Media Freedom and Autonomy in India: A Critical Analysis

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Abstract : Through this article, the authors critically examine the media freedom and autonomy in India. The paper seeks to scrutinize the recent trends in media ownership in India and their impact on media pluralism and journalistic autonomy. This study has been carried out using issue analysis method using different points of view on Indian media's autonomy and freedom.

Keywords - Media Autonomy, Media Ownership, Media Pluralism, Journalistic Autonomy, Media Freedom

I. INTRODUCTION

India has a vibrant and growing media industry, catering to its 1.35 billion-strong population (Worldometers 2018). The media are a reflection of the country - vast and diverse . There are 892 private television channels, including 403 devoted to news and current affairs, and 114,820 registered publications, including 14,984 newspapers (indiantelevision.com, 2016; Sarma, 2017). English-language news channels and publications are considered by the elite as the national media, but outlets in Hindi and many vernacular languages are also popular and have a significant impact. Digital news platforms are also making an impact. There are hundreds of private TV news channels, but privately-owned radio stations are still not allowed to broadcast their own hard news.

The media are mostly self-regulated. A constitutional body regulates the print media but does not have punitive powers, while an association of broadcasters supervises the electronic media. Cross-media ownership remains a matter of concern, as does the practice of "paid news", where politicians or businesses pay media outlets for favorable coverage.

International media watchdogs describe the Indian media partially free. While journalists in big cities have a large degree of freedom, concerns remain in Kashmir, where the government often clamps down on the media. Conditions are also difficult for journalists working in states with a considerable presence of Maoist rebels. Activists trying to uncover corruption have faced threats and attacks. There have been many cases of censorship in the past several years, many of which received prominent media attention.

II. MEDIA FREEDOM

Washington-based pro-democracy watchdog Freedom House called India's press and internet "partly free," despite saying that India was politically "free" overall. Freedom House cited state and national government officials' use of "security laws, criminal defamation legislation, hate-speech laws, and contempt-of-court charges" to rein in traditional and social media (Freedom House, 2015).

The government banned a 2015 BBC documentary about the 2012 gang-rape of a Delhi student. The cable news channel NDTV broadcast a blank screen for an hour as a "silent protest" against the government. Internet providers can face criminal charges for failing to remove content at the government's request. India reportedly asked Facebook to remove the most content of any country in 2014. The Indian government also occasionally suspends internet, SMS, and phone traffic in areas of unrest, such as the Kashmir Valley. Paris-based Reporters without Borders (RWB) rated India 140th out of 180 countries for freedom of the press in 2014. RWB said India was the deadliest country for media personnel in 2013, with eight journalists killed. Freedom House also cited media corruption as a concern, including "paid news," where media outlets ask politicians for payments in exchange for favorable coverage.

Paris-based Reporters Without Borders ranked India at 136 out of 180 countries in its World Press Freedom Index for 2015. This was a slight improvement from its position of 140 in 2014 and 2013. India's consistently low ranking since 2002 is due to rising "impunity" for violence against journalists and growing internet censorship, the media watchdog said.

"Almost no region is spared but Kashmir and Chhattisgarh continue to be the only two where violence and censorship are endemic. Those responsible for threats and physical violence against journalists, who are often abandoned by the judicial system and forced to censor themselves, include police and security forces as well as criminal groups, demonstrators and political party supporters" (The Economic Times, 2014). In its annual report released in late December 2015, RWB described India as Asia's "deadliest country" for journalists, ahead of Pakistan and Afghanistan.

Nine journalists were killed in the country in 2015, two of them linked to illegal mining."Indian journalists daring to cover organized crime and its links with politicians have been exposed to a surge in violence, especially violence of criminal origin, since the start of 2015... The inadequacy of the Indian authorities' response is reinforcing the climate of impunity for violence against journalists", it said (Hindustan Times, 2015). The group has called for a national plan for the protection of journalists and said a "response that matches the scale of the threats to journalists is now essential".

III. MEDIA REGULATION

Riding the digital wave, the Indian Media & Entertainment sector is expected to reach Rs 2 trillion by 2020 (Laghate, 2018). The Indian media has expanded into a very fast growing industry since media deregulation in the 1990's. Until then, the government had a monopoly over electronic media. The Indian government largely allows the media to regulate themselves, barring ad hoc attempts at media control and restrictions on content. Print media has a nominal regulatory body but it does not have enforcement authority. A broadcasters' association supervises the electronic media.

Media licensing, however, does give the government some leverage over media. Indian TV channels require a security clearance from the Indian government's Ministry of Home Affairs in order to receive a ten-year broadcasting license from the Information and Broadcasting Ministry. Some press criticized Modi's appointment of an Information and Broadcasting Ministry official to head the government's nominally independent state TV news channel as a declaration of the government's control over news (Marvel 2015).

Although there are no signs of imminent government media regulation, in 2014 the government's telecommunications regulator Telecom Regulatory Authority of India (TRAI) gave recommendations to reduce media corruption and consolidation. TRAI recommended banning media ownership by politicians, political parties, local governments, and religious groups.

IV. ATTACKS ON JOURNALISTS

Several incidents of attacks on journalists in 2015 alarmed the media and sparked concern from watchdogs. At least nine journalists were killed in 2015 in connection with their work while many were physically attacked, according to the RWB statistics seen in December 2015.

In one of the most high-profile cases, a journalist died in June 2015 after being set on fire allegedly by the police in Uttar Pradesh for writing against a state minister on Facebook. The journalist, Jagendra Singh, had accused the minister of corruption and rape. The same month, Sandeep Kothari was abducted, killed and his body burnt in Maharashtra state allegedly by those involved in illegal mining. In July 2015, the owner and editor of a local weekly in Mumbai died of multiple stab wounds in Mumbai. Media reports said Raghavendra Dube often helped the local police with information on bars which were operating illegally. In October 2015, a journalist working with Hindi newspaper Dainik Jagran, Mithilesh Pandey, was shot dead inside his home in the eastern state of Bihar. His family said he had been receiving threats. Meanwhile, television journalist Hemant Yadav was killed in Uttar Pradesh state in the same month. Separately, a journalist died of a heart attack while covering a massive medical school admissions examination scandal in Madhya Pradesh state but many have raised questions over his death. There have been dozens of mysterious deaths linked to the scandal. Meanwhile, there have been attacks on newspaper offices too.

In November 2015, some offices of prominent regional daily Lokmat were pelted with stones in Maharashtra state over a cartoon published by the paper . The daily had used the image of a piggy bank to depict the funding of the self-styled Islamic State militant group. Muslim groups said the cartoon was blasphemous as the Prophet's signature was used along with the image of a pig. The newspaper apologized for publishing the cartoon which some outlets interpreted as a surrender of freedom of expression (The Quint, 2015).

Newslaundry website, which keeps an eye on the media, said Lokmat giving up "so easily on their freedom of expression" would "embolden people who think it's alright to physically intimidate if they don't like something" (Saikia, 2015). Another news website Scroll lamented: "Violence is the weapon of choice of all self-styled defenders of faiths and ideas in India" (Mody, 2015).

In February 2016, lawyers allegedly attacked journalists in the premises of a court in Delhi. The assault took place ahead of a hearing in the case of a student leader arrested on sedition charges amid police presence, triggering an outcry in the media. Federal Minister Arun Jaitley termed the attack on journalists "highly improper and condemnable" "Media has an unhindered right to report; Attack on media persons is highly improper and condemnable," he said (The Times of India, 2016). Lamenting the dangers to the lives of journalists, respected English-language daily The Hindu has said this is a "reminder of the perils that confront investigative journalists, especially those who take on the rich and the powerful" (The Hindu, 2015).

V. CRACKDOWNS IN PARTICULAR AREAS

In Kashmir, security forces often clash with separatists and street protesters, and also crack down on the media. The authorities impose curfews and often block the internet and mobile phone networks in response to unrest or ahead of high-profile visits. This was seen ahead of Prime Minister Narendra Modi's visit to the state a few times in the past several years. Internet services were also suspended briefly in Kashmir during the Id festival in 2016 (NDTV, 2016). The suspension badly affected the work of journalists and media, particularly online editions of newspapers.

The government's decision to suspend communications also came amid tensions over the ban on the sale of beef introduced by many states in 2015-16. This is a sensitive issue in India as Hindus, which comprise 80 per cent of the population, consider the cow sacred. Meanwhile, in Maoist-affected Chhattisgarh state, journalists face pressure from the police and powerful local officials. They also get caught in the clashes between Maoist rebels and the security forces in the state. In February 2016, a female journalist's house in Chhattisgarh was attacked with stones. The group behind the incident accused Malini Subramaniam, a contributor for Scroll.in website, of supporting Maoist rebels. Subramaniam has written about alleged human rights violations by

security forces in the state. She was eventually forced to leave Jagdalpur after being reportedly threatened by local police and anti-Maoist groups. Reporters in the northeastern states of Assam and Manipur face pressure from both the government and militant groups.

In July 2015, media reports said the National Crime Records Bureau, will for the first time, start gathering data from across the country on attacks on RTI activists, journalists, social activists and whistleblowers. States were also sent new templates to compile data taken from police stations. However, some media outlets questioned the efficiency of this system since the new database will record only cases of grievous hurt of varying degrees and any deaths of journalists or activists will be noted as part of general figures on crime.

VI. CONTROLLING ONLINE CONTENT

With India's internet users standing at 456 million as of December 2017, the government has also been increasing restrictions on online content (FirstPost, 2018). Social media platforms are frequently asked to remove offensive content. The Indian government placed the maximum requests to Facebook to take down content during the first half of 2015. It asked for the removal of over 15,000 pieces of information over fears that this material could cause unrest.

"We restricted access in India to content reported primarily by law enforcement agencies and the India Computer Emergency Response Team within the Ministry of Communications and Information Technology because it was anti-religious and hate speech that could cause unrest and disharmony within India," Facebook said (Business Today, 2015).

In its Government Requests Report, the social networking platform said the number of pieces of content restricted by India stood at 15,155 in January-June 2015. The number is a sharp rise from 5,832 in July-December 2014 and 4,960 requests in January-June 2014. There are also concerns over the Indian government's mass internet surveillance system Network Traffic Analysis (Netra), which will monitor words such as "attack", "bomb", "blast" or "kill" in tweets, status updates, emails or blogs. Media reports in 2014 said the system is likely to be launched soon (Paganini, 2014).

VII. MAJOR CENSORSHIP INCIDENTS

Some incidents of state censorship in particular received widespread attention in 2015. In March, a BBC documentary "India's Daughter" made by Leslee Udwin on the gang-rape and death of a student in 2012 was not allowed to be shown in India. Leading English-language TV channel NDTV, which was to broadcast the program, registered its protest against the gag order in a unique way. It ran a blank dark screen with the film's title and a lamp for an hour on the day and time the documentary was to be aired. In the documentary, one of the rapists who was interviewed in jail defends his actions and is seen not to show any remorse for his crime. The government and a section of the media criticized the film, saying it contained objectionable content and was derogatory to women. The police feared it would disrupt law and order.

In April 2015, the Indian government banned Al-Jazeera TV channel for five days for showing what it said was a wrong map of Kashmir, which is at the center of a long-standing dispute with neighbour Pakistan (Panda, 2015). The government also objected to content aired by three popular news channels over the hanging of 1993 Mumbai blasts convict Yakub Memon. It said ABP News, NDTV 24×7 and AajTak had shown "disrespect" to the judiciary and the president through airing interviews with persons who sought mercy for the convict.

Also in June 2017, the government banned access to 857 pornographic websites, which was later to be partially lifted following widespread criticism of the decision (The Financial Express, 2017). Rejecting charges of being a Taliban-style government, Telecom Minister Ravi Shankar Prasad said all sites which do not promote child porn would be allowed to function. However, the review put the liability on internet service providers to unlock only those sites which did not contain child pornography.

On 16 November , which is celebrated as National Press Day, three English-language dailies in the northeastern state of Nagaland published blank editorials to protest against what they said was an attempt by the authorities to stifle their freedom of expression (Pandey, 2015).. Eastern Mirror, Nagaland Page and The Morung Express were objecting to a letter sent by the Assam Rifles paramilitary force, asking the media not to publish statements made by militant groups including the banned National Socialist Council of Nagaland (Khaplang). The letter said that media houses were "supporting the unlawful association intentionally or unintentionally" by publishing their statements. The state's governor, P. B. Acharya, also said banned groups should not get "publicity" in the media. Bano Haralu, a reputed journalist from the region, termed the letter by the Assam Rifles a "diktat by a paramilitary force to a democratically elected government" and said it "cannot be brushed aside." She also asked if the Assam Rifles would "dare" to "extend the same order to 'national' media houses?"

As significant sections of the public and the media debate what they see as rising intolerance in the country, journalists have not remained unaffected. In October 2015, the editor of a government magazine in Haryana state's Education Department was removed for publishing an article on the benefits of beef. It said beef is rich is iron. The sale of beef is banned in the state, cow slaughter can attract a jail term and the state government defended its action. Meanwhile, there have also been threats to journalists by right-wing groups for writing allegedly "anti-Hindu" articles.

VIII. SELF CENSOR-SHIP

Self-imposed censorship in the media has been noticed since around the time of the general election in 2014 and with a change in the ownership of some media outlets. In its "Freedom of the Press 2015" report, media watchdog Freedom House noted that "politicized interference in editorial content and staffing decisions remained a concern in 2014, and it appeared to increase in the

months surrounding the May national elections". Analysts also observed that the mainstream media, in general, shifted towards the right amid strong possibility of the victory of the Bharatiya Janata Party (BJP) in the polls and continued on this path after the election, it said. They also said that senior officials and ministers were asked to keep the media at bay and communicate only through official channels.

Media watchdogs noted "interference" in editorial decisions after the takeover of the Network 18 media group by the country's largest company, Reliance Industries Limited, in May 2014. There was also alleged pressure for "favorable coverage" during the poll campaign, they said. Opposition candidates alleged that RIL owner Mukesh Ambani was funding the election campaign of the BJP's prime ministerial candidate Narendra Modi. Noted journalists Rajdeep Sardesai and his wife Sagarika Ghose resigned from CNN-IBN, a part of the Network 18 Group, after the change in ownership.

In November 2015, sections of the media strongly criticized journalists jostling for space to take selfies with Prime Minister Narendra Modi at a gathering organized by the BJP to mark the Diwali festival. The incident was dubbed as an example of "selfie journalism" and media outlets said journalists had done themselves a "disservice" by forgetting the principle of objectivity.

"Journalists are supposed to ask questions, seek clarifications and maintain a safe distance from the people being interviewed. By ignoring even the basics, the selfie brigade has caused immense harm to the cause of independent media... Selfie journalism has ensured that they will talk and we will listen", the Business Standard newspaper said (Mishra, 2015).

Hindustan Times said: "From the Twitter outburst by members of the fraternity and general public alike, journalists did themselves a disservice. They forgot important lessons every cub reporter is taught at his or her editor's knee - neutrality and objectivity towards the one they report on. They turned into fanboys and fangirls, who could only think the likes and shares this picture can get on Facebook and Twitter, not to forget Instagram" (Sharma, 2015).

Self-censorship is also being seen in some areas over action being taken against the media by the government. In December 2015, some national media outlets reported that local journalists in the flood-hit southern city of Chennai were afraid of writing against alleged inadequate relief measures carried out by the government due to defamation fears. Prominent daily Hindustan Times said there are 200 criminal defamation cases against journalists and media organizations in Chennai, filed by the state government, for publishing stories on various issues which it views as critical of the authorities. Local editors said they do not get government advertisements if they question or analyse its policies.

The paper quoted local reporters as saying: "We cannot write against the government. You should do this job because you are from outside" (Mondal, 2015). Tamil Nadu officials denied imposing restrictions on the press, Hindustan Times reported. There was also criticism in the national media and on online platforms for photos of the then Tamil Nadu Chief Minister J. Jayalalithaa being pasted on relief material packets allegedly by workers of the ruling party AIADMK.

Media website Newslaundry termed these actions as "intimidation". "The kind of intolerance towards dissent that Jayalalithaa has gotten away with, a Modi would have been hauled over coals and skewered. The AIADMK's defamation spree is nothing short of intimidation and an attempt to quell free speech and press freedom", it wrote (Singh, 2015)

Media watchdogs feel that many existing laws can be used to curb media freedom. These include the law on sedition (Article 124A of the Indian Penal Code which prohibits any expression that can cause "hatred or contempt, or excites or attempts to excite disaffection" towards the government) as well as the 1923 Official Secrets Act which gives the authorities the power to censor articles related to security matters and take action against members of the press.

CONCLUSION:

Media owners, agenda of various groups, government advertisers, market size, media audience, etc. influence the construction of media contents and seriously challenge the so called "Free Media" in India. In Asian countries media autonomy is a controversial issue, on one side right to information and freedom of expression is provided on other side media regulations and Press laws are ready to curb the media freedom. In China the party and government are attempting to act as a media watchdog in a fast changing world of media communication. Pakistani military uses a range of legal and constitutional powers to curb press freedom. The spiritualistic image making of political leaders are also very common practice over Indian media (Mishra, 2008).

India's media are considered partially free by international watchdogs. There is a large degree of freedom in big cities but concerns persist over the situation in Kashmir and states with a significant presence of Maoist rebels, such as Chhattisgarh. Journalists, social activists and anti-corruption investigators face dangers in their work. There have also been many cases of censorship.

However, the government has also taken one more step in the direction of granting autonomy to All India Radio and Doordarshan by promulgating an ordinance to effect some changes in the Prasar Bharati Act. The most important change brought about by the ordinance was the scrapping of the provision to have a 22-member parliamentary committee to oversee the Prasar Bharati Board. This proposal had invited much criticism because such supervision would go against the idea of an autonomous media set-up.

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