

ST-8
26/12

CAS chaos

Media

Panacea worse than the disease

It is an old Indian story. Vested interests create misery, the government steps in with legislation supposed to alleviate that misery, the legislation only serves to strengthen those very same vested interests. Conditional access system (CAS) had been touted as a consumer-friendly panacea for the ills besetting cable TV distribution in India; the cure is turning out worse than the disease. Problems had arisen because cable operators regularly underreported the number of subscribers they had, leading to broadcasters raising their prices to compensate for the loss of revenue. In addition cable operators provided poor quality signals and often maintained monopoly conditions by forcibly ejecting rival operators. But this was a mere glitch compared to what south Delhi, where CAS has been rolled out, is facing now.

Pay channels, that is to say the most watched ones, have been blacked out, and viewers are being told to purchase outright expensive set-top boxes (STB) if they wish for a resumption of those programmes, even though renting them against a refundable deposit is also supposed to be an option. In the ensuing chaos, even many free-to-air programmes have gone off air.

It's almost an impossible situation as one is forced to buy STBs from the local cable operator — there is no choice here. If one moves house to another operator's territory, one will have to junk one STB and pick up another. So also, perhaps, if the STB should malfunction, as it's not clear that the operator will, or can, fix it, and the manufacturers of the boxes are foreign and inaccessible. To compound matters, all pay channels are not available with all distributors, due to corporate rivalry. In other words, one may not be able to access the pay channels one wants, even if one is willing to pay for them. It's clear that not much thought has gone into the implementation of CAS. The root of the problem is that cable operators, distributors and broadcasters are unable to get their act together, and that hasn't changed with CAS. Moral of the story: it's seldom a good idea to force new technology down people's throats. If the authorities are serious about consumer choice, it should be really up to the consumer whether he wants to go through CAS for accessing certain channels, and government legislation on the subject is unnecessary, even harmful.

2003

THE STATESMAN

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Govt, cell cos connect on new regime

TIMES NEWS NETWORK

New Delhi: The government on Wednesday announced annual financial concessions of over Rs 960 crore for the telecom sector to end the tangle over the cellular operators migrating to a regime that brings all communication services under one licence.

Essentially, the move aims at taking care of the operators' interests against the single-licence regime. The cellcos have opposed the new regime on the ground that they had paid hefty licence fees and spent crores of rupees on setting up their networks, while the fixed-line service providers were offering full mobility through the wireless-in-local loop (WLL) technology without paying licence fees or spending much on infrastructure.

Before the announcement, the Cellular Operators Association of India (COAI) formally stated its commitment to withdraw its case in the supreme court against WLL and the Unified Licence Regime, and said it would support the government if there was any attempt to revive the case by any single operator.

Giving details of the package, communications minis-

ter Arun Shourie said from April 1, the licence fee would be reduced by two percentage points—from 12, 10 and 8 per cent—across-the-board. Simultaneously, an additional benefit of two percentage points reduction in revenue-share would also be granted to the first and second cellular licence holders till 2008.

However, this benefit would not be extended to the operators offering services in the four metros.

The minimum licence fee has been pegged at five per cent of the gross adjusted revenue, which would go towards the Universal Service Obligation (USO), Mr Shourie said.

He also said that his ministry would take the issue of allowing 74 per cent foreign investment in the telecom sector to the cabinet for approval. However, he said that while direct foreign investment would remain at the current level of 49 per cent, the additional foreign funds will be allowed to come from the FIIs.

Mr Shourie said the government would lose revenue to the tune of Rs 885 crore during 2004-05 on account of the reduction in the licence fees.

● Windfall for MTNL, Page 18

Bhujbal quits following attack on TV channel

Press Trust of India

MUMBAI, Dec. 23. — Under attack for allegedly scuttling investigations into the fake stamp paper scam, Maharashtra deputy chief minister Mr Chhagan Bhujbal today resigned, owning "moral responsibility" for an attack on a TV channel's office here earlier in the day.

Mr Bhujbal sent his resignation to chief minister Mr Sushil Kumar Shinde, hours after the attack on the office of Zee TV in Mumbai, by some people, said to be his supporters. Mr Shinde accepted the resignation.

Later, NCP chief Mr Sharad Pawar said at a press conference that he had asked Mr Bhujbal to resign, since he was the home minister and owed moral responsibility for the attack. The resignation had nothing to do with allegations against Mr Bhujbal in the scam, Mr Pawar claimed.

The resignation came amid Opposition salvo at him after an accused in the scam, inspector Dilip Kamath, wrote a letter to the Governor alleging interference in the

probe by Mr Bhujbal and his nephew, Samir.

Mr Bhujbal, however, claimed that the resignation was not linked to the Telgi scam, because he had not done anything wrong.

He said he chose to step down from office owning moral responsibility for the attack on the office of Zee TV which had allegedly telecast a programme criticising him.

Opposition leader Mr Narayan Rane said Mr Bhujbal was likely to be arrested for his alleged involvement in the fake stamp paper scam and was using today's attack as an excuse for stepping down.

Mr Shinde's meeting with Congress president Mrs Sonia Gandhi in New Delhi tonight assumed a lot of significance in the wake of the resignation of Mr Bhujbal.

There is speculation in the Congress circles that Mr Shinde discussed the Telgi issue with Mrs Gandhi.

Mr Shinde, however, said that he had come to invite the Congress president for the party rally in Mumbai on 27 December.

THE STATESMAN

2003
24 DEC 2003

Latest e-rage is the world wireless web

By Bob Tedeschi

New York: Now that the Internet addiction has gripped much of the population, tourist spots are teeming with people exhibiting signs of either e-mail withdrawal or vacation denial. Internet cafes, airports and hotel rooms are increasingly filled with vacationers gazing into their notebook computers, alongside other travelers who are itching to get a look at their own in-boxes or favorite websites.

In the past, wired travelers faced stiff challenges in finding places to easily hook up while on the road. But the days of desperately seeking web connections and packing telephone cords are beginning to wind down. Wireless Internet connections are available in an ever-growing number of public spaces. And a growing number of laptops and portable devices are equipped to connect to wireless signals automatically.

The buzzwords often associated with this phenomenon are Wi-Fi—short-hand for wireless fidelity, the signal standard used to transmit data over local networks using radio sig-

nals—and 'hot spots', meaning those networks. These geek terms are starting to gain more mainstream appeal, thanks to Intel Corporation's \$300 million marketing campaign touting the benefits of wireless Internet connections.

Geeky or not, connecting to the Internet with a wireless-enabled computer is fairly easy. Many notebook computers sold in the last year simply display a pop-up message when they detect a wireless signal and prompt you to log on.

Those with older notebooks can often buy wireless PC cards, for as little as \$60, which plug into the computer and connect you when you are in a hot spot. From there, it's a matter of logging on as you would when tethered by wire.

Intel isn't the only big company to throw its marketing muscle behind

the idea. McDonald's and Starbucks are installing wireless networks in thousands of locations across the US. Travelers with laptop computers can easily connect to the web for the price of a cup of coffee or a Big Mac Extra Value meal, or simply an hourly fee, without having to stray too far from their itinerary.

By the end of 2004, there will be about 50,000 public hot spots in North America, according to Gartner, a technology research company. And while most of those hot spots require payment, in many places you can log on for free.

Miguel Cruz, a consultant for a nonprofit organization based in Washington, has used his laptop frequently over the last year to log on in public spaces while traveling for business and pleasure. "If you're in a city in a developed country, it doesn't take

that long to find a signal," Mr Cruz said. "The easiest way to find them is to just turn on the computer and walk around until you get a signal. Or if you see a bunch of people sitting outside with laptops, that's a good sign there's Wi-Fi access."

Hotels are becoming an increasingly reliable source for hot spots, analysts said, as chains vie for business travelers. Marriott International, has been among the most aggressive, offering wireless access at roughly 800 of its 2,600 hotels worldwide.

Or, like Mr Cruz, you could inject a little creativity into the process. For a trip to Guatemala City this year, he packed his wireless transmitter, which he hooked up to the high-speed Internet line in his hotel room. He set up the transmitter in the window, walked outside, and parked his vehicle next to the swimming-pool. From there, Mr. Cruz took a few photos with his digital camera, uploaded them into his laptop, and sent off an e-mail message to some friends with a few remarks. Call it a postcard for the new millennium. NYT News Service

2003

Supreme Court stays arrest of *The Hindu* Editor, five others

By J. Venkatesan

NEW DELHI, NOV. 10. The Supreme Court today stayed the warrants issued by the Speaker of the Tamil Nadu Legislative Assembly for the arrest of the Editor and four others of *The Hindu* and the Editor of the Tamil daily, *Murasoli*. The warrants had been issued in pursuance of a resolution passed by the Assembly on November 7 sentencing them to 15 days simple imprisonment for breach of privilege of the House.

A Bench of Justice Y.K. Sabharwal and Justice S.B. Sinha in its brief order said: "Issue notice on the writ petitions as also on the applications for ad interim ex-parte stay, returnable after three weeks. Meanwhile, there will be stay of warrant issued by the Speaker of the Legislative Assembly of Tamil Nadu against the petitioners and the respondents, their officers, agents and counterparts in any State of India shall be restrained from executing the warrants issued by the Speaker of the Assembly. Notice shall also be issued to the Attorney-General for India."

The matter will come up for further hearing on December 8.

The four representatives of *The Hindu* who had filed the petition are: the Editor, N. Ravi, the Executive Editor, Malini Parthasarathy, the Publisher, S. Rangarajan, the Chief of Bureau, Tamil Nadu, V. Jayanth, and the Special Correspondent, Radha Venkatesan.

Following a request from senior counsel for the petitioners, Harish Salve and Kapil Sibal, that the order be communicated by fax to the Director-General of Police, Tamil Nadu, the Bench asked the Registry to forthwith intimate about the order of stay to the DGP. The Registry carried out the direction accordingly.

Besides the Speaker, the respondents to whom notice was issued included: the Secretary, Tamil Nadu Assembly; the State Home Secretary, the DGP, Tamil Nadu; the Deputy and Assistant Police Commissioners, Triplicane Police Station, Chennai; the Chief Secretary, Karnataka; the Bangalore City Police Commissioner; and the Delhi Police Commissioner.

The resolution passed by the Assembly on November 7 said that an editorial published in *The Hindu* on April 25, 2003 was written in a manner that caused breach of privilege of the action

of the Assembly Speaker who was the custodian of the Assembly, as well as the action of the Privileges Committee and in the process imputed ulterior motives to the House as a whole. The resolution held that the Editor, Mr. Ravi, and four others of *The Hindu* and the Editor of *Murasoli*, S. Selvam, had committed a punishable offence of breach of privilege of the House. It sentenced them to undergo 15 days simple imprisonment.

Mr. Salve, appearing for Mr. Ravi and four others, argued that the powers of the State Legislatures under Article 194 of

Constitution must be read in harmony with fundamental rights as envisaged in Article 19 (1) (a) (freedom of speech and expression) and Article 21 (protection of life and personal liberty) and could not be construed as authorising any authority of the State to arrest and detain a person.

To a question from the Bench on the extent and scope of judicial review, he said the question here was whether the power of the legislature under Article 194 (3) could be higher than the powers conferred on citizens under Article 19 (1) (a) and whether the legislature could

enforce penal powers on the citizens without giving them sufficient opportunity to be heard. He cited various decisions of the apex court that had clearly held that the power of privilege of the Legislature would have to be harmonised with the fundamental rights of citizens.

Mr. Salve contended that the resolution was based on a complete misreading of law and facts by the House, however widely one were to construe the privilege of the House. He submitted that no person who had understood constitutional law correctly could ever come to a conclusion that the articles and the editorial were intemperate and amounted to lowering the dignity or breach of privilege of the House. He argued that the articles merely described the utterances of Chief Minister Jayalithaa inside the House and these in no way interfered with the proceedings of the House, warranting any punishment for the journalists. Mr. Salve argued that the adjectives used by media could not be a breach of privilege.

Appearing for *Murasoli* Selvam, senior advocate Kapil Sibal contended that his client's newspaper had merely reproduced the editorial that appeared in *The Hindu* and this could not be construed as interference with the proceedings of the House.

"If it is a criticism of a political party, it does not amount to breach of privilege," he said. On the question of cancellation of passes to cover the proceedings in the Assembly for the newspaper as a whole, Mr. Sibal said that the House could not do it as it would be violative of the fundamental right to equality guaranteed under Article 14.

He said that at best the House could cancel the pass of the reporter or correspondent concerned who had written the article in question but could not deny an entire news organisation the facility to cover the proceedings of the House. However, since the Tamil Nadu Assembly was not in session, the Bench said it would consider this aspect later.

The Bench permitted senior counsel P. Chidambaram to file applications to intervene in the matter on behalf of the Chennai Press Club, the Madras Union of Journalists and the Journalists Action Group.

More reports on Pages 11, 13; More photos on Page 22



Sam Mathew, assistant of Harish Salve, counsel for *The Hindu*, addressing mediapersons at the Supreme Court on Monday. — Photo: Shanker Chakravarty

12-21/10
14-9-10

CENSORSHIP OF INTERNET

2/10

THE BLOCKING OF an internet discussion group of a little-known Meghalaya separatist organisation has exposed mindless official ineptitude. The Government of India's directive to all internet service providers (ISPs) in the country to block access to the Yahoo! discussion group of the Hunniewrtep National Liberation Council of Meghalaya has had all the negative consequences usually associated with bumbling censorship. It has drawn attention to an obscure separatist outfit and simultaneously blocked access to all discussion groups on Yahoo!. Ironically, at the end of it all, those keen on knowing what the Meghalaya separatists are discussing can very easily circumvent the Government ban.

The internet has become a public space for the expression of a plurality of views the likes of which cannot be seen in any other media. While the net is rightly celebrated for the "cyber-democracy" it fosters, the libertarian arguments about the need to protect an absolute freedom of expression on the internet are indefensible. The right to espouse child pornography or spew hate at particular communities cannot be defended. Governments do have a duty and a right to block or ban such web-sites, although internet technology is such that the authors of such sites are always a step ahead of the regulators. Bans on political groups are a different matter: there is always a temptation to use charges of sedition to justify a muzzling of dissent. The Indian Government has been relatively open when it comes to imposing political censorship on the net. But it is a mystery why it chose to pick on the discussion group of the Meghalaya separatists. The Lashkar-e-Taiba and the ULFA have discussion groups on Yahoo!, and so do fundamentalists of all hues. But none of them has attracted official attention.

The Government action has seen membership of the Meghalaya web discussion list increase from 20 to over 300 within a fortnight. Few had heard earlier of the Hunniewrtep National Liberation Council of Meghalaya. The Government ban has bestowed on the separatists a degree of attention they could not have hoped for earlier. Moreover, it is easy to become a member of this particular internet group. It is also possible, using one of a huge number of "proxy" servers, to visit the Yahoo! web-site sought to be blocked. The ban has clearly been counter-productive.

The most unfortunate outcome is that the ISPs, in their haste to comply with the Government directive, have blocked access to all Yahoo! discussion groups. These lists are some of the most open fora of exchange on the internet. They cover a range of issues and meet a variety of interests. From the most simple communication like e-mail exchanges among members of a family to the most professional such as discussions on technology issues, the Yahoo! lists provide invaluable services to users of the internet. Hundreds of thousands of such Yahoo! groups — including 12,000-plus with an India focus — are now inaccessible to users in India. The reason is that the ISPs, in what is supposed to be an IT superpower, do not have the software to block access to individual sites on Yahoo!. If the Government has been clumsy in its targeting, the ISPs have let their subscribers down by imposing an indiscriminate ban. The Government must go deep into the issue and the practical consequences and implications of internet censorship. The ISPs must immediately upgrade what it takes to avoid wholesale inconvenience to the growing number of Indian internet users in the event of an extreme case attracting official censorship.

THE HINDU

21 OCT 2003

2003

Get calls and get paid

Media
F. &
12/12

M. RAJENDRAN

New Delhi, Dec. 11: Now get paid for receiving a call on your mobile.

Just a few years ago, a minute's call from your mobile would have burnt the pocket by Rs 16.80 — now you get paid Rs 1.50 for each call you receive on your mobile. If it is an international call, you are richer by Rs 10 per minute.

Unprecedented, but within the first eight years of the evolution of mobile telephony in the country, mobile operators have reached a stage where leading service provider AirTel has firmed up plans to launch a scheme to pay customers receiving a call.

From calling a mobile number free to cheap mobile-to-mobile STD to receiving incoming calls free... cellular phone customers have had a bonanza over the last 12 months or so.

"We all know incoming is free, but now you are actually getting paid to receive calls. It is an international marketing trend which shows that the market is mature for operators to offer such plans," a senior AirTel executive said.

Initially, AirTel will launch this plan in Delhi and spread it to all the circles of its operations. It is initially valid for one month, but is likely to be extended depending on customer response.

All an AirTel customer has

to do is ask a friend, acquaintance, relative or business partner who is visiting Delhi and is a mobile subscriber of any operator to log on to the AirTel Delhi network.

For each call made from a mobile phone logged on to the AirTel network and to an AirTel mobile phone the subscriber will get Rs 1.50.

"The initiative packs an unprecedented customer offering. In a sense, it is also reflective of the maturing mobile telephony market and our ability to innovate and keep ahead of the pack," said a source at Bharti Cellular Limited.

The programme rewards existing customers for urging their acquaintances to log on to the AirTel network.

"This is a reward for having conveyed AirTel's unique proposition to the inroamers and letting them experience the benefits of roaming on India's largest pan-India network," a senior marketing executive of Bharti Cellular said.

The market size for inroamers in Delhi is estimated to be nearly Rs 30 crore per month. If this number is any indication, there is a lot of money to be disbursed. What's more, there is no eligibility criterion.

Just go ahead and get as many of your acquaintances (outside Delhi) to visit the country's capital, choose the AirTel network, and call your mobile number.

Constitution Bench to decide The Hindu privilege issue

Me...
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9/12

By J. Venkatesan

NEW DELHI, DEC. 8. The Supreme Court today referred 'The Hindu privilege case' to a five-Judge Constitution Bench observing that the case had raised important questions of law requiring determination by a larger Bench.

A Bench of Justice Y.K. Sabharwal and Justice B.N. Srikrishna admitted the two writ petitions filed by the Editor of *The Hindu*, N. Ravi, and four others as well as the Editor of the Tamil newspaper, *Murasoli*, S. Selvam, challenging a resolution of the Tamil Nadu Assembly sentencing them to 15 days imprisonment for breach of privilege of the House and referred the same to a five-Judge Constitution Bench.

The judges said the interim stay against the execution of the warrants issued by the Tamil Nadu Speaker pursuant to the resolution to arrest the six journalists would continue.

The Bench said that it was evident that substantial questions of law relating to the power of the House under Article 194 (3) of the Constitution, the right to free speech under Article 19 (1) (a) and the right to life and liberty under Article 21 and an inter-play of these Articles required interpretation by a Constitution Bench of the court.

The Bench, therefore, directed that these petitions be posted before a five-Judge Constitution Bench.

It adjourned by a week another writ petition filed by Mr. Ravi and nine other representatives of *The Hindu* challenging the criminal defamation law, Section 499 of the Indian Penal Code and the prosecutions launched against them by the Tamil Nadu Government in respect of various articles published by *The Hindu*.

Appearing for the Tamil Nadu Assembly Secretary, senior advocate T.L. Vishwanath Iyer submitted that the Assembly was not keen on the apology of the journalists. "If they accepted the supremacy and majesty of the House, that will be sufficient."

However, the Bench told counsel: "You go ahead and work it out outside the court but we want to decide the larger questions involved in this case." When the matter was taken up in the morning, the Bench told senior counsel for the petitioners, Harish Salve, that there was an occasion earlier when the issue came up before the court.

But ultimately it could not be decided because the issue remained academic. "We don't want it

to remain as an academic issue now," the Bench said.

Mr. Salve submitted that there had been a lot of developments in constitutional law all over the world and the penal powers of the legislature had been challenged on the ground that there was separate division of powers.

He said the Parliamentary House committee in its report in 1998 had recommended that the penal powers of Parliament/State Legislature should be done away with. He said in countries such as the United States, Australia and Russia, such penal powers were not available to the legislature.

The Attorney-General, Soli Sorabjee, who was asked to assist the court, submitted that the apex court had laid down certain guidelines in the Maneka Gandhi case but it required a fuller consideration. He said that "we have to uphold the powers of all the institutions and such powers should be harmonised," and added that the press was required to play an important role in democracy. He made it clear that only the Constitution was supreme and all the institutions would have to act within its framework.

The Bench allowed the intervention applications of Kuldip Nayar, journalist, the Press Council of India and three journalist organisations in Tamil Nadu.

In its counter-affidavit to the petitions, the Tamil Nadu Assembly Secretary, V. Rajaraman, defended the resolution passed by the House on November 7. The counter stated that the "actions and decisions of the House and the Speaker are well within their jurisdiction and cannot be questioned on any grounds whatsoever."

It said that the publication of an editorial by *The Hindu* on April 25 imputing motives to the action of the Speaker and the Privileges Committee "amounts to gross act of contempt of the House as a whole and gross act of breach of privilege of the House as a whole. Further, the freedom of the press would not apply when reports containing incorrect and false accusations amounting to breach of privilege are published."

Seeking dismissal of the petitions, the affidavit said that Article 212 of the Constitution provided that the validity of any proceedings in the legislature of a State shall not be called into question or such a proceeding be subject to the jurisdiction of any court.

**Hearing adjourned in
defamation case: Page 11**

THE HINDU

9 DEC 2008

2008

BOLLYWOOD'S PAKI-BASHING

Mudra
5/6

Propagates Negative Images, Harms Hindu-Muslim Relations

By SAJEDA MOMIN 81/2

A turban clad Sunny Deol, muscles rippling under a blood-stained kurta runs atop a running train shooting down with a single AK-47 helicopter after helicopter bearing the ubiquitous green star and crescent as the Pakistani train hurtles towards the Indian border — this is the climax scene of the box office hit *Gadar*, a love story set during Partition and its aftermath. Without paying too much attention to details like does India really need a huge army to take on Pakistan when Sunny Deol can do it all by himself, jingoistic and anti-Pakistan films have flourished in India in the last few years.

Animosity

Now as relations between the two warring nations begin to thaw the Pakistani foreign minister Khursheed Kasauri has made an intelligent appeal to Bollywood — lay off making films which depict Pakistan as the enemy. As he rightly says they serve no good purpose but simply spur anti-India films being made across the border and fuel animosity. Bollywood's own King Khan — Shahrukh, the heart-throb of millions and currently rated as the most powerful star along with Big B Amitabh Bachchan, echoed Kasauri's comments on the same day at a bash in Singapore. For the first time he had the guts to openly say "I detest Hindi films which depict Muslims, Islam or Pakistan in a bad light".

Whether it is *Border*, *Hero*, *Mission Kashmir*, *Zameen* or the yet to be released multi-starrer *LOC*, Pakistan — and the ISI — has become Bollywood's bogeyman, much like the Soviet Union was for Hollywood before the fall of Communism. Ever since relations with our neighbours on the western front deteriorated, Bollywood has been able to find the enemy, but unfortunately it has often blurred the line between Pakistan the nation-state, and Islam the religion.

Considering it is an industry which has a disproportionately high number of Indian Muslims working in it, lately many of the films have been insensitive to minority sentiments in their enthusiasm for Pakistan-bashing. While the jingoism in the "so very patriotic" *Gadar* can be tolerated, stretching this to being anti-Islam is unpar-

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donable.

A flagrant example of this is when the "brave", but "sensitive" hero Sunny is asked by the Pakistani villain, played by Amrish Puri, to convert to Islam if he wants his bride back. After much agonising Sunny agrees. But it is the depiction of this ceremony that is most offensive.



Before a huge crowd of "Pakistanis" (shot at the Bara Imambara in Lucknow) the hero is converted to Islam not by reciting the *qalma* (which is bearing testimony to Allah) as is the Islamic practice, but by chanting "Pakistan zindabad". Sunny, who of course bears no ill towards anyone, obliges but it is when he is asked by the qazi to chant "Hindustan mordabad" that our red-blooded Indian cannot hold back his anger and destroys everyone in sight.

Gift from heaven

Where the director or scriptwriter got this particular version of an Islamic conversion ceremony is anybody's guess, but it is certainly a gift from heaven for the likes of Praveen Togadia and Narendra Modi.

The Rs 4,000-crore industry churns out 800 films annually, twice as many as Hollywood, and it is estimated that 14 million Indians go to the movies every day, not taking into account the numbers who watch films in the comfort of their home. That gives Hindi films the capacity to brainwash at least 14 million people daily. The reach and impact of Bollywood is phenomenal. But with power comes great responsibility, and it is the latter which many directors are not showing lately.

Gone are the days of *Amar Akbar Anthony* when Bollywood

tried to spread the word of communal harmony. Up to the 1980s most Hindi films had the token kind, good-natured *Rahim chacha* or *David uncle* to depict the multi-religious nature of India. The character was often added even if the story line did not necessarily need it, but it was done for the cause of political

correctness.

But in the changing political climate of the 90s with the rise of the BJP and when *Hindutva* began to be projected as being synonymous with Indian nationalism and culture these figures were discarded, probably when they were needed the most.

Unlike in the nationalistic films of yore like *Upkaar*, *Kranti* or *Karma* where a Muslim character was always present generally shown dying for Mother India, a runaway hit like JP Dutta's *Border* did not have a single Muslim soldier in the regiment fighting the Pakistanis. Released at a time when Hindu-Muslim relations in India were strained, it depicted Muslims on both sides of the border as cowards and traitors.

Almost 50 per cent of Bollywood's audience is Muslim whether it is the 150 million Muslims in India or their co-religionists across the border, in the Arab countries, Malaysia, Indonesia, and many other parts of the world where sub-titled copies of Hindi films flourish. That no Hindi blockbuster is released during the Islamic holy month of Ramazan when Muslims try to avoid films is testimony to the trade's appreciation of the importance of this segment of viewers. Then why the insensitivity to their feelings?

Ever since Independence it is Bollywood films which have

thrived in Pakistan so much so that their own film industry has never taken off. Pakistan even banned Hindi films in order to protect its own fledgling film industry but it was unsuccessful. Whether it is homes in Pakistan or in those of its diaspora spread across the world, Pakistanis only watch Bollywood. They can reel off the names of Hindi film actors but won't be able to tell you the name of a single Pakistani actor, unless he or she appears in television plays.

It is not only in the interest of international relations that Bollywood stop Pakistan-bashing, but also for domestic communal harmony. Stereotypes of the Muslim terrorist add fuel to the fires started by organisations like the VHP.

Critical acclaim

The producer of noted Bengali film maker Mrinal Sen's comeback film *Amar Bhuvan* starring Nandita Das backed out at the last minute because he did not want to invest in a story line which had an all Muslim theme so soon after the Gujarat riots, even though the film had nothing to do with Hindu-Muslim relations. He believed it would make bad financial sense as it would not appeal to viewers. Sen and his team went on to make the film on a tiny budget as they believed in it, and the film received critical acclaim.

Hindi film producers and directors are no different. They too are affected by the current political climate. Karan Johar's hit film *Kabhie Khushi Kabhie Gham* originally had the Hindu hero falling in love with a Muslim girl from Delhi's Chandni Chowk. But he too did not want to take the risk of negative viewer-reaction and so converted it in to a typical rich versus poor love story, and raked in the money. Johar would have certainly been more daring as a director and done greater service to the cause of Hindu-Muslims relations if he had stuck to the original story line, though he may not have made as much money.

Considering the influence of Hindi films on society, it is in the greater good that the *Rahim chachas* and *David uncles* are brought back. Some may consider them caricatures of Muslims and Christians, but they served a very useful purpose; at least they gave a better image of minorities than the current trend.

Me ^{21/12} **GOVERNANCE OF THE INTERNET** ⁴⁹⁻¹⁰

LESS THAN A fortnight before the United Nations-sponsored World Summit on the Information Society is to take place in Geneva, there remain wide differences between countries on the text of the declaration and the plan of action that is to be adopted at the first ever multilateral conference on harnessing information and communication technologies (ICT) for development. The summit was conceived as an opportunity for governments, the private sector and civil society to promote the use of ICT to attain the U.N. Millennium Development Goals and facilitate the use of digital services in the developing countries. However, as usually happens in the run-up to U.N. summits, negotiators find themselves unable to agree until the very last minute on a couple of issues. The financing of programmes to bridge the digital divide has emerged as one sticking point and governance or administration of the internet as the other. While finance or the need for additional resources is always a problem at the U.N. that is ultimately settled with a compromise solution, the issue of who should administer the internet is a potentially more difficult issue to resolve.

The unique naming system on the internet that gives each domain a particular address is currently administered by the Internet Corporation for Assigned Names and Numbers (ICANN), a U.S.-based non-profit organisation. Domain names with country suffixes like ".in" for India are under the administration of national registers but the more valuable generic suffixes like ".org" and ".com" are under the control of ICANN. This is a legacy of the evolution of the internet in the U.S. and ICANN has been licensed by the U.S. Government to oversee management of names and addresses on the internet. ICANN's board is dominated by representatives from the North and its control over internet governance has come under criticism on many fronts. One crit-

icism, which has surfaced in the preparations for the WSIS, is that as the internet has long since ceased to be a U.S. monopoly and since growing by the day across the world, ICANN can no longer be the controlling agency. One proposal is that administrative and technical matters like resource allocation and management of names should be handed over to a multilateral organisation like the International Telecommunications Union (ITU) of the U.N. The tussle over who should be in charge of internet governance has become a North-South divide. The developing countries want the ITU to be given charge of internet governance, while the United States, the European Union and Japan want responsibility for administration to remain with ICANN.

There can be genuine concerns that ITU administration of the internet will lead to bureaucratic control over cyber resources. But the non-transparent and unrepresentative ways of functioning of ICANN are not suited to the governance of what has become a global resource. Fears that U.N. control will kill the spirit of spontaneity that has given the internet its special character are misplaced. At stake here is the system for giving organisations their unique addresses, not the regulation of content. However, as the internet expands by the day and as abuses such as child pornography and spam become more widespread, it is inevitable that certain issues concerning content will also become the subject of discussion for possible international regulation. Given the implications of a change in the administration of the internet, it is unlikely that this issue will be resolved at the "first segment" of the World Summit on the Information Society. It will in all likelihood be placed on the agenda of the second segment of the summit that is scheduled to be held in Tunisia in 2005. But who governs the internet is an issue that has to be settled sooner rather than later.

M.D. 13
H.D.

New policy planned to promote Internet usage

2/12

By Our Special Correspondent

NEW DELHI, DEC. 1. Concerned over the slowing down of the growth rate for Internet services, the Telecom Regulatory Authority of India (TRAI) has started preparing a new policy for increasing the penetration of Internet and broadband.

As is the case with all TRAI initiatives, the move towards an integrated policy has been initiated with the release of a consultation paper setting out the issues involved and seeking suggestions from all interested parties, including the industry and users, by December 21. TRAI will then organise open house sessions in different parts of the country which will be followed by submission of the recommendations to the Government.

TRAI recently recommended a policy for a Unified Licence (subsequently cleared by the Government) to allow flexibility to the operators to provide a variety of services using appropriate technologies. "The Unified Licence

framework is appropriate as the distinction between voice and data blurs and as the flexibility of various technologies to provide diverse services become more encompassing."

TRAI admitted that much needed to be done because the situation was far from satisfactory in terms of capacity, subscriber base and growth rate of Internet and broadband usage. Current Internet subscriber base is only 0.4 per cent of the population and the growth rate of Internet subscribers has become low, even negative in recent months.

The use of broadband services is on an even smaller scale — a mere 0.02 per cent.

This is in sharp contrast to the penetration in adjoining Asian countries and "if we want leadership in knowledge-based services the situation must change." The number of Internet connection per 100 persons is 58, 11 and two for Korea, Malaysia and China, as compared to India's 0.4 per cent.

The number of brand connections in these three

countries is 57, 0.21 and 10, respectively compared to 0.02 per cent for India.

Describing the paper as "a very important endeavour because with greater convergence of technologies and unification of licenses, Internet and broadband can be a catalyst in rapidly achieving wide reaching social and economic objectives," TRAI said the basic purpose was to ensure the availability of broadband services at affordable price-levels.

This will have a positive impact on the economy and gross domestic product (GDP), and the resulting business developments are likely to attract new investment, create jobs, and increase productivity through infrastructure build-up and access to new and improved services.

The proposed policy intends focussing on quality infrastructure, affordable access devices and local content and the consultation paper has raised nine issues aimed at promoting Internet and broadband within a unified licensing regime.

On the Web, STD will go local

OUR SPECIAL
CORRESPONDENT

New Delhi, Nov. 28: Call the US for five bucks! When internet telephony was allowed three years ago, tantalising adverts like that pulled hordes of people into internet kiosks.

The revolution that happened in overseas calls — some may argue that the scratchy and unreliable quality of the calls punctured the hopes of the anticipated boom — could soon be extended to STD calls. Imagine making a call from Calcutta to Delhi at the cost of a local call — Rs 2!

It is a prospect that has been thrown up by a consultation paper floated for discussion today by the telecom regulator. The Telecom Regulatory Authority of India (Trai) has proposed to develop an integrated policy for high penetration of internet and broadband. The authority has sought the comments by December 21.

The main thrust of the policy paper is to remove the fetters on internet telephony, which is restricted to ISD (or overseas) calls.

"The major issues to be examined include allowing unre-



Key internet and broadband indicators (Mid-2003)

Parameters	Korea	Malaysia	China	India
No. of internet connections per 100 persons	58	11	2	0.4
No. of broadband connections per 100 persons	57.5	0.21	1	0.02

stricted internet telephony, promoting the availability of low-cost internet access devices, fostering local development and manufacturing of equipment through government incentives and a less onerous taxation policy," said a senior Trai official.

The paper says three ingredients have to be tackled — quality infrastructure, affordable access devices, and local content — to achieve desirable growth and penetration in internet and

broadband connectivity.

The paper draws upon the examples of domestic successes and studies in other Asian countries that can be used to help deepen penetration of internet and broadband services in India. (See chart)

The paper has sought views of various stakeholders on the various policy initiatives, regulatory actions and steps required to accelerate the growth and penetration of internet and broad-

band in the country. Also included is a summary of the various technical options available to provide broadband services.

"Internet and broadband can be a catalyst in rapidly achieving wide reaching social and economic objectives. The unified licensing framework in telecom is appropriate as the distinction between voice and data blurs even as the flexibility of various technologies to provide diverse services becomes more encompassing. The importance of internet and broadband becomes immediately relevant in this context," the official said.

The consultation paper, which has been placed on the Trai website, also points out that much needs to be done to achieve such an objective because the situation at present is far from satisfactory in terms of capacity, subscriber base and growth rate of internet and broadband usage.

Trai feels that the availability of broadband services at affordable price-levels will have a positive impact on the economy and the resulting business developments are likely to attract new investment, create more jobs, and increase productivity through infrastructure build-u-

Times breaks with tradition

LONDON, Nov. 26. — Breaking away from tradition, *The Times, London* — one of the world's oldest and best-known newspapers — went tabloid today, launching a commuter-friendly "compact" edition to sell alongside its usual broadsheet format.

Its debut came barely two months after the rival *Independent* broke new ground by becoming the first daily newspaper in the world to publish in two sizes with identical content.

"Charity muggers' face tough new curbs," was the lead story on the front pages of both the big and little *Times*, alongside a photo of Jonny Wilkinson, the hero fly-half of the World Cup winning



The compact *Times*' debut edition: Tabloid no more taboo

England rugby squad.

("Charity muggers" or "chuggers" are professional fundraisers who canvass passers-by on the street in Britain on behalf of chari-

table organisations.)

But readers of the compact *Times* had to plow through 26 pages — past courts and crime news, the gossip column, the editorials and famous letters page, three full-page ads and seven half-page ones — to get to political news.

Sports coverage started on the back page, with Arsenal's 5-1 win over Inter Milan the "splash" or lead story.

In an editorial, *The Times, London* — the 218-year-old jewel in global media baron Mr Rupert Murdoch's empire — called its tabloid version, to be sold initially in the greater London area, "another landmark in our history". — AFP

Freedom of the press and beyond

By P.V. Indiresan

ND-10
29/11

NOW THAT the dust raised by the recent confrontation between *The Hindu* and the Tamil Nadu Legislative Assembly has settled down, and public memory being short, the entire episode is likely to be forgotten. On the other hand, the way the State legislature sought to enforce its authority raises issues that cannot be brushed away. In particular, the matter should not be treated as a purely legal one; it concerns the very foundations of our political culture.

From time immemorial, and in every country of the world without exception, governments have exercised the power to use violence, not merely to take away one's property through taxation, but also to deprive a person's liberty or even life. There has been a tacit acceptance that people need governments, and governments need such extraordinary monopoly of powers, which, if exercised by anybody else, would be condemned outright as criminal. Thus it has become a matter of routine for governments to extract taxes, to send people to prison or restrict their freedom in several ways, and even to kill those who they decide are too dangerous to be allowed to live.

Barely 200 years ago, these powers were exercised according to the principle of the Divine Right Theory of Kings. Thanks to the excesses of the French monarchs, the new principle of democracy emerged leading to the evolution of governments with the "consent of the governed". At the same time, philosopher David Hume was intrigued by "the easiness with which the many are governed by the few, the implicit submission with which men resign" their fate to the rulers. He concluded that government is founded on control of opinion, a principle that "extends to the most despotic and most military governments as well as to the most free and the most popular." That is why politicians are wary of freedom of speech.

According to Noam Chomsky, in the terminology of modern thought, the population may be spectators but not participants. Thus these days, the principle of the Divine

The Hindu defeating the Tamil Nadu legislature in courts is merely one small battle in a perennial war between the people and their governments.

Right of Kings has been replaced by the theory that the elected rulers have the Absolute Right To Decide How To Govern. Defeating the Tamil Nadu legislature in courts then is merely one small battle in a perennial war between the people and their governments.

A few years ago, Thomas Sowell, African-American philosopher from the United States, postulated a hypothesis, which he described as the Conflict of Visions: In the Unconstrained Vision, the rulers are assumed to be wise, honest, and farseeing. It is in the interest of the people themselves to give the rulers far reaching powers as the "ignorant and the vulgar are as unfit to judge the modes (of government) as they are unable to manage (its) reins". The French Constitution at the time of the Revolution, and to a large extent the Indian Constitution too, follows this principle: Both confer quite untrammelled powers on the ruling politicians.

The constrained Vision takes the opposite view. In that case, the rulers are expected to be human, not super-human. They are liable to err, and to misuse power. For that reason, checks and balances are set up, for instance, the way the power of the Judiciary is set against that of the Legislature. Then, though ordinarily policemen will obey even illegal instructions given in secret by their political masters, once the courts express a contrary view in public, the same policemen will restrain themselves.

In India today, as one of the Election Commissioners told me, the current worry is not merely criminalisation of politics but the politicisation of bureaucracy. Then it is only a small step to the criminalisation of the bureaucracy, of which we are already seeing the beginning. Hence, just because *The Hindu* has won the first round, we cannot afford to be complacent.

As a matter of fact, for ordinary

people, the check that courts can provide on the exercise of absolute power by politicians is more theoretical than practical. *The Hindu* had the resources to checkmate the legislature; ordinary people have no such capability. Often, senior bureaucrats and big businessmen are helpless against even petty politicians. Unfortunately, prevailing intellectual thought sees these lapses from the Rule of Law as an aberration indulged in by individual politicians, and not as a basic flaw of the political system itself, let alone as an inherent defect of the democratic system.

The democratic system is based on one principle that is tacitly assumed to be too sacred to be questioned, namely, the principle of One Person-One Vote. A little reflection will show how erroneous that is. Consider an election where there are 17 candidates. The principle of One Person-One Vote allows the elector to express an opinion on one and only one of the 17 candidates, and prohibits by statute any expression of opinion on any of the other 16. If the system had been truly logical, the elector would have been allowed 17 votes, one for each candidate.

Much of the malaise we see in our country (and, for that matter, in all democratic countries of the world) arises out of this basic flaw in the design of the electoral process. Instead of One Person-One Vote, we need to provide each voter with as many votes as there are candidates. Each one of those votes should also be permitted to be either positive or negative or neutral.

In the present system, every vote cast in favour of losing candidates is made identically zero. Hence for the victors, opponents do not matter. As a result, in the place of a government by consent, we have been getting the dictatorship of the victors. On the other hand, when voters are given the freedom to express their opinion on every candidate, opponents will

matter; their negative votes can become an electoral disaster. The candidates will be compelled to seek consensus rather than confrontation. Even when they win, such victors will be most unlikely to ride roughshod over the vanquished. They will then treat all criticism with the respect it deserves and not with contempt. Restraint in the exercise of power will then be internalised. In consequence, misuse of power will become a rare occurrence. Even ordinary people, and not merely the powerful like *The Hindu*, can walk tall.

Reverting to the case in question, one feels sad rather than angry with the Tamil Nadu Chief Minister. Here is a person with exceptional charisma, far greater than any other Chief Minister the State ever had. She has the capacity to extract extraordinary levels of obedience, not merely from her ardent admirers but even from the bureaucracy. These undoubtedly rare talents can be used to do much good. It is a matter of sadness that they are all being wasted doing little good to anyone, not even to herself.

There is no doubt she has now made one enemy too many. She has done so because she has surrounded herself with admirers and turned a deaf ear to critics. She has made the cardinal mistake that many powerful people do — of confusing loyalty with servility. Those who are loyal need not be servile, and those who are servile are rarely loyal. Purandara Dasa, the great saint from Karnataka, has sung *nindakaru irabaeku, kaerige handi iruvante* (critics must be there, just as slums have pigs). Criticism helps us cleanse ourselves of mistakes; flattery leads us to perpetuate them.

In any case, only those who are short of stature have to stand on prestige. Those who are tall in stature do not have to stand on anything, least of all on prestige. The Tamil Nadu legislature would do well to ponder how much prestige it has gained or lost by standing on prestige. It should also consider which is the greater contempt; suppression of public criticism or criticism of the conduct of individual legislators.

T.N. Assembly Secretary defends action against journalists

Media
HD-11

By J. Venkatesan

NEW DELHI, NOV. 21. The Tamil Nadu Assembly Secretary today filed an affidavit in the Supreme Court defending the resolution passed by the House on November 7 sentencing the Editor of *The Hindu*, N. Ravi, and four others as well as the Editor of the Tamil newspaper, *Murasoli*, for breach of privilege of the House.

In response to the notice sent by the apex court on November 8 in the two writ petitions filed by Mr. Ravi and others challenging the resolution, V. Rajaraman, Secretary of the Assembly, submitted that the "actions and decisions of the House and the Speaker are well within their jurisdiction and cannot be questioned on any grounds whatsoever."

(The apex court, while issuing notice to the Speaker, the Assembly Secretary and others, had stayed the execution of the warrants issued by the Speaker pursuant to the resolution for arresting the six journalists). The case comes up for further hearing on December 8.

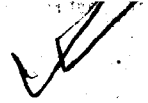
The reply stated that the publication of an editorial by *The Hindu* on April 25 imputing motives to the action of the Speaker and the Privileges Committee "amounts to gross act of contempt of the House as a whole and gross act of breach of privilege of the House as a whole. Further, freedom of press would not apply when reports containing incorrect and false accusations amounting to breach of privilege are published."

The affidavit countered the allegation that the decision of the Privileges Committee and the resolution of the House was stage managed by the Chief Minister, Jayalalithaa. It said: "the petitioners are trying to convert an individual misconduct into a political issue. This malafide exercise is continuing even when this court is seized of the matter."

Seeking dismissal of the petitions, the affidavit said that Article 212 of the Constitution provided that the validity of any proceedings in the Legislature of a State shall not be called into question or such a proceeding be subject to the jurisdiction of any court.

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MGR
10-10
2/11

SLOW ON E-GOVERNANCE



INDIA, WHICH TAKES pride in being one of the leaders in the field of Information Technology, especially software, ranks very low when it comes to electronic governance — e-governance, as it is called. It actually ranks 77 in a list of 133 countries that have been indexed for e-governance. As Deputy Prime Minister L.K. Advani told a recent national seminar on e-governance, it will take an attitudinal change, a change of mindset among political rulers, bureaucrats and the people to usher in this tool of modern administration. Computers and kiosks alone cannot do the job, though computer literacy, access and connectivity also play a part in the e-governance delivery system. The whole range of problems affecting or even blocking this system of delivering government services to the people were discussed at the three-day meet in Chennai. It turned out that there were plenty of problems but also a few limited success stories. Some of the State Governments have taken the initiative to press ahead with e-governance in their own limited way, at least on an experimental basis. A handful of bureaucrats have taken the trouble to launch some bold experiments on this front, but they have been restricted to a particular field or to chosen areas. To take it to the next stage requires a change in mindset.

The Centre has decided to build a citizenship database over the next 12 to 18 months. This will be some kind of citizen's identity that would then be used for all purposes — perhaps the permanent identity card that the Centre has been talking about for some time now. The objective, ultimately, is to adopt the e-governance system for the delivery of key services at the Central as well as State levels: Income Tax, Immigration, Passports, Insurance and banking as far as Central services are concerned and land records, road transport, property registration,

municipal services, commercial taxes and the police among the State services. The problem is that the current e-governance initiatives in States such as the Punjab, Maharashtra, Andhra Pradesh, Karnataka, Kerala and Tamil Nadu are pilot schemes and, as Karnataka's e-governance Secretary, Rajiv Chawla, has cautioned, security remains the key factor in a full extension of the services. How safe are these systems from the wiles of talented amateur, not to mention professional, hackers? Unless e-security can be ensured, it will obviously be unwise to go the whole hog.

Another issue that has been raised by the States relates to the funding of e-services. The question seems to be whether it is economical to invest in e-governance and whether governments should expect any returns from the investment. The limited experiments in some municipalities have shown good results, in the sense revenue collections have improved with the introduction of electronic systems. As part of the administrative reforms process, the States must be encouraged to switch over to e-governance on an incremental basis, working with the private sector to ensure that systems security is in place. For that to happen, the political establishment, the bureaucracy and the field-level revenue staff have to accept the change and cooperate fully in the implementation of e-governance. From Ministers to tahsildars, revenue inspectors and bill collectors, every level and segment of the administration must be involved and attuned to this system of delivery of government services. In this exercise, it is also important to get States such as Bihar and Uttar Pradesh, which have not yet joined the national mainstream in IT-related areas, on board. E-governance has to become a national movement.

Taslina Nasreen defends her book

write
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KOLKATA, NOV. 20. The exiled Bangladeshi writer, Taslina Nasreen, whose "amorous" and "politically explosive" autobiographical account "Ka" has been stopped from being printed in India by a Calcutta High Court order after the same fate in her country, said if she had damaged anybody's character in the book then it was her own.

"I was alleged to have written obscene material. Some who in the past praised me for my honesty and the truths about which I

wrote are now attacking me for that very same honesty. What I wrote were descriptions of what literally, physically, and emotionally happened to me. I wrote about those of my friends who surrounded me at different times of my life's story," Ms. Nasreen said.

"In my book I portrayed them as human beings. Were I to have damaged anybody's character, I would have been damaging my own, not theirs," said the controversial writer from the U.S., where she is now doing research

of work at Harvard University.

"My memoir's purpose was to prove that I am a good person, a saint, a noble, a beautiful, the not beautiful, and the in-between events that happen in one's literary life," said Ms. Nasreen, whose book "Dwikhondito" ("Ka"), the autobiographical accounts, has been put on hold from printing, sale and marketing by the Calcutta High Court on Tuesday after a

defamation suit filed by the

city-based poet Syed Hasmat Jalal for "defamatory remarks and references about him which are false and frivolous."

The two previous books in the series are Amar Meyebala (My Girlhood) and Utal Hawa (Wild Wind), while Shibani Mukherjee of Peoples' Book Society now is publishing the book in the eye of the storm.

"I am shocked that the book's printing has been stopped in Kolkata because India is a progressive democracy unlike Bangladesh," said Ms.

Nasreen, the writer of "Lajja" that depicted the atrocities on the Hindus of Bangladesh following the Babri Mosque demolition in India in 1992 and which along with her "anti-Islam" views led to her exile from the country.

Earlier, Bangladeshi poet and novelist, Syed Shamsul Haq, had filed a \$1.72 million defamation suit against Ms. Nasreen for causing "hurt" and "embarrassment" by writing about him in her book, which has been banned in Bangladesh. — UNI

Where IT makes a difference

Technology can bring positive lifestyle changes for the disadvantaged, reports Chandragupta Amritkar

Media
ET-5

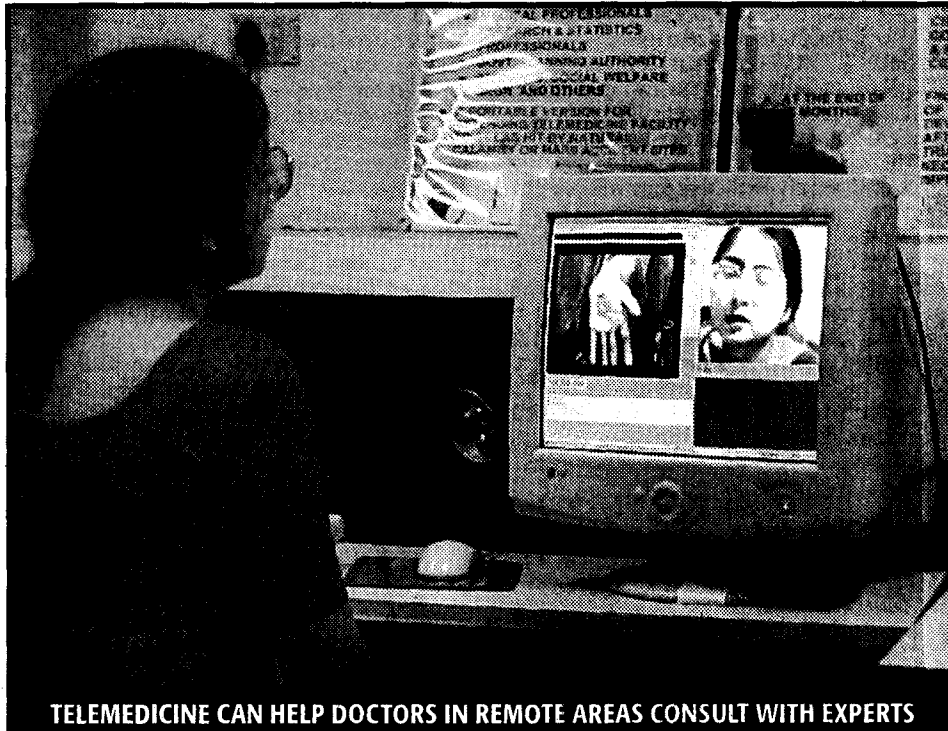
INFORMATION technology has changed the rule games in many industries and is turning out to be a major driver of growth. While corporates have used its advantages substantially, its utility to the disabled and common man has remained limited. Very few organisations have come forward and its mainly the government that has been taking the initiative. In India Webel, a government of West Bengal undertaking, has taken the lead.

"While exports is important, we should not forget the role that IT can play in the lives of the common man. This is where Webel is taking a lot of initiatives like developing IT based Braille Systems for the blind, developing icon based software for children with cerebral palsy and using low bandwidth technology for telemedicine to provide medical information services to rural areas," says S K Mitra, MD, Webel.

An estimated 13 million blind live in India. For these visually challenged IT can play a vital role. Keeping this in view Department of IT, government of India, launched a project called IT for Braille Literacy in Indian languages. The task for technology development and establishment of a countrywide infrastructure was given to Webel Mediatronics. Having successfully developed it, Webel Mediatronics has installed IT based Braille Systems at 70 special schools for the visually challenged all over India.

The Automatic Braille Embosser is Perkins Braille modified suitably to accept Computer Command and emboss (print) automatically. Four embossers can be connected to the same computer and parallel printing can be done for fast replication. It is ideally suited for institutes for the visually impaired to meet regular demands of Braille books. The Indian language texts can be prepared using i-Leap software and English texts through MS Word or Notepad. Braille Transcription Software, developed by Indian Institute of Technology, Kharagpur and Webel Mediatronics, converts the texts to corresponding Braille and print can be taken through the Automatic Braille Embosser.

"The cost of the whole system with Automatic Braille Embosser and software would be just



TELEMEDICINE CAN HELP DOCTORS IN REMOTE AREAS CONSULT WITH EXPERTS

Rs1.5 lakh. Due to this it has been hugely successful and we have received a National Award for developing this embosser from the Ministry of Social Justice and Empowerment," said SN Goswami, director, Webel Mediatronics. They have also come out with BrailleWriter 1.0 application software along with dedicated Braille Keyboard BKB-10. It provides friendly computerised environment for Braille file handling, Braille to Text conversion, Braille printing as well as ink printing option by visually challenged persons. The system offers both single user and multiple user mode. Audio feedback enables a visually impaired user to run the software independently. It supports operation up to eight Braille Keyboard terminals in parallel simultaneously.

The Braille Writer software decodes the Braille code from the keyboard and generates the Braille characters in display as well in print. The software is provided with sound support in 13 Indian languages (Hindi, Bengali, Assamese, Oriya, Telugu, Tamil, Kannada, Malayalam,

Marathi, Gujarati, Punjabi, Nepali, and English) so any visually challenged can make a Braille type entry and obtain the ink and Braille print of the text accordingly.

Another technology that can make a big difference to people in remote areas is telemedicine, though it has yet to penetrate India in a big way. The main hindrance was the huge cost involved in transferring voice, data and images (video). Webel has successfully implemented the country's first low bandwidth technology for telemedicine using the basic phone line (unlike the heavy and costly videoconferencing equipment) and a webcam. The arrival of this low bandwidth technology may make it possible for village hospitals having a normal phone line to get connected to the big hospitals in cities and hence consult specialists in the respective fields.

"The development of the low bandwidth technology, as against high bandwidth, enables the use of telemedicine facilities even in remote areas where PSTN lines are there. While low

bandwidth operates on a normal telephone line, high bandwidth needs ISDN or leased lines," says Dr J N Maiti, director, Webel Electronic Communication Systems.

"Patients in villages and towns when referred by the doctors to visit city hospitals for consultations are reluctant for two reasons, money and time. Telemedicine using low bandwidth technology makes the local doctor either consult with the specialist in the city on-line or he leaves visuals and data of the patient on the specialist's computer to be accessed at leisure," says S K Mitra.

The Telemedicine system using PSTN (normal phone lines) has been developed at the computer science and engineering department, IIT, Kharagpur while its implementation at the referral and nodal centers is being done by Webel. It has been tested, installed at school of tropical medicine, Kolkata (referral centre) and two nodal centres at remote locations (Habra state general hospital and M J N hospital, district Cooch Behar) using ordinary telephone lines. Most of the data is transmitted preferably by store and forward method while online transmission and conferencing between the centres are done as required. The quality of image and data received at the referral end are quite acceptable to the doctors for diagnoses, monitoring and treatment.

The Telemedicine system has quite a few distinguishing features like its efficient use over telephone line operating at very low data rate (say 10kbps) making it technologically viable for operating even in a relatively underdeveloped communication infrastructure. A single referral hospital can handle multiple nodal centres simultaneously. It has a good patient management system making follow-up of cases easier. It is an integrated system that can handle text, image, graphic, audio and data very efficiently.

But its usage need not end at just doctor-patient relationship. "Telemedicine can be used as a good teaching tool. Medical students can be exposed to new cases existing only in remote and distant areas or special cases admitted in hospitals in other cities. It can also be a tool for distance education in rural medical colleges," says Prof. Jayasri Mitra Ghosh, director, Kolkata School of Tropical Medicine.

Injunction against Taslima book



KOLKATA,
Nov. 18. — Mr
Justice Jayanta
Kumar Biswas
of Calcutta High
Court today pas-
sed an order of
injunction restr-

aining the de-
fendant from publishing, market-
ing, selling or circulating Taslima
Nasreen's book *Dwikhondito —*
Amar Meyebela for a fortnight.

The court appointed a Receiver
to take into custody all copies
of the book available in the offi-
ces of the printer and the pub-
lisher or elsewhere and to make
an inventory. This order was pas-
sed on an application in a defa-
mation suit filed by Syed Hasmat
Jalan, a Bengali poet of Kolkata.
The matter will come up for fur-
ther hearing after notice to the
defendant. Mr Pratap Chatterjee
and Mr Amit Basu appeared for
the plaintiff. — SNS

'Tolerance is key to our success as democracy'

17/11
Statesman News Service 5/19

NEW DELHI, Nov. 16. — India is one of the few democracies that has sustained



Mr LK Advani

and flourished, and the reason is "tolerance", Mr LK Advani said today. Speaking on the occasion of National Press Day, today, the Deputy Prime Minister said electoral reforms and "restrained behaviour" of the Fourth Estate

could help the country emerge as a developed nation.

Mr Advani, who was arrested along with several other political leaders during the Emergency, reminded the audience how the nation's voice was stifled and political rivals and outspoken lawyers arrested and harassed during the 19-month period.

A large number of students and members of the media and legal fraternity attended the discourse on "Parliament, Democracy: Role of Media". Information and broadcasting minister Mr Ravi Shan-

kar Prasad called for a separate regulatory authority for broadcasters. The government, he said, is ready for a dialogue on codification of rights and privileges of the legislature vis-a-vis freedom of the press.

National Human Rights Commission chairman and former Chief Justice of India, Mr AS Anand, said a balance had to be maintained between the privileges of legislature and the freedom of the press.

Recollecting the days of Emergency, Mr Advani said the period, in its totality could be compared only to a "complete Solar eclipse". "Before Independence, the people knew in which jails their leaders had been kept. But during the Emergency, even stalwarts such as Jai Prakash Narayan and Morarji Desai didn't know where other arrested leaders had been kept. This was because there was a complete black-out of the press".

Quoting from the manifesto of the Janata Party in 1979, Mr Advani said bread and liberty were the two "constituents of the democratic system".

Mr Ravi Shankar Prasad, who also released a souvenir on the occasion, cautioned against the creeping in of "corporate culture" in the media and growing competitiveness at the cost of factual reporting. "The government is also seriously deliberating on the Convergence Bill," he said, in reference to the flooding of channels.

Rich-poor divide set to mar global internet summit

Geneva, November 15

DEVELOPED AND developing nations were wide apart on Saturday on closing the digital divide between the rich and poor at the end of what was meant as a final meeting before a world summit.

The World Summit on the Information Society (WSIS), to be held in Geneva from December 10 to 12, was first proposed in 1998 at the height of the Internet boom, but two years of preparatory negotiations have failed to resolve many of the outstanding issues.

Some developing states such as Brazil and India would like to see greater national or even supranational involvement in administering the Net, while many rich states are happy to see it left to the private sector.

"Developing countries will argue generally that governments do need to be involved, that it cannot simply be the private sector, and the private sector in some industrialised countries, to take the lead in how the Internet is governed," said Pierre Gagne, executive secretary of the WSIS organising secretariat.

In a world where half the population has never made a telephone call, there is also the question of how to finance investment in infrastructure and training needed to speed the spread of telecommunications' services and the Internet.

Many poorer states are pressing for the creation of a

special "digital divide" fund, but richer countries remain to be convinced of the need, conference sources said.

"No decision will be taken on the establishment of a fund, but I think that there will be agreement to establish a mechanism that will come up with specific recommendations on what to do," added Gagne.

Other issues include how to handle pornography and spam — unsolicited mail through the internet.

The summit, being held under the auspices of the UN, is the first of two. A second will be held in Tunis in 2005.

"There are still challenges. The differences have not been resolved," said a United Nations official after a week of talks ended late Friday.

A further previously unscheduled session has been called for December 5-6 in a bid to clear the way for 60 heads of state and government, including German Chancellor Gerhard Schroeder and French Prime Minister Jean-Pierre Raffarin, to agree a declaration of principles and a plan of action.

Initially conceived as a way to help poorer countries to make better use of the Internet, and through it perhaps leap-frog some stages to economic development, the summit has since broadened to embrace many facets of the information society, including questions of press freedom and Net management.

Reuters

Court pulls up CM for media ban remark

HT Correspondent
Kolkata, November 14

● Journalists shooed away from RG Kar Medical College and Hospital on November 4 by the police with threats of arrest and also by Group-D staff. Reporter of English daily pushed by constable.

● ETV (Bangla) reporter and cameraman stopped at RG Kar gates by the police on November 6.

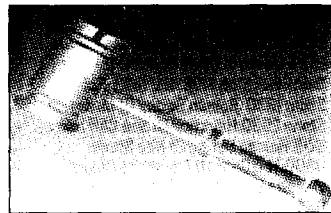
● Aakash Bangla reporter prevented by the police from entering RG Kar and NRS.

FROM NOW, anyone trying to stop journalists from entering hospitals will be guilty of contempt of court. The Calcutta High Court made this clear on Friday and pulled up the chief minister for his statement on November 3 that started it all.

At the hearing of a public interest litigation challenging the reported ban on the media at state hospitals, state advocate-general Balai Rai said the government had not officially issued any ban order. But the two-judge bench of Chief Justice A.K. Mathur and Justice A.K. Banerjee ruled that Chief Minister Buddhadeb Bhattacharjee's statement (that hospitals are not the place for the media to loiter around) had sent out a "wrong message".

"No doubt that the chief minister has sent a wrong message to the public by making such reported statement banning media persons from entering the hospitals," the bench said.

The court's ruling also took the bottom out of Health Minister Surya Kanta Mishra's advice to the media on Thursday to avoid demoralising doctors through negative coverage.



HC blow

- ▶ The CM has sent out a wrong message by talking of banning the media from hospitals
- ▶ Media has a right to enter hospitals and highlight mismanagement and health care failures
- ▶ We are aware of the state of health care in govt hospitals and will deal with it if a petition is filed

"Media has a right to enter the hospitals to highlight hospital mismanagement and failure of the health care system," the bench said. "Medical machinery and equipment worth crores are lying idle and cats are biting and taking away a child..."

The advocate for the petitioner — Acharya Krisneswarananda Avadhuta, an Anandamargi — requested the court to direct the state to submit a report on steps taken to improve health care at government hospitals. The judges said, "We are well aware of the state of the health care system in state hospitals and will deal with the matter if a proper petition is filed."

The Press Bureau, too, filed a petition accusing the police of beating up journalists and damaging their cameras.

Good governance key to e-governance: Advani

Statesman News Service

14/11
The Hindu hopes

CHENNAI, Nov. 13. — Deputy Prime Minister Mr LK Advani today called for an attitudinal change in the government at all levels to accept the responsibilities of good governance, pointing that e-governance would succeed only when there is commitment to good governance.

“We must realise that e-governance is not a matter of technology alone. It’s much more than the introduction of computers and software. Unless it is backed by administrative reforms in processes, procedures, and systems of governance, such initiatives tend to end up as a mere computerisation of activities with no tangible benefits to the stakeholders,” he said. Mr Advani was speaking at the inauguration of the three-day seventh conference on e-governance here today. He also released a book on quality management in government, edited by parliamentary affairs secretary Dr VK Agnihotri.

Mr Advani, who shared the dais for the first time with chief minister Ms Jayalalitha after *The Hindu* episode, said India lagged behind in the overall e-governance performance, and among the index of 133 countries, India’s position was 77th. “This is paradoxical. India is today globally recognised as one of the leading powers in Information technology. Our government is committed to removing this mismatch at the

earliest,” he said.
Listing the initiatives already undertaken by the Centre, Mr Advani said under the police modernisation scheme, more than Rs 100 crore has been sanctioned this year for the purchase of computers by various states. In the next two to three years, 12,367 police stations and about 7,000 police officials would be networked. A few years ago, this proposal was not accepted by the chief ministers of various states saying it was an impossible task. “Now because of the advancement in IT, there is acceptance everywhere.”
“Goals and benefits have to be clearly specified so that all stakeholders share the outcome. Citizen is at the centre of e-governance and unless we first identify what the citizen wants and draw up plans, all programmes will end up without achieving the basic objectives of these initiatives,” Mr Advani said.

THE STATESMAN

4 NOV 2007

PRESS FREEDOM vs ITS ADVERSARIES

AS IT WENT to the Supreme Court for immediate relief as well as for a deeper correction of an unsavoury situation that affects not merely this 125-year-old newspaper and five of its senior representatives but the very future of the free press in India, *The Hindu* based its action on its firm conviction in the truth of three basic propositions. The first is that the freedom of the press, which was won in the freedom struggle that gave birth to this newspaper and has been specifically derived by judicial interpretation from Articles 19(1)(a) and Article 19(1)(g) of the Constitution, is an inalienable fundamental right. The second proposition is that this fundamental right, which has certain "reasonable restrictions" under stipulated categories applying to it, continues to be highly valued by both constitutional and political India. Institutionally speaking, the higher judiciary and above all the Supreme Court can always be relied upon to uphold freedom of the press.

The third and critical proposition in relation to the issues at stake in the present case is that in India, unlike the United Kingdom, it is the Constitution — not any legislative body, not the Tamil Nadu Legislative Assembly, not even the Lok Sabha — that is supreme or sovereign. It follows that the powers and privileges of any limb of the state are subject to the provisions of the Constitution, including of course the ensemble of fundamental rights that the supreme law privileges. When there are constitutional questions or controversies, including those relating to what legislative bodies may and may not do, it is the apex court that must be accepted as the final interpreter and adjudicator. It is inconceivable that the power of judicial review cannot be asserted in relation to a case where the contention is that authoritarian and arbitrary action unleashed in the name of legislative privilege comes into direct conflict with Article 19 freedoms, with personal liberties guaranteed in the class of constitutional provisions that constitute the celebrated "Right to Freedom", and with the principles of natural justice.

This newspaper approached the Supreme Court in the knowledge that reliefs such as the grant of interim stay on warrants of arrest issued by presiding officers of legislative bodies have indeed been ordered in the past by the highest court; and that in an important 1994 judgment, a full bench of the Madras High Court even ordered a token monetary compensation to the petitioner for the violation of his fundamental rights under the banner of legislative privilege. It is a vindication of *The Hindu's* confidence in these three propositions that the Supreme Court granted on Monday a stay on the warrants of arrest issued by the Speaker against five of its senior representatives who had been sentenced to 15 days' simple imprisonment for alleged breach of privilege. Are the Speaker of the Legislative Assembly, the police and the executive branch bound by this order of the highest court in the land? The answer is a resounding yes. It is obvious that anyone who goes against the order in any way does so at his or her peril. The order of stay apart, the most gratifying devel-

opment of the last few days must be the spontaneous expression of solidarity with *The Hindu* that has come from all sections of the press and the other news media, from media organisations spread across the country and beyond, from all political parties barring the party ruling Tamil Nadu, from various other organisations and individuals — and from a large cross-section of the newspaper's readers. In particular, the voice of outrage heard from small towns is a reassuring revelation that the national traditions of democratic protest remain intact. This re-emergence of organised public action on vital institutional issues as well as civil society's capacity for healthy mobilisation must be welcomed as a much-needed antidote to creeping cynicism in Indian public life.

The Hindu expresses its gratitude to all those who stood by it when crude police methods — an invasion of its head office without warrants or lawful authorisation, arbitrarily executed searches of the homes of four of the five persons sentenced, the drama of a gang-style interception of a car in which two senior representatives of the newspaper were travelling in Bangalore, and other police acts designed to create a climate of intimidation and insecurity even after the Supreme Court stayed the warrants of arrest — interfered gravely with the newspaper's functioning.

One good thing that has come out of the unsavoury experience imposed on the newspaper through a crude and unconstitutional executive misadventure is the spotlighting of large institutional issues. *The Hindu's* editorial understanding is that these basic issues relating to Article 19(1)(a), personal liberties and the principles of natural justice need to be settled — not just questions relating to the peculiar facts of the case. Existing privilege laws give legislatures too much discretion to decide what constitutes a breach of privilege or contempt of the House. As things stand, there is no clear definition of what constitutes a breach of privilege. As a result, it becomes next to impossible for anyone to know whether a certain act constitutes contempt of the House. Among other things, this militates against the common principle in criminal law that an offence is defined before the commission of an act and not determined retrospectively. The Constitution does not comprehensively spell out the privileges of Parliament or State Assemblies. However, Articles 105 (3) and 194 (3) make it clear that the ultimate objective of the Constitution's framers was to see that laws made by the legislatures themselves should define privileges. Such codification would put paid to any claim of 'sky-high powers', explicit or implicit, claimed by any legislative body or its presiding officer. The latest developments reinforce the long-standing demand within the media that legislative privileges should be codified. This should be done through a carefully crafted statute that explicitly recognises the application of the power of judicial review to cases of breach of privilege, especially cases where legislative privilege comes into conflict with fundamental rights.

RAM WRITES TO ADVANI

CISF cover for *The Hindu*

By Our Tamil Nadu Bureau

CHENNAI, NOV. 11. Faced with intimidatory tactics by the Tamil Nadu police, *The Hindu* today sought and obtained the deployment of Central security forces to protect the institution and its employees facing harassment in the aftermath of the Supreme Court's order on Monday.

The Editor-in-Chief, N. Ram, wrote to the Deputy Prime Minister, L.K. Advani, expressing apprehension concerning the security of *The Hindu* offices and its staff. Even after the Supreme Court order staying the arrest of *The Hindu's* representatives, policemen were moving about in front of the office creating an atmosphere of hostility and insecurity, which interfered with the functioning of the newspaper, he said in his letter. Immediately thereafter, the Central Industrial Security Force was asked to provide security to *The Hindu*.

In view of the situation, entry to the offices of *The Hindu* here was restricted.

Earlier, Mr. Ram told reporters that the security staff of the newspaper had got reports of intimidation by policemen, who

had gone to the homes of some employees and were acting in a hostile manner. They were also swarming around the offices and noting down car numbers.

Governor apprised

The Joint Managing Director, N. Murali, had spoken to the Tamil Nadu Governor, P.S. Ramamohan Rao, and briefed him on the situation. The response from the Governor was immediate and positive.

On Monday, only the facts had been put forth by the newspaper and no request was made to anyone.

Mr. Ram said the decision to seek Central security had been taken reluctantly, as the harassment was going on despite the Supreme Court order staying the arrest of senior journalists of *The Hindu* and the Editor of *Murasoli*. *The Hindu* had not overreacted, but "underreacted" to the harassment.

Mr. Ram said that it was a settled law that all controversies and issues relating to the legislature's powers were subject to judicial interpretation, review and the law of the land.

Asked about the silence of the Tamil Nadu Assembly Speaker, K. Kalimuthu, and senior police

officials on the Supreme Court's stay order, he said they were entitled to remain silent. "Whether it is a wise thing to do is a different matter."

Mr. Ram said there had been a "real breakthrough" in the Bangalore incident, where the car in which he was travelling with Mr. Murali was waylaid by plainclothesmen from Tamil Nadu. A policeman had been identified. This would show those who orchestrated the outrage in a poor light.

Answering questions on a new criminal defamation petition filed against the newspaper, the Editor-in-Chief said it was an old issue that was surfacing in a new 'avatar.' The news article in question, published on April 13, 2003, had already gone to the privileges committee and the sentence of seven days imprisonment that was sought to be imposed by the Assembly was dropped at the instance of the Chief Minister. This was now revived as a criminal defamation case after the Supreme Court passed the orders. The latest petition was the 17th such case against *The Hindu*. There was a need to look at a new legal strategy to tackle these cases, he added.

THE HINDU

12 NOV 2003

UNFAIR PRIVILEGE

Democracy cannot thrive by destroying one of its basic planks. Yet the idea of parliamentary privilege, the bone of contention between *The Hindu*, a newspaper that is 125 years old and a name that is almost synonymous with the media in Chennai, and the Tamil Nadu assembly does precisely that. The attack on *The Hindu* by the Tamil Nadu Bidhan Sabha is an occasion that justifies outrage and the fear that freedom of speech is under a shadow in Tamil Nadu. The allegation that the attack was orchestrated by the chief minister, Ms J. Jayalithaa, is credible because she is known for her intolerance and vindictiveness. The Supreme Court has stopped the harassment of *The Hindu* and its staff. But this cannot take away from the gravity of the issues that the incident has brought to the glare of public attention and debate. The editorial of *The Hindu*, which has been cited as a breach of parliamentary privilege by the Tamil Nadu assembly's privileges committee, can be read from a narrow legal point of view and thus used to justify the strictures of the committee. But the issues involved are more profound precisely because freedom of speech is involved, as is the very idea of parliamentary privilege. The existence of a privilege can by no means be interpreted as a justification for its existence. The precipitate action of the privileges committee, the punishment recommended and the actions that followed make it imperative that the idea of privilege is reexamined by a body of jurists and political philosophers.

The notion of parliamentary privilege, a direct import from the house of commons in Britain, is something of an anomaly in the Indian political system. In India, unlike in Britain, where the parliament is sovereign, the Constitution is sovereign. This places the idea of parliamentary privilege on a somewhat shaky ground. It guarantees to legislatures and their members certain rights which are not available to the rest of the adult population. Yet the Constitution has made all the citizens equal. In Britain, in the specific political context of the 17th century when the house of commons was establishing its rights against an arbitrary monarch, its members protected themselves by asserting certain privileges. They also wanted to establish the sovereignty of the house of commons. In India, this context does not exist, has never existed. Democracy was born in India without any threat from monarchy or any other institution. Here, the invocation of parliamentary privilege can only stop the free flow of information, which is a vital element in a democracy.

In India, the danger to democracy comes not from royalty but from political leaders who assume regal status for themselves. Such leaders abuse democratic institutions and conventions to their own advantage. Ms Jayalithaa's use of parliamentary privilege is a supreme example of this kind of arbitrariness. It is time the principle of parliamentary privilege was recognized as an anachronism. Discarding it will stop its abuse.

media 5/7 11/4

The Hindu issue

JAYA MENON provides an overview of *The Hindu* controversy even as the Supreme Court on Monday stayed the arrest of the five journalists

THE Tamil Nadu Assembly took objection to three reports on the proceedings in the Assembly that appeared in *The Hindu* dated 12, 13 and 23 April 2003 on the grounds that they "lowered the fame and reputation of the state government" and infringed the "sovereignty" of the House.

On 23 April, the Tamil Nadu Assembly Speaker, Mr K Kalimuthu, *suo motu* referred the three reports to the Privileges Committee. The Speaker said *The Hindu*, in its 12 April report, *Walk-out to protest CM offensive*, published phrases "contrary to truth" with a motive to tarnish the reputation of the chief minister, Miss Jayalalithaa. The objectionable phrases were: "The chief minister, Jayalalithaa's stinging abuse..." "unrestrained attack on the Opposition," "Ms Jayalalithaa fumed..." and "incensed Ms Jayalalithaa alleged in a high-pitched tone".

On 13 April, *The Hindu* published a report, which contained phrases such as "the chastisement they received at the hands of the chief minister", "...43 legislators who raised this issue were not only evicted, but also removed to the North Beach police station here a couple of days ago...", and "...Most of the Congress legislators are shocked at the epithet the chief minister threw at the Opposition for its behaviour.."

In another report published on 23 April, *Jayalalitha taunts Marxists again*, *The Hindu* said: "Stung by the chief minister's diatribe, the Marxist members..." and "she said education alone would not make a man sane as leaders like Dr Ramadoss and Dr Krishnasamy were notorious for casteist fanaticism."

Listing the reports, the Speaker said, "Publishing derogatory words with a motive of lowering the dignity and fame of the Government and infringing the privilege of the Assembly amounted to breach of privilege of the House." As publication of such "baseless, unfair remarks and charges" disrespected the House and infringed the sovereignty of the House, the Speaker, under Rule 226 of the Assembly, referred the reports to the Privileges Committee.

On 25 April, *The Hindu* published an editorial, *Rising intolerance*, which starts thus: "With each passing day, the Jayalalitha administration in Tamil Nadu seems to be scaling new heights of intolerance. The crude use of state power against various sections including political opponents and the independent media shows a contempt for the democratic spirit that is deeply disturbing..." The Tamil Nadu Assembly also took objection to this editorial and referred this too, to the Privileges Committee.

On 7 November, the Tamil Nadu Assembly dropped a bombshell, sentencing the publisher, Mr S Rangarajan, executive editor, Mr N Ravi, editor, Ms Malini Parthasarathy, and two senior journalists - the chief of news bureau, Mr V Jayanth, and special correspondent, Ms Radha Venkatesan, to 15 days' simple imprisonment for breach of privilege.



The Speaker announced the verdict of the Privileges Committee after the leader of the House, Mr C Ponnaiyan, said the Committee concluded that the publisher, editor, executive editor, chief of news bureau and special correspondent of *The Hindu* had committed breach of privilege. He then moved a resolution, stating that the House sentenced them to 15 days' simple imprisonment for gross contempt and gross breach of privilege of the House as a whole.

The decision of the House pertained to the editorial published by the newspaper on 25 April 2003, which was based on an article and a news report. The editorial had attributed motives to the decision of the Speaker, the privileges committee and therefore, lowered the dignity of the entire House, the resolution said.

The Assembly had, however, considered two resolutions against *The Hindu*, during its sitting on the evening of 7 November - one on breach of privilege relating to the chief minister and another of the House as a whole. Mr Ponnaiyan moved a resolution, recommending seven days' simple imprisonment on the breach of privilege relating to the chief minister. Miss Jayalalitha rose to say that she did not want to pursue the matter relating to her and that it could be dropped.

The Leader of the House took up the second resolution, which stated that the editorial sought to justify the contents of the article and the news report. This constituted a "gross act of contempt of the House as a whole" and a "gross act of breach of privilege of the House as a whole". Therefore, the editor, executive editor, publisher, the article writer, V Jayanth, and the special correspondent, Radha Venkatesan, were liable to be punished.

The resolution recommended that they be sentenced to 15 days' simple imprisonment for breach of privilege and that the Assembly passes issued to the newspaper suspended for 15 working days.

Following is the text of the Tamil Nadu Assembly resolution which was passed on 7 November in the House: The House gives assent to the following recommendation II given by the House Privilege Committee under Rule 229 (4) of the Assembly Rules: Whereas, the editorial published in *The Hindu* dated 25 April 2003 was written in a manner causing breach of privilege of the action of the Assembly Speaker who is the custodian of the Assembly, as well as the action of the Privileges Committee and in the primary process imputing ulterior motives to the House as a whole.

Further, a part of the said editorial which justified the news items and articles written by Radha Venkatesan and Mr V Jayanth, that cast a slur on the chief minister's action in the Assembly, had further breached the privilege of the House.

As these newspaper publications are a gross act of contempt of the House as a whole and a gross act of breach of privilege of the House as a whole, the editor of *The Hindu*, its executive editor, its publisher, article writer V Jayanth and special correspondent Radha Venkatesan have committed a punishable offence of breach of Privilege of the House.

Hence the following punishment can be given: Fifteen Days simple imprisonment for the editor of *The Hindu*; Fifteen Days simple imprisonment for the executive editor of *The Hindu*; Fifteen Days simple imprisonment for the printer and publisher of *The Hindu*; Fifteen days simple imprisonment for special correspondent of *The Hindu*, Radha Venkatesan; Fifteen days simple imprisonment for article writer of *The Hindu*, V Jayanth.

The permission given for covering the Assembly Proceedings to the reporters of *The Hindu* is withdrawn for 15 days.

Incidentally, *Murasoli*, the DMK party organ was also hauled up by the Assembly for reproducing in full in Tamil in its edition dated 26 April the editorial, *Rising intolerance* that appeared in *The Hindu* dated 25 April. *Murasoli* editor, Mr S Selvam, was sentenced to 15 days' simple imprisonment.

(The author is the Chennai-based Special Representative of The Statesman.)

Constitution, not legislatures, is supreme, says Ram

By Our Tamil Nadu Bureau

CHENNAI, NOV. 10. Speakers of some legislatures might say that they are sovereign but in India, the Constitution is supreme, not legislatures, not even the Lok Sabha, the Editor-in-Chief of *The Hindu*, N. Ram, said here today, following the Supreme Court's order staying the arrest of five senior representatives of *The Hindu* and the Editor, *Murasoli*.

Asked by mediapersons here about a scenario of the Tamil Nadu Assembly Speaker, K. Kalimuthu, insisting on the police executing the arrest warrant, Mr. Ram said the apex court had ordered that the journalists should not be arrested in any part of India, and that this direction should be communicated to the Director-General of Police. If anyone violated this, he or she would do so at his or her peril, including the Speaker.

"Two things stand out," Mr. Ram said. "First, our confidence in the Supreme Court as the upholder of freedom of the press stands vindicated. Secondly, how much the press and news media mean to our system is centrestaged."

The Editor-in-Chief said that it was settled law that all constitutional controversies were subject to interpretation and adjudication by the higher judiciary, the High Courts and the Supreme Court, and that no legislative body could insist that its decisions affecting fundamental rights were not subjected to this power.

Mr. Ram said there were questions being raised on why the five members did not get arrested and try to come out on bail. He said the police could not be trusted and there was no question of taking chances. There was concern about the health of Mr. Rangarajan (Publisher). There was also concern about the way the Executive Editor, Malini Parthasarathy, might be treated. Referring to the Speaker's statement on Sunday claiming that the order of arrest was not scripted by the Chief Minister, Jayalalithaa, he wondered whether the Speaker had the power to send the police to other States. The police had fanned out all over the southern States and to Delhi looking for the journalists.

Recalling the Bangalore incident where the car in which he and the Joint Managing Director, N. Murali, were travelling was intercepted by the police, he said had the police shown papers it would have been an arguable case of propriety on their part. Instead, they chose to "run away like thieves". Mr. Ram said *The Hindu* had been a target of the State Government for some time now. The 16 criminal defamation cases and one civil suit filed against *The Hindu*, "in my opinion

are all totally baseless." *The Hindu* will take a fresh look at the legal strategies to tackle these cases, he added.

Codification of privileges of legislative bodies, criminal defamation and criminal contempt of court were serious questions that needed to be addressed, he said. The State administration, he said, had lost the battle in the first stage. "The order was a violation of press freedom, the personal liberties of all those against whom arrest warrants were issued, and the principles of natural justice."

Mr. Ram's entry just past noon into the premises of *The Hindu*, was marked by the bursting of crackers and thunderous applause, as he made his way to the porch through a crowd of the newspaper's employees who welcomed him with the traditional 'ponnadai.'

The Editor-in-Chief said he would first like to express gratitude to *The Hindu*'s employees who stood firm on this issue. He noted that everyone involved, including his brother, N. Ravi, Malini Parthasarathy, S. Rangarajan, Chief of Bureau, V. Jayanth, and Special Correspondent, Radha Venkatesan, worked together in response to this challenge.

He thanked mediapersons first for their interest in the issue and then for their show of solidarity. "Political and Constitutional India would not have been sensitised to this extent to the issues at stake without the intense interest taken by the media." Starting with the Tamil press, and covering newspapers, radio, television, across the country, plus the online media, the news media had brought the issues to centrestage, he noted, adding: "I stand in awe before the power of the press and the news media of this country."

Police officers avoid media

By Our Special Correspondent

CHENNAI, NOV. 10. The top brass of the State police today preferred to avoid mediapersons' queries with regard to the Supreme Court staying the operation of the Assembly's resolution sentencing six journalists to 15 days imprisonment.

Efforts to contact the Director-General of Police, I.K. Govind, to ascertain whether the State police had received a copy of the apex court's order were in vain. But police sources confirmed the receipt of a copy of the stay order.

The Speaker, K. Kalimuthu, who initially offered to talk to the media in his chamber, left the Secretariat in a hurry.

Centre to seek report from T.N. Governor

By Our Staff Correspondent *media*

NEW DELHI, NOV. 10. The Centre will seek a report from the Tamil Nadu Governor on the events relating to the Assembly sentencing six senior journalists of *The Hindu* and *Murasoli*, according to the Prime Minister's Office.

The Prime Minister, Atal Bihari Vajpayee, gave this assurance to a delegation of Opposition members from Tamil Nadu, who met him here today to express unhappiness over the events. "Whatever the authorities in Tamil Nadu have done cannot be justified," Mr. Vajpayee said.

Mr. Vajpayee is said to have told the team that in the Indian system of checks and balances, no wing could arrogate to itself the right to overturn this arrangement. He justified the Supreme Court's intervention and expressed happiness over the solidarity exhibited by the media.

The 57-member team of legislators from nine political parties, barring the BJP, sought the Prime Minister's immediate intervention to "protect the legitimate rights and liberty, to stop the dictatorship and end the abuse of power by the AIADMK Government in Tamil Nadu."

The actions of the Tamil Nadu Assembly posed a direct challenge to the freedom of the press and the functioning of democratic institutions, they said.

The delegation stopped short of demanding the dismissal of the State Government but said it had cited enough reasons for invoking Article 356. "The silence maintained by the Union Government perhaps emboldens the Jayalalithaa regime to abuse power," the delegation said.

In a memorandum presented to Mr. Vajpayee, the legislators said the sentence of 15 days simple imprisonment imposed by the Assembly on the Editor, the Executive Editor, the Publisher, the Chief of News Bureau and a Special Correspondent of *The Hindu* for publishing an editorial on April 25 was unprecedented and atrocious.

"What is shocking further is that S. Selvam,

editor of *Murasoli*, was also punished with 15 days imprisonment for merely publishing a translation of *The Hindu* editorial."

The other allegations made against the Chief Minister, Jayalalithaa, were the misuse of the Assembly for political ends and of the Essential Services Maintenance Act by chargesheeting legislators under the Act for sympathising with the cause of striking Government employees.

The State Government ruthlessly and mercilessly dismissed *en masse* more than 1.7 lakh Government employees without adopting a proper procedure or conducting any inquiry, they pointed out.

The Opposition also raised the issue of arrest of the MDMK leader, Vaiko, and the *Nakkeeran* Editor, R.R. Gopal, under POTA and the arrest of the DMK leader, M. Karunanidhi.

Describing these as "tyranny and oppression unleashed by the AIADMK Government", the Opposition members said that unless the Centre, which was conferred the power to defend and protect the legitimate rights and liberty of the people, came forward with a great sense of responsibility and constitutional obligation, peace and tranquillity in the State would be in peril.

'Good for democracy'

Earlier, the Deputy Prime Minister, L.K. Advani, described as "good for democracy" the stay on the arrests of the scribes, when the delegation met him this morning. He hoped that the Supreme Court's directive would strengthen democracy. "As a former journalist, I have always valued a free press and feel sad and unhappy when the freedom of the press is opposed," he said.

The delegation, comprising members from the DMK, the Congress, the PMK, the CPI, the MDMK, the DPI, the CJP and the MGR Kazhagam, was led by the Leader of the Opposition in the Tamil Nadu Assembly, K. Anbazhagan.

Sonia, Chandrababu Naidu affirm support

By Our Special Correspondent

BANGALORE, NOV. 8. The Congress president, Sonia Gandhi, tonight telephoned the Editor-in-Chief of *The Hindu*, N. Ram, and enquired about the latest incident in Bangalore where his car was intercepted by a group of policemen. Mr. Ram acquainted her with what had happened and said the Karnataka Chief Minister, S.M. Krishna, had been most helpful. Ms. Gandhi expressed her concern and said, "You have the support of all of us".

Earlier in the day, a New Delhi report quoted Ms. Gandhi as deploring the attempts made to curb press freedom in Tamil Nadu. "Such high-handed ac-

tion by the State Legislature is a threat to democracy. I hope that the government resolved amicably. Those of us in public life must respect the right of the press to express independent views and opinion," she said in a statement.

The former Prime Minister, I.K. Gujral, and the Madhya Pradesh Chief Minister, Digvijay Singh, also called up Mr. Ram to express their support.

The Andhra Pradesh Chief Minister, N. Chandrababu Naidu, expressed strong disapprov-

al of what had happened in the last two days and said that *The Hindu* was a great newspaper with tremendous credibility. "We are with you," he reassured Mr. Ram in a telephone call.

**More reports on
Pages 7,8,10,11**

THE HINDU

9 NOV 2003

KARNATAKA GOVT. STANDS BY *THE HINDU*

Krishna depllores attempts to gag the media

By S. Rajendran

BANGALORE, NOV. 8. The Karnataka Chief Minister, S.M. Krishna, who was the chief guest at the 125th anniversary celebrations of *The Hindu* here today, deplored the attempts in the States to gag the media.

In an address which was well-received by the gathering, more so in the light of the developments in Chennai where the Tamil Nadu Legislative Assembly has handed out 15 days simple imprisonment to the Publisher, Editors and senior journalists of *The Hindu*, the Chief Minister said, "pernicious tendencies are now creeping into the body politic. Every effort should be made to stop such developments in the interest of a better upkeep of democracy".

Mr. Krishna said there was a need for a pragmatic and bilateral approach in the prevention of hostility among institutions arising out of the freedom of the press. "As a member of a democracy I realise the values of a free press. I also see, unfortunately, the abuses of the same freedom and this can involve retaliation and hostility, which put institutions at loggerheads. Hence there is a need for a bilateral approach in exercise of freedom and restraint," he said.

The Chief Minister, obliquely referring to the order of the Speaker of the Tamil Nadu Assembly on Friday pertaining to a privilege issue and the subsequent aggressive postures of the Chennai police, said the Karnataka Government would stand by *The Hindu* and that he was happy to note that the members of management of the newspaper were in Bangalore to go ahead with the celebrations irrespective of the difficulties encountered in Chennai. "I was concerned and perturbed on receipt of the information. The galaxy of people attending the celebrations is indicative of the reputation of *The Hindu* and the manner in which people stand by it," he said.

Mr. Krishna said successive governments in Karnataka had stood by *The Hindu*. "M.

Visvesvaraya in 1928 said that *The Hindu* occupies a pre-eminent position in the field of journalism in India; that as an organ of public opinion it has a wide following and that as an exponent of Indian public opinion it is second to none in the country. Seventy-five years later, these words stand tall today and *The Hindu* is an exemplar of fair and objective journalism and espouses the highest standards in comment and fidelity. Contemporary events have truly vindicated Sir Visvesvaraya's statement that its views and policies are dictated by considerations of national interest and broadminded patriotism," he said.

The Chief Minister himself an ardent second-generation reader of *The Hindu* said the habit of reading newspapers had become widespread in the country and as per a report of the Registrar of Newspapers the daily circulation of various publications was about 60 millions with a readership of about 150 millions. "The Indian press in general and *The Hindu* in particular are successfully engaged in moulding public opinion and creating awareness and *The Hindu* has remained steadfast to its core principles — truth-telling, freedom, independence, humaneness and contribution to the social good. An independent judiciary and a free press, coupled with the democratic assertions of the people, have made the Indian polity durable and sustainable."

The Editor-in-Chief of *The Hindu*, N. Ram, in his welcome address, said Karnataka occupied a special place in the newspaper's operations, history and sentiments. Referring to Mr. Krishna, he said, "Let me say Chief Minister, on behalf of an independent press and indeed the news media, it is a pleasure to be able to deal with a head of a government who is a model of accessibility, friendliness and 'forthcoming-ness'." The Bangalore edition of *The Hindu* started in 1970 and had now been followed up with an edition from Mangalore.

Referring to the incidents on Friday in

Chennai, Mr. Ram said, "Our paper has been targeted. It is unconstitutional, illegal and anti-democratic. The police invaded our office seeking to arrest the newspaper's Editors and staff members without warrant and later came there for the second time to search the office premises with incomplete papers. However, we do not want the incidents in Chennai to cast a shadow on an important event in Bangalore today though I cannot avoid mentioning them."

The Joint Managing Director of *The Hindu*, N. Murali, who proposed a vote of thanks, spoke of the importance that *The Hindu* management attached to its operations in Karnataka.

'A disquieting trend'

In an attack on the prevailing political ethos in the country and also a disquieting trend in the media, the Jnanpith Award winner, U.R. Ananthamurthy, referred to the way the likes of Praveen Togadia and Laloo Prasad Yadav had come to be lionised. Such a thing was not possible some decades ago. The newspapers in the past were ignoring the type of speeches being delivered by Mr. Togadia. But the media today was given to sensationalising events and issues.

The Chairman and Managing Director of Wipro, Azim H. Premji, referred to projections which spoke of India's potential to out-beat many other nations and rank along with the U.S. and China in the decades to come. It could overtake Japan, Germany, France and Italy, he said.

The Leader of the Opposition in the State Assembly, Jagadish Shettar, spoke about why he appreciated *The Hindu* despite his strong views on certain issues.

The elite, the intelligentsia and people from a cross-section of society formed the large gathering at the function held at the Ambedkar Bhavan. The dignitaries, including the Chief Minister, were presented with the traditional *ponnadai* and later given a memento to mark the celebrations.

THE HINDU

9 NOV 2003

HOPE AUTHORITIES WILL SHOW RESTRAINT: COUNSEL

Supreme Court to hear *The Hindu* Editors' petition on Monday

By J. Venkatesan

NEW DELHI, NOV. 8. The Supreme Court will hear on Monday a writ petition filed by the Editor of *The Hindu*, N. Ravi, and four others challenging the Tamil Nadu Assembly resolution sentencing them to 15 days' simple imprisonment for breach of privilege of the House.

The petition was moved before Justice R.C. Lahoti by senior counsel, Harish Salve, late in the evening since both the Chief Justice, V.N. Khare, and the next senior judge, Justice S. Rajendra Babu, were out of town. Considering the urgency of the matter, Mr. Justice Lahoti directed that it be listed as the first item before a Bench comprising Justice Y.K. Sabharwal and Justice S.B. Sinha.

The other petitioners are: the Executive Editor, Malini Parthasarathy, the Managing Director, S. Rangarajan, the Chief of Bureau, Tamil Nadu, V. Jayanth, and Special Correspondent, Radha Venkatesan.

Soon after the petition was directed to be listed for hearing, Mr. Salve told reporters that since the Supreme Court was now seized of the matter, it was expected that the authorities would show restraint and wait for the outcome of the order.

The petitioners sought a direction to declare the resolution passed by the Tamil Nadu Assembly on November 7 against them as illegal and void and to quash the warrant issued by the Speaker for arresting them. An interim direction to restrain the police both in Tamil Nadu and Karnataka (where a posse of police from Tamil Nadu are camping) from executing the warrants issued by the Speaker was also sought.

The Assembly resolution said that an editorial published in *The Hindu* on April 25, 2003 was written in a manner causing breach of privilege of the action of the Assembly Speaker who was the custodian of the House,

as well as the action of the Privileges Committee and in the primary process imputing ulterior motives to the House as a whole. It held that *The Hindu* Editor and four others had committed a punishable offence of breach of privilege of the House and sentenced them to undergo 15 days' simple imprisonment.

Assailing the resolution, the petitioners contended that the Assembly, without granting any opportunity to them to be heard in person by the Privileges

Committee, had violated the principles of natural justice and breached the promise that they would be given an opportunity to be heard in person.

The petitioners submitted that it would be relevant to note that the Chief Minister, Jayalithaa, made a statement in the Assembly that she was not interested in pursuing another resolution in respect of three reports which related to her and accordingly the proceedings were dropped. However, the

resolution passed in respect of an Editorial sentenced all the five petitioners.

The petitioners argued that the resolution was contrary to and violative of their fundamental rights under Articles 19 (1) (a) and 21 of the Constitution. Honest and courageous reporting by the press was the bedrock of parliamentary democracy. It would be impossible for them to fulfil their responsibility as members of the Fourth Estate in an atmosphere of fear and terror. They said that they were being prosecuted for fair and accurate reporting of the proceedings of the Assembly. They drew the attention of the court to the filing of 16 defamation cases against *The Hindu* for reporting the events fairly and accurately. Further, the Legislative Rules governing the reference to the Privileges Committee had been ignored and the petitioners had been held guilty without following the proper procedure. It would be relevant to mention that the Speaker had prejudged the issue and passed damaging remarks on the publications of *The Hindu* while referring the matter to the Privileges Committee. They said the powers of the State Legislatures under Article 194 of the Constitution must be read in harmony with Article 21 (protection of life and personal liberty) and could not be construed as authorising any authority of the State to arrest and detain a person.

They cited various decisions of the apex court which had clearly held that the power of the privilege of the Legislature would have to be harmonised with the fundamental rights of the citizens. Hence they prayed for quashing the impugned resolution and restraining the police in Tamil Nadu and Karnataka from executing the arrest warrants against them considering the fact that several police teams had been sent to various States to nab them.

A daylong wait

By Our Legal Correspondent

NEW DELHI, NOV. 8. It was a daylong wait for the lawyers to get the writ petition ready for filing it before the Supreme Court as it was a holiday for the Registry. However, special permission was obtained from the Registrar-General to move the petition and the lawyers were asked to present it before a Joint Registrar, R.P. Dua, at his residence in Lodi colony.

The petition was finalised around 6 p.m. and the lawyers reached Mr. Dua's residence thereafter. A large number of journalists from the print and electronic media gathered at the residence to know whether the matter would be taken up immediately or not.

Once the formalities were completed by Mr. Dua around 7.30 p.m., he asked the lawyers and mediapersons to go to Justice Lahoti's residence. Mr. Dua went inside and presented the papers to Mr. Justice Lahoti and came back after 30 minutes. He informed Harish Salve that the matter had been directed to be listed on Monday



Senior advocate, Harish Salve, counsel for five journalists of *The Hindu*, seeking an appointment with Justice R.C. Lahoti of the Supreme Court in New Delhi on Saturday. — PTI

as the first item before a Bench headed by Justice Y.K. Sabharwal. Mr. Salve's efforts to meet Justice Lahoti proved in vain as the judge had by then retired for dinner.

It was an anxious wait for mediapersons outside the judge's residence for over an hour but finally Mr. Salve said, "we will wait till Monday", and journalists rushed to their offices to despatch the stories.

T.N. policemen intercept N. Ram's car

By K.V. Subramanya

BANGALORE, NOV. 8. A day after a police team virtually invaded the offices of *The Hindu* in Chennai, a carload of policemen, identified by the Bangalore police as personnel from Tamil Nadu, intercepted the car in which N. Ram, the Editor-in-Chief of *The Hindu*, N. Murali, the Joint Managing Director, and their wives were travelling in the heart of Bangalore on Saturday night.

The police team, comprising six plainclothes personnel, sought to search the car, presumably for those against whom the Tamil Nadu Assembly Speaker, K. Kalimuthu, had passed orders sentencing them to 15 days simple imprisonment for "breach of privilege" of the Assembly. According to the Bangalore City Commissioner of Police, S. Mariswamy, the car was intercepted near ITC Windsor Sheraton & Towers, the venue of

the reception, on Sankey Road around 8.40 p.m. by the Chennai police team which came in an Ambassador car. The vehicle veered in front and blocked the car in which Mr. Ram and others were travelling. The policemen, one of them wearing a safari suit, forced open the door of the car and looked inside. One of the intruders snatched the car keys. Challenged, one of the intruders was heard saying in Tamil, "*vit-tudungo*" (let them go). After

confirming that those for whom they were looking were not in the vehicle, they left the place, Mr. Mariswamy said.

Mr. Ram and the others were on their way to attend a reception hosted by *The Hindu* at the hotel after participating in the 125th anniversary celebrations of the newspaper held at the B.R. Ambedkar Bhavan.

The Bangalore police tonight registered a case of wrongful restraint and unlawful assembly under Sections 143 and 147 of the Indian Penal Code. The case has been registered at the High Grounds police station. As the identity of the intruders was not known, nobody had been named in the case so far, police said.

Earlier in the day, a Deputy Commissioner of Police from Chennai had met Mr. Mariswamy and sought the assistance of the Bangalore police to arrest the people against whom warrants had been issued.

Mr. Mariswamy had told presspersons in the morning that a small police team from Chennai had accompanied the DCP, who was carrying with him a copy of the warrants. However, no one had been arrested in Bangalore. Sources said, the Chennai police had come here anticipating that the Publisher, the Editor, the Executive Editor, the Chief of Bureau (Tamil Nadu) and a Special Correspondent of *The Hindu*, against whom warrants had been issued, might participate in the celebrations.



The Joint Managing Director of the *The Hindu*, N. Murali, explaining to the Bangalore Police Commissioner, S. Mariswamy, about the incident that took place when they were on their way to the hotel where a reception had been arranged in connection with the 125th anniversary celebration of the paper on Saturday. The Editor-in-Chief, N. Ram, looks on. The driver of their vehicle is seen at right. — Photo: K. Bhagya Prakash

THE HINDU

9 NOV 2017

This misadventure will blow up in their face: N. Ram

By Our Special Correspondent

BANGALORE, Nov. 8. The Editor-in-Chief of *The Hindu*, N. Ram, today expressed confidence that the Judiciary would provide immediate relief and stay on the "misadventure" of the Tamil Nadu Legislative Assembly, which has passed a resolution of simple imprisonment to three directors and two senior journalists of the newspaper.

Talking to presspersons here, Mr. Ram said that efforts were on to get immediate correction to the "unconstitutional, illegal and undemocratic" act of the Tamil Nadu Legislature. "It is a violation of the freedom of speech and expression, which is derived from the Fundamental Rights as enunciated in the Constitution. We are confident that the Judiciary will uphold it."

The issue had brought into spotlight the institutional question of reasonable restriction in the freedom of the press and legislative privileges. While most legislature proceedings were being conducted without affecting the freedom of the press, it was only in Tamil Nadu, of late, that the press was being targeted. "It is patented in Tamil Nadu and we are going to respond to that," he said.

Asked if *The Hindu* would seek the dismissal of the Tamil Nadu Government, Mr. Ram replied: "We do not make such demands. It is not our editorial assessment that we want Article 356 to be imposed."

Questioned on the efforts that were on to stop the Tamil Nadu Government from targeting the press, more so *The Hindu*, Mr. Ram said, "We have to stop them at the starting blocks. This is a misadventure which is guaranteed to blow up in their face. We tried to normalise the relations between the press and the Government initially, but nothing came of it." On the action of the Tamil Nadu Legislature, Mr. Ram said that certain groups



The Editor-in-Chief of *The Hindu*, N. Ram, addressing a press conference in Bangalore on Saturday. — Photo: V. Sreenivasa Murthy

behind the Assembly were claiming "sky-high powers". There had been instances wherein the legislatures arrogated power to themselves, he said and mentioned that in the Indian context the "Constitution was supreme, unlike in England where Parliament is supreme. Legislature is not sovereign, not even the Lok Sabha."

Mr. Ram said there had been a longstanding demand for codification of legislative privileges, but the legislative bodies in India and elsewhere were hesitant to codify them. The question was which should prevail — freedom of the press or legislative privilege?

Categorically denying that *The Hindu* was trying to defame the Chief Minister, Mr. Ram asked: "What is that got to do with privilege or interference with the functions of the Legislature? We will present detailed material to the people on what we have reported for them to judge." The press in Tamil Nadu was rallying behind *The Hindu* and it was not true that the Tamil Nadu press was not upstanding, despite the external shackles that had been placed on it by the Government, he said.

Advani informed

Mr. Ram said he spoke to the Deputy Prime Minister, I.K. Advani, and had apprised him of the developments in Chennai on Friday. Mr. Advani had expressed concern over the events. Mr. Ram disclosed that the call was not meant to seek any relief from any Govern-

ment, but was primarily meant to wish Mr. Advani on his birthday. The Deputy Prime Minister is said to have expressed concern and recalled the Emergency days when the freedom of the press was affected. Similar concern, he said, had been expressed by several eminent personalities and readers. He mentioned that many political leaders, barring that of the AIADMK, who spoke to him had expressed their solidarity. Among them were Ram Vilas Paswan, Digvijay Singh and others, but added that he was not interested in name-dropping. He mentioned that there was also a suggestion by the political commentator, Cho Ramaswamy, that all newspapers publish the "offending" news reports and the editorial. Asked whether he would publish the reports and editorial all over again, Mr. Ram said: "I would if I went by my editorial judgment."

Parties condemn attack on press freedom

By Our New Delhi Bureau

NEW DELHI, Nov. 8. Political parties across the spectrum today expressed serious concern over the decision of the Tamil Nadu Legislative Assembly to sentence the editors and senior journalists of *The Hindu* and the editor of *Mirzasi*, and "condemned" the attack on the freedom of the press. There were also demands that the Jayalithaa Government reconsider and withdraw the action.

The Congress described the happenings not only as a frontal assault on the freedom of the press but on democracy itself. "The privileges of legislature have been grossly abused to settle scores with independent media and political opponents."

Describing a legislature as a temple of democracy, the party's chief spokesperson, S. Jaipal Reddy, said: "But in Tamil Nadu it has been converted into a truncheon of autocracy by the Jayalithaa Government." The privileges of legislatures were meant to be used as a shield and not as a sword, he added.

The Jayalithaa Government, Mr. Reddy said, was on the "rampage", suppressing civil liberties of politicians, pressmen, government employees and trade unions in a "fascist fashion".

It had "viciously targeted" *The Hindu*, an internationally acclaimed newspaper, he said, adding that the paper now faced 16 criminal defamation cases and one civil defamation case.

"Now the government in Tamil Nadu is hell-bent on arresting and imprisoning the top management figures of *The Hindu* during the weekend when it would be difficult to reach the courts for relief."

There was an imperative necessity for the entire media and democratic forces in the country to express solidarity with the struggles of the people of Tamil Nadu for freedoms in general, the party said.

The Bharatya Janata Party president, M. Venkiah Naidu, said the action was not at all warranted and was an assault on the freedom of the press. "Such actions can weaken democracy and therefore need to be withdrawn."

Urging the Tamil Nadu Government and the State Legislature to review and repeal the decision, he said that as responsible people in public life they were expected to be liberal about criticism.

The Communist Party of India (Marxist) termed it "an outrageous attack on the freedom of the press and the rights of citizens" and said sentencing to prison was a "gross misuse of legislative privilege."

This extraordinary step against *The Hindu* and *Mirzasi* was another sign of the Jayalithaa Government's "extreme intolerance to any opposition or dissent", the party said adding that the State Government must reconsider and withdraw the action.

The Communist Party of India said "this extraordinary" step was an attack on the freedom of the press for printing and distributing its legitimate tasks. "It is a deliberate attempt to subvert the fundamental right of a free press. *The Hindu* is a respected national daily."

The CPI-ML described it as an "act of desperation" and demanded that the sentences against the senior journalists be revoked immediately. The Janata Party president, Subramanian

Swamy, saw the arrest warrants "as revealing a totalitarian psychology". Anything objectionable written in the media could always in a democracy be rebutted by a statement by the aggrieved party. "But for the last 50 years Tamil Nadu has been a basket case as far as fundamental rights are concerned because of the influence of the pro-British imperialist Dravidian movement."

Thus the track record of the Congress, DMK and AIADMK in government is only marginally different because all the three draw their inspiration from the DK and its forerunner, the Justice Party.

Hence, at this ignoble hour for the State, democratic minded persons must take a pledge to stand together and resolve to purge the body politic of the slave culture of the Dravidian movement," he said.

Voicing its "deepest sense of shock and severest remorse," the Janata Dal (United) expressed the hope that the entire press and people would rise as one to effectively deal with this kind of threat to the freedom of the press.

The Lok Janshakti party chief, Ram Vilas Paswan appealed for rallying behind *The Hindu* and the people of Tamil Nadu who, he said, were suffering under a semi-autocratic regime. The action against senior daily's journalists through a Resolution of the Assembly was "simply another incidence of intolerance towards public criticism and any attempt to muffle the press is unwarranted."

Bhim Singh of the Jammu and Kashmir National Panthers Party said those sitting as masters of legislatures in their respective States must not forget that they were not above the Constitution or the rule of law.

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'A gross abuse of legislative authority'

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By Our Special Correspondent

NEW DELHI, NOV. 8. The journalists here today stood as one to protest the Tamil Nadu Assembly Speaker, K. Kalimuthu's order of arrest against six journalists of *The Hindu* and *Murasoli*.

A statement issued by 11 journalist associations/unions at a meeting convened by the Press Club of India said the Tamil Nadu Assembly's action was a "gross abuse of legislative authority to intimidate legitimate criticism and to seek to undermine the freedom of speech and expression. The decision to convict individuals without even giving them the basic right to be heard and present their defence represents an unprecedented disdain for democratic practice".

The associations called on the State Assembly to immediately withdraw the "draconian convictions" handed down on Friday. They urged the Tamil Nadu Chief Minister, Jayalalithaa, to revoke the "trumped up" charges brought against the journalists.

A separate statement issued after a special meeting of the Press Council of India expressed "deep concern" over the sentences passed and observed that in matters such as these, "the authorities concerned are expected to show some restraint and be benevolent". The PCI appealed to the legislature and the Speaker to revoke the verdict and said *The Hindu* had "glorious traditions and has always respected the freedom, privileges and role of the legislatures".

The All-India Newspaper Employees Federation in a telegram to Ms. Jayalalithaa said it was "a crude and unconstitutional misadventure and an attempt to curb press freedom".

The Indian Journalists Union (IJU) president, Suresh Akhouri, said the legislature's "trigger-happy approach poses a grave threat to the future of democracy in the country" and said the IJU stood alongside the entire journalist community and all democratic forces in the country in fighting such repressive attacks on the freedom of the press.

The Indian Women Press Corps president, Arati Jerath, said the action defied the "spirit of democracy" and impinged on the freedom of the press. It was outraged by the scant disregard shown by Tamil Nadu police in attempting to arrest the Executive Editor, Malini Parthasarthy, late at night violating the order stipulating that

no woman should be arrested without the presence of woman police officer and after sunset.

The Hindu was a well-established, respected and fearless voice of the fourth estate, the IWPC said and urged the Assembly to reconsider its "ill-advised decision" and uphold the commitment to honour democratic institutions.

The Editor of *Panchjanya*, Tarun Vijay, said that though "we may differ with the editorial policy or the ideological contour of any newspaper, that does not mean that this kind of action be taken against them. Ideological differences should not be used for this kind of persecution. We stand by the Editor-in-Chief, N. Ram, who I consider a man of great integrity. *The Hindu* is a newspaper which is an icon of Indian journalism and this kind of action is not warranted against it."

The Delhi Union of Journalist (DUJ) resolved to launch a sustained agitation to defend the freedom of the press and said it was time the nation debated the codification of the privileges enjoyed by the Members of the State Assemblies and Members of Parliament. In a statement signed by its president, S.K. Pande, and secretary-general, Javed Faridi, the DUJ said "the brute majority used by the AIADMK in the Assembly reveals a willingness to use institutions of democracy to subvert the constitutionally guaranteed freedom of expression."

The Association of Indian Magazines said the Assembly's action was a clear violation of freedom of speech and expression, the very lifeline of democracy. It was the right of any publication to comment on what happened in a legislature. And a Government using its majority could not do what it was otherwise prohibited to do by way of law or Government directive. The growing tendency of Governments to file cases against publications to settle scores or show their disagreement was not good for the development of a free and responsible press, it said.

The Association of Desk Journalists president, Sanjay Roy, said it was totally undemocratic and a blatant attack on the freedom of the press.

The Indian Federation of Working journalists called on the Assembly to annul its resolution in order to maintain democratic standards and avoid a confrontation between the Press and the legislature.

BSNL extends 'festival season offer' till January 15

8/11

By Our Special Correspondent

NEW DELHI, NOV. 7. The Bharat Sanchar Nigam Limited (BSNL) today announced the extension of the "festival season cut" in international call rates till January 15. It has also slashed the call rates to some South-East Asian countries.

The offer of lower ISD rates was among the six concessions announced today even as the company is finalising a new tariff regime following the Telecom Regulatory Authority of India's recent unveiling of new interconnect user charges (IUC). "The entire tariff structure is being re-looked. We should be ready with the new tariffs," said the company's Chairman and Managing Director, Prithipal Singh.

The ISD rates to South-East Asian countries such as Singapore, Malaysia, Hong Kong, Thailand and Indonesia will be re-

duced from Rs. 21 a minute to Rs. 12 a minute from November 14 till January 15 next year. Reduced ISD rates for the U.S., the U.K. and Canada, applicable up to November 21 would be extended to January 15.

The BSNL is currently charging Rs. 7.20 a minute for calls to the United Kingdom and Rs. 9.60 a minute for calls to the U.S. and the rest of Europe. SBI and ICICI cardholders in Andhra Pradesh, Karnataka, Punjab, Gujarat and Maharashtra will be eligible to take cellular handsets with CellOne connections on easy instalments ranging from Rs. 170 to Rs. 600 a month depending on the choice of the handset. The Special Student Power '99 scheme for post-paid cellular connections, which was applicable up to October 31, is now extended up to November 30 in Chennai, Andhra Pradesh, Gujarat, Punjab and U.P. (West).

The BSNL also announced the beginning

of free-of-cost SMS (Short Messaging Service) on fixed line in Kolkata and Bangalore. SMS can be sent to another BSNL fixed line phone or to CellOne subscribers. "We have to carry out more tests" before the service is extended to other networks and cities, said Mr. Singh who was flanked by the new BSNL directors, N.K. Mangla and S.K. Jain.

Local shifting of BSNL fixed line connections (branded as 'bphone') has been made free with effect from November 14. The present charges are Rs. 600.

In a move aimed at promoting the use of Internet, the BSNL announced a second phone connection scheme only for individual Internet users. They will be available for a flat rental of Rs. 399 (where rental is Rs. 180 or less) and Rs. 499 (for areas where 'bphone' rent is Rs. 250 a month. Customers can enjoy unlimited dial-up but outgoing will be allowed only on code 172.

Now, SMS from a fixed-line telephone

Statesman News Service

KOLKATA, Nov. 7. — If you think your fixed-line telephone set can only make and receive calls, think again. BSNL today launched 'bfone', its short messaging service on fixed-line telephones. BSNL fixed-line subscribers will be able to send and receive SMS if they connect their telephone sets to a special instrument, which will cost Rs 2,200. The instruments will be available at BSNL customer service centres from 17 November.

Text messages with a maximum of 161 characters can be sent from these telephone sets to similar sets on the BSNL network. Messages can also be sent to GSM mobile phones on BSNL's Cell One network. However, messages cannot be sent to GSM phones on other networks such as Airtel or Hutch, or to WLL phones.

To send messages, subscribers need to dial 1256 and then type in their message with the recipient's telephone



number.

The service was launched in Kolkata and Bangalore today, which means that for now, messages can only be

Further cut in ISD tariffs

NEW DELHI, Nov. 7. — BSNL today extended its reduced ISD tariffs regime for the USA, UK and Canada by another ten weeks and further slashed its tariff for south-east Asian countries. BSNL's ISD rate for countries like Singapore, Indonesia, Hong Kong, Malaysia and Thailand was reduced from Rs 21 per minute to Rs 12 per minute.

The company had slashed its tariff for UK from Rs 24 per minute to Rs 7.20 per minute. For the USA, Canada and other European countries, tariff was brought down to Rs 9.60 per minute a month back.

BSNL has also come up with a cellular handset financing scheme, with instalments ranging from Rs 170 to Rs 600 depending upon the cost of the handset. — SNS

exchanged within and between these two cities. As a promotional offer, messages can be sent free for now, said Mr SP Chakravarty, CGM, Calcutta Telephones.

T.N. Assembly sentences The Hindu Editor, 4 others for 'breach of privilege'

● High drama as police descend on newspaper office without warrants

PD 1
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Media ✓

By G. Ananthkrishnan and
T. Ramakrishnan

CHENNAI, NOV. 7. The Tamil Nadu Assembly today sentenced the Publisher, the Editor, the Executive Editor, and two senior journalists of *The Hindu* to 15 days of simple imprisonment for breach of privilege.

The House also sentenced S. Selvam, Editor of *Murasoli*, the DMK party newspaper, on the same count.

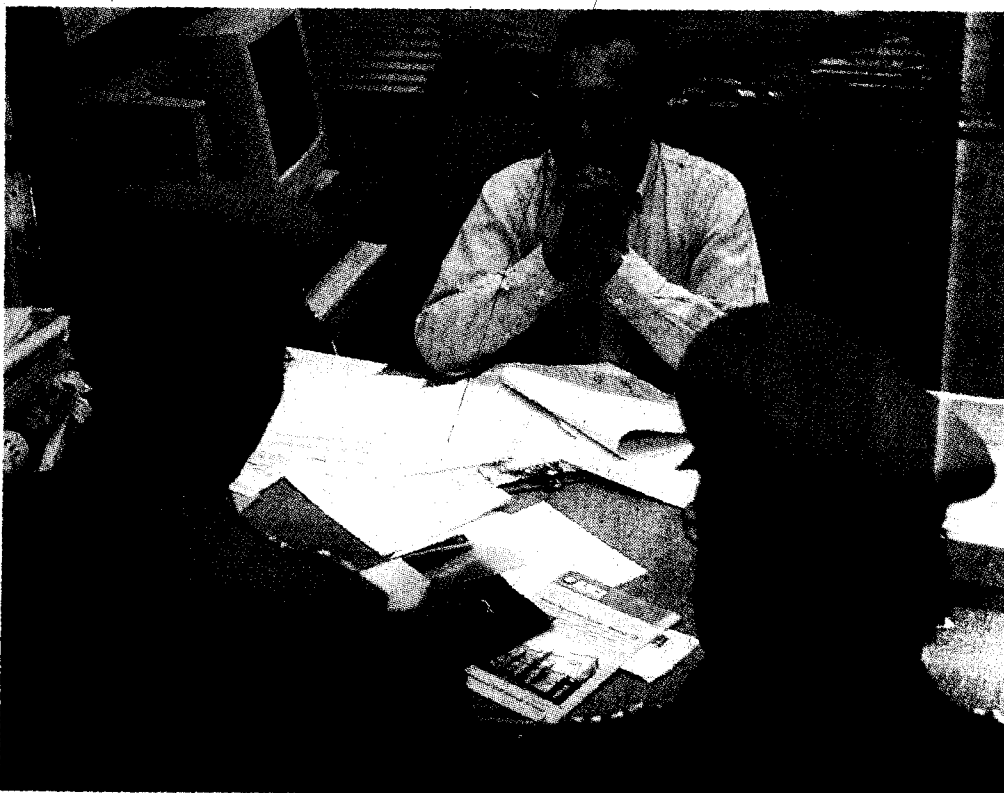
The privileges committee of the Assembly found an editorial in the newspaper to be in breach of legislative privilege, as it endorsed some earlier news reports and attributed motives to the actions of the Speaker and the committee.

About 30 minutes after the Assembly passed its order this evening, police jeeps carrying about two dozen policemen, some of them in riot gear, arrived at the head office of *The Hindu* here.

The personnel, including policewomen and plainclothesmen, spread out in front of the building, parking their vehicles in the space meant for visitors. Some of them went up to the first floor and intimidated the staff and asked them to unlock the room of the Editor, N. Ravi.

A short while later, the Editor-in-Chief, N. Ram, came out and wanted to meet the officer in charge. As none of them responded, he moved to the Deputy Commissioner of Police, R. Chinnaraj, who was standing in a corner with a junior officer and introduced himself. "I am the Editor-in-Chief," Mr. Ram said and enquired about the purpose of their visit. Mr. Chinnaraj asked him whether Mr. Ram and the Executive Editor, Malini Parthasarathy, were present.

Mr. Ram said they were not there. When he asked the police on what authority they entered the premises, and if they had any papers, they turned tail. The half a dozen jeeps also rolled out as silently as they had come in, while the uniformed person-



The Deputy Commissioner of Police, R. Chinnaraj, and the Assistant Commissioner of Police, R. Shanmugam, Triplicane police district, Chennai, who came to the offices of *The Hindu* a second time on Friday night on a search and arrest mission, with N. Ram, Editor-in-Chief, in the newsroom. — Photo: K. Pichumani

nel melted away. Television crews had started arriving at the scene, hearing of the police entry into the offices of *The Hindu* and Mr. Ram made a statement condemning the police action as an assault on the freedom of the press.

"What were they doing here? They just hung around here.

They would not come and face us. When I asked them under what authority they entered the premises, they left without any explanation," Mr. Ram said.

But the police action was to be repeated a short while later, this time in the full glare of the media. At about 8.30 p.m., the police personnel headed by Mr.

Chinnaraj returned and made their way to the first floor visitors' area without any explanation. An army of television cameras and photographers ran behind them.

Officers of *The Hindu* then escorted them to the editorial hall on the first floor to meet Mr. Ram. At the editorial hall, the Editor-in-Chief wondered why the police were making a scene, coming inside a newspaper office with so many men. "You have so many people here," Mr. Chinnaraj said pointing to editorial staff who were at work on the day's edition.

When the police personnel wanted to bring in a police video cameraman, Mr. Ram invited all the mediapersons to the hall. He took Mr. Chinnaraj and the other officer into the news editor's cabin and spoke to them in

private. The scene was recorded through the glass panels by numerous television cameras.

A few minutes later, the Editor-in-Chief emerged and said the police had come to search the rooms of the Publisher, S. Rangarajan, the Editor and the Executive Editor to see if they were there. They said they had the papers to do so, but showed only one warrant. The police officers insisted on the search, despite his word that they were not there. Followed by a battery of television cameras and pho-

PM's concern

CHENNAI, NOV. 7. Late in the evening, Mr. Ram spoke to the Prime Minister, Atal Bihari Vajpayee, and apprised him of the day's happenings. Mr. Vajpayee expressed his concern over the developments.

tographers, the two officers were then taken to the rooms.

Slogans against police

As the police personnel came to the portico and stood in the lobby, a large group of employees shouted: "Down with police atrocities." Mr. Ram then appealed to them to make way for the Deputy Commissioner and others to leave the premises as they had come stating that they were only doing their duty. They were then escorted out by senior executives of the newspaper, even as the slogans condemning "police raj" and "police atrocities" continued. As Mr. Chinnaraj's car left the premises, the protesters continued to raise slogans in support of free speech and press freedom, and condemned attempts to create a police state.

Talking to the media, Mr. Ram said that "this might not be the first case of attack on the freedom of the press, but this is certainly the worst."

A black day for democracy, freedom of the press: Page 11.

What Jayalalithaa said then...

CHENNAI, NOV. 7. Well after the Supreme Court's dusk deadline on arresting women, two male police officers landed at the office of *The Hindu* here to arrest the Executive Editor, Malini Parthasarathy. After 8-30 p.m., they searched her room.

This ran contrary to the statement of the Chief Minister, Jayalalithaa, that the then Chief Minister, M. Karunanidhi had no alternative but to arrest her in the morning in December 1996. "The laws of this land are very clear that no woman should be arrested and kept in police custody between 6 p.m. and 6 a.m."

Will the cybergods save the sick?

THE recent revelations on healthcare in West Bengal have appalled everyone, to say the least. But the situation may not be very different in the rest of the country, especially in the eastern regions. Implementation of Amartya Sen's welfare economics being a daydream, we need an alternative cost effective system, especially for the rural people. For the 620 million Indians living in rural areas, the greatest medical advance to come their way since the polio vaccine could very well be Information Technology. Already, in more than 30 developing countries, doctors and other healthcare workers rely on the Internet to access the latest medical research and to communicate with fellow medical practitioners.

The dismal ratio of one hospital bed for every 1,333 citizens in India (as opposed to the USA's 1:212) at the end of 2002 is even more horrifyingly disproportionate if we consider the rural areas only. To achieve a reasonable ratio of 1:500, it would require the construction of 700 250-bed hospitals every year for the next 20 years. The doctor-patient ratio is an alarming 1:15,500, and here again, most of the medical professionals are available in the cities whereas 70 per cent of our population lives in rural areas. Only 23,000 of the 6,00,000 villages in India have a public health centre, and that too staffed by one or two medical practitioners and a few nurses. District hospitals and multi-specialist hospitals are usually out of reach of villagers who take days to travel to a hospital because of poor connectivity, pecuniary inability and lack of information. Under the circumstances, people fall back on Ayyurvedic medicine or herbal prevention with little know-how. In many remote areas, people fall prey to quacks and unscrupulous "godmen". Health insurance has touched a mere three-nine per cent of the Indian population. And expenditure on healthcare is only 0.9 per cent of the Gross Domestic Product. In such a situation, TeleMedicine could offer a cost effective solution.

TeleMedicine consists of various medical services whereby people can be examined, monitored and treated - with the patient and the doctor in different locations - using Information Technology. Patients' records can be sent via text, voice, images or even video, and medical advice offered from a remote location through the Internet or offline as digital content. TeleMedicine actually refers to a host of medical services including TeleConsultation, TelDiagnosis, TeleEducation, TeleTraining, TeleMonitoring and TeleSupport, and incorporates complete information on patients' medical records, whether in the same hospital or another on Internet. Patients can also carry their basic medical records stored in digital identity cards, thus saving time and money.

TeleMedicine is an important component of e-governance. The ministry of Information Technology has taken some appreciable steps towards introducing

SHEFALIKA SAMADDAR
and ARUN B SAMADDAR
argue in favour of reaching
out to patients in remote
areas via the Net



TeleMedicine. The framework for IT Infrastructure for Health has been defined. The proposed TeleMedicine guidelines, which may become legislation in due course, could become the Indian version of the USA's Health Insurance Portability and Accountability Act, 1996. More than 200 websites have been launched for TeleMedicine and other purposes. Sanjay Gandhi Post Graduate Institute of Medical Science, Lucknow, All India Institute of Medical Sciences, New Delhi, and the Post Graduate Institute of Medical Sciences and Research, Chandigarh, are linked with high speed Internet access for the purpose of collaborative medical education and research.

The January 2001 Gujarat earthquake devastated the city of Bhuj, leaving thousands dead, wounded and homeless. The nation plunged into grief. Within 24 hours, the Online TeleMedicine Research Institute in

Ahmedabad, about 300 km from Bhuj, was able to establish satellite links between Gandhinagar and Bhuj, working from a centre housed in a tent. Within a month, approximately 750 sessions involving X-rays and electrocardiographs of patients in the affected area of Bhuj were transmitted to specialists in Ahmedabad. Teleconsultation in pathology, radiology, cardiology was also provided over ISDN lines between district hospitals near Bhuj and other hospitals in Ahmedabad.

TeleMedicine efforts in Kerala's Cancer Net project have turned out to be a state-of-the-art healthcare practice. The project is funded by the ministry of Information Technology and implemented through Regional Cancer Centre, Thiruvananthapuram. The Tamil Nadu government has launched a pilot project for TeleMedicine involving the Government General Hospital, a state level tertiary hospital and Walajah Taluk Hospital.

Indian Space Research Organisation has already started work on Orissa TeleMedicine Network, a project aimed at covering the whole state. ISRO is also working towards launching a satellite exclusively for healthcare - to provide TeleMedicine across the country. Other important projects are being undertaken at the Andaman and Nicobar Islands, Lakshwadeep Island and the mountainous areas in and around Leh in Jammu and Kashmir. Apollo Hospitals, set to become a global healthcare brand by extending its operations to West Asia, Africa and neighbouring countries, has also undertaken a project in TeleMedicine. In this, it is backed extensively by the government of India and its TeleMedicine services are available at remote locations in Andhra Pradesh, Chennai and Kohima in Nagaland.

With TeleMedicine, the possibilities are many. An Internet recorded time-stamped patient case sheet may be employed to make doctors accountable for giving timely medical support to the patient, the medical advice and cost-effective options at no or minimum cost for the rural population. Use of online information will make a patient more informed or better-educated for health consciousness. A unified medical records system will enable data to be readily available for analysis and allow one to decide upon the step to be taken anywhere in a short time. Hence, streamlining the whole process of healthcare is only possible through the correct application of IT.

Although TeleMedicine cannot allow for medicine or sophisticated tests on the spot, online consultation, online processing of test data, online diagnosis and online health education will be a great relief for the rural mass. And, of course, people in the urban areas would also benefit considerably.

(Shefalika Samaddar and Arun B Samaddar are on faculty at National Institute of Management, Calcutta, and BE College, Howrah, respectively.)

Buddha takes softer line, open to talks

Media
HT-1
5/11

BUT PARTY ASKS WHY SCRIBES NEED TO ENTER HOSPITALS

HT Correspondent
Kolkata, November 4

A DAY after banning journalists from hospitals, the Chief Minister softened his stand on Tuesday, saying the government had taken no decision to impose the ban but had only appealed to scribes to stay away from hospitals.

Buddhadeb Bhattacharjee urged a delegation of the Kolkata Press Club to hold discussions with all journalists on the issue and submit their "suggestions" to the government. "Only after I receive your suggestions will we take the final decision. The government will not take any unilateral decision."

The "suggestions" that Bhattacharjee is seeking are about how journalists can report on health topics without "obstructing" work at hospitals, implicitly saying that they do hamper work. That the chief minister harbours strong personal views on the subject was evident when he later told reporters that he still believed journalists should not enter hospital premises to collect news.

"When I visited Sourav Ganguly, there were 150 photographers inside his cabin. A TV channel entered Mahasweta Devi's ward and took pictures. I went to the Calcutta Medical College the other day to inaugurate a centre of excellence. Hordes of scribes poured in. Don't they have any values?"

But at the same time, he

sought help from journalists in identifying the "corrupt elements" inside hospitals. "You too have the responsibility of unearthing the truth. Help us identify the touts. Tell us how they fleece patients. Why are the hospitals always crowded? This doesn't happen elsewhere." But of course, journalists must do all that without entering hospitals.

His party thinks on the same lines. CPI(M) state secretary Anil Biswas, once a journalist himself, advised reporters to "tap their sources" to get inside information on hospitals. "Why do you need to go inside hospitals? You have other ways to access news."

He made it clear that movement of reporters inside hospitals would be restricted to "ensure better treatment of patients". As he put it: "The government will pass on the information you need. It's not necessary for you to enter hospitals."

Meanwhile, despite Bhattacharjee's apparently soft line, the ban is on for all practical purposes. Journalists were not allowed to enter hospitals on the day. The policemen on guard gave no reason, neither could they furnish any official order barring scribes.

Doctors' strike: SUCI-affiliated doctors have threatened a statewide strike in all government hospitals if the suspension of four junior doctors is not withdrawn in seven days.

Trai's new regime may hike mobile STD rates

now
TIMES NEWS NETWORK

New Delhi: About 20 million cellular and WLL-M subscribers might have to shell out more money for making long-distance calls (STD and ISD) because of a new charge levied by telecom regulator Trai. Trai, however, maintained that no such hike should be made by phone companies because, on average, new charges do not put any "overall additional burden" on either cellular or WLL-M operators.

In fact, Trai chairman Pradip Baijal told a press conference in New Delhi on Wednesday, "If at all, the weighted average of the new charges indicates that tariffs should have a downward pressure." He added, "Present tariffs are sustainable, with even a margin for prices to decrease further due to competition."

Cellular operators disagree. They say that STD and ILD charges should go up, both for their own as well as WLL-M subscribers—STD by 30-80 paise per minute and ILD by Rs 4.25 per minute. But phone companies were not sure whether the entire charge levied would be passed on to consumers and if not, how much would be absorbed by them.

The charge, called ADC (access

deficit charge), has so far been paid only by basic or landline phone operators to subsidise below-cost rentals and call charges made available to consumers. ADC is collected from long-distance phone calls that have higher profit margins than local calls.

Over the past few years, with the introduction of private competition in the long distance market, STD/ISD tariffs have fallen drastically. This has left less funding for expansion of BSNL's telecom network, which has to reach almost all villages and small towns—areas that have high investments but low returns.

Earlier, ADC requirement was put at over Rs 13,000 crore, but on Wednesday, Trai announced that it had been revised downwards to Rs 5,340 crore, indicating that the overall burden has been reduced in any case and it will constitute nine and 16 per cent of cellular and WLL-M operators revenue.

Besides, Trai has restructured IUC (interconnect user charges) that phone companies pay one another to complete calls from their subscribers to other networks (MTNL to Airtel or Hutch and vice versa, for instance). Trai has also put landline phone tariffs in forbearance.

RS 485-CRORE PENALTY AGAINST RELIANCE

Trai clears unified telecom licence

57-1
28/10
Pradip
Statesman News Service

NEW DELHI, Oct. 27. — The Telecom Regulatory Authority of India today recommended a unified licence for all services. If the government accepts Trai's recommendation, telecom operators will be free to offer any service - basic, cellular and wireless in local loop-mobile (WLL-M) — and choose any technology standard. Currently, services are restricted by separate licences for different services.

The switchover to a unified licence system is, however, voluntary for telecom operators. Trai called its recommendation the end of the "licence raj". For subscribers, it could be the beginning of an even better pricing regime, since telecom operators may now have to compete harder, warding off new entrants earlier restricted by licence conditions.

For the industry, though, the main focus of Trai's recommendations was the degree to which unified licencing addressed the issues of "imbalance" between cellular and WLL-M operators.

Under unified licencing, cellular operators will not have to pay anything extra to be able to offer basic or

Different results

- Migration to new regime voluntary
- Cell operators will pay nothing extra
- WLL-M operators will do. Reliance pays most
- Consumers may get cheaper tariffs in future

WLL-M services. Basic and WLL-M operators will have pay, between themselves, Rs 2,000 crore to migrate to a unified licence regime. Trai fixed the payment taking the licence fees paid by the fourth cellular operator and subtracting the amount basic/WLL-M operators have already paid for getting their licences.

Plus, WLL-M operators will have to pay a total of Rs 479 crore for being allowed to offer the service. This is as per the Telecom Disputes Settlement Appellate Tribunal order, which had legalised the service but directed Trai to level additional fees from the operators.

Reliance Infocomm, which has the biggest share, Rs 221.04 crore, of these additional fees, will also have to pay a penalty of Rs 485 crore for offering virtual mobility in its WLL-M services. The total payout for Reliance Infocomm will be Rs 1802.04

crore - Rs 1096 crore for migration to unified licence in 17 circles, plus Rs 221.04 crore as additional fee, plus Rs 485 crore as penalty.

WLL-M operators have the choice of not opting for unified licences and therefore not paying anything extra. However, in that case they will have, Trai said, to "strictly adhere" to TDSAT's judgment. This basically means restricting limited mobility to the short distance charging area (SDCA) and not offering services like virtual roaming. The choice between WLL-M operators is therefore not paying extra or reducing the scope of the service.

Reliance spokespersons welcomed the unified licence recommendation but "reserved comment" on the issues of additional fees and the penalty. "These are recommendations. The group of ministers (GoM) will take the final decision". Reliance Infocomm has a customer base of around five million and investment (executed and planned) of Rs 25,000 crore.

Trai chairman, Mr Pradip Bajjal, said the extra levies on Reliance "should not change the operator's tariffs". Industry sources also indicated that WLL-M operators are unlikely to raise tariffs.

Curbing WLL mobility may be difficult

Press Trust of India

NEW DELHI, Oct. 19. — Amending basic telecom operators' licence to restrict mobility on WLL phones may prove to be difficult for the government as that could be seen as an anti-consumer move by the more than five million subscribers.

Licence could be amended only if that was in public interest. With the subscriber base of over five million, the government might not chose to amend the licence, official sources said.

Instead it would like to expedite the process to move towards unified licence regime to resolve the fight between basic and cellular operators.

Even though the Group of Ministers headed by the Union finance minister, Mr Jaswant Singh, has decided to take steps to restrict the mobility on WLL phones within local call area known as Short Distance Charging Area, the government has made it clear that "no hasty step will be taken in this regard." Commenting on the issue, Mr Vinod Vaish, secretary, Department of Telecom, said: "We will not take any decision without looking into all legal dimensions." The GoM has been maintaining that Reliance Infocomm has been offering the services against the "spirit" of the licence. Even the tele-



com regulator said that but admitted "there is no violation of the licence."

As directed by Telecom Disputes Settlement Appellate Tribunal (TDSAT), the Telecom Regulatory Authority of India (Trai) has set up a committee headed by Mr D P S Seth which would look at ways to restrict mobility on WLL phones.

Already Trai has issued a consultation paper on unified licences for basic and cellular telephony, following which it also held consultations with industry and various stakeholders on the issue.

Trai's recommendations on unified licence is slated to be released later this month, and would figure in the next meeting of the Group of Ministers slated for 30 October, which would discuss two issues — unification of licences and WLL.

The Group has already taken an in-principle decision to go ahead with unified licences, and Trai chairman, Mr Pradip Baijal and noted banker, Mr Deepak Parekh have made presentations before it over the transition path to the ambitious regime.

WEDNESDAY, OCTOBER 15, 2003

Media
TIME FOR A FINAL SOLUTION Media HP-10 15/10

WITH THE TELECOM controversy becoming messier by the day, it is time the Telecom Regulatory Authority of India and the Government moved with some urgency to resolve the issue once and for all. The first salvo in a fresh round of legal battles has been fired by the companies offering limited mobility telecom services with wireless in local loop (WLL-M) technology. These companies, holding licences to provide basic services, have gone to the Supreme Court against one aspect of the Telecom Disputes Settlement and Appellate Tribunal judgment of last August. Their complaint is against the order directing the Government to collect an entrance fee from them to correct the imbalances caused by the 2001 decision permitting limited mobility. A decision by the Government that aims to untangle the wires on the contentious issue of limited mobility will not end litigation. However, compared with the uncertainty caused by the Government and the regulator dragging their feet, it will at least have the merit of nudging the disputing parties towards a solution to a problem that the Government created two years ago by blurring the differences between the licences for cellular and basic services.

The Group of Ministers that has been discussing this issue has announced that the Government will enforce the TDSAT order that the WLL-M providers restrict their services to a short distance charging area (SDCA), usually a single town or city. Curiously, the group has not set a time frame for implementation of the decision although the TDSAT had suggested a two-month deadline after its judgment of August 2003. The Government's task has become more complicated because the Telecom Engineering Centre has observed that the providers of WLL-M services are not violating their licence agreements. Yet this "non-violation" appears

more of a technical argument than adherence to the spirit of the licences awarded to basic service operators. Call forwarding and multiple registrations of the kind offered in WLL-M phones, which allow users to receive and make calls outside the SDCA, may or may not violate the basic service licences. But while this is not "seamless roaming" of the kind possible in cellular services, it does neutralise the one advantage that the holders of cellular service licences have over the basic service operators, an advantage for which they claim they have paid heavy licence fees. However, there are now more than four million subscribers to limited mobility services. This is a *fait accompli* of a challenging kind. Will the Government be able to take away from this subscriber base the roaming facility option marketed by WLL-M service providers?

In such a situation, the only feasible solution is to move to a unified licence regime where both cellular and basic service operators will hold a single licence. Of course, this is easier said than done. Should basic service operators be made to pay a one-time entrance fee and, if so, what should it be? Should cellular service operators' licences simultaneously be modified so that a lower share of revenues is paid to the Government? Should these operators also be "compensated" for the decision on WLL-M? These are some very difficult questions that TRAI and the Government have to tackle. But the credibility of the regulator and the entire decision-making process has taken such a terrible beating in this episode that the sooner the Government demonstrates that it is working on a fair settlement, the better it will be for the telecom industry and the exploding population of users. Much now depends on the recommendations on a unified licence regime that TRAI is to submit by the end of October.

Reliance tie-up makes India testing ground for next-generation Internet TV

By Anand Parthasarathy

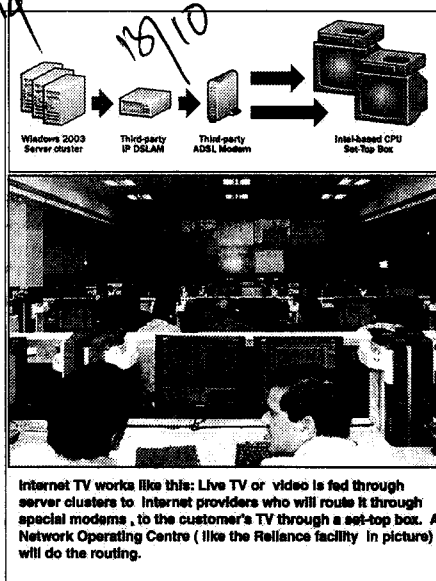
BANGALORE, OCT. 12. New technology to provide multiple-channel television content over the Internet that Microsoft will unveil on Monday may have its first airing in India.

The software giant's Chief Executive, Bill Gates, is scheduled to demonstrate a prototype of this next-generation TV solution when he gives a keynote address to the ITU Telecom World 2003 conference of the International Telecommunication Union (ITU) in Geneva. The 'IPTV' solution uses the Internet Protocol (IP) to deliver live television programming as well as a variety of video content over broadband cable networks.

Microsoft claims to have developed an advanced technology to compress the TV signals so that they occupy one third of the bandwidth currently used in Cable-based TV delivery systems.

Microsoft will be joined by two partners in giving practical shape to this technology: Bell, the major telecom provider in Canada, and Reliance Infocomm in India. Reliance will "jointly create, test and deliver" television services, here using Microsoft's IPTV solution over the 60,000 km of fibreoptic cabling that the company has installed in India.

A technical note at Microsoft's web resource on its TV initiatives states that the



IPTV system will allow live TV channels as well as video-on-demand and other value added services to be delivered over networks at an average rate of around 1 megabit per second.

The service provider can use Internet Protocol-based Digital Subscriber Line Access Multiplexers (DSLAM) to route the rich video content through a special DSL modem to a subscriber's TV set via a set top

box. (see diagram). DSL or its latest "asynchronous" avatar ADSL, is technology that allows TV, telephone and Internet traffic to coexist on the same cable. Reliance's early teaming up with Microsoft will give it an edge in leveraging all those coloured fibre optic cables lining the roads in major cities and motivate Cable TV operators to make the switch to this broader-band alternative.

The company is building up its own development muscle, centred round the Dhirubhai Ambani Knowledge City in Navi Mumbai and this will come in handy to customise the Microsoft IPTV technology for 'desi' application.

For the Indian consumer, the good news is that this country is now at the global cutting edge of Internet-based infotainment solutions: the huge entertainment market year — the world's largest — makes this an ideal testing ground for developers like Microsoft, of new delivery technologies.

The not-so-good news is that IPTV will join the growing list of options dangled before harassed customers: first there was the half-baked Conditional Access Systems (CAS). Then came Direct to Home (DTH) — the satellite-to-TV set solution.

Soon apparently, we will be encouraged to dive into cyberspace to get our daily quota of TV soaps. Astute citizens might just sit back and do nothing, saying: "Let the shake-out begin. We'll go for the technology that is finally left standing."

Kher to head film censor board

By Kaajal Wallia
TIMES NEWS NETWORK

Mumbai: *Kuch Bhi ho Sakta Hai*



Anupam Kher

actor-filmmaker Dev Anand had turned down the offer a fortnight ago.

For the 48-year-old Kher, the controversial post couldn't have come at a more interesting time. He has been trying to reinvent his career over the last couple of years—cutting down on acting assignments, making his directorial debut with

'Om Jai Jagdish' and trying to do justice to his job as chairperson of his alma mater—the National School of Drama. "Moreover, Indian cinema is at an exciting stage right now," he said. "The Indian audience is becoming more receptive to change and, globally, our films are being viewed more seriously after the success of 'Monsoon Wedding' and 'Bend it Like Beckham'."

The actor was speaking to this paper from Amritsar where he was shooting for Gurinder Chadha's transnational film 'Bride and Prejudice'. The present scenario, said Mr Kher, made his job as censor board chief "more interesting and challenging since I have to ensure that the global perception about Indian films doesn't change for the worse and our audience's taste doesn't regress".

So, the first thing on his agenda will be to modify the Censor Board

Film Certification guidelines which were last reviewed in 1991. "In the last decade, our society has become more progressive and this outlook should be reflected in our cinema," Mr Kher said, adding that the censor board's task was not to "police films but to encourage modern vision keeping the Indian ethos in mind".

However, he doesn't mind policing the small tube where satellite television channels telecast "nothing short of pornography in the name of entertainment". Mr Kher added that he was aware of the hazards his new post would entail. "But I am a very forthright person who has never shied away from speaking his mind on any issue. It's a person who makes his job interesting and I don't mind taking controversial decisions if the need arises. No wonder, several people in the film industry are shocked and worried about my new post."

THE TIMES OF INDIA

9 OCT 2003

9 OCT 2003

DD's proposal for 24-hour news channel cleared

New Delhi: The Union cabinet on Friday cleared a proposal for launching a 24-hour terrestrial news channel by Doordarshan from November 3.

There would be no need for a cable connection to view the channel since its transmission will be through a microwave link. Only an antenna would be needed for viewing the channel, sources said.

Asked whether the matter about the news channel had come up during the cabinet meeting, sources replied in the affirmative and said the way had been paved for the launch of the news channel from November 3 this year.

Prasar Bharti CEO K.S. Sarma said no programmes would be commissioned on the new channel and that Prasar Bharti was looking at sponsors. PTI

THE TIMES OF INDIA

4 OCT 2003

Direct-to-home service enters final lap

TV ^{1-1 29/9 media} warms up for third leap

OUR SPECIAL
CORRESPONDENT

New Delhi, Sept. 23: Television will take its third technological leap in India with direct-to-home (DTH) broadcast making its debut in the first week of October.

The first off the blocks is Zee, which was issued a licence last week. Next is Doordarshan and then STAR, which has indicated that it will be ready to roll in early 2004.

Zee will kick off its DTH operation in Delhi and gradually expand to other cities — its rollout plan should be known shortly.

First there was terrestrial transmission when you had to hoist a skeletal antenna on the rooftop to catch Doordarshan. Then came satellite and cable TV with channel clutter and the neighbourhood cable operator entering your life.

With DTH, there will be no intermediary between the viewer and the service provider. The service provider will reach the viewer through a dish antenna that will be set up at the customer's end to receive the signal.

Zee-backed ASC Enterprises, which is expected to start its DTH service from October 2, will charge around Rs 5,000 for the dish and a set-top box. Monthly subscription is expected to begin from Rs 150.

STAR's alternative service

What is DTH?

Broadcaster beams straight into your home

● **How to receive it?**
You have to install a dish antenna and a set-top box



● **How much will they cost?**
Around Rs 5,000

● **What will be the monthly subscription?**

Starting from Rs 150 to 800-1,000

● **How many channels will you get?**
The more you pay in subscription, the more you get — even 100

will be similar, with the equipment costing the same as Zee's. The minimum monthly charge on STAR is not known but a modest combination of channels will cost around Rs 400.

In any case, the rates for the two services will be competitive, going up with the number of channels a subscriber chooses.

Estimates suggest that for the full mix of channels, DTH will cost Rs 800-1,000 a month.

Both service providers say they can offer 100 channels or even more — Zee claims the ability to beam up to 200.

Zee is believed to have tied up with all broadcasters other than STAR to offer their channels in its service.

STAR is tying up with the Tata-owned VSNL for DTH. Al-

though it is yet to receive the licence, clearance should not pose a problem since, with the conditional access system for cable television in a mess, the DTH way of delivering signals in urban centres will be encouraged by the government.

STAR expects to put the business up by March 2004, beginning with the four metros, expanding the following year to four semi-metros and the year after to 12 cities. The marketing strategy will seek to target the high end of customers. This is typical of DTH services even in the West.

Doordarshan's DTH service has been cleared in principle by the Prasar Bharati board and the Union cabinet will make the decision on September 30.

Strictly speaking, Doordarshan's is not a DTH but a "Ku-band" service. It will transmit and distribute only free-to-air channels and is initially meant for districts that cannot be covered by its terrestrial network.

DD's set-top box, which will be incapable of decoding pay channel signals, and dish are likely to cost around Rs 6,000.

Prima facie this makes the DD plan unviable in the face of competition from STAR and Zee but Prasar Bharati argues that DD is only fulfilling the role of public broadcaster by reaching out to remote places where community television plays a big role.

24 SEP 2003

THE TELEGRAPH

Showdown at UK inquiry

189
London, Sept. 17 (Reuters): Britain's government and state broadcaster clashed today in a showdown over an explosive BBC news report about the Iraq war that apparently drove a weapons scientist to his death.

The government's counsel accused BBC defence correspondent Andrew Gilligan of lying in his evidence to the inquiry and of "disreputable journalism" over his Iraq radio report in May.

In that report, Gilligan cited an anonymous source as saying the government had "sexed up" evidence of Iraq's weapons of mass destruction to justify the war to a sceptical public.

Government scientist David Kelly killed himself two months ago, shortly after being named by the government as the source for Gilligan's story, which sparked a furious row between the government and the BBC.

Jonathan Sumption, counsel for the government, sought to rip to shreds Gilligan's Iraq report and his evidence to the inquiry on the third day of the inquiry's second phase, when lawyers for the BBC, the government and Kelly's family can cross-examine witnesses.

Sumption challenged Gilligan over his initial radio broadcast on Iraq's weapons, in which the source was quoted as saying the government probably knew that one claim in its pre-war



BBC defence correspondent
Andrew Gilligan
in London. (Reuters)

dossier on Iraq's weapons was wrong. The claim — that Iraq's banned weapons could be fired within 45 minutes — has exacerbated Blair's crisis after a number of intelligence officials told the inquiry that they were unhappy with how it was presented in the Iraq dossier.

Under cross-examination, Gilligan admitted that his first radio broadcast had been incorrect. He said he had made a "slip of the tongue" in attributing the statement that the government probably knew the 45-minute claim to be wrong to his source, Kelly. But he stood by the general gist of his report, sourced to Kelly, that some intelligence officials knew the 45-minute claim to be wrong.

Crack team against cyber attacks

9/14/03
M. S. S. S.

VIJAY THAKUR
STATESMAN NEWS SERVICE

NEW DELHI, Sept. 13. — The government is setting up a crack team of IT specialists, who will be tasked with responding to cyber attacks on all vital official installations, including government websites, defence communications and air traffic control.

Christened the Computer Emergency Response Team, it will be staffed by professionals from the defence, the Indian Space Research Organisation, the IT department, C-DEC, NASSCOM and security-cleared experts from private software firms.

CERT, apart from being a security wall against cyber attacks, will analyse Internet viruses, latest hacking

techniques and issue guidelines for official organisations on secure IT protocols. Private organisations and citizens will also be informed about CERT's guidelines. CERT's first job, once set up, will be to put in place an intrusion detection system. Planning for a team such as this started early last year. The team has already cleared a test phase successfully and is likely to be formally inaugurated within a month.

An IDS is an early warning device that gives systems more response time. "The most compelling reasons to acquire IDS and a team like CERT is to increase the perceived risk of discovery and punishment for those who attack or otherwise abuse IT systems," an IT department official said. CERT will calculate attack proba-

bilities, document existing threat levels to vital organisations and act as a quality control agency for security design and administration, especially of large and complex official enterprises.

The still informally constituted CERT had responded successfully when the Blaster and SoBig.F viruses had attacked the worldwide web last fortnight. "We immediately responded and cautioned all our important installations. But this was just an example. Once it is operational fully, CERT will do wonders in the field of Net security," the officer said.

India is a late entrant in cyber and Net security. The US CERT started operating in 1988, 14 years before India realised the importance of Net and web security.

PM calls for greater role of the media

51-6 14/9 STATESMAN NEWS SERVICE

CHENNAI, Sept. 13. — Prime Minister Mr Atal Behari Vajpayee today urged all sections of the Indian media to participate in the adventure of social transformation of the country with a sense of mission. The media should play its part in communicating the "vision of India as a developed nation", enrich the vision with substantive intellectual content drawn from both Indian and international sources, and motivate people around this vision, Mr Vajpayee said.

Delivering the inaugural address at the 125th anniversary celebrations of *The Hindu* here, Mr Vajpayee said there was an "increasing tendency" among a section of the media "to project trivial things in life, to give more importance to certain aspects than is intrinsically due, to highlight the fads and fashions of the rich and the over-privileged, and to aggressively advertise a consumerist lifestyle, which is simply beyond the reach of the majority".

The media paid little attention to the problems of the masses, their sufferings and their aspirations, even their courageous, and often, successful efforts to overcome odds, the Prime Minister said. "The common man is often invisible in the pages of our glossy newspapers and magazines," he said.

Mr Vajpayee said the media has a tendency "to be hastily judgmental, with a weakness for sensational headlines and editorialising in news columns". While the media was "welcome to expose the shortcomings" of the government, the approach should be "fair and balanced", the Prime Minister said. Many "constructive debates in Parliament and developmental initiatives of the government" were being routinely ignored, or only scantily covered by the media. "I believe that success stories need at least as much attention as failures or disasters," he said.

Mr N Ram, editor-in-chief of *The Hindu*, made an plea for statute changes to overcome the problem of criminal defamation and criminal contempt of court laws being indiscriminately used against the media. Governor Mr PS Ramamohan Rao presided over the function.

14 SEP 2003

THE STATESMAN

States want CAS freeze till Dec

HT Correspondent
Kolkata, September 13

HT Kolkata 14/9
KOLKATA WILL not go out first with the Conditional Access System (CAS), nor will any other state before December.

If CAS does come into effect, the rollout should be simultaneous in the four metros, the governments of West Bengal, Maharashtra and Tamil Nadu intend to tell the Union information and broadcasting ministry at a meeting of chief secretaries on Monday. The Delhi chief secretary is also expected to attend the meeting.

Senior officials of West Bengal, Maharashtra and Tamil Nadu are geared up to press for a simultaneous rollout. With the Centre blocking the rollout in Delhi till the Assembly elections scheduled for November, there's little chan-

ce of the regime coming into force in any city before December. Even that, ministry sources say, would depend on the outcome of the Delhi polls.

"We will point out that having deferred the launch in Delhi due to purely political reasons, the Union ministry has no right to demand a rollout in other cities," a state government official said. "Let the CAS be implemented simultaneously. We will seek clarifications on many aspects of CAS that haven't been made clear to us."

The state government had sought clarifications on CAS earlier, but was not satisfied with the "vague and sketchy" replies. "There are many grey areas on CAS implementation that haven't been defined. Till that is done, there's no way CAS can roll out in Kolkata," the official said.

The ministry is expected to lay

media
down proposals to amend the Act that enables the CAS rollout, giving the states a greater say in the implementation of the regime.

Bengal and Maharashtra are expected to demand a reduction in rates by broadcasters and the setting up of a regulatory authority for the cable industry. "We will ask for a freeze on rates by broadcasters and multi-system operators (MSOs)," the official said. West Bengal will also demand the setting up of a committee comprising representatives of state governments, broadcasters, MSOs, cable operators and subscribers to discuss and oversee implementation of CAS.

The Centre is likely to face demands for slashing the prices of set-top boxes and wider consultations on the Direct to Home (DTH) and Head-end In The Sky (HITS) systems.

Putin puts Soviet-era bar on media

Moscow, September 9

THE KREMLIN has introduced a draconian election law which threatens the media with closure if they give details of candidates' personal lives or analyse their policies.

The new law aims to stem the "black PR" and slurs which marred past elections. But it has infuriated Opposition MPs and journalists. Some said it represented a return to the Soviet-era control of political debate.

The decree, signed by President Vladimir Putin, places a blanket ban during campaigning on forecasting results and re-

quires candidates to be given equal coverage — a practical impossibility because there are 44 parties. A media outlet can be shut during the electoral campaign after two warnings.

"The law substantially limits Press freedoms," said Alexander Shishlov, a senior member of Yabloko, Russia's leading liberal party. He said the law was even more draconian when the Kremlin presented it to parliament, and MPs removed some of its harsher clauses. "Yet the law retains its repressive character," he said. "Its adoption is a very alarming sign (for Russia's future)."

The existence of the decree

came to light after Putin began the electoral campaign last week when he announced parliamentary elections on December 7.

The presidential poll, which analysts consider a foregone conclusion for Putin, is in March.

But Putin seems to have fallen foul of the law himself. He appeared on national television last week endorsing Valentina Matvienko for election as governor of St Petersburg, although the law prohibits officials using their posts to promote their parties or re-election.

A court began hearing against the appearance, but some senior officials are, under the constitu-

tion, immune from prosecution. The leader of the Opposition Union of Right Forces, Boris Nemtsov, said: "We live in a country where everyone from the President to the pauper does not follow the laws. While this continues, we will have big problems."

Journalists in St Petersburg have been the first to face the new restrictions.

One newspaper left its front page blank in protest while filling its inside pages with articles about a fictional election in a far-away land — in reality the St Petersburg vote, but with candidates' names changed.

The Guardian

10 SEP 2003

THE HINDUSTAN TIMES

New CAS strategy

STATESMAN NEWS SERVICE

NEW DELHI, Sept. 6. — More consultations with the states and less "activism" by the Centre could be the information and broadcasting ministry's new strategy to get CAS off the ground.

The information and broadcasting ministry is likely to invite senior officials from West Bengal and Maharashtra to discuss the implementation of the conditional access system. The concerns of the states will be met, an official said, adding that discussions could be held in a week or so. The state officials want a number of questions answered and doubts cleared, and though there have been Parliamentary debates and the issues have been brought up a number of times, it will have to be done, officials believe.

Mr Ravi Shankar Prasad, who returned from a visit to the Venice film festival today, discussed the setbacks to CAS in Kolkata and Mumbai with senior officials today, and is likely to meet Mr LK Advani and perhaps Mr AB Vajpayee, before arriving at a decision. Information and broadcasting ministry officials said some "stocktaking" was done though the minister had learnt about the problems on his way back, in Frankfurt.

What the ministry will do with both the Maharashtra and West Bengal government lukewarm to the implementation of the CAS remains to be seen, but there is talk of setting up committees and involving state governments, MSOs, cable-operators, broadcasters and consumer groups, and letting them decide when and how CAS can be implemented in their cities.

7 SEP 2003

THE STATESMAN

Caste cloud on *Gangaajal*

OUR SPECIAL
CORRESPONDENT

Patna, Sept. 5: A week after its release elsewhere, a film based on the Bhagalpur blindings that ran into political trouble here, is sparking a different sort of controversy.

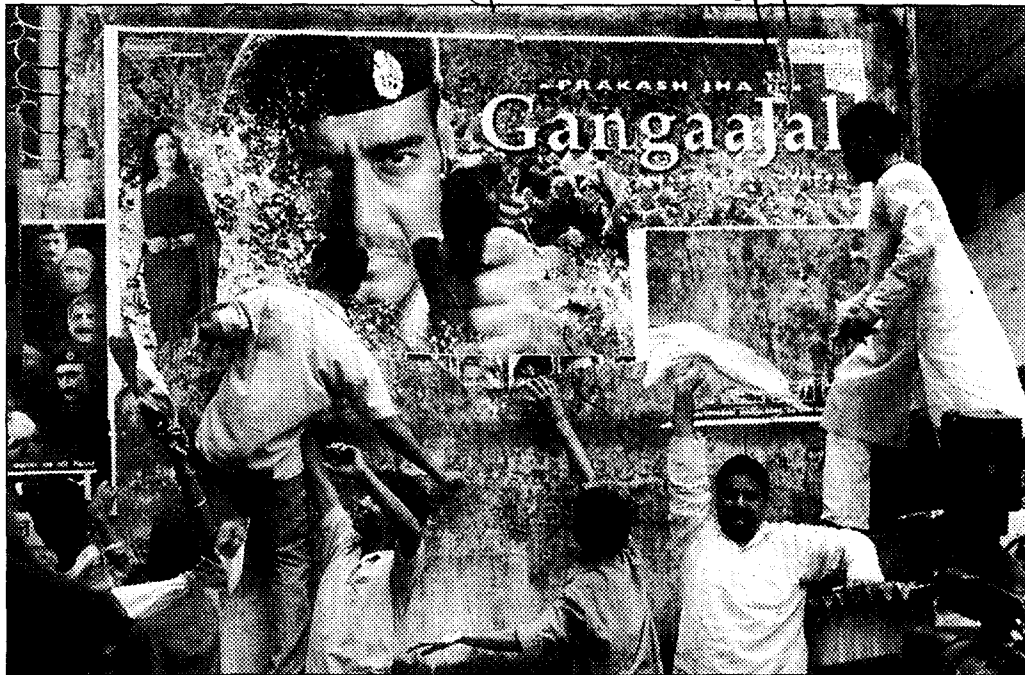
Prakash Jha's *Gangaajal* ran into trouble here after Sadhu Yadav, brother of chief minister Rabri Devi, complained that the director had tarnished his image by giving the main villain of the film the same name as himself. Last week, Sadhu Yadav's supporters vandalised cinema halls showing the film and a number of petitions were filed seeking a ban on *Gangaajal*'s screening.

The controversy died down only after Jha arranged a special screening of the film for Rabri and Rashtriya Janata Dal chief Laloo Prasad Yadav to assure them that his villain had nothing in common with Sadhu Yadav other than the name. The film was officially released here today after Laloo Prasad gave it the nod.

But *Gangaajal* has now sparked debate of a different kind: the clear caste divide between the undertrials and police officers. Viewers streaming out of cinema halls today said the movie depicted the villains as belonging to backward castes and the officers as upper castes. But they all dismissed the Sadhu Yadav controversy as "a politician's publicity gimmick".

"The film failed to live up to its controversy involving Sadhu Yadav," said Dhiraaj Sharma, a 45-year-old government servant. He added that Jha was trying to portray the 1980s milieu in Bihar when the caste divide was apparent.

The movie has made politicians sit up, for, as RJD general secretary Ramkirpal Yadav said: "The party leadership has avoid-



RJD activists tear off posters of *Gangaajal* at a cinema hall in Patna. (PTI)

ed an open controversy by allowing the release of the film but we are discussing these issues (the caste divide) in party circles."

A social worker who runs a research institute here said the film had sparked debate by exhibiting the social divide between the accused and the officers. "How come not a single villain in the movie hails from the upper castes?" he asked.

Devraj Khatri, one of the 31 undertrials to have acid poured into his eyes by policemen in 1979-80, has an interesting take on the event. Devraj, one of the few victims still alive, told an NGO in Bhagalpur that the deputy inspector who picked him up off the street before blinding him was a Brahmin. Khatri, a backward caste member, insists he was a victim of mistaken identity.

But R.K. Mishra, a Bhagalpur advocate, says: "The offi-

cer-accused social divide might have been a coincidence." The advocate, who is still fighting for the victims, says cases against the officers are continuing but the government has failed to act against them because of political pressure.

But there are people in Bhagalpur who defend the policeman's action, pointing out that the undertrials had made local residents suffer and had many cases registered against them, ranging from rape to robbery and murder.

To Jha's relief, viewers agree that his villain has little resemblance with the MLA from Gopalganj. "Sadhu Yadav in the film is nothing but an ordinary anti-hero whose characterisation has lost its edge now due to overuse", said Monotosh Bagchi, former principal of a Bhagalpur college. He dismissed the controversy as a political gimmick.

Laloo Prasad's remark on seeing the movie — that Sadhu Yadav could be "anybody's name" — is echoed by most who have seen *Gangaajal*.

Even so, Sadhu Yadav had managed to prey on Rabri and the RJD chief's insecurity last week by telling them that the film might be another attack on the backward-caste rulers of Bihar.

He reminded them of the tele-serial, *Ramkilawan CM and Family*, which depicted the state's first family in a poor light.

Sadhu Yadav's supporters forcibly stopped the screening of the film while he was abroad. While doing so, they would bring caste into the equation, telling people that "upper caste intellectuals" were trying to humiliate the chief minister.

But Sadhu Yadav today said he had seen the movie and found nothing objectionable in it.

6 SEP 2003

I&B DECISION ON ROLL-OUT TODAY

State cites Pujas to defer CAS

Statesman News Service

KOLKATA/NEW DELHI, Sept. 5. — Not keen on implementing the Conditional Access System in Kolkata as per the Centre's directive immediately, the state has asked the Union ministry of information and broadcasting to convene a meeting of the state governments concerned for "working out the modalities of simultaneous introduction of CAS in Delhi, Mumbai and Kolkata".

With implementation in Mumbai also in trouble, the I&B minister, Mr Ravi Shankar Prasad, who is flying back from Venice tonight, will meet senior officials to decide on the fate of CAS tomorrow. The minister has been informed about the recent developments.

Very much on the lines of the Maharashtra government, which cited the impending Ganesh Utsav as the reason for not rolling out CAS, the Marxist government also touted the forthcoming Saradotsav, among other things, as a reason for non-implementation saying the festival "may get disturbed" otherwise.

This was communicated today by the state chief secretary Mr SN Roy to Mr Vijay Singh, additional secretary, I&B ministry. The letter, which was sent today, was based on the issues that emerged at the meeting convened by the state information and cultural affairs department on 2 September at the Writers' Buildings to "assess the field realities and associated problems" of CAS regime. The meeting was attended by representatives of local multi system operators, cable operators and consumer groups.

The letter, similar to chief minister Mr Buddhadeb Bhattacharjee's opinion stated earlier, read: "Since it has not been implemented in Delhi and Mumbai, there is a feeling that Kolkata is being singled out as a ground of experiment, results of which

are still unknown." Secondly, a comparison between Kolkata and Chennai, where CAS has begun is unacceptable to the state government. For, a large number of people are only taking the free-to-air channels in Chennai. In Kolkata, a city with a heterogeneous population, a large number of pay channels will be asked for and the household cable bill is likely to be higher.

CAS is also being considered more "industry friendly" than "consumer friendly" and could be too expensive for ordinary households. The Maharashtra government, initially ready to go ahead with CAS in South Mumbai, has told the ministry it wants a state Cabinet decision before going ahead with the implementation.

Cablemen in the city, both MSOs as well as operators, though disappointed at the continuous stalling, were unwilling to comment. "There's nothing new to add. The sooner the Centre and state officials sort things out, the better," said Mr Mrinal Chatterjee, a senior cable operator. "We just hope that things get sorted out soon and the implementation is done in a proper way," Siticable head Mr Soumen Roychowdhury said.

HC notices to ministry on CAS: The Delhi High Court today issued fresh notices to the information and broadcasting ministry to clarify its stand on implementation of the CAS in the Capital. The Division Bench (Coram, Patel CJ, Sikri, J) has given two weeks' time to the I&B ministry to file an affidavit regarding the government notification to defer the implementation of CAS in Delhi. While posting the matter for next hearing on 30 September, the court has meanwhile also clubbed two related petitions. While the first petition was moved by the cable operators association in Delhi seeking implementation of CAS in the Capital, the other seeks quashing of the I&B notification on monthly charges of Rs 72 for 30 free-to-air channels after implementation of CAS.

6 SEP 2003

THE STATESMAN

6 SEP 2003

Laloo sounds clapboard for 'Gangaajal' screening

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TIMES NEWS NETWORK

Patna: The screening of Prakash Jha's *Gangaajal* got the green signal from RJD chief Laloo Prasad Yadav following a half-an-hour meeting between the director and the leader on Thursday. A visibly relieved Prakash Jha told mediapersons that "misunderstandings" about the film had been cleared and regular screenings of the film would begin in Patna from Friday. Mr Laloo Yadav's brother-in-law Sadhu Yadav, who triggered the controversy as a villainous character in the film bearing the same name, was also present at the meeting.

Mediapersons were denied entry into chief minister Rabri Devi's house during the meeting. "Mr Laloo Yadav loves being photographed with film personalities, even obscure ones, when they come to Patna. Mr Jha was not allowed this privilege," a puzzled RJD leader remarked. Mr Jha had to wait for almost 30 hours before he got an appointment to meet the RJD supremo.

Both Mr Laloo Yadav and Mr Sadhu Yadav turned down Mr Jha's request to view the film at a special screening in Regent cinema hall here on Thursday evening. "There is nothing objectionable in the film. There are thousands of people with the name of Sadhu. The controversy was created due to a misunderstanding," remarked Mr Sadhu Yadav while speaking to journalists at his resi-



A scene from 'Gangaajal'.

dence. According to Mr Sadhu Yadav's followers, the RJD MLA had seen the film on VCD in Kolkata on Wednesday while returning from Singapore.

Curiously Mr Sadhu Yadav had made a scathing attack on Mr Jha's film on Thursday morning when he got down from a train. "Why should the character be called Sadhu Yadav? Why not Sadhu Jha?" he asked.

Mr Jha, on his part, was on the defensive while seeking permission from a politician for the screening of his film. "Personal egos do not come in here. The film is on Bihar. The controversy concerned the brother of the CM. If I make a film which hurts your feeling, for whatever reasons, I am willing to apologise for that also," he said.

He conceded that the controversy had also generated publicity.

Bengal no to CAS stumps Centre

SUJAN DUTTA

New Delhi, Sept. 4: The Centre is unsure how to respond after the Bengal government said it was in "no hurry" to implement the conditional access system for cable television.

An information and broadcasting ministry official admitted: "There is a status quo. We really don't know yet what to do. This was not intended to be a Centre-state issue."

The Bengal government's stand, the fear of the Shiv Sena in Mumbai and Chennai's less-

than-lukewarm response has ensured that CAS, touted by the Centre as a "consumer-friendly initiative", is in tatters within four days of its launch.

But ministry sources say CAS will not be rolled back. Policy makers do not like the term "rollback". In any case, it is difficult to roll back what is falling to pieces.

Sources at the I&B ministry said chief minister Buddhadeb Bhattacharjee had told them he was "in no hurry" to respond to the message sent by the Centre on Monday, when CAS was to

take off in Calcutta.

The Centre asked why Calcutta police commissioner Sujoy Chakraborty had asked multi-system operators (MSOs) RPG Netcom and Siticom last Sunday to put CAS on hold.

Writers' Buildings has also told the ministry it is "curious" why Delhi was allowed to push back CAS when the set-top box regime was meant to be launched in all four metros simultaneously.



IN A BIND:

Prasad

Nadu, where CAS was to have been implemented.

Officials said they are waiting for I&B minister Ravi Shankar Prasad to return from

Ministry officials offered to meet their counterparts in Bengal, only to be told the government was not interested in discussing the issue as a one-on-one. Instead, it said the Centre should organise a meeting with Maharashtra and Tamil

rashtra and Tamil Nadu, where CAS was to have been implemented.

Officials said they are waiting for I&B minister Ravi Shankar Prasad to return from

the Venice film festival before taking any further steps.

Industry sources said Sena leader Bal Thackeray will meet cable operators in Mumbai on Sunday and is likely to ask them to ignore CAS.

But MSO Hathway has negotiated rates with broadcasters and says it is ready to roll out CAS. MSOs are urging the ministry to prevail on the Sena not to oppose the set-top box regime.

Ironically, the Centre's CAS plan is being opposed by the Sena, a political ally, while the Congress-ruled Maharashtra

government is tacitly in favour of set-top boxes.

In Chennai, the only place where CAS has rolled out, the off-take of set-top boxes that decode pay-channel signals has reduced to a trickle. This follows rumours that regional language pay channels are planning to become free-to-air for which boxes are not needed.

Ministry officials are also aware that cable television viewers in Chennai feel they have been made guinea pigs for the CAS experiment. An official is expected to head there shortly.

5 SEP 2003

Theatre of fear

Madhu
S/G
S/S
Cowardly attacks on Habib Tanvir

Everything points to a method in the madness over the attacks on theatre director Habib Tanvir during his tour of Madhya Pradesh. The play, Ponga Pandit, has been staged by the group in the past under the name of Jamadarin. It is based on a Chhattisgarh folk tale dating back to the thirties. There has been not even a whiff of protest all these years against a play about Brahmin oppression of lower castes — a creative effort aimed at social reform. The fact that it has survived on the stage for more than seven decades confirms its social and human appeal. That was well before the demolition of the Babari Masjid, also the time when Habib Tanvir came under attack from the saffron brigade. Uma Bharti has added a cynical dimension to the current agitation by suggesting that Tanvir's only sin is that he belongs to a different community and has no business "meddling" in Hindu affairs. This is intolerance of the worst kind and artistes associated with the group have rightly rallied to his support.

This is not the first time that the Hindutva lunatic fringe has run amuck. Just over a year ago, they launched another assault on painter MF Husain's house because he depicted goddess Saraswati way back in 1982 and formed part of an exhibition. Nor can one forget the excesses of the Bajrang Dal which compelled Deepa Mehta to call off the shooting of her film Water in Banaras. Freedom of expression is an inherent right but seems to have no meaning for the self-appointed protectors of the Hindu faith. They choose to forget great Ustads who captured the hearts of millions singing songs with Hindu themes. That art has no religion is a truth that deserves to prevail over vulgarity. The coming elections makes it all the more important for administrators of law and order to do their duty without fear of political consequences.

BJP plea to MP Governor on *Ponga Pandit*

Statesman News Service

BHOPAL, Sept. 3. — The Madhya Pradesh BJP has approached the Governor, Mr Ram Prakash Gupta, to help stop "politicisation of culture" by the Congress-led state government that has been funding the staging of Habib Tanveer's play, *Ponga Pandit*.

The BJP has also demanded a high-level inquiry into legality of the state government sponsoring the play, which is being "used to spew venom against BJP leaders".

In a letter to the Governor, the BJP national general secretary, Mr Shivraj Singh Chahan, alleged that the state government had been "trying to incite communal flare" in the name of pursuing a cultural campaign.

Mr Chauhan said the way *Ponga Pandit*, being staged by Tanveer's Naya Theatre Group, had been used to "hurt" people's sentiments, there was an urgent need to frame criminal cases against Tanveer.

He also drew the Governor's attention towards heavy police deployment for theatre artistes.

"Giving police protection only exposes the government's claims that the staging of *Ponga Pandit* will bring communal harmony". Incidents at Hoshangabad, Gwalior and Balaghat only proved that the play would create nothing but discord, Mr Chauhan said.

The state government, however, has reiterated its commitment to patronise staging of Tanveer's plays.

Though the playwright has decided to stop staging of his plays in the state till September because of his commitments elsewhere, the BJP has taken the matter seriously. The BJP leadership's fury was also provoked by Tanveer openly saying that he would do anything to defeat the BJP in the forthcoming Assembly polls.

A few days ago, BJP and Sangh Parivar workers had allegedly roughed up Tanveer near the BJP office during a protest march here.

THE STATESMAN

4 SEP 2003

4 SEP 2003

Cable capers

Islamabad attempts to tune India out

There is news out of Pakistan that deserves India's attention. To protest against a stricture from the government's electronic media authority shutting down the broadcast of Indian television channels, cable operators went on a strike against local channels as well, and some suspended service altogether. They were forced to call off the agitation when government threatened them with cancellation of licences. The cablemen acted not out of love for their neighbour but out of self-interest, as their revenues dropped sharply. It does, however, indicate the strength of the Indian entertainment industry, whose products are extremely popular in Pakistan. There is a convergence of interests behind the ban. It suits local channels, which have seen a loss of advertising revenue. But above all it suits Pakistan's governing authorities whose policies depend on demonizing India. If the man on the street were to discover that their Indian counterparts are pretty much like them, that might chip away at the enemy image Islamabad has assiduously cultivated.

For similar reasons there is also a ban on Indian movies in Pakistan, equally counterproductive since everyone watches them. If Islamabad is intent on making peace with Delhi, it makes no sense to ban Indian channels. If, on the other hand, it plans on hostility as usual and peace moves are a facade for the international audience, then Delhi must learn some lessons from what the West did to win the Cold War. One of these was to leverage the power of its entertainment and communications industries to play on the weaknesses of Soviet bloc societies and undermine them from within. As things stand, the intrepid General Musharraf hasn't yet been able to address the National Assembly of a country of which he is ostensibly the President, and is now threatening to send the members packing. Delhi should declare its support for democratic forces within Pakistan, and arrange for transmission of TV signals so that they are strong enough to be picked up without the aid of cable. It's guaranteed to have an audience.

2 SEP 2003

THE STATESMAN

Centre-state clash over CAS

OUR BUREAU

New Delhi/Calcutta, Sept. 1: The Centre has challenged Bengal's authority to defer the debut of the conditional access system (CAS) for cable television, but kept quiet on Mumbai where, too, it has not taken off.

At a meeting yesterday, Calcutta police commissioner Sujoy Chakraborty requested multi-system operators (MSOs) RPG Netcom and SitiCable to put CAS on hold for 72 hours.

In Mumbai, the pressure not to introduce CAS, on the contrary, is completely covert. "Unless CAS is implemented in Delhi and unless Balasahebji (Bal Thackeray) says so, it will not be implemented in Mumbai," said Anil Parab, Shiv Sena leader and spokesman for cable operators.

Thackeray is officially not in power in Mumbai. In Calcutta, Buddhadeb Bhattacharjee is.

But when Vijay Singh, the additional secretary in the Union information and broadcasting ministry, rejected Bengal's plea to review the implementation of CAS and questioned the state government's authority to order deferment, not for once did he mention Mumbai.

"Broadcasting is a central subject. State governments do not have the authority to disrupt the implementation of CAS," Singh said.

CAS has been mandated by a central fiat but its execution is effectively left to state governments and the industry. The I&B ministry accepts that it had erred by not taking concurrence of state governments when the

1.1 0 219
cable networks bill was amended last year to bring in CAS.

Under CAS, subscribers in Calcutta have to pay Rs 226 (excluding the cost of the set-top box) for a package of free-to-air and pay channels.

The ministry still believes that Calcutta and Chennai are better placed to roll out the system than Mumbai. Singh today phoned the Calcutta police commissioner to tell him he had no authority to seek postponement.

Chakraborty had made the request for the ostensible reason that certain issues — related to enforcement of the system and how violations are to be treated — had to be cleared up first.

Operators are required to switch off pay channel signals and route them only through set-top boxes to subscribers. They

are liable to be prosecuted if they charge more than Rs 72 (plus taxes) for free-to-air channels, distribute less than at least 30 free-to-air channels and/or distribute pay channel signals by passing set-top boxes.

Chakraborty is understood to have also said the Bengal government has no intention to stop CAS but has only sought time to brief administration officials. A meeting is scheduled tomorrow.

It was not clear, though, whether Bengal's objections are administrative or political. The chief minister said: "The Centre is experimenting with the system on the Bengal government."

By deciding to put CAS on hold in Delhi because of the coming Assembly polls, the Centre has opened itself to the charge. ■ See Page 8

POLICE COMMISSIONER MEETS MSOs

State steps in to put CAS on hold

ST
11/9
media

Statesman News Service

KOLKATA, Aug. 31. — The Conditional Access System has been put on hold in Kolkata.

Though the Centre's notification states that CAS has to be implemented in the city from midnight tonight, police commissioner Mr Sujay Chakraborty called representatives of three city multi-system operators (MSOs) — RPG Netcom, Siticable and Manthan — to Lalbazar today and asked them to wait for a few days before going ahead with it.

"The state government has sought clarifications from the information and broadcasting ministry on certain issues. The reply to the letter is likely to arrive in a few days, after which CAS may be implemented," Mr Chakraborty told The Statesman after the meeting. Among those present at the meeting were the South 24 Parganas district magistrate, Mr Vivek Kumar.

City-based broadcasters said DC DD (special) Mr Piyush Pandey requested them over phone not to send encrypted signals from midnight tonight.

The state has reportedly sought to know from the Centre what steps it should take if there is any violation of the Cable Television Network (Regulation) Amendment Act after the implementation of CAS.

Understandably, the MSOs, who have collectively invested over Rs 17 crore in setting up the CAS infrastructure, aren't happy. "We're still debating whether we should scramble our signals from mid-

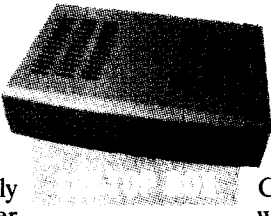
night, following the Centre's directive, or do what the state government has asked us to do," said Mr Amit Nag, RPG Netcom CEO. "We're abiding by the state government's request," was all Mr Soumen Roychowdhury, head of Siticable, would say. Manthan's Mr Sudip Ghosh said: "We're naturally a little disappointed. But there must be some genuine reasons for the state to seek clarifications from the Centre. We'll do what the government has asked us to do."

Response from the rest of the cable operators' fraternity has been mixed. "Since the state has to look after the implementation, it must be clear on all aspects," said Mr Tarak Saha of the Forum of Cable Operators. "We don't want CAS to be implemented for the sake of it. That may cause problems. Our full cooperation is with the state government."

The FCA has also suggested formation of a committee comprising the state government, broadcasters, MSOs, operators and subscribers to look into various aspects of implementation. It has also sought for the availability and pricing of set top boxes to be made public by MSOs, and a freeze in pay channel prices for one year.

Some solutions may emerge from tomorrow's meeting of the implementation committee, set up by I&B ministry.

Political parties are also not letting this opportunity for hogging media spotlight slip by. The Youth Congress burnt effigies of I&B minister Mr Ravi Shankar Prasad, demanding that CAS be implemented in the city after Delhi.



CAS from tonight

HT Correspondent
Kolkata, August 30

AFTER WEEKS of confusion, the conditional access system seems set for a scheduled rollout in Zone I of the city from Sunday midnight. But the uncertainty has resulted in poor sale of set-top boxes (STBs).

Till late Saturday evening, barely 6,000 cable subscribers out of an estimated 3.5 lakh at Alipore, New Alipore, Behala, Barisha, Maheshtala and other areas in the southern fringes of the city had obtained STBs.

Throughout Saturday, MSOs, cable operators and consumers' organisations kept contacting officials at the information & broadcasting ministry for information on the CAS' scene. Top officials of the ministry are learnt

Teething trouble

► Rollout in Phase I comprising the areas around Tolly's Nullah

► 3.5 lakh subscribers in the area

► 6,000 have bought set-top boxes

to have assured the MSOs that CAS would roll out on schedule.

Reports reaching here from New Delhi indicated that while objections raised by the state government were considered, it was finally decided to go ahead with CAS all the same. The Centre reportedly got in touch with the state leadership to allay fears about CAS. After the discussions, the ministry is said to have decided to go slow on

the penal provisions.

"Everything has been taken care of and CAS will have a smooth rollout in Kolkata. Issues raised by the government are being taken care of," a senior I&B official said. But the state government kept mum.

After the chief minister objected to CAS and requested New Delhi to defer it, MSOs and cable operators had anticipated a rollback. "The news that it won't be deferred is a relief. A rollback would have been a big blow to us," said RPG Netcom CEO Amit Nag.

"We're happy CAS is on," Manthan Chief Operating Officer Rangan Dasgupta said. "The government's objections were ill-informed and unwarranted," said Federation of Consumers' Associations president Mala Banerjee.

Mudra

Uplinking nod with rider for Star

28/8 51%
NEW DELHI, Aug. 28. — Star

TV will have to sell off 51 per cent of its equity to an Indian partner by 28 September if it has to secure uplinking rights in India. This was made clear after the I&B ministry issued the uplinking guidelines for news channels today. As expected, the “additional safeguards” call for a mandatory 51 per cent equity with an Indian partner, barring public sector financial institutions.



Star chief
Rupert Murdoch

This puts the broadcasting guidelines in line with the rules for the print media. In fact, they're tougher than the print media, which too will be changed.— SNS

Centre, West Bengal 'clash' on CAS

NEW DELHI/KOLKATA, Aug. 27. — The West Bengal government wants CAS in Kolkata to be delayed by two to three months but the I&B ministry prefers to go ahead with it, as both cable operators and local consumer groups in the city seem to be in favour of CAS and more open to it than their counterparts in Delhi.

Since early afternoon, Kolkata was abuzz with rumours that CAS implementation has been delayed yet again, after the deferment from 14 July, this time due

to the state government's opposition. Mr Vijay Singh, additional secretary, and Mr Rakesh Mohan, joint secretary of the I&B ministry, were in town this morning. They visited offices of the multi-system operator RPG Netcom. "The officials were very happy with our preparations," said a senior RPG Netcom official. "They did not hint that CAS would be deferred here."

At Writers' Buildings, the duo met the information and culture secretary, Mr Basudeb Bandyopadhyay, secretary to the chief minister, Mr Arun Bhatta-

charjee, and the Consumers Affairs secretary, Mr Pradip Bhattacharya. The officials said letters written by the state govern-

ment officials about CAS had not been replied to. They also said they did not understand the system. The I&B ministry officials argued that they had sent offi-

cial on two occasions, including a joint secretary, to discuss the issues. The state officials also said people were better off without CAS. The I&B ministry officials said they would brief the I&B minister, Mr Ravi Shankar Prasad, on this but added that state government did not have a role to play as far as CAS was concerned.

I&B officials also met Federation of Consumer Associations president Ms Mala Banerjee. Ms Banerjee said: "They seemed satisfied with Kolkata's consumer mindset. Despite the state requesting another deferment, they have planned to go ahead with the implementation." Cable operators, fearing yet another deferment, were quick to react. "It would be shameful if CAS is deferred yet again," said Mr Mrinal Chatterjee, a senior cable operator, "particularly after such preparations and investments made by all concerned parties."

Mr Tarak Saha, member of Federation of Cable Operators, said: "In case of postponement, the government will lose credibility with the consumer. It would be a blow for operators and MSOs as well."



3 200 200

Internet security spending to soar on virus scare

By Dan Sabbagh/The Times, London

LONDON, Aug. 27. — Spending on Internet security is expected to soar over the next year and beyond in the wake of last week's outbreak of the Sobig.F computer virus.

Big companies and software firms are preparing themselves for a surge in computer security budgets amid fears of systems breakdowns. Small businesses also voiced concern about rising costs of security.

Last week Sobig.F, a virus that exploits weaknesses in Microsoft software, clogged the Internet as it triggered e-mails to everybody listed in an infected computer's address book.

Mr Ian Spence, a technology analyst at Granville Baird, said: "Spending on security has been highly resilient during the IT sector's recent downturn. It is clearly now a growth market."

That will increase the pressure on smaller companies. Anti-virus

software typically costs £25 a computer, while an Internet firewall can easily cost several thousand pounds.

Mr Stephen Alambritis of the Federation of Small Businesses, said: "There is a real fear that small businesses are being forced

by the software industry to buy products they do not necessarily need."

Companies in the IT security sector are reporting a boom in sales.

SurfControl, a British e-mail filtering company, is expected to reveal shortly that it has achieved a rise in sales of 35 per cent to \$73 million (£46 million) in the year to June. Analysts expect a 28 per cent improvement to £94 million for the present year.

Mr David Weymouth, chief in-

formation officer at Barclays Bank, said that "IT security is a growing part of our overall IT spend", at a time when corporate computing budgets have come under pressure.

He added: "For big companies this has now become a big issue.

What happens if somebody knocks one of your systems down? Companies are hugely dependent on computing, even for things like e-mail."

KPMG, the audit and consulting firm, is also preparing for increased security-related spending by its customers. Mr Rick Cud-

worth, a partner responsible for Internet security, said: "Today security accounts for two to four per cent of IT budgets; we think this will grow to between five and 10

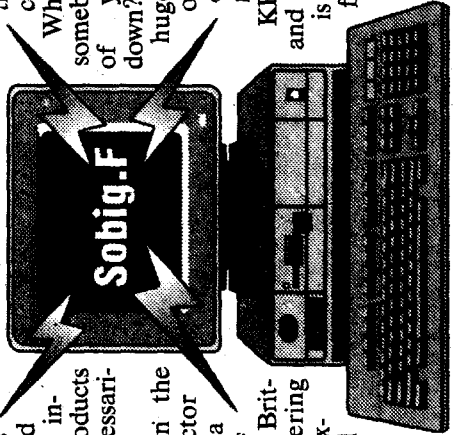
per cent over the next three years."

Barclays is one of Britain's biggest spenders on IT. A bank of its size spends £750 million a year on information technology, and computer security represents "a single-digit percentage" of that — suggesting that the security element is as much as £50 million a year.

BT, the telephone giant, said that it was coming under pressure from its customers to spend more.

Yesterday its Internet arm, Openworld, reported an increase of 900 per cent in the number of customers requesting protection for their e-mail accounts. The total number of queries was "in the thousands". Mr Nick Truman, head of customer security for BT Openworld, said: "If we continue to see problems like this, then we would have to invest more."

Although BT does not charge for e-mail protection — which it does not provide as standard — it has to licence the technology from the software developer Bright-



28 AUG 2003

Hindi soap ban snaps Karachi cable

Page 5-6 25/8



A still from *Kyunki Saas Bhi Kabhi Bahu Thi*

IMTIAZ GUL

Islamabad, Aug. 24: *Kyunki Saas Bhi Kabhi Bahu Thi* and its cousins ruling the Indian airwaves have precipitated a crisis in Pakistani cable television. Several hundred operators in Karachi today went off air in protest against a government ban on airing Indian channels.

Operators in the northern chapter of the All Pakistan Cable Operators Welfare Association, too, decided to pull the plug on as many as 12 news channels after a meeting in Lahore this evening. Sources said most operators have complied with the decision.

Sheikh Mohammad Ali, an executive of the Paradise Cable Network here, said he has been asked by the association to take CNN, BBC, DWT, Skynews, and Pakistani channels GEO, ARY, Indus Vision and Uni Plus off air.

"We will block all national channels as well as BBC and CNN if not allowed to broadcast popular (Indian) channels," general secretary of the association Chaudhry Imran had warned on Friday.

The ban has led to dwindling viewership, seriously affecting business. The cable operators are not demanding Indian chan-

nels, but foreign channels which air Urdu language entertainment programmes (euphemism for popular Indian serials), he said.

Among the hot favourites are *Kkusum*, *Kyunki...*, *Kahaani Ghar Ghar Kii*, *Kumkum — Pyara sa Bandhan*, *Kehta Hai Dil* and *Kyun Hota Hai Pyarr*.

Earlier in the day, the protest had seemed fractured as most of the operators in the capital and nearby Rawalpindi stayed on air.

"We are situated next to Pemra (Pakistan Electronic Media Regulatory Authority) and it would be difficult to observe a strike and still escape punitive action," Ali had said.

The cable regulator has declared the strike illegal and threatened punitive measures against offenders. The association is negotiating with Pemra for an end to the ban.

Pakistan banned the hugely popular Indian channels in March 2002 during a bitter military standoff after an attack on Parliament in New Delhi. Cable operators had toed the government line then. They are up in arms now as the government decided to re-enforce the ban strictly on August 4, contrary to perceptions that the thaw in relations would ease the restrictions.

A Pemra spokesman has

been quoted in several dailies as urging the cable association members "to join hands for promotion and strengthening of the domestic-television industry".

Cable operators suspect the government is re-enforcing the ban to protect the state-run Pakistan Television because it is losing advertisement revenue to foreign channels.

In Peshawar, army teams accompanied by Pemra inspectors have raided several operators' facilities and confiscated decoders and other equipment used to downlink channels like STAR News, STAR Plus, Zee, Sony etc.

All the 43 operators in the town are off air as those playing Indian film CDs for their system have been ordered to shut down, an operator in Peshawar said.

The Cable Operators' Association of Pakistan, representing more than 900 operators, has suspended transmission of local private channels for a week in protest against the ban, forming it "an attempt to gag the media and usurp the basic rights of the citizens".

"Ninety-five per cent of Pakistanis want to see Indian programmes. The government should respect the public opinion," Ahsan Ali, the association's general secretary, has said.

Connecting J&K

Kashmir gets cellular phones

The telecom revolution has so far passed the state of Jammu & Kashmir by. The revolution brought about by technocrat Sam Pitroda has served us well but that was two decades ago. The mobile phone industry has come as a major boon and flourished very rapidly, with intense competition ensuring that they reach into almost all pocket sizes. One state which till date was kept away from the mobile revolution has been J&K — and that on outdated fears. The Mufti has changed all that with support from the Union government. In this scenario the first cellular call to Prime Minister Atal Behari Vajpayee from Srinagar must provoke the response — better late than never.

While J&K celebrates going cellular — witness the long queues for new connections, people in Kolkata are facing problems with land lines. Even after networks went electronic, dead lines and crossed or cut calls are common. It seems telephones are not considered a necessity here. The telephone at an inner city police station is said to have been dead for over a month. Neither the police or the telephone department considered it important enough to repair quickly. The only explanation can be that neither of the two departments need the connection. The policemen at the concerned station are probably happy that the phone is dead so their slumber is not disturbed by “unnecessary calls” from the public who merely have a grievance. After all who are the public? If there is any trouble from them, the police can always call the Police Karmachari Samity for protection of the right to be paid without work.

Race to beat SoBig virus

London, Aug 22 (Reuters): Computer security experts raced to beat the clock today as the super-potent SoBig e-mail virus threatened to unleash a crippling barrage of data across the Internet.

A frantic global hunt was under way from the US to South Korea to find and switch off 20 home computers with high-speed broadband connections

that were due to be targeted by hundreds of thousands of computers infected by Sobig.F at 1900 GMT. Security experts discovered only late yesterday that the SoBig virus, which has sown panic since Monday by infecting Windows systems and using them to send junk mail, was harbouring a sinister secret.

Hidden within the virus is an instruction to the infected ma-

chines to make contact at 1900 GMT with the 20 computers, which host an unidentified programme. "The problem is we don't know what that programme is. It could mean a smiley face dances across your screen or it could be something massive," said Carole Theriault, anti-virus consultant at Sophos Anti-Virus. "It's still under the control of the virus writer."

Even if the mystery programme is a harmless gag, the sheer volume of Internet data converging on the 20 computer targets could slow the Internet to a crawl.

The time trigger is set to be activated again at the same time on Sunday.

The search for the owners of the 20 machines — to get them to disconnect before the deadline — has had some success. "We've taken more than half offline," said Mikko Hypponen, anti-virus research manager at Finland's F-Secure. "But if one is left standing, there will be an attack."

Security officials have advised computer users who suspect they have the virus to download one of the many patches being distributed by anti-virus vendors.

23/8
 51 P.C. EQUITY FOR DOMINANT INDIAN PARTNER

Uplinking guidelines revised

By Our Special Correspondent

NEW DELHI, AUG. 22. For the second time this year, the Central Government today revised the guidelines for satellite uplinking for news channels with foreign investment/participation to ensure that 51 per cent of the total equity in any such company remains with one dominant Indian partner. While this brings the uplinking policy on a par with the print media having foreign investment/participation, additional safeguards have been incorporated, "necessitating another amendment to the existing print guidelines".

This was announced here by the Union Minister of State for Information and Broadcasting, Ravi Shankar Prasad, after a meeting with the Prime Minister, Atal Bihari Vajpayee, and the Deputy Prime Minister, L.K. Advani, besides other members of the Group of Ministers set up for "revising the guidelines", the Union Finance Minister, Jaswant Singh, and the Union Law Minister, Arun Jaitley.

As per the new guidelines, the 51 per cent equity held by the dominant Indian partner excludes any holding by Indian banks and financial institutions.

While this shareholder can be an individual, "we have made it clear that in case it is a company or a group of companies, the shareholders — be it resident Indian, Hindu undivided family or a relative as defined under Section 6 of the Companies Act — either singly or in combination must hold at least 51 per cent of the shares and these group of companies must be under the same management and control," the Minister said.

The two additional safeguards incorporated into the uplinking guidelines pertain to appointments and operational control. All appointments of key personnel — executive and editorial — should be made by the applicant company without any reference to any foreign company. And the applicant company must have complete operational independence and control over its resources and assets, and adequate fi-

financial strength for running a news channel. Also, three-fourths of the directors should be Indians, but representation on the Board will be proportionate to the extent of equity.

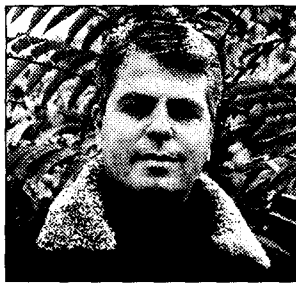
According to Mr. Prasad, the Government also decided "in principle" to amend the guidelines for Foreign Direct Investment (FDI) in the print media to incorporate the two safeguards and create a level-playing field for both the print and television media.

Consequent to this revision, all news channels with foreign investment/participation including the international media baron, Rupert Murdoch's Star News will be given a month's time to comply with the new regime from the day it is notified.

This is the second time this year that Star News' decision to uplink from India on its own has forced the Government to revise the guidelines. They were first revised in March last as per which Star News had to scale down foreign equity in the wholly foreign-owned channel to 26 per cent.

Cameraman shot dead by US troops in Iraq

London: A Reuters cameraman was shot dead on Sunday while working near a US-run prison on the outskirts of Baghdad, the London-based news agency said. Reuters said that witnesses reported that Mazen Dana, 41, was filming outside the Abu Ghraib prison in western Baghdad when he was shot. A Reuters staffer told The Associated Press in Baghdad that Dana, a Palestinian, appeared to have been shot by US soldiers as he was videotaping outside the Abu Ghraib prison after a mortar attack there on Sunday, in which six prisoners were killed and about 60 others were wounded. The staffer,



Mazen Dana

who spoke on condition of anonymity, said the video tape in Dana's camera showed two US tanks coming toward him, two shots, apparently from the tanks, rang out and Dana fell to the ground. He was taken away by a US helicopter for treatment.

19/8
"Mazen was one of Reuters' finest cameramen and we are devastated by his loss. He was a brave and an award winning journalist who had worked in many of the world's hotspots," said Stephen Jukes, Reuters' global head of news, in a statement.

A US military statement issued in Baghdad confirmed "a fatal accident involving a civilian at Abu Ghraib prison" and said an investigation was underway. Journalists had gone to the prison after the US military said a mortar bomb attack there a day before had killed six Iraqis and wounded 59. AP

THE TIMES OF INDIA

THE TIMES OF INDIA

19 AUG 2003

K gets freedom — to call & SMS



■ BSNL | 'Expensive but who cares, now we will remain connected'

MUZAMIL JALEEL
SRINAGAR, AUGUST 18

THEY began queuing up well before daybreak. By noon, people were spilling out of the narrow bylane off Maulana Azad Road. As Srinagar celebrated the arrival of cellphones today, the roads near the Bharat Sanchar Nigam (BSNL) office were jampacked and police had a tough time controlling the crowd.

When the BSNL central office opened at 10 am, there were already over 500 men and women lined up to collect the application forms and hundreds poured in as the day progressed.

Abdul Rashid says he couldn't sleep last night. "I knew there will be a lot of rush so I decided to come as early as possible," he said. He had left his Kannipora home in the outskirts of the city to reach the BSNL office at 5 am. But someone still beat him. "I was the

sixth one to get the form," he said.

There is reason enough to cheer about as the cellphone is reaching Kashmir after crossing several roadblocks put up by the Home and Defence ministries. They were concerned that cellphones would improve the information networks of the militants.

At noon, the line was almost half-a-kilometre long. The separate line for women too was getting longer by the minute.

Most of the aspirants were teenagers or men in their 20s and 30s. "It is the best way to keep in touch. Mobiles have made a lot of difference to life everywhere — how long should we remain backward?" said Ishfaq, an engineering student. "I actually fought with my family who thought it was too expensive. It feels good to be able to remain connected 24 hours a day".

Others felt mobile



Men (above) and women line up and wait for hours to file their cellphone registration papers. Javeed Shah

phones would help end the uncertainty of daily life. "I leave home every day in the morning for work and till I reach home in the evening, my mother is tense. There is so much uncertainty — anything can happen any time," said Sajjad Ahmad Bhat, a marketing executive.

Next to him in the line is his friend Rashid who thinks cellphones will make people feel safer. "If one feels he is in danger anytime or if there is a medical emergency, one could call immediately," said Rashid, who is a doctor.

"It is a new thing. It is exciting to even think of the freedom to send text messages and call friends unhindered," Sabiha, a graduation student said. "It is expensive, though, but who cares. Now onwards we will have to put in our entire pocket money (for the phone)."

There was so much rush and confusion at the entrance that a woman fainted when people jostled to get in. The desperation to collect the form was so much

CONTINUED ON PAGE 2

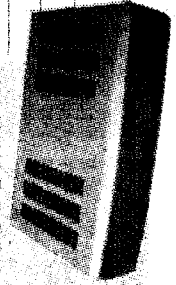
Statesman News Service

RPG offers Rs 210 cable deal

KOLKATA, Aug. 17. — RPG Netcom, the largest multi system operator in the city today launched a special package of channels to be available from 1 September for its consumers in CAS areas, which, according to the company, will provide most pay channels at an affordable rate.

The package, called RPG Express will include all *Star*, *Sony*, *Zee* and *ESPN Star Sports* channels along with a minimum of 30 free-to-air chan-

BOTTOMLINE



Package to cost: <i>Per month, plus taxes</i>	Rs 210
Price of Set-Top Box:	Rs 2,650
Monthly rental:	Rs 45
Security charges: <i>Refundable after five years</i>	Rs 1,500
Administrative charges: <i>Non-refundable</i>	Rs 300

nels, said Mr Amit Nag, CEO of RPG Netcom. The package will cost Rs 210 (plus taxes).

The MSO also announced the price of its analogue set top box, made by UK-based Dalvi Technologies. The box will cost Rs 2,650 (including taxes), if purchased outright.

box before five years, Rs 15 per month will be deducted from the security deposit.

However, Mr Nag informed that the company would start providing digital set top boxes shortly, offering the consumer greater freedom to choose. A call centre is also being launched for attending queries and complaints regarding STBs.

RPG cable operators shall start approaching their customers with registration forms and rate plans for pay channels, from 18 August, Mr Nag said.

Another report on CAS, page 4

BBC man stands by his Kelly report

Media
18-15
By Hasan Suroor B/8

LONDON, AUG 12. Andrew Gilligan, the BBC correspondent at the heart of the Kelly affair, today stuck to his controversial report in which he had quoted David Kelly, the deceased weapons expert, as saying that the Government had exaggerated the threat from Iraq by inflating claims about its weapons capability.

In his evidence before the Hutton inquiry into Kelly's death, Mr. Gilligan insisted that Kelly specifically mentioned 'the name of the Prime Minister, Tony Blair's communications chief, Alastair Campbell, in connection with the "sexing up" of the Government's September 2002 intelligence dossier on Iraq.

This was seen as significant, considering that the Foreign Affairs Select Committee recently cleared Mr. Campbell of the charge of "transforming" the dossier in the days before it was published.

Mr. Gilligan, quoting from notes of his

meeting with the scientist, said that according to Kelly, the dossier was "transformed" a week before it was published and the claim that Iraq could deploy its weapons of mass destruction within 45 minutes was included against the wishes of the intelligence community.

He said there were inconsistencies in the dossier, which showed that the language was hardened up at some stage.

Mr. Gilligan also claimed that he checked out Kelly's allegation with two "senior Government sources" and they did not deny it. He also quoted another leading weapons expert, Gary Samore, as saying that "he had heard similar information".

It was Mr. Gilligan's report on BBC Radio 4's Today programme on May 29, quoting an unnamed "senior intelligence source" as saying that the Government had embellished intelligence, which set in motion a chain of events leading to Kelly's apparent suicide on July 17.

While the Government has consistently

denied manipulating intelligence, it emerged at the inquiry that there was widespread concern in the intelligence community about the way some of the information was presented in the dossier.

Counsel for the inquiry, James Dingemans, read out from a document to show that two intelligence officials formally complained to their superiors voicing their misgivings.

They were particularly concerned about the 45-minute claim. One official wrote: "I was so concerned about the manner in which intelligence assessments for which I had some responsibility were being presented in the dossier... that I was moved to write to your predecessor."

Martin Howard, deputy chief of the Defence Intelligence Staff, acknowledged that "two individuals expressed concerns about some specific language in the dossier" but said that their views were taken into account by the Joint Intelligence Committee which prepared the dossier.

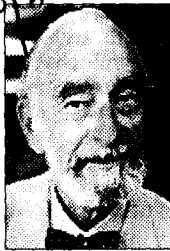
Blair govt is trying to destroy our independence: BBC

London: As British Prime Minister Tony Blair headed for Barbados for a family holiday, the row between the BBC and his government escalated dramatically on Sunday with the news organisation's chairman Gavyn Davies accusing cabinet ministers of seeking to destroy its independence in revenge for its refusal to back down in the Iraq dossier controversy.

"We are chastised for taking a different view on editorial matters from that of the government and its supporters. Because we have had the temerity to do this, it is hinted that a system that has protected the BBC for 80 years should be swept away and replaced by an external regulator that will bring the BBC to heel," Mr Davies wrote in the *Sunday Telegraph*.

The BBC chairman's remarks underline the level of animosity between the corporation and Mr Tony Blair's senior cabinet allies, the newspaper commented.

The BBC, it said, had informally agreed not to continue the feud until after Lord Hutton delivers his judicial inquiry into the circumstances surrounding the death of David Kelly, the government scientist who was the source of BBC's story that intelligence about Iraq's pile of weapons of mass destruc-



David Kelly

tion were "sexed up."

But BBC felt provoked by last weekend's claim by the former minister Peter Mandelson that it was to blame for Mr Kelly's death and by subsequent hints from Tessa Jowell, the culture secretary, that the corporation's governors were not fulfilling their statutory obligations.

According to the report, one senior executive in the corporation claimed that Mr Jowell had privately left BBC chiefs in no doubt that she could use the forthcoming review of the BBC charter to pressure the governors into sacking director general Greg Dyke, change the composition of the board or even change the size and scope of the broadcaster.

The BBC, on its part, is sticking to its claim that Mr Kelly was correctly described by its correspondent Andrew Gilligan as "an intelligence source." PTI

28 JUL 2003

THE TIMES OF INDIA

Question time for STAR

SUJAN DUTTA

New Delhi, July 26: The information and broadcasting ministry's volley of questions to STAR TV on its news channel is putting daylight between the Murdoch media conglomerate and a government that was alleged to have favoured it to start with. But it has taken a host of media policy issues into a twilight zone.

The government last night fired another volley of questions to STAR — this time on editorial control — and an official claimed the issue of granting a long-term licence to the news channel for uplinking is "open ended". Industry sources do not seriously believe that there will be steps to hit the channel too hard.

The question-and-answer exchanges between the ministry

and STAR now make up a voluminous 600-plus pages. The last letter questions STAR's right to appoint and make changes in the editorial personnel manning its shell company that is seeking the uplinking licence, Media Content and Communication Services (MCCS).

The ministry is also understood to have sent a set of questions to Prannoy Roy's New Delhi Television (NDTV). Earlier this month, it was announced that Standard Chartered Bank is investing \$11 million in NDTV, taking the total foreign holding in the outfit to marginally less than the cap of 26 per cent.

The sources acknowledged that the issues raised by the question of granting a long-term licence had widened the ambit of discussions on media policy. Privately, few bureaucrats believe

the MCCS will be effectively denied uplinking facility that allows the transmission of news. It will probably take another month for STAR News to be given a long-term (possibly 10 year) licence.

The successive grilling of STAR has achieved something for I&B minister Ravi Shankar Prasad that he will be comfortable with. Even in the last session of Parliament there were insinuations from the Opposition that he was too close to STAR and there was a conflict of interest because in his job as I&B minister he was the media policy maker.

Some of the Opposition charges — like every television company bringing in foreign investment needs to be investigated — are uninformative. When the policy on uplinking was announced, it was known that FDI has been capped at 26 per cent.

Yet, it is STAR's application that prompts a rejig of government policy.

That is the "Murdoch" touch and India cannot be exceptional in his global media empire. In the US, the Federal Communications Commission — the regulatory body for broadcast and telecommunications — enabled Murdoch's business to run unhindered by inserting a special provision in the rules. Such an influence on government policy on media has been felt in the UK, too, and also in China.

In exchange, Murdoch's media firms have worked closely with governments, often aggressively reflecting the official standpoint on controversial issues, be it Fox News in the US during the Iraq war or *The Times* of London in Tony Blair's battle with the BBC.

BBC will table Kelly tape to clear reporter

London, July 23

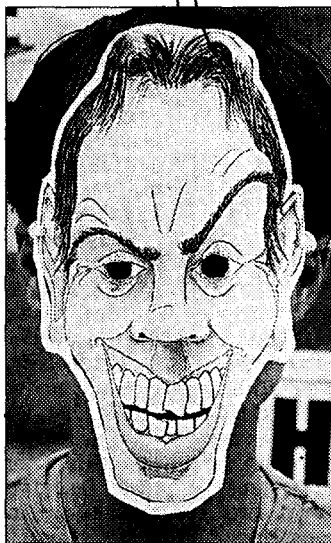
THE BBC has a tape of David Kelly expressing serious concern about how Downing Street made the case for war, *The Guardian* can reveal.

Susan Watts, science editor of *Newsnight*, recorded her conversations with the weapons expert, who killed himself on Thursday.

In her report she quoted a "source" — now known to be Kelly — suggesting that No 10 was "desperate" for information and "had exaggerated "out of all proportion" the claim that Iraq could launch weapons of mass destruction within 45 minutes.

The BBC believes the tape is the "smoking gun" that will exonerate Andrew Gilligan, the correspondent who originally reported the suggestion that No 10 included the 45-minute claim in the September dossier on the case for war "to make it sexier", against the wishes of the intelligence community.

Gilligan did not mention the



REUTERS

A man wears a Tony Blair mask in Hong Kong on Wednesday.

Downing Street director of communications, Alastair Campbell, until after a *Mail on Sunday* article.

The tape's existence explains the BBC's determination to

stick by its story. In Watts's report on June 2, an actor speaks her source's words, saying of the 45 minutes claim: "It was a statement that was made and it just got out of all proportion. They were desperate for information. That was one that popped up and it was seized on and it's unfortunate that it was.

Kelly told the foreign affairs select committee that he did not believe he was the main source of Gilligan's story but later told the former BBC journalist Tom Mangold that he was.

Meanwhile, Lord Hutton has requested that his judicial inquiry into the death of David Kelly be broadcast live on TV.

Guantanamo Britons

The British attorney general announced on Tuesday that he had won Washington's assurances that military tribunals in Guantanamo Bay would not seek death penalty against the British prisoners Feroz Abbasi and Moazzem Begg.

The Guardian

Judge vows speedy probe into Kelly death

Games the MOD played...

LONDON, July 21. — Promising a rapid probe into the death of former UN arms expert at the centre of a row over intelligence used to justify the Iraq war, the judge conducting the inquiry has said the investigation would be more wide-ranging.

"I intend to conduct the inquiry with expedition and to report as soon as possible. It is also my intention to conduct the inquiry mostly in public," Lord Hutton, charged with investigating the apparent suicide of David Kelly said today.

Lord Hutton is expected to look into two crucial points — how Kelly's name was made public, and what exactly he said when he met both BBC correspondents Andrew Gilligan and Susan Watts to talk about Iraq's weapons of mass destruction.

The judge stressed that he would be responsible for determining the inquiry's emphasis. "I make it clear that it will be for me to decide as I think right

within my terms of reference the matters which will be the subject of my investigation," Lord Hutton, former Lord Chief Justice of Northern Ireland, said.

The 72-year-old judge, who had spent all his legal career in his native Northern Ireland before becoming a law lord in 1997, said his terms of reference were to "urgently to conduct an investigation into the circumstances surrounding the death of

Editorial: Protecting sources, page 8

Kelly. "The (British) government has further stated that it will provide me with the fullest cooperation and that it expects all other authorities and parties to do the same."

The inquiry, which will be held mostly in public, is expected to call a number of high profile figures including Prime Minister Tony Blair, director-general of the BBC Mr Greg Dyke and BBC chairman Mr Gayn Davies.

Kelly's body was found in woods near his Oxfordshire home on Friday, days

after he gave evidence to a Commons committee about an unauthorised briefing he gave to a BBC journalist on the government's Iraq dossiers. He had apparently committed suicide by slashing his wrists and taking powerful painkillers the previous day.

There were calls today for Lord Hutton to extend his inquiry beyond the immediate pressures which might have prompted the weapons expert to take his life and to look into the question of the government's handling of intelligence information on Iraq.

In Beijing, Mr Blair today ducked questions on the scandal, refusing to comment on the worst crisis of his political career. Asked if the Kelly issue has been raised during his meeting with Chinese Premier Mr Wen Jiabao, Mr Blair smiled and continued walking, making no comment. He appeared relaxed and calm, with several people noting he appeared to have perked up from the pale and drawn figure in evidence over the weekend when the Kelly story flared up.



LONDON, July 21. — The internal minutes of a top-level British defence ministry meeting which took place in the afternoon of 9 July will reveal how it came about that the identity of government scientist David Kelly was exposed.

The meeting was attended by Mr Geoff Hoon, the Defence Secretary, and Sir Kevin Tebbit, the Permanent Secretary, as well as private office officials. What was decided at the meeting in the Old War Office in Whitehall will be crucial to the judicial inquiry being held by Lord Hutton.

The undisputed fact is that within a few hours of that meeting, the name of Kelly, one of the MOD's most respected experts on chemical and biological weapons, became known to three newspapers, but not as a result of a straightforward leak.

According to authoritative sources, Mr Hoon and Sir Kevin decided that if journalists came up with the name of Kelly as the civil servant who had admitted talking to the BBC Today programme's defence correspondent about Iraq's weapons of mass destruction, the press office at the MOD should confirm it.

The other option was to maintain a strict "no comment" position, in the same way that the MOD always refuses to confirm or deny any story relating to special forces.

However, at the Old War Office meeting it was decided that it was not sustainable to adopt such a position. It was felt that Kelly's name would inevitably emerge at some point because of his specialist expertise. It was also decided that it would be wrong for the MOD's press office to be told to deny that the weapons expert was the "mole" who had come forward, because it would have meant a deliberate lie.

Kelly had been warned it was possible his name might come to light, and he was appraised of the decision taken to confirm his identity if a journalist uncovered it. But he may not have known that journalists were given a number of facts about his career and background which appeared to be aimed at assisting in the uncovering of his identity.

Continued on page 8

Protecting sources

BBC fails to meet standards

It will take some time for the dust to settle on the tragedy, entirely avoidable, of the suicide of respected British scientist, David Kelly, but it is useful to piece together the facts that have already emerged. Kelly, a mild mannered man was scientific adviser to the Ministry of Defense in London and had been a senior weapons inspector in Iraq. He therefore knew a thing or two about weapons of mass destruction, particularly the elusive Iraqi weapons. He seems to have spoken to Gilligan of the BBC of his reservations on the subject of the dossier put out by Blair and his government in September 2002 to buttress the case that Bush was making at the UN for going to war with Iraq. The dossier had a foreword by Prime Minister Tony Blair, making the case for war, immediately, at once and without delay! Somehow the Ministry of Defense caught on to the fact that Kelly had spoken to the BBC and we have the testimony of his family that thereafter his life was made miserable — abuse and unbearable grilling over a period of time, threats to name him and throw the whole book of rules at him including a charge under the Official Secrets Act. The point to notice is that if the Ministry were reacting in such panic over David Kelly, they must have had good reason to fear any possible disclosures he might have made. The first step in any damage limitation exercise is to discredit the witness and get him to retract.

Grave issues of professional and public policy arise. Unless the BBC have lost their marbles they would not have put out a single source story, however reliable the source, and it is reasonable to assume that Kelly was right to suggest in an interview to The Times of London published after his death, that there were others. He indicated as much to the Parliamentary Committee, which summoned him. Whatever the choice of words — and a great deal is made of a comment that Kelly would not have said *sexed up* to describe what he was asked to do or what was to his knowledge being done under pressure — there can be no doubt that individuals acting for the Prime Minister wanted the dossier just right to justify the predetermined decision to go to war. We call to witness a parallel exercise in Washington and the confession of President Bush that he ought not to have spoken of Saddam seeking uranium supplies in Africa or being ready with a nuclear bomb at 45 minutes notice.

The BBC are clearly wrong to name Kelly as the source, just because he is dead. The confidentiality rule is not limited to the life of the source. Test the proposition. If it gets about that death releases journalists from the promise of confidentiality, it means in effect, an invitation to do away with the source if the intention is to betray confidences or to succumb to pressure as the BBC are doing now. The give away came from Blair in Japan; he declared himself *pleased* that the BBC had named Kelly. The reason is simple and barrister Blair is aware of it. The door now shuts on further disclosures. If the others who were likely to have been involved speak up in confidence, Blair can always say the source is dead, BBC have confirmed the source and there can be no more to come. The Americans are not always wrong! Woodward and Bernstein have not disclosed the identity of Deep Throat who helped them to nail Nixon's lies. His identity will never be disclosed, whether he is alive or dead. The BBC are well aware of the professional considerations in play. Yet they have succumbed. And more's the pity.

State team seeks CAS clarity

SE ^{new} 19/7
Statesman News Service

NEW DELHI, July 18. — Like many other states, Bengal is unhappy with CAS.

Chief secretary Mr Sourin Roy has recently written to information and broadcasting secretary Mr Pawan Chopra saying his government did not "understand" the system.

I&B ministry officials based in the state were initially asked to explain the system to government officials. Later, a joint secretary, Mr Rakesh Mohan, also visited Kolkata to discuss CAS. But it appears that there is still considerable unhappiness about CAS at Writers' Buildings.

The first CAS notification says most of Kolkata will be covered by the set-top regime by September 1 along with parts of South 24-Parganas. If everything goes by plans, CAS will be implemented in the KM-DA area by November.

There has been similar confusion over CAS in other parts of the country.

In Delhi, both the ruling Congress and the BJP have opposed it. So has Mr Bal Thackeray in Mumbai.

In another development, the Foreign Investment Promotion Board did not examine Star TV's request for uplinking despite a favourable letter of recommendation during its meeting yesterday.

Star had sought and received a week-long uplinking right (a temporary one) from the I&B ministry during which its financial position will be examined. But the failure to examine its case is a worry for Star. It has a short extension, though it could get another one, but the next FIPB meeting could be a long way off. Even after an FIPB clearance, other formalities remain to be completed. The ministry has also asked Star for further details about its equity shareholdings, revenue, personnel and its links with three other companies.

**'Cablemen add to chaos',
Kolkata Plus I**

19 JUL 2003

THE STATESMAN

CAS first phase from Sept. 1

10-1
1/2

By Our Special Correspondent

NEW DELHI, JULY 11. The Conditional Access System (CAS) will be implemented in the entire metropolitan area of Chennai from September 1 and Delhi, Mumbai and Kolkata will witness a staggered rollout from the same date.

This was announced by the Information and Broadcasting Ministry here today in a notification that replaces the January 14 notification mandating the introduction of CAS in the four metros from July 15. The announcement came a week after the Ministry decided to consider a proposal of broadcasters and cable operators to defer its introduction till September 1.

Today's notification also draws up the outer limits of the zones which move to the

new regime in the first phase in three metros. As per the proposal hammered out between the broadcasters and cable operators at the Prime Minister's Office, the four cities will be divided into four zones for staggered introduction, with December 1 being the deadline for completion of the entire rollout. However, the Ministry decided to go in for total rollout in Chennai as all stakeholders in the metropolis favoured it.

In the case of Delhi, the south zone will be the first to become CAS-enabled. The zone has been demarcated by the Yamuna (from the Delhi-Haryana border near Badarpur to Bhairon Marg) in the east; Willingdon Crescent, Sardar Patel Marg and NH (from Dhaura Kuan to Gurgaon border) in the west; Delhi-Haryana border (from Gurgaon to Badarpur and Yamuna) in the

south; and Bhairon Marg, Rajpath (National Stadium to Vijay Chowk), Parliament House, Talkatora Road up to RML Hospital in the north. Interestingly, the I&B Ministry will not move to CAS in the first phase as Shastri Bhavan — where it is housed — stands north of Rajpath. In fact, the Ministry is likely to get CAS-enabled only in the third phase, as it could well be included in the north zone.

As for Mumbai, the areas west of the mainline of Central Railway Station — between Chatrapathi Shivaji Terminus (CST) Station and Sion Railway Station — including Navy Nagar in the south, up to the CST Railway Station in the north and bound by the Sion-Bandra Link Road and the Mahim Causeway on the northern side will shift to CAS on the stipulated date.

Handwritten: 12/12/03

FREE BY CHARTER

The BBC is a strange old thing. But then, so is the British government. And when the two get gladiatorial, it is usually good entertainment. The latest phase of the "Truth or Blair?" game being played between the corporation and the government has been called a farce by the former. The BBC has alleged that Downing Street had "sexed up" last September's intelligence dossier on Iraq, in order to bolster Mr Tony Blair's case for going to war. The BBC had claimed senior intelligence sources for the tip-off, and one of its correspondents had later named the prime minister's director of communications as meddling with the contents of the dossier. A select parliamentary committee has now cleared this gentleman (although the vote was deeply divided), but the "jury is still out on the accuracy of the September dossier". This is, of course, neither here nor there, with both the government and the corporation claiming victory.

Moreover, the BBC refuses to either apologize for the story or reveal its source. The defence secretary is now pulling out of his hat one dodgy intelligence man after another as probable source of the leak, with the BBC thinking up newer ways of refusing to identify the mole. This, in essence, is the farce as it stands now.

For the BBC, what is at stake is the trust it has built up over the years in the independence, impartiality and credibility of its reporting. Most viewers would believe the BBC, rather than CNN, on Iraq, although strictly speaking, CNN is more "independent" than the BBC in how it is funded. In fact, the present stand-off between Downing Street and the corpora-

tion, and the latter's bullish refusal to apologize, bring out the peculiar ambivalence of the BBC's legendary independence. Its freedom is granted by royal charter, and its excellence as a "public service broadcaster" is maintained by this chartered monopoly over licence fee. It is a peculiar and increasingly anachronistic situation, where the BBC's cherished independence is not founded on actual autonomy with respect to its funding. Its board of governors is appointed by the government, and the director-general and management are answerable to this board. But although the BBC is principally funded by what the British taxpayer pays as licence

fee, it does not have to open its books up to public audit, as do other government and tax-funded institutions. As a result, it has grown into that extraordinary thing, a genuinely independent public institution.

But this is all very well, until the BBC comes into direct conflict with the

The BBC will be truly independent of Downing Street only when it generates its own funding

government. And that is when the terms of the charter could compromise the BBC's autonomy, and hence its independence. As long as it accepts a huge subvention from the government, its right to ask the government not to meddle with truth-telling remains vulnerable and far from absolute. The charter is coming up for renewal in 2006, when the BBC's scale, scope and purpose would be subjected to both governmental and independent scrutiny. It has also been hinted that perhaps not all of the licence fee would go automatically to the BBC, and may be skimmed off for other broadcasters. Perhaps the BBC, with all it has to offer Britain and the world, is living on borrowed time.

Govt puts CAS on backburner until Sept. 1

Mumbai
G11

TIMES NEWS NETWORK AND AGENCIES

New Delhi: The government on Friday decided to defer the introduction of the conditional access system to September 1, from the original schedule of July 15, in an effort to tighten the loose ends and make broadcasters agree to its terms. The rescheduling was worked out at a six-hour meeting at the Prime Minister's Office between PMO official Sudeendra Kulkarni and broadcasters and cable operators.

However, from August 1, all television channels—both free-to-air (FTA) and pay—will be available for Rs 72 plus taxes, the rate decided by the government task force for viewing FTA channels.

Information and broadcasting minister Ravi Shankar Prasad said the government agreed with the broadcasters that introducing CAS in the middle of July would create billing problems. He said the extra time would be used to get over the problem of inadequate supply of set-top boxes, educating viewers and assessing the requirements in the four metros.

The four metros will be divided into four zones to introduce CAS in one zone at a time from September 1. Mr Prasad said the process would be over by December 1. He said the broadcasters

would intimate the government about the new pay channel rates by July 15.

Clearly, considerable pressure, both direct and indirect, was brought on the broadcasters during the meeting. While tough bargaining was still on, news came of four Indian broadcasters agreeing to make all their channels free-to-air. The Indian broadcasters accused their foreign counterparts of adopting "arm-twisting tactics" to delay the implementation of CAS.

The Indian broadcasters—Aaj Tak, SAbE TV, Sahara TV and Eenadu TV—who met in Mumbai, also opposed the "rollout plan" suggested by their foreign counterparts, saying it would lead to the opening of the Indian airwaves to foreign invasion.

"By submitting to the rollout plan suggested by foreign broadcasters, not only will the government discriminate among viewers but it will also fail to honour the mandate given by the Indian public through parliament.

However, the representative of a broadcaster later remarked that their agreeing to make available all channels for the FTA bouquet did not mean they had conceded the government proposal. "We have decided to waive subscription and this means a considerable loss for us for a few months," he said.

CAS postponed

Impact on the major stakeholders

Consumers: Are winners because their cable bill will come down until CAS is implemented

Government: An embarrassing climbdown just 9 days before CAS was to be rolled out

Pay-channel broadcasters: Are winners for the time being as intense lobbying has paid off

Cable operators: Upset, they were pushing for CAS and will get lower subscription fees till it is implemented

What's the solution to avoid a repeat rollback?

Government should quickly institute a regulator to implement CAS.

Now, a zone-wise CAS rollout

Shortage of set-tops prompts PMO rethink on launch date

HT Correspondents
New Delhi/Kolkata, July 3

THE PRIME Minister's Office is believed to have told the information and broadcasting ministry to defer the conditional access system by three months because of an acute shortage of set-top boxes. But leading multi-system operators and local cable operators on Thursday suggested a "zonal rollout" of the scheme in Mumbai and Delhi from July 15.

In this scheme, the two

metros will be divided into three or four zones, where CAS will be introduced in phases. Cable operators in Kolkata, too, are warming up for a similar rollout on July 15. Siticable said it was working out the zone-wise map, which it will send to the I&B ministry on Saturday.

"There will be at least three zones. We are working out the details," said regional director Somen Raychaudhuri. Siticable is worried that it may not have enough set-top boxes to serve its ex-

isting client base at one go. RPG Netcom, too, is ready for a phased launch. CEO Dilip Sen said: "We'll go by the I&B ministry notification. It's true that we can't provide set-top boxes to all our customers at one go."

The estimated number of set-top boxes available in the country is only 14,000-22,000. The PMO argues that if the launch of CAS is put off by three months, that would allow enough time for import and domestic assembly of an adequate number of boxes.

Leading broadcasters have no problem with the Centre's suggestion: they are willing to turn their pay channels free-to-air for the period. This will also protect the broadcasters' ad revenue, the mainstay of their cash flow.

But local cable operators and MSOs are bitterly opposed to this solution. The I&B ministry, too, is resisting this formula and wants to go ahead with CAS in the shape of a phased introduction.

I&B Minister Ravi Shankar Prasad has been trying to

bring broadcasters around to an acceptance of his formula: a soft launch for CAS that would involve dual-feed of TV signals. But that's technically not feasible, broadcasters and local cable operators say.

A soft launch, where some viewers continue to receive all channels without a set-top box, doesn't offer any reason why another viewer should invest in the box. The PMO believes a slight rescheduling will allow all the building blocks of CAS to be put in place.

PMO officials meet cable operators

By Anita Joshua

2 up in media

NEW DELHI, JULY 2. With all the stake-holders to the Conditional Access System (CAS) working at cross-purposes, the Prime Minister's Office (PMO) today once again intervened to break the deadlock that has already weakened the Government's resolve to rollout the new regime in cable television in four cities with its punitive clauses on July 15. While the PMO has so far interacted only with the Information and Broadcasting Ministry on CAS, its officials today met broadcasters and cable operators separately to discuss various aspects of its implementation — particularly the price factor.

Even as the Ministry spent a greater part of the day weighing its options, the broadcasters were one in maintaining that "dual feed" was the only viable option given the fact that the Set-Top Boxes (STBs) — needed to access pay channels post-

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CAS — are not available in adequate numbers. However, the Multi System Operators (MSOs) — while conceding that a 'dual feed' is technically possible — argued that it was not practical.

Though the broadcasters have suggested 'dual feed' option as a transitory mechanism till an adequate supply of STBs is assured, MSOs and cable operators are opposing the proposal on the premise that they would have to put in place a parallel network and incur huge costs.

"Such an investment is pointless, and why should we pay the price for no fault of ours as it is the broadcasters who are stalling the process," is their contention.

Refusing to say what lay ahead for television-viewers and wary of divulging details on their interaction with the PMO, all that the broadcasters were willing to say was that the rates quoted by the cable operators were misleading and a "figment of someone's imagination".

Stalemate over CAS persists

By Our Special Correspondent

NEW DELHI, JUNE 30. Though time is running out fast, the Government today did not come any closer to ensuring a "seamless" transition to the Conditional Access System (CAS) in the four metros after a crucial meeting of broadcasters with the Information and Broadcasting Ministry failed to break the ongoing stalemate.

Uncertain about the availability of Set-Top Boxes (STBs) — needed to access pay channels post-CAS — and instructed by the Prime Minister to ensure that consumers are not inconvenienced, the I&B Ministry is now talking about a 'dual feed' system. Under this, people can continue with the existing system till adequate boxes are available in the market without

pedu
the threat of the penal provisions in the CAS legislation while those who have opted for CAS can switch over.

Should the Ministry settle for the 'dual feed', those opting for CAS will be able to access pay channels only through the STBs at the new rates offered by broadcasters which still do not fall within the promised Rs. 200 limit. Others can continue to watch cable television for existing rates as the broadcasters have said that they would not increase the prices of their pay channels for the next six months.

At today's meeting which lasted about three hours — the last hour being with the Union Minister of State for I&B, Ravi Shankar Prasad — the broadcasters submitted individual rates for their pay channels.

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Though today's rates were lower than what was suggested about a fortnight ago, the Minister said they still would not bring the cable bill — for free-to-air, pay and monthly rental for STBs — post-CAS to Rs. 200.

Sticking to the deadline for the implementation of CAS, the Minister confirmed that the Government would not make STBs mandatory for viewing pay channels after July 15 when CAS is scheduled to roll out in Delhi, Mumbai, Kolkata and Chennai.

While the availability of STBs is officially being cited by the Government as reason for its growing inclination to adopt a lenient approach to the implementation of CAS, Ministry officials said differences between various stake-holders had created hurdles in the smooth rollover to the new regime.

Minister told to ensure rates are kept at current level

PM puts a cap on price of CAS debut

OUR SPECIAL CORRESPONDENT

7/6

New Delhi, June 20. Prime Minister Atal Bihari Vajpayee today asked information and broadcasting minister Ravi Shankar Prasad to ensure that "consumers do not have to pay more than what they are paying now after the implementation of the conditional access system".

Prasad said he was considering several options — even coercion — but did not want to use the stick immediately.

The information and broadcasting ministry began a series of consultations with broadcasters and operators after the last time the Prime Minister summoned Prasad about four weeks ago. It was assessed at the time that subscribers would not have to pay more than Rs 200, inclusive of the price of the set-top box.

Today's directive from the Prime Minister relaxes the norm somewhat because cable television subscription rates differ widely even within the four metros where CAS will roll out on July 14.

"Consumer interest is the most important consideration. That is also the Prime Minister's concern. That is what we are working on. All the broadcasters also survive only when the consumers are happy. I am quite sure that we will be able to work out a solution," Prasad said after the meeting.

Earlier this week at a meeting called by the information and broadcasting secretary, Pawan Chopra, to shape the CAS regime, STAR presented a rate card that cable operators said would push subscription rates to more than Rs 500 a month.

The Centre had threatened coercive action to peg down the rates. "I know my powers in law," Prasad said today, when asked if the government was still holding out the stick.

"My whole approach has been to appeal. Let us work as a team. CAS opens up whole new avenues for the country."

The minister ruled out the possibility of either deferring the July 14 deadline or restricting the rollout of CAS to just one city (Chennai), as demanded by a section of broadcasters.

Broadcasters and operators led by Zee/Siticable have said they will present an alternative rate card tomorrow and ensure that subscriptions "are reasonable".

But Siticable's CAS operation, called "Headend In The Sky (HITS)", is being seen by cable (last mile) operators as a threat to their businesses.

"The new technologies of DTH (direct to home) and HITS, which the government is encouraging into the country, will affect the last mile operator adversely, endangering our very existence," the statement said.

The Prime Minister's Office stepped into the picture yesterday when Vajpayee's principal secretary Brajesh Mishra summoned Chopra for a briefing. A day earlier, Chopra had walked out of a meeting with multi-system operators and broadcasters after failing to thrash out a compromise on CAS.

Late last evening, Prasad, Chopra and other senior officials met among themselves and with broadcasters to help the Centre deliver on its promise to secure all pay channels for consumers at Rs 200 a month.

FRIDAY, JUNE 20, 2003

DEADLOCK ON CAS ^{no. 10} 20/6

WEDNESDAY'S MEETING BETWEEN television broadcasters and multi-system operators (MSOs), with the Government standing in as a kind of referee, was supposed to sort out the critical issue of pricing in the proposed Conditional Access System (CAS) regime. As it turned out, the heated discussions resulted in absolutely nothing and provided no clue about how the pricing issue is going to be resolved. The Centre had asked pay channels to fix their prices but all that it resulted in was the distribution of a rate card (by some foreign broadcasters) that seemed to create more confusion than clarity. First, the rate card was structured in a manner that could sharply escalate the cost of a monthly cable bill to Rs. 500 or more. Second, the very legitimacy of this price list was undermined after one broadcaster declared it was not even consulted about it. And finally, by quoting prices that were wholesale (that is, exclusive of the margin for MSOs and cable operators), the rate card threw no light on the retail price to be borne by the consumer.

At one level, the breakdown in the talks reflects the huge gap in the positions staked out by broadcasters and MSOs. The latter want something between 40 and 60 per cent for distributing pay channel signals, figures that correspond roughly with what is charged for such services elsewhere in the world. Some broadcasters want to pay much less (15 per cent or thereabouts). How such disparate expectations can be reconciled is anyone's guess, but from the consumer's point of view, any price list must clearly and transparently declare the ultimate price paid by the consumer. A rate card of the kind distributed during Wednesday's stormy meeting (in other words, one that leaves the distribution margins open) is unacceptable and it is not surprising at all that the Centre has dismissed it as a non-serious exercise.

The other issue that has been thrown up squarely is price. Although the Centre's formal position is that broadcasters are free to fix the

prices of pay channels, the Ministry of Information and Broadcasting (which has even talked of a monthly cable bill of around Rs. 200) has an undeclared interest in ensuring that the CAS regime is consumer friendly and voter friendly. It was perhaps inevitable that the contradiction between professing *laissez faire* and practising regulation would emerge sooner or later. And in the face of some broadcasters electing to charge high rates for their pay channels, the Government is in a spot over an issue that it has no adjudicatory role in. It is obvious that the Centre suspects that some broadcasters have ganged up to have CAS deferred, if not scuttled, and views the high prices fixed for pay channels and the failure to reach an agreement with MSOs as calculated steps towards such an aim. Those broadcasters who fear CAS are concerned about the loss of revenue that could incur in the event of consumers failing to subscribe to the new regime; more important, the establishment of CAS would make it more difficult for them to penetrate their market with Direct-To-Home (DTH) services as planned.

The question now is what the Centre can do about resolving the CAS deadlock. An irked I&B Ministry has threatened to take coercive measures against the broadcasters if they fail to sort out the problem. One threat is those pay channels that fail to come up with a package that the Government considers reasonable would have to turn free-to-air (FTA) or risk being forced off the air. While recalcitrant broadcasters cannot be allowed to impede the roll out of CAS because of their own narrow interests, the Centre should do whatever it can to avoid resorting to extreme regulatory measures in order to implement the new cable television regime. To negotiate a successful outcome will mean balancing the interests of broadcasters, MSOs, cable operators and consumers. Given the opposing nature of some of these interests, this is going to be far from easy.

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CAS AND CONTROVERSY

BY DRASTICALLY REDUCING custom duties on set-top-boxes, the Centre has attempted to address the main concern of consumers over the introduction of the Conditional Access System (CAS) — the high cost of these contrivances. As a result, imported set-top-boxes will become available (albeit for a short period) at almost half the price in the four metropolitan cities where CAS will be implemented. By taking a good part of the financial sting away from the changeover to CAS, the Centre may have partially appeased consumer sentiment. But this does not mean that switching to the proposed new cable television regime will now be a cakewalk. Pressure from the powerful lobby of broadcasters against implementing CAS is unabated and the entire issue has become complicated with the involvement of politicians, who fear that the new system may alienate the so-called middle class vote bank.

Vested interests have contributed towards spreading a great deal of misinformation about the Conditional Access System, which has certain obvious benefits over the somewhat chaotic and under-regulated system that exists now. Set-top-boxes solve the problem of massive under-declarations of subscribers by cable operators. They will also help the Government by improving the collection of the entertainment tax and the service tax imposed on cable operators. Finally, despite the initial investment on set-top-boxes, the CAS protects the consumer from arbitrary increases in cable subscription rates. It empowers the consumer to cough up only for those pay channels he or she wishes to watch. In the long run, the introduction of a regulated cable TV system is also bound to widen the choice for consumers as a number of premium pay channels are reportedly waiting in the wings for the introduction of CAS.

Under the existing system, broadcasters frequently charge cable operators with under-reporting the number of subscribers — a problem that the CAS directly addresses. Iron-

ically, a section of broadcasters who run pay channels are now worried that the new system will expose their true viewership. Households may simply be unwilling to pay for certain pay channels, which in turn would mean much lower advertising revenues. It is possible that under CAS, some pay channels — at least relatively less popular entertainment channels — may be forced to return to the free-to-air mode in order to survive. As things stand, after having either paid for or leased the set-top-boxes, the consumer may find he saves some money. The Government has mandated that cable operators under CAS must offer a basic bouquet of at least 30 free channels for a moderate Rs. 72 per month. Add-ons will cost more but the pricing structure clearly invalidates fears that CAS will somehow cast a huge financial burden on the Indian couch potato.

For various reasons, it is impossible for India to catapult immediately into the Direct-To-Home (DTH) regime and it would appear that CAS is a phase, if only a possibly intermediary one, that it would have to inevitably go through. However, with politics getting into the act, there are now doubts whether the new system will be in place before mid-July as scheduled. Politicians in Delhi, where elections are slated later this month, have been at the forefront of opposing CAS, with one eye on the vote bank and the other jaundiced by the misperception that the system is anti-consumer. The BJP leader, Madan Lal Khurana, has actually claimed to have received an assurance from the Prime Minister, Atal Behari Vajpayee, that the implementation of CAS will be postponed and although there has been no official word on deferment, there are doubts now about whether it will be implemented in mid-July and whether this will be done without further changes. A combination of populist politics and vested interests has resulted in distorting some basic truths about the advantages of CAS and raising some needless fears about its implementation.

30 MAY 2003

Duty on set-top boxes slashed

By Our Special Correspondent

NEW DELHI, MAY 29. The Finance Ministry today bailed out the Information and Broadcasting Ministry by slashing the customs duty on the import of Set-Top Boxes (STBs) — needed to access television pay channels under the Conditional Access System (CAS) — with the proviso that the revised duty regime would be effective till July 31 only.

Having secured this concession from the Finance Ministry, the I&B Minister, Ravi Shankar Prasad, said it was now the turn of the Governments of Delhi, Maharashtra, Tamil Nadu and West Bengal to act in the consumers' interest and bring

down the sales tax on STBs which ranges from four to 12 per cent.

Though the Minister later clarified that CAS should not be politicised, his advocacy for a reduction in sales tax was almost thrown as a challenge to the State Governments concerned; the Congress-ruled States in particular. Referring to the Delhi Chief Minister, Sheila Dixit's letter to him vis-a-vis the CAS, Mr. Prasad said: "The Government of India has done its duty; now it is for the Government of Delhi to do its bit as far as sales tax is concerned."

The 45 per cent reduction in customs duty on STBs came as a major relief to the I&B Ministry which has been under tremen-

dous pressure over the past fortnight to defer/roll back the implementation of CAS in the four metropolises of Delhi, Mumbai, Chennai and Kolkata from July 15. As for the Finance Ministry's decision to limit the revised duty regime to imports made till July 31, the Minister said this had been done to protect indigenous production of STBs, expected to begin by the year-end.

Mr. Prasad said the "drastic reduction" would bring down the price of STBs which had become a major cause of concern for the consumers. In view of the concerns expressed in various quarters, the Prime Minister last Saturday instructed the Ministry to ensure that the CAS

regime was "customer-friendly".

About the other misgivings pertaining to CAS, the Minister said the cable operators would have to provide a mix of programmes in the basic tier featuring free-to-air (FTA) channels. "If (the) cable operators do not provide a proper mix of programmes, they can be arrested without warrant."

Though the Government has specified that the basic tier should carry a minimum of 30 FTA channels for Rs. 72, cable operators were free to show up to 70 FTA channels for the same amount, Mr. Prasad said; once again urging all stake-holders to ensure a successful transition to CAS.

Govt. may amend Cable TV Act

11
19 By Our Special Correspondent *meow*

NEW DELHI, MAY 28. Within a day of the Delhi Chief Minister, Sheila Dixit, demanding a review of the Conditional Access System (CAS), the Congress today demanded its postponement till all the concerns that consumers have about the new regime in cable television are addressed.

Concerned that consumers may end up paying much for cable television from July 15 — when CAS is scheduled to be implemented in Delhi, Mumbai, Chennai and Kolkata — the Congress today issued a statement noting that “the ultimate objective in the context of which the Bill was conceived and passed seems to have been lost sight of by the Government”.

According to the Congress, “till all outstanding issues are sorted out and consumers are assured of the availability of a bouquet of channels — both ‘free-to-air’ and ‘pay’ — at affordable prices, keeping in mind the availability and pricing of the set-top boxes”, the implementation of CAS should be postponed.

Also, the Congress voiced many of the concerns being aired now when the then Union Minister for Information and Broadcasting, Sushma Swaraj, introduced the Cable Television Networks (Regulation) Amendment Bill, 2002, in Parliament.

29/5
Meanwhile, the Information and Broadcasting Secretary, Pawan Chopra, today indicated that the Ministry could well consider another amendment to the Act to rein in the stake-holders, who may harbour “designs to gain undue profit by exploiting the consumer.”

With a clear-cut directive from the Prime Minister to protect consumer interests, the Ministry is monitoring the evolving situation closely and is in constant touch with all the stake-holders. Given the concerns expressed in several quarters about the availability of set-top boxes — needed to access pay channels — the Ministry has also begun asking the cable operators and the Multi-System Operators (MSOs) to furnish details of not just the orders placed but the actual arrivals.

Though the Ministry is considering all options to ensure a seamless rollover to the new regime, it is still reluctant to mandate that pay channels will be advertisement-free as is the rule elsewhere in the world.

Explaining the Ministry's reluctance to do so, Mr. Chopra said the CAS legislation was designed to keep Government's interference to the minimum. “We would prefer the market forces to dictate where advertisers put their money.” This said, he did not completely rule it out; stating that a mechanism to regulate pay channels would have to be put in place at some point of time.

29 MAY 2003

THE HINDU

25. A 2005

I&B ministry bent on implementing CAS

Statesman News Service

NEW DELHI, May 21. — Temporarily at least, the decision to start the conditional access system or CAS here and in Kolkata, Chennai and Mumbai still stands, despite political opposition even within the BJP.

After a meeting with broadcasters, information and broadcasting ministry officials insisted that they still looked at 15 July as the D-Day for implementing the system in the four cities. In fact, far from a "rollback", the ministry will issue an order ensuring "unbundling", within a fortnight or so. The broadcasters are fighting this tooth and nail, but the decision, if it goes through, will be consumer friendly.

The ministry's order will specify the prices of the respective channels, a ministry official said. If, for example, a bouquet of five channels of one group costs Rs 50, then it cannot charge Rs 40 a channel. "There is going to be a mechanism to ensure that

unbundling is real," an official said. The politics behind the issue is uncertain. The BJP president, Mr Venkaiah Naidu, has said that the party is studying the situation. There is a feeling that the party may be adversely affected during the coming Delhi polls if CAS is implemented.

Some senior party leaders too oppose the system. One argument is: 70 per cent of the TV sets are black and white and cost Rs 1,500 or less. These people cannot afford a colour TV set. Why should they be asked to buy a set top box? An I&B ministry official refused to comment, saying, "Political decisions are political decisions."

There is speculation that a deferment, if there is one, could happen only after I&B minister Mr Ravi Shankar Prasad, currently out of the country, returns later this month.

On virtually every issue, there is contention. ■ The rule will force households to pay separately for all "pay" channels — most of the channels showing sports, films and

serials are pay ones. To get these channels households will have to buy a set-top box for each TV set in the house. Even those who do not want pay channels, will have to pay Rs 70 to the cable operator for a minimum of 30 channels. What the maximum will be is disputed. The ministry says the operators can provide 80 for Rs 70. Operators dispute that. Also, DD apart, the operator will decide what free channel to provide.

■ The ministry does not want bundling. After a meeting with I&B ministry officials and operators, Peter Mukherjee of Star said: "I don't know what bundling is." Bundling will hurt the consumer. Unbundling will hurt the broadcaster. The ministry will decide within a fortnight on how to ensure unbundling: the broadcasters will issue their rates in a month. The operators have a suggestion. If there is a package of five channels and it costs Rs 60, a la carte prices should not be more than 10 per cent of the average price. So, the maximum price for a chan-

nel, in this case, will be Rs 13.20. ■ How much will a set-top box cost? The current market estimate is about Rs 7,500 for a digital one. Ministry officials said such a price is over-the-top and a result of a disinflation campaign. One could be available for Rs 4,500. The ministry has already called for cuts in customs and other duties. Whether the finance ministry will agree is uncertain.

■ Will they be available? Initially, almost all will have to be imported. So far, none is available. Operators say 1.2 million for the four cities will be enough as others will stay with free channels initially. Broadcasters feel 5.6 million are a must. The ministry thinks the figure is somewhere in between. If there aren't enough boxes available within 14 July, there will be chaos. How many are needed, depends on which channels stay "pay" and which are made free-to-air. If more of the popular channels are made free-to-air, fewer set top boxes will be needed.

Everything you want to know...

What is CAS?

Households, instead of getting every channel offered by the operators, will be able to pick and choose. It will get a minimum of 30 free channels for Rs 70. For "pay" channels, households will pay extra.

Can a household get the channels it want?

Not necessarily. A cable operator will have to give 30 channels. It may choose not to have a particular free channel. It may choose not to have a particular pay channel. **What will be the bill?**

The minimum will be Rs 70. Then, it will depend on how many channels a household wants. To get all the channels currently available, a household will have to spend more than it spends now on the cable-operator.

How do you get pay channels?

Households will have to buy a set-top box, currently

BJP plans to scuttle new cable regime

HT Correspondent
New Delhi, May 20

AFTER VAT, the BJP is considering putting the controversial conditional access system on hold.

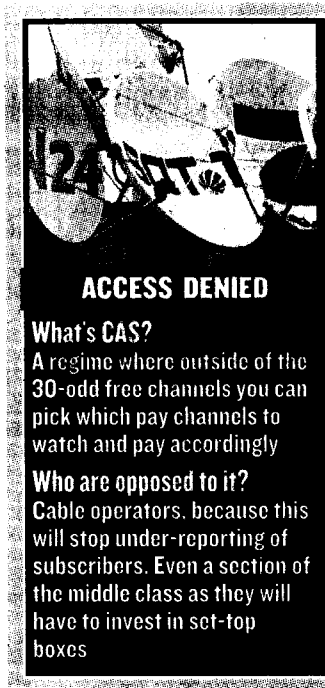
BJP president Venkaiah Naidu said on Tuesday that because of the misgivings expressed in different quarters, his party would study the pros and cons of the proposed regime where you get to choose which of the pay channels you want to watch and pay accordingly.

The information and broadcasting ministry has convened a meeting on Wednesday to streamline the implementation of the regime that was to come into effect from July 14. Additional secretary Vijay Singh will meet broadcasters, multi-system operators, local cable operators and users.

Though I&B secretary Pawan Chopra said no decision had been taken to defer the scheme, BJP insiders said Naidu's remarks indicated that the regime might go the "VAT way". VAT was to have come into effect from April 1, but its implementation was deferred after protests from BJP leaders and some states.

"We will study all the reports in connection with CAS. The media have been carrying articles about the problems of CAS," Naidu said. Asked if the party was pressuring the government to defer its introduction, Naidu said, tongue in cheek, "We are for unconditional access."

"Parliament passed the law. People are having misgivings. We



want to study everything," he added. But though he refused to confirm whether he had taken up the issue with Deputy Prime Minister L.K. Advani, other BJP leaders said the party wanted the issue out of people's minds before the Assembly elections.

The party's view is that the regime should not be implemented before the polls in four states. A final decision is likely to be taken after the top BJP leaders talk to Information and Broadcasting Minister Ravi Shankar Prasad, who is away in Cannes.

Confusion calling

Rise and fall of phone tariffs

Telephone users have every reason to be confused — and disappointed. Just when all experts say that tariffs, thanks to competition, can only fall, come reports that the regulator, Trai, may push some rates up. More confusing, days after that some rates actually go down as the government reduces BSNL's and MTNL's charges. Worst of all, the reason Trai is seeking to hike some tariffs is the very thing the government is undermining by reducing public sector phone charges. Trai's principal concern in having a relook at the interconnection user charges (IUC) — the rates telecom operators pay for using each others' networks — is to address the fact that with STD rates for mobiles and limited mobility phones falling below those for landlines, BSNL will lose revenue from domestic long distance calls. This will affect BSNL's social obligations — putting up and taking losses on rural telephones. Trai, therefore, wants to increase mobile STD rates to allow BSNL to connect India's villages. But an increase in long distance traffic revenue may not compensate BSNL for the losses incurred from the government's reduction in phone charges. Therefore, BSNL may not be able to address rural connectivity despite a hike in mobile STD rates. Or, Trai may hike mobile STD rates to absurd levels to divert traffic to BSNL. So, it will be bad for rural or urban India or, most likely, both.

The other source of confusion is the tariff structure announced by companies offering limited mobility services. There have been national campaigns, offering call rates much cheaper than that of cellular service providers. Most of the roughly 1.5 million subscribers to limited mobility services were influenced by the low tariffs. Trai is now saying these tariffs do not cover interconnect charges. Why wasn't this said before? Many low income category consumers will find it difficult to afford the higher mobile call charges but because in many cases they would have paid about Rs 3,000, non-transferable down payment, they would not be able to exit easily either. The answer to this is not that prices can go up or down any time. This is not a market fluctuation. Businesses were allowed by the regulator to announce certain prices, only to be disallowed after some months. Trai must have known all the time that its interconnect charges and limited mobility tariffs were incompatible. It is no good saying that the new Trai chairman, Pradip Bajjal, former disinvestment secretary, did not do this. Blaming the former chairman, MS Verma, does the consumers no good. And they are certainly justified in expecting certain basic continuities from the regulator. Hopefully, the review of interconnect and tariff rates — billed to take three months — will clear and not add to the confusion.

15 MAY 2003

THE STATESMAN

Rollback rings in landline relief

HT Correspondent
New Delhi, May 13

BOWING TO Opposition demands, the government has decided to partially roll back the recent increase in landline-to-mobile phone call rates and raise the number of free calls.

Announcing the decision, Communications Minister Arun Shourie, flanked by the heads of state-owned Bharat Sanchar Nigam Ltd (BSNL) and Mahanagar Telephone Nigam Ltd (MTNL), said BSNL fixed-line users outside metros would now pay Rs 1.20 per minute for calling mobile phones, instead of Rs 2.40 per minute. In metros, the rate will remain Rs 1.20 per minute. This will come into effect from May 17.

CALL HOLDING		
	EXISTING	NEW
Landline to cell	Rs 2.40/min	Rs 1.20/min
Free calls		
(i) Urban	30	50
(ii) Rural	50	75

* This applies only to non-metro users; those in the four metros were paying Rs 1.20 a minute from May 1

Both BSNL and MTNL have rolled back the recent cut in free calls. BSNL rural users will get 75 free calls, up from 50 at present, while its

urban users will get 50 free calls instead of the current 30. This will be implemented with retrospective effect from May 1.

The rollback will severely affect the finances of both the telephone majors. "BSNL alone will be impacted to the tune of Rs 3,476 crore this fiscal because of the rollback. Of this, Rs 2,600 crore will be due to the change in pulse and Rs 876 crore on account of increased free calls," Shourie said.

"Expansion plans of BSNL will be affected and the company will face difficulty in taking the infrastructure to rural areas," he added.

This is the fourth instance since 1999 "when an effort to rationalise tariffs has been affected", the communications minister said.

THE HINDUSTAN TIMES

14 MAY 2003

MPs press for rollback of phone tariffs

By Anita Joshua

NEW DELHI, MAY 7. The Government was put in the dock by its own members in the Lok Sabha today when the BJP joined hands with its NDA allies and the Opposition to press for a rollback of the new telephone tariffs. Though the Communications Minister, Arun Shourie, sought to allay the fears voiced by the members, his reply left a majority of the MPs dissatisfied resulting in a walkout by members of the Shiv Sena, the JD (U) and the Samata Party.

The new telephone tariffs dominated the proceedings during the pre-lunch session with some members moving into the well of the House during question hour demanding a rollback. While the Congress and the CPI (M) members clamoured with the Shiv Sena and other allies lending support, the Speaker insisted on running through the listed questions.

The onslaught from the NDA benches was led by the Telugu Desam Party and the Shiv Sena. As the chorus of objections gained momentum, the BJP chief whip, V. K. Malhotra, joined in leading to a heckling of Mr. Shourie by the BJP members. Though the Minister was ready for a discussion and the Speaker said it could be slotted in this session itself, the members insisted on a statement.

The charge against the Government was that the new tariff for fixed phones was designed to benefit private cellphone operators, and two Shiv Sena members — Chandrakant Khaire and Shivaji Mane — sought to make their point by placing their cellphones on the officials' table.

As question hour drew to a close and the members showed

no signs of repenting, the Speaker reprimanded them and restored order with an assurance that the Minister would make a statement during zero hour. For his part, Mr. Shourie attributed the members' apprehensions to a January order of the TRAI. Maintaining that this tariff regime had been reviewed and that many of the TRAI's recom-

mendations had not been accepted, he said there was no increase in the rentals of either rural or urban telephones.

Members criticised the "steep hike" in calls made from fixed phones to cellphones and the reduction in free calls. Mr. Shourie said there was no increase in the pulse rate for fixed-to-fixed calls. He also countered

the allegation that the new regime favoured cellphones. According to him, MTNL and BSNL had been given the "fullest freedom" to "out-compete" other operators.

As none of their complaints was addressed by Mr. Shourie in his response, many of them walked out, alleging that the Minister had misled the House.

Media

08 MAY 2003

MPs press for rollback of phone tariffs

By Anita Joshua

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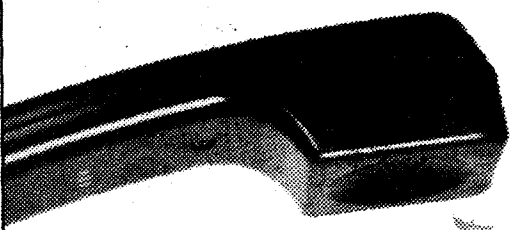
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BSNL, Calcutta Telephones introduces a set of attractive talk plans with more free calls & more benefits. Choose your best option.

Tariff Plans for Basic Phone Services from 1st May 2003

All charges and Free call figures are monthly

Monthly charged items	TRAI (Standard) Plan	BSNL Alternate Plans			
		General	Economy	Special	Super
Rental or Plan Charge as applicable	280	250	350	750	1650
	Other than Sr. Citizen				
	Sr. Citizen	250	350	750	1650
Call charges	Free Calls	30	150	600	1800
	31 to 300 Calls	1.00	1.00	1.10	1.00
	Charge per metered unit beyond FREE Call limit	Beyond 300 Calls	Beyond 300 Calls		
	1.20	1.20			
Optional service charges	Itemised Bill	Free	30	Free	Free

New connection and Reconnection charges remain unchanged. Billing frequency will also remain unchanged.

Local call Pulse Rate

In all BSNL plans, pulse rate for a local call from a Basic phone to another Basic phone (landline) remains unchanged at 3 minutes. In TRAI plan, it is 2 minutes.

Long distance and Internet charges

- BSNL introduces new benefits – Less charges for long distance calls & Internet surfing.
- Intra Circle Long Distance** calls beyond 200 km. **brought down from Rs. 4.80 per minute to Rs. 2.40 per minute** – available to all customers (including non-STD customers) by dialling '95'.
- Inter Circle Long Distance** calls from fixed to cellular phone made **cheaper from Rs. 4.80 per minute to Rs. 3.60 per minute** for distance beyond 200 km.
- Access to Internet** made **VERY CHEAP** from 10.30 pm to 6.30 am. This will be at the rate of 10-minute pulse (earlier 6 minute) i.e. only Rs. 6.00 per hour @ Re1/- per metered unit.

HOW TO GIVE OPTION

Be ready with your Customer ID number (indicated in your telephone bill) AND Call SAMPAK (Dial 1500 option 7-1-4) or Register in www.calcuttatelephones.com or Exercise your choice in the format given below and drop it in any Option Box kept in Area Commercial Offices and select Customer Service Centres of Calcutta Telephones.

Note: Option is to reach us by 15.05.2003 that will be made effective from 01.05.2003. If no option is received by 15.05.2003, the subscribers will automatically be switched over to BSNL Alternate General Plan with effect from 01.05.2003. * You can exercise option later also.

Cut Here, fill it in & Drop in Designated Option Box

OPTION EXERCISE FORM

If you want BSNL Alternate General Plan, submission of option is NOT REQUIRED

I have gone through the new Tariff Plan published as above and exercise my option as follows :-

Tel No. (mandatory)	Customer ID No. (mandatory)	Tick any ONE of the four option boxes			
		BSNL Alternate Economy	BSNL Alternate Special	BSNL Alternate Super	TRAI Standard
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature of the owner

Name (in Block letters)

Date :

N.B.: Please use photo copies of this form for more telephones.

BSNL slashes free calls, spares rental

HTC and Agencies
New Delhi, April 10

BSNL ON Thursday night announced a reduction in monthly free calls for landline telephone subscribers, but did not increase the monthly rentals for urban and rural subscribers.

The number of free calls has been reduced to 30 per month for urban users and 50 for rural users, BSNL said in a statement. The new tariffs will be applicable from May 1. This is part of BSNL's 'alternate' tariff plan that the Telecom Regulatory of India cleared on Thursday night.

As part of the package, BSNL has retained the three-minute pulse for local calls for fixed-to-fixed calls up to 50 km. In January, Trai had announced a standard package, reducing the local call pulse rate to two minutes.

Rates for calls within a particular

circle beyond 200 km have also been cut to Rs 2.40 a minute from Rs 4.80 a minute.

This cut, however, will not benefit Calcutta Telephones users. Even those without an STD connection can make intra-circle STD calls by dialling 95 before the number.

But inter-circle long-distance calls (or calls made from one circle to another) will cost the same — at Rs 4.80 a minute. However, long-distance calls from a landline to a cellphone would be cheaper at Rs 3.60 a minute, down from Rs 4.80.

BSNL chairman and managing director Prithpal Singh said, "We have tried to keep our customers happy."

Access to the internet during peak hours will remain unchanged at one call every three minutes. But in off-peak hours — 10.30 pm to 6.30 am — this will be one call every 10 minutes, costing Rs 7 an hour.

11 APR 2003

THE HINDUSTAN TIMES

CNN's coverage of war comes under attack

New York: CNN has been put on the defensive by the admission of chief news executive Eason Jordan that the cable network withheld accounts of Saddam Hussein's atrocities so as to protect Iraqi sources.

Jordan's revelations, contained in an op-ed piece in the *New York Times* last week, have attracted strong criticism amidst concerns that CNN had watered down reports on Saddam's Baathist regime in exchange for access and a continued presence in Baghdad.

In his piece, Jordan had described how, over the course of a dozen trips in as many years to Baghdad, he had witnessed or heard of "awful things" that could not be reported because they would have jeopardised Iraqi lives, particularly those of CNN's local staff. Jordan highlighted the case of one Iraqi CNN cameraman who was abducted by secret police and subjected to weeks of beatings and electroshock torture. "CNN had been in Baghdad long enough to know that telling the world about the torture of one of its employees would almost certainly have gotten him killed and put his family and co-workers at grave risk," he wrote.

Jordan also described an aide to Saddam's son, Uday Hussein, who had his front teeth ripped out with pliers for upsetting his boss, and a foreign ministry official who was forced to send Saddam a congratulatory letter after the execution of his brother. "Again, we could not broadcast anything these men said to us," he wrote.

In an editorial published on Tuesday, the *Washington Post* raised questions over Jordan's admissions which it described as "especially worrying" given the general global perception of CNN—especially in the Middle-East—as the voice of the United States. In an internal memo sent to CNN staff and then leaked to the press, Jordan defended his decision to keep a lid on some of the information he had gleaned during his trips. "ruthless as it in fact was, in the Arab world and elsewhere," the *Post* said. AFP

THE TELEGRAPH

17 APR 1993

They only see dead as flag-draped caskets

US newspapers ran pictures of Iraqi corpses after rejecting photos of dead Americans and scared POWs, points out CARL SCHOETTLER as he traces the history of battlefield portraiture

WHEN television networks and newspapers in United States refuse to use highly charged pictures of dead soldiers and the interrogation of prisoners of war, they toe a line often drawn in American journalism.

Photographs of American casualties often have been censored or withheld because of self-censorship by news organisations. Pictures of Americans killed in action were banned outright in World War I and during the first 21 months of World War II.

Pictures of WWII POWs were rarely, if ever, shown. At that time, American news media submitted to a voluntary code of wartime practice that was breached just once. Journalists were effectively enlisted in "the good war."

The first published photograph of U.S. soldiers killed in combat during World War II was George Strock's picture of corpses on Buna Beach in New Guinea, which appeared in *Life* magazine in September 1943. Three corpses half-buried in the sand appear almost graceful in Strock's tender, peaceful, artfully composed photograph.

A sanitised view of the war prevailed until Strock's picture appeared in print, says Michael S. Sweeney, a University of Utah communications professor, in an essay on Ernie Pyle, the archetypal front-line reporter who was killed in action at Okinawa. The Office of War



Information (OWI) and military censors had restricted images that appeared in print or in movie newsreels. Television hardly mattered then; there were only about 8,000 sets in the whole country.

In 1943, Sweeney says, the OWI urged that harsher images be allowed to prepare the country for increasing death and destruction, "and to help motivate the home front." The *Washington Post* approved: "(The pictures) can help us to understand something of what has been sacrificed for the victories we have won."

But more horrific images of dead Americans still were suppressed by both the OWI and the newspapers and magazines themselves. So were quite a few other things. Photos of women, children and old people killed by American bombs

or bullets were barred, says George H. Roeder Jr., an academic expert in wartime censorship. Pictures of victims of soldiers' crimes were not sanctioned nor were photographs of black American soldiers dancing with white English women.

Motion picture films first appeared during the Spanish-American War at the end of the 19th century. Mass media were downright jingoistic in the 1890s and did not report the war so much as promote it. The Edison Manufacturing Co. and its offshoot, the American Mutoscope and Biograph Co., both sent crews to Cuba. Biograph cameraman Billy Bitzer would later become famous as D.W. Griffith's photographer on *The Birth of a Nation*, *Intolerance* and a dozen more

seminal movies. Even though more than 50 short films were shot, none showed actual combat in Cuba.

Edison staged skirmishes by the Rough Riders in West Orange, N.J. But one Biograph picture in the American Memory series shows wounded soldiers in boats embarking for a hospital ship after the battle of Las Guayamas. Another film shows graves at Guantanamo, but apparently none of the unburied dead are shown. Edison films purport to show an ambush of Spanish troops by Cubans and the execution of Cuban insurgents by the Spanish. Films shot in the Philippines apparently show fighting in the trenches and Biograph depicts the black 25th Infantry in action.

Vietnam, of course, was the first fully televised war. And with reporters and photographers given free access to the battlefield, pictures of the combat dead became almost routine. Not without cost to the people who took the pictures: Horst Faas and Tim Page dedicate their book *Requiem: By the Photographers Who Died in Vietnam and Indochina* to the 135 photographers who died or went missing, 19 Americans among them.

Faas spent a dozen years in Vietnam with *The Associated Press* and won a Pulitzer Prize there in 1965. Page, wounded four times, started taking pictures in Vietnam in 1965 when he was 18. Their book won the 1997 Robert

Capa Gold Medal. Capa had been photographing war for 30 years when he was killed in Vietnam. His pictures from the Spanish Civil War and D-Day in World War II are especially famous.

In Vietnam, journalists were aggressively skeptical. The daily briefing in Saigon was called the "Five O'Clock Follies." And the distance from World War II restraint can perhaps be measured by Larry Burrows' photograph of grievously wounded soldiers sprawled in a Huey helicopter. It appeared on the cover of *Life* on April 16, 1966. Burrows, who also won a Pulitzer Prize for his Vietnam photography, died there in 1971.

Pictures of American soldiers wounded in Iraq have begun to appear on television and in print. And no one appears to object to the appearance of dead Iraqi soldiers. Both *The New York Times* and *USA Today* published front-page pictures of Iraqi corpses a few days after rejecting the disturbing photos of dead Americans or frightened POWs. But so far, pictures of Americans killed in action in Iraq have come from Arabic television. Perhaps Americans really only see the dead as flag-draped caskets arriving at Dover Air Force Base.

(*The Baltimore Sun*. In arrangement with *Los Angeles Times-Washington Post News Service*)

7 APR 2003

INDIAN EXPRESS

The Indian IT mouse becoming a global threat?

IT professionals are bearing the brunt of protectionist anger

In December 2002, Arun Jain, CEO of the Indian software company Polaris was jailed in Indonesia, allegedly for violating a contract Bank Artha Graha released after 11 Jakarta's action against Indian IT firms. In March this month, 270 IT professionals of Citicorp IT were arrested in Kuala Lumpur for alleged immigration offences.

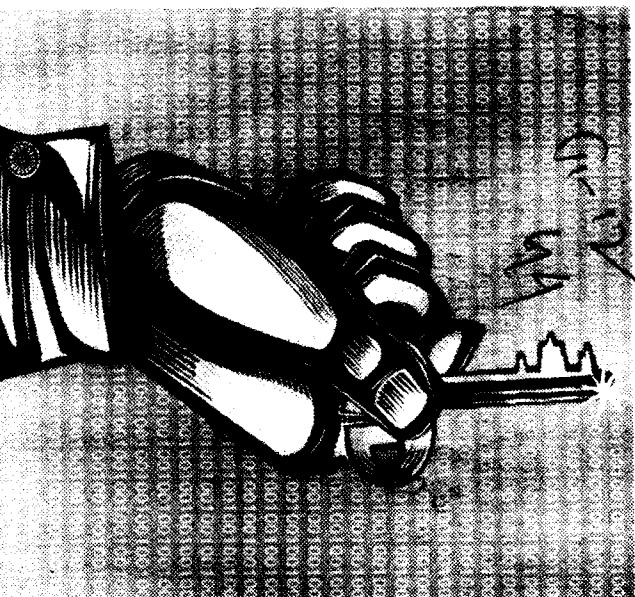
Xenophobia is bad for business. If cheap Indian programmers can't be employed in south-east Asia or Europe or America, companies will shift operations out of these locations to places like Gurgaon or Bangalore. Instead of people migrating to jobs, jobs will migrate to people. Protectionist regimes will try to stop that: New Jersey has passed laws that forbid government work being outsourced and American unions want the federal government to tighten up on L-1 visas, increasingly used by companies to bring in overseas workers. If implemented, these measures won't create new jobs, they'll deepen

the recession. India, which locked itself out of global markets for many decades, suddenly finds itself a feared exporter of IT skills, faced with a boom in over, jobs are threatened and protectionism is fashionable again. This closed-door strategy will be disastrous for business. Companies struggling to stay alive must replace costly workers with lower-paid folks from countries like India. It's easy to pay big wages in good times, but when revenues dry up you need to shed fat, US and European unions don't want that. Recently, 14 laid-off employees at Siemens USA sued the company for bringing in cheaper replacements from India. The court dismissed the case, but more suits are likely and unions are lobbying to block skill immigration.

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SUNDAY DEBATE

DEEPA HANCHERDAN



No. Cases of harassment are not linked to anti-Indian sentiments



Harish Mehta
Chairman, Omward Group & Co-founder, Nasscom

The three cases in the recession, India, which locked itself out of global markets for many decades, suddenly finds itself a feared exporter of IT skills, faced with a boom in over, jobs are threatened and protectionism is fashionable again. This closed-door strategy will be disastrous for business. Companies struggling to stay alive must replace costly workers with lower-paid folks from countries like India. It's easy to pay big wages in good times, but when revenues dry up you need to shed fat, US and European unions don't want that. Recently, 14 laid-off employees at Siemens USA sued the company for bringing in cheaper replacements from India. The court dismissed the case, but more suits are likely and unions are lobbying to block skill immigration.

an excellent track record. The Indian IT industry offers high productivity, high quality, affordable technology solutions in enhancing company revenues and lower costs. According to a survey by Nasscom, the Indian IT industry has enabled the US banking and insurance sector to save approximately eight billion US dollars over the last four years by outsourcing their business and technology processes to India.

Currently we are governed by the laws of an industrial economy where we manage movements of goods across borders—but now that the knowledge economy is taking over, and the mobility of people rather than goods is critical, it is vital that we change our laws to reflect new realities. In the course of this churning, we are bound to witness problems.

This is where we also need to adopt global mindsets. Ironically, we must learn to succeed as Indians by becoming somewhat less "Indian" and more global in our perspectives. We live in times of rapid changes—technological changes, disruptive technologies, deregulations, globalisation. Aggressive young start-ups are coming up the world over. The current market dynamics are threatening established companies everywhere, and their margins are under tremendous pressure. To improve profitability on the services front, India has

emerge as a services capital of the world, driven by a highly talented work-force, world-class telecom and physical infrastructure, and strong government support, all in an ecosystem that favours entrepreneurship and thrives on innovation. Apart from IT services, IT-enabled services, Business Process Outsourcing, Bio-Informatics, e-Entertainment, Product Design, Electronics Design are the new areas where Indian services will take a lead.

Frankly, economies around the world will have to reorient their growth plans and make outsourcing to India an integral part of their planning strategy, in the same way they did when manufacturing started moving to lower cost locations in the Far East. And a key component of this reorientation will be to invest in reskilling the work-forces impacted by the outsourcing, providing safety nets, and far greater focus on higher education.

Continued on page 10

VIEWS ON NEWS

What war tells us on media ownership

HAD, say, an American company owned a significant chunk of an Indian newspaper's equity — as would have been possible under the I&B ministry's original proposal and as may yet happen — would it have been possible for that newspaper to be as unambiguously critical of the attack on Iraq as most domestic media have been? It is easy to say yes but it is also facile and proponents of foreign equity in Indian print media must revisit, in the context of Western media coverage of the Iraq conflict, their arguments about the invulnerability of the editorial line vis a vis equity holding patterns. The point here is not so much that Western media coverage of the war is "biased". But points of view can be irreconcilably different — CNN and BBC, *Time* and *Newsweek* seem biased to objective Indian viewers and readers, some more some less. But that is because these news outlets are operating on fundamentally different assumptions about the war, and because soldiers from their countries are participating in the conflict. If these media organizations abandoned those positions, they would have surely lost readers and viewers at home. Similarly, Arab television channels covering the war have presented a point of view largely consistent with the Arab view of the war for which, in fact, they have been criticised by US and UK authorities. Al Jazeera shows injured Iraqi kids and BBC shows Royal Marines playing Santa Claus outside a mosque. Both events are happening but how important people in different countries assess them depends, in events like these, on broad national points of view.

So, were effectively majority shares of *The Statesman* owned by an American corporation — we assure you that is not going to happen! — our assessment of President George Bush as commander-in-chief, our deep skepticism of US claims on everything from finding Iraqi poison factories to building Iraqi democracy, could have come in direct conflict with the equity holder's perception. And unlike some of the more fanciful journalistic propositions we do not believe that newspaper management must not have any views on how the paper should be run — that is a figment of a certain kind of posturing editor's imagination. Look at it another way, if AOL-Time Warner, which owns CNN, bought Al Jazeera, would the Arab channel have aggressively shown the appalling Iraqi suffering caused by the war? Since it is only natural that a major investor in a news outlet has a say, it is imperative that management and financial control remains domestic.

The Al Jazeera example should also take care of the so-called TV argument given in India, which is basically that if foreign investors can fund Indian TV news, why not newspapers. Indian TV channels have been handicapped in their coverage of the Iraq war in that they have had to depend on CNN, BBC, Fox, etc for visuals — more Santa Claus than bandaged kids. Imagine an India-Pakistan period of tension in which the US and the UK, keen to assuage Muslim opinion after Iraq, are telling India Kashmir must be negotiated. Now imagine BBC and CNN are supplying the visuals to Indian TV stations. We should be thankful that as yet Indian newspapers are owned, managed and controlled by Indians.

Is anyone in the Government, especially those who rushed through the still-born regulations on the subject.

THE STATESMAN

- 6 APR 2003

War coverage on TV unnerving Americans

Prasenjit Bhattacharya

NEW DELHI 3 APRIL

WAR on Iraq, 24 hours live is not going down well with the American public, psychologically speaking. For one, the war in Iraq is getting too frightening for the Americans. A survey by the respected Pew Research Centre says that 58% Americans were frightened by the war coverage on TV. The survey was done between March 25 and 27.

There are, it seems, a lot of sad Americans as well. Around 67% Americans say they feel "sad" when they watch the TV coverage. Both feelings of fright and sadness have increased from the early days of conflict till the time the survey was done.

The Pew Centre survey says there are signs that the 24X7 televised images of war is taking an increasing psychological toll on US viewers. According to the survey, 42% viewers expressed felt the TV coverage "tired them out," up from about 33% who agreed with that statement in the early days of the conflict.

In a sense, the war coverage of the conflict in Iraq by the American/western channels has been all about "embedded" journalists. Be it CNN, BBC, CBS or Fox News, western channels have depended a lot on the despatches by the journalists attached to various army units in Iraq. But such embedding raises serious questions about the co-opting of journalists by the army.

According to the Pew re-

search, initial public reactions to the practice of news organisations embedding journalists with the troops have been favourable, though not overwhelmingly so. Nearly 60% Americans think it is a good thing reporters are travelling with forces and filing dispatches from the field, while a third say it is a bad thing.

Respondents who took a negative view of the practice of embedding journalists was asked why they felt so. Most said they felt the reporters were providing too much information. Among these, many expressed concern that the coverage provides intelligence to the enemy that could compromise the military campaign, while about an equal number suggested that the coverage was not good for Americans to see.

4 APR 2003

The Economic Times

Al-Jazeera angry,
snaps work
in Iraq

KUWAIT, APRIL 3. The Qatar-based Al-Jazeera satellite television said today Iraq had barred two of its correspondents from reporting from Baghdad and that the network was halting work of all its journalists in Iraq in protest.

The Iraqi Government gave no reason for its action against the Arabic-language station, which has been criticised by the U. S. and Britain for beaming distressing pictures of the war.

"The Iraqi Information Ministry informed al-Jazeera's office in Baghdad that its correspondent there, Diyar al-Omari, was banned from performing his work and that its correspondent, Tayseer Alouni, must leave Iraq as soon as possible without giving any reasons for the decision," Al-Jazeera said.

"Al-Jazeera regrets this surprising and sudden stand which is not justified and has decided, until further notice, to freeze the operations of all its correspondents in Iraq while continuing to transmit live and taped images from its offices in Baghdad, Basra and Mosul," it added. Its Editor-in-chief, Ibrahim Helal, said all the network's correspondents would remain in Baghdad and the rest of Iraq until the Iraqi authorities clarified their decision.

"They cannot dictate to us who can and who cannot work," he said by telephone. He said Al-Jazeera had eight correspondents in Iraq — five in Baghdad, two in the southern city of Basra and one in the northern city of Mosul.

CNN also had reporters expelled from the Iraqi capital last week. Al-Jazeera says it has at least 35 million viewers in the Arab world and is widely thought to have a influence in shaping Arab opinion over the U.S. and British invasion. — Reuters

THE HINDU

4 APR 2003

Rise in number of journalists behind bars in 2002: report

NEW YORK, MARCH 30. The number of journalists behind bars rose sharply in 2002, while heightened awareness of journalist safety and a decline in the number of global conflicts last year contributed to a decrease in the number of journalists killed for their work, according to the Committee to Protect Journalists' (CPJ) annual survey of press freedom conditions around the world.

"The coverage of the Gulf War, in which two journalists have been killed and many injured, has increased public awareness of the risks that journalists take to report the news," said the CPJ acting director, Joel Simon. "But we must also remember that journalists in places like Colombia, Haiti, Zimbabwe, Russia, and China confront violence and government repression every day in order to do their jobs."

Attacks on the Press in 2002 documents some 500 cases of media repression in 120 countries, including assassination, assault, imprisonment, censorship, and legal harassment. In documenting these attacks, the CPJ report notes several trends:

For the second year in a row, the number of journalists in prison rose sharply. There were 136 journalists in jail at the end of 2002, a 15 per cent increase from 2001 and a shocking 68 per cent increase since the end of 2000, when only 81 journalists were imprisoned. China, already the world's leading jailer of journalists for the fourth year in a row, arrested five more, ending the year with a total of 39 journalists behind bars. In Eritrea, 18 journalists languished behind bars, and 16 journalists were incarcerated in Nepal.

A total of 19 journalists were killed worldwide as a direct re-

sult of their work in 2002, a sharp decrease from 2001 when 37 were killed. It is the lowest number of journalists killed in the line of duty since the CPJ began tracking the deaths in 1985. Most of the journalists killed in 2002 were not covering conflicts but were instead murdered in direct reprisal for their reporting on sensitive topics, including official crime and corruption in countries such as Colombia, the Philippines, Russia, and Pakistan.

Government officials invoked "national security" concerns to impose new restrictions on the press and limit access to certain conflicts. In the West Bank, journalists covering the Israeli military incursion there were harassed, denied access to "closed military areas," and three journalists were killed by Israeli gunfire. Russian authorities also cracked down on the media during and after the October hostage crisis, when Chechen rebels seized a Moscow theatre. Authorities threatened journalists for interviewing hostage-takers and for questioning the Government's actions.

Justice for journalists

Although the number of journalists behind bars rose in 2002, there were some positive trends in press freedom worldwide. In Mozambique, six men were convicted in January for murdering investigative reporter Carlos Cardoso following a fact-finding mission and a special report by the CPJ.

Three Palestinian journalists detained without charge during the Israeli military's April offensive in the West Bank were released after intensive lobbying by the CPJ staff and board members. After the CPJ travelled to Vladivostok, Russia, to pressure authorities to free im-

prisoned journalist Grigory Pasako, he was released early this year before completing his full term.

By publicising individual attacks, the CPJ uses journalism to defend journalists, and to help ensure that they can report the news without fear of reprisal. According to the CPJ's research, local journalists are most often threatened for doing their work. As Serge Schmemmann writes in his preface to *Attacks on the Press in 2002*, "Many of them are people who did not choose risky assignments but whose countries or beats were caught up in conflict, tyranny, or lawlessness. Telling the real story became dangerous, but they told it anyway because they believed they had to do so."

"Journalists are most vulnerable when they are invisible. The best way to fight impunity is by documenting and denouncing abuses against our colleagues," Mr. Simon said.

Indian ship turned back by coalition forces

DUBAI, MARCH 30. Iraq today said an Indian vessel was among three ships that were turned back by the United States-led coalition forces from the southern port of Umm Qasr. An Indian ship carrying 13,000 tonnes of sugar was not allowed to unload its cargo by the coalition, the Iraqi Information Minister, Mohammed Saeed Sahnaf, said in Baghdad.

The ship, along with two others including a Brazilian vessel, was forced to turn back, he told reporters while commenting on the reported humanitarian aid given by coalition forces. — PTI

THE HINDU

31 MAR 2003

Chirac for a rival to CNN

PARIS, MARCH 30. The French President, Jacques Chirac, has ordered his officials to draw up plans for a French-language, international television channel to counter the growing influence of the BBC and CNN.

He has demanded that the blueprint for the service — nicknamed “CNN a la Française” — be ready by the end of next month, as he has become increasingly irritated by the “Anglo-Saxon” view of global events which is being beamed into millions of homes. “We’ve been concerned for a long time that the BBC and CNN reporting on events from a British or American perspective and in English,” said a government official. — ©Telegraph Group Limited, London, 2003

SEE HINDC

3 1 MAR 2003

Trai defers tariff hike

HT Correspondent
New Delhi, March 27

TAKING MILLIONS of consumers by surprise, the Telecom Regulatory Authority of India (Trai) on Thursday temporarily shelved the implementation of new telecom tariffs and a crucial interoperator charge settlement mechanism just five days before the changes were scheduled to come into effect from April 1, 2003.

The regulator has now decided that the revised date of implementation of the new tariffs and the interconnect usage charge regulation would now be May 1, 2003.

The tariff order and the interconnect usage charge (IUC) regulation are interlinked regimes and therefore needed to be implemented together.

All telecom service providers will now have to

file their tariff plans with the Trai by April 3, 2003.

The last-minute decision, announced days after former disinvestment secretary Pradeep Baijal took over as Trai chairman, has raised eyebrows all around for it has the potential to derail benefits like free incoming calls on cellphones and the flexibility given to 'limited mobile' operators on the tariff front.

On the other hand, the decision also means that the anticipated hike in monthly fixed-line phone rentals and usage rates has been postponed for a month, reportedly on the request of Bharat Sanchar Nigam Ltd and other fixed-line operators which sought more time from Trai for implementing its directives.

BSNL is believed to not be in favour of hiking basic phone rentals and reducing the call slabs, as it could have resulted in reduced

offtake of landlines in comparison to cellphones.

BSNL chairman Prithipal Singh has said that the company had filed its tariff plans and was awaiting Trai approval for the same.

Association of Basic Telecom Operators (ABTO) secretary general S.C. Khanna said that they had opposed the implementation of the new schemes "for they would have caused us immense losses".

Fixed-line operators want the older interoperator collection system (bill and keep) to continue.

"The Trai order meant the backdoor entry of the 'calling party pays' (CPP) regime which is not good for a developing country like India. Even the United States, China and Sri Lanka have not introduced CPP", Khanna added.

The Cellular Operators Association of India is dis-

mayed at the decision.

"This means that the all incoming free on mobile phones that was slated to come into effect from April 1 will be held in abeyance for the time being", COAI officials said.

Some international long distance operators including Videsh Sanchar Nigam Ltd, Data Access and Bharti Telesonic are reported to have opposed some elements of the Trai orders, which were issued on January 24.

Trai has stated that the one-month delay was on account of the operators submitting their tariff plans as recently as March 24. The implication is that the regulator needs more time to study these plans.

In addition, Trai has also said that consumers need to be informed well in advance about the various plans by different service providers.

2 8 MAR 2003

THE HINDUSTAN TIMES

Al-Jazeera's war shots draw Brit fire

By Rashmee Z. Ahmed
TIMES NEWS NETWORK

London: In the middle of the world's first television war, with live CNN, Sky and BBC updates of death and disaster every minute of every day, the British press and political opinion has rounded in fury on the Arabic satellite channel Al-Jazeera for its "indecent, beyond boundaries and tasteless" TV pictures of dead British soldiers and British POWs.

On Thursday morning, within hours of having won a major Index of Censorship award, Al-Jazeera fought back with vigour, saying it was determined to "show our audience the truth, even if it is a dirty war".

Britain's defence ministry has



Tony Blair

283 711
Media
protested to Al-Jazeera, calling on "all other media outlets not to become tools of Iraqi propaganda by re-broadcasting such material".

Commentators say the controversy, which threatens to escalate into a full-scale war between two geographical zones of reportage with distinct points of view, reveals the bitterly fought propaganda battle.

The Anglo-American coalition forces have droves of embedded reporters but the crackling airwaves of Arab opinion are increasingly making themselves heard as well.

Sami Haddad, senior broadcaster and formerly chief editor of the channel, told the BBC his station was doing the same thing as the Western media, which has consistently screened pictures of bound Iraqi POWs with machine guns pointing at them. "There was no outrage then," he pointed out, "no talk of breaching the Geneva Convention."

The coverage provided by the

Qatar-based Al-Jazeera channel has increasingly been seen as a barometer of defiant Arab opinion since the war in Afghanistan. On Thursday, British Prime Minister Tony Blair criticised it as well, authorising his spokesman to reveal his reaction as "horror both at the deaths and that the pictures were shown".

The commander of British forces in the Gulf, Air Marshal Brian Burridge, crushingly added that Al-Jazeera should take no pride in a film of the bodies of two soldiers lying in a dusty street.

Britain's press, public and political outrage appears to focus chiefly on the TV pictures of someone setting foot on the corpses while armed civilians clambered over the British soldiers' burned-out vehicle.

The pictures, originally screened by Iraqi TV, have already sickened Britain's largest-selling tabloid, 'The Sun', which is shouting itself hoarse with the headline 'Saddam executes our boys'.

The war on the Web

NEW YORK, March 25. —

If the first Gulf War was the making of cable TV, then the current conflict in Iraq could mark a similar watershed for the Internet and help redefine how major news events are covered.

From the high-cost, high-tech websites of news giants like *CNN* and *ABC* to the unvarnished rants of individual “webloggers”, the Internet offers an unparalleled variety of war-related reportage, comment, photographs and live video feeds that are pulling in viewers at the speed of a broadband connection.

In Britain, the top Internet service *Freeserve* reported that “war” had toppled “sex” and even “Britney” as the most popular search term, while “Iraq” was number one on the weekly *Yahoo* search list on Sunday — up from 42 a week before.

“In terms of coverage, this may well become known as the Internet war, in the same way that World War II was a radio war and Vietnam was a TV war,” said Dean Wright, editor-in-chief of *MSNBC.com*, which saw traffic on its website more than double on the first day of the war.

The spike in the popularity of the Internet as a primary news source has coincided with the recent development of broadband technology which allows providers to deliver images and text far more effectively than ever before.

On the Tuesday before war broke out, *MSNBC.com* served 2.5 million video screens. On Wednesday, that number had exploded to 6.1 million and was topping 10 million by Friday. — AFP

26 MAR 2003

FOR STATESMAN

New steps to curb spread of mystery disease

Press Trust of India

BANGKOK, March 25. — Hong Kong and Singapore health authorities have started taking new steps to stop the mystery disease from spreading.

The mystery disease has so far left 17 dead and another 426 across the world affected.

Vietnam has reported two new deaths due to Severe Acute Respiratory Syndrome taking the toll there to four while Canada has reported three deaths.

Ten people have died in

Hong Kong and another 25 have been stricken by the disease, reports said today.

The virus behind the disease is still unknown, though US researchers feel that it could be a strain of the cold virus.

In Hong Kong, several people sported surgical masks to avoid the disease after health officials urged people with flu-like symptoms to stay at home.

A WHO team is in mainland China to study if the SARS is connected in any way to an earlier outbreak of pneumonia in the Guangdong province. Sin-

gapore, which has not reported any death till now, has quarantined 740 people who may have been infected by some of the 65 reported cases in the island nation.

Doctors in Hong Kong are treating patients affected by SARS with a combination of the anti-viral drug Ribavirin and other steroids.

Several of them are showing signs of improvement, according to reports from Hong Kong.

Japan too has reported a couple of cases with people showing symptoms of SARS.

26 MAR 2003

THE STATESMAN

THE STATESMAN

E-mail worm joins Indo-Pak cyber war

San Francisco: Hackers claiming to be from India have launched their latest strike in a cyber-spat with Pakistan by unleashing a new variant of the Yaha Internet e-mail worm, anti-virus firm Sophos Inc. said on Wednesday.

The worm, written by a group calling itself the Indian Snakes, does not appear to be spreading or causing any damage, said Chris Wraight, a technical consultant at UK-based Sophos.

The Yaha-Q worm, the latest in a string of Yaha worms released by hackers from both countries since December, leaves a back-door on an infected machine and sends itself to people listed in the e-mail address book, Mr Wraight said. It also tries to disable anti-**Wraight** software and commands the computer to launch a denial-of-service at-

tack on five Pakistani websites, he said. Such an attack is designed to shut down a website by sending so many repeat requests to the web server that it becomes overloaded.

The Pakistan websites it tries to attack are those of the main government website, the government's Computer Bureau, a community "portal" site, Internet service provider Comsats and the Karachi Stock Exchange, according to Sophos. Yaha-Q arrives in an e-mail attachment but also can spread via shared network drives, such as at corporations. It tries to sneak past firewalls and other security software to get onto web servers directly, Mr Wraight said.

In addition to storing taunting messages against Pakistan on the computer, it sends messages to Roger Thompson,

technical director of Malicious Code Research at TruSecure Corp. in Herndon, Virginia, and to a female virus writer known as "Gigabyte", Sophos said. Gigabyte wrote a virus in January to counter an earlier version of Yaha that was designed to attack her website.

"I do not plan on writing a new 'counter attack' or getting further involved with these people in any way," she wrote in an e-mail.

Mr Thompson said he has commented in the past that previous versions of Yaha were politically motivated.

The worm is not spreading because it is being blocked by anti-virus and other security software, and people are becoming more suspicious of e-mail and not clicking on mysterious attachments, Mr Wraight said. Reuters

News houses seek ways to protect reporters in Iraq

MATTHEW ROSE &
EMILY NELSON
WASHINGTON/BAGHDAD
MARCH 14

IN PREPARATION for war in Iraq, the world's media organisations are securing space in Baghdad's Al Rashid Hotel, pushing back deadlines to incorporate late-breaking news and testing an array of high-tech equipment. They're also planning how to get out.

With conflict imminent, organisations from CBS to *Washington Post* to *New Yorker* are wrestling over how and when to extract staffers from Baghdad, which they assume will be the target of a stunning aerial bombardment by US forces.

Some are formulating plans and say the situation is changing. Others with concrete strategies won't discuss them in detail. Most say there will be a point where the safety of their staff will overcome the need to get the story. "We're trying to main-

tain an important story and ensure the safety of our reporters," says Leonard Downie Jr., executive editor of *Washington Post*. Gerald Boyd, managing editor of *New York Times*, says: "The only acceptable casualty rate is zero."

In conflict, "embedded" reporters — those travelling alongside military units — are thought safer than those on their own.

"We can't make business decisions for you, but we can tell you how dangerous it is to have your people there," Assistant Secretary of Defense for Public Affairs Victoria Clarke said.

Of the 300-500 reporters in Baghdad, some are moving to other hotels, fearful that Al Rashid might be a target, especially if the Iraqi brass takes refuge there.

Recent casualties in Afghanistan and Pakistan, including murdered *Wall Street Journal* reporter Daniel Pearl, have heightened worries. Almost all or-

ganisations have received chemical-weapons training before dispatching them to West Asia.

News organisations are in close contact with rivals. "We're being very open about it," says Marcy McGinnis, senior vice president for news coverage at CBS. "I'm not going to keep it a secret from ABC or CNN if I'm going to stay," she said.

That's not to say journalists will put to bed their instincts. After the 1991 war, CNN correspondent Peter Arnett and BBC's World Affairs editor John Simpson traded barbs over who's coverage was better. This time Arnett is reporting for the National Geographic Explorer programme on MSNBC. The BBC has two correspondents, a camera person and a producer.

CNN has four people including correspondent Nic Robertson and producer Ingrid Formanek, both 1991 veterans. "We are still evaluating on a day-by-day basis,"

15 MAR 2003

INDIAN EXPRESS

Long-distance rates cut

OUR CORRESPONDENT

New Delhi, March 3: The state-run Bharat Sanchar Nigam Ltd today halved its domestic long-distance call charges and decided to offer a near flat rate for peak and off-peak periods.

Under the new tariff regime, a one-minute call to a destination more than 500 km away will cost Rs 4.80 against the Rs 9 earlier during the peak period of 9 am to 8 pm. The rate during the off-peak period from 8 pm to 9 am remains unchanged at Rs 4.50.

"We have reduced the charges by around 47 per cent for calls of more than 500 km radius," said Prithipal Singh, chairman and managing director of the New Delhi-based telecom operator. "These tariff charges have been approved by the Telecom Regulatory Authority of India," he added.

Trai sets tariffs for different telecom services and also adjudicates in disputes between various operators providing the same or competing services.

The state-owned long-distance telephony operator is finally joining the long-distance telephony rate war that began last December when Reliance Infocomm announced that it would

CHEAP TALK

(Rs per minute)

	Peak period 9 am-8 pm	Off-peak period 8 pm-9 am
New rate	4.80	4.50
Existing rate	9.00	4.50

offer an STD rate of 40 paise per minute for calls made within its network. Reliance has yet to launch its limited mobility services.

In January, cellular operators battling limited-mobility service providers like Reliance and Tata Teleservices hit back by setting a flat rate of Rs 2.99 a minute for domestic long-distance calls terminating in cellular.

the call rate for heavy-duty cellphone users can be as low as 50 paise per minute depending on the rate plan they subscribe to.

BSNL was unwittingly drawn into a battle between cellular and limited-mobility operators in January when the two groups of telecom operators snapped links with each other in Delhi and a few other states on the issue of interconnect charges.

Interconnection, which has

emerged as a contentious issue because of the anomalous fee structure, enables a telecom network to patch through a call from its network to another.

Truce was called after the intervention of then communications minister Pramod Mahajan, but clearly the rate wars will now only intensify.

BSNL currently provides cellular, fixed-line and limited-mobility or wireless in local loop (WILL) services across the country except in New Delhi and Mumbai, where the services are provided by Mahanagar Telecom Nigam Ltd, another state-run firm.

BSNL began cellular operations in October and competes with private players such as Bharti Tele-Ventures Ltd (16 per cent owned by Singapore Telecommunications Ltd), Hutchison (a wholly-owned unit of the Hutchison Whampoa conglomerate) and Idea Cellular Ltd. The firm has more than 3.6 crore fixed-line customers and 4.5 lakh WILL customers.

BSNL has set a target of providing 56 lakh telephone lines by 2004. This includes about 23.5 lakh basic fixed-line telephones, 24 lakh cellular mobile phones and about 8 lakh WILL phones.

RESILIENT IN TOUGH TIMES

THE INDIAN ICT (Information, Communication, Technology) industry, probably the brightest star in the economic firmament, has been receiving a mixture of good and bad news. Being a truly global industry depending on overseas markets for the bulk of its earnings, it cannot be immune to the sometimes-contradictory meanings that are read into the global economic trends. The good news is that in the aggregate at least (though not in all individual cases), Indian ICT exporters have been able to ride out the recession-caused vagaries that have conditioned economic decision-making in the developed economies. A recent report card of the National Association of Software Service Companies (NASSCOM) points out that software and services exports from India netted \$6.9 billion (Rs. 34,000 crores) during the first six months of the year, up 28 per cent from \$5.6 billion (Rs. 26,600 crores) earned during the same period last year. With just two more months remaining, industry sources are confidently predicting a growth rate of 30 per cent for exports, on top of a 29 per cent growth last year. Evidently, those financial statements establish the resilience of the Indian ICT industry but for deeper insights one has to look at the individual factors as well as components that have determined its success.

Such resilience is all the more remarkable in the context of the significant decline in IT spending throughout the developed world. The U.S. experience is especially relevant as it continues to be the most important destination for ICT exports from India. In the aftermath of the collapse of the technology bubble there, large corporations drastically pruned down their IT budgets. In common with many other ICT solutions suppliers worldwide, Indian exporters who have been heavily dependent on those countries have naturally suffered. Among other consequences, their share valuations have dropped substantially from the dizzy heights reached during the boom period. Having invested heavily in setting up computer architecture as well as on human resources to match the hugely inflated expectations of the dot com period, many ICT suppliers are left with large inventories. Cost reductions,

retrenchment and lay-offs have been the norm in most countries. It is therefore to the credit of at least the top IT companies in India that they were able to reverse the global trends at least partially. That is reflected in their recent financial performance.

Even more encouragingly, Indian exporters have been able to convert the negative trends in their traditional markets into a huge advantage. In the U.S. and other developed countries, the reduction in IT spending has been accompanied by a move into what for Indian developers has become a high growth area. Outsourcing of a variety of IT services has become the norm in the developed world.

The gainers are countries like India whose leading software exporters have leveraged their well-recognised strengths of low development costs, highly skilled manpower but lower salaries and competitive billing, to establish themselves in the fast growing segment of BPO (Business Process Outsourcing) and ITES (IT enabled services). The country has been a major beneficiary of the BPO/ITES boom. The segment has in fact recorded the highest growth over the past two years. In the first half of the year it grew by a phenomenal 61 per cent and NASSCOM expects it to achieve revenues of \$20 billion by 2008. The more traditional software exports came under competitive pricing pressures but have continued to grow towards the high-value offshore development model. While the performance of the ICT industry as a whole has been encouraging even in a tough environment, a few action points have been recommended to diversify the risks and place the industry on a more even keel. Unfortunately, the very success in the BPO/ITES segment has fanned protectionist tendencies in the U.S. States such as New Jersey, worried over the shift of well-paying white collared jobs to India and a few other countries through outsourcing, are preparing to legislate against it. Such an ominous development can be countered only by educating influential opinion makers there on the inherent advantages accruing to America by outsourcing IT services. It is also necessary to look more closely at the domestic market that has a huge, untapped potential.

Mobile Mania

The next time you're in New York and taking in a museum, an exhibition or a Broadway musical and your mobile phone rings, you could end up paying \$50 for the privilege of remaining in touch with friends. The New York City Council has just taken a decision to this effect. The obvious solution would, therefore, be to switch off your mobile before taking in some entertainment. It remains to be seen whether a similar law will be introduced in Delhi, Mumbai, Kolkata, Chennai, Bangalore or Ahmedabad. In India, of course, the one place mobiles are banned is in the dressing-rooms at international cricketing venues so as to pre-empt match-fixers from cashing in on fluctuating fortunes during the game. Any regulation to have mobiles switched off in India at the theatre, the cinema, musical performances and at museums should be welcomed. It could, to say the least, be difficult for an aesthete to follow appreciatively Bade Ghulam Ali Khan through the intricacies of *Tore naina jadu bhare sanwra* or Balamurali Krishna soaring into the climactic moment of Thyagaraja's *Endaro Mahanubhavulu* with the shrill ringing of a mobile in the background. The only question, of course, is the million-dollar or 50-dollar one of who will collect the fine. Given the difficulty of posting a policeman at every show or every museum, it makes sense to authorise ushers and attendants to collect the fine against a proper receipt. In Mumbai, of course, the fine may have to be collected if the mobile rings after the movie show but during the playing of the national anthem. There is also the other aspect that the Indian equivalent of \$50 might be a bit too steep given the fact that the fine for stopping a train by pulling the chain is only Rs 500.

1 8 FEB 2003

THE TIMES OF INDIA

Crime & punishment in cyberspace

By T.K. Viswanathan

AS WE leap into the digital age, policymakers, judges, law-enforcement agencies and lawyers are confronted with the pressing need to reorient their traditional thinking about crime and punishment in the light of the challenges posed by the convergence of new communication technologies and computer networks which has given birth to cyberspace. And the number of people advocating the inclusion of cyber crimes as part of criminal law is increasing. While criminal conduct should not go unremedied whether committed online or offline, before undertaking the exercise of creating new criminal liability, the basic issues involved should not be lost sight of. In societies wedded to the rule of law, liberty is a birthright. Constitutional safeguards only reinforce this natural right. Hence, restraints on individual liberty have to be justified in the larger public good. Every law is an infraction of liberty since every legislation prescribes a criminal sanction for its contravention which invariably assumes the form of imprisonment leading to the curtailment of liberty of the offender. So, creation of newer forms of criminal liability calls for close public scrutiny and debate.

Cyberspace is a product of technological innovation and new technologies always overawe us. They also create novel situations which existing law cannot address. Cyberspace is projected as a "new universe", a parallel world created and sustained by the world's computers and communications lines. That may be true, but cyberspace cannot be a space beyond law, a kind of legal hinterland where the reach of the national legal systems cannot extend and where greed malice and treachery can reign supreme. The Final Report of the International Symposium on Freedom of Expression in the Information Society organised by the French National Commission for UNESCO in November 2002 reinforces this view. The Report observes that: "The internet has never been a space beyond the law: national laws apply to

it. The offences committed on the internet reflect behaviours that are specific to social life, and which have already found carriers in the traditional media."

According to the legal doctrine of functional equivalence, whatever law is applicable to conduct and activities in the physical world should also be applicable to conduct and activities in cyberspace. Difficulties arise when we try to apply the doctrine to cyberspace because for every online

quires the policy makers to choose between the alternatives of structuring the internet in such a way that every computer should have a Processor Serial Number (PSN) unique to it and which will be automatically be embedded in every activity logged on to such machine or to have a biometric linkage which will connect the user with the activity he undertakes in the computer. In fact, Intel Corporation came up with such a PSN in the Pentium III Willamette

essential before we address the issue of creating new laws for cyberspace. Guidelines have to be prescribed for searches and seizure of information. Since the digital medium affords speed and ease of communication, electronic surveillance laws are required to capture data on a real time basis. This also calls for protection of individual privacy. We should not walk into the trap of which Justice Brandeis warned us way back in 1928 in his dissenting judgement in *Olmstead v U.S.* wherein he observed: "the greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding".

Law is only one of the institutions which regulates human behaviour. There are other institutions as well. The family, religion, educational institutions and other groups within society have a vital role to play in shaping ethical values in cyberspace. As emphasised by the UNESCO Report, the need is to focus on the content of education in cyberspace and, specifically, about teaching people to be citizens, not just consumers, in this new arena. It also stressed the need to resist the temptation to demonise the internet and on the need to look at the internet as a tool for democracy, and not merely from the angle of its real or potential failings.

The digital revolution is one of the greatest milestones in the progress of mankind. We must harness its potential for the benefit of all. Transformation of our society into an information society has to be accompanied simultaneously with moral, economic and political transformations. For this, we must treat cyberspace as a public space, or 'new commons', to which all people have rights of access and participation and reasonable expectations of privacy and security. Along with these rights come civic responsibilities of participation and mutual respect for fellow cyber-citizens.

(The writer is Member-Secretary, Law Commission of India. The views expressed are his own.)

We must treat cyberspace as a public space to which all people have rights of access and participation and reasonable expectations of privacy and security.

conduct there may not be an offline equivalent. The second difficulty relates to the more fundamental doctrine of criminal law, which provides that every accused person is presumed to be innocent unless proved guilty. Presumption of innocence requires that the burden of proof is on the prosecution; it has to establish the guilt of the accused. Cyberspace permits anonymity. Any person may acquire any number of digital identities without revealing his real identity. Anonymous remailers freely available on the internet facilitate sending mails and messages without revealing the sender's identity or address. This renders identification of offenders difficult in cyberspace. The third difficulty is posed by the nature of the digital medium. In a traditional crime scenario, the offender has to visit the scene of the crime or has to be in the vicinity to perpetrate the crime. So it is easier to link the offender with the scene of the crime. But in cyberspace, since the offender need not be in the vicinity, such linkages are absent and it is difficult to establish links without expertise.

For a successful prosecution of an offence involving a computer, the perpetrator's identity should be established beyond doubt. This re-

quires the policy makers to choose between the alternatives of structuring the internet in such a way that every computer should have a Processor Serial Number (PSN) unique to it and which will be automatically be embedded in every activity logged on to such machine or to have a biometric linkage which will connect the user with the activity he undertakes in the computer. In fact, Intel Corporation came up with such a PSN in the Pentium III Willamette

chip in 2000, there was so much opposition from the privacy groups that the proposal had to be dropped. In addition to the problem of identification of the offender, the evidence presented in trial can also raise issues. Computer data changes moment by moment and is invisible to the eye. It can be viewed indirectly only after applying the proper procedure and the process of collecting data may change the data. Problems posed by cryptography, steganography and recovery of deleted files are the challenges which law-enforcers will have to tackle. The right against self-incrimination guaranteed by the Constitution will be to the advantage of the accused. This requires a working knowledge of evidence recovery methods. It is here that computer forensics can be of great help.

Without being overawed by the technology we should objectively analyse how the law should respond to these challenges. In the craze to emulate the western countries where computer penetration is high and where law-enforcement agencies are well trained in computer forensics, we should not be oblivious to the existing reality that our police are not at present trained to deal with cyber crime. Building up this capacity is es-

Bush gives the go-ahead for cyber attack strategy

WASHINGTON, FEB. 7. The U.S. President, George W. Bush, has signed a secret directive ordering his administration to develop a national-level guidance for determining when and how America should launch cyber attacks against 'enemy' computer networks, officials said.

Similar to the strategic doctrine that has guided the use of nuclear weapons since World War II, the cyber-warfare guidance would establish the rules under which the U. S. would penetrate and disrupt foreign computer systems, the Bush Administration officials were quoted as saying by the *Washington Post*.

Mr. Bush signed the order, known as National Security Presidential Directive 16, last July, but it is disclosed publicly only now.

The guidance is being prepared, said the newspaper, amid speculation that the Pentagon is considering some offensive computer operations against Iraq if the President decides to go to war over Baghdad's chemical, biological and nuclear weapons development programmes.

The U.S. has never conducted a large-scale strategic cyber attack, according to several senior officials but the Pentagon has stepped up development of cyber weapons, envisioning a day when electrons might

substitute for bombs and allow for more rapid and less bloody attacks on enemy targets. Instead of risking planes or troops, military planners imagine soldiers at computer terminals silently invading foreign networks to shut down radars, disable electrical facilities and disrupt phone services.

Mr. Bush's action highlights the Administration's keen interest in pursuing a new form of weaponry that many specialists say has great potential for altering the means of waging war.

Until now, this form of warfare has lacked Presidential rules for declaring the circumstances under which such attacks would be launched, who would authorise and conduct them, and what targets would be considered legitimate.

"We have capabilities, we have organisations; we do not yet have an elaborated strategy, doctrine, procedures," said Richard A. Clarke, who last week resigned as special adviser to the President on cyberspace security. The extent of the U.S. cyber arsenal is among the most tightly held national security secrets, even more guarded than nuclear capabilities. Because of secrecy concerns, many of the programmes remain known only to strictly compartmental groups. — PTI

8 FEB 2003

TUESDAY, FEBRUARY 4, 2003

MATCHING EXPECTATIONS

10-10

GIVEN THE RAGING controversies in the telecommunication sector, its new Minister, Arun Shourie, has done well in not stoking them further and merely reiterating the established policy stance in his first public statement. All telecom service providers, whether in the public or private sectors, will be compelled to honour their social commitments such as rural telephony. The Government will remain technology neutral and not block any innovation. More significant — given its context — is the statement that predatory pricing will be discouraged. The last point probably holds the key to untying the knots that have entangled the telecom policy and severely dented its image recently. Not surprising at all, the policy has been facing a number of challenges, including legal ones. There is an urgent need to restore credibility to telecom regulation, without which the further opening up of the sector will draw in even bigger controversies.

More specifically, the numerous critics of the policy have targeted the new tariff regime announced on January 25 by the telecom regulator, the Telecom Regulatory Authority of India (TRAI), as an example of all that has gone wrong with the policy. However, though vociferous in diagnosing the problems, few have ventured with meaningful solutions. Nor has anyone cared to look at the telecom sector's legacy in trying to understand the whole picture, of which regulation is just one vital part. The fast changing, technology-driven sector has had more than its normal quota of policy convulsions and shoddy implementation. Opening up of the sector meant introducing competition for the first time. It was expected that there would be a tangible gain through a rapid expansion of the network, value addition to basic telephone services and a reduction in the cost of services. Even in the initial years, many of these have seemed capable of achievement but, as it turned out, at a stiff price. In essence, the policy framework has not been able to keep pace with the changes. There have been problems with the licensing regime. Private service providers who paid large sums as licence fees were forced to lobby hard to move to the present revenue sharing arrangement. Even more complicated has been the understanding of technological changes. As the recent controversy over limited mobility (WLL) players shows, tech-

nology can render obsolete many of the fundamental assumptions behind the policy towards competition. The limited mobility players all have basic (fixed line) licences. Yet, the cellular lobby fears that the CDMA technology most of them use can help them transform into full-fledged mobile operators, but after incurring fewer costs towards licensing and other fixed charges. So great has been the perceived threat that the cellular operators refused to provide interconnection to the network of the new companies. A situation of near anarchy emerged. The regulator's orders were ignored. Fortunately, a semblance of order was restored soon thereafter but long-term co-existence in the multi-service, multi-operator environment is possible only if the new TRAI order is understood and implemented.

Like in many other sectors being opened up, the need for a level playing field among the different service providers has been felt in the telecom sector. The public sector operators, BSNL and MTNL, are disadvantageously placed: in addition to undertaking rural telephony and other social obligations, they have been offering certain services at below cost. That was possible at a time when there was no competition and the state-owned companies could cross-subsidise one another. However, with deregulation international calls and national long-distance calls have become cheaper and the scope for subsidising local calls has diminished. New players, such as Reliance, have embarked upon a highly aggressive marketing drive aided by the new regulatory regime as well as the technology at their command. The TRAI's primary task has been to arrive at a realistic tariff regime, including a new formula for calculating inter-connect charges. That has had the effect of pushing up the tariff on services used by the majority of subscribers. If it is easy to understand the latter's ire, it is more difficult to avoid taking tough and politically unpopular decisions that an acceptance of the TRAI's recommendations will entail. What is obvious is that reforms have raised people's expectations of ever-falling telephone charges. The new TRAI-proposed tariff might be based on sound costing principles but has already run afoul of many consumer groups. Moderating consumer expectations in such a highly fluid situation is going to be a stupendous task.

THE HINDU

- 4 FEB 2003

ROOM FOR EVERYONE IN TELECOM: SHOURIE

'Govt. will not be influenced by corporate houses'

By Our Special Correspondent

NEW DELHI, JAN. 30. The new Communications and Information Technology Minister, Arun Shourie, today sought to play down the allocation of this high-profile portfolio after replacing Pramod Mahajan. At the same time, he promised functioning of the Ministry in such a way as to avoid any allegations of corporate influence in decision-making.

Mr. Shourie said, "these allegations that the Government can be moved by corporate houses should be eradicated. These are false allegations. Such allegations have not stood the test of scrutiny in the disinvestment sector... there should not be any occasion for such allegations."

Nonetheless, he urged the media not to read any message in the divestment of charge from Mr. Mahajan during the swirl of corporate lobbying in the telecom sector and promised to carry forward the work done by the deposed Minister who he described as "dynamic".

"These decisions are made by random factors such as needs of the party and assessment of senior leaders. I will do effectively whatever responsibility is given to me," he said. He was non-committal on whether Mr. Mahajan's policies would be followed. "I would like to get more details before saying anything but decisions for various issues must have been made after due consideration."

However, notwithstanding Mr. Shourie's clinical praise for his predecessor, it is understood that the Prime Minister, Atal Behari Vajpayee, had reached a judgment that Mr. Mahajan had mishandled the crucial Ministry. By choosing to ask Mr. Shourie to head the Ministry of Communications and IT, he wants to send out a message that things would be done differently in this key sector.

Mr. Shourie also warned of severe penalties for the non-fulfilment of commitments made by either private players or the Public Sector Units for activities such as rural telephony. No commitment should be written off whatsoever. Any non-fulfilment of commitment should attract severe penalties and all contenders should hold on to their commitments made while procuring licences, be it for cellular or basic telephony.

The Minister also enumerated the basic ground rules that would be followed during his tenure. The Government would dissuade predatory pricing but would be open to the introduction of all technologies. In other words, there would be a limit to the free fall in telecom prices and no company would be allowed to lure customers by charging below cost prices.

On technology, Mr. Shourie said, "India has a large room for everyone and no steps should be taken to block technology". He was indicating that the Government would not repeat the mistake of opting for one technology. In the past, the Government had allowed only Global System for Mobile communications (GSM) for cellular operations. It required hectic lobbying and strenuous efforts before Code Division Multiple Access (CDMA) was allowed.

On the corporate war in the phone sector, Mr. Shourie said: "An issue which could not be resolved by Mr. Mahajan for such a long time, can't be resolved within hours. I am open to meeting anyone, be it industrialists or analysts to learn more and more about the issue but it will not be fair for me to comment anything without knowing it in details."

He was reluctant to get embroiled in transfer postings of the postal and telecom bureaucracy. Interacting with officials, he indicated that he would prefer officials to finalise equipment-related orders.

SENIOR CITIZENS SPARED; FREE CALLS TO BE CUT

Higher tariff for land phones mooted

M By Sandeep Dikshit 19-1
NEW DELHI, JAN. 25. The Telecom Regulatory Authority of India (TRAI) today caused a stir among phone users and companies alike by proposing radically revised tariffs and interconnect charges for all type of phone services.

The new rates will be applicable from April 1 provided there is political clearance soon. The unusually long gap between proposal and implementation leaves the field open for lobbying by various quarters. Cell-phone users were the happiest, while fixed phone users felt dismayed. Though cell and limited mobility companies (WLL-M) said their bottom lines are bound to be severely dented, their claim can be disputed.

The TRAI has paid maximum attention to fixed phones. All categories will pay higher call charges since the pulse has been re-

duced, from 3 to 2 minutes, for fixed to fixed calls and to 90 seconds for fixed to cell calls.

The number of free calls has also been reduced. The hike in rentals has been waived for rural and commercial subscribers and is 11 per cent for consumers in cities and towns. A newly-created category of senior citizens will continue to pay the existing rentals. These hikes will be partly offset by lower STD rates. International call rates have been freed from regulation and are expected to be dictated by the market.

Cell users, comprising one per cent of the population, will benefit the most.

All calls to cellphones will be free and the TRAI has asked companies to waive the rental (up to Rs. 49) for free incoming cell-to-cell calls. After a vigorous fight that was carried out for three years, cell companies have won the right to collect interconnect-

tion charges for calls landing in their networks.

But they vowed to continue contesting their case against WLL (M) companies before the Telecom Dispute Tribunal. The relief to cell companies may help banks and financial institutions which had lent heavily to cell companies. However, cell companies claimed they had been shortchanged by the TRAI and felt some key issues were left unaddressed.

As is the case with cell companies, their WLL (M) counterparts were in a "state of shock". Reliance and Tatas cannot continue to offer the amazingly low call rates without suffering losses. This is because at present, they do not pay interconnect charges for outgoing calls and receive Rs. 1.20 per minute for all incoming calls from cell companies. This has been changed by the TRAI.

All incoming calls on cellphones to be free

Higher phone bills from April

STATESMAN NEWS SERVICE

NEW DELHI, Jan. 25. — Telecom subscribers will have to pay higher rentals for their landline phones from 1 April and get lower free calls in return, and also pay more if they stay on the phone for too long — the duration of an average call has been made 120 seconds — but incoming calls on cellphones will be free all the way.

Calling mobile phones though would be slightly expensive. Even as basic phone companies will charge subscribers a call to a basic phone every two minutes instead of three minutes; the tariff would go up to Re 1.20 for 90 seconds for calls to mobile phones in the metros. But unlike the past, cellular companies too would get money from delivering calls from basic phones — fixed or WLL(M) — to their subscribers without an additional burden on callers.

The telecom regulator has let the market play its part to determine long-distance calls over 50 km — as in the case of WLL(M), mobile outgoing calls and international calls — though calls over 50 km would be charged at local rates. The maximum ceiling for national long distance calls has, however, been fixed at Rs 8.40 p.m..

Releasing the telecommunication tariff order and interconnection usage charges here today, Trai chairman Mr MS Verma and Trai secretary Mr Harsh Vardhan Singh said the objective of the exercise was to balance social policy concerns, growth of networks and expansion, as well as long-term sustainability of competition.

With the exception of senior citizens, the monthly tariff for residential subscribers in urban areas — rural subscribers have

been spared a hike in the rentals — has been increased from Rs 250 to Rs 280 and Rs 180 (for exchanges serving less than 1 lakh subscribers) to Rs 200. There has been no change in the rentals for commercial subscribers who, Trai had earlier said, should pay Rs 310 but were still being charged at lower rates by operators like BSNL for fear of losing them to private competitors.

Free calls — Trai said it was a misnomer since this cost was built into the rentals — have, however, been halved from the existing 60 calls to 30 in urban areas and from 75 to 50 calls in rural areas. Wireless in Local Loop (Mobile) subscribers would not have the benefit of "free calls".

There is another reason why basic phone users will have to spend more — about Rs 100 to Rs 200 — on their phones. Customers will be charged at the rate of Re 1 a call for the first 300 calls in a month, with all subsequent calls be charged at Re 1.20 as against the existing regime of charging Re 1.20 per call for calls over 500 calls.

For cell users though, the regulator's decision does bring some cheer. Not only because they do not have to pay for in-

coming calls — irrespective of the call being made from a landline or a mobile network — without paying the monthly rental of Rs 25-49 that mobile companies wanted them to, but they also would have to pay a lower toll charge for calling landlines or WLL(M). The regulator has stipulated an inter-connection charge of just 50 paise in metros and 60 paise in the rest of the country, down from the Re 1.20 that mobile companies charge them.

HIGHLIGHTS

- Duration of single local call reduced to 2 minutes from 3
- First 300 calls to be billed at rate of Re 1 in urban areas and 60 paise in rural areas; subsequent calls to be billed at Re 1.20
- Monthly rental in urban areas hiked — from Rs 250 to Rs 280 and Rs 200 to Rs 180 — depending on exchange capacity
- Free calls halved to 30 in urban areas, reduced to 50 in rural
- No change in rentals for rural areas and phones listed in the name of senior citizens in cities
- Cellular mobile incoming calls free across-the-board without payment of monthly charges
- Calls up to 50 km to be local calls
- Operators to determine tariff for outgoing mobile calls, national long distance over 50 km within the Rs 8.40 per minute ceiling and international calls

■ See PHONES, page 10

PHONES: 261
(Continued from page 1)

This charge would, however, be 30 paise for mobile calls made to WLL(M) phones but mobile companies would be earning 30 paise too when they receive calls from landlines or WLL(M) phones, putting an end to a bitter battle between mobile and WLL(M) companies over interconnect charges.

Mobile companies wanted a reciprocal arrangement. Basic telecom companies obviously are not smiling at the prospect of having to pay interconnect charges, but they refused comment saying they were still studying the tariff plan. Mobile companies, for the record, are not jumping with joy either, largely because of the regulator taking the lead in ruling in favour of across-the-board free incoming calls. They preferred limiting the free incoming regime to mobile phones, with or without the fixed monthly charge of Rs 49 for post-paid subscribers.

26 JAN 2003

THE STATESMAN

Mobile-to-mobile incoming calls to be free

By Sandeep Dikshit

NEW DELHI, JAN. 21. Cellular phone companies announcing today that mobile-to-mobile incoming calls would become free as soon as their networks were re-configured. The benefits would be available to both pre-paid and post-paid cellular categories.

The operators party to the decision are Bharti, Hutchison, BPL Mobile, Escotel, Idea, Oasis and RPG Cellular. But it remains to be seen whether "customer-friendly" moves will lead to a "just and fair" interconnect settlement.

Some analysts say the companies will wait for the Telecom Regulatory Authority

of India (TRAI) to announce the interconnect rates before implementing the announcement which till then will keep the cell phone customers from jumping ship.

The cell companies reiterated that they could match and even better limited mobility tariffs if the request for identical licence conditions and terms with regard to entry fee and interconnection is adequately addressed. A joint statement said the announcement was made following the Communication Minister, Pramod Mahajan's assurance of a "non-discriminatory and cost-based interconnection".

Reliance, which has decided to strike out a path of its own, said the offer to make

incoming calls free came too late in the evening for it to respond. The company runs cellular services in eight circles. MTNL and BSNL are also not parties to the decision.

Despite technically being 'navratnas', the top brass of the two companies may have to take approval from higher authorities. But the first salvo was fired by the Tatas, the largest among the limited mobility companies. It offered a scheme under which customers can go mobile and also own the instrument by paying Rs. 2,600 up-front with the rest in 24 instalments of Rs. 150 each. The offer is available in Tamil Nadu, Delhi, Andhra Pradesh, Karnataka and Guj-

2 2 JAN 2000

TV channels face ban for 'offensive' ads

SRINJOY CHOWDHURY
STATESMAN NEWS SERVICE

NEW DELHI, Jan. 18. -- About half-a-dozen leading satellite channels including Star, Sony, Zee, HBO and ESPN could be banned if they continue to show "offensive advertisements".

Four months after advising channels not to air liquor advertisements or ads that violated the morality code, the information and broadcasting ministry is going to ask channels to drop cer-

tain advertisements or face serious action.

According to Section 20 of the Cable Act, the I&B ministry can ask cable-operators to drop certain channels if they break regulations.

"It is our job to enforce the law as it is, the channels being popular or not. If the laws are changed, I have no problem, but currently, there is reason to take action," a senior ministry official said.

The advertisements in question

were offensive, officials said. An underwear advertisement shows people taking off their clothes till they are down to their underwear. Then, it says the underwear is the next best thing to being naked. The gestures made by the models are not appropriate.

Also, some liquor ads are being aired. Ministry officials said Star, Sony, Zee, HBO and ESPN would be showcaused for airing such "offensive" ads.

The ministry had called the channels and the Indian Broad-

casting Foundation five months ago and told them that airing such ads was unacceptable.

For a while, the channels stopped airing these advertisements. But they have reappeared in the last few days and unless they are taken off, the ministry will take action. It is about to issue show-cause notices to the channels. "We expect action within a fortnight. Normally, they get back to us within a week. Let us see what happens," an official said.

THE STATESMAN

19 JAN 2003

Mr and Mrs Iyer censored for Mumbai



Aparna Sen (right) with daughter Konkona during a news conference to promote *Mr and Mrs Iyer*. (Reuters)

CHANDRIMAS. BHATTACHARYA

Mumbai, Jan. 17: There are two versions of *Mr and Mrs Iyer* doing the rounds. One is for the whole of India, the other for "communally sensitive" Mumbai.

Following objections from Mumbai police, the producers of Aparna Sen's critically acclaimed film have removed two "communally provocative" scenes from the three prints being shown in the city.

The first scene has a Hindu man, using abusive language, saying Muslims should be sent back to Pakistan, said a representative of Shringar Films, the producers.

The second scene has a policeman mouthing a swear-word targeted at some persons.

Both scenes could take on communal overtones in a city that is perpetually wary of another Hindu-Muslim carnage, the police felt.

The police had asked for a special screening of the film be-

fore giving the permission to screen the film, Shringar Films said, or deletion of the two scenes.

But since the screening would cause delay the producers removed the scenes.

Those who saw the film in its entirety, however, felt it was meaningless to lop off the "provocative" scenes, as they had only helped Sen to make her point: the destructive power of communal hatred.

Mr and Mrs Iyer is set in the backdrop of communal riots.

The film, which has won several awards in the country and abroad, has a young woman played by Konkona, Sen's daughter — from a very conservative Tamil Brahmin family who saves the life of a Muslim man as the violence breaks out by pretending that he is her husband. A romance blossoms between these two disparate individuals.

Shringar Films has released 19 prints of *Mr and Mrs Iyer* across the country. The film is doing well commercially, Shringar added.

Handwritten: 5/17

Telecom war hits callers

Statesman News Service 18/1

NEW DELHI, Jan. 17. —On a day when cellular operators took the ongoing telecom war one level higher — knocking at the doors of the telecom appellate tribunal against the regulator's interconnect directive-cellular subscribers in Delhi got a taste of what it would be like if the BSNL/MTNL combine carried out their threat to disconnect subscribers of private cellular players.

AirTel and Hutch said they were flooded with calls from subscribers complaining of difficulty in getting through to MTNL lines. An AirTel official said the company had been receiving complaints and indicated that there could be selective blocking of calls by MTNL. A cellular operator said it appeared to be the telecom giants' arm-twisting tactics to browbeat cellular operators into granting WLL-based mobile operators inter-connectivity without paying any charges.

MTNL, however, said the disruption might have been caused by increased flow of traffic, especially with regard to Tata Teleservice's calls being routed through its network. Asked if the corporation had been blocking calls from cell phones to landlines and vice versa, MTNL chairman Mr Narinder Sharma said "no."

Cell operators move tribunal against Trai, page 8

TRAI notice to cellular firms

By Sandeep Dikshit

mu *HD-1*
NEW DELHI, JAN 16. The conflict between phone companies became more knotty with the Telecom Regulatory Authority of India (TRAI) issuing a show cause notice to cellular companies and the Bharat Sanchar Nigam Limited (BSNL) entering the fray to become the fourth party in the dispute.

Thus TRAI, BSNL and limited mobility companies are ranged (though not collectively) against an eight-company front of cellular companies. The contention is over whether cellular companies should connect with limited mobility companies without signing an interconnection agreement.

The day began with TRAI issuing show-cause notices to cellular companies which had blocked limited mobility calls from the Tatas. They have been asked to appear before TRAI on January 20 and endorse compliance with an earlier directive asking them not to block limited mobility calls. The TRAI issued the notice after cell companies ignored its instructions and also blocked calls from another limited mobility company. Company officials also held a press conference and accused TRAI of favouritism.

The notice has asked cell companies to appear

17/1
with a statement of compliance or give a suitable explanation and be ready for action. Cell companies have maintained that they will not interconnect with limited mobility companies till an honourable interconnect rate is agreed upon. The absence of a negotiated rate is like "going to office without knowing what the salary is". The practice of paying Rs. 1.20 per three minutes for every call and receiving nothing is confined to BSNL/MTNL. They cannot finance the operations of limited mobility companies by paying this amount to limited mobility companies as well.

On the other hand, BSNL, which cornered most of the Rs. 1,600 crores shelled out by cellular companies as access charges (Rs. 1.20 per 3 minutes) in 2002, has threatened cell companies with disconnection.

Its grouse is that calls from limited mobility companies transiting through its network are being blocked by cell companies. Limited mobility companies are, therefore, refusing to pay interconnection charges to BSNL since their calls are not being completed.

BSNL, being a Government company, looks up to its Minister for directions, especially in a major dispute such as this. The Telecom Minister, Pramod Mahajan, is at a distance from the dispute.

17 JAN 2003

Reporter's release

media *of* *v* The story cannot end there *MA*

The belief that "all's well that ends well" cannot be extended to the withdrawal of the case under the Official Secrets Act against Delhi-based Kashmiri journalist, Syed Ifthikar Geelani. All the egg now dripping down the faces of the Home Ministry and its subordinate agencies does not suffice to erase the horror inflicted upon the young man and his family, and while he has been legally "cleared" it is inevitable that some stigma will persist. That he was beaten up by other prisoners during detention is just one indication of how serious it is to accuse a person of being a traitor — something which activists of the Sangh Parivar do at the drop of a hat.

It was apparent from the very outset that the action against the journalist was the route the dirty-tricks department chose to get at his father-in-law, the hawkish Hurriyat leader, Syed Ali Shah Geelani. Hence a bid to implicate him in the killing of Abdul Ghani Lone, and then falling back on a document by a Pakistani think-tank to contend that he was in possession of material that amounted to a threat to national security. Such published material would be found in almost any journalist's papers. After his release Geelani expressed a certain gratitude to the political leadership for permitting the case against him to be withdrawn: he was probably being diplomatic, because the political leaders could not have been ignorant of the realities of the affair. Which makes it all the more necessary for government to undertake a thorough review and take punitive steps to ensure that such vindictive action is not repeated. That it was no mere blunder is evident from an official of the home ministry going to the extent of debunking the opinion of the senior-most officer of the Military Intelligence Directorate and insisting that the opinion of the Operations Directorate ought to have been obtained.

The issue goes beyond vendetta and Press freedom. It provides fuel to those in the international community who question India's attitude to human rights in the context of Jammu and Kashmir. Worse, such high-handedness breeds alienation and fertilizes the soil for separatist and militant outfits to exploit. The Deputy Prime Minister is right to ask India to jettison the impression of being a "soft state" but the handling of the Ifthikar Geelani affair would suggest that on frequent occasions the state can be "thick-headed."

Perhaps lost in the relief and satisfaction at Geelani's release is the upright courage of the man who made that possible. Lieutenant General OS Lochab must have been fully aware of the waves he would make by swimming against the official tide and certifying that there was nothing secret about the document for which the journalist was being persecuted. But, like a true soldier, he stood his ground. While this brand of moral valour may not earn the General a decoration, he certainly merits a public salute.

17 JAN 2003

THE STATESMAN

Microsoft opens secret gate

media 5/1 16/1
REUTERS/OUR BUREAU

Seattle/New Delhi, Jan. 15: What are the world's two best kept corporate secrets? Coke's formula and Microsoft's source code.

One secret is set to be unveiled to at least a part of the world with the software company announcing it would open its source code to governments and international organisations all over the globe.

The code contains Microsoft's blueprints for programs.

Under the initiative, called the Government Security Program, the world's largest software maker said governments and their agencies would be able to examine its source code to enhance the security of their soft-

ware, used for tasks such as tracking personal data, taxes and ensuring national security.

"We have a business interest in having people feel completely comfortable with our software, whether it is mission critical or not," said Craig Mundie, Microsoft's chief technology officer.

The Nato and Russia have already agreed to participate in the programme and discussions with more than 60 other governments and agencies are being held, Mundie said, adding that any cooperation with Microsoft would be disclosed at the discretion of each government agency.

The move will be watched with interest in India, where Microsoft is trying to ward off a strong challenge from Linux, the

open-source software, which has been able to persuade several state governments, including Bengal and Madhya Pradesh, to use its product in their e-governance initiatives.

In December, the Indian government proposed to use Linux as the preferred software to push its e-governance project to be implemented in three phases.

At a meeting of senior officials of the department of information technology and of the state governments of Bengal, Kerala and Madhya Pradesh, it was agreed in principle to implement the e-governance programme based on the Linux software.

In November, Microsoft boss Bill Gates came to India to persuade government officials to

use his software. He had also scheduled several meetings with chief ministers to push his message.

Bengal chief minister Buddhadeb Bhattacharjee did not meet him at the time, a clear indication that the state did not want to capitulate to Microsoft's blandishments.

Microsoft is facing pressure from free software. Since free software, such as Linux, is "open source" and by definition available for close scrutiny, its advocates argue that it is inherently more secure.

Open-source software is also appealing to some governments and companies because it is free, and can be copied and modified unlike Microsoft's Windows and its other programs.

16 JAN 2003

THE TELEGRAPH

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Bravo Preity

At long last, a film personality speaks out against the underworld

AFTER the heroes turned out to be possessed of clay feet, a heroine has stood tall. By openly confirming that she received an extortion threat, that during the shooting of the film, *Chori Chori Chupke Chupke*, a person claiming to be 'bhai ka aadmi' demanded that she pay Rs 50 lakh, Preity Zinta has done the Indian citizen proud. She deserves heartfelt congratulations for an act of personal courage and for a stance that might bring long term benefits to the film industry. It is extremely unfortunate that in the high-profile Bharat Shah case probing the links between Bollywood and the underworld, Zinta's other tough guy colleagues have emerged looking lily-livered in pathetic contrast to their heroic celluloid roles. Larger-than-life Bollywood heroes like Salman Khan and Shah Rukh Khan as well as film directors Rakesh Roshan and Mahesh Manjrekar all turned hostile to the prosecution and determinedly denied any knowledge of the influence of the underworld in Bollywood. But Zinta has spoken up and to some extent rescued the state government's loud proclamation that the arrest of Bharat Shah was their trophy against a newly initiated war against the dons.

It is a campaign that has not been as successful as the government had hoped, notwithstanding the fact that the crack unit of the Mumbai police—the Criminal Intelligence Unit—has notched up some victories by killing some known city gangsters and claiming that the number of gangland 'encounters' are now down to two a month after the all-time high of two a week in the early Nineties. Yet, in spite of the successes of the Mumbai police, the fact that Zinta is only the second film personality—film director Abbas being the first—to admit to being contacted by criminal elements has revealed the depth to which Bollywood has been permeated by the Mob.

Film stars are the folk heroes of our time. In them repose the fantasies and aspirations of millions. When they act in ways that publicly lowers their integrity they appear as posturers undeserving of their fan clubs and their popularity. But when they act with exemplary and brave honesty, they become true heroines. Having placed herself and her career in a situation of fairly serious risk, the state government must now spare no effort whatsoever in effectively protecting the security of the courageous Preity Zinta.

Frame-up suit stares at Delhi spycatchers

DALIPSINGH

New Delhi, Jan. 12: With the Centre deciding to withdraw the case against *Kashmir Times* journalist Iftikar Geelani, his counsel V.K. Ohri will press for legal action against the home ministry and Delhi police officers for contempt and misleading the court.

"We will request the court for legal action against the officials on Monday, when the case comes up for hearing," Ohri said. The officials should be punished for misguiding and withholding information from the court, which amounts to contempt of court, he said.

Ohri had earlier moved an application for contempt proceedings against the officials concerned.

Chief metropolitan magistrate Sangita Dhingra Sehgal will hear the plea to discharge Geelani after going through the Centre's report on withdrawing the charges against him under the Official Secrets Act. Geelani has been in jail since June

The contents of the case files suggest that the home ministry also tried to negate the authority of the Directorate-General of Military Intelligence.

The military intelligence, in its second opinion, had declared that the printouts taken from Geelani's computer on troop deployment in Jammu and Kashmir were of "negligible security value".

Its report added strength to Geelani's argument that the papers seized from him on troops deployment were available in the public domain. The information was sourced from a booklet called *Denial of Freedom and Human Rights*, brought out by Islamabad's Institute of Strategic Studies (ISS) in January 1996. There are 12 libraries in India, including the Institute for Defence Studies and Analyses and the Indian Council of World Affairs, which subscribe to ISS publications.



Geelani

According to Ohri, home ministry under-secretary B.R. Dhiman's report, submitted to the chief metropolitan magistrate's court on January 7, was a pointer to the ministry's "mischief".

Dhiman, in his letter to the court, presented the ministry's view on the military intelligence's revised opinion of December 12. "It was noted this is based on the presumption that the information contained in the printout of the computer of Geelani is available in a printed publication."

"The tenability of the second opinion of the DGMI does not appear to be relevant," the letter concluded. The ministry thus suggested that the public availability or otherwise of the information on which Geelani was being tried made no difference to it.

Though the military intelligence's second opinion took the steam out of the case, the Centre

simply gave the story a new twist, saying the opinion was "irrelevant" and "issued without authority".

The prosecution pleaded the Directorate-General of Military Operations was the authority that was supposed to give an opinion because troops deployment was its jurisdiction.

The court rejected the plea and said in its order of January 7 that the prosecution's argument was "without force". Sehgal was even critical of the controversy that the Centre apparently tried to generate around military intelligence's second opinion.

"The prosecution fails to clarify why no inquiry has been initiated to find out why and how the letter dated 12.12.02, around which the controversy revolves, has been issued," Sehgal said.

Central officers would have to explain the government's stand in court tomorrow.

Ohri said that after the Centre falsely implicated Geelani, it kept on cooking up one story after another to extend the trial.

13 JAN 2003

Revised opinion of Military Intelligence in Gilani case not tenable, says Govt.

By Anjali Mody

NEW DELHI, JAN. 7. The revised opinion of the Military Intelligence (MI) that the document in the possession of the *Kashmir Times* journalist, Iftikhar Gilani, was of "no security value" has been termed "not tenable" by the Central Government. Mr. Gilani was arrested more than six months ago under the Official Secrets Act for possessing the document.

In the trial court, the prosecutor said today that the MI's opinion was "irrelevant" and "without authority" as the opinion was sought from the Director-General of Military Operations and not from the MI. But the trial judge, Sangita Dhingra Sehgal, said this claim had no basis. In her order, she said that the prosecution had presented no such communication to substantiate its case, and, in fact, the Joint Commissioner of Police, Neeraj Kumar, had confirmed to the court the receipt of the letter dated December 12 last from the MI.

Ms. Dhingra Sehgal said that since the "the prosecution is avoiding to give a specific reply

regarding the letter dated 12.12.2002, it is presumed that some request must have been made to the DGMI, after direction of the Sessions Court". It was, therefore, "once again necessary" to summon the Director-General of Military Intelligence and the Joint Commissioner of Police. Last month, the DGMI, O.S. Lochab, had told the court that the MI's opinion dated December 12 was authorised and correct.

The argument made on behalf of the Government is particularly interesting since the Home Ministry declared the MI's opinion as "untenable" on December 26 and on completely different grounds. The minutes of a meeting held in the Ministry on December 26, a copy of which is with *The Hindu*, concluded that the DGMI's opinion was "based on the presumption that the information is in a printed publication", making its conclusion invalid.

At the meeting, chaired by the Special Secretary, A. K. Bhandari, and attended, among others, by the Additional Director-General Military Intelli-

gence, Major General Amrik Singh, the minutes said: "It was felt that the DGMI is required to give his opinion having regard to the nature of the information contained in the documents, irrespective of its source.

In this case, the contention that the information is in the public domain was examined by the Government before according prosecution sanction on 5.9.2002. The contents of both the documents being the same, the nature of the information continues to be prejudicial to the safety and security of the country. Hence, it was decided that the second opinion was not tenable."

The Hindu asked the Home Secretary, N. Gopalswami, and the Special Secretary, A. K. Bhandari, the basis of their assessment. Mr. Gopalswami said: "There are reasons for it... we can discuss it later." Mr. Bhandari, who first denied knowledge of the meeting, then said the question should be put to the MI. Presented with a copy of the minutes, he insisted that the conclusion was valid.

Asked if there was something particularly problematic about

Mr. Gilani possessing the document, he did not comment. Would the Government consider initiating prosecutions against others — including journalists and public-funded libraries — which possessed the same document? He said, "yes we may... if it is inimical."

Mr. Gilani was arrested in June last year, and charged with offences under the Official Secrets Act for possessing a copy of a published article dealing with India's military positions in Jammu and Kashmir. The MI, in June last year, claimed that possession of this information was a grave threat to national security. On December 12, 2002, the MI said that its early assessment was "erroneous" and that it was "obvious that this document carries no security classified information and the information seems to have been gathered from open sources".

The Deputy Prime Minister, L.K. Advani, has, at various points of time in the last two months, told mediapersons that the Government believed there was no basis for Mr. Gilani's continued incarceration and that he should be granted bail.

THE HINDU

8 JAN 2003

'STEP TO RETAIN CUSTOMER BASE'

Cellular phone companies slash STD charges

By Sandeep Dikshit

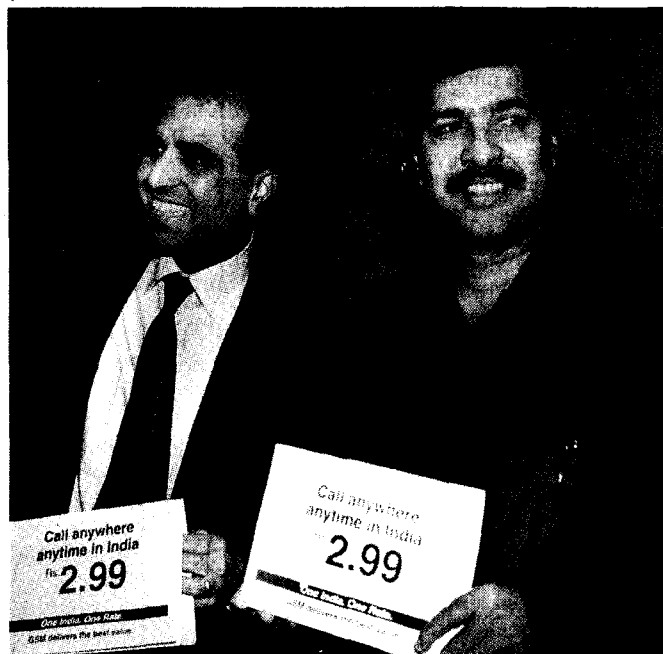
NEW DELHI, JAN. 2. Cellular phone companies today announced a sharp reduction in the charges for cell-to-cell STD calls. They also promised cuts in other tariff from time to time to "kill competition in instalments". The decision follows the "threat" to their customer base posed by companies offering "limited mobility" along with free incoming calls and outgoing rate of 40 paise per minute.

The rate for cell-to-cell STD calls from midnight of Thursday will be Rs. 2.99 per minute. The earlier tariff varied from Rs. 2.40 to Rs. 9, based on the distance. This tariff excludes other levies such as airtime charges.

Sunil Mittal, speaking on behalf of the cellular companies, said the idea behind the announcement was to retain the customer base. "We can't sit and see our market share churned by our competitors," he said, referring to the aggressive marketing launched by Reliance in preparation of its country-wide launch of "limited mobility" phones with free incoming calls.

BSNL officials, meanwhile, said there would be no change in the STD rates for calls from mobile phones to their landlines, but indicated a matching riposte from their cellular service "CellOne".

Analysts believe that having generated high expectations, the cellular companies have ridden a tiger they cannot dismount without losing credibility. They would have to measure up to the promise of



The Communications Minister, Pramod Mahajan, announcing the new "One Rate Plan" for cellular phones at a function in New Delhi on Thursday. The CEO of Bharti Telephones, Sunil Mittal, is to his right. — Photo: S. Arneja

making the deal sweeter for the subscriber by reducing the air-time charges, rentals, etc. soon.

At present cell-to-cell STD revenue accounts for less than one-tenth of the total income of the eight cellular companies which are party to today's announcement. Therefore, the step would reduce the monthly tariff of a very narrow slice of cellular phone users. But further excitement could be in store — making the announcement on behalf of the cellular companies, the Union Communications Minister, Pramod Mahajan, who was a surprise

invitee, said "he was sure" the cell companies would be making such announcements every week. Mr. Mittal promised a similar consumer-friendly announcement in the coming weeks. But free incoming calls on cellular phones might not materialise, he stated. However, given the record of the cellular companies, they might take this step if cornered.

The eight companies which took the decision utilise Bharti's long distance network and include Airtel, BPL Mobile, Escotel, Hutch, Idea, Orange, RPG Cellular and Spice.

LONG-DISTANCE BONANZA

CELL TO CELL (All rates in Rs/minute)

Distance (in km)	0-50	51-200	201-500	500+
Earlier	1.20	2.40	4.00	9.00
NOW	1.20	2.99	2.99	2.99

All rates are exclusive of the airtime charge which is typically Re 1.

The reduced rates are applicable only within the networks of Airtel, Aircel, BPL Mobile, Escotel, Idea, Oasis, Orange, Cellular and Spice.

Fixed line to fixed line/ Cell to fixed line

Distance (in km)	0-50	51-200	201-500	500+
	1.20	2.40	4.80	9.00

These are peak time (9 am to 8 pm) rates. Off-peak rates are roughly half.

Reliance (Limited mobility)

40 paise per minute but only within the Reliance network. As of now, calls from Reliance to a fixed line will cost the same as those from fixed line to fixed line.

Mobile rate cut in slices

OUR SPECIAL CORRESPONDENT

New Delhi, Jan. 2: Cellular operators today attempted to bludgeon competition from limited mobility service providers by slashing mobile-to-mobile STD rates to Rs 2.99 from the existing Rs 9 per minute. The new rate takes effect this midnight.

The tariff was announced by cellular operators Airtel, Hutch, Aircel, Idea (Tata Cellular), BPL Mobile, Escotel, Shyam Telecom, Orange, RPG Cellular and Spice Telecom.

Reliance Cellular, which provides cellular service in Jharkhand, Northeast, Bengal and Orissa, was not part of the deal. The two state-owned companies — MTNL and BSNL, which offer cellular service under the brandnames Dolphin and CellOne — were also left out of the arrangement.

The new tariff, which will benefit roughly one crore cellphone users, signifies the death of time and distance — the two factors that governed pricing till date. The Rs 2.99 per minute rate will be almost uniform and dumps the notion of peak and off-peak tariff.

Until now, operators charged Rs 2.40 per minute for STD calls over distances between 51 and 200 kms and Rs 4.80 per minute for those up to 500 kms.

This is the first instalment of rate cuts by cellular operators who plan to announce conces-

sions every week till Reliance Infocomm launches its limited mobility service in March.

"Yeh bakra kishton me katega (the goat will be cut in instalments)," said Sunil Mittal, chief of the Bharti group which owns the country's largest cellular operator, Airtel.

Communications minister Pramod Mahajan, who made a surprise appearance at the event, responded: "Sunil says the goat will be cut in instalments. I am not worried about who is going to be slaughtered. As long as non-vegetarian India keeps getting its mutton, we are not worried about whose goat is being carved up."

The next cut could come by way of lower ISD and local call rates as early as Monday when cellular operators are meeting.

Bharti's statement encapsulated the mood of cellular operators who fear they will bleed financially because of the onslaught from limited mobility players and yet must slash rates to stave off the challenge from Reliance and the Tatas, which are launching the service. Cellular operators claim their accumulated losses amount to Rs 8,000 crore.

Cellular customers will have to pay airtime charges in addition to the STD call rate. Airtime charges usually range from Re 1 to Rs 2.40 depending on the scheme the subscriber has chosen.

The mobile-to-mobile rate

will, however, be more expensive than the STD rate announced by Reliance for its IndiaMobile limited mobility service. Reliance is offering 40 paise per minute for STD calls but that rate is restricted only within its own network. And there is a rider: the rate applies for talk time up to 400 minutes a month.

Reliance has not announced what the rate will be for calls from its limited mobility service to fixed phones. Until it does so, the rate can be taken to be the same as that from a fixed phone to another fixed phone.

"It reminds me of a Bata shoe price," said Mahajan, taking a sideswipe at cellular operators. But he threw his hat into the ring by announcing that BSNL and MTNL would also cut rates.

Cellular operators were planning to give their customers a double bonanza but failed at the last minute to agree on an appropriate system that would have enabled them to offer free incoming calls.

Free incoming calls from fixed line telephone subscribers to cellphone users, which is one of the major initiatives being planned by mobile operators, is another issue currently pending before the telecom watchdog, Trai. Cellphone companies are mounting pressure for extension of the calling-party-pays concept to them. The facility is available to limited mobility service providers at the moment.

■ See Business Telegraph

Mobile STD, ISD rates to be cut by 60%

HTC and Agencies
New Delhi, January 1

LEADING GLOBAL system for mobile (GSM) cellular operators are set to unleash the first salvo in their war with code division multiple access (CDMA) "limited mobile" firms for the heart and mind of mobile phone users.

The big three — Airtel, Hutch, Idea — and others like BPL will unveil a new pricing strategy that is slated to reduce current rates for STD and ISD made between cellphones by as much as 60 per cent.

The operators, who are making a joint announcement of their new schemes here on Thursday, are rolling out the new initiatives in their effort to retain customers and not yield ground to the threat from Reliance and Tata Indicom's limited mobile services.

Reliance Infocomm announced the launch of its wireless telephone operations, or wireless in local loop services, on December 27 at huge discounts.

Sources in the cellular industry said the move is aimed at ensuring that the interim period of judicial review of the WLL services, which is currently on, is not used by limited mobility operators to lure cellular customers.

"This will ensure that fixed operators may not resort to unfair churn of subscribers during the interim period," the sources said.

They said WLL service providers were attempting to use the interim period to lure cellular customers and said "subscribers may move away because of tariff advantages which is also there only be-



WHY THE SLASH?

Because Reliance and Tata entered the fray

WHAT'S RELIANCE OFFERING?

Free handset, free incoming calls, outgoing calls at 40 paise a minute — all for Rs 600 a month and a Rs 3,000 deposit for three years

cause of the licence".

It may be recalled that Bharti chairman and group managing director, Sunil Mittal, had on December 30 said that consumers need not be swayed by various new offerings in the market, as the company would respond next month (January) to the "changing market situation".

Reliance Infocomm has decided to offer its subscribers a promotional three-year membership at Rs 3,000, a free handset and a monthly payment of Rs 600, which includes 400 minutes of talk time at 40 paise a minute. Incoming calls, voice-mail, text messaging and Internet access would all be free on the Reliance network.