

TV & VIDEO WATCH 3

By Anthony D'Silva

THERE is no existing law, nor any law enacted by Parliament, restricting the rights of citizens to carry on the business of establishing and running broadcasting stations. Hence, the complete restraint on all citizens of India from exercising their right to

freedom of speech and expression through the medium of setting up broadcasting stations for radio and

television is clearly ultra vires, Article 19(1) (a) of the Constitution of India. That is the gist of the writ petition

Writ puts govt. in tight spot



Mr. Minoo Masani (above) and Mr. P.C. Chatterjee have challenged the government's monopoly over the medium of broadcasting. The petition has put the government in a tight spot as all along it has been running the two media, radio and TV, as a monopoly without the backing of the constitution of law.

filed by two eminent persons, Mr. Minoo R. Masani, former Swatantra MP and member of the constituent assembly and Mr. P.C. Chatterjee, former director-general of All-India Radio. The petition was admitted by Justice Variava of the Bombay high court last Friday but the date of hearing is yet to be fixed.

The petition challenging the government's monopoly over the medium of broadcasting has put the government in a tight spot as all along it has been running the two media, radio and television, as a monopoly without the backing of the Constitution or the law. The admission of the petition has led a heated debate among communicators and people working in the media as to whether individuals can establish and run their own broadcast-

company for the purpose. It is proposed that the board of directors of this company shall comprise men and women of high standing and integrity, as also with a knowledge of the technical aspects of broadcasting. Initially, the headquarters of the proposed broadcasting station will be in Bombay.

The writ petition is a sequel to an exchange of long correspondence between government agencies and the two personalities. It began in September 1986 when the petitioners addressed a letter to Mr. V.N. Gadgil, the then minister of information & broadcasting, applying for a licence to establish two broadcasting stations, one for radio and the other for television, to function alongside AIR and Doordarshan. The letter pointed out

that the purpose of establishing these broadcasting stations was to supplement what the government agencies were doing in a manner that would be objective, and not committed, as the government agencies are, to the official point of view.

Either the minister did not understand the portents of the letter or sought to sidetrack the issue by sending a copy of the proforma for application for the grant of a licence under the Indian Telegraph Act, 1985. Mr. Masani pointed out that the proforma had been forwarded due to a misunderstanding regarding the nature of the request. As the letter had stated that the petitioners' letter had been forwarded to the I&B ministry for 'necessary action', Mr. Masani then wrote to Mr. Ajit Panja, minister of state for I&B on December 26,

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In other parts of the world independent radio and TV stations are allowed. In the United States there are hundreds of radio stations and several TV stations functioning independently. But in some countries there are specific laws conferring monopoly of television and radio on certain bodies; for example, in Britain there is an act of Parliament which confers the right exclusive on independent Television Authority (ITA) and the British Broadcasting Corporation (BBC). But in India, neither the British nor the framers of the Constitution bothered to have any

there. And the matter ended country." broadcasting service in any part of the a licence for setting up a private that "it would not be possible to grant Mr. Arjun Singh's final reply was

was "having the matter examined." Singh informed Mr. Masani that he stations. Seventeen days later Mr. setting up of private broadcasting agreeable in principle to permit the not the government of India was and give a suitable reply whether or consult his colleagues in the Cabinet existed. They urged the minister to time to complete such a form, in any facilities for broadcasting, nor had the was no form in existence to ask for that, as far as they were aware, there past correspondence. They submitted March 10, giving details about the minister for communications, on addressed a letter to Mr. Arjun Singh, Accordingly, the petitioners Telegraph Act, 1965.

Communication under the Indian has to be issued by the Ministry of operate a broadcasting transmitter He wrote, "The licence to own and passed the buck to another ministry. In a subsequent letter Mr. Panja

Subsequent letter

being examined." letter and stated that "the matter was year Mr. Panja acknowledged the in western India. In February this setting up of two broadcasting stations consider the proposal regarding the once again requested the minister to government of India. The petitioners decision which had to be taken by the was far-reaching and involved a policy wireless transmitter and their request not applying for a licence to own a 1966. It was made clear that they were



an races in and bowls."



he return comes in."



"Radio and Television are as much a medium of expression as the written and spoken word," says Mr. Masani, who was a member of the advisory committee on Fundamental Rights and an MP from 1945 to 1970 and has at all times been a champion of individual freedom and human rights. "There is nothing in the Statute that gives the government monopoly of radio or television."

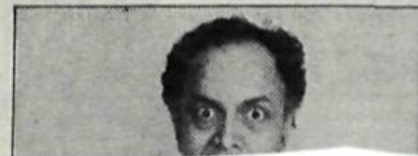
Mr. Masani and Mr. Chatterjee are not just toying with the 'loopholes' in the Constitution; they are seriously considering the possibility of setting up independent television and radio stations. As Mr. Masani puts it, "We intend to establish a public limited



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"Imran races in and bowls."



have to hurry "



"The return comes in."

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laws concerning the rights of broadcasting.

Mr. Masani contests that the Indian Wireless Telegraphy Act bars private individuals from setting up broadcasting stations. "The act makes it abundantly clear that it was enacted not with a view to create in favour of the government a monopoly in broadcasting to the exclusion of all citizens of India, but with a view to regulate the possession of wireless and telegraphy apparatus in India and with a view to ensure that the Indian State Broadcasting Service is not deprived of its fees for licences for wireless apparatus."

The petitioners contend that AIR and Doordarshan has not been set up under the provision of the Indian Wireless and Telegraphy Act, but as departments of the I&B ministry.

Basic to democracy

Mr. Masani feels that the freedom of speech and expression, including the freedom of the press and the freedom to express oneself through other means such as broadcasting on radio and television are not only valued freedoms in themselves, but are basic to a democratic form of government which proceeds on the theory that the problems of government can be solved by free exchange of thoughts and by public discussion.

In the past the government has refused to even consider giving autonomy to AIR and Doordarshan, let alone private broadcasting stations to function alongside AIR and Doordarshan. The result of such monopoly is there for all to see - a blatant mouthpiece of the government, for the government, by the government, as far as the news is concerned, and crass unprofessionalism as far as other programmes are concerned.

Masani's petition will bring into focus the issues connected with broadcasting in India. It is time intellectuals and mediamen all over the country lend their voice to demand a more democratic functioning of television and radio.



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