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# Freedom of the Press 2013 - India

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## 2013 Scores

**Press Status:** Partly Free

**Press Freedom Score:** 38

**Legal Environment:** 10

**Political Environment:** 19

**Economic Environment:** 9

India's vibrant media are the freest in South Asia, but journalists, particularly those in rural areas and certain conflict-racked states, faced a number of challenges in 2012, including legal actions, occasional violence, and the expansion of internet censorship.

The constitution provides for freedoms of speech and expression, subject to some legal limitations, though these rights are not consistently upheld. The 1923 Official Secrets Act gives authorities the power to censor security-related articles and prosecute members of the press. State and national authorities, along with the courts, have on occasion used other security laws, sedition statutes, criminal defamation legislation, bans on blasphemy and hate speech, and contempt-of-court charges to curb sensitive reporting. Two journalists who were arrested in 2011 and charged under the Unlawful Activities Prevention Act (UAPA) and the sedition law – Sudhir Dhawale of the Marathi-language monthly *Vidrohi* and freelance journalist Lingaram Kodopi – remained in custody in 2012. In November, Naveen Soorinje, a reporter for a local-language television news channel, was arrested and charged with participating in an attack on women by a right-wing Hindu group in Karnataka State, although he had merely filmed the assault. He remained in jail at year's end after repeated requests for bail were denied.

Legal restrictions on internet content have been increasing. The 2008 Information Technology (IT) 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 the prosecution of cybercafés, search engines, and internet service providers (ISPs). In 2011, the government introduced rules under the IT Act that would compel companies to remove objectionable content within 36 hours of receiving an official notice and oblige cybercafés to install surveillance cameras and submit records of their users' online activity to the government. A lawsuit filed in 2012 against several global internet companies with the government's approval would penalize the firms for failing to remove content deemed offensive and likely to incite religious conflict; the case was still pending at year's end. In the meantime, official content-removal requests dramatically increased during the year. In September, freelance cartoonist

Aseem Trivedi was arrested and charged with sedition for publishing cartoons on his website that ostensibly mocked national symbols and criticized corruption, prompting government ministers to initiate a review of the sedition law. While the sedition charge was eventually dropped, other charges against Trivedi were still pending.

Implementation of the landmark 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 an overall lack of awareness of the rights it guarantees, a large backlog of appeals and requests, and widespread inefficiency within state and local governing bodies. In July 2012, the government issued new RTI rules, imposing a word limit on requests and making appeals more cumbersome. In September, the Supreme Court ruled that all chief information commissioners should be retired judges, raising concerns among activists that the change would cause additional delays in adjudicating RTI requests. While some state governments are making an effort to disseminate information about the law, 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 RTI Act to uncover abuses, particularly official corruption, have been killed in recent years.

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 at present feature an independent agency that is free from political influence. 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. The move was part of a bid to forestall official regulation of news coverage in the wake of the 2008 Mumbai terrorist attacks, including proposals by the Ministry of Information and Broadcasting (MIB) to increase controls on television news feeds in times of crisis. Media critics continued to call for greater regulatory curbs on unethical journalism in 2012. 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 fairly weak.

Despite increasing diversity in the print and online media landscapes, outlets have difficulty accessing official information, and some self-censor to avoid losing state government advertising, which is a key source of revenue. Foreign journalists occasionally have trouble obtaining visas to report from within the country, particularly if their prior reporting has been critical.

Physical intimidation of journalists by a variety of actors continued to be a problem in 2012, and media offices were also targeted during the year. Journalists were attacked, threatened, abducted, or detained by police, political activists, right-wing groups, insurgents, local officials, or criminals. Four journalists were killed in 2012, according to the Committee to Protect Journalists (CPJ), although in two of the cases it remained unclear whether the crimes were motivated by the reporters' work. Two of the victims were beaten to death in Madhya Pradesh in February and March, a third died after opening a parcel bomb in West Bengal in September, and the fourth was killed by police while covering protests in Imphal, the capital of Manipur State, in December. In July, Tongam Rina, a journalist with the *Arunachal Times*, narrowly survived a shooting attack. The paper's offices and staff were also attacked by unidentified men in March, April, and September. A prevailing climate of impunity encourages such violence, with many past murders remaining unsolved, according to CPJ.

Members of the press are particularly vulnerable in rural areas and insurgency-racked states such as Chhattisgarh, Jammu and Kashmir, Assam, and Manipur, where reporters face pressure from both the government and insurgents. Those suspected of Maoist or other insurgent sympathies were sometimes threatened with sedition charges or detained by the authorities in 2012, while others were pressured to reveal their sources for sensitive stories or were blocked from covering

the news. Kashmiri journalists continued to encounter physical harassment and verbal suggestions or written directives from the government or militant groups to slant coverage a certain way.

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 exponentially. More than 800 television channels are in operation, with a significant proportion focused on news and current events. India's state-controlled television station, Doordarshan, 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. The state retains a monopoly on AM radio broadcasting, and private FM radio stations are not allowed to air news content. Under a 2006 policy that provided guidelines for the ownership and operation of community radio stations by civil society groups, there has been a modest increase in such stations, leading to a greater diversity of coverage. As of late 2012, the MIB reported that more than 140 community stations were functioning, while several hundred applications were still being processed. There are no restrictions on cross-ownership or vertical integration of media, and growing consolidation and corporatization in the industry has resulted in potential threats to editorial independence and plurality. In 2012, a number of complex mergers, including plans for the Reliance industrial conglomerate to fund a major acquisition by the Network 18 media group, prompted the MIB to initiate a review of the cross-ownership issue.

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 Kashmir region. In recent years, intelligence agencies have also objected to broadcasts from neighboring countries that contain "anti-India" 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.

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 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 news coverage for candidates and parties, particularly during election cycles – remains deeply entrenched.

The internet was accessed by about 13 percent of the population in 2012. Mobile telephones 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 obstruct online communications. In August 2012, the government blocked several hundred websites and social-media accounts and temporarily restricted mobile-phone text messaging, ostensibly to combat serious outbreaks of communal violence in several states. In September, the government temporarily blocked some internet services and telecommunications in response to protests in Kashmir.

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