CAN PRASAR BHARATI CENSOR A CHIEF MINISTER'S SPEECH?

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It was sad to see Prasar Bharati getting into an avoidable controversy and as it's former CEO, I was asked endlessly: was it legitimate and proper to 'censor' the pre-recorded Independence Day speech of the Chief Minister of Tripura? Legitimacy and propriety are two distinct issues, but let us first look at the legal aspect. In 1995, the Supreme Court of India ruled that "it is imperative that the parliament makes a law placing the broadcasting media in the hands of a public or statutory corporate …… whose constitution and composition must be such as to ensure its/their impartiality in political,economic and social matters and on all other public issues."The Supreme Court also directed the public broadcaster to "ensure pluralism and diversity of opinions and views".

Incidentally, parliament had already passed an Act in 1990 to take control over All India Radio and Doordarshan away from the government and vest it with an autonomous public broadcaster. But Narasimha Rao's government sat over it for five years and it was only in 1997 that the ministry was compelled to take it out and operationalise it. Section 12 (2) (b) of the Act of Parliament makes it clear that Prasar Bharati's duty is of "safeguarding the citizen's right to be informed freely, truthfully and objectively on all matters of public interest, national or international, and presenting a fair and balanced flow of information including contrasting views without advocating any opinion or ideology of its own". The public broadcaster is in a weak position to raise questions on the speech of the Tripura CM speech and the fact that it did televise his public event on Independence Day is a different matter altogether. There is a Broadcasting Code which DD and AIR refer to often but that does not cover such eventualities and cannot overrule the law. The CM may have used strong words like "conspiracies" but the crux of what he stated is not untrue. The rather sad fact is the ruling party's mentor organisation did not take part in India's struggle for freedom. DD can, of course, raise questions if what one says falls within the ambit of, say, Section 153A of the Indian Penal Code. It cannot "promote enmity on grounds of religion, race, language, etc" and this is one legal provision that could be used more effectively to punish hate crimes all over India.

There is one similar incident which is necessary to recall. When the 2014 general elections were on, the News Wing of DD interviewed Narendra Modi, who was then the opposition candidate. Prasar Bharati had no prior information but when this

recording was not being telecast, all hell broke loose and we had to step in, to advise the DG of DD's News wing to air it forthwith. The News Wing however decided, either on his own or after consulting someone, to telecast it after editing out some parts where Narendra Modi had described Sonia Gandhi's family. We thus had another row though one could understand the worry of government servants who run DD and AIR. It was like DD broadcasting a speech made by Rahul Gandhi or by Mamata Banerjee at present. The BJP obviously alleged that this "censoring" was inappropriate and and Prasar Bharati had to givewritten instructions once again, to telecast the complete unedited interview. Narendra Modi would not let a wide ball like this go unpunished and he came out castigating the "decline" in journalistic freedom in the public broadcaster, which he said invoked "horrific" memories of the Emergency."

Modi continued to air his grievances against Prasar Bharation World Press Freedom Day which was incidentally on the very next day, the 3rd of May 2014. He tweeted that he "was very sad to see our national TV channel struggling to maintain its professional freedom." In an ironic twist, the wheel seems to have turned a complete circle, and while Prasar Bharati has reportedly not broadcast Tripura CM's speech, Modi's interview was actually in 2014, in spite of nay-sayers.