

August 2004

Innovation in Media Censorship: Gujarat Experiment of Mini Emergency

Digant Oza

The situation prevailing in Gujarat is like that of a Mini Emergency and this is not the surmise of this writer but that of former Gujarat Chief Minister Keshubhai Patel, a senior leader of the ruling Bhartiya Janata Party. Just this one sentence speaks volumes about the state of affairs two and half years after the Godhra and Post Godhra Carnage.

This writer, however, has a serious disagreement with Keshubhai on two counts as the situation is even worse than the emergency:

In 1975, the Emergency was declared legally and even had some positive effects while the one in Gujarat since February 2002 is illegal, hidden and has only a negative impact.

In the present Gujarat scenario, whatever happens is without any formal censorship and unlike the equal treatment meted out to all offenders during the Emergency of 1975-77, the regime of NAMO (Narendra Modi as he is called by everybody in Gujarat) adopts two yardsticks: one for the pro-Hindu offenders who get away with their crimes and another for others who are dubbed "anti-Gujarat" and punished in many ways.

Gujarat violence was a tragedy that threw up, besides the mobs, two other major players: the government and the media. Government villainy has received worldwide attention and does not need repetition. It is the role of the media that escaped scrutiny all because they monopolize public discourse to the exclusion of dissent. The fratricidal violence in Gujarat left many dead, orphaned and homeless.

After the saga of blood, gore, rape, and loot, dissipated reporters returned to their metropolitan habitats for a churning of their conscience at that bar of public opinion, the Press Club of India. Because of the medium he was handling, Rajdeep Sardesai of NDTV was the most visible face of journalism. He said (Tehelka.com, 9 Mar. 02), "I personally follow one thing. We are supposed to report facts and tell the people what is happening. In this age, we have to tell the people what is happening all the time."

Facts have a complex character. They can be neutral, volatile and sometimes helpful. When facts are likely to convulse communities, reporters need discretion in transmitting them. That is the essence of social responsibility theory that requires the media to share the blame for adverse effects of their reporting.

The Constitution provides for freedom of speech and of the Press, and the Government generally respected these rights in practice; however, there were some

limitations. A vigorous and growing press reflected a wide variety of political, social, and economic beliefs. Newspapers and magazines regularly published, and television channels telecast, investigative reports and allegations of government wrongdoing, and the press generally promoted human rights and criticized perceived government lapses.

As society has become more complex and sophisticated, means of regulating unwanted people and systems have also become vivid and diverse. Earlier media was restricted to plays and print medium. And so its regulation was easily manageable. But now with the proliferation of T V Channels and omnipresent Internet media, regulation has assumed new dimension. Censorship is there in the name of regulations in the interest of the society.

China is known for its censorship. It has not spared even omnipresent Internet. It has blocked thousands of websites. Having requested some 204,012 distinct web sites, researchers found more than 50,000 to be inaccessible from at least one point in China on at least one occasion. Adopting a more conservative standard for determining which inaccessible sites were intentionally blocked and which were unreachable solely due to temporary glitches, we find that 18,931 sites were inaccessible from at least two distinct proxy servers within China on at least two distinct days. The impression is given that this is to block pornography. However, detailed researches by people from world over have found out that pornography no doubt is a target, but it is just a small area. There are many areas in which hundreds of sites have been blocked. The regulation is implemented through cyber cafe and Internet service provider. They have to give undertaking to the authority.

The idea of giving example of China is to draw a parallel with Gujarat. In China it is the system which is doing it while in Gujarat it is the whim of the Chief Minister who is doing it.

Here are few examples:

To make media quite helpless and at the mercy of the government, nothing is being done on the ground that a new media policy is being finalized. In past months it has not been finalised. Accreditation cards of undesirable journalists are not renewed. Even the cards that given are renewed are on 3-4 month basis. The entire category of senior journalists is deprived of renewal of their accreditation's because Chief Minister's dislike for one or few of them. Accreditation is required for security and other rules as well as basic facilities of moving in the government departments and talking to the responsible officers.

For the last almost two decades media representatives were traveling 28 Kms from Ahmedabad to Gandhinagar and back in Government bus. The Present Chief Minister stopped the Vehicle facility to reporters, and banned the briefing by ministers, that used to take place five days in a week, almost regularly.

The PRESSROOM in the Sachivalaya has been locked, Reporters have NO Place to work even if they happen to reach Gandhinagar on their own, i.e. without state Government Vehicle. The entry to non accredited journalists has been prohibited and

even for accredited journalists it is denied if their identity card is not handy.

The Chief Minister does not meet the press. Even the customary post cabinet meeting press briefing is not held generally. And when it is held, spokesmen of government speak very briefly and do not entertain questions.

If you want to start a new publication and want to file a fresh declaration what you need to do, anywhere in the country barring Gujarat, is to approach the district magistrate and apply in prescribed profile with five suggestive names in order of priority, than it is forwarded to the office of registrar of Newspapers in Delhi for further action. But Gujarat is an exemption your papers will not be forwarded to Delhi unless there is a positive report about the applicant from Local Police Station. It is innovation for gagging up the media even before its birth.

The Present Chief Minister is not accessible to media in general and reporters in particular. The organization called 'Gujarat Dainik Akhbar Sangh' (having membership of Gujarat dailies excluding Gujarat Samachar and Sandesh) which has a history of having meetings with all the previous Chief Ministers are deprived of a dialogue with Modi. Both Bhupat Vadodaria and Ramu Patel, the past and present presidents of Gujarat Dainik Akhbar Sangh requested for a formal meeting with Modi, but in vain. Similarly, no access to any media person, no dialogue with media person - All this in the name of security.

Since Narendra Modi took over, his ministers do not meet press. Though none admits, it is a fact no minister is allowed to speak to press without his permission. And his permission is rare. The formal periodical News conferences, which are denied more than they are organized, are a time bound affair but they are invariably declared over, even while reporters have just started putting their questions.

As a result of this, even senior bureaucrats run away at the sight of journalists. The overall effect of this style of functioning is of censorship at the source. So there is no need to go for open censorship.

A senior correspondent of a Gandhinagar based daily once asked a rather longish question in one of the rare news conferences of NAMO and the prompt reply came from Chief Minister, "Tamaru Chapun to nanu che ane Saval avado moto" (your Newspaper is small and you are asking such a long question). The question was, however, not answered.

Advertisements to newspapers have been reduced to minimum while cases have been slapped against number of newspapers on all kind of grounds. In one of its judgements, the Court felt that Government Advertisements are also a source of information apart from income, but the Modi Govt. denies these sources to all those newspapers that the Chief Minister does not like. The Vishwa Hindu Parishad and other Hindu organisation were publishing handbills suggesting economic boycott of the minority during the post-Godhra period in the year 2002, Similarly the state Government puts economic sanction on the Newspaper, to gag them. Gujarat Samachar got the Govt. Advts. restored through a court order and at present they are fighting a legal battle for the compensation for loss of Advt. during the period of stoppage. Jai Hind has filed a case in Gujarat High Court. Rajasthan Patrika is before

Press Council of India, another Gujarati daily, Divya Bhaskar, is yet to see Govt. Advt. in their columns even after 15 months of its existence. Both R.T. and D.B. are considered pro-BJP newspapers but their guilt is that they are not toeing the present CM's line. One newspaper rented out a part of the building it had constructed on land bought from government in special category and it was charged with commercial use of the building .

A case was filed against a newspaper that had bought a piece of land at a concessional rate in the special category. The charge was that it did not construct the building in the specific time frame. The fact was that the newspaper had to revise its building plan to meet post-Kutch earthquake requirements. Though the paper won the legal battle, the purpose of the government was to terrorise with a kind of censorship that is perpetrated against the non-accommodative newspapers and journalists every day.

Notices for closure of newspapers are issued on technical and legal grounds even when the point involved is some thing like informing the Magistrate about a change of editor or print.

The present Government of Gujarat has turned its Department of Information into a clarification department. A statement issued by president Gujarat Pradesh Congress Committee on his letterhead is clarified by Directorate of Information and Publicity. One editor questioned the clarification and lost advertisement for such a "Gustakhi".

The CM invites a team of selected journalists by name for official briefing over lunch; something never done in the past. He manages to get invitations for the inaugural flight of Air India for journalists of his choice. Certainly it was a move to reward his own men in the media and at the same time a move to create rift among journalists by a policy of carrot and stick. However, a national level controversy over the issue led to cancellation of freebies to the select journalists.

Censorship today doesn't necessarily need a pair of scissors. It can be done by the click of a button. Police across Gujarat, apparently on the orders from the government in Gandhinagar, is using its powers to gag the electronic media.

News channels across Gujarat, which were giving a blow-by-blow account of the riots, blinked off the television screens in several cities as the police silenced certain channels.

On that fateful Saturday during the riots, Ahmedabadis were cut off from the world in more ways than one. Forced inside their homes for the third consecutive day, desperate attempts of the people to know what was happening in the city were met with blank screens as the state government blocked all satellite news channels from beaming into city homes.

Exercising special powers, the then city police commissioner PC Pande issued notices to cable operators in the city, directing them to block all programmes that could incite violence, enmity between two communities and disrupt law and order situation in the city. Those not adhering to the directive would be subject to punishment, the notice said.

Following the same, all three news channels were pulled off air early morning by most cable operators. Blank screens irked residents no end who were depending on the news channels to provide them with updates on the situation in the city.

In Vadodara, Star News channel was blocked, while authorities in Surat blocked two local channels - MY TV and Channel Surat. In Rajkot, the then police commissioner Upendra Singh directed cable operators to block Star News and four local news channels. He also banned publication of special supplements of three local Gujarati eveningers.

"Most of the control rooms in the city received phone calls from the collector's office to black out Star News, Zee News, CNN and Aaj Tak," said president of the Ahmedabad Cable Operator's Association Pramod Pandya.

According to the then Surat police commissioner Vineet Gupta, directives had been issued to all cable operators to refrain from showing anything which was provocative. "We directed them not to show anything which could flare up communal sentiments or cause a law and order problem," Gupta said. (A legal explanation of the censorship.)

How can they black out the news channels when news is what we need the most, Vipul Patel, a resident of Manekbaug asked. An inquiry made to his cable operator revealed that the cable network hub near Dharnidhar Derasar has been set on fire; so restoring the service would take time.

Interestingly, most resident felt that blacking out news channels was actually more damaging as people then had no option but to rely on rumours. "We are not getting the news channels. Withholding information will only backfire as we would be forced to believe in rumours that are flying thick and fast", says Jigna Shah of Shahpur.

"We pay Rs 200 per month for cable services but in the critical time when we need to know local news, we are not getting the news channels. Right to information is a basic right. How can anyone snatch that right away from us," quizzed Shyam Sundar of Vejalpur.

Cable service providers when contacted confessed that they had received official notice ordering ordering to discontinue showing news channels in Gujarat till the riots were fully controlled.

In a move that has upset theatre circles, the Gujarat Censor Board has banned the performance of Sayeed Alam's historical play Maulana Azad in the state. The Urdu production, which explores the patriot's views on politics, music, jasmine tea, Mecca and Gandhi, was scheduled to play on November 9, 2003 at Ahmedabad's Darpana Academy run by Mallika Sarabhai. A week before that, however, a letter from the censor's office arrived stating that "in the present circumstances" a performance of the play would not be possible. The team was unofficially told that if the play was performed " hungama ho jayega."

Those involved say that the decision could be part of the campaign to target danseuse Mallika Sarabhai who has been singled out by the Narendra Modi government for speaking out against the state government's atrocities during the Gujarat riots in 2002.

Produced by Ashok Curang's Pierrot's Troupe, the play, which features Tom Alter in the lead role, has performed in Mumbai, Delhi, Dehra Dun, Mussoorie and Hyderabad without the whiff of a "hungama". "The censor board did not tell us specifically what they found objectionable about the play- whether it was the theme, title or dialogue," says Mr Alam, who is based in Delhi. "The play has been reviewed by almost every major paper in the country and there's no mention of anything controversial."

Mr Alam feels that what the censor board may have taken objection to is one line in the play where Azad, who is dictating his book 'India Wins Freedom' to Humayun Kabir says, 'To a large extent Sardar Patel was responsible for Partition.'

A short documentary film on the Gujarat riots, made by a group of Mumbai-based producers, was refused a certificate by the censor board, apparently because it "portrays the police and the government in bad light". The 22-minute Hindi film, called Aakrosh, or Cry of Anguish, consists of a series of interviews with survivors of the riots that ravaged Gujarat in March 2002. The Mumbai-based censor board, the Central Board for Film Certification (CBFC), has not picked on any particular scenes in the film as objectionable. But it says the entire film "depicts violence and reminds the people about the Gujarat riots".

Aakrosh was shot during the riots on a shoe-string budget of Rs 1 lakh and privately screened recently at the Hyderabad Film Festival organised by the South Asian Forum.

As the Godhra train carnage continues to evoke emotions and controversy, the film censors appear to be not taking any chances and have refused a certificate for the film 'Chand Bujh Gaya' on the riots in Gujarat in which the protagonist resembles Chief Minister Narendra Modi. After the rejection by the Central Board of Film Certification (CBFC), producer Faaiz Anwer and director Sharique Minhaj had approached the Film Certification Appellate Tribunal, which too rejected it in April, just before the general elections.

'Chand Bujh Gaya', starring Aamir Khan's brother Faisal Khan and Shama Sikandar, is a tragic love story set in the midst of the Gujarat riots, claim both Minhaj and Anwer. However, rejecting the appeal, the Tribunal said, "We are of the unanimous opinion that the film is full of gory visuals of violence and gruesome killings. Also, certain characters have definite resemblance to the real life personalities.

"Since the appellants are not agreeable to the suggested deletions, the Tribunal is of the opinion that the film, in its present form, will have an adverse impact on the people and may even lead to public disharmony."

Amnesty International alleges that the right of minorities to live in the country "as equals was being increasingly undermined by both state and non-state actors."

While referring to the Gujarat riots last year, it said that religious minorities, particularly Muslims, were “being increasingly targeted for abuse”. It warned that the BJP’s victory in the subsequent election in that state “on a communal platform” has strengthened the position of “Hindu hardliners within the party nationwide”.

The group regretted that its request for a visit to Gujarat in the aftermath of the massacres was “de facto denied” by the government in July. Regarding Kashmir, it said that India’s claims that armed opposition groups active there were enjoying Pak support “received international legitimisation in the context of the campaign against ‘terrorism’ led by the USA”. On the other hand the offenders go scot free.

"Akhbar is a window on South Asia, a free and open channel of information and dialogue from the Subcontinent. It is put together by a team of concerned scholars, social activists and volunteers working in various disciplines in different parts of the world." An On-line bi-monthly magazine with strong political and social concerns and a good "Documentation Center."

SOME Gujarati newspapers played a provocative role in the communal riots of June 25 to 27, 1998 in Bardoli, a small fast-growing town about 30 kms from Surat. They violated all professional norms of journalism. They published fabricated, biased and one-sided news reports which greatly contributed towards creating tension in the town. This was the conclusion of a 20-member fact-finding team comprising journalists, Sarvodaya workers, lawyers and professors, including this writer, which went to Bardoli in early July to investigate the truth behind these newspaper reports. The team established this after meeting members of the Vishva Hindu Parishad (VHP), Bajrang Dal and police as well as the principal of the local college, social activists and non-party people from the Hindu and Muslim communities in the riot-affected town. Bardoli's population, according to the 1991 Census, is made up of 89 per cent Hindus, 9 per cent Muslims and 2 per cent Buddhists and others. The story about the attack by a Muslim crowd on the midnight of June 26 in Bardoli which appeared in Gujarat Samachar and Dhabkar on June 27 was found by us to be completely fabricated. Photographs published in one newspaper were manipulated.

Gujarat Samachar had a four-column headline: "Muslims Retaliate in Bardoli: Disgusting Attempt to Set Fire to Three Innocent Children. Attempt to Rape Women, Idol of Ganpati Dada Broken". Dhabkar had a four-column headline: "Attempt to Set Fire to Halpatis and Maharashtrians at Midnight. Fifty Muslims Go to Mangifaliya at Midnight with Kerosene Tin and Arms". This was an attempt to instigate Halpatis, who are tribal agricultural labourers, and Maharashtrians, who are sugar factory workers in Bardoli, against Muslims. Mangifaliya is a locality in Bardoli.

Focussing on media coverage of Gujarat riots, Press Council of India has censured Gujarat Samachar and Sandesh in eight cases and has also underlined the need for revising the code of journalistic ethics in view of the emergence of the electronic media. The censure of the two prominent Gujarati newspapers and warning to Tarun Mitra, Saamna and Vishwamitra, for "transgressing" the norms relating to reporting on communal matters came when the Council recently adjudicated on 24 cases relating to media coverage of the riots.

It's been two and half years since the riots in Gujarat - violence that tore apart the Hindu and Muslim communities. Even today, the wounds are deep in several parts of the state, where Hindus have not allowed Muslim families driven out of their homes to re-start their businesses.

Sample this: A strict economic boycott will throttle the Muslims. It will break their backbone. Then it will be difficult for them to live in any part of the country. Friends begin this economic boycott from today..."

Two and half year after this VHP pamphlet was distributed all over Gujarat, its message is being lived out in villages such as Pavagarh in south Gujarat's Panchmahal district. Here, pilgrims visiting the magnificent Jama Masjid and ancient devi shrine now eat at food stalls run only by Hindus. This is because none of the nearly two dozen Muslim establishments burnt down during the riots have been allowed to restart, but the media managed to ignore this fact. Many people in Ahmedabad, especially among the Muslim minority, have been forced to change the way they live.

"They were asked to bend instead they crawled" was the famous line of criticism by the leader of the opposition in Lok Sabha, Mr. Lal Krishan Advani on the media behaviour during 1975 emergency. But in 21st century Gujarat media was not even asked to bend and they started doing "Dandvat Pranam". Shall we call it the result of innovation in censorship or shall we call it the generation gap?

Digant Oza (Editor – Jal Seva)
B-1, Neeldeep Apt., Opp. Sandesh Press, Laad Society Road, Vastrapur.
Ahemdabad-380015. Phone: (790) 26851230. Mobile No: 98250-69204
Email : satyajeet@icenet.net

Presented at the
Films For Freedom / Campaign against Censorship

Seminar
RESISTING CENSORSHIP / CELEBRATING FREEDOM OF EXPRESSION
New Delhi
