

# Reporters Without Borders

<http://www.rsf.org/inde-start-of-2012-marked-by-violations-13-01-2012,41672.html>

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Asia - India

Repeated breaches

## Start of 2012 marked by violations of freedom of information in world's biggest democracy

13 January 2012

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Reporters Without Borders is concerned about a series of breaches of press freedom and attacks on journalists since the start of the year.

"We call on the central government to respond as quickly as possible to abuses by local authorities and officials towards the press. It is also essential that the authorities scrap their policy of monitoring the Internet, which is disproportionate and jeopardises press freedom," the organization said.

### *Unwarranted desire to control the Internet*

The authorities are stepping up their censorship of the Internet. A judge in the New Delhi High Court said yesterday he would not hesitate to block any sites that failed to crack down on offensive content, "like in China".

Reporters Without Borders said: "This statement confirms our fears. For several months the Indian government has undertaken several initiatives with worrying implications for Internet freedom.

"Requiring websites to remove all offensive material is an impossible task. Some sites could well take the easy way out and block access by all Indian visitors — who can be identified by their IP addresses — or by installing a disproportionate filtering system.

"We urge the government not to enact any repressive legislation and we recall that Frank La Rue, the U.N. special rapporteur on the promotion and protection of the right to freedom of opinion and expression, has come out against excessive regulation of the Internet.

On 23 December last year, a New Delhi civil court had summoned 21 websites, including the Indian affiliates of Facebook, Google and Yahoo! for distributing "obscene and lascivious" content and ordered them to remove it by 6 February.

Google India filed a complaint on 11 January with the High Court in New Delhi, arguing that as a distributor for Google Inc., it does not have its hands on all content posted by Google, YouTube, Orkut and Blogger in India. Furthermore, this would be humanly impossible – for example, 48 hours of video is posted on YouTube every minute.

Filtering offensive content has been a recurring theme for some time. Kapil Sibal, the minister of communications and information technology, said on 6 December that the government would implement guidelines and mechanisms to prevent content that was offensive, i.e. defamatory, pornographic or containing anything illegal, being posted online.

In the last quarter of 2011, talks were held with the heads of the Indian subsidiaries of Google, Facebook Yahoo and Microsoft. The minister hoped to get them to follow a policy of self-regulation, meaning that all content published on their sites would in future be subject to preview and prior approval before publication.

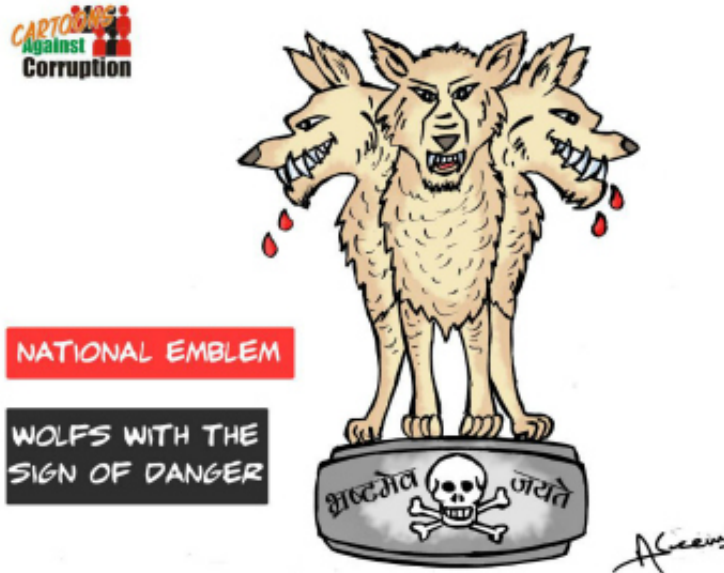
Last April, the government approved what it called "[IT Rules 2011](#)" which require Internet companies to withdraw any banned content within 36 hours of notification by the authorities.

The authorities have already clamped down on several websites, such as "Cartoons Against Corruption" ([www.cartoonsagainstcorruption.com](http://www.cartoonsagainstcorruption.com)) run by anti-corruption cartoonist **Aseem Trivedi**, who composes humorous drawings criticising corruption.

In a letter dated 27 December, the company that hosts it, Big Rock, informed Trivedi that the site was being closed down because of content that insulted the Indian flag and national emblem.

The closure was a result of a complaint filed by a lawyer, R.P. Paney, with the Mumbai criminal department. Police ordered Big Rock to remove the "obscene" drawings. The hosting company has made no comment on why it closed down the entire site.

The 2005 State Emblem of India Act bans any use of the national emblem on pain of two years' imprisonment or a fine of 5,000 rupees. The cartoonist has said he will continue to campaign against corruption and has moved his drawings to a [new website](#).



*Mobile firms forced to co-operate with the authorities?*

[The Wall Street Journal](#) disclosed at the end of October that the Canadian company Research in Motion had established a "surveillance centre" in Mumbai. Indian authorities can send requests to the centre to obtain decoded messages exchanged by "suspicious" users of the BlackBerry Messenger chat service.

The company said this was done on a case-by-case basis and it did not affect the BlackBerry Enterprise Server business service.

Reporters Without Borders cautions the Indian authorities against any abuses and reminds them that users have a right to protection of private communications and personal information.

*Censorship and attacks on journalists*

Since October 2011, five newspapers in Jammu and Kashmir state - *Kashmir Times*, *Greater Kashmir*, *Rising Kashmir*, *Buland Kashmir* and *Ethlaata* - have all been deprived of government advertising. As a result of a decision by the interior ministry, and based on an editorial line alleged to be hostile to the country, more than 30 federal ministries and public bodies have been ordered to stop all advertising and financial support for these newspapers.

Authorities have been taking a harder line with the media in the state ever since demonstrations in summer 2010, whose coverage was deemed provocative.

In Chennai in Tamil Nadu state, the offices of the Tamil-language bi-weekly *Nakkheeran* were attacked by supporters of the All India Anna Dravida Munnetra Kazhagam party on 7 January, after it published an article on the party leadership.



AIADMK cadres, led by Madhusudhanan, burn copies of Tamil bi-weekly Nakkheeran in the city.

Armed with sticks and bottles, the attackers damaged vehicles belonging to the newspaper. Two employees, **Anbumani** and **Sikavumar**, respectively computer specialist and security guard, were injured. The editor, **Gopal**, said police were present during the attack. Members of the party set fire to copies of the paper at several places in Tamil Nadu. The water supply to the magazine's office was also cut off.

In Chhattisgarh and Madhya Pradesh states, powerful local officials have been putting pressure on cable operators, forcing them to block television stations that broadcast negative reports about them. On 19 December, the Supreme Court intervened to allow the station *Etv Madhya Pradesh/Chhattisgarh* to resume broadcasting after it was taken off the air by local operators.

The commercial station was blacked out on 11 December after it broadcast a report on the influence of the head of the local government, Raman Singh, in allocating mining concessions in the neighbouring state of Madhya Pradesh.

The operators said the order came from senior government officials. Moreover, during a press conference, Singh made threats against anyone who published or spread the story.

The station rejected allegations of blackmailing the government in order to obtain more revenue from advertising.

In the states of Maharashtra, Uttar Pradesh and Karnataka, cable operators have been subjected to similar pressure.

In Chhattisgarh, the newspaper *Patrika* has also been the target of pressure from the government to have a report on Singh and his associates withdrawn. Members of the ruling party set fire to copies of *Patrika*. After the report appeared, between 40 and 50 complaints were filed against the newspaper.

In Dantewada in the south of the state, **Bappi Ray**, a journalist for the TV station *Sahara Samay*, was harassed by the authorities after interviewing a farmer who was beaten by the district collector O.P. Choudhary, against whom he had made a complaint to the police.

Finally, as a result of political pressure on 9 December, two Marathi-language stations, *IBN Lokmat* and *Star Majha* in Nashik and Mumbai in Maharashtra state were censored after they broadcast a report linking the public works minister, Chhagan Bhujbal, to the allocation of a contract to a company that had donated to a foundation that he runs.

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