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Govt monopoly over radio, TV 'illegal'

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The Government's refusal to permit independent radio and TV broadcasting stations is in violation of the fundamental right of freedom of speech, asserts eminent advocate Minoo Masani.

In a writ petition filed in the Bombay High Court on Monday, Mr Masani has challenged the Government monopoly in the broadcast media.

Mr Masani has alleged that the restraint on Indian citizens to set up broadcasting stations is clearly ultra vires of Article 19(1) (a) of the Constitution.

The petition, which comes up for hearing in the next few days, has been filed jointly by Mr Masani, a former MP, and the former director general of AIR, Mr P. C. Chatterji.

The petition challenges the 'illegal' monopoly exercised by the Government over the broadcast media.

The petition further argues that there is no legislation which purports to prohibit any citizen from engaging in the broadcast media.

It asserts that "just as the freedom of the press is encompassed within the right of freedom of speech and expression, guaranteed under Article 19(1) (a), the freedom to express oneself through the medium of radio and television is also encompassed the guaranteed right of freedom of speech and expression."

Quoting Article 19(2), the petition says the only permissible restraint of the right is in the "interest of the sovereignty and integrity of India, the security of the state or in relation to contempt of court, defamation or incitement to an offence" and for no

other purpose.

In the present case, the petition argues, there is no such legislation on the subject and the Government monopoly has been created by an executive/administrative fiat and as it is clearly violates the fundamental right of freedom of speech, it is null and void and of no legal effect whatsoever.

The petitioners insist that under the Constitution they have the right to set up broadcasting stations and the Government cannot prevent them from doing so.

The writ petition arose as a result of the Union Government's rejection of an application by Mr Masani and Mr Chatterji for permission to set up an independent broadcasting station for radio and television in western India with medium power transmitters.

They argue that the impetus for setting up an independent broadcasting station for western India with its headquarters at Bombay came from the biased dissemination of news and information by the Government controlled AIR and Doordarshan.

To prove their allegation, the petitioners have cited a study carried out by the Indian Committee for Cultural Freedom and the Indian Liberal Group, which 'clearly establishes the biased manner in which the news is broadcast, and, the manner in which important news is suppressed.'

The petition appeals for a declaration that the Government's monopoly of AIR and Doordarshan is ultra vires of Article 19 and, hence, null and void.

It has also asked the Court to order the Government to permit the establishment of broadcasting stations in the western region, alongside AIR and Doordarshan.