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Freedom of the Press 2017 - India

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Press Freedom Status: Partly Free

Total Score (↓2): 43/100 (0 = Most Free, 100 = Least Free)

Legal Environment: 11/30

Political Environment (↓1): 22/40

Economic Environment (↓1): 10/30

Quick Facts

Population: 1,328,900,000

Freedom in the World Status: Free

Net Freedom Status: Partly Free

Internet Penetration Rate: 26.0%

Key Developments in 2016:

- At least two journalists were killed in connection to their work during the year, according to the Committee to Protect Journalists (CPJ).
- In May, the Supreme Court ruled to retain criminal defamation, despite calls for decriminalization.
- Journalists working in the restive central Indian state of Chhattisgarh faced tremendous pressure, with some relocating amid fears for their safety.
- Authorities imposed heavy-handed restrictions on the press in northern Indian state of Jammu and Kashmir, shutting down several newspapers and clamping down on mobile internet services.

Executive Summary

While India's vibrant media remains the freest in South Asia, journalists in the country continue to face an array of obstacles, including legal threats and arrest in connection with their work. Journalists reported heavy-handed government censorship during 2016 – most notably in the restive state of Jammu and Kashmir. In conflict-affected Chhattisgarh, intimidation by both police and by anti-Maoist groups has prompted a number of journalists to relocate.

Across the country, violence against journalists is encouraged by a prevailing climate of impunity. Several physical attacks against journalists covering court proceedings and other events took place in 2016. At least two journalists were killed in connection with their work, and three others were killed under circumstances where the motive remained unclear, according CPJ.

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.

In August 2016, officials filed a criminal complaint against the English-language magazine *Outlook*; its publisher, Indranil Roy; its editor, Krishna Prasad; and freelance journalist Neha Dixit; the complaint alleged that an article by Dixit implicating the Hindu nationalist group Rashtriya Swayamsevak Sangh in an indoctrination program that amounted to human trafficking had violated laws against inciting hatred between groups. In May, police detained *Milli Gazette* journalist Pushp Sharma on allegations of incitement and forgery in connection with an article claiming a government ministry discriminated against Muslims; he was released on bail days later. Meanwhile, at year's end, freelance journalist Santosh Yadav, who was detained in September 2015, remained in detention on charges of rioting, criminal conspiracy, and attempted murder, and faces terrorism charges under the Chhattisgarh Special Public Security Act and the Unlawful Activities (Prevention) Act. His colleagues claimed that the charges were fabricated, and were connected to his reports alleging human rights abuses by local officials.

In May 2016, India's Supreme Court ruled to retain criminal defamation despite calls for decriminalization. While convictions against journalists under the law have been rare, legal proceedings tend to be costly and burdensome, especially for smaller news outlets and freelancers, and can cast a chill on critical reporting.

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, and 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; it became operational in Delhi, New Delhi, and Mumbai in 2016.

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. India's six main national political parties have 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 2016. 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. Activists who have attempted to use the act to uncover abuses, particularly official corruption, have faced harassment.

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, and there are an array of institutions that offer instruction in journalism and mass communication. Media industry groups and local press freedom advocacy organizations generally operate without restrictions.

Political Environment: 22 / 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 and unfavorable or limited coverage of others. Journalists have reported editorial interference at media outlets owned by powerful businesses or political actors. 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.

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 continue to express concern that his government relies 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. Modi has occasionally granted interviews to handpicked journalists and news outlets.

Authorities occasionally censor media outlets. In November 2016, authorities ordered Hindi-language news channel NDTV India to suspend broadcasting for 24 hours after the Ministry of Information and Broadcasting took issue with the channel's coverage of a January attack by militants on an Indian air force base in Pathankot, Punjab. Earlier in the year, NDTV India came under pressure from the Ministry of Information and Broadcasting, which in a June 2016 advisory told the channel to "be more careful" after a Supreme Court decision was called "unfortunate" during a news program.

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.

People have access to a range of news sources. Newspapers are widely available and low in cost. There have been a growing number of online news portals in recent years. There is generally a diversity of viewpoints reflected in the media.

Journalists faced physical violence and intimidation while gathering news or in reprisal for their reporting in 2016. Such attacks are encouraged by a prevailing climate of impunity, with most past murders remaining unsolved and other acts of violence going unpunished. At least two journalists were murdered in direct reprisal for their work during the year, according to CPJ. In three other journalist killings, the motive remained unclear. Among other, nonfatal attacks in 2016, right-wing

Hindu activists in Uttar Pradesh assaulted Sarvesh, a freelance photojournalist who goes only by one name, while she was covering a protest outside a meeting of atheists in October. In February, a group of lawyers attacked several members of the press who were covering the high-profile sedition trial of a university student in New Delhi. Police came under criticism for doing little to protect the journalists or to establish accountability for the attacks. In July, at a court complex in Kerala, a group of lawyers chased and assaulted journalists covering a trial of a government official accused of molesting a woman.

Journalists also reported receiving threats and being subjected to abusive online trolling. Kerala-based news anchor Sindhu Sooryakumar of Asianet TV received thousands of threatening phone calls following a February 2016 news broadcast on a student protest movement. Police arrested five men linked to right-wing Hindu nationalist groups in connection with the harassment, but the case against them proceeded slowly.

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.

In Chhattisgarh, the climate for press freedom has deteriorated sharply. In February 2016, right-wing protesters harassed freelance journalist Malini Subramaniam on several occasions, demanding she leave the region and throwing rocks at her house and car; she ultimately relocated due to the harassment. Later that month, BBC Hindi journalist Alok Putul was similarly forced to abandon his assignment and leave the area after being warned by residents that he might be in danger. Journalists in the region have also faced questioning by police in apparent connection with their work and a few have been arrested and detained on dubious grounds.

Economic Environment: 10 / 30 (↓1)

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. 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.

The ownership structure of India's media market continues to compromise objectivity in both print and broadcast journalism. Local politicians own a significant percentage of the country's cable distribution systems; this has enabled them to block television channels from broadcasting news that may adversely affect 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 2016, there were around 198 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. 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.

The government retains the power to obstruct online and mobile communications. Although many news outlets in Kashmir were able to continue online operations in the wake of deadly violence and unrest there in 2016, authorities shut down mobile internet services in several parts of region, hampering people's access to information for many weeks. Additionally, amid unrest in Kashmir following the killing of a separatist leader, police raided several newspapers offices in Kashmir, including *Greater Kashmir*, *Rising Kashmir*, *Daily Kashmir Images*, *Kashmir Observer*, and *Kashmir Reader*; halted their printing presses; and confiscated copies of newspapers awaiting delivery.

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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