

SC directive on AIR, TV autonomy plea

Express News Service
NEW DELHI, April 28.

The Supreme Court today issued notice to the Union Government, the Directors-General of All India Radio and Doordarshan on a writ petition moved by noted journalist Romesh Thapar, virtually seeking autonomy for the electronic media.

Counsel for the petitioner, Mr. A. G. Noorani, explained that it was a public interest litigation pointing out the violation of the Fundamental Rights of the citizens.

Chief Justice R. S. Pathak and Justice Ranganath Misra asked the respondents to file their replies by July 21.

Mr. Noorani argued that at present the radio and television are given the status of "attached offices" of the Information and Broadcasting Ministry. Therefore, the radio and television must be declared "State" under Article 12 of the Constitution.

Once they are declared "State", they should be subjected to the Fundamental Rights of the citizens.

The right to information and the right to know are included in Article 19 (1) of the Constitution. The Right to Equality Article 14 and the Right to Liberty (Article 21) are also enforceable against the radio and doordarshan, counsel submitted.

He said that radio frequencies are scarce natural resources and the Government of the day cannot use it for partisan purposes, as is being done now. It should be used for public purpose.

"The radio frequency spectrum allotted to India by international agreements is a limited natural resource and a national asset to be used exclusively in accordance with the Constitution for public purpose and in national interest," Mr. Noorani stressed.

He further explained that in all democratic countries governed by the rule of law the status, objects, functions and powers of the public broadcasting and television services

Continued on Page 9

SC directive on AIR, TV autonomy plea

Continued from Page 1

are defined by law. But there existed no such legislation in this country and therefore these media operated as instruments of the Government of the day.

The entire organisation is run and is capable of being run according to the wishes and to promote the interest of the political party in power at the Centre and its leader, Mr. Rajiv Gandhi, the Prime Minister, he pointed out.

Mr. Noorani cited instances where the citizens' right to know the details of important developments were denied. Views critical of the records on Punjab, Mizor and Assam were not allowed to be broadcast. The views of former Supreme Court Judge, V. R. Krishna Iyer, on India's nuclear options were omitted from 150 seconds to 16 seconds without referring it to him.

Contract quoted a study by Mr. L. P. Singh which found that except the Congress(I) functionaries, no one was satisfied by the election coverage of these two monopoly media.

UNI adds: Mr. Thapar submitted that the radio and television were bound under Articles 14, 19(1)(A) and 21 of the constitution not to put any one from expressing his views.

The respondents, the petition alleged were abusing the spectrum held in trust and thereby violating the Constitution.

The petitioner said that three committees - Chanda Committee (April 18, 1966), B. G. Verghese Committee (February 24, 1978) and P. C. Joshi Committee (March 19, 1985)

had already recommended autonomy for the AIR and Doordarshan. On May 16, 1979 the Prasar Bharati (Broadcasting Corporation of India) Bill was also introduced in Parliament, but it lapsed with the fall of the Janata Government.

Mr. Thapar contended that no steps whatsoever had been taken even after the three Committees' reports to use the public broadcasting system in the national interests.

One of the main prayers of the petitioner is that the Court must ask the Government to frame a scheme for the organisation, station and functioning of the public media which would be in conformity with the Fundamental Rights of the citizens.

The petition also seeks an order directing the Government to stop violating the Fundamental Rights.

Counsel drew heavily on American Supreme Court decisions which stressed that the electronic media must be shared by people of all viewpoints as the frequencies available to a country are very limited. He pointed out the rules and regulations of the Western democratic countries to stress the point.

He clarified that he was not seeking a licence to set up a broadcasting station as some petitioners have done in the past. The scope of the petition is limited and it is in public interest, he added.