

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

Writ puts govt. in tight spot

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



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 Vaniya 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 communists and people working in the media as to whether individuals can establish and run their own broadcasting stations.

"Radio and Television are as much a medium of expression as the written and spoken word," says Mr. Masani,

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 contents 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 Panis, minister of state for I&B on December 26, 1986. It was made clear that they were not applying for a licence to own a wireless transmitter and their request

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 Constitutions; 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

was far-reaching and involved a policy decision which had to be taken by the government of India. The petitioners once again requested the minister to consider the proposals regarding the setting up of two broadcasting stations in western India. In February this year Mr. Panja acknowledged the letter and stated that "the matter was being examined."

Subsequent letter

In a subsequent letter Mr. Panja passed the buck to another ministry. He wrote, "The licence to own and operate a broadcasting transmitter has to be issued by the Ministry of Communication under the Indian Telegraph Act, 1985."

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

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

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

■ contd. on p. 18



he ball to go.
o runs to win."



ll have to hurry "



"Imran races in and bowls."



"The return comes in, "



You'll never miss the picture
on a Pyramid 2000.

It's so advanced, no outside disturbance can
affect the picture quality.

Whether it's a crow on the antenna.

A jet passing overhead.

Or a strong gust of wind.

volume

there's

or 120 f

the Pyra

It's so advanced, no outside disturbance can affect the picture quality.

Whether it's a crow on the antenna.

A jet passing overhead.

Or a strong gust of wind.

And that's just one of the many virtues of

Pyramid 2000.

Space permits us only passing mention of the others.

A brightness sensor boosts dark pictures and subdues over-bright ones.

Auto-search tuning locks on to the broadcast frequency for perfect reception.

And a colour correction circuit keeps colours stable from one programme to another.

Pyramid 2000 also has a twin speaker system for richer, clearer sound.

On-screen displays for brightness, colour and

volume

there's

or 120

the Pyr

nics Division), AHMEDABAD: Plot No. 00432/A,
Y: 8th floor, Shah House, Shiv Sagar Estate, Dr. Am
tg, Band Park, Jaipur 302 016.

est!

Govt. in a tight spot

■ contd. from p. 12

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.



PARKER



FRED BASSET

by graham



Centre's control of AIR, TV contested

By A Staff Reporter

BOMBAY, September 9.

THE Central government's refusal to grant a licence to a private party to establish television and radio stations has been challenged through a writ petition filed before the Bombay high court.

The petitioners, Mr Minoo R. Masani, former Swatantra M.P. and member of the constituent assembly, and Mr P. C. Chatterjee, former director-general of All-India Radio, said the monopoly created by the government in creating AIR and Doordarshan to the complete exclusion to other citizens was ultra vires of Articles 14, 19 (1) (a) and 19 (1) (g) of the constitution.

They prayed that the high court direct the Union of India to forthwith withdraw and cancel an impugned letter of refusal dated April 28, 1987, and permit the petitioners to establish broadcasting stations for radio and television in the western region.

The two applicants said they wanted to set up an independent broadcasting station for radio and television to function alongside AIR and Doordarshan. They intended to set up a public limited company with a board of directors comprising men and women of high standing and integrity

as also with a knowledge of the technical aspects of media communication.

A letter dated September 11, 1986, was addressed to then information and broadcasting minister, Mr V. N. Gadgil, for a licence to establish two broadcasting stations, one for radio and the other for television.

They stated in their letter that the purpose in establishing these broadcasting services was to supplement what the governmental agencies were doing both by way of education and information. They sought to purvey these in a manner that would be objective, and not committed, as the government agencies were, to the official point of view.

The Union communications ministry sent a letter to Mr Chatterjee informing him that it would not be possible to grant a licence to set up a broadcasting station. The letter was dated April 28, 1987.

The petitioners submitted that AIR and Doordarshan as departmental limbs of the information and broadcasting ministry functioned under its total control and supervision.

Therefore, the Union government's refusal to permit them to set up two broadcasting stations, one for radio and the other for television, amounted to a clear violation of their fundamental right to freedom of speech and expression guaranteed under Article 19 (1) (a) of the constitution.

10/9/87

ad, Bombay 400 001.

SCHEMES

,000

olders
d
yees

554

C. MONTHLY INCOME SCHEME

Period	Amount*	Monthly Interest
Three years	Rs.9,000	Rs.105
Three years	Rs.12,000	Rs.140
Three years	Rs.15,000	Rs.175
* Only in above denominations		

multiples of Rs.1,000 shall be accepted.
 dispatched every year in advance.
 branches of State Bank of India.
 the Collection Centres of the Company.
 accepted on special terms.

	As at 31 3 87	As at 31 3 86
	915 95	931 48
	138 31	93 05
	984 91	802 39
	205 24	231 17
nditure	6 88	0 48
Total	2251 29	2058 57

Contingent Liabilities	As at 31 3 87 (Rs. in lacs)	As at 31 3 86 (Rs. in lacs)
s outstanding in favour of the Government and other	132.44	26 91
of contracts remaining to be executed on capital	32 45	5 78