

Supreme Court Judgement on Airwave

CC- 102 Unit- 3

In February 1995 SC said, "In the interest of ensuring plurality of opinions, the broadcasting media cannot be allowed to be under a monopoly of anyone - be it the monopoly of government or of an individual body or organization. Government control, in effect, is not conducive to the free expression of contending viewpoints".

Union of India vs. Cricket Association of Bengal

- The airwaves or frequencies are public property. Their use has to be controlled and regulated by a public authority in the interest of the public and to prevent the invasion of their rights.
- The right to impart and receive information comes under the right to freedom of speech and expression guaranteed by Article 19(1)(a) of the constitution. A citizen has fundamental right to use the best means of imparting and receiving information and as such to have an access to telecasting for the purpose. However, the right to have an access to telecasting has limitation on account of the use of the public property, viz., the airwaves, involved in the exercise of the right and can be controlled and regulated by the public authority. This limitation imposed by the nature of the public property involved in the use of the electronic media is in addition to the restriction imposed on the right to the freedom of speech and expression under Article 19(2) of the constitution.
- The central government shall establish an independent autonomous public authority representative of all section of society to regulate use of airwaves.

In the same judgement SC said, airwaves constitutes public property and must be utilised for public good. No individual has a right to utilize them at his choice and pleasure and for profit. **The right to free speech does not include the right to free use airwaves which are public property.** It can be use if allowed by statue body and in accordance with such statute.