OLD CENSORSHIP ON A NEW MEDIUM

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Heavy machinery at the site of the tunnel collapse in Uttarkashi. | Photo Credit: REUTERS

On November 12, as India woke up to celebrate Deepavali, an under-construction tunnel collapsed in the early hours of the morning in Uttarakhand, trapping 41 workers. The Silkyara tunnel, about 30 km from the district headquarters, is part of the ambitious Char Dham all-weather road project of the Central government; it is being built to ease the journey of pilgrims to Uttarkashi's Yamunotri shrine. On November 24, more than 10 days after the workers were sealed into the tunnel, the effort to free them faced a major setback.

Uttarkashi tunnel rescue |TV channels advised to be cautious, sensitive while reporting

From the day of the tunnel's collapse, newspapers have been publishing detailed reports on rescue efforts. On the other hand, television coverage of the incident during the initial days was sparse. The Uttarkashi tunnel collapse poses troubling questions on environmental clearances, and faulty public works and civil contracting, all of which directly impact human lives. This is perhaps why news channels did not dare to cover the incident or host "debates" questioning the government. This silence was broken only when the prolonged captivity of the workers could not be ignored for long. Television news coverage peaked when rescue efforts began to bear fruit, and the Chief Minister of Uttarakhand and the Union Minister for Roads visited the site. A story of gross negligence transformed into a story of a heroic rescue.

This narrative change by television media is achieved due to a mix of ideological partisanship, economic models, threats, and the regulation of the media and entertainment landscape. This is a regular feature of a command-and-control media landscape. Even popular culture, such as movies and television shows, is scrubbed of "bad words" and "controversial themes".

The answer to breaking this lack of media diversity in news and general entertainment has been the Internet. As per this year's FICCI-KPMG Frames report, TV is still the primary medium beamed in approximately 165 million homes. But growth is slowing, as per Nielsen's India Internet Report of 2023: for instance, at least 85 million viewers in rural India share smartphones and huddle together to stream YouTube videos. The government knows this and is erecting a censorship system for everything you watch online. This control tower for it is called the Broadcasting Services (Regulation) Bill, 2023.

On November 10, the Ministry for Information and Broadcasting released a copy of the Broadcasting Services (Regulation) Bill. On the Ministry's website, this Bill finds space right

below an advisory to TV channels and self-regulatory bodies on the Uttarkashi tunnel collapse. As per Union Minister Anurag Thakur, the principal objective of the Bill is to achieve "the Prime Minister's vision" through specific provisions that "modernise" and "replace outdated" laws. Greater reasoning is contained in a Press Information Bureau release that notes an intention to repeal the "three decades-old" Cable Television Networks (Regulation) Act, 1995.

However, as has been noticed in other legal proposals such as the Indian Telecommunication Bill, 2022 or even the more recent set of three "Bharatiya" criminal justice proposals, there is continuity on core legal principles. Changes, if present, only serve to increase government powers, reduce transparency and accountability processes, and erode fundamental rights. There is little "modernisation"; the anxieties of the 1990s have been elevated by an authoritarian state that tries to use digital technologies to make us celebrate and outrage at its command.

The Cable Act was the product of a legislative vacuum prompted by a High Court ruling, security concerns from Pakistani channels, and a "cultural invasion" in which channels such as Fashion TV broadcast female nudity. It manifested in a regulatory system not only requiring registrations and licensing for standardisation, service quality, or demarcation of shared resources, but content regulation to protect "Indian values". It is always difficult to define "Indian values", but the government censors tried their best though a "programme code". The code says no programme should be carried which "offends good taste or decency", "contains suggestive innuendos", and "ironical and snobbish attitudes", etc. The job of enforcing these was retained by the Central government through, finally, the Inter-Ministerial Committee. There was much to fear as a channel's license could be revoked after three violations or the 'three strike rule'. The Inter-Ministerial Committee lacked diversity as it was packed with government bureaucrats. Its decision-making lacked transparency and it was clearly partisan.

The private sector had a solution for this and it was called self-regulation. Here, each broadcaster would first establish internal self-censorship checks through codes of practice that define what is "good taste" and promote offended viewers to complain to it first. If viewers were still dissatisfied, it could be escalated to the self-regulatory body, and eventually the Inter-Ministerial Committee.

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This tiered system over time met with informal approval. Then, it became codified as rules under the Cable Television Networks (Amendment) Rules in 2021. Based on an empirical and qualitative assessment of self-regulatory actions in 2013, in an article titled 'Table of Discontents' in the Caravan magazine, I had cast "serious doubt about the presumption that self-regulation is a sort of benevolent liberal alternative to state sanction." While such a censorship system restricts "safe" and "family" themed broadcast (a soap or serial drama), it offers little to no check on prime-time anchors in attacking minorities or in their partisan defence of the Union government. This has made television content in India arid and putrid at the same time.

No wonder, viewers and creative professionals switched to digital platforms for news and entertainment. Since it disturbs the authoritarian apparatus, the Union government first tried regulation through the Information Technology Rules, 2021, which was stayed by the High Courts of Madras and Bombay. It then made further amendments to the Information Technology Rules for creating a censorship for "fact checking". This has not come into force due to a challenge in the Bombay High Court, which will soon give its verdict.

The Broadcasting Bill retains all of these powers and makes them worse. It requires registrations from, and adherence to the programme code, by not only online broadcasters, but even individual journalists and creators who systematically comment on "news and current affairs". It

establishes a system of self-certification where the names of the members of committees for each broadcaster will be made public. This will make them open to online and real world threats. Worse, there are vast and unguided powers without any anchoring criteria for the Union government to make rules. Even the Broadcasting Advisory Council is packed with government bureaucrats. The Broadcasting Advisory Council is a mere change in title for the Inter-Ministerial Committee. The Council does not have power to make decisions but only advise the Union government. The engine of censorship has been overhauled for the digital age and is driven by the "the Prime Minister's vision".

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