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Freedom of the Press 2010 - India

Status: Partly Free

Legal Environment: 9

Political Environment: 15

Economic Environment: 9

Total Score: 33

India's vibrant media scene is by far the freest in South Asia, although journalists, particularly those in rural areas and certain conflict-racked states, faced a number of challenges during 2009, including an increase in legal actions and occasional incidents of violence. The constitution provides for freedom of speech and expression, and while there are some legal limitations, these rights are generally upheld. The 1923 Official Secrets Act gives authorities the right to censor security-related articles and prosecute members of the press, but no such cases were reported during the year. State and national authorities have on occasion used other security laws, criminal defamation legislation, and contempt-of-court charges to curb critical reporting, though a 2006 amendment to the Contempt of Courts Act introduced truth as a defense. In January 2009 B. V. Seetaram, chairman and chief editor of Chitra Publications, was arrested in Karnataka state on defamation charges. He was released weeks later and won compensation for the illegal arrest. Later in the year in Tamil Nadu state, news editor B. Lenin of the *Dinamalar* daily was arrested on the basis of an insult complaint and held for two days before being released on bail, while A. S. Mani of the *Naveena Netrikan* magazine was held on defamation charges for a month before being released on bail in November. Hate-speech laws have also been used against the press. In February, the editor and the publisher for the Kolkata-based *Statesman* newspaper were arrested under religious speech laws after reprinting an article that had originally been published in Britain's *Independent*. The article had sparked protests by Muslim groups.

The Press Council of India, an independent body composed of journalists, publishers, and politicians, serves as a self-regulatory mechanism for the print media, investigating complaints of misconduct or irresponsible reporting. No similar body exists for the broadcast media, which have become known for undercover sting operations and investigative reports. A broadcasting services regulation bill, which was first introduced in 2006, could give the government greater power over the media, restrict media cross-ownership, and lead to greater content regulation for news channels - all of which have been opposed by broadcasters and journalists' groups. The bill made no significant progress in Parliament during 2009. In the wake of terrorist attacks in Mumbai in November 2008, the Ministry of Information and Broadcasting (MIB) began exploring possible amendments to the Programme Code and the Cable Television Act, with the aim of increasing government regulation of television coverage during times of crisis. Proposals for the vetting and preapproval of television feeds by the authorities raised censorship fears among some local media watchdogs. In an attempt to forestall official regulation of news coverage, in February 2009 the News Broadcasters' Association issued a new set of self-regulatory guidelines covering several areas, including crime, violence, and national security. The MIB voiced support for this self-regulatory approach, denied

that there was any plan to control the content of news media, and set up a committee to act as a forum for consultations between the government and media groups.

Physical intimidation of journalists by a variety of actors continued to be a problem in 2009, though fewer deaths were reported than in the previous year. A number of journalists were attacked, threatened, abducted, or detained by police, political activists, right-wing groups, insurgents, local officials, or criminals. Media offices were also targeted during the year. Employees and offices of two television channels were violently assaulted by activists from the Shiv Sena, a Hindu nationalist political party, in a series of attacks in Maharashtra state in November. In West Bengal, freelance photographer Jay Mandal was assaulted by political party activists while covering an election rally in Nandigram in May, while police beat a number of media photographers who were covering a siege by Maoist insurgents in Lalgarh in June.

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 2009; 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. In March 2009, editor Anil Majumdar of the *Aji* newspaper in Assam was shot and killed as he arrived home from work. Police have not yet apprehended the perpetrator, and the motivation behind the killing remains unknown. Conditions for the media improved slightly in the state of Jammu and Kashmir, with fewer violent incidents than in 2008, a year of political tensions and repeated confrontations between protesters and security forces. However, local media continued to face threats from militants regarding coverage of certain issues, and pressure to self-censor has also been reported at smaller media outlets that rely on state government advertising for the majority of their revenue. In June, state authorities temporarily banned the operation of a cable channel and ordered private television channels to restrict their news bulletins.

Most print outlets, particularly in the national and English-language press, are privately owned, provide diverse coverage, and frequently scrutinize the government. The broadcast media are predominantly in private hands, but 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 an increase in community radio stations, leading to a greater diversity of voices and topics covered. The MIB reported that as of December 2009, 584 applications had been received and 48 stations were operational. Doordarshan, the state-controlled television station, has been accused of manipulating the news to favor the government, and some private satellite television channels provide slanted coverage that reflects the political affiliation of their owners, according to the U.S. State Department. During 2009, local media outlets brought attention to an ongoing practice of "cash for coverage," in which payments were made to secure favorable news coverage for candidates and parties, particularly during the spring general elections and several state assembly elections in October. The allegations led to an investigation by India's election commissioner. Restrictions on the operations of foreign news outlets were reduced further in January, allowing 100 percent foreign-owned periodicals to print local editions with government approval. A 2008 decision had allowed the foreign companies to print country-specific editions in collaboration with a local partner, so long as the foreign ownership of the joint venture did not exceed 26 percent.

The internet, accessed by about 5 percent of the population in 2009, remains largely unrestricted. However, the government retains the right to censor the medium, particularly on the grounds of morality or national security. The 2008 Information Technology Act gives the Ministry of Communication and Information Technology the authority to block material that endangers public order and national security, and enables prosecution of cybercafes, search engines, and internet-service providers.

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