

LICENCE TO SHOOT

Only in effectively regulating the use of hidden cameras lies the way ahead for a vibrant IT economy like ours

PAVAN DUGGAL

CANDID camera assertions in the Zaheera Sheikh case are the latest in the list of cases involving hidden cameras that have been reported in India. These cases have brought to the forefront the undesirable consequences of use of hidden cameras.

A couple of years back, the Tehelka scam took the country by storm when Bangaru

Cyber DRAMA

Laxman was recorded, by means of a spy camera, accepting money, a picture later telecast on all major television channels. In a recent case involving a BPO company, photographs of employees having sexual intercourse, taken by the company's spy camera, were leaked over the Internet. This was done without any attempt to hide the identity of the employees.

Recently, a schoolboy recorded a sexual encounter with his fellow girl student on his mobile phone camera, which later got forwarded to mobile phones all over the country and splashed on the Internet. Soon after, pictures of Kareena Kapoor and Shahid Kapur "lip-locked" were splashed all over the media. *Midday* claimed to have got the picture from again an MMS doing the rounds and shot by a person who was sitting on a table adjacent to the stars at a restaurant. Photographs of a Tamil actress, Trisha, having a bath have also been all over the Net, though she claims it's not her in the pictures.

All these cases demonstrate that the use of hidden cameras has various consequences—legal, social and otherwise. The law of the issue of hidden camera has not yet evolved in our country. Digital camera and other mobile devices come within the



The schoolboy held in the MMS case

Today, an affected person has no remedy against use of hidden cameras. The IT Act 2000 does not touch the issue of breach of privacy in the electronic medium. World over, there are various laws that cover the use of hidden cameras. In the US, law-enforcement agencies and police-licensed private detectives are allowed to use the cameras only under certain circumstances and under carefully controlled conditions

term 'computer' as defined under Section 2 of the Information Technology Act, 2000. Further, the photographs and output of digital cameras are indeed data and information in the electronic form under the same provision. However, there are no specific provisions impacting the use of digital cameras as regulating the same is not the stated objective of the Indian cyber law. From the legal perspective there are various challenges raised by use of hidden cameras. Hidden cameras are a kind of surveillance of individuals and distinctly invade his/her right to privacy.

In India, unfortunately, we do not yet have a dedicated law on privacy. The Supreme Court, in various cases including the famous PUCL Telephone Tapping case, has held that the fundamental right to life in Article 21 of the Constitution of India does include the

right to privacy. However, this right is only applicable against state action and does not include within its ambit breach of privacy by private individuals.

Today, an affected person has no remedy against use of hidden cameras. The IT Act 2000 does not touch the issue of breach of privacy in the electronic medium. However, publishing, transmitting and causing to be published obscene electronic information, including output of digital cameras and mobile phones, is punishable under Section 67 of the Information Technology Act, 2000, with 5-year imprisonment and fine of up to Rs 1,00,000.

World over, there are various laws that cover the use of hidden cameras. In the US, law-enforcement agencies and police-licensed private detectives are allowed to use the cameras only under certain circumstances and under carefully controlled conditions. Li-

censed private detectives can use them for collection of evidence but not in a sting operation. The FBI alone can mount a sting operation.

In some US states like Alabama, Arkansas, California, Delaware, Georgia, Hawaii, Kansas, Maine, Michigan, Minnesota, New Hampshire, South Dakota and Utah, the installation or use of any device for photographing, observing or overhearing events or sounds in a private place without the permission of the people photographed or observed is against the law.

South Dakota and Florida have camera phone voyeurism laws as well. Several states have laws prohibiting the use of hidden cameras in certain circumstances, such as in locker rooms or restrooms, or for the purpose of viewing a person in a state of partial or full nudity. The US Congress recently passed a federal law aimed at

curbing illicit clicking of federal government property such as federal buildings, national parks or military bases. The law also makes it illegal to use an electronic device to snap pictures of naked or partially clothed people in places where they have a reasonable expectation of privacy, such as bathrooms or dressing rooms. Exceptions are made for law enforcement, intelligence and prison work. The law imposes a fine of up to \$100,000 or a year in prison or both on violators.

Saudi Arabia and Kuwait are some of the other countries which had either banned or restricted the use of camera phones. In Australia as well, the Australian Mobile Telecommunications Association (AMTA) has set down guidelines for use of camera phones by customers in a responsible manner and detailed their legal obligations. In Korea, all cellular equipment manufacturers need to install a loud beep which must be audible to people present in a specified radius just before clicking the phone camera.

India has yet to come up with any law restricting the use of camera phones despite the various crimes that have taken place using the same. There is an urgent need to come up with legal guidelines to regulate hidden camera usage. The law needs to be amended so as to include specific provisions relating to the right of privacy of individuals in the context of the electronic medium, and for providing effective remedy and substantial justice to the affected parties. The Government also needs to ban the use of mobile cameras in sensitive places and Government offices. The important issue is that reasonable restrictions need to be imposed for the good of the general public.

When there are growing noises from all quarters that the IT Act should be amended, this occasion should be seized by the Government to come up with appropriate provisions relating to hidden camera use. Only in effectively regulating the use of hidden cameras lies the way ahead for a vibrant IT economy like ours.

The writer, Supreme Court advocate Pavan Duggal, specialises in cyber law

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Another Sheikh up

5/8 2/11/2

Questions on everyone, including Tehelka

It isn't well-mannered to say we told you so, but the temptation is frankly there. After Zaheera Sheikh, the star witness turned hostile in the Best Bakery case and recanted. This newspaper had assessed the controversy in two broad ways. First, that Zaheera's credibility as a witness is perhaps irretrievably damaged, no matter what comes out of the events that led to her recantation. Second, that the opposing party in the case, the Narendra Modi dispensation has more questions to answer than is claimed. Remembering that assessment, look at the new twist in the Zaheera case. Tehelka claims its spy cameras have recorded Gujarat riot accused Madhu Srivastava and his friends saying Zaheera was paid money. The tape also has Srivastava, his chums and lawyers discussing Zaheera's family constantly approaching them for money and that Setalvad's NGO was funding Zaheera. Zaheera has denied she was paid money by riot accused and/or their patrons and has talked of a conspiracy. So, what does one make of it? Not more than we said before. The stink is there because the riots were an abomination and the Gujarat administration's conduct, appalling. The stink is there because the Gujarat courts appeared to have not noticed that public prosecutors were undermining their own case. The stink is there because those who made Zaheera a cause celebre may have had a not entirely apolitical agenda of their own. The stink is there because this kind of quasi-political activism generates answering political manipulation. How the Supreme Court views all this remains to be seen, but at the simple yet fundamental level of natural justice, the Best Bakery case has become, perhaps permanently, stained by competing realpolitik.

The other issue here is Tehelka and its news gathering methods. Tehelka's chief has said that spy cameras are sometimes the only means to uncovering truth. He has a point in that people are likely to be least guarded when they think they can talk freely. But he is wrong when he implies that there are no issues about using such means. Responsible journalism has some obligations as regards means, no matter what the end. If spy cameras become standard journalistic tools, the profession will lose an enormous amount of credibility because journalists will be considered people who function only under false pretences and who break confidences as a matter of routine. A good journalist must always try to uncover unpalatable facts about powerful people. But can he remain a good journalist by slinking about with small cameras hidden on his person? This question cannot be settled as easily as Tehelka says.

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Media
USE AND ABUSE OF THE INTERNET HD-10

THE ARREST OF the baazee.com chief, Avnish Bajaj, was an obvious instance of overreaction by the Delhi police: with the evidence having been crystallised already and he himself cooperating in the investigation, his detention was unnecessary as the Delhi High Court pointed out when releasing him on bail. The purpose of the arrest went beyond the immediate case and was clearly to demonstrate that the administration intended to act tough with everyone connected with purveying pornography on the Internet, particularly pornography involving minors. The flurry of diplomatic efforts and expressions of disapproval by business associations over the move against the head of a major auction portal are all understandable. However, the deterrent impact of the arrest on foreign investors and on business in general, important as it is, has been overdrawn to the extent that it has become the almost exclusive focus, pushing out other critical issues. The harm done by such arbitrary and unpredictable acts by the police and the prosecution to society as a whole is immense and it is indeed a sad commentary on the administrative system, which is yet to set standards and the threshold for arrest and prosecution. The larger issue is of course the selling of pornography involving two minors, an offence for which all countries show zero tolerance.

In principle, posting offensive material on the Internet is no different from publishing it in printed form, and print publications have always been held responsible for the material they publish, including third party material such as advertisements. Internet service providers have argued that they should be treated on par with common carriers such as the postal services who incur no liability for the material they carry and deliver for other parties. Yet they

also have websites that publish their own as well as third party material in a form accessible to all — an activity that is hardly different from publishing in print. The sheer numbers of users, the large volume of material that makes it difficult to screen, the speed at which communication takes place, and the evolution of the Internet as a place that empowers millions of users to present their material to the world are often invoked in the argument for exempting Internet websites from liability for material from third parties.

As a concession to this argument, the Information Technology Act, 2000, which makes it an offence to publish or transmit obscene material in electronic form, exempts a network service provider from liability for any third party material that he made available if he proves that the offence was committed "without his knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention." Yet it is time those who operate publicly accessible websites assumed a greater measure of responsibility for the material they allow the users to post. For while the Internet has been a tremendous development for the good, it is not without its downside. Child pornography and other aggravated forms of pornography, hate speech, and material of use to terrorists including bomb-making instructions are all to be found there. The use of filtering software to detect offensive material and removing such material the moment it is brought to notice are the minimum that would be expected. Without a more active system of monitoring that ensures offensive material does not find its way in, the impression that the Internet is lawless and also oblivious to notions of right and wrong will only be strengthened, prompting moves for tighter regulation.

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THE HINDU

Special law to pin cyber offenders soon

By Akshaya Mukul/TNN

New Delhi: The MMS porn case has jolted the authorities to try and remove the ambiguities in existing cyber laws. In the wake of the arrest of baazee.com CEO Avnish Bajaj for allegedly selling MMS clips involving school children on the website, the government is planning a special law to fix the responsibility on the provider of online services or network access or the operator of these facilities in such situations.

Based on the Digital Millennium Copyright Act of the US,

the new law would make an online service provider liable for putting out copyright infringing material on the web. At the same time, every service provider would have to put in place a "responsible person" who could be the pointsman

to deal with cases of copyright infringing material being posted on the web.

Explaining the rationale for such a law, a senior government official said, "In the MMS case, the objectionable clip was put on the website by someone who had access to it and not necessarily by the person behind it. It was an infringement of the copyright."

NEWS THIS DATE: A juvenile court on Wednesday granted bail to the minor boy involved in the MMS sex scandal. Principal magistrate of the Juvenile Justice Board Santosh Snehi Mann released the boy on bail, directing his parents to execute a personal bond of Rs 25,000 each with a surety of the like amount. The court also directed the minor's parents to surrender his passport. The boy has been told not to leave Delhi without prior permission. PTI

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THE TIMES OF INDIA

EU judge upholds penalties on Microsoft

Luxembourg/Brussels: Microsoft Corp. lost a European Union court appeal Wednesday against sanctions imposed by EU regulators that would force it to change business practices and sell a stripped-down version of Windows.

The Court of First Instance upheld the penalties imposed by the executive European Commission when it levied a record fine in March, finding the U.S. software giant had abused the virtual monopoly of its computer operating system Windows.

"Microsoft has not demonstrated specifically that it might suffer serious and irreparable damage," Court of First Instance President Bo Vesterdorf said.



His order left in tatters Microsoft's push to reach a negotiated settlement as quickly as possible,

which would have required the Commission to rescind a major decision for the first time in its history.

The judgment left Microsoft under orders to sell to computer makers a version of Windows without its trademark Windows Media Player audiovisual software and to share protocols with rival makers of servers.

But the decision by the second highest EU court can be appealed to the European Court of Justice, buying Microsoft another three to eight months, experts say.

Microsoft wanted the penalties, which the Commission suspended temporarily during this appeal, frozen until its court case on the substance of the EU ruling is completed years from now. But the EU executive argued that the market would have moved on and the sanctions would be obsolete.

Microsoft shares traded slightly weaker in late morning trade Frankfurt, down 0.40% at 20.07 euros. "This is a victory for consumers," said Thomas Vinje, a Brussels lawyer who represented an industry group which dropped out of the case after a \$20 million settlement with Microsoft.

The EU courts have overturned a string of high-profile Commission antitrust and merger control rulings in recent years.

The Commission's sanctions ordered and to share data on protocols—software rules of the road—with makers of work group servers that are used in offices to access files and run printers.

Microsoft had to show that it had a reasonable case, that it urgently needed relief and that the balance of interests between it and the public weighed in its favor. Reuters

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THE TIMES OF INDIA

Baazee.com CEO gets bail in MMS case

New Delhi: The Delhi high court on Tuesday granted bail to Baazee.com CEO Avnish Bajaj, who has been arrested in connection with the MMS scandal.



Vacation judge Justice Vikramajit Sen granted bail to Bajaj asking him to furnish two sureties of Rs 1 lakh each. He was also directed to surrender his passport and not leave the country without prior permission. Besides, Bajaj has been ordered to assist in the probe as and when required.

Meanwhile, the Delhi police on Tuesday informed the Delhi Juvenile Justice Board that the boy accused of making the MMS had destroyed the mobile phone used by him for making the clips. ACP M K Sharma said the boy had disclosed that he had destroyed the instrument, Sim card and the clips. PTI

media Moral panic *ST-8*

Baazee CEO's arrest raises substantive issues

It has been observed in these columns before that the Internet could be smothered through over-regulation and misplaced zealotry on the part of law enforcement officials, as the drive to have cyber café owners maintain full records in Karnataka and Gujarat, including photos of all visitors at the cyber café. The same misdirected zeal is visible in the arrest of the CEO of Baazee.com, for the sale of the controversial MMS clip through its portal. The arrest is based on a misunderstanding of the Internet as a medium, as it is not possible for an Internet service provider to monitor all content on its site, the same way as, for example, BSNL cannot be held responsible if dubious transactions take place using its telephone network. Baazee.com's user agreement states that the site should not be used for sale of obscene material; if a user should violate the agreement, Baazee.com can take the item off its website, an action it did undertake when sale of the MMS clip was pointed out. In addition Avnish Bajaj, the CEO, travelled to Delhi to cooperate with the investigation, which led to police being able to nab the seller. Despite his cooperation Bajaj finds himself in Tihar Jail. Part of the problem is with the IT Act itself, which can implicate cyber café or portal owners should their patrons traffic in obscene material. Interestingly pornographic material, including the MMS clip in question, is freely available in Palika Bazar, in the heart of Delhi. The analogy with Bajaj's arrest would be if the police hauled in not only the sellers and manufacturers of obscene material in Palika Bazar, but also those responsible for constructing and maintaining the underground market.

Two differing approaches in the two cases can only be attributed to a moral panic over the Internet. Its novelty as a medium is what authorities fear, and Bajaj happens to be a convenient scapegoat. The media-driven character of this moral panic is evident in that Delhi Police initially didn't contest Bajaj's bail application, but changed their minds when electronic media flashed the news. Bajaj's arrest has made news all over the world, and will discourage investors from India's IT industry, not to mention local entrepreneurs. In addition, the US State Department has taken the opportunity for unwarranted intrusion into Indian affairs, as Condoleezza Rice is taking an interest in the case. The IT industry boom is attributed to its being relatively free of India's licence raj, which stunted the growth of long-established industries. If the IT Act of 2000 is not to extend the licence raj into the "new" economy as well, some measures must be taken to reform its more draconian provisions that are liable to misuse.

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THE STATESMAN

Cyber waves

The Keystone Kops in the MMS age. This is no way to handle some very complex issues

EVER since it first flashed in the headlines a few weeks ago in the Capital, the MMS scandal has been a reminder and a taunt. There is a growing lag between new technologies and our ability to cope with them. The sexually explicit pictures of a school-going boy and girl that circulated through the Multi-media Messaging Service on cellphones, which then found their way to the online marketplace, have raised questions about privacy in times when unobtrusive cameras surreptitiously take pornographic pictures and circulate them without the consent of the subject. Since most recipients of these images were less than 18, what can be done by teachers, by parents, to draw the line? These are large questions. But the high-profile arrests carried out by Delhi Police, first of the CEO of Baazee.com, and then of the boy who recorded the offending images in the first place, raise a sharper question: is the police missing the point, entirely?

Only four years ago in 2000, India became one of the few countries to come out with an Information Technology Act to regulate and to legalise e-commerce and take cognisance of offences in the arena. But there is obviously a long way to go before the Indian legal system catches up with the world of the internet. It is being asked, and legitimately, why the CEO of a portal should be held personally responsible for every violation of the Act or the content provider be held solely respon-

sible for everything that is put on the website. The action against Avnish Bajaj seems even more bizarre given that the portal only provides the interface for the buyer and seller. It can be nobody's point, surely, that each and every transaction must be checked among millions of bids on the internet. The entire episode will have done some good, however, if some long overdue attention can now be paid to these and other grey areas that specialists have pointed to in the ITA 2000, to little avail. There are issues pertaining to jurisdiction, checks and balances, intellectual property rights, and the extent of liability that wait to be addressed far more rigorously and relevantly.

The arrest of the teenager at the centre of the storm raises another set of questions about a system that hastens to punish rather than to educate. Punishment is a more convenient response. And, of course, it is far less hard work. In times when parents need to hire detectives to keep tabs on their children, the MMS scandal is more evidence of the yawning communication gap that may be opening up between parents and children, teachers and children. Young people are being introduced to new technologies and freedoms daily, with little or no effort to acquaint them with the norms that must mediate and regulate their use. Delhi Police's heavy-handed action is no solution. It seems more a part of the effort to avoid confronting the problem.

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INDIAN EXPRESS

অন্তর্জালের বিদ্রাট

কেনাবেচা ও নিলামের একটি ওয়েবসাইটের মুখ্য কার্যনির্বাহী প্রশাসককে গ্রেফতার করিয়া পক্ষ কালের হাজতবাস দেওয়া হইয়াছে। তাঁহার 'অপরাধ', ওই ওয়েবসাইট মারফত অশ্লীল ছবি কেনাবেচা হইয়াছে। যে কোনও জিনিসের মতো তথাকথিত অশ্লীল ছবিও একটি পণ্য, বিশ্বময় যাহার অসংখ্য ক্রেতা-উপভোক্তা রহিয়াছে। কোনটি অশ্লীল, কোনটি অশ্লীল, সেই সংজ্ঞাবিভ্রাট ও তজ্জনিত বিতর্কে না গিয়া বলা যায়, বিতর্কিত ওই ছবিগুলি যৌন আবেদনমূলক। ওয়েবসাইটে যে ব্যক্তি ওই সব ছবি বিক্রির জন্য পেশ করিয়াছিল, নিলামে তাহার পণ্যের দর উঠিয়াছিল এবং যে বেশি দর দিয়াছে, সে তাহা কিনিয়াছে। ওয়েবসাইটের মালিক বা পরিচালকের সহিত এই লেনদেনের সম্পর্ক থাকিতে পারে, নাও পারে। থাকিলেও তাহা তদন্ত ও প্রমাণসাপেক্ষ। সেই তদন্তের জন্য সরাসরি ওয়েবসাইটের মালিককে গ্রেফতার করিয়া হাজতে ভরিয়া দেওয়া বাড়াবাড়ি নয় কি? বিশেষত যখন সংশ্লিষ্ট পরিচালক পুলিশি তদন্তে সাহায্য করিতে স্বতঃপ্রসঙ্গিত হইয়া আমেরিকা হইতে ভারতে আসিয়াছিলেন?

ইন্টারনেট ও জাহার অসংখ্য ওয়েবসাইট এক অত্যাশ্চর্য মুক্ত দুনিয়া, যেখানে যে-কোনও তথ্য যে-কেহ ইচ্ছা করিলে পাইতে পারে। ইহাতে কেনাবেচার ওয়েবসাইটগুলিও ততটাই অবাধ। যে-কেহ উপযুক্ত মূল্য দিয়া যে-কোনও জিনিস কিনিতে পারে। এই বাধাহীনতার সুযোগ যে অপব্যবহৃত হইবার সম্ভাবনা থাকে, তাহা নিশ্চিত। দিল্লি পাবলিক স্কুলের দুই ছাত্রছাত্রীর মিলনদৃশ্যের 'ভিডিও-ক্লিপ' যদি আই আই টি-র ছাত্র ওয়েবসাইট মারফত বিক্রয় করিয়া পয়সা রোজগার করে, তবে তাহা নিশ্চয়ই অপব্যবহার। কিন্তু পুলিশ আগ বাড়াইয়া ওয়েবসাইটের পরিচালককে গ্রেফতার করায় রাষ্ট্রের অনভিপ্রেত হস্তক্ষেপের বিষয়টি সামনে চলিয়া আসিয়াছে। বিশেষত যদি মনে রাখা যায় যে, সংশ্লিষ্ট ওয়েবসাইটটি 'দোষী'দের আড়াল করার চেষ্টা না করিয়া বিক্রতার নাম-ঠিকানা-ফোন নম্বর পুলিশকে দিয়া তদন্তে সাহায্য করিয়াছে। পত্রপাঠ সাইট হইতে বিতর্কিত ভিডিও ক্লিপ মুছিয়া নৈতিক সদিচ্ছারও পরিচয় দিয়াছে। তাহার পরেও নিশ্চয়ই দেশের আইন মোতাবেক বিচারের যুক্তি আছে। কিন্তু সে জন্য বিচারের আগেই শাসনের অতিরিক্ত প্রকোপ ঘটিতেছে না তো?

আসলে তথ্য-প্রযুক্তি ক্ষেত্রে গত কয়েক বছরে যে বিপ্লব হইয়াছে, ভারতের মতো তৃতীয় বিশ্বের দেশগুলির রাজনীতিক ও সমাজপতিরা তাহার সহিত তাল রাখিতে পারেন নাই। তাই ভারতীয় বেশ কিছু সংস্থা তথ্য-প্রযুক্তিতে আন্তর্জাতিক মান স্পর্শ করিলেও এ বিষয়ে আইন ও তাহার অনুচ্ছেদগুলি এখনও স্পষ্ট নয়। ভারতীয় শিল্পবাণিজ্যের কর্ণধারদের বিভিন্ন সংস্থা ওয়েবসাইটের পরিচালকের গ্রেফতারির ঘটনায় বিস্ময় ও স্কাভ প্রকাশ করিয়া এ সংক্রান্ত আইনের স্পষ্টতা দাবি করিয়াছেন। আজিকার পরিভাষায় যাহাকে 'সাইবার-ক্রাইম' বলা হয়, তাহার সংজ্ঞা এবং বিস্তৃতি সম্পর্কে পুলিশের কোনও ধারণাই নাই। আইনপ্রণেতাদেরও কি আছে? তাঁহারা তো সব ব্যাপারেই এখনও পুরানো ধারণা আঁকড়াইয়া রহিয়াছেন। ইন্টারনেট ও তাহার ওয়েবসাইটগুলি যে তথ্য আদানপ্রদানের এক অবাধ মাধ্যম, ইহাকে যে পুলিশ বা আইনের রক্তচক্ষু দিয়া বেশি দূর পর্যন্ত নিয়ন্ত্রণ করা যায় না, সেই নিয়ন্ত্রণ পাশ কাটাইবারও যে নানা প্রযুক্তিসিদ্ধ পন্থাপদ্ধতি রহিয়াছে, ইহা তাঁহাদের অনেকেরই অজানা। সর্বোপরি মানসিকতার প্রশ্নেও তাঁহাদের সমস্যা আছে। উনিশ শতকের মানসিকতা ও নৈতিক মানদণ্ড দিয়া একবিংশ শতকের ঘটনা ও বাস্তবতাকে মাপিতে গেলে পদে-পদে হেঁচট খাওয়া অনিবার্য। তাই রাজনীতিক নেতাদেরও দেখা যায়, তাঁহাদের অপছন্দের কিংবা তাঁহাদের প্রতি বিদ্বেষমূলক কোনও বক্তব্য ই-মেল মারফত প্রচারিত হইলে তাঁহারা তৎক্ষণাৎ নগরকোটালকে পাঠাইয়া দেন। তথ্যপ্রযুক্তির অপব্যবহার বিষয়ে আইন প্রণয়ন বা পরিমার্জনের সময় তাই পরিবর্তিত প্রেক্ষিতে ব্যক্তির স্বাধীনতা ও অধিকারের বিষয়টিও মাথায় রাখা দরকার। এ প্রসঙ্গেই ধৃত পরিচালকের বিচারবিভাগীয় হাজতবাস লইয়া দেশের বিশিষ্ট আইনজীবীরাও প্রশ্ন তুলিয়াছেন। যিনি নিজেই যাবতীয় তথ্য লইয়া তদন্তে সাহায্য করিতে আগাইয়া আসিয়াছিলেন, তাঁহাকে 'জিজ্ঞাসাবাদ'-এর জন্য হাজতে রাখার বিধান কেন?

Back from Nepal, MMS boy held

HT Correspondent
New Delhi, December 19

THE 17-YEAR-OLD boy who had filmed his sex act with a classmate on his cell-phone was arrested on Sunday evening. The Delhi Public School (DPS) student had been on the run since Friday, when a non-bailable warrant was issued against him.

The Delhi Police arrested the boy — who is not being named because he will be tried under the Juvenile Justice Act 2000 which forbids the naming of minors — as soon as he landed in Delhi from Nepal.

A Crime Branch team had visited the boy's home in south Delhi's De-

fence Colony on Friday and questioned his father (an exporter), mother, the servants and the watchman. The police had learned that the boy left for Nepal after the incident was reported in the media and would be returning to Delhi on Sunday.

A Crime Branch team was waiting for him when the Indian Airlines flight from Kathmandu landed at the Indira Gandhi International Airport at 5 pm on Sunday. The boy is likely to be produced in the juvenile court on Monday.

The Crime Branch needs to interrogate the boy to find out the identity of the people who may have circulated the MMS which not only reached IT

Kharagpur's local area network but also was auctioned on web portal baazee.com.

The police have scanned the boy's cell-phone records and discovered that within days of filming the clip, he sent three messages, each of 100 seconds. They say the clip was sold to a professional for Rs 10,000.

The CEO-cum-chairman of baazee.com, Avnish Bajaj — who was arrested on Friday in connection with the sale of the clip on the site — was sent to 14 days in judicial custody on Saturday.

Still in Tihar's prison number 3, Bajaj was sent to the prison's hospital after he complained of being unwell.

CLIP CRIME

if those arrested are convicted

- Bajaj (booked under Sec 67 of IT Act) faces prison term of up to one year and/or a fine of up to Rs 1 lakh
- Ravi Raj Singh, IIT student (booked under sections 292/294 IPC, Sec 67 of IT Act), faces a prison term of between six months and two years and/or a fine of Rs 10,000
- DPS student (booked under Sec 292/294 IPC), being a minor, will be tried under Juvenile Justice Act 2000. Will be sent to correctional home

20 DEC 2004

THE HINDUSTAN TIMES

Media HD 19/12 Website chief remanded 19/12

By Our Staff Reporter

NEW DELHI, DEC. 18. Even as a city court today remanded Avnish Bajaj, Chief Executive Officer of the auction website, baazee.com to judicial custody, the police are yet to execute the arrest warrant on the boy who had allegedly made the video clipping and circulated it. Mr. Bajaj had been arrested by the Delhi police in connection with the multi-media messaging scandal involving two school students.

A police officer claimed that the warrant obtained by the police from the court on Friday had not been executed as they were studying the legal provisions related to the arrest of a juvenile. He, however, dismissed

as speculation reports that the boy had left Delhi to avoid the warrant being served on him.

Earlier, Ravi Raj, a student of the Indian Institute of Technology, Kharagpur, was the first person to be arrested in the case. Police alleged that he posted the video clip for sale on baazee.com on November 26. Over the next two days, eight persons bought the clipping online after which the deal was closed. The site managers had reportedly told the police that they had forgotten to close the particular window and that they had also warned Mr. Ravi to take the clip off the site.

However, police sources claimed that it was done only after a case was registered. A

media report on December 6 highlighted that sleazy material was openly on sale through the site after which the case was registered.

The police have examined two of the buyers based in Delhi and decided not to take action against them as they had neither forwarded the clipping nor sold it to any other person. The other buyers, who are based outside Delhi, will be questioned. A couple of buyers are reported to be from Bangalore.

The website has expressed shock and surprise over Mr. Bajaj's arrest. In a statement issued on Friday, Deepa Thomas, Manager (Corporate Communications), baazee.com, said: "We have been working closely with the Delhi police and fully cooperating with them since they contacted us on December 9. In fact, Mr. Bajaj went to Delhi from our Mumbai office to aid the police in every way."

The statement said that a seller had put up a prohibited item in contravention of the user agreement and that it was taken off the site as soon as baazee.com was notified of it. Also, thousands of items were listed on the site and they were all independent entries. They were not verified or authenticated by the site managers.

U.S.' Interest: Page 8



The Chief Executive Officer of baazee.com, Avnish Bajaj (centre), being produced at the Patiala House Courts in New Delhi on Saturday. — PTI

High drama over Baazee CEO's bail plea

STATESMAN NEWS SERVICE

NEW DELHI, Dec. 18. — The bail application of *Baazee.com* chairman and chief executive officer Avnish Bajaj was rejected by a Delhi court today. He was arrested yesterday by the Delhi Police on the charge of allowing the sale and bidding of the MMS clip on the Web. He has been remanded in judicial custody till 24 December.

However, the bail was rejected amidst high drama. When the defence counsel, Mr Dinesh Mathur, moved the bail applica-

tion, Delhi Police didn't argue against it. The court then reserved the order. When the court resumed, police claimed that it was not seeking further remand but continues to oppose the bail.

What really transpired was that when prosecution refused to seek police custody of the accused, the electronic media flashed the news that "Delhi Police has not opposed the bail".

On seeing the news report, top brass of the Delhi Police directed the prosecution that Avnish Bajaj

is not required for questioning but his bail application should be opposed.

The defence counsel claimed that the offence was committed by the IIT student — Ravi Raj — and not by his client. "As soon as it (MMS clip) was noticed, it was removed from the website. *Baazee* warned its subscribers that they should not sell or purchase obscene or pornographic material through the portal," said Mr Mathur. "More than 75,000 subscribers log in everyday and its not possible for the portal to check

each and every item on sale," he added.

Assistant public prosecutor Mr Inder Kumar said police has questioned its investigation. When the court resumed, another public prosecutor, Mr Pankaj Bhatia, said: "Avnish has been questioned in Mumbai and in Delhi but we oppose grant of bail to the accused."

After hearing the prosecution and defence, metropolitan magistrate Mrs Nivedita Anil Sharma remanded Avnish to judicial custody.

The court observed: "The offence is grave and more arrests are likely. Investigations are at a preliminary stage." Another accused, Ravi Raj — whose police custody ended on Saturday — was also sent to Tihar Jail.

DPS RK Puram today moved a "participatory application" in a Delhi court asking that the school should be informed in advance whenever its name is dragged in the case. The move by the school follows reports appearing in the Press that its students were involved in the MMS clip.

Baazee boss denied bail, sent to jail



Baazee.com CEO Avnish Bajaj being escorted to a New Delhi court on Saturday. KAUSHIK RAMASWAMY/HT

HT Correspondent
New Delhi, December 18

AMID HIGH drama, twists in the plot and U-turns by the prosecution, a city court dismissed the bail plea of Baazee.com CEO Avnish Bajaj and remanded him to judicial custody till December 24.

Saturday was a tough day for the young CEO, who had to wait for hours in a jam-packed courtroom before being produced before the court. Arriving around 11 am, a tired-looking Bajaj was seen taking a quick nap till around 3.15 pm, when he was finally produced before metropolitan magistrate Nivedita Anil Sharma.

Interestingly, while Bajaj's application was dismissed by the court, which observed that the investigation was still incomplete and that the offences alleged against him did not warrant grant of bail, the case's proceeding saw

many changes of stand by the prosecution.

The high point of the courtroom drama was a sudden U-turn by the prosecution. While initially, additional public prosecutor Indender Kumar told the court that the police had no objection to the accused being released on bail, minutes later another additional public prosecutor told the court that they had only conceded that the accused had been called for interrogation prior to his arrest.

Apparently, the court recorded and took notice of this U-turn, while remanding Bajaj to judicial remand.

While the defence counsel contended that section 79 (1) of Information Technology Act exempted the network service provider from any liability provided that the alleged offence was committed without his or her knowledge or that the service provider

had exercised due diligence to prevent the commission of such offence, the court observed that this had to be proved by way of leading evidence at the stage of trial.

Ravi Raj, a final year student of IIT-Kharagpur and the first person to be arrested in the sensational case, was also sent to judicial custody till December 24 after expiry of his police remand.

Meanwhile, DPS counsel Puneet Mittal moved an application before the court seeking a direction that no person other than the parties to the case should be allowed to attend the proceedings. Terming the reports on the case as "disturbing and defamatory", it said these "are causing grave mental trauma and stress to the students".

It, however, said the probe should be taken to its logical end and all guilty dealt with sternly. The court did not pass any order on the plea.

Web master in smut sale net

Fr 18/12/04

WHO STANDS WHERE

AVNISH BAJAJ

The chief executive of Baazee was arrested for allowing transmission of obscene material. The website has been accused of permitting the sale of eight compact discs featuring the school students' sexual act



Baazee: Started by Avnish and Suvir Sagan, both Harvard Business School graduates, the portal began Indian operations in January 2000. Surviving a bloodbath in which most dotcom companies sank, *baazee.com* became the biggest virtual marketplace where anyone can sell or buy almost anything. In June this year, eBay, the world's biggest online auctioneer, acquired Baazee for \$50 million

baazee.com

RAVIRAJ

The IIT student has been arrested and remanded in police custody for selling the smutty clips on *baazee.com*



THE BOY

Police have secured a warrant against the Class XI student, suspected to have indulged in and shot the sexual escapade with the girl. As he is a juvenile, the police have not yet named him. Son of a businessman, the boy is a cricket player and was part of the Delhi Under-17 team

THE GIRL

She has gone abroad after the scandal broke and she was expelled from school. The police said she might be questioned if necessary

OUR BUREAU

Dec. 17: From public school products to an IIT student to a multi-millionaire alumnus from Harvard.

The school sex clip scandal shared its most high-profile victim yet with Delhi police arresting today the chief executive officer of Baazee, which runs the online auction site on which video discs of the escapade were sold by the IIT student.

Police also secured a warrant against a former student of DPS, R.K. Puram, who is suspected to have indulged in the sexual act with a classmate and shot it on a mobile phone — the first legal step related to either of the two directly involved in the scandal.

Baazee chairman and CEO Avnish Bajaj, an India-born US citizen, was arrested under Section 67 of the Information Technology Act which prohibits transmission of obscene material through electronic media.

"We have taken action against *baazee.com* (the name of Baazee's site) because during our investigation we gathered evidence that the portal did not exercise due diligence and allowed the clip to be put

on sale on their website," said Prabhakar, the deputy commissioner of the economic offences wing of Delhi police.

Baazee tonight expressed shock and outrage over the arrest. "It is distressing and unacceptable that the police have chosen to misdirect their energies towards Bajaj and not to the thousands of small sellers in Delhi and other places where these and other clips are being sold in roadside shops," it said in a statement.

"We have extended all cooperation to the Delhi police team both in Mumbai and in Delhi to capture the offender." The portal, which acts as a meeting ground for buyers and sellers, had said it removed the clip, which was camouflaged among magazines and books, as soon its "community watch programme" detected the sleazy merchandise.

Others running shopping sites said the model used by the portal makes it almost impossible to keep track of the items being sold. "It's unfair to hold the website responsible because a company like Baazee has adopted a C-to-C (customer-to-customer) e-commerce platform. On such a platform, it is

virtually impossible to check all the products that are on sale," said K. Vaitheswaram, chief operating officer of Fabmall, a shopping site. Fabmall uses a B-to-C (business-to-customer) e-commerce platform, which sells products from branded companies, he said.

Baazee's Bajaj was summoned by Delhi police from the US two days ago and was arrested after it was established that eight CDs of the lewd clip were sold on the site. The focus has also shifted to the teenager against whom the warrant has been issued. Since he is a juvenile, the police have not yet decided whether to execute the warrant. The police said they would initially focus on whether the boy, who has joined another school after being expelled from DPS, had a role in circulating and selling the clip.

The boy is an avid cricketer — a middle-order batsman as well as a medium pacer — and was part of the Delhi Under-17 cricket squad. He was scheduled to play in a tournament in Himachal Pradesh recently but he spared the organisers the blushes by producing a letter from his family citing poor health.

Bazee.com CEO held for allowing sleaze sale

NEW DELHI, Dec. 17. — The chairman and CEO of *Bazee.com*, Avnish Bajaj, was arrested today by the Delhi Police for allowing the sale and bidding of the controversial MMS clip on his auction site. The arrest of the boy — who filmed his girlfriend during a sexual act — also seems imminent as police has secured warrants from a juvenile court.

Since Thursday, "the wonder boy of the dot.com biz" was subjected to hours of questioning. He was specifically asked why his site allowed sale of pornographic material. Bajaj's reply that "it's not possible to screen and check every article on *Bazee.com*" didn't impress senior officers.

"He has been arrested under Section 67 of the IT Act," said the DCP, Economic Offences Wing, Mr Prabhakar. "Due diligence was not shown by the auction site as it allowed the bidding and sale of the video clip," he added. Police refused to say from where Bajaj was arrested except that he was nabbed in Delhi.

"No doubt that the boy is also involved in the crime. He is a juvenile and all legal guidelines will be followed before arresting, detaining or questioning him," said a police officer.

What has surprised police the most is the nonchalance of the boy's parents. Soon after he was expelled from the prominent south Delhi Public School, the

boy got admission in another elite school. His father is a big time exporter and a property developer. "If the need arises, we will also examine his parents," said an officer.

Armed with advanced software, police said even if the boy had deleted the MMS clip from his mobile phone they can retrieve it easily. "If he is ever arrested, then he will be booked for selling and transferring the MMS clip," he added. The probe is still at the preliminary stage. Over 40 websites and search engines have been identified, where the DPS clip is still available "Any person found involved in the case will be prosecuted," said an officer. — SNS

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THE STATESMAN

মোবাইল-দৌরাখ্য বেড়ে চলেছে, আইন ঠুটো

স্টাফ রিপোর্টার, নয়াদিল্লি, ২১ ডিসেম্বর: দিল্লির স্কুলের দুই ছাত্রছাত্রীকে দিয়ে যা শুরু, গোপনে ছবি তুলে প্রচারের ঘটনা শেষ হওয়ার কোনও লক্ষণ দেখা যাচ্ছে না।

দুই ছাত্রছাত্রীর অন্তরঙ্গ ছবির পরে এ বার যোগ হয়েছে দক্ষিণ ভারতীয় অভিনেত্রী তৃষার স্নান-দৃশ্য। হোটেলের বাথরুমে তাঁর স্নান করার ছবি লুকোনো ক্যামেরায় তুলে ওয়েবসাইটের মাধ্যমে বিক্রি করা হচ্ছিল। জানাজানি হওয়ায় এখন চেম্বাই পুলিশ তদন্তে নেমেছে। এক টিভি চ্যানেলেও ছবিগুলি দেখানো হয়েছে। ওয়েবসাইট থেকে এখন তুলে নেওয়া হয়েছে ছবিগুলি।

আগরায় আবার অন্য রূপে ধরা পড়েছে সাইবার-যৌনতা। শহরের দু'টি সাইবার ক্যাফেতে হানা দিয়ে পুলিশ কাল গ্রেফতার করেছে ৪০ জন স্কুলপড়ুয়াকে। সাইবার ক্যাফেতে তারা

পর্নোগ্রাফি দেখছিল বলে অভিযোগ। পুলিশের বক্তব্য, কিছু ক্ষেত্রে ছাত্রছাত্রীরা ঘনিষ্ঠ অবস্থায় ধরা পড়ে।

এ দিকে, দিল্লির সেই স্কুলছাত্রকে ৪ জানুয়ারি পর্যন্ত একটি স্পেস্‌হাসেবী সংস্থার তত্ত্বাবধানে হোমে রাখার নির্দেশ দিয়েছে জুভেনাইল জাস্টিস বোর্ড। পুলিশ বোর্ডকে জানিয়েছে, ওই ছাত্রটি যে-মোবাইল ফোনের সাহায্যে ঘনিষ্ঠ ছবি তুলে এম এম এস পাঠিয়েছিল, সেই ফোনটি সে নষ্ট করে ফেলেছে। কাল তার জামিনের আর্জির শুনানি হবে। নাবালক ছাত্রের সামাজিক তদন্ত রিপোর্ট (এস আই আর)-এর উপরে নির্ভর করছে তার জামিনের আর্জির ভাগ্য। নাবালক ছাত্রকে নিয়ে বেশি হইচই করায় একটি কাগজকে শো-কজ করেছে জুভেনাইল বোর্ড। বিষয়টি নিয়ে প্রেস কাউন্সিলকেও ভাবতে বলেছে তারা।

আগরার কেন্দ্রস্থলে সঞ্জয় বাণিজ্যিক সেন্টারের দু'টি ক্যাফেতে অশ্লীল ছবি দেখানো হচ্ছে বলে কিছু দিন আগে পুলিশের কাছে অভিযোগ আসে। আটঘাট বেঁধে কাল পুলিশ হানা দিলে দেখা যায়, ক্যাফের অনেক খুপরিতে কম্পিউটারও নেই। ঘনিষ্ঠ অবস্থায় বসে রয়েছে ছাত্রছাত্রীরা। একটি কম্পিউটারে এমনকী 'ব্লু ফিল্ম'-এর সি ডি চলছিল। পুলিশ সূত্রে বলা হয়েছে, স্কুলে যাওয়ার নাম করে অনেকে সকালেই চলে আসত ক্যাফেতে। ছাত্রীদের ছেড়ে দেওয়া হলেও ছাত্রদের জেরা করা হয়েছে।

মোবাইল-ক্যামেরার দৌরাখ্য ঠেকাতে ইতিমধ্যেই সক্রিয় হয়েছে দিল্লির বেশ কয়েকটি পাঁচ তারা হোটেল এবং স্বাস্থ্যকেন্দ্র। ওবেরয়, হায়াত প্রভৃতি হোটেলে স্বাস্থ্যকেন্দ্র এবং সুইমিং পুলের আশেপাশে

ক্যামেরা-সহ মোবাইল নিষিদ্ধ ঘোষণা করা হয়েছে। রাজধানীর অভিজাত এলাকা ডিফেন্স কলোনিতে স্পা-কেন্দ্রের ভিতরেও মোবাইল আনতে বারণ করা হয়েছে সদস্যদের। সেলুলার পরিষেবা সংস্থাগুলিও নড়েচড়ে বসেছে। ভারতী টেলিভিভিওয়ের অন্যতম ডিরেক্টর অতুল বিন্দাল আজ বলেন, "আমরা এখন আগের থেকে অবশ্যই বেশি সতর্ক থাকছি। নজর রাখা হচ্ছে, কী কী এম এম এস যাচ্ছে। নেটে কী এম এম এস বিক্রি হচ্ছে, সেটাও প্রতিনিয়ত খতিয়ে দেখছি।"

একের পর এক মোবাইল-দৌরাখ্যের ঘটনা প্রকাশ্যে এলেও আপাতত কেন্দ্র এই সংক্রান্ত আইন পাল্টানোর কথা ভাবছে না। আইন মঞ্জুরের বক্তব্য, অশ্লীলতা আটকাতে এবং ব্যক্তিগত গোপনীয়তা রক্ষা করতে যা আইন আছে, তা-ই যথেষ্ট।

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ANADABAZAR PATRIKA

নব প্রজন্মের মোবাইল-যৌনতা ভাবাচ্ছে বিশেষজ্ঞদেরও

সোমা মুখোপাধ্যায়

কলকাতার কলেজপুত্রদের যৌনজীবন সম্পর্কে সমীক্ষা করতে গিয়ে উদ্বেগজনক পরিসংখ্যান হাজির করেছে আমেরিকার এক বিশ্ববিদ্যালয়। সমীক্ষার ফলাফলে উদ্ভিন্ন হয়ে বিষয়টি নিয়ে ফের তথ্য সংগ্রহ শুরু করতে চলেছে ইন্ডিয়ান ইনস্টিটিউট অব বায়ো বিহেভোরিয়াল সায়েন্সেস (আই আই বি বি এস)।

প্রতিষ্ঠানের অধিকর্তা রঞ্জিত বসু জানান, এ দেশের এক সংস্থাকে দিয়ে সমীক্ষাটি করিয়েছে মার্কিন মুলুকের পার্দু বিশ্ববিদ্যালয়। সেখানে বলা হচ্ছে, কলকাতা শহরে কলেজপুত্ররা মেয়েদের ৪৮ শতাংশের যৌন সম্পর্কের অভিজ্ঞতা রয়েছে। আর সেই ৪৮ শতাংশের মধ্যে শতকরা ৬০ ভাগ মেয়ের আবার একাধিক যৌনসঙ্গী রয়েছে। স্কুল ও কলেজপুত্ররা ছেলেমেয়ের মধ্যে যৌনতার প্রতি আকর্ষণ সত্যিই

কতটা তীব্র হয়ে উঠেছে, এবং তা থেকে কোনও অপরাধ জন্ম নিচ্ছে কি না, আই আই বি বি এস এ বার নিজেই তা খতিয়ে দেখতে চলেছে। এডস ঠেকাতে সরকারি-বেসরকারি তরফে এত প্রচারণার পরেও ছাত্রছাত্রী মহলকে সচেতন করা যাচ্ছে কি না, সেটাই যাচাই করতে উদ্যোগী হয়েছে এই প্রতিষ্ঠান।

স্কুল-কলেজপুত্রদের যৌন জীবন এই মুহূর্তে সংবাদ শিরোনামে। দিল্লির স্কুল থেকে খড়্গপুর আই আই টি। মোবাইল ফোন ব্যবহার করে একের পর এক যৌন কলেক্টারির ঘটনা মধ্যবিশু চিন্তা-ভাবনাকে একেবারে শিকড় থেকে আলোড়িত করার পক্ষে যথেষ্ট। স্কুলের দুই ছাত্রছাত্রী জড়িয়ে পড়ছে শারীরিক সম্পর্কে, আর তার পরে সেই ছবি মোবাইলে তুলে ছেলেটি পাঠাচ্ছে তার অন্যান্য সহপাঠীকে। ঘটনা এখানেই শেষ নয়। কারণ, মোবাইল থেকে পাঠানো সেই ছবি নিয়ে ইন্টারনেটে বিক্রি করে হাতেমতে ধরা পড়ল যে, সে আই আই টি-র ছাত্র।

মনস্তাত্ত্বিকদের মতে, যৌনতা সম্পর্কে আঙ্গেকার ঢাক-ঢাক গুড়-গুড় কেটেছে। চারদিকে একটা খোলা হাওয়া। তাই তার ভাল আর মন্দ— দু'রকম ফলই হাতেমতে পাওয়া যাচ্ছে। আর মোবাইল ফোনকে যৌন বিকৃতির একটা পথ হিসাবে বেছে নেওয়ার ঘটনা যে এ রাজ্যে, এ শহরেও ঘটছে, তার নমুনা

স্কুল-শিক্ষকেরা যেমন হামেশা দেখছেন, তেমন দেখছেন মনোরোগ চিকিৎসকেরাও। অধিকাংশ স্কুলেই মোবাইল ফোনের ব্যবহার নিষিদ্ধ করে লেটিস দেওয়া রয়েছে। কিন্তু সেই নোটসিকে পাশ কাটিয়েই চলছে মোবাইলের যথেষ্ট ব্যবহার। কলকাতার এক নামী স্কুলের শিক্ষক জানিয়েছেন, তাঁরা এমন অন্তত ১০ জনকে পেয়েছেন, যারা ফোনটি বন্ধ করে ব্যাগে রেখে প্রয়োজনমতো ব্যবহার করত। তাঁর বক্তব্য, “নিয়মিত ব্যাগ ভল্লানি তো সম্ভব নয়।”

‘সম্ভব নয়’ বলেই বহু জায়গায় অবশ্যে চলছে মোবাইল ব্যবহার। অভিভাবকেরা, যাঁরা সম্ভবনাকে

এমন জন্মদিনেও মোবাইল সেট উপহার দিচ্ছেন, তাঁদের যুক্তি, “স্কুল থেকে কোটিং— ছেলেমেয়েদের অনেক যোরাঘুরি করতে হয়। রাস্তাঘাটে বিপদ হল কি না, খোঁজ রাখতে মোবাইল খুবই জরুরি।”

যদিও এই যুক্তিকে একেবারেই উড়িয়ে দিয়েছেন মনোরোগ বিশেষজ্ঞেরা। রঞ্জিতবাবুর বক্তব্য, “সময় দ্রুত বদলাচ্ছে। আর এ জন্যই কিছু কিছু ক্ষেত্রে নিয়ন্ত্রণ জরুরি। এখন যেমন মোবাইলের ব্যবহার তাঁর মতে, “একটা নির্দিষ্ট বয়স পর্যন্ত মোবাইল ব্যবহার নিষিদ্ধ করা উচিত। সরকারি নিষেধাজ্ঞাও প্রয়োজন।”

মনোরোগ বিশেষজ্ঞ জ্যোতির্ময় সমাজদার বলেন, “মোবাইলে অনেক কিছু উদ্ভিন্দনোড় করা যায়। অল্পীল এস এম এস পাঠানোর প্রবণতাও বেড়েছে।” শুধু মোবাইলে নয়, স্কুল, কলেজপুত্রদের মধ্যে যৌনতা নানা ভাবে ছড়াচ্ছে বলে তাঁর অভিমত। “এখন এরা নিজেদের যৌন সম্পর্ক নিয়ে মা-বাবার সঙ্গেও যে ভাবে কথা বলে, আমরা ভাবতেই পারতাম না! আমরা

চেয়ারে এমন অনেক ছেলেমেয়েকে পাই, যারা সদ্য কলেজে ঢুকেছে। প্রেম নয়, অনেকে আফশোস শুধু বিপরীত লিঙ্গের সঙ্গী নেই বলে। আসলে এরা মাঝখানে পড়ে গেছে। সব ব্যাপারেই আধুনিকতার হাওয়া। কিন্তু পুরোটা আমরা নিতে পারিনি এখনও।”— বলেন জ্যোতির্ময়বাবু।

স্কুলের ফাঁকা করিডরে ছাত্রছাত্রীদের কথোপকথন শুনে নিজের অসহায়তার কথা জানিয়েছেন এক শিক্ষিকা। তাঁর মন্তব্য, “আমাদের ঠিক কী করা উচিত, বঝতে পারি না। স্কুলের টয়লেটগুলোর দেওয়ালের যে কী হাল, ভাবা যায় না।” যৌনশিক্ষা চালু হলে এ সব কমবে, তা মনে করছেন না সমাজতত্ত্ববিদ প্রশান্ত রায়। ওর কথায়, “যে সমাজে পয়সা ফেললে মেশিন থেকে কড়াম মিলে, সেখানে ধরেই নেওয়া হয়, অবাধ যৌন সংসর্গ এড়ানো যাবে না। সেসব এড়াকেশনও তাই। জানাটা জরুরি। কিন্তু জানলেই দিল্লির মতো ঘটনা কমবে, তা ভাবার কারণ নেই।”

15 DEC 2004

Browse elite varsity libraries through Google's reading room

Associated Press

San Francisco, December 14

GOOGLE IS trying to establish an online reading room for five major libraries by scanning stacks of hard-to-find books into its widely used Internet search engine.

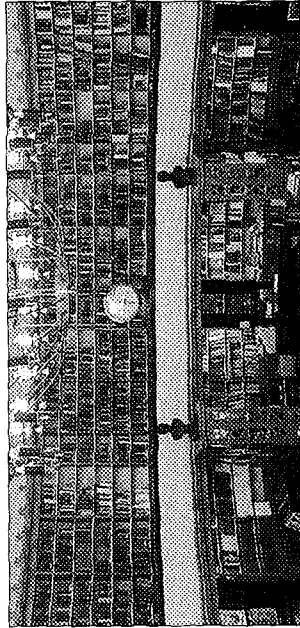
The ambitious initiative announced late on Monday gives Google the right to index material from the New York public library as well as libraries at four universities — Harvard, Stanford, Michigan and Oxford in England.

The Michigan and Stanford libraries are the only two so far to agree to submit all their material to Google's scanners. The New York library is allowing Google to include a small portion of its books no longer covered by copyright while Harvard is confining its participation to 40,000 volumes so it can gauge how well the process works. Oxford wants Google to scan all its books originally published before 1901.

Scanning books so they can be read through comput-

ers isn't new. Both Google and Amazon.com already have programs that offer online glimpses of new books while an assortment of other sites for several years have provided digital access to some material in libraries scattered around the country.

But Google's latest commitment could have the biggest impact yet, given the breadth of material that the company hopes to put into its search engine, which has become renowned for its processing speed, ease of



Forget library visits, rare books are now just a click away.

use and accuracy. "It's a significant opportunity to bring our material to the rest of the world," said Paul LeClerc, president of the New York Public Library. "It

could solve an old problem: If people can't get to us, how can we get to them?"

Librarians are also excited about the prospect of creating a digital record for the reams of valuable material written long before computers were conceived. "This is the day the world changes," said John Wilkin, a University of Michigan librarian working with Google. "It will be disruptive because some people will worry that this is the beginning of the end of libraries. But this is

something we have to do to revitalise the profession and make it more meaningful."

The project gives Google's search engine another potential drawing card as it faces stiffening competition for Yahoo Inc. and Microsoft Corp's MSN.

Scanning the library books figures to be a daunting task, even for a cutting edge company such as Google, whose online index of 8 billion Web pages already has revolutionised the way people look for information.

Michigan's library alone contains 7 million of its library volumes — about 132 miles of books. Google hopes to get the job done at Michigan within six years, Wilkin said. Harvard's library is even larger with 15 million volumes. Virtually all of that material will be off limits till Google shows it can scan the material without losing or damaging anything, said Harvard professor Sidney Verba, who also is director of the university's library.

Veer-Zara: Indo-Pak ties that bind

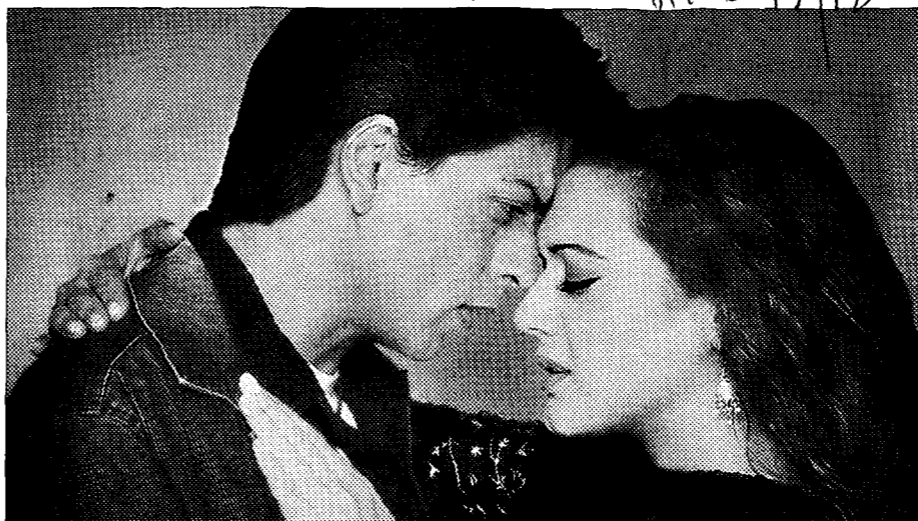
The offering from Bollywood's dream factory emphasises rapprochement, exchange, invites border crossing and also a blurring of boundaries

THIS IS an invitation to a reading of a popular movie *Veer-Zara*, which I saw in a non-multiplex theatre on Id at Ahmedabad. I found it strangely moving, providing a touch of the familiar, but creating a sense of new. If *Gadar* opened the scabs of partition but allowed people to speak of it, and *Border* poured salt on old wounds, *Veer-Zara* offers the possibility of moving beyond the Partition. It uses old bottles to create new wines, new ferments of thought and possibility. *Veer-Zara* is not a great film, just a good one, but it shows how standard Bollywood can become the crystal seed of rapprochement, of creating new narratives of healing. It replaces the old myth of Partition as a genocidal narrative of violence, displacement vivisection with a new creation myth of reconciliation.

The narrative is a predictable one, a story of love between an Indian Air Force officer Veer Pratap Singh and a Pakistani girl, Zara Hayat Khan. Two lovers separated by family, state and history and yet it is the story of their eventual uniting. It is a story of how they are reunited after 23 years by a young Pakistani lawyer, a human rights activist obviously modelled on Asma Jahangir. A brilliant move, a third term to overcome dualism or even the comment of the people that it was about an Indian man and Pakistani women. Agency stretches beyond the patriarchal framework to an activist woman lawyer. Symbolically, it shows the necessity of third terms to break the current structure of the narrative.

Veer-Zara is like the old Heer-Ranjha romance. Only society is now different — but not too different. We confront the two Punjab, now claiming to be two different states. The similarities are overwhelming. There are full shots of the fields, of dances, of the festivity of Punjab.

A new myth needs an old one to anchor it, an old myth with the vitality of tradition but pulsing with a new kind of power. The roles of Veer's parents are enacted by Amitabh Bachchan and Hema Malini. It recalls a major romantic pair reinvented for the occasion. Hema/Amitabh add the verve, the zest of Hindi cinema to the energy of Punjabi



CROSSING OVER: *Veer-Zara* moves beyond Partition, creates new narratives of healing

hospitality. The calorific energy of this doubling is fantastic. Now our new Veer is reminiscent of the Veeru of *Sholay*. One movie feeds on the legendary power of the other to create a new take-off. There is a subtle breaking of stereotypes. When Zara visits Veer's village, it is she who notices that there is no school for girls. Veer's father quickly decides that the boys cricket pitch should be the place for a girl's school.

There is no demonology in the movie. Goodness is not the monopoly of one nation and evil the patent of the other. The cast of characters is familiar, stereotypical and yet believable. Beyond the absence of crudity, demonology, orientalism, there is a subtle shift of levels. The nation state is not ignored. Its power is evident. It is obvious in the fact of the separation of the states. And yet *Veer-Zara* is not a discourse of nation states but a discourse of people's civilisations and folk memory. The real deftness lies in switching the relation between the encompassing and the encompassed. Conventionally, the nation-state overwhelms the discourse of the people or civil society. Here it is a region's memory and style that is crucial. Partition is never seen as Partition, a division, a split, a transfer of power. The word used is *batwara*, a redistribution within a family. The emphasis is on familiarity even in difference. For Veer Pratap, the Pakistani landscape evokes the Punjabi landscape. They feel the same behind the stated difference. Suddenly within the nostalgia of landscape, Partition appears like an aberration.

While the sense of the boundary, the border is there, the boundary as metaphor gives way to the frontier. The idiom of the people, the notion of hospitality, of lost neighborhoods, similar landscapes overwhelms the language of the official nation-state.

Time and memory are very crucial to this politics. Chandrika Parmar's essay on Partition shows how memory contours different generations differently. The actual victims of Partition don't deal in stereotypes. They talk of memories trends, violence with all the complexity of the novel and the concreteness of a neighborhood. It is the third generation that turns most violent without any real memories of the partition. Parmar shows that ersatz memories are more violent than real memories and far more genocidal.

The film invites a new generation unburdened by Partition to rethink their history and their future. Foreign policy is suddenly generational. Agency is now with a new generation unburdened by the old politics, the old idioms of nation, ideology, party.

One must emphasise the radical possibility of the film in this context by contrasting it with the three other narratives that reflect on the Partition. The first is cricket. Cricket narratives always embody the sense of loss about Pakistan. They can be that great dream of the fast bowlers. What if Imran or Shoaib were to back up our spinners? Many of us in our adolescence have scripted a joint world-beating team, a batting team composed of Gavaskar, Sachin with a Hanif or a Zaheer. There is none of the colonial mix of masculine and

feminine but a dream of a synergy, of new combinations, almost but not really Utopian. But cricket reflects the loss without really bridging it. Cricket, in fact, thrives on the opposition of India and Pakistan. Any spectator will vouch that the Ashes are pale stuff compared to this great soap opera.

Then we have politics. But it is too official, too strategic, too caught up in the language of the nation state to leap into the future. The opposition of nation-state/civil society is too strong a grid and deaf to a people's redefinition of politics through landscape, hospitality, festivity and memory. The conceptual corsets of politics are too tight for Partition narratives to break out or spill over.

The media is ruthlessly event-based, and hysterical to reflect on the Partition. They see every event as historical, but without any sense of history. Media narratives are too fragmented, disconnected to overcome the logic of news. The media have no sense of a people's history of the Partition, and are wedded to statist narratives and their political correctness.

Only Bollywood combines myth and history. Only Bollywood knows how to reshuffle events to create emergence, a new possibility, a new event unfolding from the old. A film can be openly contradictory and open about contradictions and yet contain them. It can reshuffle themes. It understands the nature of memory and emotion, while recognising the emotional has a logic. And that is what *Veer-Zara* does. It emphasises on rapprochement, exchange, invites border crossing and also a blurring of boundaries. It emphasises that Pakistan is both an old self and lost other, and suddenly one salutes the Muslims who stayed back, and who now whistle exuberantly through the film.

As Veer and Zara walk across the Wagah border, one recollects the old narratives of the Partition. One remembers Khushwant Singh's *The Train To Pakistan* or Manto's great short story which begins by stating the train from Amritsar to Lahore took ten hours to reach. The violence is left to our imagination. Today the train is replaced by a walk. It is as if Bollywood is repaying its first great historian. Manto, after all, wrote a lively book on it. The memory of the train yields to the everydayness of a walk. Visiting Pakistan is like visiting a neighbour, easy to drop in, stay on or move. Suddenly partitions, borders, police appear like old props which need to be discarded as love and people's memory and activism creates a new narrative. *Veer-Zara* is a celebration of this possibility.

(The writer is an eminent sociologist.)

Larger SC bench for media row

R. VENKATARAMAN

New Delhi, Dec. 9: The Supreme Court today referred to a seven-judge constitution bench the question of the "right to comment/report/criticise legislative proceedings and the right of privilege of the legislature".

The issue arises from the Tamil Nadu Assembly's resolution last year sentencing six journalists to imprisonment for breach of privilege.

The Speaker had sentenced five senior journalists of a newspaper, as well as the editor of the DMK mouthpiece *Murasoli* to seven days' imprisonment for the offence.

A five-judge constitution bench comprising Chief Justice R.C. Lahoti and Justices B.N. Agrawal, H.K. Sema, G.P. Mathur and P.K. Balasub-

ramanyam referred the matter to a seven-judge bench today.

This followed submissions by senior counsel Harish Salve, appearing for the newspaper, that the Supreme Court had given conflicting rulings on the freedom of the press.

Salve cited a 1954 case in which the apex court had ruled that privilege of a state legislature would not bind freedom of speech and expression guaranteed as a fundamental right under Article 19(1).

But a 1965 judgment said that though the privileges of the House were subject to the right to life guaranteed under Article 21, the right to free speech under Article 19 could not come in the way of the House deciding an issue relating to its privileges.

This in effect meant that a journalist or citizen could not report, comment and/or criticise any part of the legislative proceedings if the Speaker so desired.

Salve said "even the portions expunged by the Speaker" could be reported and commented on by the media in its "right to know and inform".

He added that the public had the right to know why a particular portion of the proceedings had been expunged.

The counsel said the Assembly had later revoked its own November 7, 2003 resolution in which it found the six journalists guilty of breach of privilege and sentenced them to seven days' imprisonment. But the larger question of media freedom had not been

resolved, he said.

Appearing for the Centre, solicitor-general G.E. Vahnavati said this was a sensitive issue.

As the cause of action no longer existed - since the arrest resolution had been revoked - there was no need for the court to go into the issue, he added.

At this, the court asked Vahnavati why Parliament had not framed a law to deal with this and why the court was having to "poke its nose" into the spat between the legislature and media.

Salve said laws relating to freedom of press, speech and expression had undergone a "sea change" worldwide as the media had been recognised as the "Fourth Estate of the realm".

He said the media in sever-

al countries reported and analysed even significant remarks that the Speaker may have expunged.

At this the bench said the freedom should be available to those who deserved it and the media too had its "responsibilities attached to the right" and should function within its limits.

"Protection available under Article 19 should be available only to those who deserve it. Should we not have a responsible press?" the chief justice asked Salve.

When Salve said the media had been recognised as the "fourth pillar of democracy", Lahoti responded: "This is not to be told to us alone. The media should also be told that they are the fourth pillars of the democracy and function in a responsible manner."

10 DEC 2004

THE TELEGRAPH

Make provisions strict to curb international call rerouting: panel

By Our Special Correspondent

NEW DELHI, DEC. 6. A high-level committee set up to examine the illegal international call rerouting controversy has recommended more stringent provisions, including registering cases against the operators for violating national security, to deal with the problem as the existing penalties are not a strong deterrent.

"Police action against illegal international long distance (ILD) operators under the existing provisions is not an effective deterrent," it noted in its report. It pointed out that the combination of the lax system and technological progress makes it easy for the offenders released on bail after a short stint in prison to restart their operations. The report, by a committee headed by a Telecom Regulatory Authority of India nominee and consisting of phone company representatives, was released by the Communist Party of India (Marxist) MP, Nilotpal Basu, at a news conference here today.

Large fines

The report wanted the grey traffic operators to be penalised by large fines and criminal proceedings under the Foreign Ex-

change Management Act, besides the Indian Penal Code and the Indian Telegraph Act. As national security was being compromised by sending calls whose origin is unknown, the committee wanted the Government to examine the possibility of booking the offenders under provisions dealing with national security.

"The offence should be made non-bailable since it may involve money laundering and depriving the country of foreign exchange. If it is established that an authorised operator is abetting the business of grey traffic, the licence should be terminated." The committee wanted the offenders blacklisted by the Government and barred from being awarded any licence in future.

Another report released by Mr. Basu noted that the Nepal-based subsidiary of a public sector telecom company has reported that whenever calls are made to Nepal by Indian private operators (mainly Bharti, Essar and Reliance), local call number is received on mobile phones. "In this case operators and terminating country suffer financial losses and subscribers of both countries receive poor quality of service."

07 DEC 2004

THE HINDU

Without fear or favour

By Nirmala Lakshman

IN AN age where both fear and favour play an influential role in the reporting of news, journalism that stands firm against government and corporate hegemony is the last hope of democracy. Whether it is reporting on the unfolding story of the Kanchi Sankaracharya's arrest, or analysing the real reasons behind America's war on Iraq, journalism that records with accuracy and investigates with intrepid insight becomes ultimately "the first draft of history," something that stands validated by the test of time.

These days when powerful corporate and establishment interests threaten the freedom of media worldwide, the work of some remarkable and often unlikely heroes stands as a clear testament to the power of the press as a staunch defender of public interest. A new book edited by John Pilger, celebrating some of journalism's finest and most poignant moments, is a timely reminder of what journalism can and should be. Pilger himself is a distinguished veteran of this kind of journalism. In his more than thirty years in the field, his exposés, whether it was about the genocide in Cambodia, the killings in Vietnam or his searing criticism of American foreign policy, have consistently highlighted the suffering of the powerless and exposed corruption in high places.

Tell Me No Lies brings together some of the most brilliant reporting that the twentieth century has seen. Each piece introduced by Pilger explains the context and struggle that went into what he calls "the insurrection" against "the rules of the game."

Investigative journalism is not just about detective work, Pilger says, it is also about journalism that bears witness and explores ideas. It dismantles the secret centres of power and reveals the hidden agendas of those who are in control. Whether it was in Hiroshima sixty years ago or in Falluja now, the suppression of truth bears a terrible cost in terms of human lives. Therefore, it is the independent inquiry, eyewitness accounts and the relentless pursuit of facts often in the

What else do you do when someone's shooting at you?" and later on the streets, "...there's a man, face down...a small round stain on his back. We run to him. Again the flies have got there first...as we each try to roll him on to the stretcher, Dave's hand goes through his chest, through the cavity left by the bullet that entered so neatly through his back and blew his heart out." All this happens to unarmed citizens, says Wilding, out of the view of the world, out of sight of

A new book edited by John Pilger is a timely reminder of what journalism can and should be.

face of great personal danger that brings to light some of the gravest crimes that are committed in the name of freedom.

Consider the frontline reporting of Jo Wilding from Falluja, Amira Hass an Israeli journalist living among the dispossessed in the Gaza Strip, and Anna Politkovskaya's account of the ceaseless war on Chechnya. Each of these writers has pushed the boundaries of reporting by the painful immediacy of their first person accounts.

Wilding is not a journalist but a young human rights observer whose dispatch from Falluja in April 2004, first published on the Internet, sharply contrasts with the reports of those "embedded" with the American military. With sniper bullets whizzing past her head, sirens screaming and lights flashing, Wilding writes that the ambulance in which she is travelling with the wounded and dying is shot

at by U.S. soldiers. "...I start singing.

but to use a phrase that Edward Herman borrows in his landmark essay "The Banality of Evil," they encourage resistance to "normalising the unthinkable." In another article on Iraq, Pilger also emphasises this. "It is the function of experts and the mainstream media to normalise the unthinkable for the general public."

Another serious flaw of the establishment media is the tendency to overlook the predicament of the marginalised. Gunter Wallraff's outstanding work included in this book directly counters this propensity. By disguising himself as a Turkish migrant, he penetrates Germany's illegal labour force and exposes the appalling conditions of near slavery and racism. Apart from sparking a national debate on an issue that lay dormant in the public mind, the investigations led to the filing of several thousands of criminal complaints.

Other pieces in this excellent book reveal new and detailed insights into events that mainstream media frequently either overlooks or reduces to sound bytes and quick visuals with the aid of new technology. Robert Fisk's persistent burrowing into the true goings on in Iraq, Linda Malvern's account of the genocide in Rwanda are but two of them. Pilger pins his hope on the emergence of another force to counter the pressures of media monopoly: "a new breed of citizen reporters" and the raised political consciousness of millions of people who use the Internet, the community radio, and alternative public space to oppose domination and oppression across communities whenever they get a chance.

Ms. Nirmala Lakshman

30 NOV 2004

THE HINDU

Violence hits homes through video games

TIMES NEWS NETWORK

Ahmedabad/Vadodara: 'Delta Force', 'Desert Storm-II', 'Doom', 'Wolf-3D'—if you thought these were code words discussed in war rooms of the armed forces, eavesdrop at the Desai household in Vadodara. They are popular "war games" that

Keval Desai, a student of VI, cannot do without.

Homes in Gujarat are witnessing a virtual carpet bombing of electronic games, played on the video and Internet, that thrive on violence—from copy of the popular World Wrestling Federation (WWF) bouts to bombing of enemy countries and bloody gun battles. As kids put on virtual "battle gear" and hop onto fighter planes in their cosy living rooms, parents and psychologists report an increase in violent streak among children.

"Keval has a collection of six action games. He also has an electronic gun that is attached to his PC and is not interested in informative CDs on history or science nor in games like cricket", says Keval's father, Ketan Desai.

"I love shooting down enemies", says Ketan, as he aims at yet another "imaginary"

soldier on his screen.

"I love the WWF games. It thrills me when the big guys beat their opponents", says eight-year-old Ayush Bhatt of Ahmedabad.

Nine-year-old Priyank Mehta of Surat, a class IV student, prefers video-games with interactive fightings where he is a participant in



the game and has a chance to shoot down opponents.

No wonder, parents are aghast. "My son has turned so aggressive. He also gets irritable when he is not playing and cannot concentrate on his studies", says Sunayna Bhatt, mother of a 12-year-old in Surat.

"I know it is not healthy to let my son play these games. But, he gets so cranky when we try to prevent him. He even refuses to have food",

says a concerned Manish Goyal, father of a six-year-old in Ahmedabad.

"The problem becomes acute when children want to enact the same in real life. Such games leads to aggressive behaviour", says psychologist Gautam Amin.

"The preference for such games often stem from the violence children witness around them. From parents fighting to violence in the media, everything's leading to this obsession", says Ahmedabad-based psychiatrist Vinod Goyal.

Experts warn of long-term behavioural fallouts. "Increased indulgence in playing violent games can lead to poor concentration, under-performance in studies, aggression, frustration, mood disorders and manic attacks", says psychiatrist Mrugesh Vaishnav.

While cybercafe owners say more kids are coming in to play these games, toys stores have reported a rise in sale of such games. "They sell like hot cakes. People have also upgraded their computers and are trying out new action games with 3-D facility", says Ali Akbar of Crossword.

(With inputs from Surat and Rajkot)

Tolerance in tatters

Van Gogh murder marks birth of fear

The killing of the Dutch filmmaker, great-grandnephew of painter Vincent van Gogh, marks the arrival of obscurantist Islam in one of world's most tolerant regions — the Netherlands. Theo van Gogh was shot, stabbed and had his throat slit in Amsterdam earlier this month. The attacker, a Dutch Moroccan Muslim, even left a note stabbed into the victim's body. The country has experienced a spiral of violence and insecurity since the gruesome murder: a street battle in the Hague and several arson attacks on mosques and retaliatory attacks on churches in south Holland. These developments have come at a time when social cohesion has weakened in Dutch society, where Muslim migrants form 10 per cent of the population. Dealing with things Islamic would not be the same in Holland, known as a multi-cultural free society.

The Amsterdam murder is not just a blow to artistic intrepidity in the heart of Europe. The racist violence in its aftermath announces the birth of fear of the kind *Hollanders were not used to. Somewhere perhaps in the pursuit of freedom of expression the filmmaker strayed into creative stridency, a stridency the secular West ought to have no problem with. The film at the heart of the controversy, *Submission*, which documents marital abuse and violence against women, is said to be innocuous except that it also shows a Muslim woman with Koranic verses condoning family violence written on her back and arms. In the West's secular values such a portrayal may be par for the course but radical Islamists saw in it the call for a jihad. The ascendancy of intolerance now threatens to erode the resilience of a free multi-racial society, which for the past two decades protected the rights and cultures of minorities, including the Muslims. There is one more loss here, other than to West's liberal values. Islamists have now cut down their chances of holding a dialogue with the West, which they must badly need one day.*

20 NOV 2004

THE STATESMAN

[WIDE ANGLE] INTERNET CENSORED

New curbs threaten privacy of surfers

Neha Dara
New Delhi, November 17

AS THE police across Karnataka and in Ahmedabad get into action to implement the new curbs on Internet access in cyber cafes, members of the cyber community fear it may be the beginning of the end of free access to the World Wide Web in India.

The new curbs require cyber-cafe users to submit proof of identity before they can access the Net.

According to Sunday's announcement in Bangalore, owners of cyber cafes must maintain users' personal details along with a log of all the websites visited.

The regulations are meant to "check anti-social elements and anti-national activities". In Ahmedabad, the police have also asked cafe owners to remove partitions between cubicles so that computer screens can be constantly checked.

Terming the regulations "ridiculous and regressive", Nasscom chairman Kiran

Karnik says they "smack of the actions of a police state". The police have no right to keep track of the websites a person views, he says.

Such fears are not unfounded. "The Internet is a free medium," says Ravi Sundaram, a fellow with the Centre for the Study of Developing Societies. "Such curbs are not becoming of a free and democratic nation." Those involved in the fight against cyber crime, however, welcome the regulations. "Cyber cafes are used for criminal purposes and without information from the owners we are helpless," says Subimal Bhattacharjee, a cyber security expert.

Cyber law expert and Supreme Court lawyer Pawan Duggal welcomes the curbs that will check cyber crime. But he admits that the regulations suggested by the police are hard to implement.

Vijay Mukhi, one of the pioneers of the Indian infotech industry, dismisses the question of users' privacy. "Did someone talk about privacy?" he has written on the website

of the Mumbai cyber crime investigation cell. "Remember that the government is empowered to monitor all phone calls too."

Meanwhile, experts question the police's ability to implement the curbs.

Sundaram says it is impossible to ensure that all cyber-cafe owners execute the regulations. Duggal says the system has been in place for a long time, only implementation has been lacking. "Cause 79 of the IT Act talks about the responsibility of network service providers (defined as any intermediaries) in the prevention of crime."

P.S.I. Kulkarni, of the Mumbai cyber crime investigation cell, admits execution is one of the biggest hitches. "The act exists on paper only," he says. "Cafe owners don't have the requisite system for taking pictures and keeping records."

Duggal believes regulations defeat their purpose in the absence of a system of checks and balances to prevent misuse.

Tightening the Net



Identity check: Regulations require visitors to cyber cafes to submit proof of identity
Earlier plan: Special recommendations in May 2000 had suggested addition of two new clauses in IT Act requiring cyber-cafe

owners to maintain logs. Non-compliance was to be a penal offence.
Full power: Under Sect 69 of IT Act, controller of certifying authority can directly intercept any electronic communication passing through a computer or

network
Privacy status: India does not have a privacy law. There are precedents, however, of court cases in which privacy was identified with the fundamental right to life

Media

সাংবাদিক-নিগ্রহ, কৈফিয়ত তলব ডেপুটি ম্যাজিস্ট্রেটের

মিজম সংবাদদাতা, বহরমপুর ও সোনামপুর: আনন্দবাজারের সাংবাদিক অনল আবেদিনের পরিবারের উপরে হামলার মামলায় সরকারি আইনজীবী কেন অনুপস্থিত ছিলেন, সেই ব্যাপারে জেলার ডেপুটি ম্যাজিস্ট্রেট (বিচার বিভাগীয় মুক্তিখানা)-এর কৈফিয়ত তলব করেছেন মুর্শিদাবাদের জেলাশাসক। পুলিশ ওই ঘটনায় জামিন-অযোগ্য ধারায় মামলা করা সত্ত্বেও সরকারি তরফে কোনও আইনজীবী না-দাঁড়ানোয় সব অভিযুক্তই জামিন পেয়ে যান।

এ দিকে, রবিবার কলকাতার একটি নার্সিংহোমে অনলের মাথার সিটি স্ক্যান করা হয়েছে। চিকিৎসকেরা পরীক্ষা করে জানিয়েছেন, তিনি মাথায় এবং শরীরের বিভিন্ন স্থানে আঘাত পেয়েছেন। মাথার আঘাত কতটা গুরুতর, তা জানার জন্যই সিটি স্ক্যান করানো হয়েছে। চিকিৎসকদের পরামর্শে শনিবারেই অনলকে বহরমপুর থেকে নিয়ে আসা হয় কলকাতায়। তাঁকে কয়েক দিন পর্যবেক্ষণে রাখা প্রয়োজন বলে মনে করছেন কলকাতার চিকিৎসকেরা।

শুক্রবার রাতে বহরমপুরে নিজের বাড়িতে সপরিবার আক্রান্ত হন অনল আবেদিন। শনিবার সকালে বহিষ্কৃত

কংগ্রেস নেতা আকবর কবীর-সহ ১৫ জনকে পুলিশ গ্রেফতার করে। অভিযুক্তদের বিরুদ্ধে অস্ত্র আইন, খুনের চেষ্টা, স্লীলতাহানি এবং গুরুতর আঘাত করা-সহ ভারতীয় দণ্ডবিধির মোট ১২টি ধারায় অভিযোগ দায়ের করে পুলিশ। সেই সমস্ত অভিযোগের মধ্যে পাঁচটি ধারা জামিন-অযোগ্য। কিন্তু ধৃতদের আদালতে হাজির করানো হলে কোনও সরকারি আইনজীবী সেখানে উপস্থিত না-থাকায় ধৃতেরা জামিন পেয়ে যান।

কেন কোনও সরকারি আইনজীবী উপস্থিত ছিলেন না, জেলা আইন ও বিচার দফতরের (বিচার বিভাগীয় মুক্তিখানা) ডেপুটি ম্যাজিস্ট্রেটের কাছে তা জানতে চেয়েছেন মুর্শিদাবাদের জেলাশাসক নারায়ণ মঞ্জুনাথ প্রসাদ। রবিবার পাঠানো ওই চিঠিতে সাত দিনের মধ্যে জবাব দেওয়ার নির্দেশ দিয়েছেন তিনি।

সরকারি আইনজীবীর অনুপস্থিতির ঘটনায় তিনি কী ব্যবস্থা নিচ্ছেন, রবিবার তা জানতে চাইলে জেলাশাসক বলেন, “এই ধরনের ঘটনা কখনওই বাঞ্ছনীয় নয়। কেন এমন হয়েছে, সাত দিনের মধ্যে তার লিখিত উত্তর চেয়েছি। রিপোর্ট পাওয়ার পরে এই বিষয়ে যথাযথ ব্যবস্থা নেওয়া হবে।”

JP film: Centre raps Board

Statesman News Service

NEW DELHI, Nov. 4. — The furore over the yet-to-be-screened television film on Jayaprakash Narayan took another turn with the Centre asking the Censor Board why it had certified the film and the Board asking the director, Mr Prakash Jha, why he had submitted the film for certification since the ministry of culture and not he, was the 'owner' of the film.

While speaking with reporters today, Mr Jha

actually called up an official of the Censor Board to confirm that the Centre had written to the Board. Mr Jha said the Censor Board, which got the letter yesterday, has asked him why he submitted the film. Mr Jha is producer of the film and Doordarshan, the co-producer, but the film was financed by the Centre's ministry of culture, which has the film's rights. Unlike many Bollywood films, the producer and financier is not the same person for the film, something the infor-

mation and broadcasting ministry, which controls the censor board, is stressing. Meanwhile, Mr Jha said he wanted the Censor Board to ask him "in writing."

The film was recently cleared by the Censor Board with a 'U' certificate and without any cuts. Earlier, the film on JP, commissioned by the Centre when the BJP-led NDA government was in power, was not shown on Doordarshan. The director was asked to make certain changes in the film.

5 NOV 2004

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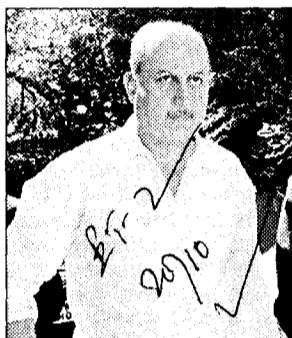
Kher files suit against Surjeet

Our Political Bureau
NEW DELHI 19 OCTOBER

ANUPAM Kher, who is experiencing a CPM-inspired secular excommunication, on Tuesday filed a criminal complaint of defamation against Harkishan Singh Surjeet for alleging that he had contributed to saffronisation of the Censor Board of Film Certification (CBFC) as an "RSS man."

The actor, who is against the Left for being labelled an "RSS man," filed the complaint in Mumbai a week after he was removed from the censor board. Magistrate C.B. Havelikar adjourned the matter to November 17 for its verification, according to agencies. Mr Kher, who had lashed out at the CPM for his unceremonious ouster from the board, on Tuesday said what hurt him most was being called an RSS functionary. He said he was an artiste engaged in the field of art and entertainment and did not belong to any party or ideology and to link him with any political organisation was a blot on his career. He denied he was in any way, directly or indirectly, associated with the RSS.

Mr Kher's name was on the list of people whom Mr Surjeet in an article in CPM journal People's Democracy described as "RSS men in key positions." The Marxist



FILMI BATEIN: Former Censor Board chief Anupam Kher at the court in Mumbai on Tuesday. — PTI

leader had said there were certain persons who were staunch pro-RSS "communal" elements occupying high positions in public institutions by the previous NDA government at the Centre. Besides Mr Kher, the list included M.V. Kamath, chief of Prasar Bharati and Sonal Mansingh, president of the Lalit Kala Akademi.

Refuting the allegations made by Mr Surjeet as "false and imaginary," he said it had caused him "mental agony and undeserved embarrassment" and were intended to harm his reputation. He said in the complaint that he had sent a legal notice to Mr Surjeet through his lawyer Majeed Memon on October 14, calling upon him to withdraw his allegations but the accused had not responded. /

JOHN MILTON

Emergency Chain

11-16 Film-maker accuses DD of
16/10 censoring film on JP

The Emergency is dead; long live the Emergency. Even as Rahul Gandhi admitted that there had been some excesses during the Emergency, the Prasar Bharati has refused to screen a documentary on Jayaprakash Narayan supposedly because the film makes critical references to the period. Strangely enough, even those who had vigorously opposed Indira Gandhi's Emergency — such as Lalu Prasad Yadav — are today ambivalent apologists for it. So, is the Emergency dead and buried, or is it still alive and active in a different avatar? Among the dark powers unleashed by Indira Gandhi during Emergency, the censor stands out. He symbolised the terror and trauma of the 19 months when Indira was India and India was Indira. The Big Brother represented authority, and by extension the state. The Emergency may have since become part of history, but censorship is still very much part of the present. In fact, the very people who faced the brunt of the Emergency now have no qualms in using it selectively. The silence of information and broadcasting minister Jaipal Reddy, who had walked out of the Congress over the imposition of the Emergency, on DD's alleged censoring of the JP film is telling. On the other hand, Lalu Yadav has questioned the credentials of the film-maker, Prakash Jha. Lalu's discovery that Indira was a great leader and she rightly insisted on discipline is in effect an endorsement of the Emergency. The railway minister would be better off if he remembers that trains then ran on time.

Surely, the political class, including the Congress, has not exorcised the ghosts of the Emergency. Anupam Kher who was sacked as censor board chief on Thursday claims he got the boot for clearing a film on the 1984 anti-Sikh riots. The Left has alleged that Kher is an appointee of the previous government and hence needs to be dismissed. However contentious the claims are, it is worthwhile to remember that ideological censorship is a double-edged sword. As the saying goes, the one who lives by sword dies by it. Ideas and institutions flourish when they are left to themselves. Advocates of the Emergency could claim that it was an experiment in guided democracy. The results were appalling — not just for the nation but for Indira herself. The curtailing of freedoms only resulted in the puncturing of the democratic process. Indira paid for her folly by losing the Lok Sabha elections that followed. Later, she claimed ignorance of the excesses committed during the Emergency; censorship had limited her access to the news on ground. Three decades after, not much seems to have changed. The shadow of the censor, or should we say dictator, still stalks the corridors of power.

THE TIMES OF INDIA

16 OCT 2004

Kher threatens to sue Surjeet

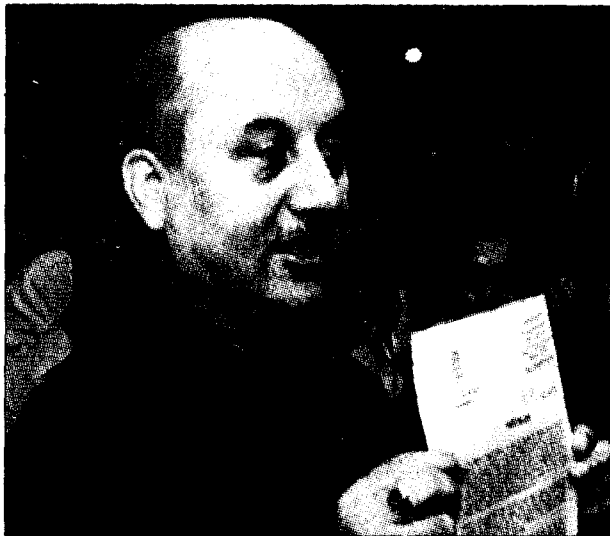
Statesman News Service

NEW DELHI, Oct. 14. — Anupam Kher, who has been sacked as chief of the censor board, is likely to file a defamation suit against CPI-M general secretary Mr Harkishen Singh Surjeet for saying he is a member of the RSS.

Speaking to reporters today, Kher said the statement was "grossly erroneous and Mr Surjeet should either substantiate it or apologise". He said he was shocked by the CPI-M leader's statement (in an article in *People's Democracy*, the CPI-M party organ) and wondered why he should be singled out. "They probably thought I was a soft target. Maybe this is the beginning."

The actor said he didn't need this post but wondered why the government was "so dependant on Surjeet that if asked to bend, they crawl". Asked whether this was part of the detoxification process, he asked if he were "such a poison". Kher said he has never campaigned for any party and disagreed with the ministry's view that he had no time for the job, calling such a statement "ridiculous" from a government which had ministers who ran office "while in jail or while running away".

"Maybe the present government has political compulsions for unseating me. But let me tell them that this will dishearten any firm, honest and straightforward person from accepting such appoint-



Anupam Kher shows the media the official order directing him to step down. In New Delhi on Thursday. — PTI

ments in the future."

Saying that the incident reeked of McCarthyism, he added: "What is happening to the party of Gandhi? And that too, for 60 seats." The actor said he wasn't informed about being replaced and will go to office tomorrow.

Bitter about being sacked, apparently because he was nominated by the previous government, he pointed out that he had spoken out against vulgarity and passed *Final Solution*, a film about the Gujarat riots without any cuts. Filmmaker Basu Chatterjee, he said, had been sounded out to replace him.

His successor Sharmila Tagore is a well-known actress and has no political past. Her husband, India's former cricket captain Mansur Ali Khan Pataudi, once contested as a Congress candidate from Madhya Pradesh, but lost.

Unfair, says CPM

Dragging Mr Surjeet into the controversy over replacing Anupam Kher as chairman of the censor board is unfair, Mr Sitaram Yechury said. "Anyone with even small knowledge of functioning of the government would know how such decisions are taken," he said. The CPI-M had objections or reservations to policies and not to personalities. Mr Surjeet is in California and wasn't available for comment.

The Congress sought to make light of the decision to sack Anupam Kher, describing it merely as "an administrative decision taken by the government". The party denied the charges of "any pressures or politics" behind his dismissal. The AICC media department chairperson, Ms Girija Vyas, went so far as to say that the decision was in the interest of Kher.

THE STATESMAN

15 OCT 2004

সুরজিৎকে উকিলের চিঠি ধরালেন অনুপম

নয়াদিিলি, ১৪ অক্টোবর: তাঁকে
সুরজিৎকে লোক' বলায় ক্রুদ্ধ, অপমানিত
অনুপম খের অবশেষে সি পি এমের
সাধারণ সম্পাদক হরকিষেন সিংহ
সুরজিৎকে বিরুদ্ধে মানহানির মামলা
কাজ করতে চলেছেন। সেপার বোর্ডের
চেয়ারম্যানের পদ থেকে তাঁকে
'অনৈতিক ভাবে' অপসারণের পরের
দিনই অনুপম এই সিদ্ধান্ত নিলেন।

আজই তিনি সুরজিৎকে উকিলের
চিঠি পাঠিয়ে দিয়েছেন। তাঁর ধারণা,
সরকারের এই সিদ্ধান্তে ইন্ধন
জুগিয়েছে সি পি এমের মুখপত্রে
প্রকাশিত হরকিষেন সিংহ সুরজিৎকে
সাম্প্রতিক প্রবন্ধ। এন ডি এ জমানায়
প্রশাসনের গুরুত্বপূর্ণ পদে নিযুক্ত যে
সব ব্যক্তি এখনও বহাল রয়েছেন, এই
প্রবন্ধে তাঁদের নামের তালিকা
দিয়েছেন সুরজিৎ। প্রত্যেকেই কী
ভাবে সঙ্ঘ পরিবারের সঙ্গে যুক্ত, তা-
ও ব্যাখ্যা করতে ভোলেননি। শুধু
অনুপমের বেলায় সঙ্ঘ পরিবারের
সঙ্গে কোনও প্রত্যক্ষ সম্পর্কের কথা
উল্লেখ করেননি সুরজিৎ। তাঁকে
বেইজ্জত করার এই চক্রান্তে ক্ষুব্ধ
অনুপমের হুমকি, হয় সুরজিৎ তাঁর
অভিযোগের ব্যাখ্যা দিন অথবা ৪৮
ঘণ্টার মধ্যে প্রকাশ্যে ক্ষমা চেয়ে নিন।
না-হলে তাঁর বিরুদ্ধে আইনি ব্যবস্থা
নেওয়া হবে।

সুরজিৎকে দেওয়া অপবাদে
থেকেও অনুপম বেশি ক্ষুব্ধ সরকারের
এই সিদ্ধান্তে। তিনি বলেন, "যে
কাউকে সরিয়ে দিতে পারে সরকার।
কিন্তু এ ভাবে?" লোকসভায়
বামপন্থীদের ৬০টি আসনের কথা
মাথায় রেখেই সরকার তাঁকে সরিয়ে
দিল বলে অভিযোগ তুলেছেন অনুপম।
বর্তমান সরকারের নৈতিক চরিত্র
নিয়োগ তিনি তাঁর উদ্ভা উগরে
দিয়েছেন। বলেছেন, "এঁরা সুরজিৎকে
উপরে এতটাই নির্ভরশীল যে বুঁকতে
বললে হামাগুড়ি দিতে শুরু করেন।"
বামেদের মনস্তন্ত্রের জন্য তাঁর
মানসম্মান নিয়ে সরকার এ ভাবে
খেলতে পারে না বলে স্পষ্ট জানিয়ে
দিয়েছেন অনুপম।

তবে কংগ্রেসের মুখপাত্র গিরিজা
বাস এই অভিযোগ খারিজ করে
দিয়েছেন। তিনি বলেন, "সরকার যখন
প্রশাসনিক সিদ্ধান্ত নেয় তখন কারণ
চাপে বা রাজনৈতিক কারণে তা নেয়
না। যা করা উচিত তাই করে।"

কোনও বিশেষ রাজনৈতিক
মতাদর্শ বা সংগঠনের সঙ্গে যুক্ত নন,
শুধু এ কথা জানিয়েই এ দিন ক্ষান্ত
হননি অনুপম। তিনি দাবি করেছেন,

সেপার বোর্ডের ইতিহাসে একমাত্র
তিনিই নিজের পছন্দ-অপছন্দকে গুরুত্ব
না দিয়ে কাজ করে গিয়েছেন। তিনি
বলেন, "আমি বিজেপি'র প্রতি
পক্ষপাতদুষ্ট হলে ১৯৯৩ সালের
দাঙ্গার উপরে নির্মিত ছবি 'ব্ল্যাক
ফ্রাইডে' কিংবা রাকেশ শর্মার 'ফাইনাল
সলিউশনস' কোনও দিনই মুক্তি পেত
না। দু'টি ছবিরই বক্তব্য বিজেপি-
বিরোধী।" উল্লেখ্য, বহু দিন
টালবাহানার পরে কোনও অঙ্গহানি না
ঘটিয়েই শেষ পর্যন্ত গত সপ্তাহে দ্বিতীয়
ছবিটিকে সবুজস্বাক্ত দিয়েছে বোর্ড।

তবে এই ছবিটির মুক্তি নিয়ে
বোর্ডের টালবাহানাই যে
কমিউনিস্টদের বিরাগভাজন হওয়ার
কারণ সে কথা জানিয়ে দিয়েছেন সি পি
এম সাংসদ বাসুদের আচারিয়া। এ
প্রসঙ্গে অনুপমের পাল্টা জবাব, "শেষ
পর্যন্ত আমি হস্তক্ষেপ না করলে দশ
বছরেও ছবিটি মুক্তি পেত না।" কিন্তু
সিদ্ধান্তে দেরি করায় অনুপমকে ক্ষমা
করতে পারছেন না বামেরা।

সীতারাম ইয়েচুরিও আজ
জানিয়েছেন, "কোনও ব্যক্তিকে নিয়ে
সমস্যা নয়। সমস্যাটা নীতিগত।
আগের সরকারের সময় বিভিন্ন ক্ষেত্রে
গৈরিকীকরণ করা হয়েছিল। আমরা
সেই সব জায়গা থেকে গেরুয়া রঙ
মুছে দিতে বলছি।" আর মামলার
হুমকি সম্পর্কে তাঁর বক্তব্য, "আমরা
কোনও আইনি নোটিস পাইনি। পেলে
তাঁর জবাব দেব।"

এ দিকে, চেয়ারম্যানের দায়িত্বভার
গ্রহণের ব্যাপারে তাঁর সম্মতি জানিয়েই
লন্ডনে প্যাড়ি দিয়েছেন শর্মিলা ঠাকুর।
এ ব্যাপারে সম্মতি জানানোর আগে
শর্মিলা তাঁর সঙ্গে যোগাযোগ করেননি
বলেও ক্ষুব্ধ অনুপম। তাঁর কথায়,
সেটাই স্বীতি। তবে এ ব্যাপারে শর্মিলা
ঠাকুরের প্রতিক্রিয়া জানা যায়নি।

খাদি কর্তার অপসারণ। সেপার
বোর্ড নিয়ে বিতর্ক যখন তুলে উঠেছে
তখনই এন ডি এ জমানার আর একটি
নিয়োগে হস্তক্ষেপ করল ইউপিএ
সরকার। আজ খাদি ও গ্রামোদ্যোগ
কমিশন ভেঙ্গে দিয়ে চেয়ারম্যান মহেশ
শর্মা-সহ সব সদস্যকে সরিয়ে দিয়েছে
কেন্দ্র। কমিশনের অর্থনৈতিক উপদেষ্টা
মায়া সিংহের নেতৃত্বে শীঘ্রই নতুন করে
কমিশনটি গঠন করা হবে বলে খবর
মিলেছে। ক্ষুদ্র শিল্প মন্ত্রক সম্প্রতি
মহেশ শর্মাকে পদত্যাগের নির্দেশ
দিয়েছিল বলে শোনা যাচ্ছে। মহেশ
শর্মা বলেছেন, চাপের মুখেই প্রধানমন্ত্রী
এই সিদ্ধান্ত নিয়েছেন। তবে, এ বিষয়ে
ক্ষুদ্রশিল্প মন্ত্রীর প্রতিক্রিয়া জানা যায়নি।

Rewriting history of Emergency — Doordarshan style

By Bhaskar Roy
TIMES NEWS NETWORK

New Delhi: This is rewriting history — DD style. Prakash Jha, director of the two-hour film on Jayprakash Narayan, got a letter from Doordarshan bosses on Wednesday which virtually asked him to whitewash the darker side of the Emergency in his film, "Lok Nayak".

The film, whose scheduled telecast on JP's birth anniversary — October 11 — was postponed, has earned the ire of DD bureaucracy for trying to recreate the Emergency in all its repression.

The two-page letter from the of-



Jayprakash Narayan

office of the DG, Doordarshan, has raised objections on eight counts and directed Jha to make changes accordingly. "(The) need to impose Emergency and counterpoint should also be brought out," the letter pointed out.

When contacted, Jha said that he would in no way compromise his artistic integrity and oblige DD.

This sets the stage for a confrontation as the list of complaints of DD mandarins runs long. They are equally unhappy with the views expressed by political figures on the Emergency and suggested that these be balanced by views of the apologists.

"Opinionated views need to be balanced with views from all political shades," Jha was told. The film, in other words, will have to incorporate an adequate defence of the Emergency, which even Indira Gandhi and her Congress party subsequently regretted.

The evocation of the Emergency in its gruesome aspects has apparently not been favoured by DD. It also found fault with JP's escape from Hazaribagh jail during the Quit India movement for the scene being too long and over-dramatised. The scene, the DG said, "needs to be curtailed".

The major objection of the official media is that the film does not offer a "balanced" portrayal of the dark days. It, in fact, suggests that the film sanitise the Emergency. There are even hints that an honest depiction of the Emergency would not be to the liking of the new political dispensation.

"The latter part of the film does not portray a balanced presentation (sic) of events of those times, and in view of the sensitivities involved the programme needs modifications."

Drop Indira Hatao

line, DD tells JP film director

■ LOKNAYAK | Jha says no to deletion of audio on Emergency, Indira, Sanjay

ANURADHA RAMAN
NEW DELHI, OCTOBER 13

TANASHAHI ka shikaar hua... Indira Hatao... Sanjay Gandhi had a motive... Jail mein kyon maare, bahar maare... Tanashahiwala rajya nahi chalega... Indiraji ne JP ke saath jo zyadati ki.

These are the audio expressions, referring to the Emergency, that the Prasar Bharati Corporation wants deleted from Prakash Jha's film *Loknayak* (on Jaya Prakash Narayan) before it can be considered for Doodarshan's national channel.

"No way," Jha told *The Indian Express* from Mumbai. "I don't want to learn history or creativity from them."

Jha was faxed a copy of the Prasar Bharati letter to the Department of Culture — it had commissioned the film — which called for these specific deletions.

Prasar Bharati also wants Jha to provide a counterpoint to the "need to impose Emergency."

He said he tried hard to get former Prime Minister Narasimha Rao to speak but the latter declined. "Even my brother called him twice but Rao excused himself."

The Prasar Bharati letter also points out that the film does not portray a balanced presentation of events of the time, and in view of the sensitivities involved, the programme needs modifications. The

CONTINUED ON PAGE 2

from the front page

This is what DD wants deleted from JP film

Department of Culture has been asked to convey its opinion before November 1.

Jha said he received a copy of the letter only after he persuaded Prasar Bharati CEO K S Sarma to send in writing the "objectionable portions" in the film.

Although the film was submitted seven months ago, the letter on the objections was shot off only today to both Jha and Department

of Culture. According to Jha, Sarma wrote to him on August 23, assuring all help in the pre-publicity for the film. But Sarma said he had given no assurance to Jha on the date for the telecast: "How can I give an assurance before it is even pre-viewed?"

On the issue of deleting the audio, Jha hit out at Sarma: "Does he know what he wants or is it just his political bosses he is trying to please?" "It is history we are dealing with. And all that has been stated in the film is factually correct," he said, adding he had taken no liberty with the film though he had been in complete awe of his subject.

INDIAN EXPRESS

14 OCT 2004

Emergency not for footnote: Jha



Oct. 13. — "How can you make a film about Jayaprakash Narayan without mentioning the Emergency or going easy on it?" is filmmaker Prakash Jha's poser.

Correspondence between Prasar Bharati and the culture ministry show the "problems" the UPA government found in Jha's telefilm on JP, *Loknayak*. Or more specifically, the Emergency.

The Prasar Bharati correspondence states eight "problems" with the film and the first and fourth are perhaps the most significant. On the first objection,

the letter states: "The latter part of the film does not portray a balanced presentation of events of those times, and in view of the sensitivities involved, the programme needs modifications." The latter part of the film is about the Emergency.

The fourth point brings up the issue directly: "Need to impose Emergency and counterpoint should also (be) brought out." Reading between the lines, this could mean justifying the Emergency. The third objection is to certain phrases in the audio-track. They include the words "*tanashahi ka shikar hua* (victim of dictatorship)". Other objec-

tionable phrases include an *Indira-hatao* slogan, a line that Sanjay Gandhi had a "motive" and "*Indira ji ne JP ke saath jo zyadati ki* (Indira Gandhi committed excesses against JP)".

The letter, from a Prasar Bharati official to a culture ministry official, also said: "Opinionated views need to be balanced with views from all political shades". There are more "mundane" objections like the fact that the geographical boundaries of India before Independence are not shown correctly and the credit to the ministry of culture which funded the project should come in the beginning of the film.

THE STATESMAN

14 OCT 2002

media **Anupam sacked,
Sharmila to
head Censor Board**



NEW DELHI, Oct. 13. — The Left wins again, with the I&B ministry sacking Anupam Kher as chairman of the film censor board and replacing him with actress Sharmila Tagore.

Another Left target is now Mr MV Kamath, chairman of Prasar Bharati. Both appointments were made by the previous NDA government and the CPI-M general secretary, Mr Harkishan Singh Surjeet, has recently written in *People's Democracy* that he wants them removed. There was considerable pressure on the government and Kher is expected to make a statement in Mumbai tomorrow. Even today he said he has a three-year term and he has completed just a year, suggesting he will not go without a fight. Kher said he was being made a "scape-goat". "I have not been officially informed nor been told about my replacement," he said, adding: "I am not going to take this lying down."

The I&B ministry order makes it clear that the order of 11.10.2003 is null and void and under the Cinematograph Act, 1952, Sharmila Tagore, is appointed "in an honorary capacity for a period of three years, from the date of assumption of charge in the said capacity or until further orders, whichever is earlier." — SNS

Cong mum on removal, page 5

THE STATESMAN

14 OCT 2004

Chidambaram justifies need for more FDI in telecom

By Our Special Correspondent

NEW DELHI, OCT. 13. While appreciating the Left parties' concern over increased foreign direct investment in the telecom sector, the Government justifies its plans in this regard. It asserts that domestic investments alone will not be able to fund the need to increase the telecom density.

Responding to the six objections cited by the Left parties to the proposal to raise the FDI limit in telecom sector from 49 per cent to 74 per cent, the Union Finance Minister, P. Chidambaram, says that most countries have permissive FDI regimes as opposed to restrictive ones. The choice of the FDI regime is to be based on the country's requirements. In India's case, these are security concerns and the need to attract greater investment. While the most recent growth in the number of phone connections has been exceptional, sustaining this and achieving the network

coverage of 70 per cent against the present 20 per cent needs investments on an unprecedented scale that is possible only with FDI.

Allowing foreign equity

The Government does not agree with the perception of most countries imposing restrictions on foreign ownership in the telecom sector. It feels the Left parties' observation that "it is because of this strategic importance that foreign capital in the telecom sector is strictly regulated in most advanced and developing countries" is not correct. Many countries, including the most advanced and some large developing ones, allow foreign equity.

Though some important countries place restrictions on FDI in telecom, many Governments have made specific commitments to open up their market in the WTO's General Agreement on Trade in Services. Moreover, restrictions are placed on mobile services more

due to spectrum availability rather than for ideological or security considerations.

Making a case for a higher FDI, Mr. Chidambaram says that infusion of foreign investment lead to better incentives for technology transfer and improved management leading to lower prices and better services. He asks the Left parties to look at the emerging trends rather than dwell on the history of controls in the sector.

The Government does not agree with the Left view that more FDI should not be infused into the telecom sector — a strategic sector with significant security issues. Ownership has little correlation with vulnerability to illegal access to information by hostile countries. But "legitimate concerns about national security" should be addressed by making security clearance for foreign partners mandatory and ensuring that resident Indians held critical positions in the company hierarchy. The Left fears about hardware making the country vulnerable to foreign interests is not a valid issue, the Government feels, since imports of telecom equipment are completely free.

See also Page 11

THE HINDU

14 OCT 2004

Govt wants Emergency cuts in Jha's film on JP

EXPRESS NEWS SERVICE
NEW DELHI, OCTOBER 12

EVEN as the nation observed Jai Prakash Narayan's birth anniversary yesterday, Doordarshan chose to air the '70s blockbuster *Mehbooba* on prime time instead of a bio-epic on the leader — *Lok Nayak Jai Prakash* by noted filmmaker Prakash Jha.

The film deals with JP and the Emergency. "We have problems with the film. It cannot be aired in its present form," said K S Sarma, CEO of Prasar Bharati Corporation.

Noting that the "film was commissioned by the Ministry of Culture for Rs 90 lakhs", Sarma said Jaipal Reddy, the Minister of Culture as well as Information and Broadcasting, had been informed too.

According to Sarma, Jha has been informed of the changes — 12 in all — that need to be made in the film. The government reportedly wants the parts on JP's stay in jail and his subsequent release to be pruned.

However, the filmmaker claimed that he had not received any formal communication from Prasar Bharati. "All I have been told is that the film needs to be shortened a bit," said Jha.

While maintaining that his film does not criticise the Congress, Jha added that it does deal with the

Emergency as part of JP's life. "That is a factual position and has been dealt with accordingly," he said. Sources said that the segments related to the Emergency are being reviewed.

Stating that the Ministry of Culture had commissioned him to make the film about a year back, Jha said:

Sarma says Jha has been informed of the changes — 12 in all — that need to be made in the film. The govt reportedly wants the parts on JP's stay in jail and subsequent release to be pruned.

"It was meant to be telecast last year but I could not finish the film as I had to complete some other project."

While Jha finally submitted the film on March 31 this year, he said he was not aware of its telecast schedule. The two hour bio-epic was meant to be a 13-episode serial, but later became a film.

Expectedly, there has been some backlash from political circles, some from within the UPA itself. "A great

leader has been wronged. *Bahut galat hua hai*. I will speak to the I&B Minister about the injustice meted out to a great leader," said Union Rural Development Raghuvansh Prasad Singh.

Stating that it was an insult to JP's memory, former Defence Minister George Fernandes said: "To pretend the Emergency did not happen is to tamper with history."

And in a letter to Reddy, former I&B Minister Ravi Shankar Prasad wrote: "I understand that the portrayal of his role on the resistance against the Emergency has become the reason for not permitting the telecast. The attachment to the ideals of JP transcends party affiliation. May I remind you that as I&B Minister, I had directed the publication of a book on late CPM leader E.M.S Nambudripad under the "Makers of Modern India" series. It is high time the contribution of eminent Indians was viewed objectively for posterity, regardless of the political divide."

UP Chief Minister Mulayam Singh Yadav has gone a step forward, stating that his government would show the film even if the Centre banned it. "The Centre was reluctant to show this film as it would project the real face of the Congress by showing the atrocities its government committed on the common man during Emergency."

Going to cybercafe? Photo-ID is a must

By Vinita A. Shetty/TNN

Bangalore: Going to a neighbourhood cybercafe to check your email? In just a few days' time, you'll need more than just money to enable you to use the Internet. You will need your photo-ID in hand and will have to enter details like your name and address in a log book that will be maintained by cyber cafe owners.

If you are not carrying a photo-ID card, you will have to get your photograph taken by webcam in the cafe and enter your details on the computer and your photograph will be stored in the computer for a period of one year. All this is part of a path-breaking move by the Cyber crime police station to regulate cyber cafes in the state and to stem cyber crime.

The government order will be introduced in a few days and will take effect immediately. The rules have been approved and the governor has given his assent. Only the formality of it being published in the gazette is pending, said P. Ravindranath, DIG Economic offences, who is attached to the Cyber Crime Police Station.

This move was initiated when the cyber crime police found that a number of cyber crimes they had investigated and handled, originated from cyber cafes where anonymity was virtually guaranteed. The whole idea is that people should be responsible and cautious while using information technology. If people know they are

being asked to provide personal details, there is less likelihood that they will resort to mischief, added Ravindranath.

There are no official figures with the cyber police of the number of cybercafes in the state as these cafes till now were regulated by the Shops and Establishments Act. This Act pertains to number of employees, working conditions and other parameters relating to labour. "We are now collecting data on the number of cybercafes here. Once the regulatory order for cybercafes is implemented, it will be the second form of regulation for them," says a cyber crime officer.

When asked what they thought of this move, opinions were divided among cybercafe users. Arpita Kumar (21) said, "It will put an end to mischief makers who use the Net wrongly." Sharath Rao (24) felt, "Its

an invasion of privacy. Not all of us go to cybercafes to waste our time or to commit e-fraud."

The onus will be on cybercafe owners to ensure that surfers provide them with photo-ID proof and enter their details into log books. Cyber crime police officials will make regular visits to see that records are being maintained. If there are any discrepancies, they will be taken to task, said Ravindranath. The information log will be kept confidential and for record purposes of the cyber crime police only.



'Obscene' TV shows face crackdown

Rajnish Sharma
New Delhi, September 16

1979

FOLLOWING A meeting with Censor Board officials and representatives of TV channels on Thursday, the information and broadcasting ministry has decided to crack down on "obscene" programmes. Ministry officials said that tough measures were needed, for self-regulation had failed. Even after 200 letters had been issued to entertainment channels, obscene programmes continued to be aired.

The first option before the ministry is action against the channels under the Cable TV Act, which empowers the government to direct a cable operator to stop airing a particular channel.

Second, the ministry can cancel an operator's licence if it is found to be violating the conditions under which it had been awarded the licence.

The ministry might also consider denying registration to cable operators under the new downlinking policy which is to be announced in a couple of months.

Screen test

What the govt may do

- Ask cable operators to stop airing a particular channel
- Cancel an operator's licence or deny him registration under the new downlinking policy
- Bring in private agency to monitor entertainment shows
- Get channels to seek clearance from Censor Board before airing music videos

There is also the possibility that a private agency will be brought in to monitor entertainment programmes. Music videos are a particular source of concern — they will have to get clearance from the Censor Board before being aired.

Earlier, the government had considered setting up a quasi-judicial authority to deal with the problem of "obscenity" on prime-time television programmes.

17 SEP 2004

Centre mulls TV censorship

Rajnish Sharma
New Delhi, September 13

TO TACKLE "vulgarity" on television, the I&B ministry has called a meeting of leading entertainment channels, particularly film and music channels, and officials from the Censor Board on Thursday. Ministry sources said the meeting will try and assess whether some sort of censorship can be introduced on TV channels.

The ministry is concerned that most film channels are beaming, during prime time, movies that have been released in cinema halls with an 'A' certificate from the Censor Board. The issue of music videos is similarly unresolved, as most channels have been broadcasting videos which have not ob-



NOT SO HOT: A remix album starring Shefali Zariwala. The Bombay High Court had recently expressed concern over the increasing obscenity on TV. Censor Board chief Anupam Kher said the issue had gained in importance following the

court's observations. "I guess all channels should take note of it," he said.

The government is against any kind of stringent censorship on TV, sources said, but it wants to evolve a mechanism to check "vulgar" programmes.

"The problem is primarily related to film and music channels," a senior ministry official said. "So we have called the representatives to suggest how this problem can be tackled. After all, mere self-regulation is not sufficient."

There is a view within the ministry that the Censor Board should be given the additional responsibility of TV as well. The board, however, does not have the infrastructure necessary to monitor all the channels. So, the possibility of revamping

the board, too, is likely to be discussed at Thursday's meeting.

The ministry will also have to consider how to regulate channels which are being uplinked from outside India. "There should be no problem on this count," an official said. "Any channel being shown in India will have to abide by the regulations here, irrespective of where it is being beamed from."

Since the cable TV boom, the issue of obscenity on the small screen has exercised various governments. In 2000, the Centre had stopped the broadcast of a Russian channel over its "objectionable" content.

Fashion TV, too, was asked to regulate its content. Early this year, the government had asked cable operators to stop airing Rain TV.

14 SEP 2004

Much too much of sex on TV for teenagers

Press Trust of India

HOUSTON, Sept. 7.— Teenagers with maximum exposure to TV programmes with sexual content are twice as likely to become sexually active than those who watch less of such programmes, according to a new study.

Nearly 1,792 adolescents aged between 12 to 17 years were a part of the study conducted by Ms Rebecca Collins, of RAND Corporation and colleagues to find co-relation between TV viewing and sexual behaviour.

Ms Collins did phone interviews with teenagers on their sexual activity and TV viewing habits and a year later noted new sexual behaviour the teens had experienced.

"This is the strongest evidence yet that the sexual content of television programmes encourages adolescents to initiate sexual intercourse and other sexual activities," said Ms Collins. The study showed



that 10 per cent of the teenagers who watched maximum sexual content programmes were twice likely to have initiated sexual intercourse than those 10 per cent adolescents who watched less of such programmes.

Ms Collins said that 12-year-olds who watched more of sexual content adopted the behaviour

and mannerism of 14-or 15-years-olds who watched less of such content.

"The best way for parents trying to figure out what is more versus less of TV is to realise that the average (US) child watches about three hours of prime time TV everyday, which have increased sexual content programmes," Ms Collins said.

CENSORS DENY PERMIT TO GODHRA DOCUMENTARY

Riot film not final solution

CHANDRIMA S. BHATTACHARYA

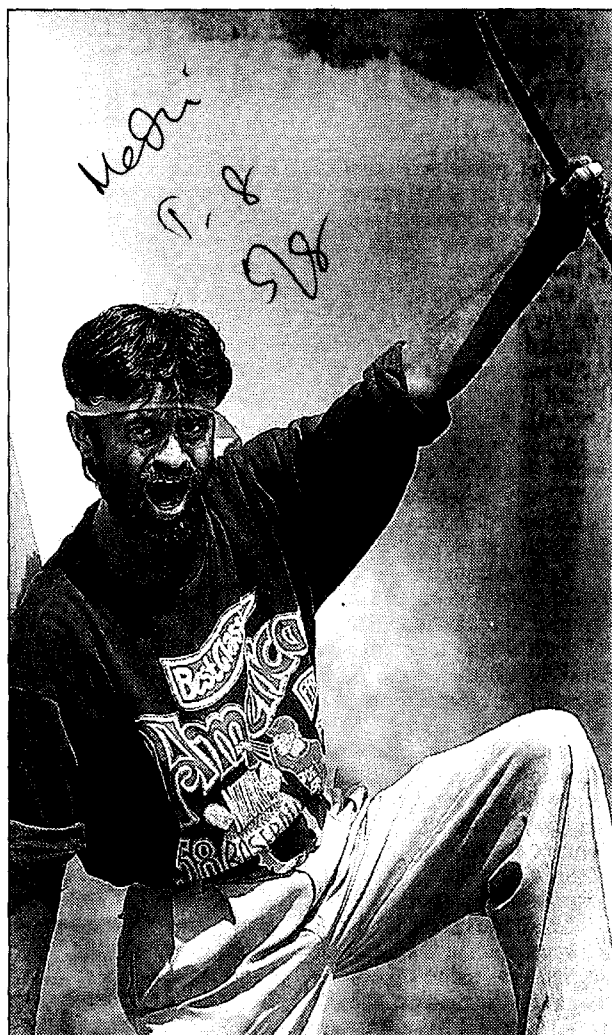
Mumbai, Aug. 4: *Final Solution*, an internationally acclaimed documentary by Rakesh Sharma, has been denied a certificate by the censor board, even as the film is slated for a commercial release in Germany next month.

The censor board's letter states: "The film promotes communal disharmony among Hindu and Muslim groups and presents the picture of Gujarat riots in a way that it may arouse the communal feelings and clashes among Hindu (and) Muslim groups. It attacks on the basic concept of our Republic, i.e., national integrity and unity."

It adds: "Certain dialogues involve defamation of individuals or body of individuals. State security is jeopardised and public order is endangered if this film is shown. It violates guidelines 2(xiii), 2(xiv), 2(xvii) and 3(i). When it is judged in its entirety from the point of view of its overall impact, it is not advisable to be exhibited. Hence refused under Section 5(b) 1 of the Cinematograph Act, 1952."

The three-and-a-half-hour film, without making any comment, has riot victims narrating their accounts of the violence that was unleashed after the Godhra train incident. It also has footage of Gujarat chief minister Narendra Modi and VHP leader Praveen Togadia exhorting Hindus, in the name of Hindutva, to strike back at "outsider" Muslims before the Gujarat Assembly elections that the BJP won hands down.

Earlier this year, at the Berlin International film festival, where the film won a major award, the Wolfgang Staudte Jury had said in its citation of the same film: "(It is) an epic documentary focussing on a culture of hatred and indifference. The directness, clarity and accuracy of the film enables the viewer to both reflect on the universality of the subject matter and relate this to his or her own human attitudes. The filmmaker has chosen a documentary form that completely shuns the use of melodramatic effects."



A Bajrang Dal activist shouts anti-minority slogans in Ahmedabad a day after the 2002 Godhra riots broke out. (AFP file picture)

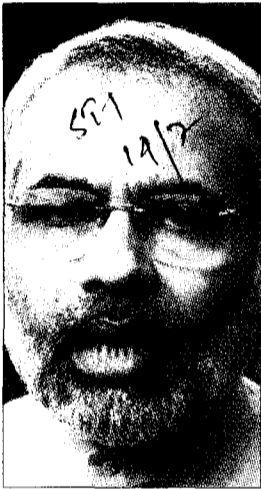
V ✓
Kuwait bans
Fahrenheit
9/11: 'Insult
to Saudi royals

2/8
■ **KUWAIT CITY:** Kuwait, a major US ally in the Gulf, has banned Michael Moore's *Fahrenheit 9/11* because it deems the movie insulting to the Saudi Arabian royal family and critical of US's invasion of Iraq, an official said on Sunday.

"We have a law that prohibits insulting friendly nations, and ties between Kuwait and Saudi Arabia are special," Abdul-Aziz Bou Dastour, cinema and production supervisor at the Information Ministry, said.

He said the film "insulted the Saudi royal family by saying they had common interests with the Bush family and that those interests contradicted with the interests of the American people." *Fahrenheit 9/11*, which won the top honour at May's Cannes Film Festival, depicts the White House asleep at the wheel before 9/11 attacks in New York and Washington. —AP/PTI

Celluloid love rots in the cans



NEW DELHI, July 13. — A Bollywood “love story” set against the backdrop of the 2002 Gujarat violence has fallen foul of the censors and is unlikely to ever make it to the screen.

Chand Bujh Gaya was rejected by the Central Board of Film Certification because of the uncanny resemblance of the main villain — a morally challenged, violence-perpetrating chief minister — to Mr Narendra Modi.

Starring Aamir Khan’s brother, Faisal, and a host

of unknowns and directed by Sharique Minhaj, the film failed to make it past even the Film Certification Appellate Tribunal, where the filmmaker appealed against the decision.

The filmmaker has decided to move court, but members of the tribunal say it will make no difference.

“The entire film is an aberration. It is not a love story but a depiction of bloodshed and can spark communal tension,” Mr Rakesh Sinha, a member of the tribunal, said.

But Mr Sinha’s main objection was the depiction of the Modi look-alike as a chief minister. “He’s shown as a veritable devil, fuelling violence and encouraging people to kill each other. It is an implicit attack on the RSS.”

Mr Faiz Anwar, the producer of *Chand Bujh Gaya*, said in Mumbai that he would take three-four days to decide whether he would approach the court or appeal again to the censor board tribunal.

— IANS/SNS

বাংলাদেশে ফের সাংবাদিক খুন

রহমান জাহাঙ্গির • ঢাকা

২৫ জুন: বাংলাদেশে আবার এক সাংবাদিক খুন হয়েছেন। খুলনা শহরে আজ দুপুরে দুষ্কৃতীদের ছোড়া বোমায় দৈনিক সংবাদপত্র 'জয়ভূমি'র সম্পাদক হুমায়ুন কবীর বালু মারা যান। মাত্র কয়েক মাস আগে এই শহরেই বিবিসি'র সাংবাদিক মানিক সাহাকে প্রায় একই ভাবে খুন করা হয়েছিল।

সাংবাদিকদের উপর মাওবাদী জঙ্গিদের একের পর এক হামলার জেরে বাংলাদেশের সংবাদপত্রগুলি এখন খুলনা শহরের ক্ষেত্রে 'মৃত্যু উপত্যকা'র বিশেষণ ব্যবহার করে। এই বিশেষণ যে আদৌ আতিশয্য নয়, এ দিনের হত্যাকাণ্ড আরও একবার তা প্রমাণ করল। আন্তর্জাতিক অধিকার রক্ষা সংগঠনগুলি ইতিমধ্যেই বাংলাদেশকে সাংবাদিকদের পক্ষে পৃথিবীর সবচেয়ে 'ভয়ঙ্কর' দেশগুলি: অন্যতম বলে চিহ্নিত করেছে। ১৯৯১ সাল থেকে এই পর্যন্ত মোট ৫ জন বাংলাদেশি সাংবাদিক খুন হয়েছেন। এঁদের মধ্যে ৩ জনকে গত বছর হত্যা করা হয়েছে। আন্তর্জাতিক সাংবাদিক মহৎ একবাক্যে স্বীকার করেছে, বাংলাদেশে সাংবাদিকতার ঝুঁকির সঙ্গে যুক্তক্ষেে সাংবাদিকতার কোনও পার্থক্য নেই আজকের ঘটনাটি ঘটে স্থানীয় সময় দুপুর সাড়ে বারোটা নাগাদ।

28 JUN 2008

বুশের আসন টলিয়ে দিতে চায় মুরের ছবি ফারেনহাইট ৯/১১

সীমা সিরোহি • ওয়াশিংটন

২৬ জুন: একটা জটিল গবেষণামূলক প্রবন্ধের বই যদি কোনও উপন্যাসের চেয়ে বেশি জনপ্রিয় হয়, সেটা যতটা অভাবিত, একটা তথ্যচিত্র যদি বক্স অফিসে কাহিনিচিত্রের চেয়ে বেশি সাজা জাগায়, সে ঘটনাটাও প্রায় ততটাই আশ্চর্যের।

কিন্তু মার্কিন মূলকে এই মুহূর্তে ঠিক সেটাই ঘটছে। এই শুক্রবার গোটা দেশের প্রায় ৯০০টি প্রেক্ষাগৃহে শুভমুক্তি ঘটেছে মাইকেল মুরের বিতর্কিত তথ্যচিত্র 'ফারেনহাইট ৯/১১'-এর। খবরটা প্রেসিডেন্ট বুশের পক্ষে মোটেই শুভ নয়। কারণ, এই ছবিতে ৯/১১ এবং ইরাক নিয়ে বুশের ভূমিকাকে যে ভাবে ছত্রস্থান করা হয়েছে, ভোটের বছরে ছবিটা এক অব্যর্থ টাইম বোমা হয়ে উঠতে পারে।

মুর বরাবর প্রতিষ্ঠানবিরোধী চলচ্চিত্রকার হিসেবে পরিচিত। এর আগেও টেলিভিশন সিরিজ 'দ্য অফুল টুথ' (১৯৯৯) বা 'অ্যান্ড জাস্টিস ফর অল'-এর মতো তথ্যচিত্র যথেষ্ট হইচই ফেলেছিল। প্রশাসনকে অস্বস্তিতে পড়তে হয়েছিল একাধিক ছবির সূত্রে। শ্রমিক পরিবারের ছেলে মুর তাঁর যাবতীয় কাজকর্মের মধ্য দিয়ে একটা জিনিস প্রমাণ করেছেন। বিতর্কিত ছবিগুলি কিছুতেই খুব নিশ্চিন্তে থাকতে দেবেন না। বারবার ঝাঁকুনি দিয়ে মনে করিয়ে দেবেন, নীচের মহলে পড়ে থাকা মানুষগুলোর কথা। সে দিক থেকে, তিনি অবিসংবাদী 'পপুলিস্ট'। কিন্তু এ বারের ছবিটায় রাজনৈতিক রং এত চড়া যে, ডিজনি পিকচার্স ছবির পরিবেশনার দায়িত্ব পালন করতেই অস্বীকার করে। তখন এগিয়ে আসেন মিরামাক্স পিকচার্সের

হার্ভে ওয়াইনস্টাইন। ছবিটি কিনে নেন ডিজনি-র কাছ থেকে। আর এর পরই বুশকে প্রমাদ গনিয়ে তার এই রেকর্ড-ভাঙা জনপ্রিয়তা।

ফারেনহাইট ৯/১১ বুশের সামগ্রিক প্রেসিডেন্ট জীবনকেই নিয়ে এসেছে আতস কাচের নীচে। ছবিটা শুরু হচ্ছে প্রেসিডেন্ট নির্বাচনে বুশের 'জয়' থেকে। শেষ হচ্ছে ইরাক যুদ্ধে। মুর প্রথম তোলা শুরু করেছেন একেবারে গোড়াতেই। কেননা, মার্কিন ডেমোক্রেট দলের বহু সদস্য আজও বিশ্বাস করেন তাঁদের প্রার্থী অ্যাল গোরকে খুব পরিচ্ছন্ন উপায়ে পরাজিত করেননি বুশ। তার আগে থেকেই অবশ্য সৌদি রাজপরিবারের সঙ্গে তাঁর সম্পর্ক ঘনিষ্ঠ হতে শুরু করেছিল। প্রেসিডেন্ট নির্বাচনে লড়ার আগে প্রশাসনিক পদে তাঁর ডুবন্ত কেরিয়ারকে লক্ষ্যধিক ডলার অর্থসাহায্য পাঠিয়ে টেনে তোলে ওই পরিবারই। মুর দেখিয়েছেন, সে সম্পর্ক ৯/১১-র পরেও ফিকে হয়নি। যদিও, হামলাকারীদের ১৫ জনের মধ্যে ১১ জনই ছিল সৌদি নাগরিক। এমনকী, ওই ঘটনার পর, যখন বিমান চলালচল বন্ধ, তখন বুশের বিশেষ অনুমতিক্রমে ১০০ জন সৌদিকে নিয়ে একটি বিশেষ উড়ান আমেরিকার মাটি ছাড়ে। মুরের হাতে এখানে রয়েছে আরও একটি তাস— ওই যাত্রীদের জনাকয়েক ছিলেন ওসামা বিন লাদেনের পরিবারের সঙ্গে জড়িত।

পাশাপাশি, ৯/১১ বিমান হানার মুহূর্তে বুশকে দেখছি, তিনি বসে আছেন ফ্লোরিডার একটি স্কুলের বাচ্চাদের সঙ্গে। ওয়র্ল্ড ট্রেড সেন্টার আক্রান্ত হওয়ার খবর পেলেন তিনি। যেমন বই শাড়ে শোনাচ্ছিলেন, তেমনই শোনাতে থাকলেন

বাচ্চাদের। তেমন অভিব্যক্তি ছাড়াই।

৯/১১-র পর থেকেই বিশ্বকে সন্ত্রাসমুক্ত করার শপথ নিয়েছিলেন বুশ। কিন্তু সৌদি আরবের বিরুদ্ধে ব্যবস্থা নিলে, বেছে নিলেন ইরাককে। যে গণবিধ্বংসী অস্ত্রভাণ্ডারের খুঁজে তুলে যুদ্ধ শুরু করেছিলেন, তার ভাঁওতা অস্বীকার ইতিমধ্যেই অন্য সূত্রে প্রমাণিত। মুরের ছবিতে ধরা আছে, ইরাকের মাটিতে মার্কিন সেনার ভাণ্ডার। তাদের নৈশ তরঙ্গি অভিযান, নিরীহ ইরাকিদের মৃত্যু, জীবিতদের অবর্ণনীয় জীবন— যে দিকগুলো সচরাচর প্রকাশ পায় স্নান মূলমন্ত্রের গণমাধ্যমে। স্বাধীনতার সৌধের তলায় বড়ো হওয়া তরুণরা যে কতটা নশংস হতে পারে, তার একটা আন্দাজ যেন মুর দিতে চান তাঁর দর্শককে। তাঁর ছবিটি এক মায়ের চোখ দিয়ে দেখা, যাঁর ছেলে ইরাকে গিয়ে মারা যায়। তখন বদলে যায় মায়ের রাজনৈতিক দর্শন। যুদ্ধের বিরুদ্ধে প্রবল বিক্ষোভে ফেটে পড়েন তিনি।

মাইকেল মুরের ফারেনহাইট ৯/১১ প্রথা ভেঙে কান চলচ্চিত্রোৎসবে শ্রেষ্ঠ ছবির শিরোপা পেয়েছে, ছবিটি নিজের দেশে দেখাতে চেয়েছেন নেলসন ম্যান্ডেলা— এ সবই গুরুত্বপূর্ণ। কিন্তু তুরে চেয়েও বোধহয় বেশি গুরুত্বপূর্ণ, যে ভাবে মার্কিন রাজনৈতিক মহলের লোকজন ছবিটির প্রিমিয়ারে ভিড় করলেন। মার্কিন কংগ্রেস সদস্য, ডেমোক্রেট দলের প্রতিনিধি, মায় ৯/১১ তদন্ত কমিশনের সদস্যরা পর্যন্ত। ছবিটা যদি সত্যিই মার্কিন রাজনীতির ভবিষ্যৎ গঠনে কোনও ভূমিকা নেয়, তাতেই বোধ হয় সত্যিকারের অুভীষ্ট সিদ্ধ হবে পরিচালকের।

ANABAZAR PAPER 27 JUN 2004

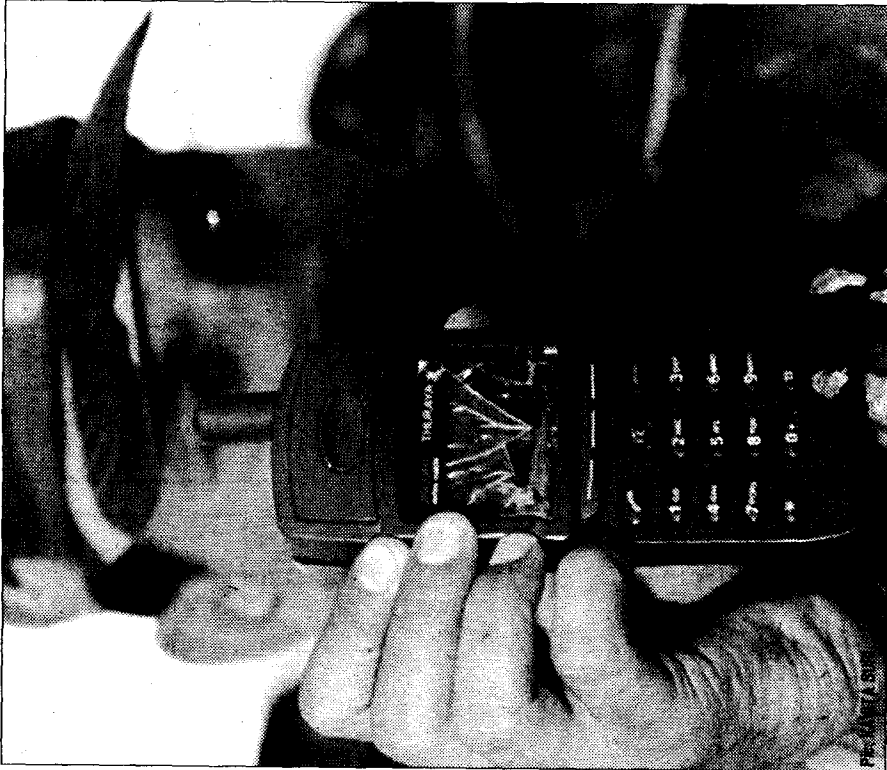
Mobile killers

5/9 286

The recovery of a high-tech mobile phone from a militant has given a new dimension to security concerns in the troubled Valley, writes KAVITA

SURI

WHILE people all over the world are celebrating the rapid strides that information technology has taken over the past few years, security agencies deployed in Jammu and Kashmir have been losing sleep over these very advancements. Operating in the troubled Valley for the past 15 years, terrorists have now gone high-tech with the introduction of mobile services, a development that has raked up serious concerns for the security agencies in the Valley. The tech-savvy Pakistan-sponsored terrorists have been increasingly using satellite and mobile phones to communicate with each other to further their disruptive activities. Though in the past couple of years, the security forces in J&K seized many such satellite phones, it was for the first time that a high-tech mobile phone



An Army personnel displays the recovered mobile phone.

was recovered.

Mobile services in J&K were started in September last year. The ministry of defence, however, was apprehensive about giving clearance. It feared that terrorists groups would use the services to strengthen their communication network and further their activities in the sensitive border state.

A high-tech *Thuraya* mobile

phone was recovered from a slain terrorist following a fierce encounter near the Line of Control in the Meghana area, Rajouri. The incident makes it very clear that the militants are now equipped with advanced communication systems.

Thuraya began its services in Pakistan on 1 January 2002. *Thuraya Phones and Cellular Service* is available with Pakistan Telecom and its

distributors have established a strong network. The mobile sets make use of two *Thuraya* satellites, presently in geo-synchronous orbit and covering 100 countries. They have a user-friendly soft key operation system with GSM, satellite and GPS facilities, GPS location and storage of 25 GPS positions. And most important is its user interface with nine languages including Arabic, Persian and Hindi. The *Thuraya* mobile also has the facility of date and fax upto 9,600 bps.

"Their (the terrorists') bosses sitting across the LoC have been equipping them with advanced sophisticated equipment. This mobile set is an advanced mechanism through which they can talk to any person in any corner of the world," says Brigadier RK Sharma.

In all these years of insurgency, security forces have busted many communication centres belonging to militant groups in the state. In June last year, the forces busted a communication network by seizing advanced US-made equipment. The machinery was apparently used by the groups for communicating with persons outside the country as well as in other districts of the state. Seized from the Nagin area of Srinagar, this high-tech communications system was set up behind a false wall in a house. This advanced communication system was not available commercially; it was smuggled in by the terrorists. The equipment had a frequency range of 3 to 30 mhz and used an inscription system for coding and decoding messages. It had a range of 250 km and could be operated even from a vehicle.

Prior to that, the BSF had unearthed a communication network of

the Hizbul Mujahideen in Badgam district, Central Kashmir. The communication centre was busted in the forest area of Krali gam following the arrest of a Hizbul Mujahideen militant, Bashir Ahmad Wani.

The equipment recovered included two high frequency US-made PRC-1099 radio sets (wireless sets), a booster, two signal receivers, two key-boards, a printer, a digital multi-metre, a key telegraph, five plates, folded solar panel and main leads for the booster.

The US-made PRC was powerful enough to cover a wide range, facilitating communication in the entire state besides PoK and even in parts of Pakistan. The discovery of the hideouts is significant - the Kashmiri ultras were using them to communicate with their patrons in PoK.

Again, in Chhatrahama - on the outskirts of Srinagar city - a hideout of the Lashkar-e-Tayyaba was busted and a Swiss-made mobile satellite phone and other equipment recovered. The satellite phone was used to receive and transmit messages to Pakistan and PoK.

"The mentors have been continuously upgrading the sets the J&K terrorists use," says an Army officer based at Northern Command, Udhampur.

Army officers are quick to admit that with this new trend of terrorists using mobile and satellite phones, their problems have multiplied as the latter can now operate without the fear of much interception. And this has left the security forces facing a new dimension of terrorism.

(The author is the Jammu-based Correspondent of The Statesman.)

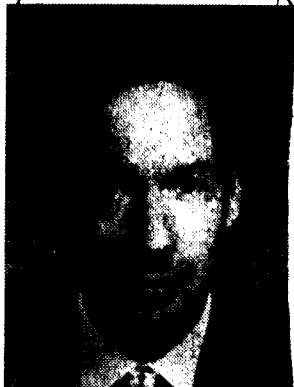
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1-10 1976

TWO WOMEN

To oppose the banning of a film is not necessarily to endorse its biases. No civilized citizen of a mature democracy would support the Shiv Sena's attacks on Karan Razdan's *Girlfriend*. A film cannot be banned simply because it shows two women having sex with each other. But does it follow from this that a film which does so is a reflection and agent of desirable social change? Not necessarily. Erotic sequences between two women are far from a revolution for the Indian "mainstream". Standard pornographic fare, prepared for heterosexual male viewers, routinely sizzles with such "lesbian" sequences. This is a global phenomenon, and the Indian market is no exception. Pornography allows lesbian sex if there are clearly no men around to pleasure the women, or when a man arranges the sex for his own delectation, often to "show" the women, eventually, that they have a much better option. Much of this pornographic protocol is imported, almost intact, into *Girlfriend*, and most men in the audience would recognize the situations and imagery. This is why films like *Girlfriend*, and *Neel Nirjoney* in Calcutta, make sure that actors' interviews and page-three publicity throw in tantalizing hints about the films' lesbian content before their release. The posters do the rest of the job. Sexual justice has really very little to do with all this, although some directors and actors often use that rhetoric, depending on where, or to whom, they are speaking.

Razdan has only gone a step forward by giving his own story about the "origins" of lesbianism — in childhood abuse and wretchedness. According to this code, there cannot be any happy lesbians who have sex with one another simply because they happen to enjoy it. They are shown as damaged *femmes fatales*, driven by their hatred of men, and doomed to destroying lives, their own and their girlfriends', unless put in place by a man or saved by marriage. The other scenario — sex between two men — is even more unimaginable, because the male homosexual gaze has not yet been acknowledged by the Indian "mainstream" market. This is unfortunate. Bollywood, or the New Bengali Cinema, is actually losing a great deal of money because of India's heterosexist conservatism. The Western fashion, publishing, entertainment and tourism industries reap huge revenues from specifically targeting "pink money", because single gay men and women have more money to spare. One does not have to invoke civil rights, a subject that would bore most enterprising Indian metrosexuals, to argue that gays and lesbians would be important consumers in a free market — if only they were free to be themselves.

BBC reporter shot at in Riyadh



Frank Gardner

Associated Press

RIYADH, (Saudi Arabia) June 7. — A BBC reporter was injured and an Irish cameraman working with him was killed on Sunday in a shooting in the capital within hours of the Saudi foreign minister saying the kingdom was doing “everything we can” to protect citizens and residents.

The BBC identified the dead man as Simon Cumbers, 36. The injured man was BBC security correspondent Mr Frank Gardner, 42. Gardner is “in critical but stable condition,” British Embassy spokesman Mr Barrie Peach said today.

In London, British Prime Minister Mr Tony Blair said the shootings demonstrated the threat terrorists pose around the world. “We have to be vigilant and get out and get after them and make sure we deal with this issue,” he said.

A British Embassy spokesman Mr Barrie Peach said the embassy was in contact with Saudi authorities and the ambassador was at the hospital.

British Foreign Secretary Mr Jack Straw condemned the attack on the journalists and pledged that Britain “will continue to do all we can to support the Saudi authorities in their fight against terrorism.”

Earlier, the Riyadh police chief told the official press agency that the incident is being probed.

Government moves to stop publication of foreign daily

Media
HD-1

By Our Special Correspondent

S/B

NEW DELHI, JUNE 4. The Information & Broadcasting Ministry is writing to the *International Herald Tribune's* Managing Director in Hong Kong and to Midram Publications Private Limited to stop publication of the *IHT* in India. From May 31, the foreign news daily has been published out of the *Deccan Chronicle* Press in Kondapur, near Hyderabad, by T. Venkatram Reddy on behalf of Midram Publications Private Limited.

According to Ministry officials, publication of the *IHT* in India was a violation of the 1955 Cabinet Resolution and the syndication regulations. While maintaining that all regulations had been violated, the Ministry was proceeding cautiously lest it should be accused of stifling the media, the officials said. "The Ministry is going about it politely but firmly; do not under-rate the will of the Government," they said.

Admitting that they were caught unawares by the development, the officials said they had a detailed meeting today with the I&B Minister, S. Jaipal Reddy. Even as the officials maintained that neither the *IHT* nor *Deccan Chronicle* had approached the Government with any applica-

tion for a tie-up in India, they were unable to say whether the Registrar of Newspapers for India — a media unit of the I&B Ministry — had cleared the application for registration of title.

According to the 1955 Cabinet Resolution, "foreign newspapers and periodicals which dealt mainly with news and current affairs should not be allowed to bring out editions in India."

Pending with the Government at that time was a proposal of *The New York Times* to bring out its international edition in India.

In 2002, the National Democratic Alliance Government decided to allow Foreign Direct Investment up to 26 per cent of paid up equity capital in Indian entities publishing newspapers and periodicals dealing with news and current affairs. Though the print media was opened up for foreign participation, such arrangements were subject to clearance from the Government.

As for syndication laws, the Government in 2002 revised the guidelines to mandate that the total material so procured and printed in an issue of an Indian publication should not exceed 7.5 per cent of the total printed area of that issue. Further, the masthead of the content provider could not be used.

THE HINDU

5 JUN 2004

British media and the Iraq war

By Hasan Suroor

A PART FROM other hastily things, the Iraq war will be remembered for long in Britain for its impact on the country's journalism. Already, it has destroyed the careers of some of Britain's most high-profile media figures — Gwyn Davis and Greg Dyke, who were forced to resign as chairman and director-general, respectively, of the BBC after a row over its coverage of the Iraq war; and Piers Morgan sacked last week for publishing apparently "fake" pictures of British soldiers "torturing" an Iraqi prisoner. And then there is Andrew Gilligan, the former BBC defence correspondent, whose controversial war reports were seized by Downing Street to accuse the BBC of pursuing an "agenda" on Iraq.

Significantly, all the media casualties have been in the anti-war camp. While Mr. Morgan and Mr. Gilligan lost their jobs following controversies over the way they handled the issue, Mr. Davis and Mr. Dyke paid the price for not giving into Government pressure to moderate its coverage. There may not have been a design in all this, as darkly suggested by conspiracy theorists, but the message is clear: do not mess with us on war.

With four "down," there is likely to be less appetite in the media for actively challenging the Government on Iraq — as Mr. Gilligan did by questioning its intelligence claims about Saddam Hussein's weapons capability; and Mr. Morgan did by highlight-

ing the abuse of Iraqi prisoners by British troops. At the BBC, there are clear signs of a more softly, softly approach, and similarly the *Daily Mirror* has indicated a more conciliatory approach.

There is a widespread view, shared by even some of their admirers, that both Mr. Gilligan and Mr. Morgan made mistakes. Yet, there is a general acceptance that the essence of their

Street picked up a very public quarrel with the BBC triggering a chain of events culminating into the death of David Kelly. The rest — the appointment of the Hutton inquiry into the circumstances of Kelly's death, its criticism of the BBC and the resignations of Messrs Gilligan, Davis and Dyke — is history.

For Mr. Morgan, who ran a consistent and often shrill anti-war cam-

All the media casualties have been in the anti-war camp. Restraint is the new watchword.

stories was right; and it widely acknowledged that but for their disclosures a lot of the Blair-Bush "dirty linen" in Iraq would have remained hidden from public view. Mr. Gilligan's controversial broadcast accusing the Government of "sexing up" its September 2002 intelligence dossier on Saddam Hussein's weapons of mass destruction has been proved right by subsequent events.

Mr. Gilligan may have over-egged his report by attributing certain crucial remarks to David Kelly, the weapons expert who later committed suicide, but the broad thrust of his story — namely the concern in the intelligence community over attempts to tailor facts to suit a pro-war political agenda — remains unchallenged. As his story threatened to undermine the Prime Minister, Tony Blair's entire case for war, Downing

believing that even if the pictures were fake the claims of abuse by British soldiers were correct. But he was given no time to argue," according to one account of the meeting at which he was dismissed.

Mirror insiders have been quoted as saying that Mr. Morgan appears to have been "targeted" because of his anti-war agenda. "Everyone who criticised the war has been targeted. First, it was the BBC and now Piers. Only the people who have prosecuted this war are still in place," one *Mirror* reporter said.

Critics acknowledge that Mr. Morgan, perhaps, went too far in publishing potentially dubious photographs without "double-checking" their authenticity. But they point out that, as in the case of the Gilligan broadcast, the *Mirror* story had its "thrust" right. The pictures may be fake but the *Mirror* account of abuse of prisoners has not been denied.

"What Morgan did achieve with his decision to publish was a sudden and surprising admission by the authorities that they knew about allegations which had never been revealed in public about misbehaviour by the army," argued Roy Greenslade, a former editor of the *Mirror*, writing in *The Guardian*.

With the conflict in Iraq far from over, many more uncomfortable truths will be waiting to be revealed but "restraint" being the new watchword in the media are we going to hear or read about them?

10-10-10

Exit polls show NDA short of a majority

By Our New Delhi Bureau

NEW DELHI, MAY 5, Exit polls at the end of the third phase of the elections today predicted that the National Democratic Alliance would remain short of a clear majority in the Lok Sabha.

The NDTV-Indian Express exit poll-based projections for all the 543 seats gave the Bharatiya Janata Party and its allies 245-265 seats, the Congress and its allies 185-205 and others 90-110.

Aaj Tak gave the BJP and allies 268 seats, the Congress and allies 175 and others 102. Star News-C-Voter's was the lone projection to give the ruling combination a slender chance of crossing 272 with a projection of 270-282 seats. It gave the Con-

gress and allies 167-179 seats and others 87-99.

The Zee News-Taleem Research Foundation exit poll based projection gave the BJP and allies 267 seats, and Sahara-DRS 263. Sahara gave the Congress and allies 183 seats and Zee 187. Others were given 89 seats by Zee and 99 by Sahara.

After the third phase of polling in 83 constituencies, NDTV, Aaj Tak, and Star have revised their earlier projections (after the second phase on April 26). Aaj Tak has the BJP-led alliance picking up an additional two seats at the expense of others in the overall tally with the Congress remaining at 175. NDTV and Star have reworked their entire bandwidth giving more to the BJP and allies.

EXIT POLL-BASED PROJECTIONS AFTER PHASE-3, ELECTIONS 2004 Total seats **543**

	NDTV-Indian Express	Aaj Tak	Star News	ZEE	SAHARA
BJP & Allies	245-265	268	270-282	267	263
Congress & Allies	185-205	175	167-179	187	183
Others	90-110	102	87-99	89	99

The BJP and its allies have made gains in today's phase, according to all exit polls. In 1999, they had won 41 of these 83 seats. This time NDTV has given them 55, Star 53-57, Aaj Tak 51, Sahara 47 and Zee 44. The Congress, on the other hand, is on the downside from its 20 in 1999. Sahara gives it 18, Star 12-

16, Zee 16, and Aaj Tak and NDTV 15. All the exit polls show the Samajwadi Party to be the biggest loser in Uttar Pradesh with Zee's overall tally for it dropping by six, Aaj Tak's by two, NDTV, Star and Sahara show others (primarily SP and the Bahujan Samaj Party) yielding ground. The BJP is given the

biggest haul of 14 of the 30 seats in this round by Star and NDTV, while Zee and Sahara give it 11, and Aaj Tak 10. The SP is given seven by Star, 11 by Zee and eight by Aaj Tak and NDTV. The BSP is given five by Star, NDTV and Zee while Aaj Tak shows it holding on to eight.

With elections in Bihar wrap-

ped up today, there were variations in the final tally. Only NDTV gave the RJD and allies a lead — 22 of the 40 seats — with the BJP dropping by 12 to 18. Zee gave the BJP and its allies 24, the RJD-led combine 11, and others five. Sahara showed 24 for the BJP and 16 for RJD-Congress. Aaj Tak gave 27 to the BJP, 12 to RJD-Congress and one to others.

Rajasthan and Madhya Pradesh seem to be overwhelmingly in the BJP's favour. While Aaj Tak gives the BJP the maximum of 21 of the 25 seats in Rajasthan, NDTV and Star give it 20, Sahara 18 and Zee 16. In 12 of 29 Madhya Pradesh constituencies, NDTV and Star gave the BJP 11 seats, Aaj Tak and Sahara 10, and Zee nine.

US military in Iraq torture scandal ^{media} TV photos shock the world ^{HQ-1}

Guardian News Service
Washington, April 30

115
GRAPHIC PHOTOGRAPHS showing the torture and sexual abuse of Iraqi prisoners in a US-run prison outside Baghdad have emerged from a military inquiry which has left six soldiers facing a possible court martial and a general under investigation.

The CBS News programme *60 Minutes II* aired photographs taken late last year, showing US troops abusing prisoners at the Abu Ghraib jail, a notorious centre of torture and executions under Saddam Hussein's government. The pictures showed US troops smiling, posing, laughing or giving the thumbs-up sign as naked, male Iraqi prisoners were stacked in a pyramid or positioned to simulate sex acts with one another.

One Iraqi man had a slur written on his skin in English. Another was directed by Americans to stand on a box with his head covered and wires attached to his hands, and was informed that if he fell off the box, he would be electrocuted.

Brig. Gen. Janice Karpinski, in charge of the prison, could be relieved of her command, blocked from promotion or receive a letter of reprimand after a non-criminal administrative investigation, a military spokeswoman said. The investigation began in January when a soldier reported the abuse and turned over evidence that included photographs.

Six low-ranking soldiers have been charged with abusing and sexually humiliating detainees. The charges against them include "indecent acts, for ordering detainees to publicly masturbate; maltreatment, non-physical abuse, piling inmates



Brig. Gen. Janice Karpinski, who was in charge of the prison, faces punishment, the US military said.

into nude pyramids and taking pictures of them nude; battery, shoving and stepping on detainees; dereliction of duty; and conspiracy to maltreat detainees".

The soldiers' lawyers argue they are being made scapegoats for a rogue military prison system in which mercenaries give orders without legal accountability.

A military report says private contractors were supervising interrogations in the prison. One civilian contractor was accused of raping a young, male prisoner but was not charged because military law has no jurisdiction over him. Hired guns from a wide array of private security firms are playing a central role in the US-led occupation of Iraq, but this is the first time the privatisation of interrogation and intelligence-gathering has come to light.

The military investigation names two US contractors, CACI International Inc and the Titan Corporation, for their involvement in Abu Ghraib.

Related reports on Page 11

THE HINDUSTAN TIMES

1 MAY 2004

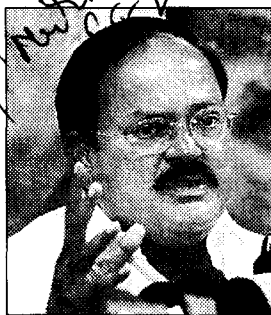
1 MAY 2004

Venkaiah writes off exit polls

New Delhi
27 APRIL

DISMISSING exit poll predictions of a hung Lok Sabha and a depleted strength for NDA, BJP on Tuesday said the coalition led by it will secure a "comfortable majority" but sidestepped questions on whether it would go in for new allies in the post-poll scenario.

"There is no need for thinking about post-poll alliances. We are confident of getting a comfortable majority ... we don't believe in the philosophy of untouchability," party president M. Venkaiah Naidu said. He met the press after a review meeting of the party's



VENKAI AH: POLL TICKS

top leaders, including deputy prime minister L. K. Advani after the second phase of polling in the Lok Sabha elections. Most of the exit polls predicted a hung Parliament with the race becoming

tighter and the ruling coalition tipped to fall short of the majority by as many as 40 seats. "In politics, it is very difficult to talk in 'ifs and buts'," he said in reply to the question whether the BJP-led NDA would consider going in for new allies if it failed to get a majority.

A highlight of the press meet was an admission by Mr Naidu that in Andhra Pradesh, where its key ally, TDP, was in power, the "contest has come closer." He said the Andhra Pradesh chief minister N. Chandrababu Naidu had spoken over the phone with Prime Minister Atal Bihari Vajpayee, Mr Advani and him, during which he had expressed confidence

of a renewed mandate in the state. Appealing to the people to ensure a stable government under the leadership of Mr Vajpayee, the BJP chief said the choice before the electorate was a government led by Mr Vajpayee or "an unstable rag-tag government (of opposition parties) where the fight for prime ministership has already begun."

Mr Naidu said it was "comical" to see Congress boasting the party would form the next government. "It seems th Congress has still not been cured of its itch to claim a non-existent victory," he said. The leaders said they will form an alternative government "in five minutes." —PTI

Cong too close for BJP comfort

Violence, rigging mar polls in heartland

HT Correspondent
New Delhi, April 26

■ **Violence leaves 9 dead:**
Bihar (3), Jharkhand (2), UP
(2), Manipur (1), AP (1)

■ **50-55% turnout overall.**
Lowest in J&K (21%)

Final projections*

House: 543, majority mark: 272

■ BJP+ ■ Cong+ ■ Others

273 166 103

266 175 102

245 200 100

*Based on exit/opinion poll results for 276 constituencies that have voted so far

† Numbers are mean of projected range

What the pollsters say

		BJP+		CONG+		OTHERS			
ZEE*	54	63-78	125	46	37-50	89	36	16	64
SAHARA	73	82	155	44	55	99	21	3	24
AAJ TAK	51	93	144	56	44	100	29	3	32
STAR	68-80	80	148-160	38-50	53	91-103	12-24	7	19-31

■ Predictions for Phase II (Apr 26/136 seats)

■ Predictions for Phase I/140 seats

■ Total predicted seats (out of 276 seats)

*Projections for 276 seats use mean figures for Phase I

Graphics: Ashutosh Sapru

AT THE end of Monday's polling, exit polls predicted losses for the BJP-led NDA. If the current trend continues, the alliance will struggle to get a majority, especially because it has either a tenuous presence in the states that go to the polls in the next two phases, or already has big majorities there.

Aaj Tak gave the NDA 144 seats out of 276 in the first two phases and 266 in total. The Congress and its allies got 100 and 175. Star gave the NDA 148 to 160 seats and the Congress alliance 91 to 103. And Zee gave the NDA 125 seats and the Congress 89. The 'others' got 22, 19-31 and 64, respectively. The figures for these 276 seats in 1999 were 174 for the NDA and 74 for the Congress. The rest had 28 seats together.

In Maharashtra, most surveys gave the Congress-NCP alliance a clear lead over the Shiv Sena-BJP combine. In Orissa, one survey showed the Congress tally remaining the same; others gave the party marginal gains. In Bihar, the RJD was expected to only make minor gains despite gaining a new ally—Ram Vilas Paswan's Lok Janshakti Party. This can be attributed to a further shift in upper caste votes towards the NDA.

That's not all. West Bengal, Kerala, Tamil Nadu and Pondicherry will go to the polls over the next two phases. Between them they contribute 102 seats to the House. The BJP does not have a sizeable presence in the first two, and in Tamil Nadu and Pondicherry, it is heavily dependent on an ally that is not known to be particularly reliable. Even its Bengal ally, Mamata Banerjee, is unpredictable at the best of times.

In Delhi, Madhya Pradesh, Rajasthan and Uttaranchal, where the BJP is strong, it had heavy majorities — seven out of seven in the first, 23 out of 29 in the second, 16 out of 25 in the third and four out of five in the fourth. The chances of making major gains are arithmetically ruled out.

The same is true of Haryana, Jammu and Kashmir and Himachal Pradesh, where former allies have deserted the party. In 1999, the BJP and INLD had swept the 10 seats in the state. This time it is a four-way contest, with the INLD and Bansi Lal's Haryana Vikas Party in the fray on their own. This should help the Congress.

In Jammu and Kashmir, the BJP-National Conference (NC) had won all six seats. This time round, the NC is contesting separately and the Congress has seats deals in some constituencies. It's the same in Himachal — the BJP and its ally, Sukh Ram's Himachal Vikas Congress, had won all four seats, Sukh Ram winning one. Now Sukh Ram is back in the Congress, boosting its prospects. Only in Punjab, where the BJP and Shiromani Akali Dal had three out of 13 seats, is there a possibility of improvement.

■ Full coverage in India Votes, Pages 13-16

Position in states

Exit poll projections vary. This is the broad picture that emerges

↔ **UTTAR PRADESH**
Marginal gains for Cong. BJP holds on to 1999 tally. Muslim vote split three-way

↓ **MAHARASHTRA**
Setback for NDA. Major increase in Cong-NCP tally. Alliance has worked

↓ **ANDHRA PRADESH**
NDA's woes continue. Phase II projections mirror those made for Phase I

↔ **BIHAR**
Marginal gains for RJD. Phase III seats (polling May 5) may hold the key

↑ **KARNATAKA**
Continued cheer for NDA. Congress slide unrelented in Phase II polling

■ Congress + ■ NDA

27 APR 2004

VSNL to use Bharti facility for trunk calls

OUR SPECIAL
CORRESPONDENT

New Delhi, April 25: Bharti Infotel Limited, a wholly-owned subsidiary of Bharti Tele-Ventures today signed a Rs 500-crore deal with Videsh Sanchar Nigam Limited to share the national long distance network.

This is a first-of-its-kind agreement between two telecom players in the national long distance sector.

Telecom players worldwide offer their infrastructure facilities to other operators for meeting the local objective of rural connectivity and increasing teledensity. In India, cellular mobile operators are already sharing their infrastructure since the past three years.

According to the agreement, VSNL will have the right to use Bharti's national long distance backbone for 15 years. The Tata-owned company will pay the operational and maintenance cost for the network.

VSNL will have the right to primarily use 1,00,000 dark fibre kms of the national long distance network, which is less than 20 per cent of the capacity currently available with Bharti.

Bharti Tele-Ventures joint managing director Rajan Bharti Mittal said, "Bharti has always been a strong advocate of the sharing of infrastructure on mutually beneficial terms to optimise investments. This applies not only to its long distance network, but also to other facilities like cell sites for mobile operations."

"It would reduce the cost for the sharing parties, thereby helping us in deepening the market and exploring the massive potential of the telecom industry," said Mittal.

While senior company executives of Bharti and Tata were



Mittal: Sky is the limit

non-committal about a drop in STD rates for the consumers, they hinted at possible bulk schemes with lower tariffs.

Bharti Infotel Limited president Badri Agarwal said, "This deal with VSNL is a major step towards the implementation of the best global practices. Given that the network capacities available with Bharti is extensive and more than sufficient for its usage and projected growth, this sharing agreement with VSNL will result in an optimised use of Bharti's existing network capacity."

"For Bharti Infotel, this would result in higher revenues, reduction in operating costs, savings in finance costs and a significant improvement in cash flows without impacting the availability of capacities in any way," said Agarwal.

Bharti Infotel is a leading provider of access, long distance, data and corporate solutions, and has telecom infrastructure with 23,000 route kms of optic fibre cable network complemented by the undersea cable network i2i. The 3,200-km i2i cable network is a 50:50 joint venture between Bharti and SingTel.

SC to hear exit poll PIL on Monday

TIMES NEWS NETWORK

New Delhi: The supreme court will hear on Monday a public interest litigation (PIL) seeking a ban on publication, broadcast and telecast of opinion and exit polls till the last phase of elections is over on May 10.

Petitioner D K Thakur's counsel put the PIL before a bench of justices R C Lahoti and Ashok Bhan, wanting it to be taken up immediately. However, the court said it would hear it on Monday.

In his PIL, Thakur contended that

opinion and exit polls were contrary to the provisions of the Representation of People's Act. According to him, such polls affected the mental make-up of the electorate and influenced the exercise of franchise by them. The petitioner also questioned the methodology adopted by various organisations which have undertaken such polls. Thakur urged the apex court to direct the EC to ensure that its guidelines on exit and opinion polls were enforced. Apart from the EC and Centre, the petitioner has also impleaded the Press Council of

India as a party in the case.

Earlier this month, the EC had convened an all-party meeting to discuss the issue. All major political parties had then agreed that opinion and exit polls should not be published/telecast/broadcast till the last vote was cast.

The EC also wanted the government to bring in an ordinance to ban such polls but attorney-general Soli J Sorabjee opposed it saying that this would be contrary to the citizens' fundamental rights under Article 19(1)(a) of the constitution.

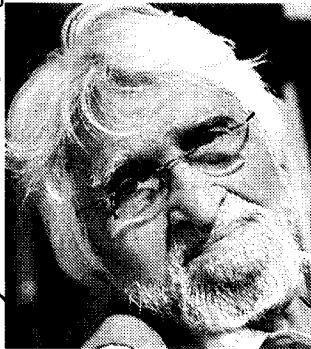
M.F. Husain withdraws film

MUMBAI, APRIL 16. A day after some Muslim organisations took objections to one of the songs in M.F. Husain's recent film 'Meenaxi — A Tale of Three Cities,' the eminent artist today ordered the immediate withdrawal of the film from public shows.

"I have told my sole distributor, Yash Chopra, to withdraw the film from public shows all over the country with immediate effect," Mr. Husain said here today.

"Since I have not sold the film, directed and produce by me, to anyone, including Chopra, I would like to stop [the] screening of the film," he said.

Asked for the reason behind it, Mr. Husain said "I



have not made the film to make money nor have I sold it to anyone. Therefore, I need not give any reason for [the] withdrawal of the screening of the film to public."

Terming the song *noorun-ala-noor* "blasphemous", the All-India Ulema Council had

on Thursday demanded an immediate ban on the film starring Tabu in the lead role.

"The song, picturised on Tabu, contains words which are directly lifted from the text of the Quran," the organisation, supported among others by the Milli Council, the All-India Muslim Council, the Raza Academy, the Jamiat-ul-Ulema-e-Hind and the Jamat-e-Islami, said.

"In Quran, the words are used to define the persona of [the] Prophet but in Hussain's film, it is being use to depict the physical beauty of the heroine."

The song hurt the sentiments of Muslims, they said. — PTI

EC's clearance must for telecast of political ads

News ● Supreme Court lays down comprehensive guidelines

HD-1

By J. Venkatesan

APK ✓

NEW DELHI, APRIL 13. The Supreme Court today ordered that the Election Commission's prior clearance is necessary for the telecast of all political advertisements by television channels and cable networks and vested the Commission with powers to screen such advertisements and issue a certificate for telecast.

A three-Judge Bench, comprising the Chief Justice, V.N. Khare, Justice S.B. Sinha and Justice S.H. Kapadia, while staying the interim orders of the Andhra Pradesh High Court suspending the operation of Rule 7 (3) of Cable Television Network Rules, put in place comprehensive guidelines to be followed by political parties, candidates and others in the issue of advertisements for telecast from April 16 to May 10.

Considering the fact that several surrogate advertisements were being telecast, the Bench made it clear that no advertisement could be inserted by any political party, candidate or person without prior clearance from the Commission or the Chief Electoral Officers in the States and the Union Territories. If it was found that advertisements were being telecast in violation of the guidelines, the Commission would be empowered to seize the equipment of the offending television channel or cable network.

The Bench said the political parties and candidates intending to insert advertisements in electronic media shall submit the content of the advertisement, along with its transcript, to the Election Commission or its nominated official three days before the proposed date of telecast for obtaining clearance. For others, advertisements shall be submitted seven days prior to the proposed telecast.

However, for the first phase of the elections scheduled for April 20, the Bench said that advertisements should be submitted for clearance two days before the proposed date of the telecast.

The Bench made it mandatory for the advertisers to state on affidavit whether the insertion is funded by political parties and whether it is meant to benefit the electoral chances of a political party or a candidate. In the case of others, they should give an affidavit to the Election Commission stating its cost of production; the number of insertions with the total cost of advertisement and whether it was for a particular party or a candidate. The advertisement issued by persons or a trust has to state whether it was funded by a political party or candidates or for the benefit of parties or candidates. The Bench made it mandatory for all those intending to insert political advertisements to make payment only through cheques and demand draft and not in cash.

It also ordered that the provision banning canvassing 48 hours before the polling would be applicable to the political advertisements in the electronic media.

The Bench authorised the Election Commission to appoint a State-level sub-committee to look into grievances regarding certification and non-certification of the advertisements by the District Magistrate or his nominee, who had been authorised to screen them.

The Bench made it clear that the committee's order would be binding on all the political parties, candidates and all others concerned. No court could entertain any petition from the aggrieved party of any grievances against the committee's decision and the aggrieved party could approach only the Supreme Court.

The Bench, before finalising the guidelines, heard senior counsel K.K. Venugopal, representing the Election Commission, the Attorney-General, Soli J. Sorabjee, the Centre and K. Ramakant Reddy, Gemini TV.

On April 2, the court had in an interim order banned the telecast of "mudslinging," "slandering" and surrogate advertisements in the electronic media.

It also directed that no TV channel or cable network should telecast any advertisement that did not conform to the law of the land and offended morality, decency and the religious susceptibility of the viewers or was "shocking, disgusting and revolting in nature."

একমত্য বনাম গণতন্ত্র

জনমত সমীক্ষা বন্ধ করার জন্য সর্বদলীয় একমত্য অর্জিত হইয়াছে। জনমত সমীক্ষা দুই প্রকার। এক, নমুনার ভিত্তিতে ভোটের আগে জয়-পরাজয়ের সম্ভাবনা লইয়া জনসাধারণের মতামতের অনুমান (ওপিনিয়ন পোল); দুই, ভোট দিয়া বুথের বাহিরে আসা-মাত্র কাহাকে ভোট দিলেন, ভোটারের কাছে তাহা জানিয়া তদনুযায়ী অনুমান, সংক্ষেপে বুথফেরত সমীক্ষা (একজিট পোল)। তবু যাহারা এই অনুমানবিদ্যার চর্চাকারী, তাহারা ক্রমশ ইহার বিজ্ঞানসম্মত ভিত্তি ও প্রণালী রচনা করিয়া ফেলিতেছেন। আর তাহারই সমান্তরাল ভাবে সব রাজনৈতিক দল ইহাকে নিষিদ্ধ করিতে উঠিয়া পড়িয়া লাগিয়াছে। এ ব্যাপারে বাম-দক্ষিণ ভেদ নাই, প্রগতিশীল-প্রতিক্রিয়াশীল পার্থক্য ঘুচিয়া গিয়াছে। যে সব দল প্রায় কোনও বিষয়েই বঞ্জনও একমত্য হয় না, তাহারাও এই প্রক্ষেপে সর্বসম্মত!

রাজনৈতিক দলগুলির আপত্তির প্রধান কারণ— এই ধরনের সমীক্ষা জনাদেশকে প্রভাবিত করে। কিন্তু রাজনৈতিক দলগুলি হে। নির্বাচনী প্রচার চালাইয়া থাকে, তাহাও তো জনাদেশকে প্রভাবিত করার জন্যই। তাহাতে অন্যান্য কোথায়? কেহ তো জানিতে চাহিতেই পারেন, দেশের বা কোনও নির্বাচনী কেন্দ্রের অধিকাংশ ভোটার কী ভাবিতেছেন, কোন দল বা প্রার্থীকে ভোট দিতে চলিয়াছেন, কারণ তিনিও সেই অনুসারেই চলিবেন। এই তথ্য জানিতে চাওয়া তাহার মৌলিক অধিকার এবং জনমত-সমীক্ষা তাহার সেই অধিকারের দাবি পূরণ করে। সেই অধিকার নিয়ন্ত্রণ করা হইবে কেন? গণতন্ত্রে তথ্য জানার এবং জ্ঞাত তথ্য আদানপ্রদানের অধিকার কি স্বীকৃত নয়? সেই তথ্য যদি ভুল হয়, যাহারা তাহা সরবরাহ করিতেছে এবং যাহারা তাহার ভিত্তিতে সিদ্ধান্ত লইতেছে বা কাজ করিতেছে, তাহারা বুঝিবে। অন্যরা তাহা নিয়ন্ত্রণ বা খর্ব করিতে যাইবে কেন? নির্বাচন কমিশন সেই সমীক্ষা বন্ধ করিতে উদ্যত হইবে কেন? কিংবা নিজেরা দ্বিধাগ্রস্ত বলিয়া সরকারের উপর সেই নিয়ন্ত্রণের দায় পাচার করিবে কেন? রাজনৈতিকরা কমিশনকে এই মর্মে অনুরোধ করিতেই পারেন। কমিশন সেই অনুরোধ রক্ষা করিবে কেন? অথচ ১৯৯৮ সালের ফেব্রুয়ারিতে কমিশন জনমত-সমীক্ষা

নিয়ন্ত্রণে নানা বাধানিষেধ আরোপ করিয়াছিল। সুপ্রিম কোর্টের আপত্তিতে বছর দুয়েক পরে সেই নিষেধ প্রত্যাহত হয়। কিন্তু কমিশনের শিক্ষা হয় নাই। এ বারও সর্বদলীয় একমত্যের অজুহাতে কমিশন এই মর্মে আইনগত বন্দোবস্ত লইতে কেন্দ্রীয় সরকারকে অনুরোধ করিয়াছে। কেন্দ্রও 'গুরুত্ব সহকারে' তাহা বিবেচনা করিতে শুরু করিয়াছে।

অথচ এই ব্যাপারে সুপ্রিম কোর্টের বক্তব্য অতিশয় স্পষ্ট। সর্বোচ্চ আদালত জনমত-সমীক্ষা নিষিদ্ধ করাকে মতপ্রকাশের সাংবিধানিক অধিকারের পরিপন্থী বলিয়া রায় দিয়াছিলেন। সেই রায় সব দলের, সর্বোপরি সাংবিধানিক সংগঠন নির্বাচন কমিশনেরও, নীতিগত ভাবে, শিরোধার্য। সাংবিধান সংশোধন করিতে গেলে তাহার বামেলা অনেক, এখনই তাহা করাও যাইবে না, সুপ্রিম কোর্টের সাংবিধান বেঞ্চ তাহা খারিজও করিয়া দিতে পারে। এই সব কারণেই সম্ভবত কেন্দ্র, বিশেষত তাহার আইন মন্ত্রক অর্ডিন্যান্স জারি করিয়া একজিট পোল বন্ধ করার কথা বিবেচনা করিতেছে। তথ্য জানার মৌলিক অধিকারে এট ভাবেই রাষ্ট্র হস্তক্ষেপ করিতে চায়। এমনিতেই তো শাসক গোষ্ঠীর নানা অনিয়মকে সরকারি গোপনীয়তা আইনের বাঁধনে বাঁধিয়া অনুদ্বাচিত রাখা হয়। প্রতিরক্ষা সহ বিভিন্ন সরকারি ক্ষেত্রে অনিয়মকে রাষ্ট্রীয় নিরাপত্তা বিঘ্নিত হইবার অছিলায় জানিতে দেওয়া হয় না, জানিবার চেষ্টা করিলে মুখের উপর কপাট বন্ধ করিয়া দেওয়া হয়। তথ্য জানার পথে, তথ্যের উৎসে পৌঁছাইবার পথে নিত্য নানা বাধা, নানা নিষেধ। দেশে যখন একটা সুবৃহৎ গণতান্ত্রিক কর্মকাণ্ড চলিতেছে, তখন তাহার অবাধ সঞ্চালনেও এ ভাবে নিয়ন্ত্রণ জারির চেষ্টা দুর্ভাগ্যজনক। জনমত সমীক্ষা চলুক, লোকে তথ্যের অবাধ আদানপ্রদানের সুযোগ পাক। গণতন্ত্র যদিও গরিষ্ঠের শাসন, তবু পাশবিক গরিষ্ঠতা দিয়া সর্বদা সাংবিধানিক মৌল নীতি রদ করা যায় না। সর্বদলীয় একমত্যের জোরে কি মতপ্রকাশের স্বাধীনতাও খর্ব করা যায়? 'সকলে চাহিতেছে', এই 'গণতান্ত্রিক' মানদণ্ড প্রয়োগ করিয়া কি সাংবিধানের নির্দেশক নীতি বা মৌলিক অধিকার হরণ করা যায়? তবে তো ওই যুক্তিতে এক দিন গণতন্ত্রও হরণ করিতে অর্ডিন্যান্স জারি হইবে!

MONDAY, APRIL 5, 2004

9-Block
119-10

SMEAR ADVERTISING

media
5/2

THE SUPREME COURT'S interim order has, in effect, allowed political advertising on the electronic medium, but with an important qualification. Such advertisements on cable networks and satellite television channels must not be "shocking, disgusting or revolting" and more specifically should not "offend morality, decency and [the] religious susceptibility of viewers." In adopting this view, the Court has only restated the general legal position. Rules framed under the Advertising Code of the Cable Television Networks (Regulation) Act specifically prohibit commercials from being aired if they fall foul of any of these norms. The Court's order does not, as suggested in some quarters, quash last month's ruling by the Andhra Pradesh High Court, which lifted the ban on political advertising that was suddenly effected by the invocation of a little known rule — 7(3) — of the Cable Television Networks (Regulation) Rules. Rather, it only replaces or substitutes the High Court's order, by stressing that mudslinging and smear campaigns will not be allowed in the guise of political advertisements.

The Supreme Court's order, which has been welcomed by the major political parties, should put an end to the kind of distasteful advertisements that have been aired recently, particularly those by organisations fronting for political parties. Two such advertisements that attracted widespread censure were nasty, personalised attacks on the Prime Minister, Atal Bihari Vajpayee, and the Congress president, Sonia Gandhi. But the Court has not yet taken a final view on Rule 7(3), the operation of which was stayed by the Andhra Pradesh High Court after some private television networks challenged its validity. A couple of points are germane here. First, the applicability of Rule 7(3) is absolute — it bans all political advertising on television, not merely that which is election-related. The Rule is not specifically related to the electoral process as the

Centre, which filed the special leave petition challenging the High Court decision, has suggested. Secondly, a ban on all such advertisements raises the question of whether it is discriminatory and unreasonably restrictive. In 1999, the Andhra Pradesh High Court struck down two Election Commission orders prohibiting political advertisements in the private electronic media on the above grounds, in a case in which Rule 7(3) did not come up for consideration. Therefore, the larger issue here — whether the Centre is empowered to ban political advertisements during election time and otherwise — will be resolved only after the apex court takes a final decision on the validity of Rule 7(3).

The Supreme Court's interim order raises some practical issues. The Court has asked the Election Commission to monitor political advertisements on television to ensure they are in conformity with existing laws. Two months ago, the Information and Broadcasting Ministry, while seeking the Election Commission's opinion on banning all political advertisements under Rule 7(3), expressed its inability to monitor the "more than 100 cable and satellite channels, 30,000 cable operators and a large number of local channels ... so as to ensure that these political advertisements remain within the Rule Book." How the Commission will be able to keep effective tabs on such a large and often localised operation remains to be seen. It will also have to evolve a broad framework of rules and procedures to examine the complaints it receives in the light of the Supreme Court order. In the cut and thrust of political debate, particularly during election time, the line between slander and legitimate political criticism can sometimes be very thin. In assessing political advertisements, the Commission will need to maintain a fine balance between the need for free political expression and the necessity to curb the politics of smear and defamation.

THE HINDU

5 APR 2004

CONTROL OF INTERNET

US Cannot Be The Policeman Of The World

By BHARAT JHUNJHUNWALA

The internet is now managed by a non-profit American company ICANN which was established by the US department of commerce in 1998 to assign names to internet users. This was a spontaneous consequence of the fact that the internet was invented in America, partly with funding from the American government. Initially the use of internet was limited to that country, hence there was no difficulty in the American government regulating it. But now the internet has got a global reach. Yet ICANN continues to be accountable only to the US government.

California law

For example, it made a unilateral announcement that only five of its 18 directors would be elected from among the internet stakeholders. The four directors who had initially formed the company would continue to hold office without having to retire or be reelected. There are no shareholders or members of ICANN. No meeting of shareholders takes place where the directors could be made accountable. The only court of appeal against actions of ICANN lies with the American government or, at best, the American judiciary.

Thus South African President Thabo Mbeki said that the world community should discuss ICANN's powers, "otherwise the world continues to be governed by California law". The suggestion came soon after South Africa took legal control of its country domain, za, without seeking ICANN approval. In the same tone, China had threatened some years ago that it would set up a parallel internet system if Chinese characters were not accepted by ICANN.

The US government acquires immense powers from its control of the internet. It can block selected e-mail id or websites. Hans Klein, chairman of Computer Professionals for Social Responsibility, says, "The United States might remove from central databases the domain names for countries deemed sponsors of terrorism, essentially kicking them offline". This could also be done for those who opposed other American interests. The US government can, so to say, put a person in solitary confinement by blocking his e-mail id. ICANN can refuse to divulge the address of the server

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on which my e-mail account is located. I would then not be able to receive any mail. It is like the post-office deleting from its records the name of a town. No one would know where to send mail addressed to such a deleted city.

It is also possible for the US



government to track the information being exchanged through the internet. The US government can overhear the messages just as the postal departments used to open mail to trap spies during the Second World War. The internet can also be used for commercial espionage. Robert Guerra, director of Computer Professionals for Social Restructuring, says that intellectual property protection is necessary within the internet, "so that developing countries do not get ripped off of their indigenous knowledge by big companies in the West".

Handover to ITU

The US, however, is reluctant to hand over control of the internet to any multilateral organisation — even one that may be established under the United Nations. It says that governments like those of China have had a poor record of providing freedom of information to their people. *The Economist* wrote, "America is wary of a completely inter-governmental approach, since it might jeopardise the internet's capacity for free speech and technical innovation. Some of the countries that want more of a say — China and several Middle East and African nations — have dubious records on transparency, human rights and press freedoms. They seek more power not to preserve the

internet's character as an open medium, but to control it better within their borders".

It has to be accepted that the US has not imposed many restrictions on the use of internet till now while the Chinese government has often blocked the websites of opponents like Falun

Gong frequently. Indeed, the objective of the Chinese government may be to seek more powers to regulate the internet for its non-democratic objectives.

However, this argument of the US being the policeman of the world cannot be accepted. It is not for the US to determine the kind of government a people should have. The people of a country have the right to decide what kind of government they want. If a people do not oppose a dictatorial government then we must assume that it is what they want. For, the alternative is worse.

If a foreign government is given the moral right to interfere in the affairs of another nation for restoring democratic rights, the same unilateral action can be undertaken by a dictatorial government against democratic government. After all, who is to determine what is democratic and what is not. It is well known, for example, that Saddam's Iraq was more democratic than other Arab states. The present free orientation of the American government cannot be taken for granted because it has been used selectively and frequently against countries obstructing American commercial interests.

China, South Africa, India and Brazil have, therefore, correctly challenged this control of the internet by the US. They want

the internet to be managed by International Telecommunications Union, a multilateral organisation which manages telephones, telegraph, radio and TV across the world allotting wavelengths, telephone numbers, etc. The argument is that what applies to the telephone also applies to the internet. There is no reason to worry about countries like China blocking internet access to the dissenter if they have not done that to block telephones through ITU. But America prefers the status quo though it is not openly opposing this demand yet.

We can, too

It would be futile to ask the United States to give up its control of the internet. Power is taken, not given. The only way is for the countries like India to be one-up on the US by excelling the US in future developments of the internet. David J Farber of People for Internet Responsibility says in an open letter to the Global Internet Community that "an intensive, international study be started at once, with a mandate to propose detailed and meaningful paths for the internet's development, operations, and management. The goal of this study would be to help guide the formation of purpose-built representative organisations and policies that would be beneficial both to established internet stakeholders and to the wide variety of organisations and individuals who are effectively disenfranchised in the current internet policy environment".

The internet has not stabilised yet. Many new areas will emerge in the coming years. The Indian government, in collaboration with other developing countries, should immediately launch a serious study of the future course of the internet. We will have to establish a better system than that of ICANN. We should not forget that the US is trying to establish its sovereignty over space and is developing weapons that can be used to destroy the satellites of unfriendly countries.

Kalpana Chawla was part of this US control over space. The intentions of the US are clear. We should accept that the US control over the internet has been established because the US government provided the initial grants for its development. If India wants to be a party in the global regulation of the internet then it should start an ambitious programme of developing the next generation of internet.

PM intervenes in ad row

Statesman News Service

NEW DELHI, March 30. — Apparently displeased with the dirty-advertisement campaign on television, the Prime Minister summoned top officials last night to discuss ways of ending it at the earliest, including going to the Supreme Court against the Andhra High Court's verdict.

The Centre is considering a special leave petition in the Supreme Court against the recent Andhra High Court judgment that allows political advertisements on television. Apart from requesting the Supreme Court to overturn the judgment, other options were also discussed.

The special meeting at the Prime Minister's Race Course Road residence was attended by his principal secretary, Mr Brajesh Mishra, the BJP president, Mr Venkaiah Naidu, the information and broadcasting minister, Mr Ravi

Media SF 8/3

Poll pitch

NEW DELHI, March 30. — Virender Sehwag will campaign for BJP leader and labour minister, Mr Sahib Singh Verma, Sehwag's father said today. "Yes, Virender will travel with Verma and ensure he gets re-elected with a huge margin," Mr Krishan Kumar Sehwag told a news channel.

The minister visited Sehwag's house in the Outer Delhi Lok Sabha constituency this morning to congratulate his family. — PTI

Shankar Prasad, and the Attorney-General, Mr Soli Sorabjee.

Sources said ways of ending this negative advertisement campaign, which it was feared could go out of hand, were explored. In fact, there are fears that the BJP-led National Democratic Alliance's main poll campaign plank of development will be forgotten because of this dust-up on

television. Clearly, if the people or organisations who support the BJP desist from pushing negative surrogate advertisements, the Congress would have to stop as well or lose the high ground. Also, if the negative advertisement campaign continues, both sides could suffer and the NDA, being ahead, could suffer all the more.

"All legal options were discussed yesterday, including the filing of a special leave petition. A final decision will be taken tomorrow," a senior official said.

The Election Commission is likely to meet tomorrow, probably to discuss the political advertisements issue, even though its legal advisor, Mr SK Mendiratta, is in hospital. Only yesterday, a high-level government committee had said that the Cable Act was not appropriate enough to deal with the issue, in view of the Andhra Pradesh High Court judgment, and asked the EC to use the model code of conduct.

webcrawler

STANLEY THEODORE ✓

E-mail is losing its charm *media*

And the only way to counter this threat is to have global legislation by the UN

5/8 *29/3*
EVEN if it is the most efficient, convenient and inexpensive mode of communication, e-mail has begun to lose its charm. Consumers who switched e-mail ids for new accounts watch their in-boxes flood with trash all over again. A survey now shows that the exponential growth of commercial e-mail, which was forecast for the next five years, will be curtailed. According to the Pew Internet and American Life Project that works to assess the Internet's impact on American society, spam is causing them to trust and use e-mail less frequently.

A whopping 77 per cent of the respondents in a survey said spam was making online experience unpleasant. This reaction, it can safely be said, is a bit of an understatement, perhaps because the questionnaire was polite. The February survey conducted over the telephone covering 1,300 Internet users found as many as 63 per cent saying they trusted e-mail less — in June 2003 this figure was 52 per cent — while 29 per cent said they had cut down using e-mail, up from 25 per cent earlier.

Despite the US Can Spam Act that took effect from 1 January, 53 per cent said they found no change in the situation, either with office or personal e-mail accounts. More terrifyingly, 24 per cent saw a spam increase in their personal accounts, while 19 per cent got more spam in their office mail. It is quite besides the point that over half the respondents were unaware of the Can Spam Act, because even had they been, the act offers little to alleviate their suffering.

Having said that, another survey found the e-mail marketing industry would be vibrant. The well-known Jupiter Research forecast that commercial e-mail spending would almost triple from \$2.1 billion in 2003 to \$6.1 billion in 2008. It said an average consumer got 3,920 unsolicited e-mail last year, or over 100 every day, and one would get 6,395 such messages in 2008.

Arguably, another more efficient mode of communication is Instant Messaging. Several have switched from e-mail to IM only to avoid spam distracting them at work. Now there is "spim", spam's cousin. Ferris Research says more than a billion spims were sent in 2003, four times the amount in 2002. The forecast for 2004 says there will be four billion spims. Other researchers present even higher figures.

Time magazine wrote, "Knock-knock from COOLKID 6492", read the headline on an AOL instant message (IM) window that popped up on my computer screen at 3:42 pm the other day. 'Hey, I'm a 19/f/ Ca. Wanna come check me out?' I



had a pretty good idea of what Coolkid had in mind. But just to make sure, I clicked on the web link embedded in the IM and was promptly directed to an X-rated website, where I was invited to pay 'just \$1 a month' to watch women get naked in front of a webcam."

The saving grace here is that most IM providers have options, which you can tune to block out individual users or tune to see that you get messages only from those on your contact list. With e-mail, one is not so fortunate as most free e-mail gives limited spam filters, which amounts to nothing when the menace is growing by leaps and bounds.

After these statistics, one has to know of Phatbot, the latest and the most sophisticated hacker programme discovered by computer security experts on 17 March. The US department of homeland security issued an alert to a select group of security experts, which later played down the threat level to low. Phatbot connects computers already infected with recent viruses like MyDoom and Bagle to peer-to-peer file sharing networks.

The next day, *The Washington Post* broke the story. "By some estimates, hundreds of thousands of computers running Microsoft's Windows operating system have already been infected worldwide. The programme software code that security researchers have dubbed 'Phatbot' allows its authors to gain control over computers and link them into file-sharing networks that can be used to send large amounts of spam e-mail messages or to flood websites with data in an attempt to knock them offline."

Phatbot is also dubbed the Swiss Army Knife of attack software, whose capabilities include evading anti-virus software, shutting anti-virus and firewall programmes, stealing America Online ids and passwords, harvesting e-mail ids and sniffing through the computer for cookies, small pieces placed on your computer that contain your personal information so that when you revisit a site, it recognises your arrival.

The *Post* elaborated the danger in another story. "Phatbot is a kind of 'Trojan horse', a type of programme named after the legendary stealth attack because it lets hackers take quiet control of unsecured computers. Security firms have catalogued hundreds if not thousands of Trojan horse programmes in recent years, but Phatbot has raised substantial concern because it represents a leap-forward in its sophistication and is proving much harder for law enforcement authorities and anti-virus companies to eliminate... But because Phatbot links infected computers into a larger network, hackers can issue orders to the infected machines through many routes, and cybersecurity officials can only effectively shut down a Phatbot attack if they track down every infected computer."

Security experts are divided on the extent of damage this would cause. The question is: how does one safeguard the consumer, especially since being driven away from e-mail is a very serious issue? In December 2003, there was a summit in Geneva where a proposal was forwarded that the United Nations' agency, International Telecommunications Union, govern the Internet. A task-force headed by UN Secretary-General Kofi Annan would give its report in November 2005.

The only way to counter this threat is to have global legislation by the UN. The issue is beyond industry and even beyond country-wise legislation and the summit date has to be radically advanced to meet this challenge.

(The author can be contacted at stan21@graffiti.net.)

MAR 2004

Stop telecast of slanderous advertisements: EC

By J. Venkatesan

NEW DELHI, MARCH 27. Taking a serious view of the complaints on "surrogate" and "slanderous" advertisements being aired on certain television channels against the Congress president, Sonia Gandhi, the Election Commission has asked the Information and Broadcasting Ministry to take "appropriate action," including prohibiting or regulating the airing of these advertisements.

Briefing presspersons, the Deputy Election Commissioner, A.N. Jha, said the Congress had complained of advertisements in some channels raising Ms. Gandhi's foreign origin. There were similar complaints about some Tamil channels in Tamil Nadu also. After examining the complaints, the Commission had asked the Ministry to take appropriate action and inform it of the action taken by 5 p.m. on Monday, March 29.

The Congress had alleged that the advertisement with an oblique reference to Ms. Gandhi — purportedly issued by Kamakshi Educational Society and being relayed by some channels — was unconstitutional and violative of the model code of conduct and should be stopped immediately. It sought to incite violence and was a fit case for prosecution.

To a question, Mr. Jha said the directive would apply to all forms of surrogate advertisements, including the latest on India's victory over Pakistan in the One-Day International cricket series which suggested that while the Tricolour flew on foreign soil, the Congress had "handed over the Indian flag to a foreigner."

Mr. Jha said that notwithstanding the Andhra Pradesh High Court striking down Rule 7 (3) of the Cable Television Network Rules, 1994, there were other provisions in Rules empowering the Government to prohibit or regulate the offending advertisements.

The Commission felt that the law under the Cable TV Networks (Regulation) Act and its Rules were adequate to deal with the issue. Asked whether the Commission would take action if there was no positive response from the Government, Mr. Jha said "it depends on the reply."

Asked on the steps to prevent personalised attacks during the campaign, Mr. Jha said the issue would be discussed during the all-party meet convened by the Commission on April 6 on the question of exit and opinion polls.

**Yet to get reply from
AIADMK, DMK: Page 8**

Spam-free domain name takes shape

London, March 22 (Reuters): Nine new Internet domain names, including ".xxx" for adult content and ".mail" for spam-free communications, could join the more familiar ".com" and ".net" website suffixes later this year.

Internet governing body the Internet Corporation for the Assignment of Names and Numbers (ICANN) said 10 organisations had filed proposals for the new web domains in time for last week's deadline. A month-long public comment period starts on April 1.

The domains, which are sponsored by a variety of organisations and companies, will go through a two-month approval process before possible ratification later this year, the group said.

If each is accepted, it would bring the number of top level domains to over 20.

Among the new entrants is ".mobi", proposed by nine top computer, telecoms and handset companies including Microsoft Corp, South Korea's Samsung Electronics and Finland's Nokia.

The consortium, named Mobi JV, aims to create a new domain specifically for websites designed for mobile phones and Internet-ready devices.

The group hoped the new domain would be ratified in time to be operational next year.

Other new domain candidates include: ".asia", ".jobs", ".tel", ".post" and ".travel", ICANN said.

Expanding the list of top level domains to meet the needs of the medium's growing user base is one of ICANN's top initiatives. The new suffixes were proposed to help web surfers locate sector-specific information on, say, travel and employment.

The London-based Anti-Spam Community Registry, meanwhile, proposed ".mail" to better identify the authenticity of online marketers in an effort to combat spam e-mails.

Microsoft fine

An EU decision to fine Microsoft and force it to change how it does business in Europe may upset Microsoft, but is unlikely to threaten EU-US ties as some past decisions have done.

This is in stark contrast to the sniping by US officials three years ago when the EU rejected General Electric's proposed buy of aerospace firm Honeywell International, marking a low point in transatlantic antitrust cooperation.

Sonia's poll managers get media act together

December 2003 was not the first time the Congress was made to bite the dust in an election. But this drubbing by the electorate in the north — particularly Rajasthan — left the Grand Old Party in a state of 'shock and awe'. Well, almost. For, the party has not called it quits despite its losses. However, the 'shock and awe' it was subjected to has changed the Congress, the party's war managers say. While its style of functioning and decision-making remains as opaque as ever, insiders maintain that the December 2003 drubbing has forced the party to reinvent itself; and that, too, at short notice.

A reluctant student of media management, whatever the Congress does today will appear to be a pale imitation of the Bharatiya Janata Party (BJP), which has mastered the art of using the media to its advantage. Still, working on the 'better late than never' principle, the Congress appears to have decided to put in place a communications strategy that is 'in sync with the party's political strategy' and not a case of the right hand not knowing what the left is doing.

As an indicator of the party's state of preparedness — particularly vis-à-vis communications strategy — poll managers point out that the Con-

gress released its first advertisement within 24 hours of the announcement of elections. "In 1999, our advertisements came out a week after candidates were finalised." In fact, this time round a conscious effort is being made to announce candidates as early as possible to allow them at least a month if not more time to campaign — another first for the party if realised.

Going by what the AICC secretary, Jairam Ramesh, a member of the party's war-room, has to say about these elections, the Congress is doing a lot of things differently. "For the first time, the Congress is an active alliance-seeker and coalition-

builder. The very nature of Congress president Sonia Gandhi's campaign has been restructured dramatically from a rally-based exercise to the Jan Sompark Abhiyan, which will take her through key States by the first week of April. Normally, the campaign is cent per cent rally-based. This time, rallies constitute only 30 per cent of her campaign."

Instead of taking the people to the leader — the rent-a-crowd rallies — the Congress is taking their leader to the people. "This is a more interactive mode; it gives her greater exposure and what comes across is the persona of a caring person." While



POLL THEME Congress & Media

The party, still smarting under its December 2003 poll debacle, has decided to put in place a communications strategy that will be in sync with its political strategy, says Anita Joshua.

no Congressman will say so, it doubles as a perfect foil for what is generally seen as Ms. Gandhi's weak spot — public speaking. Interestingly, the route of her 'roadshows' is the same as that of Rajiv Gandhi's 1991 Sadbhavana Yatra, when the party was trying to stage a comeback too. An attempt is also being made to have a 'multi-focal' campaign instead of one that is Delhi-based and Congress president-centred. While the 'filing' of a chargesheet on the Vajpayee Government from four cities is a case in point, the party had 30 'youth leaders' criss-crossing the country in its first phase of campaigning — which ended on March 5

— with the theme 'Disha 2004: Siksha Aur Rozgaar' (Vision 2004: Education and Employment). Similarly, the media strategy is regional media-focused, and some States — Andhra Pradesh, Karnataka, Maharashtra, Orissa, Assam, Uttar Pradesh, Gujarat, Rajasthan and Madhya Pradesh — where the Congress feels it has a good chance will get particular attention. Its advertisement campaign is aimed at taking the sheen off the Government's 'India Shining' propaganda "which the BJP has appropriated for itself after the Model Code of Conduct became operative by christening the Deputy Prime Minister, L. K. Advan-

ni's roadshow as Bharat Uday Yatra". But, this constitutes only 30 per cent of the ad campaign; the bulk will portray 'Congress achievements and priorities'.

While the thrust of this is to expose the 'tall claims' made by the ruling alliance by urging people to ponder — 'Sochiye, Congress ko vote dijiyae' (think, vote for the Congress) being the bottom-line of the campaign — the Congress backroom boys are "up against the odds as the BJP is more aggressive, is the party in power and perceived to be on a comeback trail, and has more momentum". The impact of black-and-white over multi-colour glossies as a stark medium of 'telling the truth' notwithstanding, the choice of colour and size of advertisements was mandated by cash constraints. "Ours is a low-cost, no-frills campaign."

Another challenge has been to ensure there is no 'panic/knee-jerk reaction' to the BJP's spin machinery. And, while a conscious effort has been made to give the party's image a 'face-lift' by sending out youth leaders to campaign, the Congress appears to have decided that it cannot jettison its past just because a sizable section of the electorate was born after 1947. Neither is it apologetic about having a foreign-born

leader as party president or its dependence on one family.

Or so it would seem. For video CDs have been brought out on popular patriotic scores like 'Kar Chalaen Hum Fida Jan-o-Tan Sathiyo' and 'E Mere Vatan Ke Logon, Zara Aankh Mein Bhar Lo Paani' with a loud and clear message that the Sonia-Rahul-Priyanka troika are the true heirs to 'The Party of the Freedom Movement', 'The Party that built Modern India', and 'The Party that brought India to the 21st Century'. And, for added punch, there is a five-minute audio recording in clipped phrases with the refrain 'Ek galat vote purae rashtra ko apahij bana deta hain' (one wrong vote, can handicap a nation).

Despite the widespread acclamation that the BJP's Pramod Mahajan got for turning a possible 1-3 verdict into a 3-1 result in December 2003 through sheer 'management', those steering the Congress' campaign machinery are not so sure that elections can be won by media management alone. "At best, it can complement political mobilisation for which there is no substitute." Still, there is a view that the audio-video material will help galvanise the party's 'sleeping network' across the country to do its best.

HD-16
2003

Arab journalists walk out of Powell's news conference

BAGHDAD, MARCH 19. Arab journalists walked out of a news conference held by the U.S. Secretary of State, Colin Powell, here, protesting against the shooting of two Iraqi reporters, allegedly by the U.S. troops.

An Arab journalist stood up as soon as Gen. Powell entered the room of the Baghdad convention centre and read a statement saying that after one year of "U.S. occupation," Americans cannot provide security in Iraq.

"We demand an open investigation in front of the mass media. We also demand that security be guaranteed to the

journalists working in Iraq", the journalist said.

Seconds later, more than 20 journalists walked out of the room.

Gen. Powell said he regretted "any loss of life, journalists, coalition soldiers, missionaries and average Iraqi citizens going about their daily lives."

A reporter of the Arab satellite television station 'Al-Arabiya' today died of wounds after the U.S. soldiers shot him hours earlier along with a cameraman, the station said. The death brought to five the number of journalists killed in Iraq in less than 24 hours. — AFP

THE HINDU

20 MAR 2003

Media

After dotcom, dotmob?

W
M3
10-15

By Anand Parthasarathy

BANGALORE, MARCH 11. The Internet has graduated to a new level — and connection to the Net from mobile wireless devices may be the next big thing on the World Wide Web. In recognition of this emerging fact of life, nine global computer-and-communication players came together on Wednesday to make a bid for a new domain name structure specially geared for wireless access to the Internet.

On Monday next, the Networked Nine — information technology players Hewlett Packard, Microsoft, and Sun; mobile handset makers, Nokia and Samsung, and cellular service companies Orange, Vodaphone and '3' (a Hutchison subsidiary), as well as the GSM Association that represents 620 global mobile operators including most Indian providers — will move a formal application before the Internet Corporation for Assigned Names and Numbers (ICANN), the agency that

oversees the Net's domain names and allocates addresses that have tags such as .com, .net, .biz and the like.

The nine applicants have made common cause to create and run a new Top Level Domain (TLD) consisting of websites specially tailored for mobile users, with content that will interest them. The new suffix could be .mob (for mobile) or .pda (for personal digital assistant, the industry name for handheld computers) — something that ICANN will have to decide if it agrees to the new category. The applicants have already created a website to canvass the idea of a special mobile TLD (www.mtldinfo.com) and have sought the right to regulate it.

Handheld devices are increasingly used to access the Internet: Some cell phones are beefed up with wireless application protocol (WAP) software that enables Net access, but this is not too popular. However mobiles even in India, may soon come pre installed for what is known as GPRS or General

Packet Radio Services — the new standard that allows Internet access. Conventional Web pages make for very difficult viewing on pocket PCs and mobile phones, unless they have been specially created. A new .mob category will therefore provide the assurance that the content is 'lite' and can be quickly viewed on a tiny screen. It will also allow mobile owners to have their special wireless email addresses.

ICANN may take up to six months to take a decision; but analysts feel it is only a matter of time before a separate Mobile Internet regime is a reality.

But this is obviously not driven by philanthropy and there is some apprehension that some of the nine proposers may look on this as just another business opportunity.

Indeed, analysts have already cautioned today, against some companies 'corralling' off chunks of the Net ... and control of a new mobile address domain is obviously a foot in the door.

'Press under attack in Bangladesh'

Media
By Haroon Habib 15 10/3

DHAKA, MARCH 9. The Committee to Protect Journalists (CPJ), the international media watchdog based in New York, has branded Bangladesh as the most unfriendly state in Asia for journalists to function and sought an end to the "long cycle of violence" against mediapersons.

"In Bangladesh, journalists are working increasingly under threat," said the CPJ executive director, Ann Cooper, who led a fact-finding team consisting of members from the U.S., Sri Lanka and Indonesia. The CPJ also appealed to the Khaleda Zia Government to prosecute all those behind the crimes against journalists.

"No violent country like Bangladesh exists in Asia for journalists, not even China... this is an extremely vulnerable and terrible place for journalists," Ms Cooper said on Friday at a press conference.

The fact-finding team found that assaults on and intimidation of journalists were commonplace in the country, particularly in rural areas,

where they are threatened, beaten up or even murdered. "It takes real courage to be a journalist in Bangladesh," Ms. Cooper observed, depicting a grim picture of the media professionals' life in the country.

Since 1997, seven journalists have been killed in reprisal attacks for their reports, and dozens have been assaulted or threatened. The violence is particularly intense in the southern region of the country, where journalists who report on such topics as corruption and organised crime are targeted by criminal gangs. Ms Cooper regretted that vigorous prosecution was rare, even in high profile cases.

Expressing concern over the recent assault on the prominent writer and poet, Humayun Azad, she said it was a clear attack on the freedom of speech and expression. The mass retrenchment of journalists from the state-run news agency, BSS, also came in for criticism by the CPJ team leader who said 27 journalists of the agency were dismissed on "political grounds" after the present Government came to power.

THE HINDU

Political advertisements banned on TV, FM

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Statesman News Service

NEW DELHI, Feb. 27. — There will be no political advertisements on any TV or FM radio channels before or during the Lok Sabha elections, the Election Commission informed the I&B ministry late last night.

Speaking to reporters today, the I&B minister, Mr Ravi Shankar Prasad, said his officials had informed the EC about the ministry's inability to monitor the advertisements, especially if they turned negative and personal, hurting a party or politician. The dates would be decided by the commission, he said, adding that the India Shining advertisements would stop as soon as the model code of conduct came into effect. FM radio will also be disallowed from broadcasting such ads. There would, however, be no problem with such advertisements in the print media, he said.

Explaining the difference, Mr Prasad said there was no mechanism to monitor such advertisements. "There are 100 TV channels in the country, 22 24-hour news channels and 52 entertainment and news channels, not to mention city-specific



The I&B ministry had informed the EC about its inability to monitor the advertisements, especially if they turned negative and personal, hurting a party or politician

channels. There is no mechanism with the ministry to monitor every channel in Trichy or Tripura," he said. "I see the potential of abuse, of a sinister campaign against a particular person or party."

There are also channels like *Sun TV* that are virtually owned by political parties. Asked about them, Mr Prasad said "The EC will decide (on them). I will forward complaints to the EC." The ministry had approached the EC, with reference to the Andhra High Court striking down the commission's orders regarding political advertisements on private TV channels in 1999. The rule being invoked here is the Cable Act

which prohibits ads of "political nature or towards any political end."

It will be easier to stop advertisements on FM radio channels. Mr Prasad pointed out that they follow the All India Radio code of conduct and therefore, they would not carry the advertisements. "It is easier with newspapers," he said. "If there is an unacceptable advertisement on television, the district collector or sub-divisional officer can take action."

It's being said that such a blackout of political ads on TV can help the ruling coalition. For, the India Shining campaign can be construed, partly at least, as part of the government's propaganda effort. So, while the government has had its campaign of sorts on television, the Opposition will not have one.

The BJP said it would study the EC's letter asking for a ban on TV advertisements. The ban is likely to make the party's e-campaign plan go awry since TV formed a very crucial component of the plans. The issue was raised by some party leaders at the all-party meeting the EC had recently. However, the EC had then said that the ads on TV could not be banned, a BJP leader said.

GIBSON'S PASSION

When does cinema become propaganda?

DURING the early days of cinema, Lenin recognized its utility as a powerful tool of propaganda. For most people the version of history that they see on cinema is, as far as they are concerned, history as it occurred. This is even more the case when a movie is compellingly filmed and acted, never mind what its historical veracity as judged by scholars might be. That appears to be the dilemma of many critics when confronted by a film like Mel Gibson's *The Passion of the Christ*, which is stirring elemental passions. While graphically portraying Christ's torture and execution the movie also depicts Pontius Pilate, the Roman conquistador who ruled Judea ruthlessly, as a kindly man who only reluctantly assents to send Christ to his death, while Christ's real tormentors are the temple high priest Caiaphas and his Jewish followers. Such a portrayal derives not so much from the Bible as from a later historical quirk — under Constantine, the Roman empire was to convert wholesale to Christianity, which meant that the Roman role in Christ's crucifixion had to be whitewashed. The Jews, on the contrary, were deemed to have incurred a "blood libel" due to their role in the crucifixion, which became the occasion for horrific anti-Jewish pogroms in medieval Europe. European anti-Semitic prejudice dating from that time enabled the Nazis to carry out their holocaust of Jews in 20th century Europe.

Gibson derives his inspiration for his portrayal of the Passion from Sister Anne Catherine Emmerich, a German nun who died in the 19th century, and whose mystical writings mirror the popular anti-Semitism of her time. Gibson also thinks the Roman Catholic church, as presently constituted, is too liberal, and his father denies the holocaust ever occurred, a denial he has been provocative enough to repeat following the flap over the film. In a free society, Gibson has every right to make and air his film. But fundamentalism often lies in the literalization of religious visions, instead of treating them as metaphor. In that sense the film is likely to provide succour to fundamentalists, and if it stirs hatred of Jews it can't be deemed very Christian. It must then be treated on the same plane as atrocity tales propagated by the Sangh parivar about early Muslim conquests of India, or indeed tales told by Muslim fundamentalists about Western atrocities. There is a small kernel of truth in all these narratives, but mostly they simplify very complex events for propaganda purposes.

THE STATESMAN

27 FEB 2004

MS 2
MS 18
Not the Gospel truth

▶ MEL GIBSON'S film *The Passion of the Christ* is riddled with glaring historical errors, say Biblical scholars

▶ The film's characters speak in Latin and Aramaic. Experts say Greek was the language spoken in Jerusalem during Jesus's time, along with Aramaic and Hebrew

▶ Jesus didn't have long hair, said physical anthropologist Joe Zias. 'Jewish men back in antiquity did not have long hair.'

▶ Jesus would not have carried the entire 350 pound cross to the crucifixion as vertical beams were kept permanently in place by the Romans. At most Jesus would have carried the cross-beam. People were nailed to crosses through their wrists, not their hands

▶ Jesus, he added, would have been tied or nailed to the cross through the wrists, not the hands as shown in the film. 'You cannot crucify a person through the hands because there is nothing there but skin and muscle. It will tear.'

▶ Experts say lack of historical context is the movie's basic flaw. The film does not show that Jesus was immensely popular among his fellow Jews, which is why the high priests and the Roman authorities felt threatened by him and his preachings

▶ The film shows Pontius Pilate reluctantly sentencing Jesus.

Scholars say Pilate was a very cruel and brutal man. And he wouldn't care two winks about executing another Jew

REUTERS



was a form of state terror. They humiliated the crucified victim. Every body was naked. Men, women and children,' Zias said

▶ Nor would Jesus have worn a loin-cloth in the crucifixion as did actor James Caviezel who portrayed him in the film. 'Crucifixion

NO FREEZE ON SUBSCRIBER BASE

Fewer channels, lower charges

Statesman News Service

NEW DELHI, Feb. 19. — Cable operators who have reduced the number of channels they are showing after 26 December 2003 will have to lower charges on a pro rata basis, Telecom Regulatory Authority of India said today, emphasising that its January tariff order was applicable in both CAS and non-CAS areas.

In a clarification issued today on the Telecommunication (Broadcasting and Cable) Services Tariff Order 2004 to clear doubts on CAS, the regulator said the ceiling charges were specified for products they pertained to, namely the channels that were shown on 26 December.

But this also means that cable operators could charge extra for showing additional channels. Trai said the parties concerned could enter into formal or informal agreements but ruled that the charges the broadcaster and others had in place for similar channels on 26 December should be kept in mind. Trai froze cable TV rates at levels prevailing on 26 December while kicking off consultations on contentious issues in the cable and broadcasting services.

The clarifications were being issued in view of a number of questions being raised with regard to the underlying import of the provisions of the 15 January Tariff Order. It was pointed out that the order covered the entire country and the charges payable by cable subscribers to cable operator cable operators to multi-service operators/broadcasters (including their authorised distribution agencies), and multi-service operators to broadcasters (including their authorised distribution agencies).

Trai said its order freezing cable TV rates didn't apply to the subscriber base of any operator, but related to per-subscriber charge. It also said that in case of a dispute between two service providers on the number of subscribers, stakeholders may appeal either to the courts or TDSAT.

Prasar Bharati SOS on Pak tour

Prasar Bharati has sent an SOS to Trai help in securing terrestrial telecast rights for the Indo-Pak cricket series. The rights are now with Ten Sports. But Trai sources said the regulator may not intervene. As the rights are with Ten Sports, DD can telecast only the highlights.

BBC 'sexed-up' reporter quits

1-21 25/1/04
London, Jan. 30 (Agencies): BBC reporter Andrew Gilligan, who said in a radio report that the British government "sexed up" the risk posed by Saddam Hussein's weapons, resigned from the public broadcaster today.

In a statement, Gilligan conceded that some of his story, which was at the centre of judge Lord Hutton's inquiry into the death of an Iraqi weapons expert who was unmasked as the source for his report, was wrong.

"I again apologise for it. My departure is at my own initiative. But the BBC collectively has been the victim of a grave injustice," he said. Lord Hutton said Gilligan's report was "unfounded" and criticised the BBC's management procedures as "defective". The BBC said: "We can confirm that Andrew Gilligan has resigned. We recognise that this has been a very difficult time for him."

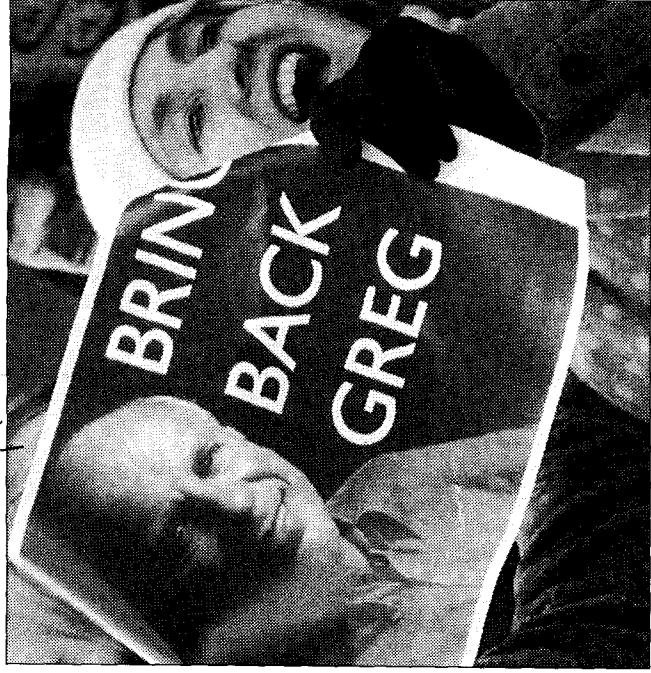
Gilligan's resignation came several hours after BBC director-general Greg Dyke, who resigned in the wake of the Hutton rebuke, said he did not necessarily accept the inquiry's findings.

"I could not quite work out what they had apologised for," said Dyke, after the BBC earlier bowed to pressure from Prime Minister Tony Blair and unconditionally apologised for the May radio broadcast.

"I don't necessarily accept the findings of Lord Hutton", Dyke said yesterday, referring to the senior judge who in a long-awaited report on Wednesday faulted the BBC for its broadcast.

Dyke did not elaborate but, amid accusations from some commentators that Hutton's report was a "whitewash" of the government, suggested he may shortly voice criticisms of the judge's conclusions.

Dyke, director general and editor-in-chief, became the second top BBC official to fall on his



A BBC employee rallies in support of Greg Dyke who quit as director-general in London. (Reuters)

sword, following Gavyn Davies who stepped down as chairman in the wake of Hutton's report, which plunged the BBC into the worst crisis in its history. Hutton cleared Blair's government of serious wrongdoing in events leading up to the suicide last July of David Kelly, the British arms expert at the centre of the BBC's controversial report.

Yesterday, hundreds of BBC employees protested over Dyke's resignation and the Hutton report, the company said.

About 400 staff — journalists, technicians, secretaries and other employees — joined the protest at BBC headquarters in London, calling for Dyke to remain in his post.

Similar protests took place in regional BBC offices in Cardiff, Manchester, Belfast and Glasgow, BBC-Radio 4 said. "It is not a strike but an expression of solidarity for Greg Dyke," a spokes-

woman for the BBC said.

As the BBC today began its search for new leaders amid fears its journalists will be marginalized in the fallout from the crisis, Dyke said all media should take careful note. "I think every journalistic organisation, every newspaper, every broadcaster in this country should be concerned."

"Someone inside of government, inside of the civil service who has very real concerns — as Kelly had — could not be broadcast unless you could demonstrate that their concerns were true," he told the BBC *Today* programme.

Dyke, a plainspeaking populist whose "cut the crap" campaign to boost creativity won respect from staff stifled by years of bureaucracy, was mobbed by tearful employees when he toured the newsroom for the last time.

Winner Blair loses poll war

London, Jan. 30 (Reuters): British Prime Minister Tony Blair's trust ratings have slumped despite his emphatic victory over the BBC in a long-running feud over Iraq, opinion polls showed today.

As ousted BBC head Greg Dyke hit back at a judge's report which lambasted the broadcaster over its reporting, analysts noted the government's satisfaction at its win did not seem to be shared by the voting public.

"Tony Blair and other ministers may imagine they are now in the clear but a substantial majority of the public takes a different view," said Anthony King, professor of government at Essex University.

Hutton castigated the BBC and cleared the government over the suicide last year of Iraq weapons expert David Kelly, plunging the corporation into the biggest crisis in its 82-year history. "A dispassionate judge has looked at the facts and made his judgment on the facts and that is where the matter should rest," Blair's spokesman said.

But opinion polls in three newspapers today and accusations of a whitewash suggested there may yet be a political price to pay. An ICM poll in the *Guardian* showed Blair's trust rating down two points at minus 17 and that support for the invasion of Iraq to counter the threat of still unfound chemical and biological weapons had fallen six points in a week to 47 per cent.

A Populus poll in the *Times* indicated public trust in both Blair and the BBC had fallen at



Tony Blair

most equally and a YouGov survey for the *Daily Telegraph* showed 52 per cent of their sample thought Blair had behaved improperly.

"The poll figures... do give rise to very considerable concern. I think, among everybody involved in political life," said senior government minister Lord Falconer. Kelly killed himself last July after being named as the source of the BBC's claim the government knowingly exaggerated the threat posed by Iraq — triggering a fierce battle between the government and the broadcaster. Blair's foes, many commentators and large parts of the public were bewildered at the wholesale bill of health Hutton handed the government compared with his censure of the BBC.

Kelly affair claims BBC chief's scalp

The Guardian
London, January 29

BBC DIRECTOR-GENERAL Greg Dyke resigned on Thursday as the corporation struggles to deal with the biggest crisis in its 82-year history. He is the second senior figure at the BBC to quit in the past 24 hours in the wake of Lord Hutton's critique of the way the corporation handled the Kelly affair.

Continuing the dramatic sequence of events, acting chairman Lord Ryder issued an "unreserved apology" for the "errors" of the past six months.

Dyke's departure has come as a body blow to the BBC that he had led for the last four years. In the impromptu press conference outside Broadcasting House, Dyke said: "I hope this draws a line under this. I'm going, Gavyn (Davies) is gone. Me going provides an opportunity for a new start."

"During this whole affair my sole aim has been to defend editorial independence and act in the public interest."

Dyke said he had tendered his resignation to the board of governors on Wednesday night and, following a three-hour emergency meeting, it accepted his decision. "My position has been compromised following Davies' decision to go. I felt I too should offer my resignation.... With the departure of Gavyn Davies and myself and the apology I issued on behalf of the BBC yesterday I hope that a line can now be drawn under this whole episode."

"I think mistakes were clearly

made by the BBC and that's life. I think my going is actually quite important in preserving the BBC's independence. You honestly have to believe that a line has to be drawn under this."

Mark Byford, former World Service chief who was recently appointed deputy chief as a preemptive strike against anticipated criticisms in the Hutton report, will take over on an interim basis.

His voice cracking with emotion, Dyke then read out one of the emails he had received from a BBC employee this morning, which he said "moved him". "These are some of the emails I have received from people within the BBC: 'No matter what the future brings please know you have made us proud to be part of the BBC and we will support you whatever you do', it said. There is a lot to be said about the Hutton report but I don't think it's appropriate for me to say it today. I will probably say it or write it at some stage, my views."

Dyke's decision to quit marks an ignominious end to a four-year reign at the head of the BBC to become the latest casualty of Lord Hutton's damning indictment of the corporation's journalism, management and regulation.

After the John Birt regime, however, Dyke's ebullient leadership style involving "cut the crap" and "let's make it happen" initiatives was welcomed by staff, who had felt creativity had been repressed for far too long under the obsessive weight of bureaucracy.



Blair ups the ante

TONY BLAIR on Thursday repeated his demand for a full BBC apology, as he simultaneously tried to move the nation's attention on to domestic public services in the wake of the Hutton report.

After a Cabinet discussion of the report this morning, the PM's spokesman said: "We still want an apology. The BBC should apologise for broadcasting a false allegation. In terms of what Greg Dyke said yesterday it does not amount to a considered statement from the BBC governors... that's what we need."

While Blair is buoyed up by the virtually uncritical support Lord Hutton gave the government, the Liberal Democrats and Conservatives resurrected demands for an investigation into the faulty intelligence used to make the case against Saddam Hussein.

The Guardian, London

THE HINDUSTAN TIMES

30 JAN 2004

Trai freezes cable rates

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Statesman News Service

NEW DELHI, Jan. 15. — The Telecom Regulatory Authority of India (Trai) today ruled that the 26 December rates of cable operators would remain frozen till it came out with further recommendations. Trai, which issued a consultation paper on broadcasting and cable services, also recommended that consumers be compensated if transmission was interrupted or disturbed.

Cable subscribers, in both CAS and non-CAS areas, will have to pay

cable operators the amount they were paying before 26 December, till Trai determines a new tariff structure, said Mr Pradip Bajjal, chairman of the regulatory body.

The Cable Operators United Forum welcomed the Trai move and urged that the cable rates of a date earlier than 26 December be frozen as broadcasters had increased their rates in December.

In the consultation paper, Trai made over a dozen recommendations, including a provision for compensation to subscribers in case of transmission interruption. It would

apparently set two norms, one for CAS areas and another for non-CAS areas. As per the consultation note, cable operators will have to compensate viewers having pay channel connections if transmission of any such channel is interrupted for more than a specified portion (10%) of prime time in a month. For sports channels, the provision is stricter. Operators will have to pay the compensation if 10%

of an important event is interrupted. Trai has sought suggestions for the principles for sharing this compensation between broadcasters, multi-service operators and cable operators.

Cyber army to fight hackers

NEW DELHI, Jan. 19. — India today announced the formation of a cyber army to fight increasing incidents of cyber attacks on government and business websites.

The army will fight hackers out to destroy defence, space, air traffic and power supply systems through network intrusion.

A team of software professionals, experts in monitoring and preventing hacking, will work day and night to check happenings in the cyber world and develop software to prevent any hacker from entering the 'acupuncture point of Indian economy'.

The cyber army — Computer Emergency Response Team (CERT-In) — will monitor and provide cyber security to key Indian networks — mainly defence, airport traffic, power supply, stock markets and other 'acupuncture points of Indian economy'.

Besides this, CERT-In will issue advisories, alerts and vulnerability notes to all concerned departments. A vulnerability database has also been developed for consultation and reference by professionals to handle the incidents reported to them.

Software professionals, who have expertise in major hardware and software platforms — windows, Unix, Linux, IIS Web Server, Sendmail, Oracle DBMS, SQL server — will identify problems on networks, eradicate the cause of problems and restore computer systems and networks to normal operation so as to minimise damage.

The team will lay special emphasis on tracking activities of hackers and to analyse the malicious code. — SNS

Trai to take over CAS issue

Statesman News Service

NEW DELHI, Jan. 9. — With broadcasting and cable services becoming a “telecommunication service”, the CAS problem will be handled by the Telecom Regulatory Authority of India from today.

A communication and IT ministry order said Trai would be allowed to recommend on “the terms and conditions on which ‘addressable systems’ should be provided to customers”. Explaining what an ‘addressable system’ is, the order said it was an ‘electronic device... put in an integrated system through which cable TV signals can be sent in encrypted or unencrypted form, which can be decoded by the device or devices at the premises of the subscriber within the limits of authorisation made, on the choice and request of such subscriber, by the cable operator for that

purpose to the subscriber. Simply put, for the consumer, it means the future of set-top boxes necessary for CAS, will be decided by Trai.

Trai will ready its recommendations on another important issue in broadcasting — “the parameters for regulating the maximum time for advertisements in pay channels as well as other channels”. This means that Trai could look at whether pay channels can carry advertisements or not. Or whether a pay channel can carry a certain amount of advertising time and not more. If there is a regulation forbidding pay channels to carry advertisements, virtually all of them will be forced to become free-to-air and ensuring no requirement for either CAS or set-top boxes. It will be able to take decisions on systemic revisions of rates of pay channels.

The decision, I&B ministry sources said, was taken after a meeting between law minister Mr Arun Jait-

ley and I&B minister Mr RS Prasad this week. Asked if the move meant losing ‘turf’, either ‘permanently or temporarily, I&B officials said handing over the issue to Trai would not mean losing control — unlike in the case of a Convergence Commission.

I&B officials said Trai could make recommendations to improve competition, suggest technological improvements, better licensing methods and revenue-related issues. It could lay down the standards of quality of service to be provided by service providers.

In the past, the government had been talking about consumer-friendly CAS. Strangely, today, the I&B ministry talked about making “TV viewing as consumer friendly as possible”. Does this mean the end of CAS? While many people do not favour CAS any more, the decision could officially depend on what Trai recommends.

THE STATESMAN

10 JAN 2004

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TELEVISION'S TANGLED WEB

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THE CENTRE'S YEAR-OLD move to usher in a new order in television through the Conditional Access System (CAS) has proved to be a leap in the dark. CAS is struggling to find its feet at a time when television is becoming more complex with multiple delivery modes such as cable, direct-to-home (DTH) and digital terrestrial complementing the traditional analogue broadcasts and raising questions of equity of access, licensing and consumer concerns. Already, a welter of legal issues and stiff consumer resistance in Delhi have boxed in the Government, putting it in the unenviable situation of having to appeal to television viewers to resist pressure from cable operators who demand arbitrary prices for set-top boxes (STB) required to view pay channels. The writing was on the wall even when the STBs were introduced in Chennai, the only city to implement the system over the past four months. Mumbai and Kolkata chose to ignore CAS altogether. The major conditions stipulated by the Information and Broadcasting Ministry, such as *a la carte* choice of channels and easy availability of STBs, were not adhered to in Chennai. The majority of the one million-plus cable homes in the metro did not adopt CAS and were ready to give up sport, film and cartoon channels to avoid paying more.

CAS made its appearance on September 1 last year after a consultative process that did not win plaudits for transparency. During that exercise, the task force constituted by the Ministry with representatives from various sections looked at the hurdles that the scheme could face. The real issues, which include competition in service provision, were put on the backburner to the detriment of the scheme. That failure led to consumers going to court seeking a legal framework to discipline the stakeholders and ensure guaranteed levels of service. The

Delhi High Court, which has declined to grant an injunction on the operation of CAS and wants to monitor it for three months, has echoed some of these concerns and even suggested that the Centre set up a regulator.

The choice before the Government is to untangle the knots through an interim regulator for broadcasting in the short term or adopt a backward-looking approach by temporarily dumping CAS completely. A regulator could help restore order by going into the disputes pending in several cities between multi-system operators who supply the television signals and cable operators who distribute them. It will have to look at basic issues such as denial of service and monopolistic practices resorted to by some broadcasters and multi-system operators. The emerging DTH sector is not free from such disputes either with rival platforms refusing to enter into content sharing arrangements. The political establishment is apprehensive of tinkering with the television sector in an election year, but the need to regulate it cannot be wished away. At present, neither the Centre nor the States have any legal device with which to peg the arbitrary pricing system for free-to-air television service in non-CAS areas. The amended Cable Television Networks (Regulation) Act provides for capping free-to-air prices, but its jurisdiction is limited to the metros. The Act even in its amended form has serious infirmities, because it trusts the market-driven philosophy too much for service provision and has no viable dispute redress mechanism other than consumer courts and the police, both of which are overburdened. Further amendments to encourage competition down to the operator level will rein in the exploitative sections of the industry. The free DTH service, which is to be launched this year by Prasar Bharti, will bring welcome competition.

SHEEN FOLLOWS IN PINJAR FOOTSTEPS

Film music goes back to its roots

his cause for quite some time before it found takers.

Sheen, which means snow, is the story of the exodus of the Kashmiri Pandits from their homeland.

The film, featuring actress Sheen who retains the name on the screen, is also a metaphor — of the purity and innocence of life in Kashmir before the terrorist bloodletting began, a state to which the displaced want to return.

"*Sheen* is Kashmir's soul, its purity and its overall innocence," says Pandit.

The story takes off in 1990, when about 400,000 Pandits were forced to leave the Valley after terror strikes. The filmmaker was one of them.

In the film, Sheen, his young eponymous heroine, has to flee from the Valley,

lives," says Pandit. About 1.5 lakh people live in the refugee camps in Jammu, he adds.

Pandit, who is also the producer of *Sheen*, says he had to wait for more than two years to find a financier till the Sahara Pariwar stepped in. "It is an unpopular cause. The subject was not thought commercially viable," he says.

But the unkindest cut of all, Pandit says, was from the Dalai Lama.

"Last week, I approached his office to invite him to watch the film, because I thought he, as the leader of another homeless people, would understand our helplessness and stand by us. But his secretary said that the Dalai Lama did not want to get involved in anything to do with Kashmir as the issue was too complicated," says Pandit.

He is equally disturbed by the Indo-Pakistani peace process. "All this talk of meetings between Vajpayee and Musharraf is a *nautanki*," he says.

"Nothing will really happen. Has Pakistan stopped sponsoring terrorist camps since the new bonhomie began? We have suffered terrorist attacks and we know," he says.

CHANDRIMA S. BHATTACHARYA

though her lover Mannu ("I wanted to avoid the cliché of another Hindu-Muslim romance") stays back. Since then, like her homeland, Sheen has bled, and her father, Pandit Amarnath (Raj Babbar), has travelled from refugee camp to refugee camp, trying to pick up the pieces of lost lives and put it all together.

"Pandit Amarnath is the symbol of the constant struggle of Panun Kashmir who remain helpless, homeless and rootless till this day," says Pandit.

"But nobody wants to make a film on this subject because either people don't have the guts or they can't. Most of the Pandits are helpless still. The young are better off; they found jobs or livelihoods. But those who were middle-aged at the time of the exodus are yet to find new