

ASIAN MEDIA BAROMETER - INDIA 2009

# ASIAN MEDIA BAROMETER

The first home grown analysis of the  
media landscape in Asia

## INDIA 2009

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**FRIEDRICH  
EBERT  
STIFTUNG**

**fesmedia Asia**

ISBN No. 978-99916-863-2-5

ASIAN  
MEDIA  
BAROMETER

**Published by:**

c/o Asia-Pacific Institute for Broadcasting Development (AIBD)  
P.O. Box 1137, No. 16 Lorong Maarof  
59100 Kuala Lumpur  
Malaysia

**ISBN**

No. 978-99916-863-2-5

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# Introduction to the Asian Media Barometers in India and Pakistan

The *Asian Media Barometer* is a work in progress. Held for the first time in Pakistan and India in September 2009 it is designed to be an in-depth and comprehensive description and measurement system for national media environments in Asia. Unlike many other press surveys or media indices the AMB is a self-assessment exercise based on criteria from international protocols and declarations. It takes up the idea of a peer review mechanism – often only talked about by politicians – and applies it to the media at national level. At the same time the *Asian Media Barometer* serves as a practical lobbying tool for media organisations. Its results are presented to the public of the respective country to push for an improvement of the media situation using international standards as benchmarks. They are then integrated into the advocacy work by the FES-offices and their local partners.

Design and method of the *Asian Media Barometer* have been adapted from the *African Media Barometer*, founded in 2005 and based on homegrown criteria derived from African Protocols and Declarations like the “Declaration on Principles on Freedom of Expression in Africa” (2002). This declaration was largely inspired by the groundbreaking “Windhoek Declaration on Promoting an Independent and Pluralistic African Press” (1991) and the “African Charter on Broadcasting” (2001).

Yet, in Asia the situation is different. There have been individual attempts in several countries, especially South Asian countries to come up with a charter as well as indicators on freedom of expression and freedom of the media. Unfortunately it has not been successfully implemented within individual countries let alone on a sub-regional, or a more ambitious regional scale. In fact the joint declaration of 2006 by UN Special Rapporteur on Freedom of Opinion and Expression notes that Asia-Pacific region lacks such a mechanism.

The only Asian document that is trying to suggest non-binding benchmarks on media freedom is the “Bangkok Declaration on Information and Broadcasting” (2003). Here the Ministers of Information and Broadcasting from various countries in the Asia-Pacific region as well as heads of radio and television organizations, policy makers, decision makers, scholars, and representatives of international organizations discussed and signed up to recommendations on Freedom of Information and Broadcasting Legislation.

The conference was organised by the Asia-Pacific Institute for Broadcasting Development (AIBD) and actively supported by the International






Telecommunication Union, UNESCO, United Nations and the Friedrich-Ebert-Stiftung (FES).

Its recommendations on freedom of information, freedom of expression and on the transformation of state into public broadcasters concur with the indicators of the *Asian Media Barometer*.

After the two pilot *Asian Media Barometers for India and Pakistan* held in September 2009 the FES-Media Project based in Kuala Lumpur will be deploying this instrument for monitoring the media landscapes and advocating media reforms in more Asian countries from 2010 onwards.

**Methodology:** Every two to three years a panel of experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For two days they discuss the national media environment according to 45 predetermined indicators on which they have to score in an anonymous vote on a scale from 1 to 5. The indicators are formulated as goals which are derived from international political protocols and declarations: if the country does not meet the indicator the score would be 1 (one); if the country meets all aspects of the indicator it would be a 5 (five), which is the best score possible. The discussion and scoring is moderated by a FES trained consultant who also edits the country report. This final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus the overall country score. Over time the reports are measuring the media development in that particular country and form the basis for a political discussion on media reform.

**Scoring system:** Panel members are asked to allocate individual scores for the respective indicators after the qualitative discussion in an anonymous vote according to the following scale:

<b>1</b>	Country does not meet indicator	
<b>2</b>	Country minimally meets aspects of the indicator.	
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	
<b>4</b>	Country meets most aspects of indicator.	
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	

Scores for each sector are determined as follows: Members of the panel, after a qualitative group discussion, attach their individual point-score (1–5) to each sub-indicator of a sector. The sum of all individual scores is divided by the number of panel members. The result is then considered to be the final score for the sub-indicator.

This qualitative report, including the scores, serves the purpose of measuring over time (based on bi-annual repetitions of the panel meetings) the progress, or otherwise, of developments in the media landscape.

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# THE ASIAN MEDIA BAROMETER (ANMB) INDIA 2009

## Executive Summary

In any given week in India, there are 242 million people reading some print publication or the other, and on any given day, there could be about 500 million people glued to their television sets. Subscribing to a single newspaper for a month in India could cost as low as Rs 90 (ca. 1.90 USD, perhaps, the lowest in the world) and watching a bouquet of about a 100 channels on cable works out to be as cheap as Rs 150 (ca. 3.20 USD) per month.

This big sea of consumers is not done yet. It's expanding. There are nearly 250 million Indian citizens who, though literate, still don't subscribe to any newspaper, and there are many millions more who will gradually be seduced by television. There are a gargantuan 60,000 registered publications in India and more than a 100 news channels (national and vernacular) airing their version of news.

While the right to freedom of expression emanates from Article 19 (1) (a) of the Indian Constitution, it is subject to various caveats. Though the right explicitly states that "all citizens shall have the right to freedom of speech and expression", the State, more often than not, is not inclined to enforce it in the spirit of its intent.

There are many pieces of legislation that are capable of curbing and have curbed the right to freedom of expression in India. Some of those legislations are the NSA (National Security Act), the TADA (Terrorist and Disruptive Activities Act) between 1985 and 1995. TADA was replaced by POTA (Prevention of Terrorist Activities Act) in 2002 but subsequently repealed in 2004. Surprisingly, many colonial-era laws which were used by the British to subjugate the Indian citizenry have still not been annulled. Further to these acts, the State has often invoked the Contempt of Court Act, the Police Act, the blasphemy law in the I.P.C., the Prevention of Corruption Act, the Criminal Conspiracy law under Section 120-B of the Cr.P.C. to curb fundamental guarantees in the Constitution, including the freedom of expression.

There have also been several instances of black-out of TV signals by cable operators to serve a vested political interest. The states of Maharashtra and Gujarat (amongst others), for instance, have at various times given orders at the local level to block cable operators from airing particular news channels because they were airing stories inimical to the state government in power or even to the party in power.

In another instance, the Government banned the popular Fashion TV channel, FTV, for two months on similar grounds for carrying a late-night show titled 'Midnight Hot'. The ban was revoked six days before its expiry after the channel gave an undertaking not to run such programmes in the future.

Governments have also sometimes banned television channels “unofficially”. That is, by exerting oral pressure on private cable operators. Interestingly, quite often powerful, privately owned cable networks also shut out certain news channels because of commercial or political reasons.

There was an instance in July 2006 when the Government asked ISPs (Internet Service Providers) to block 21 websites. The ISPs followed the orders. Subsequently, an RTI application was filed to know the reason for this action. The Government, however, refused to divulge the reason and cited national security considerations for issuing those directions.

However, the Indian Parliament passed a landmark legislation – the Right to Information (RTI) Act – in 2005. While the act is relatively new and has had many teething problems, it has empowered the Indian citizen like no other piece of legislation.

A big advantage in India is the reach of Doordarshan channels or the so-called state/public broadcaster. Doordarshan channels are technically accessible to 91.2 per cent of the population through 1,413 transmitters. The Cable Television Networks (Regulation) Act, 1995, also mandates that cable operators carry two Doordarshan channels in the prime band. The state/public broadcaster also offers diverse programming for all interests, even though the quality of these programmes leaves a lot to be desired. The exceptions include investigations and programmes that critically examine the conduct and performance of the Government. Doordarshan even makes an effort to promote regional programming from the so-called non-mainstream states like in the Northeast quarter of the country.

The Prasar Bharti Board, however, which oversees state broadcasting, is not regulated by an independent body which is adequately protected by law against interference, and whose board is appointed in an open way involving the civil society, and not dominated by any particular political party.

Presently, the country follows a three-tier system as far as broadcasting services are concerned. Public broadcasting functions under the Prasar Bharati (Broadcasting Corporation of India) Act of 1990. The commercial activities and distribution of satellite television signals function under the Cable Television Networks (Regulation) Act, 1995. And community broadcast functions under the Community Radio Guidelines notified by the Central Government in end-2006.

The private electronic media, particularly the television news media, which is a creature of the 1990s and is still evolving and maturing, has also committed



itself to self-regulation through the formation of the NBA (News Broadcasters Association) in July 2007. The NBA represents the collective voice of private television news and current affairs broadcasters in India and is funded entirely by its members. It presently has 14 leading news and current affairs broadcasters (comprising 31 news and current affairs channels) as its members. The NBA is, however, critical of any efforts by the Government to promulgate a comprehensive broadcast bill as it is apprehensive that the main intent of governments is to be able to control news.

Though the Ministry of Information and Broadcasting (I&B) has periodically floated a draft broadcasting bill, it has never consulted civil society at large about its ramifications. Though the State wanted to be perceived as having consulted civil society, it rarely incorporated their views even if it went through the motions of a consultative process.

The print media, on the other hand, falls under the supervision of the Press Council of India. The body is, however, thought by many to be a toothless organisation. Since its charter expressly limits its mandate to the print arena, it has become a dinosaur in an era where media has moved to platforms like Twitter. But the council does issue guidelines on a regular basis to ensure transparency, accountability and maintenance of high professional standards in all spheres of journalistic activity, including financial journalism.

Increasingly, however, there is a growing concern, of the bias of the media towards covering news related to the middle class or elite (in advertising terms audiences that have purchasing power, that is, SEC (Socio-Economic Category) A or B instead of C and D). The media, it seems, does not want to “upset” its advertising environment by catering to developmental news. There is also a growing misgiving that there isn’t sufficient diversity across the newsrooms to facilitate sensitisation towards specific community issues or address regional disparity. It was felt that Muslims were under-represented in newsrooms as were people from the Northeast of the country. Muslim stereotyping too was felt to be a big issue.

Of late, the commercialisation of news in the form of paid-for-content and private treaties is being looked upon with great apprehension. In the last parliamentary election in India, there were several instances of media houses preparing a rate list for politicians for special “coverage packages”. In some instances, advertisement managers went together with journalists and soon after the latter finished an interview with a politician, would make a pitch for advertisements.

There is also great dismay over the editorial content of television. TV is criticised in India for mixing opinions and views with news, and also for plugging superstition. There is great apprehension even amongst journalists over the armchair type of journalism prevalent in media in general. This lazy journalism often results in a lack of verification of certain reports. There is also a significant failure in sifting

through the intent of public relations people and other vested interests in pushing a particular story in many cases.

It is also felt that television journalists in particular are often put at the deep end without proper grooming. Also, that the different layers of filtration for a story that are present in the print medium are missing in television.

There is also a feeling that accuracy is often a victim to the one-sided nature of stories. Often, attributions by local media are more accurate than those by journalists working in the national media.

The media industry itself has undergone a major churning. Cricket, cinema and the stock markets now dominate the front pages which wasn't the case earlier. Cinema and stock market coverage has increased because they are seen as pillars of the new, popular culture.

Journalists and media companies also have a tendency to tip-toe around companies with huge advertising budgets for fear that they might take offence at a particular story and withdraw advertising campaigns. The advertiser has become a vested interest now which cannot be wished away by the journalist or the media platform.

A positive aspect has been the rise of salary levels and general working conditions for journalists and other media practitioners. But, though higher and middle-level salaries have improved, the lower-level salaries, particularly for those journalists who are working with vernacular and district-level publications, have not improved.

In the electronic media, there is also a lot of disparity between the salaries of journalists and cameramen, sometimes exceeding 50 per cent. For instance, if in a city like Mumbai, a journalist gets a starting monthly salary of Rs 25,000 (ca. 540 USD), the cameraman gets only Rs 12,000 (ca. 260 USD). Photographers in national dailies are often told to bring their own equipment on the job and often are not provided with adequate resources for equipment maintenance.

However, with the passage of the RTI, the amendment to the Contempt of Court Act, the emergence of online social media, the multiplicity of voices, the flattening of the profession because of technology, citizen journalism, increasing media diversity in the newsroom and a plethora of choices for the reader and viewer alike, the Indian media is in a robust growth phase.

For instance, in 2006-07, the media and advertising industry posted an impressive CAGR (Compounded Annual Growth Rate) of 31 per cent. The media and advertising industry also account for .34 percent of the country's GDP, which stood at Rs 5,321,753 crore or Rs 53.21 trillion in 2008-09 at current market prices (ca. 1.15 trillion USD). In other words, the industry is sustained by an infusion of over Rs 18,000 crore (ca. 3.9 billion USD) per annum. And this has the potential of doubling in the next five years.

With increasing capital at its disposal, it is hoped that the media will invest in grooming a new generation of talent grounded in international best practices and who serve as whistle-blowers to the misuse of state power.



# SECTOR 1:

**Freedom of expression, including  
freedom of the media, are effectively  
protected and promoted.**

# Freedom of expression, including freedom of the media, are effectively protected and promoted.

## 1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

### Analysis:

The Constitution of India guarantees the freedom of expression to all citizens. Article 19 (1) (a) explicitly states that “all citizens shall have the right to freedom of speech and expression”.

But this freedom is subject to imposition of “reasonable restrictions” in the interests of “the sovereignty and integrity of India, the security of the State, friendly relations with Foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence”<sup>1</sup>.

Also, the freedom of the media stems from the freedom of expression to all citizens, guaranteed under Article 19 (1) (a) of the Constitution. The media as a whole, often referred to euphemistically as the Fourth Estate after the Legislature, the Executive and the Judiciary, does not have any specific guarantees or protections enshrined in the Constitution, like the First Amendment in the Bill of Rights of the American Constitution.

There is a widespread perception that the freedom of the media, just as the freedom of expression of all citizens, is a fundamental right, which is guaranteed by the Constitution.

The presence of a National Human Rights Commission (NHRC) as well as state human rights commissions, the Press Council of India, the National Broadcasters Association (NBA) and the new regulator of airwaves in India, the Telecom Regulatory Authority of India (TRAI), as public organs and institutions to safeguard individual freedoms, has contributed greatly to this perception.

The Right to Information (RTI) Act of 2005<sup>2</sup>, passed by the Indian Parliament after a long campaign by its proponents has raised hopes in the minds of the common citizens that they have a legal tool in their hands now to work the wheel

1 Constitution of India: Article 19 (1) (a)

2 The Right to Information (RTI) Act, 2005.

of accountability and scrutinise the financial and other conduct of the Central and state governments.

Notwithstanding these positive developments, many security laws, and not the freedom of expression laws, impede the freedom of speech. One panelist cited the recent instance of the Gujarat state government of the Bharatiya Janata Party (BJP) led by Chief Minister Narendra Modi, which banned the book Jinnah: India - *Partition, Independence* by Jaswant Singh, sitting Lok Sabha MP from Darjeeling and a founder-member of the BJP. Incidentally, Singh was also expelled by the BJP for writing this book. The grounds given for the ban were that the book tarnished the image of Sardar Vallabhbhai Patel, regarded as the architect of modern India's unification in 1947.

Of course, the author challenged the ban in the Gujarat High Court which revoked it within a fortnight after reprimanding the state government and holding that “the ban violated fundamental rights and freedom of expression”.

Although India is a signatory to the Freedom Charter<sup>3</sup>, there is still no guarantee that it will uphold the law and safeguard this freedom.

A civil society exponent from Mumbai said that “the freedom of expression is guaranteed in the Constitution, but how it is being implemented is highly debatable and restricted. For instance, we do not have the provision of live telecast of judicial proceedings, though we say that we are moving towards that direction”.

“We don't have the freedom of the media codified in our Constitution, like in the First Amendment<sup>4</sup> in the US. There is a subjective interpretation of the Article 19 (1) (A) clause and this does not breed a sense of confidence or uniform interpretation by the judiciary,” said one panelist.

Yet another participant added, “Article 19 (1) (A) is subject to various caveats. Though courts are largely supportive of freedom of expression issues, the State, more often than not, is not inclined to enforce it in the spirit of its intent.”

The panelists felt that “curbs go un-opposed unless they concern the courts themselves.” It was said that “the guarantee is not for the media, it is for all citizens”.

The State has means available to arm-twist the media organisations, through restricting electricity supply, for instance.

<sup>3</sup> [www.anc.org.za/un/reddy/fc-un.html](http://www.anc.org.za/un/reddy/fc-un.html)

<sup>4</sup> See Endnote: Bill of Rights

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

3.1

## 1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

### Analysis:

There is certainly an increase in the number of citizens, including journalists, who are asserting their rights and attempting to express themselves freely, but there is a lurking fear of reprisals at the back of their minds.

The State also uses instruments of intimidation, such as extraordinary laws related to the security of India, to curb individual freedoms. For much of the past two decades, the country has had extremely stringent terror laws.

There has been the NSA (National Security Act), and then TADA (Terrorist and Disruptive Activities Act) between 1985 and 1995. It was replaced by POTA (Prevention of Terrorist Activities Act) in 2002, which was repealed in 2004 by the United Progressive Alliance (UPA) after widespread criticism that it was being misused despite safeguards.

But after the audacious terrorist attack on Mumbai in November 2008, the UPA brought in a revamped legislation, the Unlawful Activities (Prevention) Amendment (UAPA) Act, 2008, originally passed in 1963 as the Sixteenth Amendment to the Constitution, to strengthen its grip, this time ignoring criticism that it was reintroducing some provisions of POTA through the backdoor.

The provisions of the present anti-terror law, UAPA, indeed, allow suspension of human rights and freedom of expression of the suspects, besides their extended detention without chargesheet.



Additionally, a relic of the British era, the Official Secrets Act (OSA) of 1923, continues to be a potent instrument in the hands of the State to browbeat the citizens and journalists and curb their fundamental rights, including the freedom of expression.

There are several instances of citizens, including journalists, having been at the receiving end of the State's wrath in the recent past.

Take the case of Dr Binayak Sen, a paediatrician and public health professional and the national vice-president of the People's Union for Civil Liberties (PUCI) based in Raipur, Chhattisgarh, who was kept in prison under POTA for two years before he was awarded bail by the Supreme Court in May this year. Even a joint appeal by 22 Nobel Laureates to end his incarceration did not shake the conscience of the State.

Then there is the case of an expose, code-named Operation Duryodhan, in December 2005, which led to the expulsion of 11 Members of Parliament (MPs) for accepting cash to ask questions in the two Houses of Parliament. Despite the Lok Sabha praising the investigation and the Supreme Court endorsing the expulsion of the MPs, the State went on to file a chargesheet against the two journalists for abetment to corruption in July this year.

In another case, a Zee News journalist, Vijay Shekhar, found in 2004 that the magistrate courts in Ahmedabad, Gujarat, were issuing arrest warrants against the citizens in a mechanical manner, without applying too much thought.

Shekhar wanted to expose this practice. He took the services of three lawyers, spent Rs 40,000 (ca. 860 USD) on their fee, and got a judicial officer to issue bogus arrest warrants against the then President of India, A.P.J. Abdul Kalam; the then Chief Justice of India, Justice V.N. Khare; and a deceased Supreme Court judge, Justice B.P. Singh.

Shekhar's employer, Zee News, promptly presented the journalist's findings and evidence to the Supreme Court and requested it to stem the rot. The apex court ordered a CBI inquiry which lamely concluded that the magistrate was not at fault and the journalist had played a fraud by obfuscating the identity of the three constitutional functionaries.

In August 2007, the Gujarat High Court not only acquitted the magistrate, it also warned the journalist to tender an apology for his 'criminal conduct'. Shekhar was not satisfied with the decision of the high court and refused to apologise. He appealed against the high court decision in the Supreme Court.

The Supreme Court, too, demanded an apology from the journalist, saying that “the whole perception of this gentleman is absolutely wrong. It (corrupt practices) is not happening”. Shekhar filed an affidavit justifying his investigation and did not tender an apology as demanded by the court.

The Bench held that the investigation was “nothing less than a calculated bid to lower the image of the judiciary, and scandalised it in no uncertain terms”. It has not issued its final judgement yet.

In yet another case, a two-judge Bench of the Delhi High Court held English language afternoon daily Mid-Day guilty of contempt of court and sentenced four of its employees – three journalists, including a cartoonist, and the publisher – to four months in prison in September 2007.

The newspaper had published a report along with a cartoon showing the former Chief Justice of India, Justice (Retired) Y.K. Sabharwal, walking away with bribe money, amidst allegations that he had deliberately passed orders on demolition of large-scale illegal constructions in Delhi that directly benefited his kin.

The Delhi High Court held that “the publications, in the garb of scandalising a retired chief justice of India, have in fact attacked the very institution, which according to us is nothing short of contempt”. It refused to entertain truth as a defence, for which there is a provision in law, or accede to the requests to order an investigation after registering an F.I.R. against the former apex court head.

The Mid-Day staffers have appealed against the decision of the Delhi High Court and secured their bail from the Supreme Court of India after furnishing personal bonds of Rs 10,000 each.

A senior financial journalist, Santanu Saikia, faced a 10-year trial before he was discharged earlier this year for ‘violating’ the OSA by publishing a Cabinet note on divestment policy which was marked ‘secret’. Saikia, who argued his own case in the sessions court, pointed out how an archaic act, framed to book spies, was being used to harass a journalist in the age of the RTI Act.

Similar instances of intimidation have been reported from other states too which have shown greater alacrity to trample on constitutionally-guaranteed rights.

B.V. Seetharam, editor of Karavali Ale from Mangalore, Karnataka, and Basavraj Swamy of Suddi Moola from Raichur, Karnataka, were jailed earlier this year. While Seetharam was put behind bars for allegedly hurting Hindu religious sentiments in Mangalore, Swamy was sent to prison under the blasphemy law, codified in Section 295 of the Indian Penal Code, for publishing a sketch of the Prophet alongside an approving story of the Prophet’s compassion.

Ravindra Kumar, editor of The Statesman newspaper, was not arrested, but himself surrendered to the police in Kolkata, West Bengal, after Muslim fundamentalists took offence to an article reprinted from The Independent of London, UK, that itself did not cause any offence in the city of its origin where 14 per cent of the people are Muslims.

Increasingly, the State is ready to oblige anyone who 'takes' offence, rather than a citizen or journalist or filmmaker or artist, who 'gives' offence by his actions. Nandita Das's directional debut, the film *Firag*, is an example of organised wrath against its screening in a state like Gujarat where the story belongs, just because this work of fiction is based on a thousand true stories.

Also, the launch of prosecution itself is persecution and punishment, given the backlog of over 27 million cases in various courts in the country, which invariably leads to adjournments and lengthy trials.

The panelists were unanimous that the atmosphere is one of fear. They felt that there is a threat to life which is real. One panelist said: "If you take up anything controversial which has a political ramification, like the banning of bandhs in Maharashtra, you know there will be trouble. There is a fear of assault, even after you team up with other lawyers and citizens' bodies."

The panelists also felt that the practice of some political parties like the Shiv Sena and the newly-formed Maharashtra Navnirman Sena (MNS) to put a whole city to ransom had to be checked.

There was also concern among the panelists that the citizens were afraid to speak up against the State and the ruling party in some states because of the fear of retribution. One panelist cited the example of Punjab where the followers of the Dera Sacha Sauda cannot speak their minds freely.

Another panelist gave the example of Tamil Nadu, where there have been murders of 39 journalists since 1977. The city of Madurai was also held up as an example where the hold of the Sun Media group (allied to the ruling party in the state) is complete and which causes the nuances of governance in the city to favour one political ideology.

Also, the shifting of headquarters of most national channels from New Delhi to NOIDA in Uttar Pradesh (UP) has made them more cautious with respect to running critical stories about the local state government.

Overall, it was felt that the participation of the citizenry was very important in striking a dissenting note towards state policies. Though journalists help in pushing the envelope, lumpen elements and an aggressive state push in the opposite direction.

A criticism was also leveled at the media for not following up on their initial reporting by way of approaching courts for directions. A counter-example too was sited where though the media had taken up the issue with a campaign-like ferocity, citizen groups had remained silent. This was with respect to the widespread practice of honour killings in the state of Haryana.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2.1

## 1.3 There are no laws restricting freedom of expression such as excessive official secret or libel acts, or laws that unreasonably interfere with the responsibilities of media.

### Analysis:

All panelists felt that every law in India was capable of being misused and was, in fact, being misused on several occasions. A big negative was that enough repeals of draconian laws, some of which went back to the colonial era, had not been done.

There are laws on the statute book, some of them relics of the British rule, which can be used, and are being used, to restrict or curb the fundamental freedoms guaranteed in the Indian Constitution, including the freedom of expression.

The panelists felt that there was inconsistent interpretation about what was considered 'reasonable'. Even the latest Right to Information (RTI) Act was criticised for the time it took to access information from the State. Security-oriented laws were criticised for their capacity to restrict the work of the news media. The state police acts were also cited as restrictive. It was felt that the media being unable to report sub judice matters was also restrictive.

The Official Secrets Act (OSA) was, however, cited as one of most restrictive acts in the Indian context. The OSA was cited as a big threat to freedom of expression. Contemporary instances of it being misutilised were given. The Santanu Saikia case and the case against Tehelka were the most prominent examples. A panelist talked about the restrictive culture permeating military cantonment boards. A lot of them still have boards saying “Don’t talk to the Press”.

The example of a former military officer serving with RAW (Research and Analysis Wing), the external intelligence arm of the Central Government, was cited as an example of misplaced prosecutorial venom. The officer was hauled up under the OSA for exposing improper procurement practices in RAW. The case is ongoing. Dismay was expressed at the document declassification policy of the Union of India. The Henderson Brooks report on the India-China war of 1962 is still not available in the public domain. However, if the government feels that declassification of material will help it politically, it goes ahead and does so. An example of that is the declassification of material related to the Kargil conflict (the Indo-Pak border war of 1999). There the Government itself has violated the OSA.

Unless the government developed a “pro-publication” attitude like in the West, the panelists felt that the purpose of transparency wouldn’t be served. The UK denotification policy was cited as a positive example.

However, besides the UAPA and the OSA, the State has invoked the Contempt of Court Act, the Police Act, the blasphemy law in the I.P.C., the Prevention of Corruption Act, the Criminal Conspiracy law under Section 120-B of the Cr.P.C. to curb fundamental guarantees in the Constitution, including the freedom of expression. There was also resentment at the way the criminal defamation act was used in the country. It was felt that it was often used to intimidate journalists and to deter them from pursuing investigative reports.

## Scores:

### Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets many aspects of indicator but progress may be too recent to judge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

1.7

## 1.4 Government makes every effort to honour regional and international instruments on freedom of expression and the media.

### Analysis:

As a member-state, India is a signatory to the United Nations' Universal Declaration of Human Rights adopted and proclaimed by the General Assembly on December 10, 1948.

Article 19 of this Declaration states that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

The commitment of the nation to fundamental freedoms has been reiterated in the ‘Revised Plan of Action on Information and Media – 2004’, adopted by India at the South Asian Association for Regional Cooperation (SAARC).

This Plan states that “SAARC member countries will continue to pursue freedom of expression and plurality of media including private electronic channels”.

It also states that “SAARC member countries will continue to promote peace and fundamental values of freedom, equality, solidarity, tolerance and shared responsibility through their media”.

The conduct of the State, however, is at variance with its stated position before the international community. SAARC was heavily criticised for its inability even to foster the movement of journalists in the South Asia region. A common grouse was the difficulty faced by journalists to get visas from the Indian government to travel to the country. Also, if a journalist was working on a controversial topic, there was little chance of him or her making it across borders. Often, the journalists had to travel on tourist visas as getting a media visa was next to impossible.

It was felt that the dissemination of the commitments that had been made in international fora by the Government was restricted to members of the Indian Information Service.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 1.8

## 1.5 Print publications are not required to obtain permission to publish from state authorities.

### Analysis:

It is mandatory for print publications of any frequency to register with the Registrar of Newspapers in India, or the RNI, under the Press and Registration of Books Act, 1867. The process for a registered company starts with an application to the District Magistrate (DM), who runs a check on the applicant's antecedents through the Sub-Divisional Magistrate (SDM). The clearance goes to the RNI which then approves the title and issues a registration number.

Besides the refusal at the level of the DM, the applicant can be denied permission to start a publication on the ground of subjective objections to the proposed title. But this is a well-established and largely trouble-free procedure.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 4.2

## 1.6 Entry into and practice of the journalistic profession is legally unrestricted.

### Analysis:

There is no legal restriction for any citizen to become a journalist. No restrictions at the entry level have led to the proliferation of citizen journalists and a plurality of sources with diverse professional backgrounds for information and opinion in the media space.

However, one has to apply for accreditation to the Press Information Bureau (PIB) to be able to attend security-sensitive functions involving the President, the Vice President, the Prime Minister, the Cabinet ministers and their ministries.

The accreditation process involves a routine security check by the Home Ministry. On the whole, the PIB functions well as the single-window outlet for Government-related information. On some occasions, the PIB may be slothful but it is not sinister.

There is an issue with accreditation of New Media journalists. These journalists, working for online news web sites, are not given accreditation in spite of their seniority and track record in print and television media. The process of accreditation doesn't recognise New Media as a credible avenue. Consequently, the New Media journalists are not able to enter ministries or attend Government functions with restricted access. So even though there might not be any legal restrictions to entry and practice in the profession, there are procedural constraints in covering ministries, etc.

### Scores:

#### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Average score:

4.8



## 1.7 Confidential sources of information are protected by law and/or the courts.

### Analysis:

Though confidential sources of information are not protected by law, the Indian courts have generally respected the need for media to protect the identity of their sources.

The absence of an explicit protection in the statute book to the journalists from prosecution in the event of their refusal to disclose their source of information makes them very vulnerable.

Recognising this professional hazard, the Law Commission of India had made a recommendation to the Government of India in August 1983 while submitting its 93rd Report. Its recommendation called for the insertion of Section 132A in the Indian Evidence Act, 1872, as under:

*“132A – No court shall require a person to disclose the source of information contained in a publication for which he is responsible, where such information has been obtained by him on the express agreement or implied understanding that the source will be kept confidential”.*

*“Explanation: In this section –*

*(a) ‘publication’ means any speech, writing, broadcast or other communication in whatever form, which is addressed to the public at large or any section of the public.*

*(b) ‘source’ means the person from whom, or the means through which, the information was obtained”.*

Clearly, the Government of India has not taken any steps to get this recommendation of the Law Commission implemented. The same is true about the relatively moderate recommendations of the Press Commission/Press Council of India on this subject.

In the absence of the political will of the Government to provide this protection, it is desirable that a clear statement is made by the apex court that the confidentiality of sources would be respected and give way to over-riding public or private interests only in exceptional circumstances.

In spite of the Supreme Court’s inclination to safeguard a journalist’s source in past years, there are recent instances where some lower courts and high courts

have insisted that the journalists disclose their source of information, though these directions have not reached a point of legal finality in the apex court so far.

After a long and arduous campaign by the media and the civil society – and prodding by the courts – to protect those who blow the whistle on corruption, the Central Government issued a notification through its Ministry of Personnel in April 2004 giving immunity to all employees of the Government, except those in the armed forces and intelligence services.

The 2004 notification offered protection to whistle-blowers under the statutory office of the Central Vigilance Commissioner (CVC). The CVC is now vested with the responsibility of protecting the identity of informants, follow-up on information received, investigate, and initiate criminal proceedings, if required.

Reports<sup>5</sup> have indicated that the intent of the Government has been frustrated by vested interests; the identities of informants have been disclosed, they have been issued censures, some have been suspended and some others are facing departmental inquiries and chargesheets. A majority of them are also doing the rounds of the courts to defend themselves against harm.

The 2004 notification was to be superseded by a comprehensive law that lays down the legal framework for protection and immunity. Suggestions have been made to widen its ambit to cover all citizens and not limit it to Government employees. But this initiative is still pending with the Government.

### Scores:

**Individual scores:**

Indicator	1	2	3	4	5
Country does not meet indicator					
Country minimally meets aspects of the indicator.			✓		
Country meets many aspects of indicator but progress may be too recent to judge.		✓		✓	✓
Country meets most aspects of indicator.	✓				
Country meets all aspects of the indicator and has been doing so over time.					

Average score: 3.1

5 <http://www.indianexpress.com/news/their-identities-disclosed-facing-probes-and-cases-whistleblowers-do-rounds-of-courts/509261/>

## 1.8 Public information is easily accessible, guaranteed by law, to all citizens.

### Analysis:

There is a legislation now which mandates the disclosure of information by any public authority in India which uses taxpayer's money. The Right to Information (RTI) Act 2005 is a revolutionary step towards transparency and accountability, passed by the United Progressive Alliance (UPA) in its last tenure.

But a detailed audit<sup>6</sup> of decisions made on more than 50,000 appeals under this act in 2008 shows that only 27 per cent of the people were able to get the information they had asked for. Some panelists lamented the caveats and restrictions under which the release of information was being blocked. Though under Section 4 of the RTI Act *suo moto* publication of information within 120 days was mandatory, it did not always happen that way. It was felt that holding back information was the general tendency of the bureaucrats and the Government.

Ironically, the most vociferous opponent of the ambit of this legislation has been the judiciary, the sturdiest pillar of democracy in the country. The Chief Justice of India has stated more than once that the RTI Act does not apply to the judiciary.

Undeterred by the position of the head of the judiciary, a Delhi High Court judge, Justice S. Ravindra Bhat, has issued orders on a petition, directing the Supreme Court (SC) registry to disclose whether its judges have been filing declaration of their assets in terms of a 1997 resolution. Of course, the SC registry has appealed the decision before a multi-member bench of the Delhi High Court.

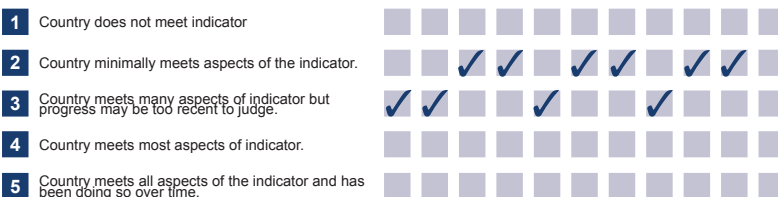
"For the first time, the separation of powers is playing out between the politician and the judge. It is a great example of the democracy moving forward in a slow manner," said a panelist.

An issue preventing disclosure of public records is the absence of a clear policy and protocol to declassify documents by the Central and state governments. This process is highly subjective and open to abuse by the authorities.

6 <http://www.livemint.com/2009/10/21235852/RTI-has-hit-rate-of-27-finds.html>

## Scores:

### Individual scores:



Average score: 2.4

## 1.9 Websites and blogs are not required to register with, or obtain permission, from state authorities.

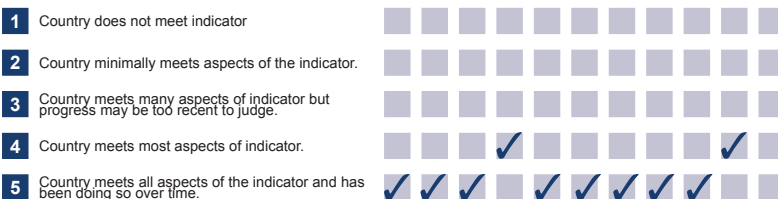
### Analysis:

Websites and blogs are not required to register with, or obtain permission from, state authorities.

However, Internet users at cyber cafes are required to supply a verifiable proof of identify to establish bona fides and enter their address in a user logbook for record, following a number of anonymous, mischievous and mostly false e-mail threats that were sent out in recent years to create panic and disrupt public order.

## Scores:

### Individual scores:



Average score: 4.8

## **1.10 The state does not seek to block or filter internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.**

### **Analysis:**

The statute book has a comprehensive legislation in place for the past decade in the form of the Information Technology (IT) Act 2000 to regulate Internet access, besides monitoring, filtering and restricting pornographic content on websites, e-governance, certification and security procedures, protocols for digital and electronic signatures, maintenance of electronic records, etc.

There is no explicit provision in the IT Act of 2000 for blocking of websites. In fact, blocking is taken to amount to censorship. Such blocking can be challenged if it amounts to restriction of freedom of speech and expression.

But websites promoting hate content, slander or defamation of others, promoting gambling, promoting racism, violence and terrorism and other such material, in addition to promoting pornography, including child pornography, and violent sex can reasonably be blocked since all such websites may not claim constitutional right to free speech. Blocking of websites is, therefore, equated with 'balanced flow of information' and not censorship by the Government.

The websites promoting such type of content, not covered under the freedom of speech and expression, are blocked under a Gazette Notification (Extraordinary) No. G.S.R. 181(E) dated February 27, 2003, issued by the Ministry of Communication and Information Technology.

A single authority called CERT-In, the Indian Computer Emergency Response Team, has been designated by this ministry as the only authority so far to issue instructions to the Department of Telecommunications after following a due process in the interest of the sovereignty or integrity of India, the security of the State, friendly relations with Foreign States, public order and preventing incitement to the commission of any cognisable offence.

There was an instance in July 2006 when the ISPs (Internet Service Providers) were asked to block 21 websites by the Government. The ISPs followed the orders. Subsequently, an RTI application was filed to know the reason for this action. The Government, however, refused to divulge the reason and cited national security considerations for issuing directions.

Pakistani websites were also blocked in 1999. Though at the moment this was not too menacing a problem, some panelists expressed an apprehension that it may become one.

Interestingly, there is a petition pending in the Indian courts to ban Google Earth since an RTI application revealed that the 26/11 attackers had used Google Earth to map the city of Mumbai. This, despite the fact that the images on Google Earth are not real-time images but six months old.

The panelists contended that the response of the State in emergency situations was knee-jerk and not well-thought-out. Such response was underlined when an attempt was made last year to ban wi-fi systems because a couple of un-protected wi-fi systems had been misused to send out threatening e-mails.

### Scores:

**Individual scores:**

[illegible]

Average score: 3.5

**1.11 Civil society in general and media lobby groups actively advance the cause of media freedom.**

### Analysis:

The panelists felt that there were no lobby groups to take up media freedom issues in a forcible manner. The criticism leveled at various press clubs was that they leaned more towards undertaking social activities rather than taking up media freedom issues. It was also felt that print publications had a tendency to knock broadcast media all the time.

They also felt that civil society wasn't sufficiently equipped to understand media freedom issues in their entirety.

Even though there were various media bodies, it was felt that they didn't take up a sufficient number of issues. Some of the bodies are the Editors' Guild, the Indian Newspapers Society (INS), the News Broadcasters' Association (NBA), the Indian Broadcasting Foundation (IBF), the All India Newspaper Editors' Conference (AINEC), the All India Small and Medium Newspapers Federation (AISMF), the Indian Language Newspapers' Association (ILNA), the Press Club of India (PCI) with chapters in several states, the Indian Women Press Corps (IWPC), the National Union of Journalists (NUJ), the Foundation for Media Professionals (FMP), to name a few.

It was felt that the existing bodies were not pro-active in taking up media freedom issues and that journalists tended to gloss over their own issues. Some panelists expressed incredulity over the fact that no media body took up the cause of a blogger who wrote against a particular media house recently even though the blogger faced considerable harassment at the hands of the media house. Panelists also criticised the tendency amongst journalists to come together only on forming housing societies and not on other important issues.

However, positive references were made to the Foundation for Media Professionals (FMP) for taking up issues of media freedom on a regular basis. A reference was also made to the fact that it took a German Foundation (FES) to conduct a media barometer study of the Indian media.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	✓			✓		✓	✓	✓		✓		
<b>2</b>	Country minimally meets aspects of the indicator.		✓	✓		✓					✓		
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.												
<b>4</b>	Country meets most aspects of indicator.												
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.												

Average score: 1.4

## 1.12 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

### Analysis:

Media legislation does not evolve from meaningful consultations among state institutions, citizens and interest groups. Most often, these initiatives are secretive in nature, clumsy, and in reaction to a major development involving the media.

The attempt of the legislators has been to wield the stick and browbeat the media into submission “in the interest of the public”. The steamrolling exercise has been undertaken repeatedly on the ground that Members of Parliament are elected representatives of the people and know better than the media what is in the people’s best interest and how to protect that interest.

Consequently, the Government of the day at the Centre has made four attempts since 1997 to push a Broadcast Bill through the Parliament and turn it into law to regulate the functioning of the broadcast sector. But its poor credibility, suspect intent and ramrod approach have met with resistance and it has had to abort its mission each time after mouthing assurances that pre-censorship is not its aim.

The media, for its part, has reiterated its old position that it would like to regulate its own affairs, particularly with regard to content and freedom of expression issues, and has gone ahead and enforced a Code of Ethics and Broadcasting Standards amongst member networks from October 2, 2008, besides setting up a redress mechanism for citizens’ complaints in the form of a News Broadcasting Standards Disputes Redressal Authority, under the aegis of the NBA.

But in spite of these voluntary steps taken by the still nascent broadcasting sector, the tug of war between the electronic media and the Ministry of Information and Broadcasting (MIB) has continued with missives being fired by both sides against each other from time to time, particularly after the November 2008 terrorist attack on Mumbai which was televised live across the world.

The central issue in this melee of memorandums is the accountability of the media. After all, the media, which is called the Fourth Estate after the Legislature, the Executive and the Judiciary, knows that it has to become accountable to the citizens for its conduct, much in the same way that it holds the three other estates of democracy accountable. But will it become accountable to the citizens through the Legislature and the Executive is what is dominating the agenda.

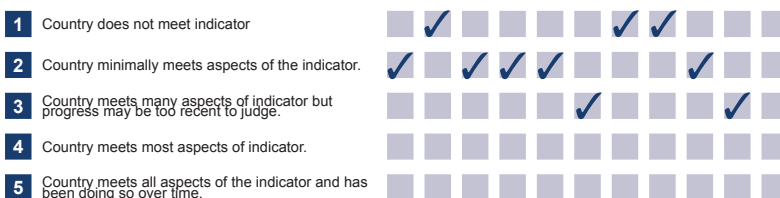


The panelists lamented the general tendency of the State not to consult stakeholders in a meaningful manner on media legislation. Panelists also criticised the fact that the consultative process, if undertaken at all, was not binding. So it became just an exercise of vocal chords. Community Radio was also cited as an area where no meaningful consultation was being done. It was felt that the State wasn't keen on generating awareness about the impact of the legislation that was being proposed. It was felt that it simply didn't want to do it.

It was articulated that the State considered civil society organisations only as an appendage. Thought it wanted to be perceived as having consulted civil society, it rarely incorporated their views even if it went through the motions of a consultative process.

## Scores:

### Individual scores:



Average score: 1.9

Average score for sector 1: 2.9



# SECTOR 2:

**The media landscape, including new media, is characterised by diversity, independence and sustainability.**

## The media landscape, including new media, is characterised by diversity, independence and sustainability

### 2.1 A wide range of sources of information (print, broadcasting, internet) is accessible and affordable to citizens.

#### Analysis:

The media landscape is, indeed, characterised by diversity. It is debatable, however, if it enjoys independence in equal measure, or if its model of business is sustainable in the medium and long run.

The country has an extremely vibrant print media with a long tradition of vigilance on conduct of those in the public sphere, as well as fairness in the reportage. The Indian newspapers have a proud legacy of having participated in the freedom struggle, leading up to the independence of India from British rule in 1947.

Currently, there are more than 60,000 registered publications in the country, consisting of 7,000 newspapers and 53,000 magazines in various languages. According to the latest National Readership Survey (NRS), the print news media reaches 242 million readers each week.

Also, the print media readership has grown by four per cent in the last five years, taking the percentage of news-reading public from 45 per cent to 49 per cent. More significantly, the last two years have contributed 25 million first-time readers to the universe of 620 million adult readers above the age of 15 years.

On the flip side, the NRS data suggests that there are more than 250 million people who can read or write any one language but who still do not read any publication. In other words, the opportunity for a substantial growth of readership is waiting to be tapped.

In this scenario, the NRS data indicates that the largest circulated high-profile English-language daily newspaper doesn't figure in the top 10 newspapers in the country and this chart is dominated by newspapers published in regional languages. The disparity is so huge that the top regional language daily sells 2.8 times more copies than the largest circulated English language daily.

The newspapers in India are the only commodity in the world which are sold at a fraction of the price of their production, in some cases 20 times lower than the cost of production. The price of a copy is determined by factors like affordability, disposable income, competition's price, etc, and the gap is bridged, and profits generated, by garnering higher advertising revenues.

As far as the broadcast media is concerned, there are over 300 channels in India, out of which 77 are news channels. The satellite TV signals, which are the dominant currency of television transmission, reach out to 68 million cable and satellite homes in the country, which translate to 485.8 million viewers

The Internet, which dominates the new media platforms, is used by over 50 million users, which makes it the fourth-largest Internet population in the world. The Indian media and advertising industry accounts for .34 per cent of the country's GDP (Rs 53.21 trillion, or ca. 1.15 trillion USD, in 2008-09 at current market prices).

While newspapers are widely accessible, literacy remains a barrier. But that too is slowly changing. Readers share newspapers in large urban tracts. But the panelists felt that the low price of newspapers in India (from between Rs 1.50 and Rs 5, ca. 0.03 and 0.10 USD) definitely increased access. As a comparison, panelists cited that even in Sri Lanka newspapers were priced at Rs 15 (ca. 0.33 USD) and in Thailand it was Rs 20 (ca. 0.43 USD). A panelist also commented that bigger newspaper groups were starting district editions and that was making smaller district papers being unable to compete with them.

Panelists felt that consumers often compare costs of subscribing to a cable TV service with 90 channels paying just Rs 150 (ca. 3.20 USD) vis a vis subscribing to a single newspaper for Rs 90 (ca. 1.90 USD) per month. In this scenario, the pricing equation works in favour of the cable TV service and hurts the circulation of the newspaper. Some panelists also felt that this caused newspapers to lose circulation and thus shrink news-gathering budgets.

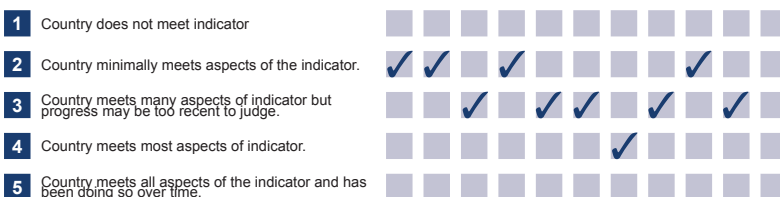
It was also felt that accessibility was an urban phenomenon. Most governments also use their control over cable operators to influence the choices of viewers. A panelist felt that in Punjab, for example, just as in Tamil Nadu, airwaves are completely controlled by political interests and conglomerates backed by them.

Panelists enumerated instances of blackout of TV signals by cable operators to serve a vested political interest. Examples were cited from Maharashtra and Gujarat where the state governments gave orders at the local level to block cable operators from airing particular news channels because they were airing stories inimical to the state government in power or even to the party in power.

While it was strongly felt that accessibility was an urban phenomenon, it was agreed that the advent of news radio would push accessibility in rural areas. Because of the accessibility problem cable networks face in rural areas, there are whole rural populations that get to watch only Doordarshan programmes because they have a larger accessibility through their terrestrial network.

## Scores:

### Individual scores:



Average score:

2.7

## 2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.

### Analysis:

The citizens' access to domestic and international media sources is restricted by state authorities from time to time.

Doha-based news channel Al-Jazeera has been denied permission to downlink its satellite signal in India. The denial of permission, in effect, means that no cable operator can receive and distribute this channel in the country. The Government has said that it took this decision due to "security reasons"

The state broadcaster of Pakistan, Pakistan TV (PTV), has also been restricted on similar grounds, besides the reason of lack of reciprocity.

The Central Government imposed a two-month ban on the popular mainstream entertainment channel, AXN, in January 2007, for showing a programme titled 'World's Sexiest Commercials'. The then Information & Broadcasting Minister P.R. Dasmunshi, justified the ban saying the telecast was against 'good taste and decency' and it was hurting 'public morality'.

In another instance, the Government banned the popular Fashion TV channel, FTV, for two months on similar grounds for carrying a late-night show titled 'Midnight Hot'. The ban was revoked six days before expiry after the channel gave an undertaking not to run such programmes in the future.

The then Information & Broadcasting minister, P.R. Dasmunshi, later told Karan Thapar on the 'Devil's Advocate' programme on CNN-IBN<sup>7</sup> news channel that he was "proud" of the banning decisions.

Another news channel, Live India, was banned for a month in September 2007 for airing a fake sting operation on a Delhi school teacher that led to her being beaten up and stripped by irate parents and others in full public view and creating a riot-like situation in the Daryaganj area of Delhi.

The Government imposed the ban on all these TV channels under the provisions of the Cable Television Network (Regulation) Act. Some panelists also felt that the Government sometimes banned channels "unofficially". That is, by exerting oral pressure on private cable operators. It was also felt that access was not just a government-controlled arena. Quite often, powerful, privately-owned cable entities dictated terms in the states. The use of commercial muscle power to deny access to certain political ideologies was prevalent. A panelist cited the example of Punjab where the channel PTC News, being pro-Akali Dal, aired no stories at all of the Congress campaign. The panelists pointed out that Congress channels were denied space in Punjab during the recent elections. Another panelist cited the example of Tamil Nadu where a private cable network called Sumangli Network had taken over cable distribution in the entire state. The network is owned by persons belonging to a particular political party.






In yet another instance, when the National Security Guard (NSG) was engaged in battle with the terrorists who had attacked Mumbai in November 2008, a Deputy Commissioner of Police of the city of Mumbai invoked Section 19 of the Cable Television Network (Regulation) Act which resulted in all the news channels showing live coverage of the attack going off the air for a short while, till the Government intervened and cancelled the order.

"The restrictions are not limited to TV channels alone. Even wire services cannot come to India directly; they have to come through the filters of an Indian wire services agency and this provision has been there for decades," said a panelist.

7 <http://www.ibnlive.com/news/dasmunsi-speaks-on-ftv-ban-in-india/39403-3.html>

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	
<b>2</b>	Country minimally meets aspects of the indicator.	
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	
<b>4</b>	Country meets most aspects of indicator.	
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	

Average score:

3.1

## 2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

### Analysis:

There was a broad consensus amongst panelists that no serious efforts are being made to increase the scope of circulation of the print media, particularly to rural communities. One panelist pointed out that a public trust-owned newspaper at Chandigarh, The Tribune, was making such an effort to build its circulation.

Panelists felt that the policy of the Director of Advertising and Visual Publicity (DAVP) to release advertisements to small newspapers in order to support them could be considered as trying to increase the scope of newspaper access in rural areas. Similar agencies function at the state level too. But it was also felt that the decisions of these agencies are subjective and open to abuse of authority. Besides advertising support, the postal and freight concessions on railways can also be considered as an effort.

However, a panelist said that many English-language newspapers were restricting their rural editions in some states because they were not generating enough revenue. They were instead expanding their regional language newspapers as that is where a larger growth was happening.



### Scores:

Individual scores:

- |   |  |  |
|---|--|--|
| 1 | Country does not meet indicator  |  |
| 2 | Country minimally meets aspects of the indicator.                                |  |
| 3 | Country meets many aspects of indicator but progress may be too recent to judge. |  |
| 4 | Country meets most aspects of indicator.   |  |
| 5 | Country meets all aspects of the indicator and has been doing so over time.      |  |






Average score: 2.7

## 2.4 The editorial independence of print media published by a public authority is protected adequately against undue political interference

Not applicable.

### Scores:

**Individual scores:**

- |   |  |   |
|---|--|---|
| 1 | Country does not meet indicator  |  |
| 2 | Country minimally meets aspects of the indicator.                                |  |
| 3 | Country meets many aspects of indicator but progress may be too recent to judge. |  |
| 4 | Country meets most aspects of indicator.   |  |
| 5 | Country meets all aspects of the indicator and has been doing so over time.      |  |

Average score: n/a

## 2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies

### Analysis:

There is no definitive policy in the country yet on ownership patterns and cross-media holdings, as far as restrictions between print and electronic media are concerned. However, the restrictions for different segments within the broadcasting sector are dictated by the policy framework for each segment, such as DTH guidelines or FM radio policy.

An attempt had been made by the Government to address the issue of ownership patterns and cross-media holdings in the aborted Broadcast Bill. But the media industry is nowhere near a quick resolution of the issue.

A debate on limiting cross-media holdings and the need to prevent monopolies from strengthening their hold has been going on for the past year, particularly since the Telecom Regulatory Authority of India (TRAI) started consultations<sup>8</sup> with stakeholders to put together recommendations.

For the moment, therefore, the issue of media concentration and monopolies is governed by two trade statutes that have concurrent jurisdiction: the Monopolies and Restrictive Trade Practices (MRTP) Act and the Competition Act of 2000.

The Government had introduced the Competition Act, 2000 to replace the MRTP Act. But it has so far notified only those provisions of the new Act that deal with anti-competitive agreements (Section 3) and abuse of dominance (Section 4). It is yet to notify Sections 5 and 6 that deal with combinations, mergers and acquisitions. The MRTP Act, therefore, will cease to be in force in 2011 and will be replaced entirely by the Competition Act, 2000.

As far as Foreign Direct Investment (FDI) in the media industry is concerned, there is complete clarity on the rules. These rules envisage a 26 per cent investment in print media dealing with news and current affairs. The FDI in a TV news station can go up to 49 per cent. The print media has lobbied for FDI parity between print and electronic media and the suggestion is being considered.

There was a consensus amongst the panelists that there is a need to check the monopolies on a priority basis in the interest of diversity.

<sup>8</sup> [www.trai.gov.in/Consultation Papers\\_content.asp](http://www.trai.gov.in/Consultation Papers_content.asp)

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	✓	✓		✓	✓	✓	✓	✓			
<b>2</b>	Country minimally meets aspects of the indicator.			✓						✓	✓	
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.											
<b>4</b>	Country meets most aspects of indicator.											
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.											

Average score: 1.3

## 2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

### Analysis:

The Government does not promote a diverse media landscape with economically sustainable and independent media outlets. Increasingly, the Government is leaving it to market forces to play out and shape the landscape. This, the concerned panelists said in a chorus of consensus, is a threat to diversity. “The commercial entry barriers are phenomenal for a new media group to come in and promote such diversity,” added a panelist.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	✓	✓	✓	✓	✓	✓			✓	✓	
<b>2</b>	Country minimally meets aspects of the indicator.							✓				
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.								✓			
<b>4</b>	Country meets most aspects of indicator.											
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.											

Average score: 1.5

## 2.7 All media fairly reflect the voices of both women and men.

### Analysis:

The media, by and large, does reflect voices of both women and men. As far as proportion of coverage devoted to women is concerned, there is still a lot of disparity which needs to be addressed, some panelists felt. A panelist referred to a recent gender study which found that on an average, only 1.6 per cent print media space was devoted to women's issues.

All media was, however, criticised by panelists for not making a conscious attempt to correct the imbalance of male bias in coverage of issues. A panelist referred to a well-known TV actress switching to commentary on cricket and how everyone in the media found it difficult to accept the proposition, even though the viewers responded well to her. "It was a 'generalist' versus 'specialist' debate, not a gender debate," pointed out another panelist.

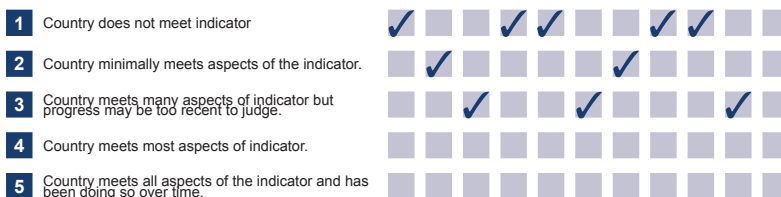
"Specific communicators for specific issues are preferred by viewers as well as the media houses," said a panelist. "The biases are not deliberate on the media's part. About 90 per cent of the sources are official and these are dominated by men," explained another panelist, adding that "the biases are more circumstantial than intentional".

"We have 60 per cent women and 40 per cent men in my newsroom. Reporting of crime as well as courts is dominated by women. Our political bureau is headed by a woman," said a panelist, of the newspaper he worked in.

But some panelists strongly felt that women as voices (quotes in papers and newsbites on television) were infrequent on serious issues. Some panelists also felt that there was a strong case against news channels for using coarse language when airing gender-based stories. They said that the vocabulary then was needlessly aggressive. For instance, if a rape case is being reported, the phrase chosen for the victim is often '*Usko kahin moonh dikhane layak nahin chhoda*' (she has been left with nothing, and can't even show her face anywhere).

## Scores:

### Individual scores:



Average score:

1.8

## 2.8 All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

### Analysis:

The media does not always fairly reflect the voices of society in its ethnic, linguistic, religious, political, economic and social diversity. This is borne out by a close scrutiny of the day-to-day coverage in the print as well as electronic media.

The panelists felt that the media pandered to the readers and viewers even in the day-to-day reporting of news. It was felt that journalists had insufficient sensitisation towards diversity of all kinds and did not make an effort to reach out to under-represented groups of people.

It was felt that Dalits (lower caste) get coverage only when there is a big issue involving them. These stories are labeled as 'downmarket' by the editors as well as publishers. That makes the coverage consumer-driven and publishers often tell the journalists what their focus areas are. A panelist said that Dalits only make news when an FIR is registered against them.

The panelists also felt that the media was biased towards covering news related to the middle class or elite (in advertising terms audiences that had purchasing power, that is, SEC (Socio-Economic Category) A or B instead of C and D). The media did not want to "upset" its advertising environment by catering to developmental news. A panelist said that they would be more interested in and give more space to covering a fire in say Cuffe Parade (an upmarket area in Mumbai) than one in Dharavi (Asia's biggest slum).

A panelist also critiqued the community of journalists saying they often become a victim to myths. The panelist stated: “There are a lot of myths. It is a myth that editors won’t like such a story. It is also a myth that advertisers will get upset. But in reality, brand tracks have never borne out these myths and it appears that journalists do some kind of self-adjustment and falling into this kind of thinking.”

It was also felt that there wasn’t sufficient diversity in newsrooms to facilitate sensitisation towards specific community issues or address regional disparity. It was felt that Muslims were under-represented in newsrooms as were people from the Northeast of the country. Muslim stereotyping was also felt to be a big issue. One panelist also felt that there was no sensitisation at all towards disability issues. The panelist said: “Some news channels don’t want to show stories involving disabled people in their morning bands because these are considered ‘depressing’. There is also no strong lobby pushing disability issues.”

The panelists also said that lack of accountability of journalists showing ignorance of diversity also played a part. There was also a strong feeling that with newspapers being increasingly owned by political parties, news itself was being slanted in a particular way.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	✓	✓		✓	✓	✓	✓		✓		
<b>2</b>	Country minimally meets aspects of the indicator.			✓					✓		✓	
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.											
<b>4</b>	Country meets most aspects of indicator.											
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.											

Average score:

1.3

## **2.9 The country has a coherent ICT policy, which aims to meet the information needs of all citizens, including marginalised communities.**

### **Analysis:**

The country does not have a formal and coherent ICT (Information, Communication, Technology) policy which is widely publicised, even though programmes are formulated and undertaken by various ministries and departments regularly to achieve the ends of increasing Internet penetration and providing greater stimulus to the Indian Information Technology (IT) industry.

Besides the Central Government ministries and departments, some state governments with a progressive outlook like Andhra Pradesh and Orissa have formulated ICT policies of their own and collaborated with the IT industry in their states to deliver specific e-governance services at the district level.

The National Informatics Centre (NIC), New Delhi, has been instrumental in steering the ICT applications in Central Government departments, states and districts, to facilitate improvement in government services, ensure wider transparency in functioning and improvement in decentralised planning and management.

To facilitate this, the NIC has established a nationwide ICT Network with gateway nodes at about 53 Central Government departments, 35 state/UT secretariats and 603 district collectorates for IT services. This nationwide computer-communication network has been designated as NICNET.

“Even though there is no coherent policy, some work has been done, for instance, in the areas of land records, railways, courts, etc,” said a panelist. “The emphasis appears more on IT than ICT and that too could be termed as work-in- progress,” said another panelist. Progress, however, has been made in areas like railway reservations, the tax relief provided to the software industry, distance learning, Wi-Fi availability and Braille electronic machines.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	✓	✓																
<b>2</b>	Country minimally meets aspects of the indicator.			✓	✓	✓		✓		✓		✓							
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.							✓			✓			✓					
<b>4</b>	Country meets most aspects of indicator.																		
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.																		

Average score:

2.1

## 2.10 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

### Analysis:

The Government, at the Centre as well in the states, constantly uses its power over placement of advertisements in ‘friendly’ publications which are ‘useful’. While the Central Government conducts this exercise in a sophisticated and ‘justifiable’ way, the state governments are brazen and *quid pro quo* driven.

The panelists mentioned several instances of publications which have illegitimately benefited from the official largesse – newspapers, magazines, TV news channels, Internet websites, individuals, both journalists and managers. “This is a gravy train and a lot of persons live off it, and subsequently fulfill their unwritten obligations,” said a panelist.

The panelists also cited instances where advertisements were withdrawn for not going along with the official line or for writing a legitimate anti-government story. “The Haryana Chief Minister withdrew advertisements worth Rs 40 lakh (ca. 840,000 USD) from the Chandigarh edition of a national newspaper,” revealed a panelist. Procedural pretexts are also cited as the reason for advertisement withdrawal. A panelist cited the example of a politician in Tamil Nadu withdrawing advertisement in a particular paper after an unfavourable caricature of hers was published in it.

In the past couple of years, a lot of ‘innovation’ has been introduced into the surreptitious purchase of editorial space by media managers of governments as well as political parties to be able to get the best bang for their buck.



During last year's General Elections, as well as during all state assembly elections since then, these media managers have paid huge amounts of money to be able to get into the editorial columns because they are trusted by the readers. In the process, large premiums have been offered and paid on front-page photographs, box stories, 'exclusive' interviews and campaign reports.

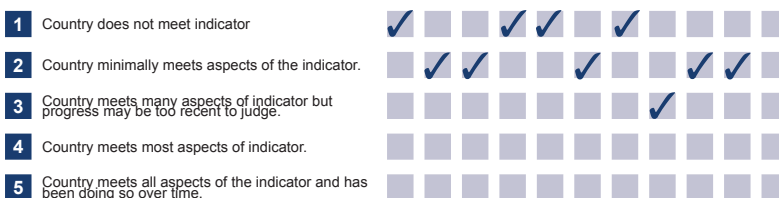
"A leading national daily carried a full-length story with photographs under its reporter's byline, which was, in fact, written by the media department of a state government. Some journalists who were repulsed by this trade-off referred to it as '*story tuhadi, byline saadi*' (your story, my byline) scheme," said a panelist.

A panelist also revealed how advertisement managers often accompanied journalists and soon after the journalist finished an interview with a politician made a pitch for advertisements. The panelist also said that clients often paid cash, resulting in tax evasion.

So serious were the transgressions that several senior journalists made written complaints about them to the Press Council of India, a statutory body, which immediately constituted an inquiry committee to get to the root of the matter. All the panelists voiced their concern about the sale of editorial space and felt that the issue should be addressed in all seriousness.

## Scores:

### Individual scores:



Average score: 1.7

## 2.11 The advertisement market is large enough to support a diversity of media outlets.

### Analysis:

The advertising market is certainly large enough in India to maintain a diversity of media outlets, said all the panelists in a chorus of consensus. Their optimism is neither misplaced nor based on false notions.

As mentioned in 2.1 above, the Indian media and advertising industry accounts for .34 per cent of the country's GDP (which stood at Rs 5,321,753 crore or Rs 53.21 trillion, or ca. 1.15 trillion USD in 2008-09 at current market prices). In other words, the industry is sustained by an infusion of over Rs 18,000 crore (ca. 3.9 billion USD) per annum. And this has the potential of doubling in the next five years.

In FY 2006-07, the media and advertising industry posted an impressive CAGR (Compounded Annual Growth Rate) of 31 per cent. This came down to 26 per cent due to the slowdown of the Indian economy, consequent to the global meltdown. But the numbers still look good and cash registers are still ringing.

### Scores:

#### Individual scores:

<b>1</b>	Country does not meet indicator	✓																	
<b>2</b>	Country minimally meets aspects of the indicator.																		
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.		✓	✓															
<b>4</b>	Country meets most aspects of indicator.								✓	✓	✓								
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.				✓	✓	✓										✓		

Average score: 3.9

Average score for sector 2: 2.2

# SECTOR 3:

**Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.**

## Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

### 3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

#### Analysis:

A comprehensive broadcast legislation dealing with the issues faced by the new media, particularly the proliferation of television news channels, has not been passed and the Ministry of Information and Broadcasting continues to use its discretion on commercial, community and public broadcasting issues.

As mentioned in 1.2 above, the Central Government has made four attempts since 1997 to push a Broadcast Bill through Parliament to regulate the functioning of the broadcast sector. But its poor credibility, suspect intent and ramrod approach have met with resistance and it has had to abort its mission each time after mouthing assurances that pre-censorship is not its aim.

But in spite of its failure to move forward on this front and arrive at a consensus on the issues of content (message) and content generators (messengers), the government has used the legislation on cable distribution (medium) to rein in the television news channels and networks, much to the chagrin of the stakeholders.

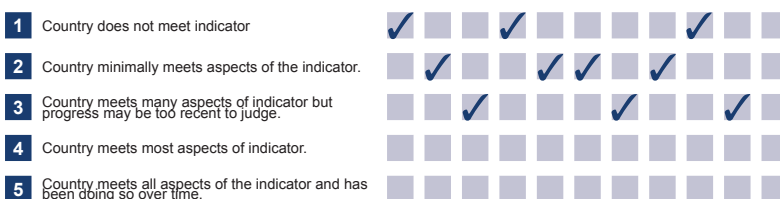
Presently, the country follows a three-tier system as far as broadcasting services are concerned. Public broadcasting functions under the Prasar Bharati (Broadcasting Corporation of India) Act of 1990. The commercial activities and distribution of satellite television signals function under the Cable Television Networks (Regulation) Act, 1995. And community broadcast functions under the Community Radio Guidelines notified by the Central Government in end-2006.

But the private broadcasting segment, which has attained critical mass and which constitutes the largest share in the Indian broadcasting space, is without any umbrella legislation. It is also subject to other laws on the statute books and subjective and sometimes arbitrary interventions from the Information and Broadcasting Ministry.

The panelists felt that the Broadcast Bill was draconian as it gave the police powers to shut down a media outlet if it did not comply with its provisions. The need to discuss the media's concerns and contours of the legislation presently in abeyance was also emphasised.

## Scores:

### Individual scores:



Average score:

1.9

## 3.2 Broadcasting is regulated by an independent body adequately protected by law against interference whose board is appointed - in an open way - involving civil society and not dominated by any particular political party.

### Analysis:

Broadcasting is not regulated by an independent body which is adequately protected by law against interference, and whose board is appointed in an open way involving civil society and not dominated by any particular political party.

The regulation of the broadcasting industry is in the hands of the Information and Broadcasting Ministry and it is highly subjective and prone to abuse. The idea of a Broadcasting Council of India has been discussed in the public domain for many years now but its constitution is still not on the horizon.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	✓	✓		✓	✓	✓	✓	✓	✓		
<b>2</b>	Country minimally meets aspects of the indicator.			✓								
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.										✓	
<b>4</b>	Country meets most aspects of indicator.											
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.											

Average score:

1.3

## 3.3 The body regulates broadcasting services and licenses in the public interest and ensures fairness and a diversity of views broadly representing society at large.

### Analysis:

The Prasar Bharati Board regulates public broadcasting services as described in 3.2 above but the licences for private television as well as private radio stations are issued by the Information and Broadcasting Ministry in what is essentially a discretion-dominated, delay-prone and opaque regime.

A scrutiny of the latest annual report, for 2008-09, of the Information and Broadcasting Ministry shows that a large number of licences to operate television news stations have been issued to office bearers, members and sympathisers of different political parties across the country.

Whether this has been done in the interest of the public, fairness or diversity of views is highly debatable. It is also unclear at this stage how this move will pan out in the coming months and the manner in which it will contribute to partisanship in the public domain and distortion of the concept of objectivity.

The panelists expressed the hope that the Central Government will transition the process for broadcasting licences to an autonomous body which functions in a transparent way and considers and decides requests for licences even-handedly.

One of the panelists pointed out that there is a provision in the Cable Television Networks (Regulation) Act, 1995, which allows a local cable operator to set up a local broadcasting station with the permission of the District Collector, besides distributing signals of other channels, without having to go through the licensing

process satellite news channels are required to go through. That this runs contrary to the provisions of law that govern the electronic media industry was pointed out.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	✓	✓		✓	✓	✓			✓		
<b>2</b>	Country minimally meets aspects of the indicator.			✓				✓	✓			
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.										✓	
<b>4</b>	Country meets most aspects of indicator.											
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.											

Average score:

1.5

## 3.4 The state/public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.

### Analysis:

The state/public broadcaster is not accountable to the public through a board, except on paper. The board is not representative of the society at large. Nor are its members selected in an independent, open and transparent way.

A legal framework does exist since 1990 for independent functioning of the public broadcaster by way of the Prasar Bharati (Broadcasting Corporation of India) Act.

The Act stipulates that the Prasar Bharati Board “shall consist of a Chairman, one Executive Member, one Member-Finance, one Member-Personnel, six part-time Members, the Director General of All India Radio as an ex-officio Member, the Director General of Doordarshan as an ex-officio Member, a representative of the Union Information and Broadcasting Ministry, two representatives of the employees of Prasar Bharati Corporation including one representative elected by the engineering staff”.

The Act further states that the “Chairman and other Members, except the ex-officio Members, the nominated Members and elected Members, shall be appointed by the President of India on the recommendation of a committee consisting of the

Chairman of the Council of States (Rajya Sabha), the Chairman of the Press Council of India and a nominee of the President of India”.

But a close scrutiny of the current Prasar Bharati Board clearly indicates that except for one part-time member, senior journalist George Verghese, the board is packed with present and retired civil servants whose eminence flows from their presence on this board, at least as far as public perception is concerned.

As far as the functions of the Prasar Bharati Board go, the mandate of law clearly stipulates that “it shall be the primary duty of the Corporation to organise and conduct public broadcasting service to inform, educate and entertain the public and to ensure a balanced development of broadcasting on radio and television”.

There was consensus among the panelists that the Prasar Bharati Corporation falls way short of expectations as its process of selection is not transparent and its intent is not right.

An important organ of public broadcasting, which has come to be relied upon by the viewers as well as the Members of Parliament, is Lok Sabha TV. It was launched as DD Lok Sabha in 1989 when the address of the President of India was first televised live.

Lok Sabha TV was incorporated in 2004. It replaced DD Lok Sabha in 2006 as a 24-hour satellite service in Hindi and English, owned and operated entirely by the Lok Sabha itself. Lok Sabha TV broadcasts live proceedings of the Lok Sabha (like C-SPAN in the US), besides various cultural and educational programmes and panel discussions when the Lok Sabha is not in session. Lok Sabha TV has a sister service, the 24-hour satellite channel for the Rajya Sabha, called DD Rajya Sabha, which continues to be operated by Doordarshan.

Besides these channels, the Information and Broadcasting Ministry supports the Public Service Broadcasting Trust (PSBT), which is a registered society, formed by eminent filmmakers and citizens to create and sustain an independent, participatory, pluralistic and democratic space in the non-print media, distanced from commercial, state and political imperatives.

The PSBT’s mission is to set standards that the media might aspire to, like values and good taste, community and citizenship, indepth insights with accuracy and impartiality, reaching out to marginalised audiences that do not interest advertisers, cultivate diversity, accountability, development support communication and entertainment.

But all these initiatives in public and state broadcasting are still in their infancy and account for a significant but small voice in an otherwise monolithic, inflexible and impersonal space supported with the taxpayer’s money.



## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	✓	✓	✓	✓	✓	✓		✓	✓	✓	
<b>2</b>	Country minimally meets aspects of the indicator.							✓				
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.											
<b>4</b>	Country meets most aspects of indicator.											
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.											

Average score: 1.1

## 3.5 Office bearers with the state and political parties as well as those with a financial interest in the broadcasting industry are excluded from possible membership on the board of the state/public broadcaster.

### Analysis:

The board of the state/public broadcaster, the Prasar Bharati, does have political appointees but they do not have a direct financial interest in its operation. The panelists felt that even having political appointees on the board robs the public broadcaster of its credibility and fair play.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator				✓		✓		✓	✓	✓	
<b>2</b>	Country minimally meets aspects of the indicator.		✓	✓		✓						
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	✓										
<b>4</b>	Country meets most aspects of indicator.							✓				
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.											

Average score: 1.8

**3.6 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practiced.**

### Analysis:

The state/public broadcaster, said the panelists, is a creature of the state, so it is completely subservient to the state in its conduct. A major reason for such subservience is the manner in which the board is repeatedly filled with pliable bureaucrats and retired civil servants.

Also, the Prasar Bharati (Broadcasting Corporation of India) Act, 1990, does not explicitly provide any guarantees against political influence to the board members. The Act does not explicitly uphold their editorial independence either.

The only indemnity provided to the Chairman and Members of the Prasar Bharati Board is against removal and suspension. Section 7 (1) of the Act states that “the Chairman or any other Member shall only be removed from his office by order of the President of India on the ground of misbehaviour after the Supreme Court, on a reference being made to it by the President, has an inquiry held in accordance with such procedure as the Supreme Court may by rules provide, reported that the Chairman or such other Member, as the case may be, ought, on such ground, be removed”.

But there is no consequence for not exercising editorial independence for anyone on the board.

### Scores:

Individual scores:

[illegible]

Average score: 1.0



## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Average score: 4.6

## 3.9 The state/public broadcaster offers diverse programming formats for all interests.

### Analysis:

The state/public broadcaster does offer diverse programming for all interests, even though the quality of these programmes leaves a lot to be desired. The exceptions include investigations and programmes that critically examine the conduct and performance of the Government.

However, it continues to commit resources to some programmes, like the programme on agriculture, '*Krishi Darshan*', which have no advertiser interest, some panelists pointed out. It also makes an effort to be inclusive of people with disabilities by airing news programmes through sign language interpreters. It also made an effort to commission documentaries from all parts of India to showcase the country's diversity.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 3.9

### 3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

#### Analysis:

Compared to the past, the state/public broadcaster has displayed a greater attempt at balanced and fair reporting in recent years, even though inconsistencies in the coverage and presentation of content still persist.

Doordarshan has paid special attention to the Northeast of the country which has acted as a steam valve in diffusing a potentially dangerous streak of separatism which stemmed from a sense of alienation, besides other factors.

The news content has good basic information and sobriety and there is no hectoring, a panelist noted. The state broadcaster has the best development news, it was pointed out. Also, it has become emboldened after the onset of Prasar Bharati and it is increasingly making attempts to assert its autonomy.

#### Scores:

##### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.8



4,000 community radio licences were put on offer across the country. By November 2008, the government had received 297 applications, including 141 applications from NGOs and other civil society organisations.

Of these, the government cleared 107 community radio stations for licensing through the issue of Letter of Intent. It signed 13 GOPAs (Grant of Permission Agreements) with licence applicants. Out of the 38 community radio stations which are presently operational in the country, two are run by NGOs and the rest by educational institutions. The two categories have been clubbed even when UNESCO makes a clear distinction between campus radio and community radio.

Under the new community radio policy, any not-for-profit legal entity – except individuals, political parties and their affiliates, criminals and banned organisations – can apply for a community radio licence. The Central Government does not fund such stations and there are tough restrictions on fundraising from other sources. Only organisations that are registered for a minimum of three years and have a proven track record of local community service are eligible to apply.

The community radio licence entitles the legal entity to operate a 100-watt ERP radio station with a coverage area of approximately 12 kilometre radius. The licence permits mounting of a 30-meter antenna at the most. The community radio stations are expected to produce at least 50 per cent of their programmes locally, in the local language and dialect as far as possible. The emphasis is on development programming, though there is no explicit ban on entertainment.

News programmes are banned on community radio in India, just as they are on private FM stations. The community radio licence-holder can carry five minutes of advertising per hour. The terms of the licence do not allow carrying of a sponsored programme, except when the sponsor is the Central Government or the state government.

Under these circumstances, the biggest challenge that stares the community radio programme in the face is its financial viability, a panelist pointed out. Unfortunately, the licence conditions implicitly favour well-funded stations as against inexpensive radio operations which ran successfully before the community radio policy was formulated and implemented. Also, the terms of the licence agreement do not make a distinction between 'community' and 'community of interest' and this may dwarf the objectives of the initiative.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 2.2

Average score for sector 3: 2.4



# SECTOR 4:

**The media practice high levels of professional standards.**

## The media practice high levels of professional standards.

### 4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

#### Analysis:

By and large, the media in India does follow the voluntary codes of professional standards which are enforced by self-regulatory bodies that deal with complaints from the public.

As far as redressal of grievances is concerned, the print media, which has been around for well over a century in the country, consistently follows the basic principle of carrying a clarification for inadvertent mistakes which are made by the reporters while gathering facts. Rejoinders are also an accepted part of the journalistic norm in print publications and are seen as a sign of editorial maturity.

In cases where an affected party continues to feel aggrieved in spite of the publication of a clarification or rejoinder, it can go to the Press Council of India, which was set up in 1966 under the Press Council of India Act, 1965, on the recommendations made by the First Press Commission of 1954.

The Press Council of India<sup>11</sup> is an autonomous, statutory, quasi-judicial body, comprising 25 eminent members from all walks of life and headed by the Chairman who is generally a former judge of the Supreme Court of India. The objectives of the Press Council include safeguarding the freedom of the press, ensuring on the part of the press the maintenance of high standards of public taste and fostering due sense of both, the rights and responsibilities of citizens as well as encouraging the growth of sense of responsibility and public service among all those engaged in the profession of journalism.

The Press Council stresses on fair play and the need of the right to reply. It has an elaborate process in place to receive and entertain complaints, issue summons and ensure attendance, call for official records where necessary, and adjudicate on matters of dispute between various parties. However, the Press Council of India is thought by many to be a toothless body. Its charter is limited to intervention only in the print medium making it a dinosaur in an era where media has moved to platforms like Twitter. This self-regulatory body for print media also issues guidelines on a regular basis to ensure transparency, accountability and

<sup>11</sup> <http://presscouncil.nic.in/home.htm>

maintenance of high professional standards in all spheres of journalistic activity, including financial journalism.

The electronic media, particularly the television news media, which is a creature of the 1990s and is still evolving and maturing, has also committed itself to self-regulation through the formation in July 2007 of the NBA (News Broadcasters Association<sup>12</sup>).

The NBA represents the collective voice of private television news and current affairs broadcasters in India and is funded entirely by its members. It presently has 14 leading news and current affairs broadcasters (comprising 31 news and current affairs channels) as its members. Since its inception, the NBA has regularly presented a unified and credible voice before the Indian Government on media policy and practice, and engaged with stakeholders from time to time to address the issues relating to news and current affairs broadcast, particularly those dealing with content.

The defining moment for NBA has been the constitution of the nine-member News Broadcasting Standards Disputes Redressal Authority – chaired by Justice J.S. Verma, former Chief Justice of India and former Chairperson of the National Human Rights Commission – which became operational from October 2, 2008. In the past year, the authority has taken up about 20 complaints from the public and passed directions, much in the same way the Press Council of India conducts its proceedings. The NBA has established a code of ethics and broadcasting standards<sup>13</sup> based on the “jury of peers” principle to regulate itself.

The NBA’s code of ethics and broadcasting standards includes protocols on several subjects, including national emergencies, superstition, depiction of violence, privacy, sting operations, corrigenda, etc. But the NBA, too, has had a taste of turbulence in its ranks. One of its members, India TV, quit the body alleging bias when it was slapped with a Rs 1 lakh (ca. 2100 USD) fine on the complaint of a US policy analyst, in the first-ever order that the NBA’s News Broadcasting Standards Disputes Redressal Authority passed in April 2009.

The policy analyst, Farhana Ali, had given an interview to Reuters after the 26/11 attacks on Mumbai which, the NBA Authority concluded, had been erroneously dubbed in Hindi language by the channel. The channel insisted that it had carried the corrigendum to the satisfaction of the complainant.

This development, of course, threatened the mechanism of self-regulation for electronic media, undertaken by a voluntary coalition of news channels to ward off the regulatory intervention of the Central Government. But then in July 2009, India TV agreed to return to the fold after, it said, the fundamental issues raised

<sup>12</sup> <http://www.nbanewdelhi.com/>

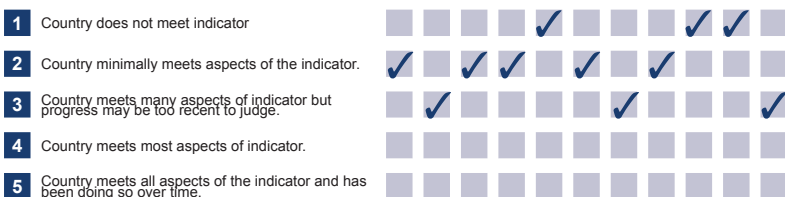
<sup>13</sup> [http://www.nbanewdelhi.com/pdf/final/NBA\\_code-of-ethics\\_english.pdf](http://www.nbanewdelhi.com/pdf/final/NBA_code-of-ethics_english.pdf)

by it against the disregard of NBA's rules and guidelines was appreciated by the association's directors.

But, as pointed out by a panelist, the self-regulatory mechanisms are toothless and not binding as they don't have the force of law. So dissatisfied parties can--and do--still go forward and move courts to seek legal redressal. The panelists referred to the multi-tier British superstructure for monitoring and how India could draw from it to have an ombudsman to oversee the news and current affairs activities.

## Scores:

### Individual scores:



Average score:

2.0

## 4.2 The standard of reporting follows the basic principles of accuracy and fairness.

### Analysis:

The media, print publications more than television news, do follow the basic principles of accuracy and fairness in the reportage by and large, but the standard has certainly declined when compared to the past. The rigour in reporting is gradually waning away. "There is a lot of armchair journalism happening now. Google has become our worst enemy," said a panelist. The standard of reporting is also affected by the hiring decisions of organisations which, in turn, impact the practice of journalism.

The print media, which has evolved over several decades, has got an established system of filters and checks in place. But such a system is yet to evolve and get established in broadcast media. It was felt that the two decades-old television news industry was impacting negatively on the credibility and standards of the two centuries-old newspaper industry. The quality of journalistic work is suffering because there is no training being undertaken for new entrants by most of the media organisations due to financial reasons. "Accuracy and fairness are important.

But first the reporters have to be able to write correct English,” said a panelist. The new generation of journalists has a preference for the electronic media due to its glamour quotient.

Accuracy, it was felt, is often a victim to the one-sided nature of stories. All the panelists felt that, editorially, the journalists were capable of a lot more. Often, the attributions by local media were more accurate than those by journalists working in the national media. It was felt that television journalists in particular were often put at the deep end without any proper grooming. Also, that the different layers of filtration for a story that were present in the print medium were absent in television.

There were many apprehensions raised over the armchair type of journalism prevalent in media in general. This lazy journalism often resulted in a lack of verification of certain reports. It also resulted in a mixing of news with views in television in particular. There was also a significant failure in sifting through the intent of public relations people and other vested interests in pushing a particular story in many cases. “The public relations companies have figured out the editorial gameplan quite well and started presenting new strategies and spins and hooks to media organisations and reporters,” said a panelist. “They have a well-oiled mechanism to churn out what the journalist is looking for. Even the subjects of stories know how to exploit the medium. The financial stakes are too high now.”

Three cases were cited as examples of public relation executives trying to pull a fast one over the media. One of them was the case of the biscuit manufacturers’ lobby trying to replace hot mid-day school meals with biscuits. The mid-day cooked meal lobby actually began to lose to the biscuit manufacturers’ lobby in the perception game. They even got letters written by 50 MPs. But it was discovered that two particular paragraphs, in each letter, were common to all. Those two paragraphs were traced to the biscuit manufacturing lobby. The other two cases were related to the tyre manufacturing lobby pushing road statistics of a particular type and to an Indian model allegedly caught in South Africa for prostitution (ostensibly to promote her music video).

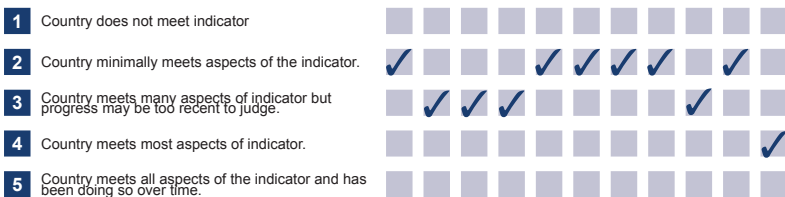
In case of the lobby pushing biscuits for mid-day meals in schools it was felt that the media depended on certain non-media citizens to do their critical homework for them. As if they had outsourced their analytical and investigative aspects to non-media personnel. It was also felt that the recruiting policies of media organisations were responsible for a lot of editorial ills. There was a lack of diversity in the newsroom and stringers were neither trained properly nor paid appropriately, specially in the television industry.

There is an increasing trend among television new stations of hiring subject specialists instead of journalists. The subject specialists are hired and quickly put on air. Everything happens in fast-forward mode. But still Indian readers and

viewers trust the Indian media far more than anywhere else in the world, though there is greater trust for the printed word than a television report.

## Scores:

### Individual scores:



Average score: 2.5

## 4.3 The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories.






### Analysis:

The Indian media certainly covers the full spectrum of events, issues and cultures, including business and economics, cultural, local and investigative stories, felt the panelists. The society has undergone a major churn and change and cricket, cinema and stocks have legitimately come on to the front page which wasn't the case earlier. Cinema and stock market coverage have increased because they are seen as pillars of the new, popular culture. Some panelists compared newspapers to supermarkets saying that like in a supermarket some goods are stocked better than others the same way media gave more space to certain types of stories.

A panelist, however, cited the example of Mumbai saying that its biggest problem was lack of sufficient infrastructure. Keeping that in mind, the panelist's paper had deputed 12 reporters to cover issues of health, education and infrastructure in the city. The panelist cited this example as a counterpoint to the argument that developmental issues took a backseat everywhere as there wasn't sufficient consumer interest in them. All the panelists, however, felt that agriculture and rural issues had taken a backseat.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	
<b>2</b>	Country minimally meets aspects of the indicator.	
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	
<b>4</b>	Country meets most aspects of indicator.	
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	

Average score: 3.4

## 4.4. Equal opportunities, regardless of race, social group, gender/sex, religion, disabilities and age are promoted in media houses.

### Analysis:

There is no legitimacy for discrimination of any kind in the newsroom, or within a media organisation. The barriers of race, social group, gender/sex, religion, disabilities and age are breaking down rapidly. There is consciousness for diversity in the newsroom.

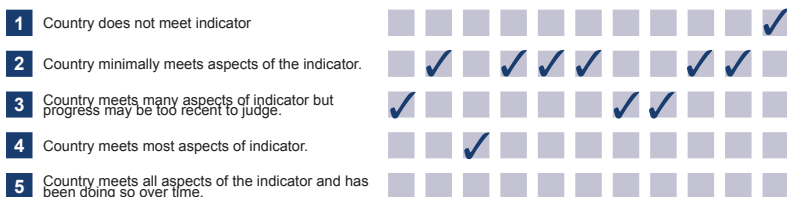
Also, the media organisations, particularly those which are listed on the bourses, do have well-articulated equal-opportunities employment policies. Two panelists felt that hiring by media organisations is equal, but there is a glass ceiling which restricts growth for women into top decision-making positions.

It was felt that Muslim representation in the media was low. However, everybody agreed that the situation with regard to gender representation was much better now compared to 30 years ago but that a lot more work was required.

Some panelists pointed to the callous attitude of some media employers towards physically challenged people. "Most buildings are inaccessible for the disabled. The media report on this issue but do not rectify the situation," said a panelist.

## Scores:

### Individual scores:



Average score:

2.3

## 4.5 Journalists and editors do not practice self-censorship.

### Analysis:

Journalists and editors do practise self-censorship. “It happens sometimes, when the owners call up on something. You know you don’t have to go that road next time,” said a panelist, citing the instance of the much sought-after Padma awards of the Central Government. “They don’t want to offend the government when people are being shortlisted and chosen.” “But the greatest pressure for self-censorship comes from the corporate department of a media organisation. You have the Sales Manager hopping up and down in front of you. He tells you that it is a question of his job. It is also a question of your job now. And you are forced to consider and concede because business has replaced politics, and revenue is a richer reward than remembrance,” said another panelist.

In the past couple of years, the Indian media has also conjured up a new revenue-generating concoction in the marketplace which is spreading like a virus amongst corporate boardrooms without the hope of redemption: private treaties.

The private treaties started as a legitimate business practice between a big media company and a high-net-worth advertiser as a special offer of large-scale discounts for bulk purchase of advertising space.

But the advertiser has set forth his new terms of business on the table now which include a proportionate number of editorial column space to promote his activities. And, importantly, unwritten understandings that the media company will not carry stories against their interest to ensure continued advertising support.

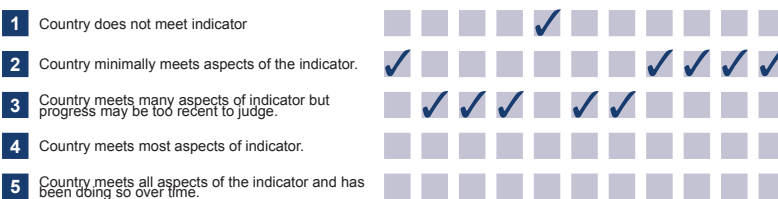


Unfortunately, some large media companies have foolishly acquiesced and made long-term commitments without the concurrence of their editorial teams. In some cases, where journalists have come to know about the existence of private treaties, they have been pacified by the managements citing the non-existent “firewalls” between the editorial and corporate organs of the media company.

In effect, companies with huge advertising budgets have to be tip-toed around for fear that an offending story might prompt them to withdraw advertising campaigns. The advertiser has become a vested interest now which cannot be wished away by the journalist. Nor can the journalist afford to write against the new vested interest without fear of reprisals.

## Scores:

### Individual scores:



Average score:

2.3

## 4.6 Owners of established mainstream private media do not interfere with editorial independence.

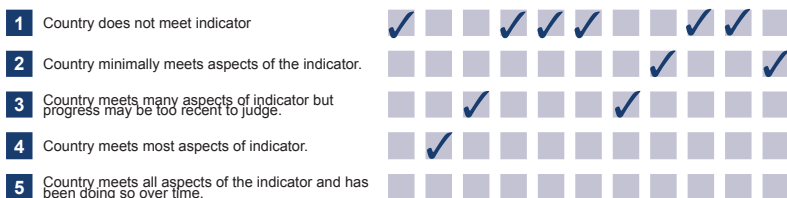
### Analysis:

Most owners of established mainstream private media interfere with editorial independence. “A lot of owners are in the media business to be able to peddle influence and use clout, and they use it to push their political agenda,” said a panelist. The owners have interests in other businesses also which they want to promote through their media companies. And a lot of editors lose their jobs because of such issues with the owners.

The panelists cited instances of politicians emerging as the new publishers for the print media as well as television stations. Instances were also cited where reporters lost their jobs because an irate politician complained about a story against him/her to the owner who was more than willing to oblige.

## Scores:

### Individual scores:



Average score:

1.8

## 4.7 Journalists and media have integrity and are not corrupt.

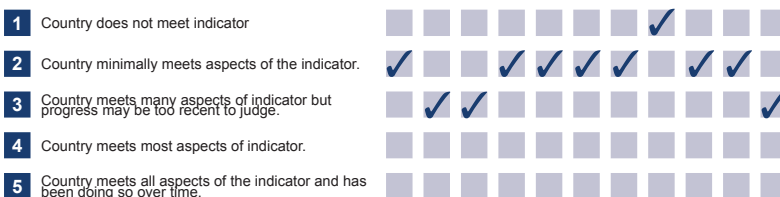
### Analysis:

The question, when applied to India, requires segregation between journalists and media houses: A) Journalists have integrity and are not corrupt. B) Media houses have integrity and are not corrupt. There was consensus among panelists that there is no conclusive answer for both questions, either way. “It is a combination of greed and poor salaries that leads to a compromise amongst the journalists, particularly stringers,” said a panelist. “There are inducements – junkets, goodies, gadgets – and most journalists fall prey to them at some point or another, even though established publications and media companies have a code of conduct for the journalists.”

An example was cited of certain media platforms where journalists have to pay money to get jobs and journalists covering certain events getting television sets from corporates besides first-class travel. Journalists covering film releases often get gifts like gold coins. It was felt that one of the things pushing paid-for-news in media companies was a perception amongst media owners that some journalists were cutting deals for publicity with public relation firms. The owners then latched on to it as a lucrative area to generate revenue even though ethically it was a black mark.

## Scores:

### Individual scores:



Average score:

2.1

## 4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate.

### Analysis:

The salary levels and general working conditions for journalists and other media practitioners have significantly improved in the past decade but they are still not adequate. “Higher and middle-level salaries have improved but the lower-level salaries, particularly for those journalists who are working with vernacular and district-level publications, have not improved,” said a panelist.

In the electronic media, there is also a lot of disparity between the salaries of journalists and cameramen which sometimes exceed 50 per cent. For instance, if in a city like Mumbai, a journalist gets a starting monthly salary of Rs 25,000 (ca. 540 USD), the cameraman gets only Rs 12,000 (ca. 260 USD). Photographers in national dailies are often told to bring their own equipment on the job and often are not provided with adequate resources for equipment maintenance. Also, editorial standards often suffered in the name of cost-cutting.

In a large part of the media industry in the country, the contract system has replaced the earlier system of long-term employment based on the wage board rules and regulations which provide for a definitive safety net. While the wage board recommendations have not kept up with the financial realities of the times, the contract system has virtually no safety nets. The consequence is that the journalist is the loser in the end, and financially more vulnerable than ever before.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2.2

## 4.9 Media professionals have access to training facilitates offering formal qualification programmes as well as opportunities to upgrade skills.

Media professionals have limited access to training facilities offering formal qualification programmes and opportunities to upgrade skills. Where such opportunities are available, media professionals can't find the time to undergo the training without jeopardising their career growth in the media organisation.

But a much better access is available at the entry level by way of academic courses at well-endowed mass communication departments at all major universities across the country, even though a majority of them require a reorientation of the curriculum to meet the changing skill-set needs of the media.






But private institutes are very expensive. And those who charge poorly train poorly, and prospective media practitioners end up getting frustrated at what can only be termed as 'bucket shops'.

Even at the most well-regarded schools, journalism is taught based on anecdotes, not theory. In a large number of cases, the instructors, however well-intentioned, do not understand the skill-set needs of their students. There is also no standardisation of curriculum and the faculty consists of people who have failed to make a career in mainstream media.

Most media houses are open to the idea of training, but they don't undertake it for a variety of reasons, chief among them being the additional costs of training. Their focus is on immediate returns, not long-term benefits.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	
<b>2</b>	Country minimally meets aspects of the indicator.	
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	
<b>4</b>	Country meets most aspects of indicator.	
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	

Average score:

2.1

## 4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.

Journalists and other media practitioners are not organised in trade unions and professional associations to the extent that they should be. “When the Working Journalists Act was more relevant, there were a lot of trade unions of journalists, but now the journalists are increasingly taking up contractual employment which is outside the scope of this Act,” said a panelist.

There are still several unions of journalists, but most of them are moribund and quiet and focusing on housing societies rather than on issues they ought to be tackling. There are exceptions, however. The Karnataka government’s Academy for Journalists has been functioning for the past 18 years. The Bangalore Press Club publishes books also from time to time.

There was widespread dismay over the fact that no media awards existed for excellence in journalistic endeavour which were backed by a neutral body like a foundation or university. Praise was, however, lavished on a new media grouping called the Foundation for Media Professionals which had recently begun taking up issues of freedom of expression and media excellence.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country minimally meets aspects of the indicator.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3</b>	Country meets many aspects of indicator but progress may be too recent to judge.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator and has been doing so over time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 1.7

Average score for sector 4: 2.2

OVERALL COUNTRY SCORE: 2.4

## Follow-up questions

### Have there been positive changes in the media environment over the last two years?

- Passage of the Right to Information Act, 2005, giving a statutory right to access information
- Growth of media
- Amendment of the Contempt of Court Act
- Policy to allow setting up of community radio stations
- Social change
- Emergence of online media as an additional platform
- Multiplicity of voices
- Privatisation of radio, even though news is yet to be allowed
- More job opportunities
- Media's increased role to mobilise opinion and intervene
- Active bridges between the media and civil society
- Flattening out of the profession enabled by technology
- Greater diversity in terms of gender etc in the profession
- Citizen journalism
- Greater media choices

### Have there been negative changes in the media environment over the last two years?

- Private treaties
- Paid editorials
- Decline of standards

- Lack of technology in regional languages
- Promotion of obscurantism
- Indiscriminate sting operations which don't serve a public interest
- Politicians owning media ventures directly or indirectly
- Editors becoming party MPs and continuing as editors
- Declining accuracy of facts
- Mixing of news and views
- Shrinking newsgathering budgets
- Blurring of lines between advertising and editorial content
- Growing cynicism between the media and its consumers
- Decline of rural and development journalism
- Shrillness in reportage and indiscriminate use of 'breaking news' on TV
- Lack of proper accountability
- Frenzy for scoops
- Trivialisation of news

## **Positive changes: who or what has been the main cause?**

- A sizeable youth population
- Technology
- Citizen journalists
- Awakening of civil society
- Greater interactivity



- Breaking of new ground in investigative reporting

## **What are the main obstacles for further positive change?**

- Ownership pattern and corporate interest
- Lack of an inhouse mechanism to insulate content from undue influence
- Outside regulator coming over the media to drive it
- Spin doctors
- Lack of media organisations pushing media freedom issues
- Retired civil servants and retired judges

## **What kinds of activities are needed over the next two years?**

- More civil society pressure groups
- Training for journalists
- More introspection
- Declaration of assets by journalists
- Protection of news sources – extension of Whistleblower Act to private sector
- Resolution to demand a constitutional guarantee for the media

## **The panel meeting took place at the Taj Holiday Village, Goa, on September 12-13, 2009**

### **Panelists:**

Ms Saira Menezes, Editor, People magazine, Mumbai;

Mr Sidharth Bhatia, Editor, Edit Page, DNA, Mumbai;

Mr Ishwar Daitota, Editor, The Times of India, Bangalore;

Ms Nandini Sahai, Director, Media Information and Communication Centre of India (MICCI), New Delhi;

Mr Jamshed Mistry, Lawyer, Mumbai;

Ms Sandhya Sridhar, freelance journalist, Chennai;

Ms Monika Singh Kshatriya, Anchor, NewsX, Noida;

Mr Kanwar Sandhu, Managing Editor, Day & Night News, Chandigarh;

Ms Satyashree Gandham, Senior Producer, CNBC TV18, Mumbai;

Mr Vipul Mudgal, Project Director, Inclusive Media for Change, Centre for the Study of Developing Societies (CSDS), Delhi;

Mr Shishir Joshi, Founder, Journalism Mentor, Mumbai & former Group Editorial Director, Mid-Day, Mumbai

### **The Rapporteur:**

Mr Harpal Singh

### **The Facilitator:**

Mr Aniruddha Bahal

# Endnote

## Bill of Rights

### Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

### Amendment II

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

### Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

### Amendment IV

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

### Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defense.

#### Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

#### Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

#### Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

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