

FREEDOM OF THE PRESS

India

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India's vibrant media scene is the freest in South Asia, although journalists, particularly those in rural areas and certain conflict-racked states, faced a number of challenges in 2011, including legal actions and occasional violence. The constitution provides for freedoms of speech and expression, and while there are some legal limitations, these rights are generally upheld. The 1923 Official Secrets Act gives authorities the power to censor security-related articles and prosecute members of the press. In May 2011, Tarakant Dwivedi was arrested and held under the act following an article detailing compromised security at the railway station where the 2008 Mumbai terrorist attacks took place. State and national authorities have on occasion used other security laws, criminal defamation legislation, blasphemy provisions, hate speech laws, and contempt-of-court charges to curb critical reporting, though a 2006 amendment to the Contempt of Courts Act introduced truth as a defense, and authorities mooted the possibility of reviewing criminal defamation statutes in early 2011. In an unusual case, in November 2011 the television station Times Now was fined an exorbitant 1 billion rupees (\$21.4 million) in a defamation case dating to 2008; the station had mistakenly run the wrong picture during a newscast. Times Now was ordered to deposit a substantial portion of the fine before an appeal would be considered. Two journalists in Chhattisgarh—Sudhir Dhawale of the Marathi-language *Vidrohi* monthly and freelance journalist Lingaram Kodopi—were arrested in 2011 and charged under the Unlawful Activities Prevention Act (UAPA) and other laws. Human rights groups claimed that the charges were in retaliation for their reporting, and the two remained in pretrial detention at year's end. K. K. Shahina, a journalist with the weekly magazine *Tehelka* who had faced criminal charges in late 2010 following a story that was critical of local police, received additional charges under UAPA in 2011.

Implementation of the landmark 2005 Right to Information (RTI) Act has been mixed, with the majority of requests blocked due to broad restrictions on the release of information. According to assessments conducted for the government by PricewaterhouseCoopers and an alliance of civil society groups known as the RTI Assessment and Analysis Group, an estimated two million requests were submitted in the first two and a half years following the law's initial implementation, with many seeking information on service delivery from state and local governments. A range of impediments have hindered the act's success, including an overall lack of awareness of the rights guaranteed by the law, a large backlog of appeals and requests, and widespread inefficiency within state and local governing bodies. However, some state governments are making an effort to disseminate information about the law, especially in rural and isolated areas. A number of activists who have attempted to use the RTI Act to uncover information, particularly on official corruption, have been killed in recent years, including 2011.

The Press Council of India (PCI), an independent self-regulatory body for the print media composed of journalists, publishers, and politicians, investigates complaints of misconduct or irresponsible reporting. The regulatory framework for the rapidly expanding broadcast sector does not at present feature an

2012 SCORES

PRESS STATUS

Partly Free

PRESS FREEDOM SCORE

37

LEGAL ENVIRONMENT

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POLITICAL ENVIRONMENT

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independent agency that is free from political influence. In a bid to forestall official regulation of news coverage—including proposals by the Ministry of Information and Broadcasting (MIB) in the wake of the 2008 Mumbai terrorist attacks to increase controls on television news feeds in times of crisis—the News Broadcasters' Association, an industry body that primarily represents the television sector, issued a new set of self-regulatory guidelines in February 2009, covering topics including crime, violence, and national security. While access to the profession of journalism is open, an accreditation mechanism for online journalists has not yet been developed. Media industry groups and local press freedom advocacy organizations remain somewhat weak.

Physical intimidation of journalists by a variety of actors continued to be a problem in 2011. A number of journalists were attacked, threatened, abducted, or detained by police, political activists, right-wing groups, insurgents, local officials, or criminals. Two journalists were killed in 2011, according to the Committee to Protect Journalists; although the motives remained "unconfirmed," one of the victims, Jyotirmoy Dey, a senior crime reporter for *Midday* who was killed in June in Mumbai, was believed to have been assassinated by a crime boss as a result of his investigative reporting. Media offices were also targeted during the year.

Members of the press are particularly vulnerable in rural areas and insurgency-racked states such as Chhattisgarh, Jammu and Kashmir, Assam, and Manipur. Reporters in these states faced pressure from both the government and insurgents in 2011. Those suspected of Maoist or other insurgent sympathies were sometimes threatened with sedition charges or detained by the authorities, while others were pressured to reveal their sources for sensitive stories or were blocked from covering the news. Continuing civil unrest in Jammu and Kashmir during 2011 led to instances of harassment of local journalists, particularly as they attempted to report on repeated confrontations between protesters and security forces. Journalists in the state also had their special curfew passes seized and were otherwise harassed or beaten by police at checkpoints. The local media continued to face threats from militants regarding coverage of certain issues, and pressure to self-censor has been reported at outlets that rely on state government advertising for the majority of their revenue. Jammu and Kashmir's local cable television stations, as well as pages on the Facebook social-networking site and mobile-telephone text messages, were censored during periods of unrest, and editions of local newspapers were unable to print in Srinagar as a result of curfews. According to the Asian Media Barometer for India, the authorities in multiple states occasionally block certain cable news channels or instruct cable operators not to carry channels based on their political slant or content. A number of foreign journalists have had trouble obtaining visas to report from within the country. Some, such as the independent Danish journalists Tom Heinemann and Lotte la Cour, appear to have been blacklisted in retaliation for their prior investigative reports on India.

India is one of the few countries worldwide where print media remain a vibrant and financially sustainable growth industry, and there are rising numbers of both print and broadcast outlets that target 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 exponentially. However, the state retains a monopoly on AM radio broadcasting, and private FM radio stations are not allowed to air news content. Under a policy announced in 2006, which provided guidelines for the ownership and operation of community radio stations by nongovernmental organizations (NGOs) and other civil society groups, there has been a modest increase in community radio stations, leading to a greater diversity of voices and topics covered. The MIB reported that as of August 2011, 368 proposals were still under review, and 732 stations in total were operational. Doordarshan, India's state-controlled television station, has been accused of manipulating the news to favor the government, and some private satellite television channels provide coverage that reflects the political affiliations of their owners, according to the

U.S. State Department.

Access to foreign media, with the exception of some outlets based in Pakistan, is generally unrestricted. Constraints imposed on foreign news outlets were reduced in 2009, allowing 100 percent foreign-owned periodicals to print local editions with government approval. However, authorities sometimes block certain foreign print editions from distribution due to content such as maps of the disputed Kashmir region. In 2011, the MIB blocked 25 foreign channels (mostly from Pakistan), claiming that they were “a security threat.”

Some impediments to production and distribution of domestic media occasionally arise. For example, in late 2011, the trade union wing of a local political party organized a blockade of certain newspapers in the state of Kerala, allegedly in response to the papers’ coverage of the party.

The placement or withdrawal of advertisements is used by both the national and state-level governments to reward favored news outlets or punish those that produce critical stories. Bribery is also a major concern, as is overt blurring between the editorial and advertising departments at many outlets, sometimes through the use of “private treaties” with major companies. During 2009, local media brought attention to the ongoing practice of “cash for coverage,” in which payments are made to secure favorable news coverage for candidates and parties, particularly during election cycles. Despite investigations by India’s election commissioner and the PCI, the practice of paid news remains deeply entrenched, as it bolsters salaries for journalists and revenues for media owners.

The internet, accessed by about 10 percent of the population in 2011, remains largely unrestricted, and mobile phones are increasingly being used as a means of gathering and disseminating news and information, particularly in rural communities and areas with high rates of illiteracy. However, the government retains the power to censor online content. The 2008 Information Technology Act gives the Ministry of Communications and Information Technology the authority to block material that endangers public order or national security. The law also enables prosecution of cybercafés, search engines, and internet service providers (ISPs). Authorities took several steps during 2011 to increase control over internet-based media. In April, the government introduced rules that compel companies to remove objectionable content within 36 hours of receiving an official notice. Other new regulations oblige cybercafés to install surveillance cameras and submit records of their users’ online activity to the government. Following talks with several companies regarding self-regulation, the Ministry of Communications and Information Technology in early December announced the government’s intention to implement mechanisms to restrict material that is found to be illegal, blasphemous, or pornographic. Later in the month, a local court in Delhi ordered 22 websites or internet companies—including Google, Yahoo, Microsoft, and Facebook—to remove content deemed antireligious or antisocial.

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