

(1981) 05 DEL CK 0001
In the Delhi High Court
Case No : C.W. No. 93 of 1974

P.L. Lakhanpal

APPELLANT

Vs

Union of India and another

RESPONDENT

Date of Decision : 28-05-1981

Acts Referred:

Constitution of India, 1950 — Article 14, 19, 19(1)(a), 19(1)(g), 19(2)

Telegraph Act, 1885 — Section 4

Wireless Telegraphy Act, 1933 — Section 2(2), 2(2A), 3, 4

Citation : (1981) 05 DEL CK 0001

Hon'ble Judges : N.N. Goswamy, J; D.K. Kapur, J

Bench : Division Bench

Advocate : P.N. Lekho, with B.P. Aggarwal and Mrs. Neena Aggarwal, for the Appellant; Abdul Qadar with Mrs. Vijya Rao, for the Respondent

Judgement

D.K. Kapur, J.—This petition under Art. 226 of the Constitution raises a question which brings to light an interesting aspect concerning the citizen's right to claim a licence for operating a transmitter for commercial and other purposes of a general nature. According to the statement in the petition, the petitioner is a Journalist by profession and Editor of a Weekly known as the "Evening Views". He applied to obtain a licence for a 100 Watt Medium Wave Broadcasting transmitter which has been rejected. The petitioner claims that the rejection is both mala fide as well as unconstitutional.

2. The facts show that the petitioner was advised by letter dated 5th May, 1973, by the Assistant Wireless Adviser to the Government of India, that a licence was necessary to maintain and work a Wireless Station in India and he was sent a copy of the prescribed application form. The petitioner sent this form duly filled in along with a letter dated 29th Sept., 1973, in which he stated that he claimed the licence as a matter of right under the fundamental right of freedom of speech and expression guaranteed under Art. 19 (1) (a) of the Constitution to be exercised through the medium of broadcasting. He also stated that if he did not get a letter sanctioning the licence, he would move the Supreme Court under Art.

32 of the Constitution to enforce his fundamental right under Art. 19 (1) (a) of the Constitution. He made it clear that he wished to set up the broadcasting station to disseminate news, comments on current issues of concern to general public including commercial programmes which would highlight opposition views and also news concerning opposition parties and Latin American countries. The Station would announce itself as Voice of India for English broadcasts and Bharat Vani for broadcasts in Hindi and Urdu. It can well be seen that the petitioner had in view a test case to determine his fundamental rights of operating a broadcasting station even when he applied for permission to operate a broadcasting licence and eventually he moved this Court by means of this petition.

3. On 13th Nov., 1973, the petitioner was informed that it had not been possible to grant the licence in the interest of public order.

4. In his petition, the petitioner claims that only reasonable restrictions can be placed on his right of freedom of speech and expression and no general blanket refusal of the licence is valid. This he claims as an unreasonable restriction imposed in disregard and violation of the constitutional guarantee. Alternatively, it is claimed that S. 4 of the Wireless Telegraphy Act, 1933, is ultra vires of Art. 19 (1) (a) of the Constitution. Under this Article, the petitioner claims to practise his profession, trade or business of disseminating news and views, and also, claims that the impugned letter is not saved by Art. 19 (6) of the Constitution, In addition there is a claim that natural justice required that he should be given, a reasonable opportunity of presenting his case and the concerned authority had not acted fairly, impartially or reasonably.

5. Another argument made in the petition is that in a democratic set up with constitutional guarantees of freedom of speech, the respondents had stifled comments from the opposition parties by denying the licence; it could not be said that this was in the interest of public order because stifling the opposition was shocking to the conscience of the Constitution and undemocratic to the very core. It was further stated that "public order" signifies a state of tranquility. Furthermore, the opposition has as much right to preach faith of its political programmes as the party in power. He claimed that it was unreasonable and violative of the guarantee of the Constitution to say that dissemination of opposition views was against public order. In paragraph No. 22 of the petition it was stated as follows:--

It is no secret that the political party in power at the Centre dominates entirely on the time to get on the air its own views and those favourable to it.

The statements in the petition are of a political nature, but nevertheless, the question whether a private individual can have an independent Broadcasting Station operating on the general Medium Wave Band raises a question of some importance as far as individual liberty is concerned. It is also noteworthy that during the time this petition has been pending in this Court, i.e., from 1974

onwards, there have been political changes, but no change in the law relating to any private person having been given a Broadcasting Licence. Even though the so-called opposition parties mentioned in the petition have themselves been in power at the Centre, they did not permit the petitioner to set up a Broadcasting Station. So, it would appear that the petitioner has a general grievance against the governmental monopoly of public broadcasting in India which no Government in power has conceded to a private individual.

6. In the affidavit in opposition, which is of Shri a.m. Joshi, Assistant Wireless Adviser, Ministry of Communications, it was claimed that the exclusive privilege of establishing, maintaining and working telegraphs was given to the Government by the Telegraph Act, 1885. It was for the Central Government to determine whether it could waive its exclusive privilege. It was further claimed that the Central Government had granted wireless licences for various purposes, i.e., point-to-point communications, mobile communications, wireless equipment on ships and aircraft and experimentation and hobbies. But the Central Government had never granted any licence to any individual for establishing, maintaining and working a broadcasting station. Certain rules relating to Amateur Service, Experimental Service and Demonstration Licence were mentioned in the affidavit.

7. It was further stated that broadcasting was a mass media capable of being used for contacting foreign countries. Its use could not be effectively controlled, so, the risk was such that it was not comprehended within the scope of Art. 19 (1) (a) of the Constitution. It would not be in public order to have the mass media operated by an individual. Moreover, if one licence was granted to an individual, it would mean that every citizen could also have a similar licence, which would create a total chaos in the broadcasting media. National and international Radio Regulations restrict the use of certain bands for certain purposes. These bands have to be used in such a way as not to interfere with other broadcasts. It was also claimed that in nearly all countries, broadcasting was Government controlled. On the other ground, it was claimed that none of the provisions referred to in the petition was ultra vires, and nor was there any breach or violation of natural justice in refusing the licence. Moreover, the restrictions contained in the latter were of a reasonable character.

8. A rejoinder was filed stating among other things that there were many countries which allowed private individuals and private Corporations to operate broadcasting stations. Amongst other matters, it was stated that there was a private Indian concern doing broadcasting at Bombay in July, 1927 and a similar firm at Calcutta in Aug., 1927. Even the British Imperialist rulers had allowed broadcasting programmes at Madras, Peshawar and Dehradun and by the YMCA at Lahore. The Principal of the Agricultural Institute had obtained a licence in 1935 and put out programmes till 1st Feb., 1949. This information was based on "Avasthi's Book on broadcasting in India. It was also claimed that the fact that some private individual had got licences entitled the petitioner to rely on Art. 14

of the Constitution.

9. The scope of the present petition can be enlarged if the questions raised by the petitioner are discussed from an idealistic or political viewpoint. However, we are not concerned with what should be the situation in a free and democratic society. We are concerned with the state of the law as it is and not as it should be. Though, there is some truth in the petitioner's contention that freedom of expression includes the freedom to employ any medium in whatever way the petitioner likes, it must also be understood that if the petitioner can get broadcasting licence, then no one can be denied a similar licence, and no doubt, control of a large number of broadcasting stations would raise problems relating to public order. However, leaving this aspect out of consideration, it has first to be seen as to what is the law under which a licence can be obtained.

10. The Wireless Telegraphy Act, 1933 states in S. 3 that save as provided in S. 4, no person shall possess wireless telegraphy apparatus except in accordance with a licence issued under the Act. In S. 4, it is stated that the Central Government may by rules made under the Act exempt any person or class of persons from the provisions of the Act. The 5th Section prescribes that the telegraph authority constituted under the Telegraph Act, 1885, shall be the competent authority to issue licences to possess wireless telegraphy apparatus in such manner and subject to such conditions, etc., as may be prescribed. "Wireless telegraphy apparatus" is defined in S. 2 (2) to mean any apparatus capable of being used in wireless communications, but it excludes some equipment which is used for other electrical purposes, unless it has been specially designed or adapted for wireless communication or forms part of some other apparatus. Sec. 2 (2A) defines "wireless transmitter" as being an apparatus, appliance, instrument, etc., used or capable of being used for transmission of wireless communication. The general definition of wireless transmitter apparatus shows that it includes not only a transmitter but also a receiver. Thus, nobody can use either a receiver or a transmitter without a licence. The Act has also defined "wireless communication" as being the transmission, omission or reception of signs, signals, images and sounds, or intelligence of any nature by means of electricity, magnetism, or Radio waves or Hertzian waves without the use of wires. Thus, the effect of the law is to bar the use of any wireless apparatus capable of being used for communications either as a transmitter or as a receiver except if a licence is granted. It is a matter of common experience that a receiver licence is not at all difficult to obtain, and in fact, recently there has even been a relaxation in respect of the necessity of getting a licence for small receivers. A licence for a wireless transmitter, though it is also a "wireless communication" apparatus, is however not so easily obtainable and apparently no such licence has ever been issued for public broadcasting. Such licences are however issued for specific limited purposes. This is why the petitioner has raised a question by applying for such a licence and on refusal he has moved this petition.

11. We now turn to the other Act which is the Telegraph Act, 1885. This Act states in S. 4 as follows:--

4. (1) Within India the Central Government shall have the exclusive privilege of establishing, maintaining and working telegraphs.....

The section gives the exclusive privilege regarding telegraphs to the Central Government. At first sight, this provision may seem out of place in this petition, but the definition of "telegraph" as at present is as follows:--

"telegraph" means any appliance, instrument, material or apparatus used or capable of use for transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, visual or other electro-magnetic omissions, Radio waves or Hertzian waves, galvanic, electric or magnetic means.

Explanation.-- "Radio waves" or "Hertzian waves" means electro-magnetic waves of frequencies lower than 3,000 giga-cycles per second propagated in space without artificial guide.

This provision shows that telegraph means any appliance, instrument, material or apparatus used or capable of use for transmission by wire, but also includes similar apparatus which employs electro-magnetic omissions, Radio waves or Hertzian waves. The explanation shows what is covered by the provision. Thus, the exclusive right to have a telegraph is vested in the Central Government. As a telegraph includes not only an ordinary telegraph, but also a telephone or a Radio or wireless set, it would mean that the exclusive right to own a telegraph, telephone and Radio is with the Government. As already stated, this privilege is considerably relaxed for the purpose of having telephones or Radio receivers. However, the case of a wire-less receiver is on quite a different footing from that of a wireless transmitter. It is clear from the Act that even an ordinary telegraph equipment with which a person can talk only to the person at the end of the wire is controlled by this Act. A Radio Broadcasting Station is capable of being used to communicate with anybody because it does not require a wire between the transmitter and the receiver as in the case of a telegraph. So, it would appear that unless the provision is ultra vires of the Constitution, the Government was well within its right to refuse to grant the licence to the petitioner. The same question will be examined later from a different standpoint, but at the moment, reference is being made only to the Act itself.

12. As is apparent from the discussion above, the law entitles the Government to refuse a broadcasting licence to the petitioner. So, in order to get the licence, the petitioner has to show that his fundamental rights are infringed or that the restriction granting the exclusive privilege to the Central Government is ultra vires of the Constitution. The first aspect of this question is whether the right of broadcasting is included in the freedom of speech and expression guaranteed by Art. 19 (1) (a) of the Constitution. At first sight, it would appear that the freedom of speech and expression has nothing to do with broadcasting. The fact that a person does not possess a wireless transmitter does not mean that his

freedom of speech is infringed. However, a closer examination of the concept would reveal that freedom of speech and expression is not merely the right to speak or the right to express, but it implies also that the right of communicating that speech or expression to others is guaranteed. If you shut a man in a jail cell, he may be able to speak in that cell and give expression to his views, but you cannot say that he is enjoying the right of free speech or free expression. The real right is the right to communicate the speech and expression to others. This is why it was urged in Gopalan's case that the detention of the petitioner deprived him of his fundamental right of speech and expression. It, therefore, means that, if you have the right of free speech and expression, you have also the right to communicate that speech and expression to others by all available means. One of those available means can be a broadcasting station. It can be a newspaper, it can be a loudspeaker, it can be by pamphlet; it can be by book or other document. It can be by speaking on the public platform in a public square and it can also be by using a microphone attached to a broadcasting station. Therefore, in the widest meaning of the word the right to broadcast is included in the right of free speech. Assuming that the petitioner has this right to similar type. So, every citizen can claim to have a broadcasting station. If every one has a broadcasting station and can use it in an uncontrolled manner, there will be chaos in the field of broadcasting. So, public order demands that there should be a regulation of the system. That regulation may be by any means. One possible regulation is to give the exclusive right of using the standard broadcasting wave-band for Government owned Radio Stations and to allow others to use other wave-bands. Broadcasting is covered by international conventions because the medium is to be used by all countries in all parts of the world. These international conventions have earmarked particular wave-lengths to particular countries. There is no un-restricted right to broadcast. This system of regulation is necessary so that every station can operate on its individual wave-length without interference with other broadcasting stations.

13. Therefore, on an analysis of the right, it would mean that theoretically there is a right but, practically it is a limited right. Then, the right to speak on the wireless does not imply that you must own a transmitter or own a broadcasting station. You can use this freedom by using another's radio station. Just like the case of an individual who wants to express himself through the media of newspaper, it is not necessary that such a person should own a newspaper or a publishing press, it is sufficient if he is permitted to get his views published through a newspaper which may be owned by others. If a public speech is to be made by a loud speaker, it is not necessary that the loudspeaker should belong to the speaker. The analysis of the fundamental right, therefore, shows that though the petitioner has the right to broadcast, he does not have the right to own a Broadcasting Station or to have his own Radio Station as part of the right of freedom of speech and expression.

14. Assuming that the right to own the broadcasting system or station vests in the citizen under the broadcast meaning given to Art. 19 (1) (a), it will have to

be seen whether the exclusive right given by the Telegraph Act, 1885 is not saved by Art. 19 (2) of the Constitution. The said provision reads:--

19. (2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restriction on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

One meaning which can be given to this provision is that Art. 19 (1) (a) will not affect the operation of any existing law. Therefore, S. 4 of the Telegraph Act, 1885, is totally immune to attack. Another meaning which can be given to this which seems to be a more acceptable one, is that the law should impose reasonable restrictions on the exercise of the right in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence. Of course, the ones that are affected by the grant of a broadcasting licence could be the sovereignty and integrity of India, the security of the State, friendly relations with foreign States and public order. As stated in the counter-affidavit, public order requires that there should be a regulation of the broadcasting media. This is to allow for free and convenient use of the broadcasting media without interfering with other existing stations.

It is well-understood that international conventions determine the wave-length on which a particular station can operate. The petitioner happened to apply for a station in the medium wave-band. This is the band from 200 metres to 550 metres wave length, or frequency 300 Kilo Hertz to 3 Mega Hertz. There has to be a separation of about 9 Kilo Hertz between stations to avoid interference, so only about 300 stations can work on this band without mutual interference. Being a crowded wave-band, considerable control is necessary. However, as the range of such transmitters is not great, there is not much interference between stations of one country and stations of another country. We have been given certain information from the Statistical Year Book published by UNESCO for 1978-79, which shows that there are many commercial Broadcasting Stations in North America broadcasting on the medium wave-band. In the United States of America, there are 4,451 Stations in this band and in Mexico there are 580. In Australia there are 122; in New Zealand there are 8. In Europe, Spain has 54 Stations and Portugal has 8. Japan has got 179 Commercial Stations and 314 Stations which are publicly operated. Thus, there are several countries which have commercial Stations. But, generally the majority of countries have Government controlled Radio Stations. As against this, it is well-known that there are a large number of amateur broadcasting stations throughout the world in the high frequency bands. This general information shows that commercial or private

broadcasting are permitted in a few countries even on the medium band. But, generally no such stations are operating and usually such radio stations are Government owned.

15. The manner in which the radio stations of the world operate in different countries is not of much help to us in determining the rights of the petitioner. This is all a matter of public policy. In one country, it may be thought more convenient to have broadcasting in the hands of the public rather than the State. Historical developments might be such that most stations are privately owned. This historical aspect of the matter cannot determine what are the petitioner's rights. The law in this country has placed the subject of broadcasting in the hands of the Government. There are numerous radio stations operating for the benefit of the public and they are all Government owned. There are no doubt numerous other stations which do not operate for public use, such as the stations used on aircraft by the police, by private amateur; by ships and by various other agencies. We are here concerned with the subject of broadcasting to the public. The petitioner wants to broadcast to the public. He does not want to use the media of broadcasting for private communications or for utilisation in connection with some private enterprise. He wants to broadcast to the public and he wants to express his views on the radio, just as the same might be used by a public speaker using a loudspeaker.

16. The question of loudspeakers has been dealt in at least two cases. In *Rajni Kant Verma Vs. State*, , it was held that the use of loudspeakers was not covered by the guarantee of free speech. However, in *Indulal K. Yagnik Vs. State and Others*, , it was held that the freedom of speech did include the right to use loudspeakers. This latter judgment refers to broadcasting also in the following passage (at p. 263):--

The learned Advocate-General contended that, if the contention of the petitioner were upheld, every citizen would be entitled to use radio for expression of his views and that there was no authority which went to the length of stating that a citizen had the fundamental right of establishing a radio station for himself. He contended that if the freedom were enlarged in this way, then, the security of the State was likely to be jeopardized. We cannot agree with these contentions. In our judgment, though the right guaranteed by Art. 19 (1) (a) has many facets, it is but one right. The right of speech and the right of expression are not two separate rights, but, they are two aspects of one and the same right, one being complementary to the other. This fundamental right is not merely a right to make use of one's larynx. It is not merely a right to make use of the human voice box. If this were so, it is quite clear that the right would be a futile right. Nobody would cherish the right to express his views to himself. No dictator has ever succeeded in preventing anyone, from hearing his own views. In order that the right may be effectively exercised and serve a useful purpose, the right should be not merely a right to make use of one's speech, but a right to express one's views to others.

The ideas expressed in this passage are similar to the one's expressed in this judgment where the right has been analysed. However, there is little doubt that the right is subject to regulation.

17. The said judgment of the Gujarat High Court proceeds on the basis that a complete ban on the user of loudspeakers is an infringement of the fundamental right of speech. It proceeds on the basis that a regulation is permitted, but not a total ban. We do not agree that a total ban cannot be placed in the case of broadcasting. In any event, the law as it stands, in fact does not place a total ban because it permits the use of radio under certain circumstances. As indicated above, there are many reasons for regulating broadcasting in a particular way. Even if radio broadcasting was completely banned, the nature of the ban would have to be tested under Art. 19 (2) of the Constitution. The terms of this sub-Article show that the restrictions have to be reasonable. What is reasonable in one case and what is reasonable in another must depend on the nature of the restriction and the nature of the media. For protecting the security of the State and to ensure friendly relations with foreign States, public order, decency or morality, a control on broadcasting which may amount to a complete prohibition except under a licence granted by the State does not appear to be an unreasonable restriction, keeping in view the nature of broadcasting and its use in international communications. In any event, the ban is not on broadcasting as such, but on ownership of the broadcasting media, i.e., the radio station, which is different from the freedom of speech as analysed earlier. There is no bar on the petitioner utilising somebody else's radio station for the purpose of broadcasting. In the circumstances, we reject the claim that the denial of the broadcasting licence to the petitioner infringes his fundamental right under Art. 19 (1) (a) of the Constitution.

18. The fact that broadcasting on a commercial or private basis is permitted in a different way in different countries like United States of America, Japan, Australia or Spain, does not in our view have any relevance to the manner in which the fundamental rights of the petitioner are to be understood under Indian law and under the Indian Constitution.

19. The next contention of the petitioner was that the denial of a broadcasting station, to the petitioner infringes the petitioner's fundamental rights under Art. 19 (1) (g) of the Constitution. It appears that as far as this clause is concerned, the case of the petitioner is best met by referring to Art. 19 (6) which enables the State to put reasonable restrictions on the exercise of the right. The provisions of Art. 19 (6) read as follows:--

Nothing in sub-cl. (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to:--

- (i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or
- (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

It is the last words in this sub-Article which seem to apply to the case of the petitioner. The State can make a law for the carrying on of a particular business by the State, or by a corporation owned or controlled by the State and this can be done by excluding, completely or partially, citizens from carrying on the said business. It appears that the provisions of law we have referred to earlier, place broadcasting squarely within the scope of Government operation. The existence of a Government owned broadcasting system and the monopoly created by the law in favour of the Government as far as broadcasting is concerned, is saved by Art. 19 (6). Of course, the law allows the Government to give licences to private broadcasters, but the grant of this licence would depend on the nature or the purpose for which such broadcasting stations may be used. It does not, therefore, appear that Art. 19 (1) (g) comes to the aid of the petitioner. The right to carry on the business of broadcasting can, therefore, be barred by legislation and it is so barred. It is barred only to the extent that a licence is required from the authorities. This discretion to grant a licence or not to grant a licence, has to be viewed in the circumstances from the angle that if every person could have a broadcasting station and could operate his own programmes, then chaos both in broadcasting and possibly in international communications would result. Therefore, it is not unnatural that licences are not generally granted for operating broadcasting stations commercially.

20. If we were to test the reasonableness of the restriction which prevents a person from having a broadcasting station except on the grant of a licence, we would on the same argument have to hold that the restriction is valid. The restriction is necessary to prevent chaos in the field of broadcasting. There have to be controls to ensure that the existing stations utilise the wave bands at their disposal in an orderly manner without interference from other stations. The requirement of a licence is therefore reasonable. No special case has been made out by the petitioner why a licence should be granted to him rather than any one else. He only wants to operate a 100 Watt Broadcasting Station in the Medium Wave Band. This is an extremely low-powered station with the strength of an electric bulb. No particular expertise exists as far as the ability to operate a broadcasting station is concerned. Nor does it appear that he is likely to meet any long-felt need of the public. So, it cannot be held that the respondents have acted unreasonably in refusing the licence. If the licence had been asked for in the "amateur band" which is specially designed for operation of low-powered radio stations on an amateur basis, then the application for licence would have to be viewed in a different way. As the application seeks a licence for broadcasting on a wave-band that is full of high-powered stations, the application can only be

described as being intended to raise a legal point rather than to be of any practical utility. We would, therefore, reject the petitioner's contention regarding the breach of his fundamental rights under Art. 19 (1) (g) of the Constitution.

21. This brings us to the next point raised in the petition which is the lack of hearing. It has been submitted that the petitioner was bound to be heard before his application for licence was rejected. A large number of cases has been referred to us regarding the necessity for getting a hearing. It has been urged that the rules of natural justice require that the petitioner's viewpoint should have been considered. It does not seem to us that the rules of natural justice are at all infringed in this particular case. The refusal to grant a licence is based on a policy. No particular viewpoint can be urged by the petitioner to defeat that policy. The licence has been refused on the ground that it is against public order to grant the petitioner a licence, because if he is granted a licence, then every other individual must also be granted one which would create chaos. This point appears to be unanswerable and we are not able to see how a hearing or a chance to re-present his case can alter this circumstance. A hearing is only necessary when something can be said, but if nothing can be said, it is quite unnecessary to go through an empty formality. We, therefore, reject the contention that the rejection of the licence is wrongful because it is contrary to natural justice.

22. Much of what is stated in the petition is concerned with the alleged stiffening of opposition to the Government. It has been contended that the opposition viewpoint is not allowed to be put forward on the Government-owned broadcasting system and, therefore, the rejection of the petitioner's application is political in nature. We do not at all accept this contention. We are not aware of anyone having a broadcasting licence to operate publicly in this country. Be that person pro the Government in power or against the Government in power, no licence has in fact been granted to any one. So, we fail to understand how it can be said that the petitioner's application has been rejected on the ground that it is by a person in opposition to the Government in power. Moreover, we cannot help noticing that during the period this Writ Petition has been pending, there has been a change in the Government at the Centre and a further change, but yet the petitioner was not able to get a broadcasting licence. This makes us believe that the rejection of the application is not at all politically motivated, but is based on a policy of not permitting commercial broadcasting in this country. It may be that this policy may one day be altered or a licence may be granted to some suitable person who can broadcast with extraordinary ability in the public field. It may be that the system prevailing in the United States of America, Japan or Australia and other countries noted earlier may also be introduced in this country, but till that is done, we fail to see how the petitioner can get the licence for a kind of a station he wants to setup.