

# The Patidar agitation in a pocket



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If the photo of a young woman defiantly holding up her smartphone is the most iconic image from the “Arab Spring” revolutions in Egypt, Tunisia and Yemen, then perhaps the most abiding portrait of the recent Patidar agitation ought to be that of an Ahmedabad citizen sheepishly slipping a cellphone into his pant pocket.

The acquiescence by a supposedly free people to the week-long censorship of mobile internet and instant messaging services in major cities of Gujarat is the one of the most disturbing and enduring legacies of the uprising by Patels demanding reservations for their community at the end of August. True, the autocratic regimes in Egypt, Tunisia and Yemen also ended up cutting off social media and Internet services. But much later, under far riskier circumstances and for significantly weightier reasons. Besides, none of the regimes had any democratic pretensions.

The statewide ban on mobile Internet services and SMS was

imposed on Aug 25, ostensibly to stem the spread of rumors — as well as the sharing perhaps of truthful CCTV video clips of police violence directed at defenseless and innocent citizens.

Whatever the merits or the justifications for the initial censorship, the mobile ban persisted long after normalcy had returned and curfew lifted in Ahmedabad, Vadodara, Surat, and other affected cities. Muted criticism against the extension of the censorship began slowly simmering principally around the economic loss suffered by telecom operators (reportedly Rs 4.5 to 5 crores a day), and businesses (banks, hotels, restaurants, ecommerce sites and retail establishments), because the ban paralysed the credit and debit card system. Tellingly, the most strident critics were those who would have been most disrupted by the violence the ban was designed to stem— business groups, such as the Gujarat Chamber of Commerce & Industry and ASSOCHAM Gujarat Council.

The profound free speech implications of this sweeping censorship by a handful of local administrators and police officials with little appreciation of the central role of freedom of speech in a democratic society are almost entirely absent from the public dia-

logue. The justifications these officials invoked for the ban in their public statements offered no legal authority, or judicious assessment of the threat, or, for that matter, any attempt at balancing competing free speech considerations. Ahmedabad Police Commissioner Shivanand Jha simply concluded that, “It helps restore peace and allows frayed tempers to call down.”

Even though the state government had advised administrators to weigh local circumstances, Vadodara District Collector Avantika Singh decided simply that it was prudent to play safe and simply follow the herd: “Although the city has been relatively peaceful, at this point mobile internet access may trigger issues. Since other districts are also continuing with the suspension, we decided to continue it here to strike uniformity.”

Rajeev Kushwah, director of Gujarat’s Department of Telecom (DoT), Gujarat, blithely explained: “We would like to contribute in every possible way to maintain peace in the state. It is more important than worrying over any loss incurred in the process.”

The restrictions did not seem to be premised on evidence of their efficacy in controlling or reducing real or perceived threats, much less on any effort to make them the minimal necessary and the least

onerous, the traditional legal standard for time, place and manner restrictions on speech in democratic societies.

Indeed, they were not predicated on any specific legal authority at all. Section 69A of the Information Technology Act gives the central, not the state, government the authority to intercept or monitor Internet traffic. The local officials

who ordered the censorship did not provide a legal basis, nor did the telecom providers deem it necessary to challenge their extra-judicial demand, even though the Unified Access Service Licence Agreement empowers only the central government to direct them to suspend coverage.

The serious authority to censor the internet was punted to local officials under their general law and order authority, without any seeming resistance by the central or state government, or for that matter by civic groups. In the absence of a legal regime that constrains overzealous officials and public outrage over the mobile ban during the Patidar agitation, internet censorship in India is at risk of becoming as innocuous as a barricade to hold back demonstrators during public protests.

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