

Indian high court bolsters press censorship on TV, Internet

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The Indian High Court has used the furor around the Uma Khurana “sting operation” programme to pressure the Ministry of Information and Broadcasting (IB) to increase censorship. Its intervention to curtail investigative journalism has far-reaching implications for freedom of the press, TV and the Internet.

The Delhi-based court wrote to the IB Ministry on December 14, saying, “In today’s age and world, the impact of media is far reaching. Electronic media as compared to print media has an added advantage because visuals have greater ramification and impact as it directly and immediately influences the mind of the viewer. With the growth of the number of News Channels and increasing popularity of ‘breaking news,’ electronic media has come to play a major role in stirring public opinion and consciousness.”

The court then proposed that those planning to broadcast programmes involving a sting operation be legally compelled to obtain permission from an IB Ministry-appointed committee. It proposed this committee be headed by a retired High Court Judge (appointed by the government in consultation with the High Court) and two others—one of whom should be the rank of Additional Secretary or above and the second one the Additional Commissioner of Police. The committee would only allow broadcasting of the programme “after satisfying itself that it is in public interest.”

The Editors Guild of India has condemned the High Court’s proposal as a “deadly one.” If implemented, “it would introduce a draconian, judicially-backed Emergency by the back door and would trample the fundamental rights guaranteed under the Constitution.”

The pretext for the court’s intervention was the broadcast last year of a sting operation involving a schoolteacher purportedly forcing a girl student into prostitution.

On August 30, 2007, the Live India channel aired a report in which a girl claiming to be a student at a New Delhi school accused teacher Uma Khurana of blackmailing female students into prostitution after drugging them and making pornographic CDs. The report led to hundreds of angry parents and residents flocking to the school premises, throwing stones and damaging nearby vehicles. After the mob attacked Khurana, she was arrested by police and sacked from her job.

When it was later established that the entire sting operation was stage-managed by a reporter, Prakash Singh, and that Khurana had been entrapped, the IB Ministry imposed a ban on Live India for a month.

Since neo-liberal reforms were brought in, in the 1990s, successive governments have attempted to pass laws in parliament to control the rapid expansion of hundreds of cable and satellite TV channels that have become a vital means of popular communication and discourse.

Exposures of corrupt politicians and various social injustices have sparked fears amongst the ruling elite of the medium’s ability to stoke social unrest.

In 2006, India’s Supreme Court issued a sweeping ban on protests and press coverage of opposition to the decommissioning of the French aircraft carrier ship *Clemenceau*. Opponents of the decommissioning pointed to the appalling conditions under which workers in the Alang demolition yard work and the environmental consequences of breaking up the contaminated ship. In the same year, the Congress-led United Progressive Alliance (UPA) government secretly ordered Internet service providers to block 17 Internet web sites, including the blogs hosted on blogspot.com, typepad.com and Geocities, following the July 11 Mumbai bombings, and then refused to publicly reveal which sites it had banned or explain why it had ordered them blocked.

Soon after, the UPA government’s IB Minister, Priya Ranjan Dasmuni introduced a draft Broadcasting Service Regulation Bill to regulate private broadcasting and punish those who violated the guidelines. These included the proposal that “The Central Government may at any time, if it appears necessary or expedient to do so in public interest, in respect of any broadcasting service, which is considered prejudicial to friendly relations with a foreign country, public order, communal harmony or security of the State, direct the Licensing Authority to suspend or revoke its license or direct the service provider to stop broadcasting its service or transmit in its broadcasting service such announcements in such manner as may be considered necessary, and the service provider shall immediately comply with all or any such directions.” However, because of strong opposition from the media, the government was unable to reach a consensus and steer the Bill through parliament.

After a failed attempt to bring in rules governing the content of programmes and a code of conduct for broadcasters in 2007, the government said it would announce in 2008 a new policy regarding the media and entertainment industry, involving various aspects such as piracy and digitalisation.

“We have formed five groups under the ministry on piracy, revenue matters, digitalisation among others. We will take a comprehensive view of all the five reports submitted by the groups and announce a new policy for media and entertainment industry next year,” Dasmuni said.

The Khurana case is an unusual one since most sting operations—and there has been a whole series of them—focus on corruption amongst politicians, bureaucrats and judges and the brutality of the police. These exposés, along with uncensored pictures and videos on Internet sites such as YouTube, have become extremely popular with the

masses and dangerous for the ruling elite. These are the High Court's real targets.

In 2001, a sting operation by *Tehelka* magazine exposed top politicians and military officers accepting large bribes as part of arms deals, plunging the Bharathiya Janatha Party (BJP)-led coalition government of Prime Minister Atal Behari Vajpayee into a major political crisis. BJP President Bangaru Laxman was forced to resign after a video showed him accepting 100,000 rupees, and Defence Minister George Fernandes, Railway Minister Mamata Banerjee and Minister of State for External Affairs Ajit Kumar Panja were compelled to leave the cabinet after they were implicated.

In 2004, Zee News reporter Vijay Shekhar carried out a sting operation, showing how fake bailable warrants could be procured from courts in return for a hefty amount of money. Four such warrants were obtained from a Gujarat court in the name of Indian President A.P.J. Abdul Kalam, Chief Justice of India V.N. Khare, a Supreme Court judge and a senior advocate.

The following year, Operation Duryodhan captured 11 MPs on camera taking bribes to raise questions in Parliament, leading to their dismissal from their parties and suspension from parliament. Ten MPs were from the lower house of parliament, the Lok Sabha; five of them belonged to the BJP, three to the Bahujan Samaj Party (BSP), one to the Rashtriya Janata Dal and one to Congress. One BJP MP was from the Rajya Sabha.

Then, Operation Chakravayuh exposed misuse of government funds for Member of Parliament Local Area Development Schemes (MPLADS). This led to the suspension from parliament of MPs Chandra Pratap Singh (BJP), Churchill Alemao (Congress) and Parasnath Yadav (Samajwadi Party), and to the Lok Sabha speaker ordering an enquiry.

During the 2007 Uttar Pradesh elections, a sting operation carried out by CNN-IBN news channel in collaboration with Cobrapost news portal showed nearly a dozen candidates of at least two key political parties accepting money and promising favours to their financiers after their election.

Candidates from the BSP included former state minister Awadh Pal Singh, who bought the party ticket from BSP supremo Mayawati for Rs.2.8 million; Kalyan Singh Dhore, who promised to have his financier's adversaries eliminated in fake police encounters for a price of Rs.5 million; and Satyaprakash Yadav, who boasted of having criminals and thugs on his payroll to help win the elections. Candidates from the Samajwadi Party like Prem Singh Daroga admitted that he funded his elections through *hawala* (illegal money) transactions, and Madan Singh Gautam was caught boasting that he had fielded at least four dummy candidates to cut into his rival's share of the vote. Finally, Rashtriya Kranti party candidate Vyas Muni Yadav gave Rs.600,000 to a BJP MP to buy the party's ticket.

Towards the end of last year, *Tehelka* journalists used a sting operation to get leading BJP politicians and officials in Gujarat to reveal their role in the 2002 anti-Muslim pogrom in the state. When the Gujarat district collector (state official) banned TV channels from airing the programme, IB Minister Dasmuni supported his action, saying "Ahmedabad collector D. Dwivedi did the right thing. I support it." He added that district collectors were authorised to ban telecasts of material found endangering peace and harmony under the 2002 Cable Television Networks Regulation Act.

One reason the Congress Party joined hands with the BJP-led administration in Gujarat to bury the *Tehelka* revelations was related to its pursuit of an electoral alliance with a dissident BJP faction in the

hope that it would secure victory in the upcoming state election.

Also last year, the Communist Party of India (Marxist) (CPM)-led Left Front government was severely criticised by the media after its land-acquisition programme for a chemical hub turned violent and led to the deaths of several dozen peasants in Nandigram. The massacre was graphically captured in video clips on YouTube, adding to the discrediting of the CPM.

The CPM has come to the aid of the ruling elite by calling for a "code of conduct" for the media. It seeks to justify increased state censorship with appeals to nationalism and denunciations of the often trite and reactionary fare broadcast by foreign media conglomerates. The draft political resolution released for the CPM's upcoming congress says, "The entry of Foreign Direct Investment into the media, where 26 per cent foreign capital is allowed, has made a section of the media more pro-western, anti-political and anti-communist. The purveying of mindless violence, sex and obscurantism has grown exponentially with the proliferation of the electronic media."

At the same time as the CPM criticises foreign investment in the media, the CPM-led state governments of West Bengal and Kerala, following the pro-investor model of China, are turning their territories into cheap-labour special economic zones for international and domestic capital. Peasants who have resisted the seizure of their land have been violently attacked.

The High Court and India's political elite are not worried by the victimisation of an innocent person such as Uma Khurana, but by how sting-journalism has served to discredit the corrupt judicial system, leading politicians of ruling parties, and state bureaucrats.

India's judiciary is playing a vital role in the ruling class's pursuit of neo-liberal reform. In recent years, the Supreme Court has aggressively attacked workers' rights, including the right to strike, and issued a series of judgments that strengthen the powers of proprietors and management and curtail the rights to dissent from and protest against government policy. Behind this mounting judicial assault on workers' and democratic rights lie the ruling class's recognition and fear of the massive opposition that exists to the mounting poverty, polarisation between rich and poor economic insecurity and social inequality that have been the outcome of the past two decades of neo-liberal reform.



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