

From State to Public Service: Legal and Structural constraints in the Sri Lankan Broadcasting Sphere

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ABSTRACT

In the contemporary world, Public Service Broadcasting plays a decisive and challenging role in creating an informed citizenry through editorial independence, diversity of content, freedom of expression, audience participation, and active democracy. However, in Sri Lanka, the opposite is true, where there are no public service media, but state-owned and privately-owned media enterprises. This paper looks at the absence of public service broadcasting in Sri Lanka, its effect on a democratic society, and its resistance to the initiative. The case study desk review approach was employed to investigate public service broadcasting in the Sri Lankan context. The study finds that in the absence of public service media, citizens tend to consume information reproduced and delivered through a hegemonic media landscape, compiled according to the agenda of radio and television station owners. Such content has been found to be devoid of professionalism, editorial independence, diversity, and pluralism, leading to misrepresentation of facts in the coverage of conflicts, controversial issues, and elections, and by extension the destruction of society. In Sri Lanka, a developing country, state-owned media must be transformed into public service media. The selfish interests of political parties, policymakers, bureaucracy, and trade unions and limited awareness amongst the public makes this task difficult. The study recommended to appoint a public commission to identify processes and actions to transform State owned media to public service media. Nevertheless, suggests to launch a public campaign that would educate the public and influence policy makers' thinking towards liberating State owned media from government control.

Keywords: Sri Lankan Context; Public Service Media; State-owned Media; Media Professionalism; Public Interest

INTRODUCTION

Scholarly interest and research done on public service media are quite voluminous and rich (UNESCO, 2022; Thomass et al., 2021; Lowe, Bulck & Donders, 2017; Mendel, 2011; Vuuren, 2004; Thornley, 1999). There is a long history and traditions regarding public service media in Europe. Nonetheless, in countries in the south Asian region, this concept is still regarded as a newcomer. In countries like Sri Lanka in the south Asian region, the values of public service are aligned with welfare and it is a compulsory feature in the political power sphere. Nevertheless, it is a problem whether the values of public service get expressed in the spirit of political, professional, or public interest or democracy in the extent and in the mass media landscape. Further, mass media has become the most powerful institution in society which decides the social, cultural, and political direction of the countries in the south Asian

region. In such a situation, if the mass media is to perform their role for the benefit of humanity, then professionalism becomes an essential factor.

The theory of news media professionalism includes editorial independence, social responsibility, accuracy, objectivity, impartiality, accountability, transparency, diversity, and pluralism (Weerasinghe, 2022; Waisbord, 2013; Anderson, 2012). These concepts are related to public service values and public interest. Nevertheless, according to media logic theory, the role of mass media is to compile its contents so as to attract the maximum number of consumers and maximize profit accordingly. In such a scenario, it is not important to ride by public service values and public interest.

In Sri Lanka, state and private business ownership have occupied the radio and television landscape (Secretariat for Media Reforms, 2016; Rao and Weerasinghe, 2011). Nevertheless, Handong and Weerasinghe (2007) suggest that while the state-owned media perform the role of propaganda for the government in power, the privately- owned radio and television stations perform on the owners' political agenda and profit. In this context, of radio and television stations' behavior what could be the opportunity for public service values and public interest to emerge in radio and television journalism? How does such neglect in a country affect human development and the strengthening of democracy? What are the opportunities and limitations for the emergence of radio and television journalism with public service values? These questions have not been addressed or given much attention in the scholastic studies in the south Asian region. This study aims to analyze these issues by taking Sri Lanka as a case study.

LITRETURE REVIEW

It is recognized as the mandate of the mass media in a democratic society to create an informed citizenry, provide a platform for diverse viewpoints, serve the diverse interests of society and act as a watchdog to prevent abuse of power.

The normative theory of mass media argues that a healthy democracy requires news media to create an informed citizenry (Miller & Vaccari, 2020; DelliCarpini, 2000). For this purpose, the news media should engage with the characteristics of professional journalism such as impartiality, accuracy, fairness, trustworthiness and objectivity (Waisbord, 2013; Anderson, 2012). Thus, Trappel and Tomaz (2022) argues that the news media can fulfill this function only if the newsroom operates independently of the influence of powerholders such as state, market, and other influence groups and laws externally, and ownership internally. For this, the newsroom should have editorial independence (Sussman, 2012; Christians et al., 2009). Professional news media is not a reality in the state ownership as well as business ownership. In this regard, the structure of media ownership is crucial and dramatically impact the pluralism, diversity and transparency and accountability of the media (Pickard, 2020).

This will ensure that the citizen can participate and make informed decisions in a country's democratic processes as well as in his or her private life, social interactions, in the market place and at elections. Further media theorists suggest the importance of media diversity for the maintenance of active democracy in a country (Secretariat for Media Reforms, 2016). The pluralistic opinions, views, and interests of the citizens are expressed through the mass media. One method of ensuring a healthy and active democracy is upholding media pluralism

and showcasing society's diverse aspects. In order to perform the human development and democratic role assigned to the mass media efficiently and effectively, there must be a plurality of media ownership, diversity of media content and professionalism in a country. In a mass media landscape with these characteristics, public service electronic media have received academic attention.

The effectiveness of public service media in fulfilling the social mandate assigned to mass media has been the subject of academic attention for a long time (Thomas et al., 2022; Cabrera et al., 2022; UNESCO, 2022; Mendel, 2011). It is argued that commercial broadcasting is linked to the consumer by means of markets while public service media focuses on the citizens. This view had expanded to encompass some of the notions fundamental to the philosophies of Keane (1991) and Raboy (1996). The notion of citizenship has severe implications for broadcasting. Citizenship cannot be passive. Citizenship is political. Citizenship evokes the image of Tom Paine and the unfinished struggle for "liberty, equality, fraternity" (Keane, 1991). When PSB is linked to the idea of citizenship, it must logically be decoupled from the authoritarian power of the state" (Raboy, 1996, p.31). As Garnham (1994) pointed out, public broadcasting is first a public good, and "public goods" are goods which cannot be appropriated privately. If such a good is supplied, no member of the collectivity can be excluded from its consumption. Goods and services that are difficult for everyone to acquire individually but are commonly needed by everyone can be called public goods (UNESCO, 2022). Berger (1990) added, public goods must be produced by institutions other than a market economy and distributed by a mechanism different from markets (p.128). Wilkinson and Pedler have explained it slightly differently by asserting that, in any public service enterprise, those in charge have to determine whether they are dealing with customers or citizens (Thronley, 1999, p.4). The value of journalism as a "public good" is a matter of increasing interest. Like other public goods, journalism plays a critical role in promoting a healthy civic sphere. It does so by providing citizens with trusted information and facts they need to participate in a free and open society (UNESCO, 2022, p. 20).

Governance and Independence of public service media have been focused on studies (Cabrera et al., 2022). As Fracer and Estader (2001) observed, a public body, such as a council or a legally constituted authority, often controls its broadcasting policies and programming. This body ensures that broadcasting operates to provide information, education, and entertainment to the citizens and society in general, and independently of government, party politics or other interest (p.3).

These discourses and attentions have focused more on the need to strengthen existing public service media and other non-commercial media to de-link from the political authorities and market influences as well as it must be catered to the citizens rather than consumers. These philosophical ideas provide insight to define public service broadcasting.

As stated by the International Press Freedom and Freedom of Expression Mission to Sri Lanka (2007), despite ongoing debate on the issue and recommendations to transform the state-owned media in Sri Lanka to the public service media with editorial independence, but have failed to take steps to do so. Secretariat for Media Reforms (2016) added that Sri Lanka's state broadcasters lack editorial independence and are currently not required to serve established public service values. Sri Lanka has historically evolved state-owned radio and television broadcasters but they are not public service broadcasters in the internationally accepted definition. Thus, Secretariat for media reforms (2016) recommended:

The government should initiate legal reforms to transform the state-owned and state manage media into truly independent Public Service Media so as to serve the public interest without any political influence. PSB must be independent of government in their governing structure and have full editorial autonomy (p.114).

METHOD

The case study approach was employed to investigate public service broadcasting in the Sri Lankan context. The case study methodology has been extensively used in the studies mass media landscape, the role of mass media, and public service media (Rebollal & Donders, 2022; Cabelkova et al., 2015; Coates, 2004; Vuuren, 2004; Barlow, 1998;). Nevertheless, Klaihao (2004) stated, case study research is particularistic, descriptive, heuristic, and inductive. The aim of carrying out case studies is to present something unique, such as the nature of the case study, its historical background, the physical setting, and its contexts (p, 102). This study considered two basic cases related to public service applications in Sri Lanka; Sri Lanka Broadcasting Corporation (SLBC) and Sri Lanka Rupavahini (television) Corporation (SLRC). Thus, it was expected to derive two cases of state broadcasting applications and evaluate them, as with the direction of the study. Through this procedure, it was conducted a qualitative study of the possibility of transforming state-owned media into public service media. Many scholars suggest that case study methodology preferred to use of multiple instruments to collect data (Klaihao, 2004; Tacchi et al, 2003; Silverman, 2000; Mason, 1996). Nevertheless, Yin (1984) suggests that case study research method as an empirical inquiry that investigate a contemporary phenomenon within its existing life context which multiple sources of evidence are used. Thus, the case study has developed through document analysis, focus group discussions, and in-depth interviews.

DISCUSSION

The broadcasting landscape in Sri Lanka has been developed without policies, laws, and regulations keeping in mind the socioeconomic and cultural needs of the country. Thus, the social diversity of the country and the communication needs of the people are not expressed through the electronic media landscape. For example, in the early 1990s, the government licensed the private sector to start radio and television stations without establishing policies, or laws and establishing an independent electronic media regulatory body. The government has secretly given licenses to the political cronies of the government (Weerasinghe, 2000). So far, no regulations have been formulated to regulate electronic media or an independent electronic media regulatory body has been established. Without comprehending a correct vision of the role that could be performed by radio and television journalism in national development and democracy, the governments and owners of companies and other parties try to control the media.

A major share of the media industry in Sri Lanka is owned by the State; Radio since the 1920s, newspapers since the 1970s, and television since the 1980s. The landscape scale of Media ownership by the State has not changed despite the entry of private electronic media in the 1990s.

The state-owned Sri Lanka Broadcasting Corporation (SLBC) and Sri Lanka Rupavahini Corporation (SLRC) earned their revenue through licensing, which was done away with in the 1990s, and until that time, there were efforts to restructure the two to become public service media entities. The licensing fee system was discontinued around the middle of the 1990s and with that, both SLBC and SLRC became financially dependent on the Treasury and commercial advertisements. As the monies accrued by the Treasury are public funds, it was not possible for either of the institutions to shirk its responsibility to the public. However, as the legal provisions for the establishment of these two entities were not conducive to upholding editorial independence, autonomy, and independence, the end result was that both were used by successive governments as their publicity arms, instead of promoting public service media.

There is a growing demand now for platforms that provide information using unbiased, impartial, accurate, and trustworthy sources. The public has lost trust in both privately owned- and state-owned media. There is confusion amongst the citizens to ascertain whether the news and information that is disseminated is accurate, or whether there is an ulterior motive to promote someone's agenda. Such a situation poses a direct threat to democracy, where misinformation could lead to citizens making incorrect decisions and creating social tensions. In light of these developments, there is a great demand in the public sphere for Public Service Media.

In the discussion firstly, attention is given to assessing the role of broadcasting in Sri Lanka in the aspects of public interest and public service values. For this purpose, data were collected through three focus group discussions with representatives of trade unions of SLBC and SLRC and in-depth interviews conducted with media experts, critics, policymakers and media managers and analyzed.

PUBLIC SERVICE VALUES

Garnham (1994), Raboy (1996), and UNESCO (2002) argued that public service media link to citizens, they can be considered public goods that are not influenced by the authorities and the market. Thus firstly, this study focused on the existing practices of Sri Lankan society regarding public good. Public service is defined as the supply of services to all citizens who need them irrespective of differences in income, locality, physical and mental abilities, age, sex, and race (MP, personal communication). In public service, instead of profit, it is intended to service (SW, personal communication). The basis for public service is public welfare (JL, personal communication). An example of public service values is the opportunity to have access to facilities such as education and health without incurring personal costs or barriers (DG, personal communication). Thus, it is quite clear through the comments forwarded by experts, policymakers, and media managers who participated in the interviews, that public service values are the programs implemented for social objectives and social benefits without expecting any financial gains. There is a universal approach to this endeavor. Sri Lanka's public services such as education and health have been perverted (MP, personal communication). She further says that although there are problems with the quality of services such as free education and health, people have resorted to private education and health regardless of their economic ability due to unclear reasons. Nevertheless, public representatives are keen to see the poor continue to be subsidized in education and health for political purposes. In contrast, public service values are being marginalized in market competition. From these arguments, it is explicit that even though there is a demand within the country for values of public services, there is also a tendency by the people for optimum selection in the competitive market. Thus, it can be assumed that public trust in the values of public service has been damaged. People's

representatives in parliament are more interested in giving welfare packages to underprivileged groups than empowering them and keeping them in poverty. Thus, it seems that public representatives are also interested in allocating money for public welfare with the aim of political and social stability. Nevertheless, it is also true that there is dissatisfaction in society about the efficiency and effectiveness of public service institutions. Thus, Sri Lankan society has a contradictory and complex set of reading about the values of public service.

PUBLIC INTEREST

As suggested by UNESCO (2022) and Pickard (2020), strengthening a country's democracy requires public service broadcasting that is dedicated to the role of public interest. The research data support this doctrine. Public interest refers to the common good of individuals as well as society as a whole (NG, personal communication). If it is good for the entire humanity through the relevant laws, policies, or activities, it can be called public good (SK, personal communication). The basis for the public interest is justice, equality, and satisfaction for all (TW, personal communication). Public good in Sri Lanka is attributed to political interests, elite interests, bureaucratic interests, and corporate class interests (MR, personal communication). According to these views expressed in the interviews, it seems that public welfare and public well-being are based on public interest. A public good theory is related to welfare economics. Laws, regulations, legislation, and institution-building to balance market competition and public welfare are among the steps taken to satisfy the public interest. Through such attempts, the public will be able to maximize the benefits and will also protect them.

Public good theories discuss the failure of the competitive market and the harms caused to the public by its dominance, as well as the introduction of regulations by the government to correct them. Regulations are introduced to ensure public interest and ensure the quality of the commodities as well as public goods. Due to the failure of liberal economic and social practices around the world, scholastic studies are more concerned with reconsidering the public good theory. The public good theory addresses the equitability, dissatisfaction, and inefficiency created by the comparative market. In this instance, it emphasizes the total well-being of the whole society instead of the well-being of an individual, an institution, or a company (Pigou, 1920). The regulations and institutions formulated and implemented for this purpose not represented the benefits of certain individuals, an institution, or a group, but represent the total well-being of the society. It minimizes the negative efficiency that the market creates that does not lead to the common social good and the negative results that it creates on society and facilitates public interests that do not represent the needs of the market.

PUBLIC SERVICE VALUES AND PUBLIC SERVICE MEDIA

The public service media role of radio and television stations is very important as they use radio air waves which are limited scarce public property (Mendel, 2011). Panel for PSB Hong Kong explains thus: "PSB plays an important part in developing citizens' knowledge, broadening horizons and enabling them to better understand themselves by understanding the world and others" (p.16). Thus thirdly, attention was then drawn to how the doctrine of public service relates to mass media in the Sri Lankan context. Sri Lankan mass media is not interested in public good or social good but in political and market agendas of their owners (RK, personal communication). Given the characteristics of broadcasting, it is important to consider their content as a public good rather than a commercial commodity (WJ, personal communication). In a competitive market, the target of commodities is a passive consumer, while the target of public goods is an active citizen. In a competitive market, mass media produce and distribute what they want, and consumers choose and consume what they want. In the functioning of the

market, the consumer is responsible for deciding what he chooses to consume. However, many citizens in developing countries do not have the ability to make a correct, informative and definitive decision about the product they choose from the market. Therefore, the negative impact of market commodities on citizens is crucial. When considering the influence of broadcasting in shaping public opinion, the citizen who consumes the media goods produced in the market logic is subjected to injustice. Radio and television broadcasting in Sri Lanka expresses content created according to the political and market agenda of its owners. It does not represent the common good of the whole society, pluralism and diversity and there is no room for the voice of the whole society (SW, personal communication). Both state-owned and privately-owned radio and television stations utilize electronic spectrum which is a limited scarce public resource. Utilizing them for media owners' personal benefit and personal goals is a serious threat to democracy (RK, personal communication).

According to the comments that were expressed by the majority who participated in the interviews conducted, the lack of public service media in the country has an impact on democracy. Due to the private and state-owned broadcasting monopoly in the electronic media landscape, information, and idea market there are various issues have arisen, such as the inequality to access the factual truth, balance and accurate information, and diversity of opinions. Utilization of electronic spectrum and broadcasting frequencies which is a limited public property for the benefit of the public is quite necessary. It is also necessary to make them more meaningful through the public value perspective. It can overcome inequality, injustice, and dissatisfaction in the information and the market of ideas in the expression of opinions, and access to information, due to the monopoly of the state and private sector. Nevertheless, the public good and public interest model can ensure the standards of media goods and media professionalism. A counter-argument is made that public welfare is ensured because the citizen has free access to the content distributed by the broadcasting stations. But here the citizens have to consume the content produced based on the owner's personal agenda instead of the content produced based on the professional ethics demanded by the audience. There is yet another argument to say that the audience has the ability to maximize his selection within the new media extent. However, there is no guarantee of the professionalism and reliability of new media content and the citizen has to bear additional costs to access this content. Thus, it is argued that the broadcasting stations are using a limited public property owned by the public and it is necessary to focus on a model that provides public values outcomes instead of functional outcomes. Nevertheless, it is essential to convert public values into broadcasting policy and regulations. The use of electronic spectrum for the best benefit of the public can be ensured by contributing to the public sphere through accountability, high quality, transparency, editorial independence, and professionalism in the broadcasting of content.

FROM STATE TO PUBLIC SERVICE

Trappel and Tomaz (2022) argues that the news media can fulfill its professional function only if the newsroom operates independently of the influence of powerholders such as state, market, and other influence groups and laws externally, and ownership internally. For this, the newsroom should have editorial independence (Sussman, 2012; Christians et al., 2009). Sri Lanka's International Mission on Freedom of the Press and Freedom of Expression (2007) and the Secretariat for Media Reforms (2016) note it has been ignored the transfer of state-owned media to public service media despite the ongoing debate about the lack of public service media. Among the obstacles to the emergence of radio and television stations outside of private and state ownership in Sri Lanka, are lack of political will, lack of legal and regulatory framework, lack of funding, lack of journalists will, union activism, unawareness of public and

civil society takes a central place. In order to overcome these constraints, it is important to focus on the current opportunities. State-owned media is run with state funds. At present, these state funds are used by state-owned media for political propaganda that comes into power from time to time (WJ). It is indeed a misuse of public funds. It is necessary that these public funds contribute to public life. Accordingly, it is prudent that state-owned media should reconsider their role on the basis of public service value and public interest theory.

Next, the opportunities and legal and practical constraints to transforming state-owned electronic media into independent public service media in the Sri Lankan context are discussed.

THE CASE IN SRI LANKA

This section will look at opportunities and limitations in introducing public service media in Sri Lanka. In doing so, the focus will be on the current political state, the media landscape and the realities of state-owned media. This analysis is the result of reviewing laws, regulations and Acts dealing with state-owned media, meetings with trade unions affiliated to state-owned media, three focus group discussions comprising representatives of 24 trade unions and professional associations of state-owned media and in-depth interviews with several top-level state-owned media managers and media experts.

SRI LANKA BROADCASTING CORPORATION

The so-called public service radio in Sri Lanka is the Sri Lanka Broadcasting Corporation which has the island-wide reach and the largest network amongst electronic media. In 1982, the Sri Lanka Rupavahini Corporation was established under the SLBC Act. That ended SLBC's monopoly of the electronic media field.

GOVERNING STRUCTURE AND RELATED ISSUES OF SLBC

Governance and Independence of public service media have been focused on studies (Cabrera et al., 2022). As Fracer and Estader (2001) argued that this body must be ensured that broadcasting operates independently of government, party politics, or other interests (p.3). Next, this doctrine is examined in relation to the application of Sri Lankan state-owned broadcasting stations.

Article 6 of the SLBC Act, allows the minister in charge of media to appoint five members of his/her choice to the Board of Directors and select one of them as the Chairman. The Act does not specify criteria regarding the suitability of the members. While the Board members are expected to serve a four-year term, Article 8 of the Act allows the Minister to remove a member at any given time and appoint another. Article 19 specifies that the Director General, who is the chief executive officer, and other working directors must be appointed according to the advice of the Minister. Article 5 stipulates that SLBC must respect the policies of the government and work according to the directions given by the minister.

Therefore, it is apparent that the SLBC Act ensures that its governance body acts according to the requirements of the government of the day. As the Board of Directors and the Chief Executive Officer are expected to abide by the directions given by the Minister, SLBC is not accountable to the public but to whichever government is in power. This means that its news programs must be prepared in a manner that satisfies the wishes of the government. With the threat of removal at any time if the Board displeases the government, its mission is to give publicity to government propaganda instead of public service activities. In such a situation,

where the governing body does not enjoy independence, and its news and programming content lacks impartiality, accuracy, balance, independence, and pluralism the public needs are not met.

CHALLENGES: THROUGH THE LENS OF PUBLIC SERVICE MEDIA

A healthy democracy requires news media to create an informed citizenry (Miller & Vaccari, 2020; Delli Carpini, 2000). For this purpose, the news media should engage with the characteristics of professional journalism such as impartiality, accuracy, fairness, trustworthiness, and objectivity (Waisbord, 2013; Anderson, 2012). Trappel and Tomaz (2022) argue that the news media can fulfill this function only if the newsroom operates independently of the influence of powerholders such as the state, market, and other influence groups and laws externally, and ownership internally. For this, the newsroom should have editorial independence (Sussman, 2012; Christians et al., 2009). All of the SLBC channels are grouped into two categories; news and current affairs and fiction programs. The news division directly report to the chairman of the Board, the Board of Directors, and the Director General. There is a direct intervention by the chairman and the Director General on behalf of the Board in the choosing of reports to match their agenda, topics, news production, and identifying resource persons for discussion programs and interviews, etc. Therefore, the news and current affairs programs thus produced are used to promote the government's agenda. Despite there being a professional code of practice for the editing and production of news and current affairs, staff attached to the news and current affairs division have resigned themselves to abide by a Code of Practice that promotes the government's agenda. Attempts to adhere to an internationally accepted code of practice are rare (Focus Group Discussion with SLBC professional unions' representatives, 14th October 2018, Best Western Hotel, Colombo).

With each change of government or change of minister, SLBC's governance board, which is the Board of Directors, is appointed a new. The first task of the newly appointed chairman of the Board is to transfer the high and middle-level managers and journalists of the newsroom as well as those seen to hold views not in keeping with the government in power, to the training and research division. Thereafter, media workers considered to be government loyalists are appointed to the top posts. In some instances, those promoting the government agenda are hired as newsroom staff. The responsibility of these staff is to ensure that news and current affairs program content promotes the government's agenda. Therefore, the news and current affairs program content of SLBC lacks the basic accepted international codes of practice governing impartiality, objectivity, accuracy, and balance. This is also reflected in news and current affairs programs and political discussion programs that are aired, where topics reflect the agenda of the government (Focus Group Discussion with SLBC professional unions' representatives, 14th October 2018, Best Western Hotel, Colombo).

This results in SLBC performing its duties outside its mandate and against the principles of public service media which are to ensure that citizens have access to all facts and opinions to make an informed decision. With its news and current affairs programs lacking quality creativity and appeal, public trust is lost. While SLBC is seen by the public as the mouthpiece of the government in power, its tendency to fill the place with government supporters and marginalize those with opposing political views, its news and current affairs programs cannot attract a good audience and its ratings fall.

This practice is justified with the argument that because privately owned media critiques the government and does not provide publicity to its development programs or its ideologies, SLBC must fill that void. It is also argued that since media workers aligned with

the government in power get to enjoy all the benefits and appointments to plum positions when governments change, those marginalized during a particular regime must get their turn.

There are many other aspects that have negatively impacted SLBC's creativity and productivity (Focus Group Discussion with SLBC professional unions' representatives, 14th October 2018, Best Western Hotel, Colombo). These can be identified as SLBC being considered a government entity, its staff being considered as government employees, dependence on government funding for operational costs, and society's belief that it is not popular amongst its listeners, leading to both the institution and its staff being marginalized. The situation has also resulted in negativity amongst its media workers, with many subscribing to the view that it is their fate, and that the institution cannot be reformed, changed, reconstituted, etc. They have no faith in the idea that SLBC could be resurrected to play an important and significant role. Many are of the belief that its current state suits their daily life. They have no assessment or awareness of its strengths and potential. SLBC media workers lack awareness of the public service media concept, its practice and acceptance and the benefits they would accrue through social capital.

The SLBC Act allows for secrecy around the management of human resources, programming, and financial management. Therefore, there is no accountability or openness. During the era when its audience paid a license fee, accountability to the public was legislated. This is confirmed in the SLBC vs Wimal Fernando judgment. In his petition to the court, Wimal Fernando claimed that the sudden discontinuation of the live broadcasting channel of its new education service in 1994 was an infringement of his rights. He stated that he has the right to uninterrupted service from SLBC as he was a legitimate license holder. The discontinuation of the channel is an infringement of his human right. The Supreme Court accepted his argument. This implies that the license fee acts as a means of accountability. In 1996, the government removed SLBC's right to charge a license fee. That put a stop to accountability. There is no mechanism to handle complaints regarding violations of the Code of Practice.

SRI LANKA RUPAVAHINI(TELEVISION) CORPORATION(SLRC)

Established under Act No. 6 of 1982, the Sri Lanka Rupavahini Corporation is the country's largest television broadcaster, with VHF, UHF, and Analog transmission capabilities.

CHALLENGES: THROUGH THE LENS OF PUBLIC SERVICE MEDIA

SLRC was established under Act No 6 of 1982 as a state-owned Corporation. A close study reveals that the provisions of the Act are directly responsible for the current situation affecting human resources management, programming, administration, and financial crisis. The Act has taken away management and editorial independence powers and helped worsen the current crisis at SLRC. There are several provisions that impact the autonomy of its Board of Governors and editorial independence. The article 2, 3(1) (a), (b), (c), (d) and section 8 of the SLRC Act, allows the minister in charge of media to appoint seven members of his/her choice to the Board of Directors and select one of them as the Chairman. Thus, the article:

(2) The Minister shall appoint one of the members to be the Chairman of the Corporation.

(8) The Minister may if he thinks it expedient to do so, by Order published in the Gazette, remove any member from office without assigning any reason therefor and such removal shall not be called into question in any court (SLRC Act, 1982)".

Additionally, the provisions in the Act governing the appointment of its Chief Executive Officer, who holds the post of Director General, do not promote independence, autonomy, and editorial independence. Here, it is worth examining provisions 9 (1) & (4) of the Act.

9. (1) The Corporation may, with the approval in writing of the Minister, appoint a competent and experienced person in the field of television broadcasting as Director General.

(4) (b) The Director-General may at any time, with the prior approval of the Minister, be removed from office.

Provisions 9 (1) permits the Minister to appoint the Director General, while 9(4) gives the minister the power to remove the Director General at any time. These provisions allow the government in power to influence news and programming content and editorial independence.

Provision 27 (1) states thus:

The Corporation may make rules in respect of all or any matters for which rules are authorized or required by this Act to be made.

While the provision permits the Board of Directors to formulate policy, it is limited to improving the quality and effectiveness of the corporation and not promoting the agenda of the government of the day as has become the case.

When considered as a whole in terms of the governing body and the provisions of the Act, SLRC's editorial independence and autonomy have been affected. This effect both the institution and society. The loss of editorial independence means that the citizen is denied factual, impartial, and balanced coverage of news and current affairs and access to a diversity of views and ideologies. Ultimately, SLRC fails in its function as a publicly funded body in a democratic country, to uphold the rights of citizens to be informed and to provide an open platform to a variety of views and ideas (Focus Group Discussion with SLRC unions' representatives, 20.11.2018, Best Western Hotel, Colombo).

CONCLUSION

This study focused on the validity of considering Sri Lanka as a South Asian developing country with democratic practices to cater to the public service broadcasting based on the public service values and public interests' perspectives.

Sri Lanka has a long experience of public service values. Due to reasons, public service values have been distorted in Sri Lanka. However, due to the fact that public service is utilized for political purposes, bureaucracy, inefficient practices, and market competition, public service values have been distorted. Nevertheless, there is recognition in Sri Lankan society about the values of public service due to the social benefits received from running the education and health sectors as a public service. However, there is a lack of awareness among the policymakers, journalists, and civil society, and the general public that public values can be applied to the radio and television journalism, which has become the main social institution that determines the direction of Sri Lankan society. They have no idea about the effectiveness, benefits, and practicality of the public service media model in strengthening and efficiently the democracy and development processes of a country.

The licensing fee system was discontinued around the middle of the 1990's and with that, both SLBC and SLRC became financially dependent on the Treasury and commercial advertisements. As the monies accrued by the Treasury are public funds, it was not possible for either of the institutions to shirk its responsibility to the public. However, as the legal provisions for the establishment of these two entities were not conducive to upholding editorial independence, autonomy and independence, the end result was that both were used by successive governments as their publicity arms, instead of promoting public service media. In general, SLBC and SLRC have since their inception acted as the communication arms of the State; they have become entities that promote the agenda of whichever government is in power, and delivering one-sided information from government to the public.

The Board of Directors of each of these institutions, SLRC and SLBC are appointed by the Minister in charge, with no regard to the nominees' eligibility, State and political interference etc. which is in complete contrast to standards followed by Public Service Media. Owing to the power vested with the State and the minister in charge of media both legally and in practice, editorial independence is not observed in the production of news, current affairs or programmes. It also means the loss of professionalism and non-adherence to the Code of Practice amongst media practitioners. The outcome is a drop-in quality and a one-sided, top-down effect on the audience. Media consumers have been deprived of access to content that upholds editorial independence, diversity, pluralism etc. and have lost trust in State-owned media.

The situation has negatively affected the public's right to make informed decisions regarding their day to day to life and State-owned media has abdicated its role in building a strong and vibrant democracy. The situation is indicative that Sri Lanka State-owned media is facing a natural death; the governing bodies and the editorial lacking independence, funding and sustainability issues etc. has brought about a crisis in the management, programming and financial areas. When the actions of the media produce citizens who are not informed and cannot think critically, it weakens the progressive democracy of a country and helps in creating a human crisis that will not be resolved easily.

Sri Lanka's policy makers, civil society, public and researches do not have a complete picture or awareness of the hallmarks of public service media and its role in democracy. As well, discussion or interventions regarding it are lacking. Owing to these concerns, there is the possibility that public service media is being side-lined by the urban elites, civil society and politicians. Whatever the motives, it will be a challenge to persuade the people and civil society to agitate for public service media, therefor it is essential to mobilize and raise awareness amongst the people and civil society about public service media. Another challenge is to get both groups to agitate for a policy framework to convert state- owned media into independent public service media. It is easier to introduce a new concept to a country rather than attempting to reform an existing system. Most importantly, without the co-operation of the government, it will not be possible to transform State owned media into independent public service media. As well, it will require support through the constitutional guarantee of freedom of speech and judgements of court cases that would result in the drafting of applicable laws. Often any attempts to amend or change existing rules and regulations of an institution will be met with resistance by those siding with the opponents. Therefore, any attempts to introduce changes to State-owned media should involve care and patience and not be hurried.

ACKNOWLEDGEMENT

The author would like to express his gratitude to IREX and National Secretariat for Media Reforms (NSMR), for funding this research under Media Empowerment for a Democratic Sri Lanka (MEND) Program.

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