

ASIAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Asia

INDIA 2013

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Introduction to the Asian Media Barometer (ANMB)

The *Asian Media Barometer* (ANMB) is an in-depth and comprehensive description and measurement system for national media environments in Asia. Unlike other press surveys or media indices the ANMB is a local self-assessment exercise based on criteria derived from international standards for media freedom.

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 with the aim to push and lobby 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* (ANMB) have been adapted for Asia from the African Media Barometer (AMB), which was based on home grown criteria derived from African Protocols and Declarations like the “Declaration on Principles on Freedom of Expression in Africa” (2002). Since 2005 the African Media Barometer has been held almost 80 times in over 28 African countries in intervals of 2-3 years. It offers FES and its local partners a long-term analysis of media landscapes and is used as a valuable instrument in their campaigns for media reforms.

Yet, in Asia the situation is different. There have been individual attempts in several South Asian countries to come up with a charter or indicators on freedom of expression and freedom of the media. Unfortunately, these initiatives have not been successfully established within individual countries, let alone implemented on a sub-regional, or a more ambitious regional scale. In fact, the Joint Declaration of 2006 by the UN Special Rapporteur on Freedom of Opinion and Expression and his counterparts from regional organisations notes that Asia-Pacific region lacks such a mechanism.¹

However, the lack of an Asian Charter or Declaration on Freedom of Expression is no excuse for Asian governments to restrict media freedom or deny citizens their right to access information. Article 19 of the International Covenant on Civil and Political Rights, which guarantees freedom of expression, including “the right to seek, receive, and impart information and ideas”, applies to all UN Member States. And in its General Comment from July 2011 the UN Human Rights Committee has just strengthened the protection of international law on freedom

1 International Mechanisms for Promoting Freedom of Expression, Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR (African Commission on Human and Peoples’ Rights) Special Rapporteur on Freedom of Expression, 19.12.2011, <http://www.article19.org/data/files/pdfs/igo-documents/four-mandates-dec-2006.pdf>.

of expression and provided authoritative guidance to state actors to create an enabling environment for media freedom.²

Thus, the international benchmarks being used in the *Asian Media Barometer* (ANMB) have been confirmed by the authority of the UN-system.

The only Asian document that is trying to suggest non-binding benchmarks on media freedom is the “Bangkok Declaration on Information and Broadcasting” (2003).³ 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, the French Government 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*.

The first successful *Asian Media Barometers* for India and Pakistan (2009), Thailand (2010), and the Philippines (2011) have been followed by Pakistan and Mongolia (2012) and now India once again and South Korea (2013). The FES media project in Asia will be deploying this instrument for monitoring the media landscapes and advocating media reforms in more Asian countries.

Methodology: Every two to three years a panel of experts, consisting of at least five media practitioners and five representatives of 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 which they have to rate on a scale from 1 to 5 in an anonymous vote. The indicators are formulated as goals which are derived from international political protocols and declarations. The discussion and scoring is moderated by a FES-trained consultant who also edits the country report.

Scoring system: After the discussion of each indicator, panel members rate that respective indicator in an anonymous vote according to the following scoring system:

-
- 2 Human Rights Committee, One Hundred and second session, CCPR/c/GC., General Comment No. 34, Article 19: Freedoms of opinion and expression, Geneva, 11-29 July 2011, <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf> (access 10.11.2011).
 - 3 Full text at <http://www.aibd.org.my/node/693> (access 10.11.2011).

Asian Media Barometer (ANMB) India 2013

Foreword

Freedom of expression is the lifeblood of the democratic system. It follows that a critical, independent and investigative press helps to strengthen democracy, stimulates vibrant market economies, and seeks to consolidate peace and stability between countries and within countries. However, the mode and mechanism of media accountability and freedom vary from country to country. They take shape differently depending on the inherent political, social and cultural scenarios. Every country lays down certain regulatory laws in the garb of “security”, “national interests” to justify the curtailment of this basic freedom of expression. In India too newspapers work under certain duress although the Constitution guarantees the freedom of expression. Fear of defamation, privilege issues being raised in the legislative bodies and contempt proceedings by courts curtail the right of media to inform.

The development of free and professional media, which is diverse, is the key for the development of a vibrant democracy. Freedom of expression is the vehicle that enables citizens to mobilize public support for the redress of their grievances. Experience has taught us that injustice is less likely to endure—or even to emerge—in an atmosphere of free public debate. In that sense, freedom of expression is a freedom on which other freedoms depend.

One important issue that concerns us all relates to evolving modes and mechanisms for ensuring media accountability. An equation between media freedom and its accountability is a difficult problem to solve but not impossible.

Regretfully, the media (with special reference to media in India) concerns itself more with what interests the readers rather than the readers’ interests. Similarly the TV channels also try to increase their viewership by pandering to their tastes. In the process, the watchdog function of the newspapers and electronic media has taken a backseat. Also, media no longer sets the agenda before the nation as it should, particularly during elections and emergency situations.

The last half a century has witnessed a transformation in the media. The interests and priorities of the press are not the same as in the first half of the twentieth century. The IT and satellite communication revolutions have now added a new dimension to the problem of accountability. The code of ethics of one country may permit what some other countries may consider obscenity. When such programmes are carried by airwaves all over the world, the question arises who should regulate them and in what manner? Internet has already started making

an impact on the world societies. Today's cyber-crime was unknown to the penal laws in any country until very recently.

The boom in technology has given rise to a new form of media: the social media. Social networking has now become a way of life. Social media refers to interaction among people in which they create, share, and/or exchange information and ideas. As social networking becomes more popular among older and younger generations, sites such as Facebook and YouTube, gradually undermine the traditionally authoritative voices of news media.

It cannot be denied that social media have many positive effects such as allowing the democratization of the internet while also giving a platform to individuals to advertise themselves, form friendships and quickly spread news. However, there are negatives as well. Since large-scale collaborative co-creation is the main way of generating and spreading information in the social networks, the content is sometimes viewed with skepticism; discerning readers do not trust it is as a reliable source of information. In the digital environment, nearly anyone can be an author, as authority is not a prerequisite for content provision in the Internet. This obviously raises issues of credibility. Information is rarely subject to scrutiny by professional editors and it often lacks traditional authority indicators such as an author's true identity or established reputation. Digital information may be easily altered, plagiarized, misrepresented, or created anonymously under false pretenses by self-interest groups/individuals. There is danger of rumor-mongering, maliciousness creating a divide in society. By the time the news is verified or authenticated, the damage is done.

Access to accurate information is the undeniable right of the reader/consumer and it is obligatory for the reporters and journalists of the media and other relevant organizations to provide accurate, unbiased information.

But in this day of market-driven, digital media, there is danger of media compromising its duty to inform and educate and thereby endanger its status of being the Fourth Pillar of Democracy. This raises several ethical and legal questions that media practitioners must answer.

Composed by a group of experts and organized by the Friedrich-Ebert-Stiftung, the Asia Media Barometer (ANMB) India 2013 will try to establish how the media, the State and the society in India deal with the above scenarios.

New Delhi, December 2013

Dr. Felix Schmidt
Resident Representative
FES India

Summary

'Turbulent' is the word that best describes the current media situation in India. There is an unprecedented flux this land is witnessing at present. The media is expanding and diversifying at a rapid pace. Technology is firmly ensconced in the driver's seat; market forces have become navigators; content is getting transported in multiple forms and directions; the State is struggling to monitor and/or regulate traffic; and media consumers are trying to make sense of it all, praying they will not be overrun by the developments.

Aftershocks of the 2008 global economic slowdown have not ceased. Since the media is a witness to, and a victim of this phenomenon, its performance has turned out to be erratic.

At times, the traditional media has done exceedingly well in mirroring various developments. But its conduct has also been pedestrian or even downright shameful on occasions. The advent of social media has become more pronounced in recent times. Interestingly, it has challenged as well as enhanced the might of the traditional media. But more importantly, it has come as a major boon for the society which is no longer at the sole mercy of any 'gatekeepers' when accessing or transmitting news and views.

This highly plural, thoroughly heterogeneous character of the media often conjured kaleidoscopic images of reality over the last three years. Thus if the 'unmasking' of well-known journalists in Neera Radia tapes (2011, see 4.1) came as a shock, media's crusading zeal following the Delhi gang rape evoked admiration as it brought the subject of women's security under national spotlight. The media stands accused of ignoring large sections of the society that are poor and disadvantaged. It is worrying especially because the socio-economic disparities have started gnawing at the national fabric with increasing ferocity. The veritable mix of 'the good, the bad and the ugly' of media offerings is as much of media's own making as of factors that lie elsewhere.

Perhaps the most enduring facet of the changing media scene in the last three-plus years has been the growing dominance of marketing. Government's tentativeness in approaching issues related to media should rank as the second important aspect. In the third place would be the media's mixed performance in setting its own house in order. Disruptive advancements in the information technology sector have, of course, served as the backdrop to all the changes.

Since 2009, the traditional as well as the new media have witnessed enormous growth. As against the 60,000-odd registered publications earlier, the number currently stands well over 86,000. The number of news and current affairs television channels is now approaching 400 while the privately-owned radio stations have crossed the 240-mark. About 165 million people in India, that is

14% of the country's population, are Internet subscribers at present. An increasing number of people, from within the media and outside, have been using these media platforms to share information and express views. They include resident Indians and people from other lands.

Like many others, the Indian government has not been active in following up on the various international instruments on freedom of expression to which it is a signatory. Restrictions on cross-border exchange of content vis-à-vis Pakistan persist. Given the tenuous relations between the two countries, the situation is unlikely to change.

In any genuine democracy, the government and media are perpetually engaged in an uneasy relationship. This happens irrespective of what legislative provisions say on paper. In December 2011, Central Minister for Communication and Information Technology Kapil Sibal voiced a 'need' to bring in legislation for regulation of the Internet content. Following a nationwide uproar, the minister had to beat a retreat.

However, it is not just the government that the media has to be apprehensive about. Vested interests of different hues often attempt to encroach upon media freedom. Restrictions imposed by Shiv Sena activists after their leader's death in November 2012, and well-known writer Salman Rushdie's withdrawal from the Jaipur Literature Festival under pressure from fundamentalists in the same year, are fresh in mind.

On the positive side, the Right to Information (RTI) Act, 2005, has now taken firm roots. But more than the media, it is the civil society that is employing this empowering tool enthusiastically to usher in accountability in governance at different levels.

The sheer numbers of media outlets in print, audio-visual and web domains bespeak the increased diversity in the field. Mono-media audiences have already become multi-media audiences, with many among them playing an interactive role. User-generated content (UGC) is now an integral part of the web and radio, and early signs of its presence in print and television are also visible.

The diversity, however, is not spread uniformly. Mega advertising bucks come from urban sectors and urbane segments. Since bulk of the media content focuses on these audiences, it tends to be homogenized. The oft-heard grouse that the media is offering 'more of the same' stems from this situation. There is a disturbing emergence of consolidation of media ownership in a few hands. Women's voices have become more audible but they need to be louder and sustained. Disadvantaged sections of the society have been pushed to the periphery of the media content.

Content flow on the web is virtually unrestricted, bordering on the chaotic. Just as there is no comprehensive and coherent policy on Information, Communication and Technology (ICT), there is no umbrella legislation embracing all issues relating to broadcast media. This leaves room for ad-hoc decision making and partisanship.

The number of community radio stations in the country has increased from 38 in 2009 to about 150 at present, but considering the vastness of the country, there is scope to have many more. A large number of genuine, well-dispersed voluntary groups have applied for licenses but red tape in issuing licenses and suspect financial viability of the stations are serving as dampeners.

For the State broadcaster (All India Radio-AIR and Doordarshan-DD) to become a true public broadcaster some changes in the composition and working of the Prasar Bharati Board are required. This is a critical issue because both AIR and DD, which the Board regulates, enjoy a near 100% spread across the country.

India is known for its diverse cultures. Yet, AIR and DD have generally been found to be doing a good balancing act. In fact, in many respects, they have been offering a far more sumptuous fare than private media players.

The media has consistently resisted enhanced State role in regulation. Every time the government made an attempt, the talk of self-regulation was pushed forth as a counter point. But internal quality control systems of media houses are found wanting. Media bodies like the Press Council of India (PCI), the Editors Guild or the News Broadcasters Association (NBA) are also not considered effective enough.

In the unseemly hurry to break news ahead of the competitor, instances of media outlets committing factual errors have increased. Complaints about media houses and individual journalists behaving unethically either for monetary reasons or to follow a pre-decided agenda, have also risen. Reverberations of the Neera Radia tape controversy, the contract killing of journalist J Dey in the same year and the Navin Jindal-Zee TV controversy (2012) will continue to serve as stark reminders in this regard.

Under constant pressure from the marketing departments, editors and other journalists often practise self-censorship in their day to day editorial work. Anything thought to be inimical to the advertisers' interests thus gets left out or is handled with 'extra caution'. This practice, coupled with 'paid news', has cast long shadows on the credibility of media.

The owners of many media houses have assumed the title of 'managing editor' to legitimize their interference/ involvement in the editorial functioning. Also, they have more or less replaced the traditional wage board-based recruitment system with contractual appointments. This has virtually killed the trade union movement.

Whatever the pluses and minuses of media's journey so far, the media has developed its own dynamics. As the PwC report⁴ says, the advertising revenue which is the main driving force of media operations is slated to grow at a rate of 14% till 2017. The pie will be shared to varying degrees by print, television, radio and the Internet. This means the multi-media juggernaut will keep rolling vigorously. Periodical reality checks on the state of the media will thus continue to be crucial.

4 PricewaterhouseCoopers, *India Entertainment and Media Outlook 2013*, <http://www.pwc.in/india-entertainment-media-outlook/index.jhtml> (access 01.01.2014).

SECTOR 1:

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

Sector 1: Freedom of expression, including freedom of the media, is 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.

The legislative provisions and restrictions have undergone little change in the last three years, as a result of which the situation concerning freedom of expression and freedom of media in India shows only a marginal improvement over 2009.

Article 19 (1) (A) of the Constitution of India clearly guarantees the right to freedom of speech and expression to all citizens, but there are caveats. The subsequent clause in the Constitution enables the legislature to impose “reasonable restrictions” on free expression under the following heads:

- Security of the State
- Sovereignty and integrity of India
- Friendly relations with foreign States
- Public order
- Decency and morality
- Contempt of court
- Defamation
- Incitement to an offence

“...the freedom of media in India stems from the freedom of expression.”

One panellist argued for specific and explicit guarantee of freedom of media in the Indian Constitution as in the First Amendment in the Bill of Rights of the United States Constitution. At present, the freedom of media in India stems from the freedom of expression.

It was pointed out that the Right to Information (RTI) Act of 2005 has now taken roots, empowering citizens substantially. RTI has also helped neutralize restrictions imposed by the Official Secrets Act except those under Section 8. This section makes it incumbent upon any person to provide information related to an offence or a suspected offence, to the police or the Armed Forces. Failure to do so attracts imprisonment up to three years or fine, or both.

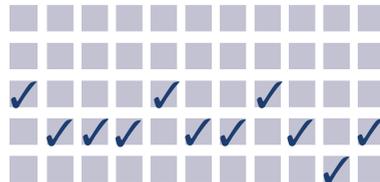
The Supreme Court has recently issued guidelines regarding pre-trial coverage of sensitive cases in the media. However, the panellists felt the actual practice often differed sharply from what is on paper. This created a mixed picture.

The panellists generally agreed that it was the Supreme Court that had consolidated and widened the scope of the freedom of expression, and of media. The legislature or the executive had done little.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

3.8
(2009 = 3.1)

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

The situation is paradoxical. The last three years have witnessed a growing urge among journalists and other citizens to express themselves in different ways across platforms. But there has also been a growth in the number of reprisals and threats of reprisals coming from various quarters. The resultant fear is serving as a big dampener in citizens asserting their right to expression.

There is no State or Central legislation to protect the rights of a journalist to work freely. As a result, journalists have to encounter several impediments when working. Audio-visual journalists suffer the most in this regard. For instance, sometimes one cannot shoot an event freely simply because the police wouldn't allow. A panellist recalled how some television journalists were forced to delete clips of former Railways Minister Pawan Kumar Bansal who had to resign in May 2013 in connection with charges of graft. Another instance was that of the West Bengal police preventing the shooting of police caning of protesters at Nandigram where Tata Motors had attempted to set up a manufacturing plant.

On the positive side, it was pointed out by a panellist that in recent years, public interest was becoming increasingly acceptable as a foil to contempt of court just as truth was being considered more favourably as a valid defence in the court of law.

The freedom of expression was being practised unevenly in the society, observed a panellist. Several instances related to the Naxalite or Maoist challenge were

“The freedom of expression was being practised unevenly in the society...”

quoted by the panellists to substantiate the point. Dalits and adivasis were routinely picked up and charged with sedition by investigating agencies on flimsy grounds. There were cases in West Bengal where the mere possession of banned literature was used as a tool by the State to prosecute for sedition. In a particular case, the ‘offender’ was found to be merely carrying the architect of Indian Constitution, Dr Babasaheb Ambedkar’s writings on the Indian martyr, Bhagat Singh. Members of Kabir Kala Manch, a cultural outfit of progressive artists, are constantly under scanner for their political leanings.

Jaipur Literature Festival is a prestigious event held every January in Rajasthan where well-known writers and literature enthusiasts gather to discuss various issues. The event ran into trouble in 2012 because some elements objected to the organisers’ invitation to Salman Rushdie, the controversial author of *Satanic Verses*. Following immense pressure and alleged threats to his life, Rushdie withdrew himself from the festival.

Besides interventions from the State, various self-styled moralists often indulge in moral policing. This scares off the public as well as the media. Sometimes even protest as a form of expression is not tolerated.

The panellists were critical of the functioning of a section of the media, calling it ‘toxic’. This section is feared as it indulges in sensationalism. Right wingers’ presence in media organizations was a cause for worry, it was opined. It was agreed that the ‘new’ media, riding on the Internet, is now playing a significant role in this context.

A panellist recalled how Shiv Sena, a right wing political party from Mumbai, often resorted to aggressive posturing vis-à-vis its detractors and the media. Members of the party whipped up emotions as a result of which, the media felt pressurised to refer to the party’s founder, the late Bal Thackeray as Balasaheb Thackeray because ‘saheb’ sounded reverential.

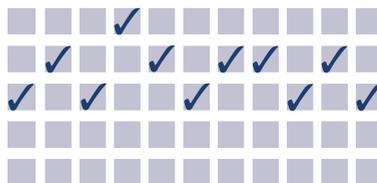
Freedom of expression is getting impacted by pressures from an entirely different direction – commercial interests – of late. In this context, a panellist drew attention to the fact that a strong bias had started creeping in media coverage due to the practice of paid news.

“Besides interventions from the State, various self-styled moralists often indulge in moral policing.”

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

2.4
(2009 = 2.1)

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

Haphazard interpretation of laws by enforcing authorities continues to be a problem.

There have neither been any new introductions of unduly restrictive laws nor repeals of the existing ones. But the panellists were generally of the view that since seeking redress was invariably a post-facto phenomenon; the inconsistencies in interpretation of existing legislations posed obstacles for media in carrying out responsibilities. These problems are faced by the print as well as the electronic media vis-à-vis the judiciary, the executive and the legislature.

"... pieces of legislation... are inconsistently used..."

The pieces of legislation that are inconsistently used the most include the Official Secrets Act (OSA), the Contempt of Court Act, the Police Act and the blasphemy law in the Indian Penal Code.

The editor is legally responsible for all that is published in his or her publication. This legal requirement is exploited when someone files a defamation suit against the publication with the intention to harass the editor. As pointed out by a panellist, many courts insist on the editor's physical presence during the hearing, which disturbs the regular functioning of the publication.

Another panellist said the pieces of legislation related to terrorism and security of the State were used as tools for repression against genuine activists by the

law enforcing authorities. As a result, propagation of views on matters of public interest had become difficult. The panellist informed that 35 organisations had already been banned by the authorities by invoking some provisions of these laws. A journalist reporting on the Naxalite/Maoist activities in troubled areas also had to face the wrath of authorities who contemplated invoking the provisions.

"... pieces of legislation related to terrorism and security... were used as tools for repression against genuine activists..."

The television channel CNN IBN conducts a popular programme called 'The week that wasn't' spoofing politicians' antics. Taking offence at one particular episode, Tamil Nadu chief minister Jayalalitha slapped a libel case in April 2013 against the channel.

In the state of West Bengal, chief minister Mamata Bannerjee is fondly referred to by her followers as 'Didi'. She too has often shown intolerance to criticism and recently objected to the mention of that term in a satirical play. The news media too was prohibited from reporting the incident, a panellist said.

Another panellist drew attention to Section 66 (A) of the Information Technology Act which had restricted individual freedom. The Act provides for imprisonment of up to three years, along with a fine, to a person found guilty of sending offensive messages by means of a computer resource or a computer device.

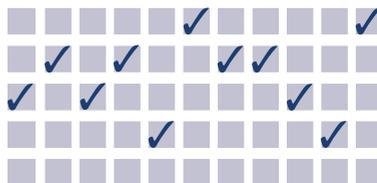
The panellists noted that the constitutional validity of Section 66 (A) of the Act was debatable because it was overly broad and was patently in violation of Article 19 (1) (A) of our Constitution. The fact that some of the transmitted information was grossly offensive and false (as stated in Section 66 (A)), could not be a reason for curbing the freedom of speech unless it was directly related to decency or morality, public order or defamation, it was felt.

Privileges of the legislature are a contentious area because they are not codified. A panellist said the greyness often created hurdles for reporters on the legislature beat, restricting freedom to report, and therefore the freedom of expression.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

2.5
(2009 = 1.7)

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

The panellists were unanimous in saying that the government is making no effort in this area.

A lot remains to be done to promote freedom of expression and the media within the country and across the borders. The Indian government is a signatory to many of the regional and international conventions on this issue. Among them are the United Nations' Universal Declaration of Human Rights of 1948 and the Revised Plan of Action on Information and Media- 2004, adopted at the South Asian Association for Regional Cooperation (SAARC). Unfortunately, not many people in the country are aware of what these documents contain. "The government is either ignorant or is deliberately not promoting the contents of any of these instruments", one panellist said.

Another panellist was of the opinion that the media too had to share part of the blame. "There have been instance of irresponsible behaviour by the media. This gives the government a handle to clamp down rather than promote the contents of the instruments", it was observed.

Although there is little forward movement by the government, the new media, riding the Internet, is making significant efforts to make people aware about international commitments on media freedom. Of course, this still did not absolve the government of its responsibility, felt the panellists.

The least that the government could do was to release advertisements through the Directorate of Advertising and Visual Publicity (DAVP) explaining to people that freedom of expression and that of media was their right. The government, in fact, does take the DAVP route when it wants to publicize its own schemes. But

one hardly ever sees a DAVP advertisement promoting freedom of expression as a right of the people.

There have been some efforts by member countries of South Asian Association for Regional Corporation (SAARC) to promote the South Asian Free Media Association (SAFMA). The SAFMA, in turn, has the following bodies: South Asian Women in Media (SAWM), South Asian Media Commission (SAMC), South Asian Policy Analysis Network (SAPNA), South Asian Journal (SAJ), South Asian Media Net (SAMN), South Asian Media School (SAMS), Production House, and Free Media Foundation (FMF). All these bodies have been set up with the noble objective of promoting trans-border freedom of expression and the media.

“...not many people in the country are aware of what these documents contain.”

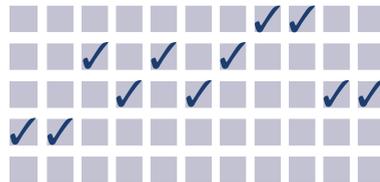
The panellists were of the opinion that these efforts had not been effective. Governments of all the SAARC countries were to be blamed for this, and the Indian government was not an exception.

Another impediment is the incoherence caused by bilateral arrangements between countries. These arrangements put brakes on the implementation of international covenants to which the countries concerned are a party. In South Asia, this problem is particularly evident in case of Pakistan and China vis-à-vis India. As things stand, only two journalists from each of these countries are allowed to be posted in each other’s territory at a time. This naturally affects the quality and depth of coverage, restricting thereby an adequate flow of voices and views across borders.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

2.5
(2009 = 1.8)

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

Although permission of the state authorities is mandatory to start a publication of any frequency, the procedure is more of a formality than a restriction.

Technically speaking, the office of the Registrar of Newspapers in India (RNI), based in Delhi, is authorised to issue the registration number and clear the title of the publication in response to an application from the prospective publisher. The application is routed through the District Magistrate who in turn gets the applicant's antecedents verified from the office of the Sub-Divisional Magistrate.

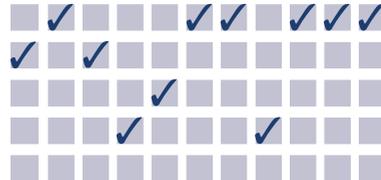
"...the procedure is more of a formality than a restriction."

The process sometimes takes take inordinately long to complete. Occasionally, an objection is raised to the choice of the desired title of the publication. Otherwise, the RNI rarely refuses permission.

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score 2013:

1.9⁵
(2009 = 4.2)

5 Please note that the big disparity in scores (in 2009 and 2013) creates an impression that the situation has worsened substantially since 2009. This was not reflected in the discussion. The disparity can therefore be attributed to the fact that the scores were given by two different sets of panellists in the two exercises.

1.6 Entry into and practice of the journalistic profession is not restricted by law.

“...in getting the PIB accreditation... new media and freelance journalists... encounter problems.”

At the entry level, there are no legal barriers. During practice, some screening procedures are followed by the State authorities, but they too are either occasion-specific or are carried out when journalists desire certain official approvals.

Any person wishing to join a media organisation can do so without the government coming in the picture. The entry is solely at the discretion of the media organisation. A person who wants to become a freelance journalist does not require even that affiliation. In fact, this ‘freeway’ practice has resulted in the profile of a ‘journalist’ becoming somewhat hazy.

Over the years, there has been a growing trend of print and audio-visual media organisations recruiting candidates who have had formal training. But the ‘new media’ is largely unorganised and hence, the journalists working in that space have not got into any kind of formal mode yet.

Practising journalists’ interface with the government occurs when they apply for government accreditation. The accreditation is required for approaching government offices to seek information or for attending high-security functions. The accreditation also comes handy when travelling journalists seek accommodation in government rest houses during the course of their work.

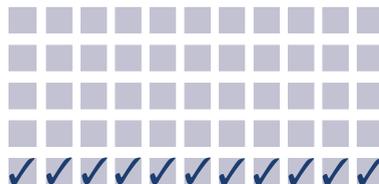
The Press Information Bureau (PIB) of the government of India carries out a routine security check through the Home Ministry when granting accreditation. Print and television journalists affiliated to established media organisations do not have much difficulty in getting the PIB accreditation but new media and freelance journalists do encounter problems. This naturally poses obstacles for them in seeking official information when carrying out journalistic work.

Though the government has not been able to fathom how it should tackle this issue, the number of citizen journalists as well as professional journalists working in new media has been growing rapidly. This pressure is expected to force the government to take some policy decision in foreseeable future. That will hopefully ease the professional constraints of citizen journalists and those in the new media.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

5.0
(2009 = 4.8)

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

Despite numerous pleas and campaigns by the civil society and the media, there is still no law protecting sources of information. Consequently, media's vulnerability persists.

In the last three years, several government scams exploded in the media. Some of them had nationwide ramifications. This underscored the need for an explicit legal provision to protect the identity of news sources.

Unfortunately there has been no progress in that direction since the 2009 Barometer.

In the absence of specific legislation protecting sources of information, the authorities sometimes resort to strong arm tactics. A panellist cited an instance in West Bengal related to the People's Committee against Police Atrocities (PCPA), an alleged front organisation of the Naxalites/Maoists in that state. Following the derailment of the train Jnaneshwari Express in 2010, a manhunt was launched for Chattradhar Mahato, a leader of PCPA. The panellist recalled how the PCPA was cajoled, pressured and finally forced by the authorities to reveal the whereabouts of its leader. In fact, many such incidents go unreported, some panellists observed.

"In the absence of legislation protecting sources of information, the authorities sometimes resort to strong arm tactics."

It is only when a journalist comes up with a convincing argument to not reveal the identity of the source that the courts do not insist on revelation. Although the Indian courts are generally protective in this regard, there have been cases where the journalists failed to convince the courts. Therefore, it was felt that only

a categorical statement from the Supreme Court on protecting the confidentiality of information sources will put an end to the problem.

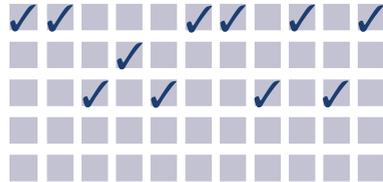
Government efforts have been weak and sporadic, exposing a lack of political will. As was discussed in the previous Barometer as well, the Law Commission of India had made a categorical recommendation in 1983 about protecting the identity of the source. Thirty years since then, the recommendation awaits implementation. Government of India has also not heeded the Press Commission and the Press Council of India in this regard.

A 2004 notification by the government offered immunity to government employees blowing whistle on corruption, exceptions being those in intelligence services and armed forces. In practice, it is observed that identities of the whistle blowers get exposed from within the government machinery itself. As a result, the informants get hounded and 'punished' in various ways. Also, common citizens, not employed with the government, remain outside the purview of the notification.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

1.8
(2009 = 3.1)

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

"...public information was guaranteed by law, it was not 'easily' available..."

The discussion on this topic revolved around the progress made in implementation of the Right to Information (RTI) Act of 2005. Awareness about the RTI has grown and the legislation is being increasingly used by common people in urban and rural areas to elicit information pertaining to any public authority. While the panellists were unanimous that public information was guaranteed by law, it was not 'easily' available- they agreed substantial progress was being witnessed despite the following hiccups.

An attempted increase in the fee for filing an RTI application was mentioned by a panellist as one of the recent negatives. The Madhya Pradesh and Chhattisgarh state government had proposed to hike the fees of filing an application from Rs.10 (ca EURO.12) to Rs.20 and Rs.15 respectively. The Chhattisgarh legislative assembly had even decided to charge Rs.500 (ca EUR6) as application fee to acquire information on the secretariat of the Vidhan Sabha. This proposal was criticized and therefore was not implemented.

"Lack of adequate staff ... as an excuse by many offices to deny information."

The state government of Maharashtra has made certain changes in the RTI. Accordingly, the RTI application to be filed in Maharashtra can have only five questions on one topic per application. Also, one question cannot exceed 150 words.

The text of the RTI application is now restricted to 500 characters in the prescribed column of the form. If the text exceeds 500 characters, only one sheet of paper can be used for the written application. Rest of the queries have to be uploaded online in a pdf format as a 'supporting document'. Although there is no limit to the number of queries in this format, the imposition of a word limit in the basic application was somewhat discouraging, the panellists noted.

Since, documents in government offices have now become subject to public scrutiny, there is a growing trend among government employees to avoid making notes on files.

Lack of adequate staff to go through the records is often being cited as an excuse by many offices to deny information.

"...civil society was accessing information... more aggressively and consistently."

The prime minister recently made a public observation that while his government was happy that the RTI was now firmly in place, a lot of frivolous information was also being sought through RTI applications.

The panellists wondered whether all these developments were indicating a possible clampdown by the State. One panellist observed that an element of subjectivity on the part of government authorities was creeping in when dealing with requests for information.

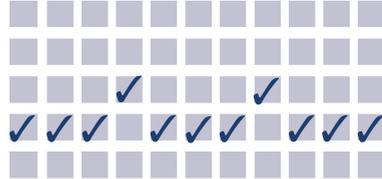
Recent changes in public interest litigation (PIL) rules have made it difficult for the common citizens to approach the courts. A panellist said her impression was that many courts saw the filing of PILs as a nuisance. There was a general agreement that all the obstacles notwithstanding, the civil society was accessing information a lot more aggressively and consistently.

Unfortunately, the same cannot be said about the media's use of the empowering legislation.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

3.8
(2009 = 2.4)

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

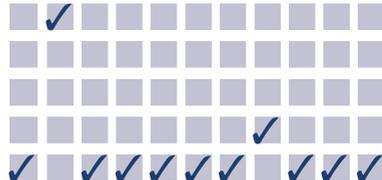
Citizens desiring to set up a website or start a blog are not required to register with or obtain permission from the government. In that sense, it is a freeway.

Technology has made it possible to locate the source of a website or a blog. Thus, even if a government permission or registration is not necessary, the government can access relevant information about websites or blogs from anywhere in the country. A lot of people in India do not have a computer or Internet access at their home or workplace. So they make use of the cyber café. The government has made it mandatory for cyber cafés to ascertain the credentials of the users and maintain a record. This data too is available to the government.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

4.5
(2009 = 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.

The Information Technology (IT) Act of 2000 provides for regulation of internet access but does not provide explicitly for blocking of websites or blogs. The Act was followed by a Gazette Notification by the Ministry of Communication and Information Technology in 2003 that provided for blocking of websites that promoted hatred, defamation, racism, violence, terrorism and pornography.

Observing that monitoring was an indirect form of restriction, a panellist pointed out that the State did restrict content from time to time by invoking the Police Act which allowed the authorities to take *suo moto* action against any content on the internet that they deemed inflammatory. Excesses on the part of the authorities tended to occur in this area and therefore there was a need to sensitise the authorities on what was objectionable (and should be blocked) and what was not objectionable (and therefore, should be allowed).

There has been no fresh piece of legislation in the last three years. But the State's discomfort with the free flow in the cyberspace came to light in December 2011 when Union Minister for Communication and Information Technology, Kapil Sibal sought to bring in a law that would empower the government with stringent measures. Sibal's statements sparked off an uproar. A fierce public outcry finally forced him to back off.

Besides official actions, there are also unofficial ways in which content on the internet can be blocked. The panellists came up with many instances of both kinds from the past three years.

Internet black out is a fairly recurrent phenomenon in Kashmir Valley which lives under a constant shadow of violence and cross-border terrorism.

Intermittent blocking of the internet is considered routine at election time. This was evident even during the Karnataka Assembly elections in May 2013.

Arindam Chaudhary runs the Indian Institute of Personnel Management (IIPM) which got embroiled in a controversy two years ago when students of the institute in some parts of the country staged protests against the management. An associate of IIPM filed an application in the court demanding that around

"...a need to sensitise the authorities on what was objectionable (and should be blocked) and what... not..."

70 web pages that published 'defamatory content' about the institute be banned, because they were hurting the business of IIPM. One of the web pages belonged to the University Grants Commission (UGC) which stated that IIPM was not recognized by the government body. The court ruled in favour of the IIPM but reviewed its verdict after the Government of India appealed against the ban.

"...the State's discomfort with the free flow in the cyberspace came to light..."

An Indian blogger based in Netherlands was unhappy with the way television anchor Barkha Dutt reported news about the Mumbai terror attacks and decided to blog his thoughts in 2009. The criticism was found unpalatable by the television journalist. So her legal team took up the issue with the blogger who finally withdrew the content and also issued an unconditional apology.

The Pirate Bay is a file sharing website that enables one to download unlimited amount of pirated media. It has millions of users all over the world who share movies, music and software. When a Chennai-based company found the pirated copies of some movies being shared on this website, it moved the court for an injunction. Subsequently, in May 2012, Internet Service Providers banned the Pirate Bay and other sharing sites.

In June 2012, the consortium of ISPs filed an appeal against the injunction, stating that only specific URLs carrying the pirated content should be blocked and not the entire website. The appeal was upheld.

The most noteworthy episode involving misuse of the internet and government intervention occurred in July/August 2012 when the cyberspace was wantonly abused by miscreants to spread misinformation about violence in Assam. The scare went viral and the country witnessed a massive exodus of Assamese and students from North-East to their home towns. It was only after the Central government ordered the blocking of more than 300 specific URLs that the situation was brought under control.

"Intermittent blocking of the internet is considered routine at election time."

On 5 December 2011, there were reports that the Indian government had asked social media sites and internet companies, including Google and Yahoo, to pre-screen user content from India. They were also reportedly asked to remove disparaging, inflammatory and defamatory content before it went online. The following day, Minister of Communication and Information Technology, Kapil Sibal held a press conference to confirm the reports. Seen as internet censorship, the move was widely criticized. Subsequent news reports revealed that Google was asked to remove about 358 items by the government. Of them 255 items were said to be critical of the government, a Google transparency report said.

they should. This evoked a sharp response from another panellist who placed the blame squarely at the door of the media. “The media is shooting itself in the foot due to some of the practices it follows and so the civil society cannot be faulted if it does not feel enthused on this issue”, the panellist commented.

“The cooperation between civil society members and media groups has improved in taking up issues of media freedom.”

In the last three years, the civil society steered a number of movements including those against corruption. The media generally played a significant role in supporting these movements for a variety of reasons. So it was really a case of quid pro quo, the panellists felt.

Three recent cases were mentioned where the civil society and the media came together to express solidarity for media freedom. A senior police officer from Mumbai was beaten up by some members of the Maharashtra State Assembly, following which the Editors of two Marathi television channels passed caustic remarks against members of the House. The issue came up in the House and breach of privilege motions were moved against the channel, IBN Lokmat’s editor Nikhil Wagle, and the other channel, ABP Majha’s editor Rajiv Khandekar on March 21, 2013, for allegedly painting in “poor light” legislators who were not involved in the assault. The entire media and civil society members came together to voice their protests against the privilege motions.

When Shiv Sena chief Bal Thackeray passed away in November 2012, Mumbai remained closed for a day. Two young girls named Shaheen Dhada and Renu Srinivas posted a comment on Facebook questioning the very logic of imposing the shutdown. Followers of the departed leader reacted sharply to the Facebook posts. As the situation threatened to become tense, the police arrested the two girls. Members of the civil society were aghast at the police action and put pressure on the Maharashtra government forcing it to go on the back foot.

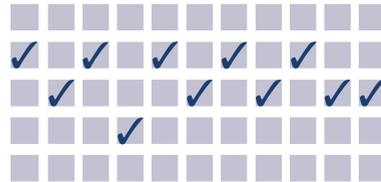
Aseem Trivedi, a political cartoonist born in Kanpur, was arrested in September 2012 on the charge of sedition when he drew cartoons of the Indian Parliament and the national emblem, which were found offensive by the government. Trivedi was known for his anti-corruption campaign ‘Cartoons against corruption’ and was a founder member of ‘Save Your Voice’, a movement against internet censorship in India. His arrest sparked off a nationwide uproar. The Press Council of India Chairman also defended him saying that he had done nothing illegal.

“The entire media and civil society members came together to voice their protests against the privilege motions.”

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

2.6
(2009 = 1.4)

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

No major media legislation has come up in the last three years.

Occasionally, the topic of bringing in a law to 'regulate' errant elements in the media did come up, but those noises emanated mostly from government circles and died down following sharp reactions from the media and the civil society who were apprehensive of the government motives.

The key issue continues to be whether media regulation should be done by the legislature and the executive or by the media itself. While government's involvement in the process of code of ethics is not desirable, attempts made by media bodies such as the Editors' Guild, the Press Council of India or the News Broadcasters Association to encourage their respective member organisations to follow a code of ethics have not been very effective. Citizens and interest groups have also not been active in this area.

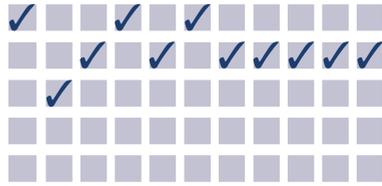
"The key issue continues to be whether media regulation should be done by the legislature and the executive or by the media itself."

The State has not initiated any meaningful efforts to encourage the media or other relevant institutions to engage themselves in sustained deliberations on the issue. In the absence of substantive efforts from any quarters, the process virtually remains standstill.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

1.7
(2009 = 1.9)

Average score for Sector 1:

3.0
(2009 = 2.9)

SECTOR 2:

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

Sector 2: 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, mobile phones) is accessible and affordable to citizens.

There was a general consensus among the panellists that the overall situation in this particular area had shown a marked improvement in the last three years.

"... regional language publications are also increasing in number and reach."

A wide proliferation of media outlets is evident in all the three domains -print, broadcasting and the internet. This is supplemented by a remarkable growth in outdoor media as well. Rise in print circulation, television subscribers and internet users reflects positively on the affordability factor.

Of course, the picture across the country is far from uniform. Considering the expanse and diversity of the media landscape, it is not unexpected. A lot of churning has started taking place across the spectrum. It will not cease in near future.

As of 31 March 2012, the total number of registered publications in India stood at 86,754. This included 4,545 newly registered publications in 2011-2012, alone. It marked a growth of 5.51% over the previous year.

Though newspapers in India are still sold at a fraction of their cost of production, the panellists observed that print publications had become more expensive for the readers. In some cases, fierce competition in the newspaper market had forced many owners to hold the cover price, but this had affected the quality of content.

There is an entrenched trend of newspapers launching multiple, local editions. This has disrupted the internal balance of news coverage of most publications. Thus, readers from major cities miss out on news from rural areas while subscribers from smaller places often miss significant news stories in the metros.

Regional language publications are witnessing a paradox. Though English is increasingly becoming a language of aspiration, especially for the young generation in most places, regional language publications are also increasing in number and reach. The panellists saw this as a welcome change for the citizens.

Television industry continues to show remarkable growth. The State-run Doordarshan's (DD) national and regional channels reach out to over 90 per cent of the population. The total number of private-owned television channels stood at 848 in December 2012. Of them, 393 were news and current affairs channels broadcasting in different languages.

This proliferation has facilitated a wide choice of information sources for the viewers at a cost that is much lower than that of print publications. However, there is a common popular grouse that compared to print publications, television news is highly opinionated.

The State/public broadcaster, All India Radio (AIR), has over 400 radio stations across the country through which it reaches about 99% of the population. In addition, there are 245 privately owned radio stations which are in operation.

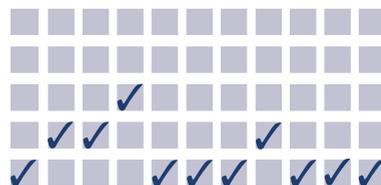
"... the number of people accessing information through internet will grow at a much faster speed."

Internet is the baby among the various media platforms but it is growing at a very rapid pace in India. According to the Telecom Regulatory Authority of India (TRAI), the total number of internet subscribers in the country on 31 March 2013 was 164.8 million, which was 14% of the total population. As smart phones become cheaper and popular, the number of people accessing information through internet will grow at a much faster speed.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

4.5
(2009 = 2.7)

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

It is a mixed picture. On the domestic front, the information flow is generally free except when the State feels it has reasons to clamp down in a particular situation. Restrictions persist on international media sources, especially vis-à-vis Pakistan.

“Restrictions persist on international media sources, especially vis-à-vis Pakistan.”

Restrictions are most frequent in the state of Jammu and Kashmir which is in constant turmoil under the shadow of violence and terrorism. The authorities block television signals while mobile phone services are jammed when trouble erupts.

In Tamil Nadu, the two popular television channels, Sun TV and Jaya TV, have political affiliations. As a result, either of the two channels encounters transmitting difficulties when an inimical government is in power.

The Cable Television Network (Regulation) Act empowers the government to impose bans. But not all bans are official.

Panellists reiterated that authorities in the government sometimes exert oral pressure on private cable operators to block certain signals. Even non-government entities indulge in the practice on occasions. For instance, television channels were forced to take entertain programmes off the air when Shiv Sena chief Bal Thackeray died in 2012.

Access to Pakistan TV (PTV), the state broadcaster of that country, remains blocked for 'security reasons' and also probably because Pakistan restricts transmission of Indian news channels in its own territory.

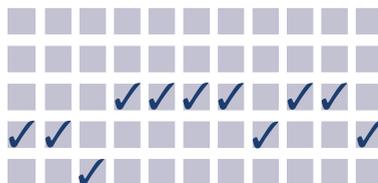
In the print domain, content exchange between domestic and overseas publications has increased. The panellists mentioned the arrangements between some of the leading newspapers and magazines in India with New York Times, International Herald Tribune, The Times (London), The Economist, Jung Group (Pakistan), among others.

The number of citizens accessing the internet to seek information from domestic and foreign media sources is also on the rise. A lot of content thus accessed gets circulated on social media platforms. There has been no concerted effort by the State authorities to arrest this flow.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

3.5
(2009 = 3.1)

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

There was no significant progress on this front in the last three years. While the government has shown no perceptible inclination to promote print circulation, private enterprises have mostly preferred urban areas for commercial reasons.

The business model of print media leans excessively on advertising revenue. Since prospective advertisers are interested in city markets, newspapers and other publications focus on expanding their urban circulation base rather than going to villages and smaller centres. There are two notable exceptions. The Tribune group of Punjab has been trying to build a rural base. The Sakal group from Maharashtra has launched a daily called *Agrowon* focusing on agricultural and rural issues.

"...newspapers and other publications focus on expanding their urban circulation..."

"...the government has shown no perceptible inclination to promote print circulation..."

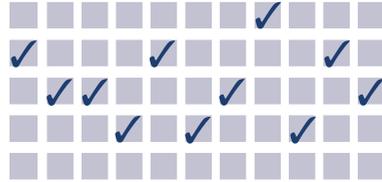
The office of the Director of Advertising and Visual Publicity (DAVP) releases advertisements to smaller newspapers as well, but the panellists observed that promoting rural circulation was not the focus of the DAVP policy.

Government publications other than dailies (that is, weeklies, fortnightlies and monthlies) are distributed to rural areas through the local self-government structure, popularly known as the Panchayat system.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

2.8
(2009 = 2.7)

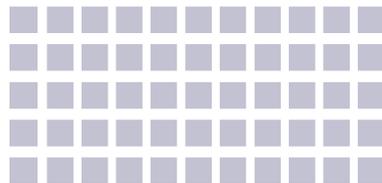
2.4 The editorial independence of print media published by a public authority is protected adequately against undue political interference

The State runs publications like *Yojana*, *Lokarajya*, *Employment News* whose mandate is to publicise government schemes. The question of political interference impacting the editorial independence of these publications does not arise because of the narrow scope of their work. In view of this, the panellists unanimously decided not to consider this parameter for scoring.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

N.A.
(2009 = N.A)

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

Barring a revision of ceilings on Foreign Direct Investment (FDI) in different arms of the media industry, the State has not progressed much on preventing media concentration and monopolies.

"...media entities had ignored the need for restrictions over ownership... because there was no regulatory authority to keep a check..."

The government had attempted to bring in a Broadcast Bill in 2006 to address the issue of ownership patterns and cross-media holdings. Since the Bill was aborted, the issue remains unresolved.

India's established media entities had ignored the need for restrictions over ownership and control because there was no regulatory authority to keep a check, it was felt.

The Telecom Regulatory Authority of India (TRAI) stated in its report of February 2013 that the government had not yet come up with restrictions regarding cross-media holdings/ownership across the print, television and radio sectors.

Till two years ago, two trade statutes with concurrent jurisdictions were in force – The Monopolies and Restrictive Trade Practices (MRTP) Act and the Competition Act. They were mandated to watch over the ownership monopoly in Indian industries. The MRTP Act now stands replaced by the Competition Act, but it has little focus on the media sector.

After conducting a detailed survey sponsored by the Ministry of Information and Broadcasting, the TRAI has made recommendations on the subject in February 2013. The highlights of the recommendations are:

- Political bodies should not be allowed to enter broadcasting activities.
- Religious bodies should not be allowed to own broadcasting stations or teleports.
- The broadcaster should not have control over distribution, and vice versa.
- The limit of the number of licenses held by a single entity should be described, the current restrictions being adequate for the time being.
- Guidelines on mergers and acquisitions should be prescribed in a manner to prevent media concentration and significant market power.

"...the Competition Act... has little focus on the media sector."

The Ministry of Commerce and Industry revised its FDI policy with effect from 1 April 2013. Accordingly, the following percentages are applicable for the media sector:

- Film industry: Up to 100%
- Radio: Up to 20%
- Print: Up to 74% (for scientific/ technical publications, specialty magazines/periodicals/journals)
- Print: Up to 26% (for newspapers and periodicals dealing in news)

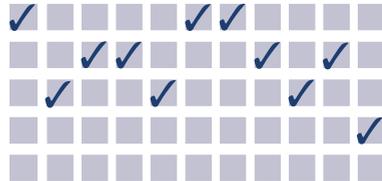
According to reports, the Central government is planning to raise the FDI limit for newspapers and periodicals dealing in news, up to 49%. The Indian Newspaper Society (INS) has agreed to the proposal.

The panellists were agreed on the need to check the media monopolies on a priority, even as they felt it remained to be seen how these developments pan out in future.

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score 2013:

2.2
(2009 = 1.3)

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

The panellists were broadly of the opinion that the government makes no conscious effort to promote a diverse media landscape.

Market forces dominate the media scene. Consequently, a panellist observed, “we are trending towards homogenization of the media offerings so that advertising can ride on it”.

A dissenting panellist stated, “we are not doing that badly...”, pointing to some government measures. For instance, the government was working on a fibre optic

"...we are trending towards homogenization of the media offerings so that advertising can ride on it"

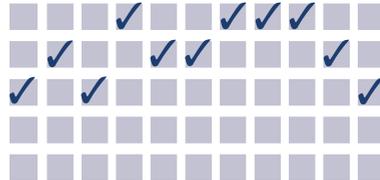
lifeline for new media which would enhance access to information for citizens. Digitization of cable in some states was also an effort in promoting a more liberal access to citizens.

However, other panellists viewed these measures differently, stating that while they would expand the media landscape, they wouldn't necessarily lead to promotion of diversity within the landscape.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

1.9
(2009 = 1.5)

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

There has been some improvement but women's voice still remains inadequately reflected in media. "Women-related issues find a better place compared to the past in the media. But there is no sustained coverage, nor is the canvas wide enough. Even now, it is a drop in the ocean", observed a panellist.

Rapes, murders and scandals involving women are covered extensively by the media. However, the tendency is to sensationalize the event. The overall tone of the coverage is sensational and often insensitive. In some cases, it is even skewed against women. "One gets an impression of the media running with the hare and hunting with the hound", a panellist commented.

"Even now, it is a drop in the ocean..."

Media coverage of a young woman's gang rape on 16 December 2012 in Delhi was generally found to be satisfactory by the panellists largely because it was sustained for a long

"Women-related issues find a better place compared to the past..."

time. In fact, once the civil society took up the issue, the media coverage acquired the character of a campaign against crimes against women.

"... media coverage suffers from lack of women's perspective substantially."

When women and men from across the country took out marches to protest the Delhi incident, a ruling party Member of Parliament derided the women protesters as "dented and painted women". He too came under severe fire in the media, it was recalled.

A panellist pointed out that while the Delhi gang rape became a big issue for the media, a similar incident that took place in a small town in Haryana around the same time did not attract much attention. This showed that certain biases still persisted in the media. Economic class of the subject was one of those biases, it was felt.

Indian society continued to be dogged by discrimination against women in many ways.

For instance, female infanticide was rampant in many parts. But the media coverage of all such issues was inconsistent and it was driven by incidents, the panellists felt.

When it comes to quoting news sources, the number of men exceeds that of women by a large margin. As a result, media coverage suffers from lack of women's perspective substantially. This was attributed by the panellists to the fact that the number of men in public sphere was far more than that of women.

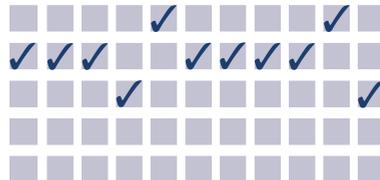
"...the new media (internet) offered much better gender balance."

Compared to other media platforms, the new media (internet) offered much better gender balance. Though one came across lewd comments and abusive language against women in the social media space, a large number of women had taken to blogging regularly, the panellists noted.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

**2.0
(2009 = 1.8)**

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

The panellists were unanimous in disagreeing that all media reflected the voices of society in its ethnic, linguistic, religious, political and social diversity.

The majority of the newsrooms contain persons from the upper castes and lack representation from several sections of the society. This imbalance was reflected in the media content, felt the panellists.

The panellists narrated numerous instances to support the point. Atrocities on people in the north-eastern region were not adequately reported by the national media. The media coverage also smacked of stereotyping of Muslims when the issue of terrorism came up in any part of the country. Slum-dwellers very often had to resort to public protest on serious issues like water shortage. Yet, the media rarely gave due coverage to those protests.

The panellists observed that whenever there was a choice between potentially sensational stories and socially diverse stories, the media invariably chose the former. And since there was no dearth of stories that appealed to the eyeballs, social diversity always took a backseat.

Thanks to the market-driven nature of the media, there was a tendency to homogenize the content to suit the advertisers' interests. As a result, the media either completely glossed over certain issues or offered scant coverage.

"...whenever there was a choice between potentially sensational stories and socially diverse stories, the media invariably chose the former."

A panellist recalled that a case of bonded labour at a place barely 200 kilometers from Mumbai had recently come to light, but the media did not pursue the issue the way it should have.

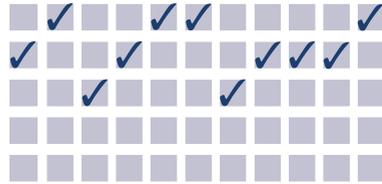
Another panellist quoted from experience. "Organisations often come across media biases regarding issues they take up, such as for example, the complete media blackout when an organization took up the issue of domestic labour", it was said.

Sit-ins or marches on religious issues got ample coverage and expression in the media. On the other hand, the media was rarely found to be enthusiastic when it came to covering similar actions on other social issues, a panellist stated.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

2.0
(2009 = 1.3)

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

Even though the country is taking big strides on the path of internet penetration through mobile phones and computers, there is still no formal and coherent policy on Information and Communications Technology (ICT).

The panellists saw this as a major shortcoming but they were more concerned with the absence of an essential ingredient - dependable supply of electricity – that would make the ICT policy relevant and meaningful.

“What is the point of an ICT policy when there is no electricity in villages...”

“What is the point of an ICT policy when there is no electricity in villages for a major part of the day!” exclaimed one of them.

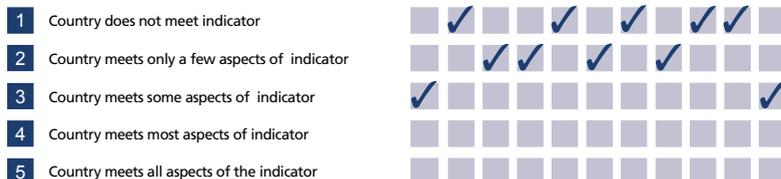
Central government departments have launched programmes to enhance internet usage. NICNET, a nationwide network steered by the National Informatics Centre (NIC) has been playing a pivotal role in promoting e-governance right down to the district level. Private enterprises in the IT sector too have been working closely with the government for the same purpose. Sensing that IT is a sunrise sector, individual citizens and educational institutions have also been pitching in a big way.

As of now, 14% of the people in India access the internet. Internet access on the mobile phones has also been on the rise.

A well-structured ICT policy and a steady electricity supply in cities and villages would accelerate it substantially, the panellists felt.

Scores:

Individual scores:



Average score 2013:

1.7
(2009 = 2.1)

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

There was a broad agreement among the panellists that the government did try to influence editorial content in the media through overt as well as covert means.

Of the total advertisement market worth Rs.80,000 crore⁶ (ca EUR9.4 billion) in the country, government's share was of Rs.5,000 crore (EUR590 million). This lent enough leverage for the officials to wield power over the decision making procedure for placement of advertisements.

The panellists mentioned instances from the states of Punjab, Haryana and Jammu and Kashmir where print publications and television channels were either unduly favoured with, or denied legitimate advertisements by the authorities.

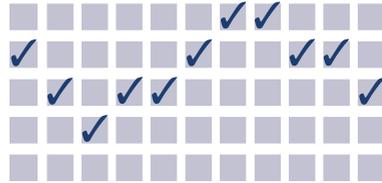
Many times, well-laid out policies remain unimplemented on paper as individual officers in the government machinery strike some 'understanding' with media houses or journalists and managers working in those organizations. The panellists chose to use the metaphor of 'gray train' to make their point that everyone involved stood to benefit from it, the official policy notwithstanding.

⁶ According to the Indian Numbering System, one crore is Rs.10,000,000.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

2.4 (2009 = 1.7)

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

The panellists were of the opinion that the advertisement market in India was 'extremely large' and hence capable of supporting media diversity.

"... women, children and youth comprise the targets of advertisers as they are the prime decision makers..."

According to the PwC report of 2012, the total advertising revenue in India in that year was Rs.322 billion (ca EUR3.82 billion) and was expected to grow by 14% to reach Rs.619 billion by 2017.

Of the total advertising market, the print share stood at Rs.70.84 billion and was projected to decrease by 15% in 2017. The share of television advertising was Rs.127 billion. It was projected to register a growth of 14% to reach Rs.243 billion by 2017. The radio advertising revenue which stood at Rs.15.3 billion was projected to grow by 16% to become Rs.31.5 billion in five years. The internet advertising was slated to grow the fastest. From Rs.23.1 billion, it was expected to grow at a rate of 28% to reach Rs.71 billion by 2017.

The outdoor media – billboards, hoardings, neon signs and so on, which are displayed in public places - is often forgotten in media related discussions. But the growth in this sector too is expected to be very impressive. In 2012, the advertising revenue in this sector was Rs.17 billion. By 2017, it was slated to grow at 11% to reach Rs.29 billion, according to the PwC report.

It has been observed that women, children and youth comprise the targets of advertisers as they are the prime decision makers in the family for various goods and services.

However, because of the constant bombardment of advertising messages targeting these segments, tastes were getting homogenised and wants were

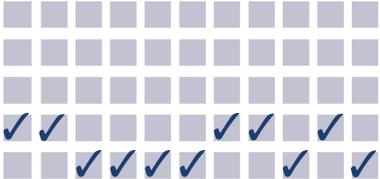
getting converted into needs, the panellists felt. On the other hand, many sections of the society such as the physically challenged or the mentally challenged simply did not figure anywhere in the advertisements.

The panellists also observed that advertising in the new media (internet) was increasing though it had not started eating into the share of other media platforms.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

4.5
(2009 = 3.9)

Average score for Sector 2:

2.8
(2009 = 2.2)

SECTOR 3:

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

Sector 3: 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.

Despite an impressive growth in the number of players in the broadcasting field, there is still no umbrella legislation dealing with the issues faced by the broadcast media. "Status quo is being maintained", observed a panellist.

In the absence of a comprehensive legislation, issues related to public, commercial and community broadcasting continued to be tackled on a case to case basis by the Ministry of Information and Broadcasting.

"In the absence of a comprehensive legislation, issues... continued to be tackled on a case to case basis by the Ministry of Information and Broadcasting."

As things stand, the Prasar Bharati Act, 1995 covers all public broadcasting functions. The Cable Television Networks (Regulation) Act, also promulgated in 1995, deals with distribution of satellite television signals and commercial activities. In the year 2006, the central government issued guidelines which govern all community broadcast functions.

Though the panellists generally felt the situation had neither improved nor worsened in the last three years, some of them observed that the public broadcaster (Doordarshan and All India Radio) was becoming less and less relevant. There is an onslaught of private players and the public broadcaster had been unable to keep pace with it, they said.

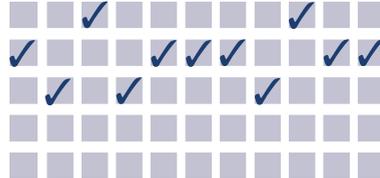
Community radio was seen as a welcome development. But it is trapped in red tape and the authorities came up with any excuse to deny a license. For instance, a panellist said, licenses for community radio were denied on the border of Chhatisgarh and Madhya Pradesh simply because that area was 'close to the red zone' where Naxalites were active.

Though the spread of community radio is limited, campus radio stations have proliferated in many parts of the country.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

2.1
(2009 = 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.

The much talked about Broadcasting Council of India has not come into being yet. As a result, the broadcasting sector continues to be controlled by the Ministry of Information and Broadcasting.

The functioning of the ministry was totally non-transparent and non-accountable. The civil society was not a part of the operations, said a panellist.

The ruling political dispensation at the Centre holds all the reigns. Since the process of decision-making and implementation is not open, the actions become

"...the broadcasting sector continues to be controlled by the Ministry of Information and Broadcasting."

questionable. The actions often invite criticism from other political parties and the media.

Scores:

Individual scores:



Average score 2013:

1.5
(2009 = 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.

“The composition of this regulatory body and the process of selection of its members leave little room for public accountability.”

There is no clear line of command that covers both, the public broadcaster as well as private television channels and radio stations.

Regulation of the public broadcaster is the responsibility of the Prasar Bharati Board. The very composition of this regulatory body and the process of selection of its members leave little room for public accountability.

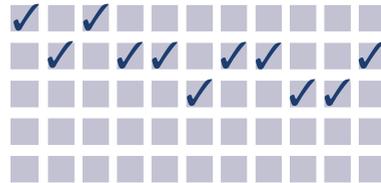
The board is not empowered to issue licenses for private television channels and radio stations. That privilege is being enjoyed by the Ministry of Information and Broadcasting in a highly opaque manner.

The panellists raised serious doubts over whether the licenses were issued with the objective to ensure fairness and promote public interest and diversity of views in the media space.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

2.1
(2009 = 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.

The Prasar Bharati Board, set up under the Prasar Bharati (Broadcasting Corporation of India) Act, regulates the public broadcaster, but it does not represent the society at large. The constitution of the Board is not done in an open and transparent manner.

Despite this structural flaw, however, the panellists said a change for the better was noticeable of late in the working of the two arms of the public broadcaster – Doordarshan and All India Radio.

“The atmosphere is far more conducive to discussion in Doordarshan than in private channels”, observed a panellist.

“The atmosphere is far more conducive to discussion in Doordarshan than in private channels.”

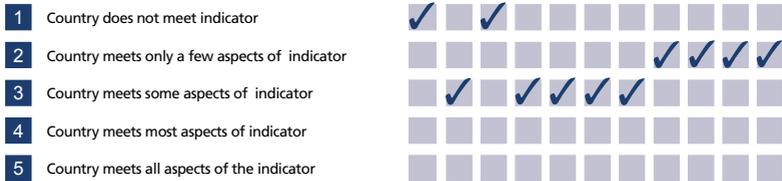
The Prasar Bharati Act stipulates that Chairman and other members of the Board, except the ex-officio members, nominated members and elected members, shall be appointed by the President of India on the recommendation of a committee consisting of the Rajya Sabha chairman, the Press Council of India chairman and a nominee of the President of India.

There was a broad agreement that the Prasar Bharati Board comprised lot of credible people at present. Though they may not be able to function effectively in the given set-up, their mere presence on the Board and participation in deliberations apparently had a positive effect on the public broadcaster.

However, the panellists were of the opinion that the relatively better performance of Doordarshan and AIR at present could be an aberration and it should not distract from the need for making the Board open and accountable to the public.

Scores:

Individual scores:



Average score 2013:

2.2
(2009 = 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.

The Prasar Bharati Board does not have representatives of political parties. But there is no specific provision in the Prasar Bharati Act to bar their induction.

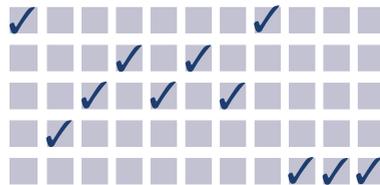
The Board also does not have individuals with overt financial interests in the broadcasting industry.

The panellists were of the opinion that a specific provision was needed in the Act to disallow appointment of political personalities on the Board because their presence may affect the credibility of the Board.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

2.9
(2009 = 1.8)

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

The state/public broadcaster is under control of the State through the Prasar Bharati Board (constituted under the Prasar Bharati Act) and therefore it is presumed that its editorial immunity from political influence cannot be guaranteed.

The panellists however said Doordarshan and All India Radio at present showed more diversity of views than in the past. One of the possible reasons for this relative openness was the increased competition from private broadcasters.

"...you're told at the public broadcaster's office not to speak against the government."

"...despite these shortcomings, the situation at the public broadcaster was better than that in many private channels."

There is nothing in writing that smacks of political influence, but nor is there an explicit written guarantee against such influence.

Drawing from personal experience, one panellist said "you're told at the public broadcaster's office not to speak against the government. This shows that they follow a certain agenda".

Another panellist recalled that when she wanted to review a controversial book written by Salman Rushdie on the AIR, she was specifically instructed by the officers there not to do so. Anything that was perceived to be actually or potentially offensive was not welcome, it was felt.

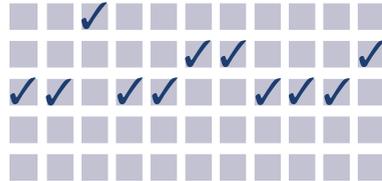
The panellists opined that, despite these shortcomings, the situation at the public broadcaster was better than that in

many private channels. Every channel had some kind of agenda and sometimes that agenda was laced with political interests, they stated.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

2.5
(2009 = 1.0)

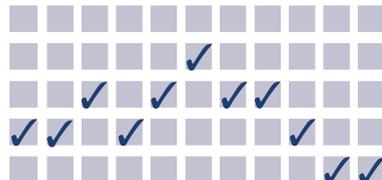
3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from all commercial pressure.

There was adequate budgetary funding to the state/public broadcaster, said the panellists. Doordarshan (DD) and AIR also earned substantial advertising revenue. The annual operational cost of Prasar Bharati, which is the operational body of DD and AIR, was Rs.2800 crore (EUR332 million) in 2012. About Rs.1500 crore (EUR176 million) were generated in revenue of which Rs.300 crore (EUR35 million) came from advertising. Rest of the revenue came from sharing of the advertising money with the private sector. Doordarshan receives 25% of the advertising revenue earned by private broadcaster which holds or owns the original content right, whereas AIR earns 50% of the share.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

3.6
(2009 = 3.2)

3.8 The state/public broadcaster is technically accessible in the entire country.

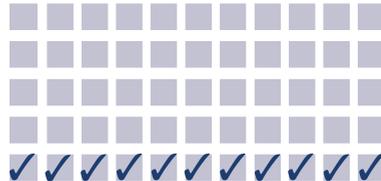
Thanks to a combination of terrestrial and satellite distribution methods, the state/public broadcaster is now technically available throughout the country.

The Doordarshan signals reach out to 91.7% of the Indian population through its 1413 transmitters. Under the Cable Television Networks (Regulation) Act of 1995, cable operators are also required to carry two DD channels in the prime band. The AIR programmes can be accessed by 99.2% of the population.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

5.0
(2009 = 4.6)

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

The panellists agreed that the state/public broadcaster offers diverse programming formats generally catering to all interests. There are, of course, certain gaps which remained unattended, deliberately or otherwise.

Of the three basic functions of the media, the information dissemination quotient of DD and AIR has remained more or less unaffected. The education component has come down a little but the entertainment share has gone up substantially.

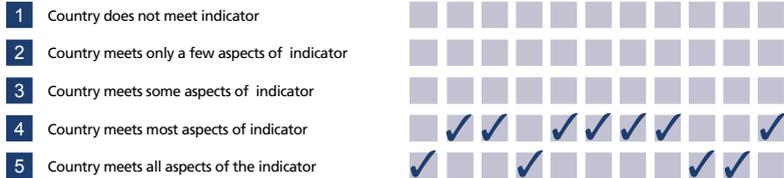
India is a vast country harbouring multiple cultures and it is tough to balance the content package across them. But DD and IAR had been making conscious, sustained efforts to present programmes based on different art forms, classical music, folk art, and so on.

“The education component has come... the entertainment share has gone up...”

The quality of these programmes was good and so was the technical aspect of programming, the panellists felt.

Scores:

Individual scores:



Average score 2013:

4.4
(2009 = 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.

The state/public broadcaster offerings have two benchmarks. One, its own performance in the past. Two, functioning of privately-owned media players. As such, the assessment could only be in relative terms, felt the panellists.

“Leading a story or breaking a story is anathema to DD and AIR.”

The attempt to be fair and balanced in the news and current affairs programmes was perceptible. Though DD and AIR did not offer the whole range of newsworthy information and analysis, they certainly gave a flavour to that effect.

Some panellists said that while there was certainly some improvement in the offerings, the effort suffered from a lack of consistency. This restricted the impact value of the programmes.

“Leading a story or breaking a story is anathema to DD and AIR. They rarely break fresh ground or seek to set an agenda. The focus is always on following up on events and developments”, a panellist observed.

One of the possible reasons for this sedateness was that most of the key positions in the public broadcaster were filled by government officers from the information service who had little experience in hard-core journalism. Therefore they chose to play safe and pursue only matter-of-fact coverage.

The state/public broadcaster was occasionally required to cover contentious issues. According to the panellists, the general tendency here was to steer clear of the controversy, or present a sanitized version of the situation.

As it had happened with the private sector media, the rural and urban poor had been 'wished away' from the Doordarshan screens, it was felt. This was true of the national as well as regional channels of DD. But the panellists thought it was probably happening sub-consciously under the influence of the overall media climate prevailing at present.

There was unanimity that certain subjects were taboo for the state/public broadcaster. The example of Robert Vadra was cited in this regard. Vadra is the son-in-law of Sonia Gandhi, president of the ruling Congress party. He was embroiled in a big controversy involving purchase and sale of huge stretches of land in Haryana worth crores of rupees. The alleged irregularities took place with government patronage. Ashok Khemka, the government officer who blew the whistle on the deal, was shunted out.

Because the issue involved the so-called 'first family' of Indian politics along with the executive and politicians in power, it captured headlines in the privately owned print and electronic media for several days. But the public broadcaster simply ignored the whole thing, the panellists observed.

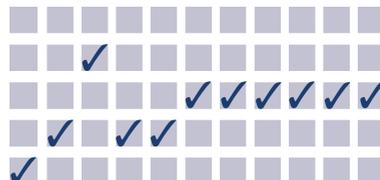
Barring situations like this, the news coverage and current affairs programming of various issues on the state/public broadcaster was rarely disproportionate. Unlike the private channels, there was also no opinionated reporting on DD and AIR, it was felt.

"...the general tendency.. was to steer clear of the controversy, or present a sanitized version of the situation."

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

3.4
(2009 = 2.8)

3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

The state/public broadcaster has an impressive, countrywide infrastructure in place. It applies to both, DD and AIR. Therefore, offering diverse programmes with local content is not constrained. This is evident from the large number of local, talented persons accessing the two platforms to present their wares.

“They do not go out much, especially among the rural communities, to look for subjects and do programmes.”

However, the panellists felt that there was no transparency in allocation of shows to private producers. The procedures were well laid out but adherence to the procedures was suspect, according to them. Consequently, many creative persons still remained outside the talent pool of DD and AIR. There was room for improvement, was the general consensus.

The panellists agreed that the quantum of indigenous content on the state/public broadcaster had gone up substantially, but the same could not be said about the quality and creative aspect of the content, they said.

Lack of pro-activeness by the state/public broadcaster to look for diverse local inputs also came in for criticism of the panellists. “They do not go out much, especially among the rural communities, to look for subjects and do programmes”.

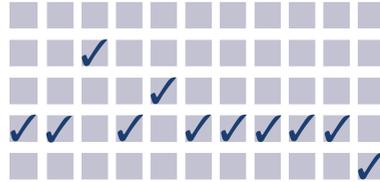
Private broadcasters had stepped up their coverage of civic issues. Doordarshan and All India Radio had been producing and broadcasting socio-cultural programmes in a big way. But they had not yet shown an inclination to match the private players in adopting a pro-active approach in the ‘news and current affairs’ domain, it was felt.

Economic issues did not constrain these improvements. It was merely a question of showing active willingness, the panellists stated.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

3.8
(2009 = 3.8)

3.12 Community broadcasting enjoys special promotion given its potential to broaden access by communities to the airwaves.

The panellists were unanimous that while community broadcasting supposedly enjoyed special promotion by the State on paper, the reality was different.

“Airwaves are still not public property and are still in the hands of the State”, they observed. Getting official clearance for starting a community radio station continues to be as time consuming and complicated as it was earlier.

“Airwaves are still not public property and are still in the hands of the State.”

The Central Government announced its policy decision on community radio in December 2002 and issued guidelines four years later. Since then, 1238 applications for starting on-air activity have been received from various entities. A letter of intent was issued in 436 cases. While the Grant of Permission Agreement was signed with 193 applicants, 574 applications were rejected. At present, 152 community radio stations are in operation as against 38 in 2009. But 228 applications are still pending a decision.

“The phenomenon of community radio is in an early stage.”

The panellists lamented the tardy pace of processing the applications. Many voluntary bodies working on a no-profit basis for the community had an excellent track record. They were interested in starting a community radio since it would enhance their reach and help their

work in a number of ways. In fact, this positive effect was already evident in places where other such organisations had been running a community radio station.

“But the red tape in the clearance process is proving to be a big discouragement for the genuine, aspiring groups”, the panellists said.

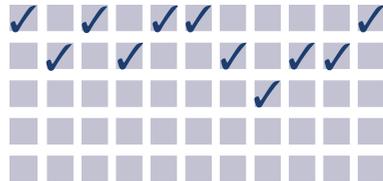
The phenomenon of community radio is in an early stage. The government holds tight reigns on the licensing procedure. This, coupled with infrastructural constraints, has restricted the spread of the citizen-friendly medium.

The issue of financial viability of the community radio stations had also remained unresolved, they noted.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

1.6
(2009 = 2.2)

Average score for Sector 3:

2.9
(2009 = 2.4)

SECTOR 4:

The media practice high levels of professional standards.

Sector 4: 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.

Several media bodies exist that perform all the three functions voluntarily – formulating codes of conduct, monitoring implementation, and addressing complaints from media consumers. Some of the most prominent among them are the Press Council of India, the News Broadcasting Standards Disputes Redressal Authority and the Consumer Complaints Council.

“The media has consistently resisted brazen or subtle attempts by the State to assume powers of regulation.”

The media has consistently resisted brazen or subtle attempts by the State to assume powers of regulation, sticking to its preference for self-regulation. The self-regulatory bodies operate at different levels.

Many issues crop up when gathering news-worthy information in the field. Guidelines issued by the Reporters’ Guild help its members perform their task with professional standards. The Editors’ Guild meets regularly to review the scene and guide the journalistic fraternity. Working journalists’ unions and press clubs operational at the city, state and national level also play a role, but “there is no uniformity in their style of working”, the panellists observed.

While individual publications and television channels had articulated their own code of ethics for staffers, some leading newspapers like The Hindu had appointed an Ombudsman for readers to approach if they felt aggrieved by any part of the published content, a panellist pointed out. Many television channels ran a scroll on the screen inviting viewers’ feedback if they found anything objectionable in their programmes, another panellist said.

If the print readers or television viewers are not happy with these internal mechanisms for redressal of complaints, they have other options.

The Press Council of India, set up in 1966 on the recommendation of the First Press Commission is a quasi-judicial, statutory, autonomous body, headed normally by a retired judge of the Supreme Court. It is mandated to safeguard freedom of the press and ensure high professional standards which include readers’ right to reply and seek redressal if a particular publication has ‘wronged’ them. The Press

Council has an elaborate procedure in place for the purpose and it conducts regular hearings throughout the country.

Private news channels came together to establish the News Broadcasters Association (NBA) in 2007 to facilitate the objective of self-regulation. The NBA in turn set up the News Broadcasting Standards Disputes Redressal Authority (NBSDRA) to look into viewers' complaints.

The advertising sector in the country has been growing at a rapid pace and attracts criticism from readers and viewers from time to time. The Advertising Standards Council of India (ASCI) was set up in 1985 to promote self-regulation in advertising with the support of all stakeholders including advertisers, advertising agencies, media (broadcast and print), public relations agencies, and market research companies and so on. The ASCI formed a Consumer Complaints Council (CCC) to facilitate self-regulation in advertising. The CCC received and decided on 304 complaints against 204 advertisements in July 2013.

"...the frequency with which the media transgressed the code of ethics was alarming."

Despite all these voluntary measures, the panellists said, the frequency with which the media transgressed the code of ethics was alarming. This was because none of these bodies had the force of law and were therefore rendered toothless. They quoted instances where some publications were required to publish an apology. But they chose to do so in an obscure place so that most readers would miss it.

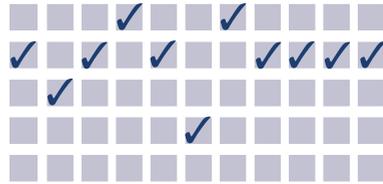
The Radia tape controversy of 2011 and its aftermath were discussed in some detail by the panellists. Neera Radia was a high-profile public relations practitioner in Delhi who liaised on behalf of some leading business houses in the country. Suspecting that she was influencing government policies in favour of the business houses, the Income-tax Department recorded her telephonic conversations. (The calls were recorded by CBI in 2008-09, but the story was first reported in 2010 by Open Magazine.) The recordings revealed that Radia was also in regular touch with many prominent print and television journalists during the entire episode. Following a nationwide uproar, the Editors' Guild and other bodies did take up the issue, but the outcome failed to satisfy a large number of people from within the media and outside, the panellists noted.

One panellist recalled that the news anchor on a channel was regularly recommending the stocks of certain companies. Following complaints from viewers, the channel issued a cautionary letter to the anchor. "But nothing changed even after that".

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

2.1
(2009 = 2.0)

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

"...five publications report five different figures of casualties."

The panellists voiced general dissatisfaction with the standard of reporting because it often fell short of expected levels of accuracy and fairness.

Speed of reporting had become the catchword and since everybody was in a rush to break news, mistakes were being routinely made, they observed. "Reporting an accident is a fairly straightforward affair. But even there, five publications report five different figures of casualties". The situation in audio-visual media was worse as they were required to report in real time.

One panellist cited how a leading television channel had erroneously beamed the photograph of a former Supreme Court judge in connection with an unrelated story. The former judge issued a defamation notice against the channel and demanded a hefty compensation. Other channels too were committing mistakes but not all aggrieved parties took up cudgels against the channels, he opined.

Inaccuracies, exaggerations, distortions and misinformation were the four banes of reporting mentioned by the panellists. These shortcomings led to grave consequences when the media dealt with contentious issues.

The panellists lamented that media's inaccuracies were not limited to breaking news situations where the time pressure was immense. The inaccuracies crept even into structured stories and planned interviews. When the mistakes are brought to the notice, the media

"When the mistakes are brought to the notice, the media outlets sometimes chose to turn a blind eye..."

outlets sometimes chose to turn a blind eye, they said. There were very few exceptions like The Hindu newspaper where the rigour of checking and presenting facts still persisted, it was felt.

Another problem was that of opinionated reporting. The panellists said the dictum that ‘facts are sacred and comment is free’ was now a thing of the past. In fact, mixing facts and opinions had become the new norm, they observed.

Some panellists attributed the fall from standards to laziness on the part of media houses. Till some time ago, there used to be a regular process of briefing and de-briefing between a field reporter and his or her superior when doing a news story. Filtering of accessed information was also done religiously. It had been abandoned of late. When a panellist insisted that the practice was still in vogue, another wondered, “If that is the case, why are there so many inaccuracies?”

In many media outlets, the editorial staffs were not given the required training before being put on the job. This got reflected not just in the quality of reporting but also in the language in which the story was narrated, the panellists said.

Besides unintentional mistakes, the media content also suffered from biases and hidden agendas, according to some panellists. One panellist said the reporter of a Marathi channel was asked to get a quote from a particular source in ‘pre-decided words’. This was akin to playing a puppet show. When the reported refused to toe the line, he fell out of favour with the seniors, and eventually quit the job.

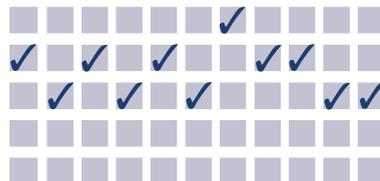
The panellists felt media consumers were becoming aware of the ways of the media and they included people from cities as well as rural areas. As a result, the media was losing its stature gradually, they said.

“... media content also suffered from biases and hidden agendas...”

Scores:

Individual scores:

- | | |
|----------|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score 2013:

2.4
(2009 = 2.5)

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

There was a broad consensus among the panellists that the expanse of media coverage was large enough to include events and developments related to business, economics, culture, civic issues, and investigative stories and so on.

"...three Cs dominate the media content: Cricket, crime and cinema."

"But three Cs dominate the media content: Cricket, crime and cinema. An event is not covered if the media does not find it 'sexy' enough", said a panellist.

Development journalism was not a broad stream but it was definitely being practised in various pockets. The panellists recalled The Hindu newspaper's P Sainath as a prominent name from this stream.

Business and economics were being covered extensively but labour issues received scant attention from the media.

An exception was the labour unrest witnessed in the manufacturing plant of Maruti Suzuki car company at Manesar in Haryana on 19 July 2012. Following a disagreement with the management, workers in the plant went on a rampage, burning to death the company's general manager for human resources. Ninety one workers were arrested later. The incident received wide coverage in print and audio-visual media. Barring incidents of this kind, labour reporting had all but died out, it was felt.

The panellists attributed this to the developments in the 1990s when big bucks flowed in to the wide spectrum of business world including media. Since then, an impression had come to stay that trade unionists were goons who had hampered the economic progress.

The coverage of international developments was very sparse, it was felt. Instead of posting or sending reporters to foreign destinations, there was a tendency to borrow content from overseas publications like the New York Times or The Times (of London). Many publications, especially from regional languages, rampantly picked up from websites without subscribing to them, the panellists said.

Local and regional language newspapers were closer to the day-to-day life of people and they generally did better investigative stories than the national dailies, the panellists observed.

"...efforts... by many media houses to do investigative stories... there were very few follow-ups..."

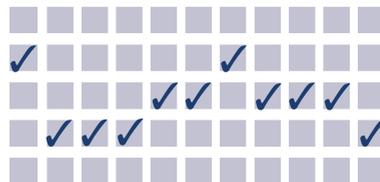
While the panellists were happy that conscious efforts were being made by many media houses to do investigative stories, they regretted that there were very few follow-ups on such stories.

It was noted that online media had started making deep inroads in virtually all the fields where the traditional media had been operating thus far. Besides the websites of almost all leading newspapers, magazines and television channels, a large number of standalone-portals and blogs had also proliferated. Social media platforms like Facebook and Twitter had been taking big strides. This had facilitated a multi-directional flow of news and views on all subjects, the panellists observed.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

3.5
(2009 = 3.4)

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

Compared to the situation of two or three decades ago, things have definitely improved, but they haven't changed significantly in the recent past, the panellists concurred.

The journalists who sought to actively pursue the agenda for equal opportunities across the board were not liked by the employers. So the progress had become tardy, it was felt.

Most of the editors in print and audio-visual media were from the upper castes and members of the newsrooms too did not have adequate representation from several sections of the society. These included the minorities, the lower castes and people from north-eastern parts of the

"When there is a disagreement with a woman on some issue, it is the woman who gets attacked, not her point of view..."

their juniors had started exercising self-censorship, observed the panellists. This manifested in selection of stories, lending them a particular angle, and placing them in the publication or in the television programming as the case may be.

Private treaties, a quid pro quo arrangement between advertisements and editorial content were started by a leading media group in the country over a decade ago. Initially, there was uproar, but the practice had now become a norm not only in that media house but in several other media outlets as well. "Editors and journalists see prominent advertisers as holy cows who should be handled with utmost care", said a panellist.

"There is a constant fear of losing advertising money if the editorial content rubbed the advertisers the wrong way..."

The panellists cited instances of journalists working in tandem with advertising/marketing managers in acts of omission and commission vis-à-vis news sources/advertisers. They recalled the case of a sting operation done by a business house on a well-known television channel that allegedly sought to strike a 'deal'.

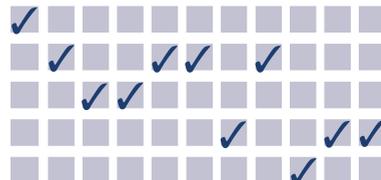
National security was also treated as sacrosanct and journalists sometimes observed undue self-restraint when reporting or commenting about issues directly or indirectly related to that topic, the panellists said.

Editors and journalists feared for their life in some parts of the country which were afflicted by terrorism, insurgency or violence. This affected their work particularly in the north-eastern region and the state of Jammu and Kashmir, the panellists pointed out.

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score 2013:

2.9
(2009 = 2.3)

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

There was a consensus that the interference of owners of established mainstream private media in editorial independence had increased in the recent past.

“Private media is worse than the public sector media in this regard”, commented a panellist.

Introduction of the private treatise by a leading media house in the country had set an agenda and other media outlets had already taken that path. Private treatise was just a ruse to legitimize owners’ interference (through marketing representatives) in the editorial affairs of the publication, the panellists stated.

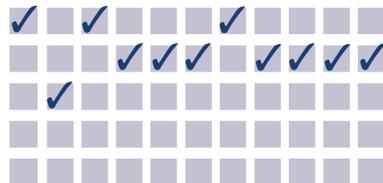
“Money is the motive behind this interference, and not public service. As a result, the hallowed institutions (media houses) have fundamentally changed and this is really tragic”, they lamented.

Besides money, wielding power in politics and other fields was another motive of most media owners. Earlier, they used to exercise their influence through the editors they appointed. But now they had taken a short route. The panellists cited the examples of several media houses where the owners had usurped the editorial role by designating themselves as managing editors. This gave them legitimacy as their actions could no longer be termed as ‘interference’, but as instructions from the editor.

Scores:

Individual scores:

- | | |
|----------|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score 2013:

1.8
(2009 = 1.8)

4.7 Journalists and media have integrity and are not corrupt.

None of the panellists was of the opinion that journalists and/or media houses were immune to corrupt practices.

The Radia tapes controversy (mentioned in 4.1) and the alleged extortion attempt by a well-known television channel (mentioned in 4.5) were cited as the two biggest examples of lack of integrity on the part of journalists and media houses.

Fierce competition among media houses impacted journalists too, sometimes resulting in jeopardising the latter's well-being. The episode concerning the murder of Mumbai-based journalist J Dey was mentioned in this regard. Dey, a senior crime reporter working with a daily, was shot dead on 27 June 2011 by contract killers on a Mumbai street at the behest of the mafia. Investigations into the crime led to the arrest of another journalist, Jigna Vora who was working on the same beat with a rival newspaper. The investigating agencies said in the charge sheet that Vora had provided vital information to the mafia on the whereabouts of Dey on the day of the incident. She was later released on bail but the case is still pending in the court.

One panellist recalled how a multi-national soft drink manufacturer had influenced the media with hefty gift hampers in a bid to ensure favourable coverage for its attempt to set up a plant in a water-starved rural area.

Talking of freebies like gifts and junkets, another panellist said many teachers in media schools and seniors in media houses told their wards that it was alright if they accepted the freebies so long as they went ahead and wrote what they deemed fit. "This is very dangerous as it gives the youngsters wrong ideas about the profession and about their own role in it", the panellist said.

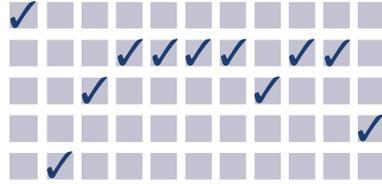
In many media houses, the reporters routinely shared the booty with their editors so that the whole show could keep running smoothly. This was eroding the public trust in the media as well as the journalist fraternity, it was felt.

"...teachers in media schools and seniors in media houses told their wards that it was alright if they accepted the freebies so long as they went ahead and wrote what they deemed fit. ..."

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

2.5
(2009 = 2.1)

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

The salary levels of journalists are far from adequate and the working conditions for media practitioners in general have also worsened progressively. According to the panellists, this was particularly true at the entry level and in small towns.

"...the stringers tended to focus more on their role as advertisement executives."

"The entry level salaries in many newspapers are around Rs.3,000(ca EUR35) to Rs.5,000 (ca EUR60) per month. Those in some of the television channels are somewhat better – about Rs.12,000 (ca EUR140) to Rs.18,000 (ca EUR210) per month", informed a panellist. (For comparison, one can buy four or five loaves of bread for EUR1 in most Indian markets.)

In small outfits, the salaries of staffers were not paid on time. The condition of stringers (part-time journalists working in villages or small urban localities) was worse. They were paid on a per-story basis. Moreover, they were asked to get advertisements for which they received a commission. This naturally compromised the quality of their reporting.

Since the money made from the commission on advertisements was more lucrative than that earned on news reporting, the stringers tended to focus more on their role as advertisement executives. In fact, some of them were not really concerned on their journalistic remuneration as they leveraged their position to blackmail people and extort money. "All that they want is an official identity card from the media house

"A switch from wage board-based recruitments to contractual appointments had already deprived the journalists of a safety net."

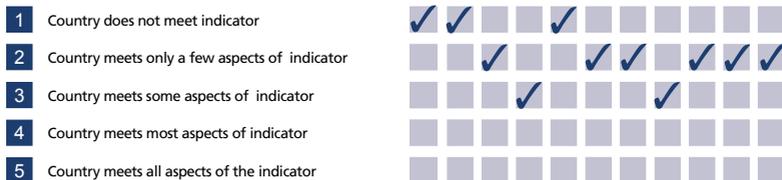
because it gives them some kind of legitimacy when dealing with people”, observed a panellist.

The panellists felt the discriminations were being perpetuated to a great extent by the entrenched practice of recruiting journalists on contract. Unlike the age-old wage board system where designations and remunerations were well-structured and therefore transparent, contractual arrangements between the individual journalists and their employers were shrouded in secrecy. Employees were made to sign on a confidentiality clause which prevented them from sharing any information.

A switch from wage board-based recruitments to contractual appointments had already deprived the journalists of a safety net, and its impact was felt most tellingly when more than 2,500 journalists lost their jobs in Delhi and Mumbai in the last four years.

Scores:

Individual scores:



Average score 2013:

1.9
(2009 = 2.1)

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

There has been little improvement in the creation of in-service training facilities for working journalists.

While there are no noteworthy training courses run by universities and independent media schools for professionals in the field, for media organisations too this is not a focus area. Thus media professionals, irrespective of their knowledge base when they entered the profession, are mostly left to fend for themselves as they move on the career path.

A panellist recalled that the Indian Institute of Mass Communication (IIMC) and the British Broadcasting Corporation (BBC) had collaborated to train working

journalists. There were no fees for the course and the trainers were good. Yet, the response was poor because media organisations did not allow their journalists to attend citing work pressures in office.

By and large, media organisations were reluctant to spare their staffers for training, the panellists agreed. Media professionals, on their part, did not want to take leave from work to attend long-duration courses for the fear of falling behind their office colleagues during their absence.

“A mismatch between what was taught in media schools and the requirements of the profession was a problem most media organisations had come to live with...”

Though some media houses had their own training schools for fresh, aspiring professionals, very few had facilities for skill enhancement of those who were already working with them. Besides the costs of training the journalists, the likelihood of the journalists not staying with the organisation for long was also said to be a factor. This shortcoming was badly affecting the quality of media content and presentation because the rapidly changing media scene demanded regular upgrading of skills, the panellists felt.

There is a proliferation of media schools for entry-level professionals. Their curriculum looked good on paper. However, many of them relied far too heavily on visiting lecturers coming from the media world whose priorities were different. Also, most of the full-time trainers in these institutes had been out of the profession for a

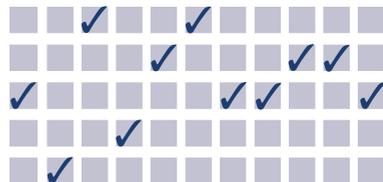
long time and had therefore lost touch with the current ground realities.

A mismatch between what was taught in media schools and the requirements of the profession was a problem most media organisations had come to live with, the panellists said.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

2.6
(2009 = 2.1)

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

“The trade union movement is dead”, agreed the panellists.

On paper, trade unions of journalists and media professionals do exist in some places but they are either defunct or focus on welfare activities rather than hard core trade union issues.

The panellists attributed the waning of the trade unions to two factors. One, following the advent of market-oriented economy in the country in the 1990s, trade unions came to be seen as a nuisance or hindrance. Therefore an anti-trade union mood became prevalent in all sectors including the media. Two, the switch from wage board-based appointments to contractual recruitments were now fully entrenched. “There is a clause in most of these contracts which prohibits the journalists/media professionals from joining a labour union. Although the clause is bad in law, it has been accepted in practice”, a panellist said.

Besides the ‘trade unions’, journalists and media professionals join professional clubs. These associations are generally engaged in cultural activities and programmes like conducting health check-ups for their members. They rarely serve as platforms to discuss and fight for key issues related to the profession.

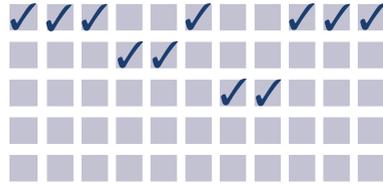
As a panellist pointed out, “journalists and media professionals show solidarity only when there is an attack on a journalist or on the media in general. Otherwise, they have learnt to function as individual professionals. There is no ‘community feeling’ and hence there is no collective thought or action during normal times”.

“The trade union movement is dead...”

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

1.5
(2009 = 1.7)

Average score for Sector 4 2013:

2.4
(2009 = 2.2)

Overall Country Score 2013:

2.8
(2009 = 2.4)

The way forward

What were the main positive changes in the Indian media landscape in the past three years?

- o Media consumer has become the king.
- o Media consumers have more choice.
- o News and information are available more easily than earlier.
- o Coverage to women's issues and child sexual abuse has increased.
- o Bureaucracy and politicians have become more accountable under the 24x7 media glare.
- o With media breaking certain stories, public interest litigations are on the rise.
- o Media houses are showing inclination to appoint ombudsmen.
- o Stray instances of the media initiating self-regulation have become visible.
- o Media is making better use of the Right to Information (RTI) Act to do investigative stories.
- o Public use of RTI has increased because of media's promotion.
- o More jobs have become available in media.
- o Facilities for up-gradation of skills and training have increased in media.
- o Media penetration has grown.
- o Circulation of regional language newspapers is growing.
- o 'Citizen media' is being born.
- o Journalism is becoming conversational.
- o News has acquired a 'glocal' character.
- o Censorship by media is declining.

What were the main negative changes in the Indian media landscape in the past three years?

- o Media suffers from indirect censorship and distortion of facts and reality.
- o Instances of 'paid for' editorial content are on the rise across media platforms.
- o Influence of advertising on content is growing.
- o Encroachment by public relations (PR) agencies in the editorial arena is increasing.
- o Some sections of the population, especially the poor and the working class, are being ignored.
- o Development journalism has taken a back seat.
- o 'Private treatise' has had a cascading effect
- o The Press Council of India and the News Broadcasters Association continue to be powerless.
- o Need for comprehensive media legislation remains unfulfilled.
- o The code of conduct is not being taken seriously enough
- o There are wide disparities in salaries for same work across the media spectrum.
- o A 'hire and fire' policy has come to stay.
- o Corruption in media has become perceptible.
- o Cynicism towards media in public has grown.
- o Sensationalism has gone up.
- o Inaccuracies in content have increased.
- o Media is becoming homogenized.
- o Jingoism has risen.
- o Three' C's - Cinema, Cricket and Crime have become dominant.
- o Biases in reporting have increased.
- o Trivialization of issues has grown.

- o Quality is being compromised in the hurry to break news.
- o Contacts and influence have become necessary to get news stories published.
- o Political interests have made inroads in a big way.
- o Media has become indifferent and arrogant.

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

- o Information technology is deepening and expanding media reach.
- o Big business houses are investing in media.
- o Purchasing power of a large number of people has become better.
- o Competition among media houses has increased.
- o Social media platforms are becoming accessible and affordable.
- o Social demand for transparency and accountability is on the rise.

What are the main obstacles for further positive change?

- o Big corporate organizations are dominating the media scene.
- o Cross-media holdings are expanding.
- o Regulatory mechanism is ineffective.
- o Government has a weak-kneed approach in dealing with media.
- o Media has got commercialized.
- o Editorial leadership is more concerned about profits than credible content
- o Editors do not show spine.

What kinds of activities will accelerate the positive changes over the next three years?

- o Media should conduct introspection exercises more frequently. Civil society groups, experienced persons of repute from different sections of the society and media professionals' associations should work together towards this.
- o Media bodies like the Press Council of India and the News Broadcasters Association should be given more teeth to bring in self-regulation of media. Civil society organizations should take a lead in supporting this measure.
- o Monitoring of media ownership needs to be done regularly in order to ensure better diversity. Associations of media professionals should lead this initiative.
- o With global benchmarks in place, the domestic media needs to have dependable facilities for upgrading the skills of media peons. Educational institutes, media professionals' groups and media organizations should make joint efforts to create such facilities.
- o The Whistleblower Act will be a big step forward in protecting individuals playing the role of watchdogs on the system. Since the media shares this concern, associations of media practitioners, citizens' groups and like-minded members of the legislature should join forces to make this a reality.

The panel meeting took place at Vivanta by Taj, Goa, India on 10 – 12 May 2013.

Panellists:

Mr. Ishwar Daitota

Former Editor, Times of India (Kannada), presently freelance journalist

Mr. Abhay Mokashi

Freelance journalist

N.N.

TV Journalist

Ms. Shilpa Rantnam

CNN/IBN, TV journalist

Ms. Chandita Mukherjee

Activist in the area of Community Radio

Ms. Nandini Sahai

Director, International Center Goa

Mr. Jamshed Mistry

Lawyer (Media Law), Bombay High Court

Mr. Gautam Navalakha

Human Rights Activist

Dr. Sunetra Narayan

Associate Professor, Indian Institute of Mass Communication

Ms. Sabina Martins

Women rights activist

Ms. Sudisha Mukherjee

Blogger

Moderator& Rapporteur:

Mr.AnandAgashe

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APPENDIX ONE

Article 19(1) and (2) of The Constitution Of India 1949

“19. Protection of certain rights regarding freedom of speech etc

(1) All citizens shall have the right

(a) to freedom of speech and expression;

(b) to assemble peaceably and without arms;

(c) to form associations or unions;

(d) to move freely throughout the territory of India;

(e) to reside and settle in any part of the territory of India; and

(f) omitted

(g) to practise any profession, or to carry on any occupation, trade or business

(2) Nothing in sub clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause 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...”

Section 66A of the Information Technology Act

Note: The Information Technology Act, 2000 was amended in 2008. The amended Act which received the assent of the President on February 5, 2009, contains section 66A.

“66A. Punishment for sending offensive messages through communication service, etc.

Any person who sends, by means of a computer resource or a communication device,—

(a) any information that is grossly offensive or has menacing character; or

(b) any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will, persistently by making use of such computer resource or a communication device,

(c) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages,

shall be punishable with imprisonment for a term which may extend to three years and with fine.”

Explanation.— For the purpose of this section, terms “electronic mail” and “electronic mail message” means a message or information created or transmitted or received on a computer, computer system, computer resource or communication device including attachments in text, images, audio, video and any other electronic record, which may be transmitted with the message.

APPENDIX TWO

ASIAN MEDIA BAROMETER (ANMB) PUBLICATIONS

Asian Media Barometer: The first home-grown analysis of the media landscape in Asia. MONGOLIA 2012 / publ. by: Friedrich-Ebert-Stiftung – Ulaanbaatar, *fesmedia Asia*, 2013. In English & Mongolian.
<http://library.fes.de/pdf-files/bueros/asia-media/10293.pdf>
<http://library.fes.de/pdf-files/bueros/asia-media/10292.pdf>

Asian Media Barometer: The first home-grown analysis of the media landscape in Asia. PAKISTAN 2012 / publ. by: Friedrich-Ebert-Stiftung – Islamabad, *fesmedia Asia*, 2012.
<http://library.fes.de/pdf-files/bueros/asia-media/09528.pdf>

Asian Media Barometer: A locally based analysis of the media landscape in Asia. THE PHILIPPINES 2011 / publ. by: Friedrich-Ebert-Stiftung. - Berlin, *fesmedia Asia*, 2011.
<http://library.fes.de/pdf-files/iez/08746.pdf>

Asian Media Barometer: A locally based analysis of the media landscape in Asia. THAILAND 2010 / publ. by: Friedrich-Ebert-Stiftung Thailand. – Bangkok, *fesmedia Asia*, 2011. In English & Thai.
<http://library.fes.de/pdf-files/bueros/thailand/08113.pdf>
<http://library.fes.de/pdf-files/bueros/thailand/08114.pdf>

Asian Media Barometer: The first home-grown analysis of the media landscape in Asia. INDIA 2009 / publ. by: FES c/o AIBD. - Kuala Lumpur, *fesmedia Asia*, 2009.
<http://library.fes.de/pdf-files/bueros/asia-media/07478.pdf>

Asian Media Barometer: The first home-grown analysis of the media landscape in Asia. PAKISTAN 2009 / publ. by: FES c/o AIBD. - Kuala Lumpur, *fesmedia Asia*, 2009.
<http://library.fes.de/pdf-files/bueros/asia-media/07479.pdf>

Forthcoming in 2014: India, South Korea.

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