India

Country:
India
Year:
2016
Press Freedom Status:
Partly Free
PFS Score:
41
Legal Environment:
11
Political Environment:
21
Economic Environment:
9

Overview

While India’s vibrant media remained the freest in South Asia in 2015, media workers continued to face obstacles under Prime Minister Narendra Modi’s government. Journalists reported difficulty gaining access to government officials, and expressed concern over heavy-handed government censorship during the year. Journalists and writers reported receiving threats in connection with their work amid a national debate on whether there was rising intolerance in the country. At least one journalist was killed in connection with his reporting. Violence is encouraged by a prevailing climate of impunity.

Key Developments

• In March 2015, the Supreme Court struck down a section of the 2000 Information Technology Act (IT Act) that criminalized the dissemination on the internet of information intended to cause “annoyance or inconvenience,” among other loosely worded criteria.
• Authorities the same month banned a documentary that chronicled the 2012 gang rape and death of a medical student in Delhi.
• In June, Uttar Pradesh-based journalist Jagendra Singh succumbed to burns injuries he said were inflicted by a member of the state’s ruling Samajwadi Party in reprisal for critical reports he published on Facebook.
• In August, the Gujarat state government shut down mobile internet services—which are increasingly used to gather and disseminate news and information—amid mass demonstrations there.

Legal Environment: 11 / 30

Although the constitution guarantees the freedoms of speech and expression, legal protections are not always sufficiently upheld by the courts or respected by government officials. A number of laws that remain on the books can be used to restrict media freedom. The sedition law, formally Section 124A of the 1860 penal code, outlaws expression that can cause “hatred or contempt, or excites or attempts to excite disaffection” toward the government. The 1923 Official Secrets Act empowers authorities to censor security-related articles and prosecute members of the press. State and national authorities, along with the courts, have also punished sensitive reporting by using other security laws, criminal defamation legislation, bans on blasphemy and hate speech, and contempt of court charges.

Two journalists in the central state of Chhattisgarh were arrested on questionable criminal charges in 2015. Somaru Nag, who covered development issues in the region, was detained in July under the Arms Act and accused of helping a group of people police described as Maoist sympathizers set fire to road construction equipment. His lawyer suggested that the charges, which included banditry, arson, and criminal conspiracy, might have been a preemptive move by authorities to prevent him from covering security operations in the area. In September, Santosh Yadav was accused of rioting, criminal conspiracy, and attempted murder and faced terrorism charges under the Chhattisgarh Special Public Security Act and the Unlawful Activities (Prevention) Act, according to the Committee to Protect Journalists (CPJ). His colleagues claimed that the charges were fabricated, and were connected to his reports alleging human rights abuses by local officials. Both remained in prison in December.

Defamation cases against journalists and media houses increased in 2015, according to the South Asian media watchdog the Hoot. Among more notable cases, in August Essar Steel—a division of the Mumbai-based Essar Group conglomerate—brought a $39 million civil defamation case against journalist Krishn Kaushik and the New Delhi-based Caravan magazine in connection with reporting that implicated the company in political corruption.

India lacks strong privacy legislation, and government surveillance frameworks contain scope for abuse. In 2013, the government announced a new program, the Centralized Monitoring System, which would provide authorities with centralized access to all communications data and content that travel through Indian telecommunications networks, without the involvement of the telecommunications service provider. The system would enable the government to listen to telephone calls in real time and read text messages, e-mail, and chat conversations. The new system, coupled with lengthy jail sentences for failing to comply with a government decryption order, could be used against journalists.
who rely on encryption and privacy to conduct their work. Officials said the system was in its implementation phase in 2015, and expected to become operational in 2016.

A second government internet surveillance system known as NETRA, capable of real-time keyword analysis on a range of internet communications including public tweets, private e-mails, and Voice over Internet Protocol (VoIP) traffic on services like Skype and Google Talk, was reported by the media in 2014. There was little public information about the project’s status in 2015.

However, a landmark Supreme Court decision in March 2015 offered a positive development for online speech. Section 66A of the 2000 IT Act, amended in 2008, criminalized the dissemination online of information intended to cause “annoyance or inconvenience,” among other loosely worded criteria. That section was struck down by the Indian Supreme Court following public interest litigation. The ruling upheld the government’s authority under the law to block online content whenever it is the “national interest” to do so.

Implementation of the Right to Information (RTI) Act of 2005 has been mixed, with the majority of requests blocked due to the law’s broad categorical restrictions on the release of information. The RTI Act’s success has also been hindered by a large backlog of appeals and requests and widespread inefficiency within state and local governing bodies. As of late 2015, India’s six main national political parties still refused to comply with the law despite a 2013 decision by the Central Information Commission holding that political parties fall under the RTI Act’s provisions as “public authorities.” A backlog of tens of thousands of requests was pending at the end of the year. While some state governments are making an effort to disseminate information about the RTI Act, especially in rural and isolated areas, others are employing various means to make requests more onerous. A number of activists who have attempted to use the act to uncover abuses, particularly official corruption, have been harassed or even killed in recent years.

The Whistleblowers Protection Act was signed into law in 2014, almost four years after it was first introduced, but analysts have raised concerns about its implementation. The law was not enforced in 2015, as the government continued efforts to amend it in order to carve exceptions protecting information related to national security.

The Press Council of India (PCI), an independent self-regulatory body for the print media that is composed of journalists, publishers, and politicians, investigates complaints of misconduct or irresponsible reporting, but does not have punitive powers. The regulatory framework for the rapidly expanding broadcast sector does not feature an independent agency that is free from political influence. The News Broadcasters’ Association primarily represents the television sector. Access to the profession of journalism is open in India. Media industry groups and local press freedom advocacy organizations generally operate without restrictions.

Political Environment: 21 / 40 (↓1)

Politicized interference in editorial content and staffing decisions is a serious concern. Some managers have explicitly instructed reporters to produce favorable coverage of
certain figures. India’s state-controlled television station, Doordarshan, has been accused of manipulating the news to favor the government. Many journalists run the risk of losing their jobs for stepping afoul of editorial lines determined by owners’ interests. In November 2015, an editor at the English- and Hindu-language magazine Shiksha Saarthi, which is run by the education department in Haryana State, was dismissed in connection with an article stating that beef was a source of nutritional iron. The development came amid a campaign led by Hindu nationalists to tighten legal restrictions on the sale and consumption of beef.

After taking office in 2014, the Modi government reportedly told senior officials to avoid media interviews and channel communications with the press through official spokespeople. Journalists complained that the new leadership relied on one-way formats—such as social media posts and the prime minister’s monthly radio program—to communicate with the public instead of granting access to the press, making newsgathering more challenging. In a survey of 50 journalists published by the Hoot in March 2015, 74 percent said government officials had stopped speaking to them or had difficulty speaking freely.

Authorities undertook heavy-handed censorship actions in 2015. In March, the government banned filmmaker Leslee Udwin’s documentary India’s Daughter, which chronicled the 2012 gang rape and death of a medical student in Delhi, and included footage of an interview conducted in prison with one of the assailants. Moreover, India’s home minister threatened unspecified action against the British Broadcasting Corporation (BBC) for airing the documentary internationally. The central government also instructed officials in the Home Ministry, Information and Broadcasting Ministry, and External Affairs Ministry to scrutinize future film proposals. Finally, the government enacted guidelines barring journalists, filmmakers, researchers, and nongovernmental organizations (NGOs) from prison visits in response to the film.

Separately, in November, copies of Shiksha Saarthi containing the article on beef consumption were removed from some schools in Haryana State, as well as from the website of the state’s elementary education department.

Despite increasing diversity in the print and online media sectors, some outlets self-censor to avoid losing public-sector advertising purchases, which are a key source of revenue. Foreign journalists continue to have occasional difficulty obtaining visas to report from within the country, particularly if their prior reporting has been critical of the national or state governments.

As the year went on, dozens of writers and filmmakers returned government awards to protest what they described as a rise in intolerance for more secular viewpoints under a right-wing government, sparking nationwide debate. In Karnataka State, several writers who self-identified as rationalists received death threats from far-right Hindu groups in September. Outspoken journalists such as Nikhil Wagle, chief editor of a Marathi-language news channel in Mumbai, were also threatened in connection with their coverage of an extremist and allegedly violent right-wing Hindu group.

Journalists faced physical violence and intimidation while gathering news or in reprisal for their reporting in 2015, and at least one journalist was killed in direct relation to his work, according to CPJ. In June, Uttar Pradesh-based journalist Jagendra Singh succumbed to
burn injuries that he said were inflicted by a member of the state’s ruling Samajwadi Party in reprisal for critical reports he published on Facebook. Three other journalists – Sandeep Kothari, Akshay Singh, and Sandeep Kothari—died under circumstances that remain unclear, but where their journalism may have played a role.

Among other, nonfatal attacks in 2015, Haider Khan, a stringer for a local television news channel, was beaten by a group of men and dragged behind a motorcycle in Uttar Pradesh, in apparent reprisal for his critical reporting. Such violence is encouraged by a prevailing climate of impunity, with most past murders remaining unsolved and other acts of violence going unpunished.

Members of the press are particularly vulnerable in rural areas and insurgency-wracked states such as Chhattisgarh, Jammu and Kashmir, Assam, and Manipur, where they continue to face physical violence, harassment, and censorship from the government or militant groups seeking to slant coverage in a certain way.

**Economic Environment: 9 / 30**

India is one of the few countries in the world where print media remain a vibrant and financially sustainable growth industry, and there are rising numbers of print and broadcast outlets that cater to national or various regional or linguistic audiences. Most print outlets, particularly in the national and English-language press, are privately owned, provide diverse coverage, and frequently scrutinize the government. The low cost of newspapers—which are sold at prices far below the cost of production—ensures wider access to print media than in most low-income countries. The broadcast media are predominantly in private hands, and diversity in the television sector has expanded dramatically. India is home to more than 100,000 registered print publications and more than 800 television channels, with a significant proportion focused on news and current events.

Despite these favorable features, the ownership structure of India’s media market continues to compromise objectivity in both print and broadcast journalism. According to a 2012 report by the *Business Standard*, local politicians own an estimated 60 percent of the country’s cable distribution systems; this has enabled politicians to block television channels for broadcasting news that adversely affected their interests. The state retains a monopoly on AM radio broadcasting, and private FM radio stations are not allowed to air news content. As of 2015, there were around 180 community radio stations active in India. The process of setting up a community radio station is laborious, and assembling the various permissions required can take years. Such stations are additionally required to use transmitters sold by government-approved vendors.

Access to foreign media, with the exception of some outlets based in Pakistan, is generally unrestricted. However, authorities sometimes block distribution of certain foreign print editions due to content such as maps of the disputed Jammu and Kashmir region. In April 2015, the Ministry of Information and Broadcasting ordered that Al-Jazeera be taken off air for five days in connection with the way in which the Qatar-based broadcaster had displayed maps of the disputed region in 2013 and 2014. In recent years, intelligence agencies have also objected to broadcasts from neighboring countries that contain “anti-
India’s content, and the government has attempted to block service providers from carrying them and increase the penalties for doing so. Some impediments to production and distribution of domestic media, such as blockades of newspapers or official instructions not to carry certain cable channels, also occasionally arise.

Some 26 percent of India’s population had access to the internet in 2015. Mobile telephones are increasingly used to gather and disseminate news and information, particularly in rural communities and areas with high rates of illiteracy. However, the government retains the power to obstruct online and mobile communications. In August 2015, the Gujarat state government reportedly shut down the mobile messaging application WhatsApp amid demonstrations there. As clashes continued over the next few weeks, authorities in the state banned mobile internet services for several days.

National and state governments have used financial means, such as advertising purchases, to reward or punish news outlets for their coverage. Other concerns include bribery of journalists or editors by government or private interests, as well as the erosion of barriers between the editorial and advertising departments at many outlets, sometimes through the use of “private treaties” with major companies. Despite investigations by India’s election commissioner and the PCI, the practice of “cash for coverage”—in which payments are made to secure favorable reporting on candidates and parties, particularly during election cycles—remains deeply entrenched.

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