

NOTES AND COMMENTS

The Electronic Media

In Sri Lanka, as in many other third world countries, broadcasting - radio and television - was introduced by the government. This may have been the result of the fact that the state was the only institution in the country to be able to mobilize the necessary resources, both human and financial. It also derives from the necessity for the management of the frequency spectrum. Broadcasting thus became a state monopoly and remained so for a considerable period of time. The ideology behind the inward-oriented economic policies followed till 1977 was also a justification for the state taking a leading role in the formation of public opinion. However, state monopoly very quickly became a monopoly of the regime in power.

The economic liberalization policies introduced in 1977 paved the way towards a break down of state monopolies in broadcasting. Nevertheless, even the UNP government which permitted private radio and TV channels strove to confine these channels to entertainment; they could not air news programmes unless these were picked up from the state stations.

This situation has now improved. Private channels carry their own news programmes; they also broadcast discussions and comments on topics of current interest. We recognize that the problems associated with ensuring freedom in the electronic media are different from and more intractable than in the print media, but they have to be faced because their influence is probably greater. There are however some disquieting signs of intolerance that are now emerging with regard to radio and television.

The difficulties faced by the TNL television station are an indication of such intolerance. Their coverage of the appearance of the President at a limited over cricket-match between Sri Lanka and Australia, to telecast which they had bought the right in competitions with other TV stations has been called into question. Cameramen of the state-owned Rupavahini had entered the grounds to cover the President's presence; this had led to an altercation about the legal rights of the two stations and charges of assault which are now before the courts. The fact that TNL is primarily owned by a brother of the Leader of the Opposition may have been a factor in this incident; TNL has been now prohibited from entering this stadium by the authorities in charge. It seems that the principle of the freedom of the media is yet subject to political expediency.

It is understood that the government is now preparing a law to establish a Broadcasting Authority which will be responsible for licensing new radio and TV stations; such powers are now unsatisfactorily dealt with by the state television and radio organizations and by the telecommunications department. Such an authority is essential to allocate wave bands for these stations; the spectrum of

available channels is a resource whose use needs to be controlled by the state; there are such authorities in all countries. It is now understood from comments made by government officials that it is proposed to endow this body with powers of censorship over the material put out by such stations. If this is true and borne out by the legislation, then it will enable the government, when and if it so desires, to exercise a virtual veto over private stations. This is undesirable; they should be subject only to the normal censorship laws statutorily laid down for all media. Our forebodings on this issue spring from our sad experience that governments have generally tended to use all the powers they are endowed with to the maximum.

We reproduce below the basic guidelines that should determine the scope of such a law, as prepared by the Trans-Atlantic Dialogue on European Broadcasting. The emphasis here is on ensuring independence rather than on restricting their scope.

* The main reason for government involvement in broadcasting is that broadcasters use a limited national resource, the frequency spectrum.

* Any law to regulate broadcasting should begin by stating that the purpose of the law is to guarantee free and independent broadcasting in both the public and the private sectors.

* A law to regulate broadcasting should establish a regulatory body and give it general instruction on its job. Ideally, such a law will leave the details of regulation to the regulatory body, so that an act of the legislature is not necessary whenever there is a need to modify some regulation.

* The job of the regulatory body is to protect the public interest in broadcasting and the independence of broadcasting. It should not become involved in program content or undertake any form of censorship.

* If laws prohibiting burglary or slander already exist, there is no point in saying that broadcasters should not commit these crimes.

* Freedom of the press means that people will be free to print and broadcast unwise, uncivil, nasty, untrue, dangerous and inflammatory information. This is the price of liberty. Enacting laws against errors and sins incapable of definition - such as support for separatism or violation of national honor, public order, and respect for the environment - endangers that freedom.

Human Rights in China

The current state of human rights in China was the subject of a seminar in Manila organized a month ago by Amnesty International and the Philippine chapter of Amnesty.

China's reluctance to allow human rights activists in Asia to look at its record was evident at this meeting. While the meeting was permitted, the Philippine government, probably under pressure from China barred from the meeting Chinese human rights activists based in Hongkong, Tibetan activists currently based in India and Pakistani participants. The Pakistanis were refused visas on the basis that a Pakistani had attempted to injure the Pope when he visited Manila two years ago.

The meeting nevertheless had sufficient material to consider in depth evidence of the state of human rights in China and to come to specific conclusions. The final report emanating from the seminar is reproduced as a document in this issue.

The case of China is important because it is one of the most powerful voices arguing that human rights need to be interpreted in the light of Asian values and are basically an internal matter; this position seeks to preclude outside intervention on behalf of human rights as an unwarranted interference in domestic affairs and therefore an attack on its sovereignty. This position is also echoed by other well known violators like Indonesia and Malaysia. These countries are reluctant to accept the notion of universality which provides the basis for human rights activists the world over.

The Case of M. F. Hussain - Artistic Freedom at Stake

Freedom of expression in the creative arts is also facing dire threats in South Asia. One example comes from Ahmedabad in India.

M.F. Hussain is one of India's most respected contemporary artists. Last October, he had an exhibition of his paintings, drawings and tapestries at the Herwitz Gallery in Ahmedabad, organized by a well-known architect, Doshi.

A Hindi magazine published from Bhopal called Vichar Mimansa first drew attention to the exhibition and attacked Hussain in an article by an Om Nagpal entitled "Is he an Artist or a Butcher?" The article was accompanied by the reproduction of a drawing of a nude Saraswati which Hussain had done in 1976. The editor of the magazine justified himself by saying that the drawing which he found objectionable offended his religious sensibilities.

The reaction to this inflammatory article took two forms. In the first, Pramod Navalkar, a Shiv Sena leader and Minister of Culture in the Maharashtra state assembly, wrote to the Police Commissioner in Mumbai informing him of the material in the article. The Commissioner treated the letter as a complaint and registered a case on October 8th against Hussain on two grounds - of violating Section 153A of the Penal Code which relates to the promotion of enmity between different groups on grounds of religion, race etc. and acting in a manner prejudicial to harmony and section 295A which relates to deliberate and malicious acts intended to outrage the religious feelings of any group.

The other reaction was equally outrageous. On October 11th, activists of the Bajrang Dal invaded the gallery and ripped down the paintings and tapestries and burnt most of them. According to Doshi, 10 out of the 28 tapestries have been damaged beyond restoration and 20 of the 40 paintings have been totally ruined. Since Hussain is a much admired painter commanding high market prices, the value of the ruined works has been put at one and half crores of rupees. The Ahmedabad police has been inactive, claiming that they have not been able to identify the culprits.

This vandalism has been described as an "act of cultural fascism" and has been opposed by many artists, writers and intellectuals throughout India. These cultural fascists do not know that goddesses have been sculpted in the nude through the ages; Saraswati herself has been depicted wearing only a jewelled belt in the sculptures of the Halebid temple dated to the 12th century. According to Frontline, the editor of the magazine in question had "admitted that he neither understood or appreciated modern art. But his understanding of ancient Indian art soon became evident. Asked about the nude Saraswati carvings in the Dilwara temple, he said: In those days it was very difficult to sculpt clothes in stone."

It is probably the fact that Hussain is a Moslem that aroused all these ill-feelings, because this editor has also declared that what outraged him most was the fact that a Muslim artist was drawing Hindu religious symbols.

We reproduce in this issue the drawing of Saraswati and an article by Romila Thapar which discusses this incident and its implications.