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Petition against Govt monopoly in broadcasting

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BOMBAY, Sept. 9.—Two eminent citizens, former Parliament member Minoo Masani and All India Radio former Director-General P. C. Chatterjee, have filed a writ petition in the Bombay High Court challenging the Government of India's monopoly in broadcasting through All India Radio and Doordarshan.

Contending that "under the Constitution of India, these facilities (broadcasting services) are open to Union of India, State Governments, and also to the people of India", the petition prays for a declaration that Government monopoly of AIR and Doordarshan is ultra vires Art. 14, 19 (1) (A) and 19 (1) (G) of the Constitution of India and for the court to order the Government to permit the establishment of broadcasting stations for radio and television in the western region of India alongside AIR and Doordarshan.

The petitioners have filed this petition because the Union Government has rejected their application seeking permission to set up an independent broadcasting station for radio and tele-

vision in western India with medium power transmitters.

The petitioners have submitted that they wished to form a Bombay-based public limited company for this purpose, comprising men and women of high standing and integrity and with knowledge of the technical aspects of media communication. They had made it clear, in their application to the Minister for Information and Broadcasting that "the purpose in establishing these broadcasting services was to supplement what the Governmental agencies were doing... in a manner that would be objected, and not committed, as the Government agencies are, to the official point of view, both in regard to news and features."

The petition says, on April 28 last, the Ministry of Communications turned down the application saying that it would not be possible to grant a licence to set up a broadcasting station. This writ petition against this decision of the Union Government points out that AIR and Doordarshan are departments of Government and as such function "under the total con-

trol and supervision of the Ministry for Information and Broadcasting."

Conceding that the State has the power under the Constitution to impose reasonable restrictions on this fundamental right, the petition points out that these "reasonable restrictions" are to be "imposed by law" and that too in the public interest of both the State and private agencies. It draws attention to the parallel between the freedom of the Press guaranteed under Art. 19 (1) (A) and the freedom to express oneself through the medium of radio and television. The "right to freedom of speech and expression includes all forms of expression which are necessary for communication between persons and the right to set up broadcasting stations for radio and television."

The petition states that "it is manifestly in the public interest to permit the dissemination of news by parties other than those controlled and owned by the State" the petitioners point out that the "free flow of information, and the voicing of opinion, even if it be critical of the Government, is basic to any democratic society; the free suppressed."

Press in this country serves, in a large measure, this vital and basic function. However, the most potent medium for disseminating news in the country is wholly and solely within the control of the Government... no democratic Government should be permitted to exercise power to choose what information and news should be allowed to be disseminated and what information and news should be suppressed from the people. The Government, through AIR and Doordarshan, does precisely this... the only way in which the citizen of this country can obtain news and information in a free and objective manner is by creating of broadcasting stations independent of Government control."

The petitioners have drawn attention to a study carried out by the Indian Committee for Cultural Freedom and the Indian Liberal Groups to monitor the broadcast of the news in English by Doordarshan. The study, covering a period of 90 days between April and August 1986, clearly establishes the biased manner in which the news is broadcast, and, what is worse, in the manner in which important news is suppressed."