadcasting Corporation of India) Act on its side. The introduction to the Act states clearly: “It is the Government’s declared policy to confer autonomy on Akashvani and Doordarshan. in this context, it is proposed to provide for the establishment of an autonomous corporation... and to entrust to it functions which are discharged by the Akashvani and Doordarshan.

“(The Act) also provides for the transfer to the Corporation of properties and funds at present vested in the Central Government, transfer of employees of Akashvani and Doordarshan to the Corporation and other ancillary matters and the establishment of Recruitment Boards for recommending the appointment of officers and other employees...”. As for spelling out the powers

of the Board, Chapter 2(4) states: “The general superintendence, direction and management of the affairs of the Corporation shall vest in the PB Board which may exercise all such powers...”

The Act has thus clearly vested ultimate authority, respect and resources in the Prasar Bharati Board. But the actual ground situation today remains rather Aristotelian with the ministry still owning all that it surveys. Almost a quarter of a century after the Prasar Bharati Corporation came into being, none of the promised resources, either man power or properties (that include prime space and well-equipped buildings with DD and AIR studios in all major cities), have been transferred by the ministry to the board.

So despite being one of the biggest land-owners in the country, the corporation is perennially short of spending money (its budget is still shaped finally by the ministry), can neither appoint full-time staff members, nor sell/monetise its properties or even vehicles or obsolete machines as scrap. It is unable to buy new hardware no matter how urgently needed. Through several intricately worded notifications the ministry has issued over the years (during periods when the board lacked a chair) the ministry has made it mandatory that each proposal of the board be submitted to various concerned departments to be examined and re-examined countless times by countless committees of the various ministries concerned.

The much-needed Recruitment Board that should have been created before the corporation became functional, has yet to be created. The Prasar Bharati Board today has only three full-time members — the CEO, Member Finance and Member Personnel. All others, including the chair, are part-time members. While the board is selected as mandated by the Act by a committee headed by the Vice President of India, chair of the Press Council and a representative of the president (usually the secretary from the I&B ministry), the Prasar Bharati Board is not allowed even a guest appearance in choosing its two permanent members. By proposing, as the ministry has, the name of a serving IAS officer for the crucial post of Member (Personnel), it has overlooked the fact that the Cabinet Secretary, not the Prasar Bharati Board, will be deemed the ultimate reporting authority for a serving IAS officer.

Few of us realise that many of the original staff of DD and AIR chose to migrate to greener pastures in the private sector, when the two entities were corporatised as a PSU. And since there was no recruitment board in place when the Prasar Bharati came into being, the corporation has been forced to replace staff in both AIR and DD, (the engineering staff as also programme producers) with workers brought in on short-term contracts. The recruitment has been outsourced by the ministry to another government agency with no proven domain expertise in the selection of programme producers for AIR and DD. On the other hand, all contractual workers (several of whom have hung around for two decades hoping that one day when the recruitment board comes up they will be rewarded for their patience) are now learning to their dismay that the ministry wants all of them removed at one go.

Under these circumstances, whenever things go wrong (such as a hapless young anchor referring to the visiting Chinese President Xi as number eleven) all fingers point at the corporation, and the representative of the ministry is quick to quote autonomy of the enterprise. As Virginia Woolf said, surely it was time someone invented a new plot, or the real author came out of the bushes.

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