

Reporters Without Borders

<http://www.rsf.org/inde-media-freedom-threatened-by-19-04-2012,42334.html>

Asia - India

Information in danger

Media freedom threatened by violence, censorship and curbs on access to information

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Reporters Without Borders is concerned by a steady decline in freedom of information in India since the start of the year. Journalists and Internet users are often the victims of violence and censorship. In the past few weeks, journalists and netizens have been physically attacked, prevented from covering military activity and arrested for disseminating information online.

At the same time, the government has rejected a plan for protecting journalists that was proposed at UNESCO, courts have tried to increase restrictions on media coverage of judicial proceedings and two ongoing court cases about online content could increase the responsibility placed on Internet companies.

"A series of moves by various branches of the state have threatened and undermined freedom of information," Reporters Without Borders said. "Both federal and local authorities keep taking repressive decisions. We urge the government to take systematic account of the need to protect journalists and their ability to work freely.

"We also call on the government to abandon any thought of generalized Internet control and surveillance and to rescind the Information Technology regulations adopted last year, known as the IT Rules 2011, as they jeopardize online free expression. At the same time the relevant judicial authorities must drop proceedings against several Internet companies in connection with 'offensive' content.

"We have until now refrained from commenting on journalist **Syed Kazmi's** detention for his alleged role in the bombing of an Israeli diplomat's car. But, after his recent statements, we are concerned about the possibility that he is being mistreated and we call for a thorough investigation into the basis of the allegations against him. The justice system has a duty to ensure that he was not arrested simply because his political views do not meet with approval.

"The lack of transparency in the Kazmi investigation, at a time when the supreme court, at the start of April, talked of a charter for regulating media coverage of its activities, is unacceptable. The media's right of access to information, and the public's right of access via the media, cannot be questioned.

"The Indian media need the authorities to guarantee their rights and safety rather than concern themselves with the media's responsibilities, which are already sufficiently regulated. In this regard, India's rejection of the UNESCO action plan for the safety of journalists is regrettable and reflects the government's flagrant lack of concern for journalism and the media."

Threats and violence

In one of the latest cases of violence, **Kamal Shukla**, the local bureau chief of the Hindi-language daily [Rajasthan Patrika](#), was attacked in his office in Kanker, in the eastern state of Chhattisgarh, on 11 April by political activist Anupam Awasthi. Accompanied by two other men, Awasthi beat Shukla on the back and shoulders with a steel bar and smashed his computer and camera. He had to be hospitalized for five days.

The attack was apparently prompted by articles about illegal logging in Chhattisgarh that Shukla wrote for local newspapers and the citizen journalism website [CGNet Swara](#) at the end of March. Shukla's revelations, subsequently picked up by national newspapers, included the claim that a village official involved in the illegal logging was the brother of Chhattisgarh's minister of forests. According to the [International Federation of Journalists](#), Awasthi is an associate of the minister and, before the attack, had tried to bribe Shukla to drop the story.

The attack came three weeks after India, along with Pakistan and Brazil, rejected a proposed action plan on safety for journalists and the problem of impunity at a UNESCO meeting in Paris on 23-24 March. Discussed by members of the Intergovernmental Council of the International Programme for Development of Communication, it included concrete recommendations for improving the safety of media personnel and asked member countries to adopt legal measures for the prosecution of those responsible for murders of journalists.

Member countries were also invited to present reports on the progress that had been made in investigations into murders of journalists that took place from 2006 to 2009.

Access to information obstructed

Although India did not refuse to report on the status of ongoing investigations at the UNESCO conference, transparency does not seem to have been respected in the investigation into detained journalist **Syed Mohammed Ahmad Kazmi's** alleged complicity in the 13 February bombing of Israeli defence attaché Alon Yehoshua's car in New Delhi, in which his wife, fellow Israeli diplomat Tal Yehoshua, was seriously injured.

On 16 April, the [Decca Herald](#) quoted Kazmi as saying the police had forced him to sign blank papers, threatening "consequences" for his family if he refused.

Held since 6 March for allegedly helping to prepare the bombing, Kazmi works for the [Iranian News Agency \(IRNA\)](#), the Indian TV station [Doordarshan](#), the [BBC](#) and several Urdu-language newspapers. He also heads his own Urdu-language news agency, [Media Star](#).

Several journalists' organizations think Kazmi may have been arrested because of the political views he often expresses in his articles. His lawyer, Gajinder Kumar, took the same position at a recent hearing, [saying](#) he was being "punished for a crime did not commit."

The [Kazmi Solidarity Committee](#), which includes several leading Indian media figures, has condemned the lack of information provided by the police and prosecutors, who have managed to prevent the evidence against Kazmi being made public.

India's supreme court has meanwhile said it wants to draft guidelines for media coverage of court proceedings in order to achieve a balance between the right to media freedom and the rights of defendants. The grounds for the view that guidelines are needed is said to be concern that the media sometimes influence public opinion with reports that are unverified or baseless.

In a 30 March article on [The Hindu's](#) website, journalist **Siddharth Varadarajan** voiced alarm at the possibility that the supreme court would itself draft a code of conduct with which journalists would have to comply. "This would open the door to the other branches of government (...) making similar demands on the media as a precondition to gaining access to parliament and legislatures, ministries, public institutions, hospitals, universities etc," Varadarajan wrote.

He added: "The natural instinct of most politicians and bureaucrats is to hide or suppress information on one pretext or another. The adoption of media guidelines by the supreme court

would embolden them, further undermining the public's right to be informed."

In another court attempt to restrict reporting, the Allahabad high court in Uttar Pradesh (a northern state adjoining the capital) issued an order on 10 April banning any media coverage of supposed tension between the government and armed forces about army unit movements towards the capital on 16 January that reportedly took place without the government's prior agreement.

The ruling was issued in response to a suit filed a few days earlier by political activist Nutan Thakur voicing concern that media coverage of this controversy might threaten national security. [Press Council of India](#) president **Markandey Katju** announced on 12 April that he intended to challenge the court's ruling.

Netizen harassed for posting cartoon on Facebook

Ambikesh Mahapatra, a chemistry professor at Jadavpur University in Kolkata, the capital of the eastern state of West Bengal, spent the night of 12 April in detention for emailing and posting a cartoon of West Bengal's female chief minister Mamata Banerjee, the founder of the All India Trinamool Congress party (TMC), on Facebook. He was arrested when he tried to report an attack by TMC supporters.

The cartoon alluded to TMC member Dinesh Trivedi's "forced" resignation as India's railway minister after announcing a fare increase. According to the [Jagran Post](#), Trivedi had to resign because Banerjee wrote to Prime Minister Manmohan Singh requesting his replacement as railway minister by another TMC leader, Mukul Roy.



From top to bottom: 1. Looking at the Indian Railways logo, Mamata Banerjee tells Mukul Roy: "See Mukul, the Golden Fortress." 2. Looking at railway minister Dinesh Trivedi, Mukul Roy exclaims: "That's an evil man!!!" 3. Mamata says: "Evil man, vanish!"

[India Today](#) quoted West Bengal's labour minister, Purnendo Bose, another TMC member, as saying Mahapatra's arrest was justified because the cartoon consisted of real photos.

Released on bail by an Aliport court after being held overnight, Mahapatra is facing three charges under the criminal code – insulting a woman’s modesty and humiliating a woman, which carry a possible one-year jail term, and defamation, for which the maximum sentence is three years in jail. He is also charged under the Information Technology Act with using a computer to cause an offence, for which he could be fined and jailed for three years.

A supplement to the 2000 Information Technology Act, adopted year ago and known as the IT Rules 2011, was [condemned](#) by Reporters Without Borders in a May 2011 press release as major threat to online freedom of expression.

Mahapatra’s arrest has been condemned by university colleagues and by members of the Communist Party of India (CPI-m), the main opposition party in West Bengal, as a violation of freedom of expression.



Other cartoons of Banerjee are circulating on Facebook. According to several [Indian media outlets](#), the West Bengal Criminal Information Department has written to Facebook requesting the withdrawal of four of these cartoons and the IP address of the computer from which they were first posted.

Several Internet companies dropped from civil suit

On 12 April, New Delhi judge Praveen Singh ordered that Google India, Exbii, IMC India, My Lot, Shyni Blog, Topix, Zombie Time, Boardreader and several other Internet companies be excluded from a civil suit that a private individual brought against a total of 22 Internet companies because of “offensive” content.

As Yahoo! and Microsoft were previously excluded, only six companies – Facebook (India and US), Google Inc, Orkut, YouTube and Blogspot – are still targeted by the suit. The judge accepted [Google India’s argument](#) that it is just a software development company that has no influence over the content posted on Google’s various platforms.

[Two cases](#), one civil and one criminal, were brought by private individuals against Internet

companies over allegedly offensive content at the end of last year. Reporters Without Borders urges the Indians courts [not to hold Internet companies responsible for the content that third parties post on their platforms.](#)

[India](#) was added to the countries "under surveillance" in the "Enemies of the Internet" report that Reporters Without Borders issued last month.
