

# MEDIA/FREEDOM OF PRESS - 2004

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## Court concern over trial by media (1)

NEW DELHI, FEB. 4. Expressing concern over "trial by media," the Delhi High Court today said the functions of the court could not be usurped by any other authority in a civilised society. "Fairness of trial is of paramount importance as without such a protection there would be trial by media which no civilised society can and should tolerate," Justice J.D. Kapoor observed while pronouncing the verdict in the Bofors pay-off case. Stressing that the streams of justice have to be kept clear and pure, the court said "there is nothing more incumbent upon courts of justice than to preserve their proceedings from being misrepresented than to prejudice the minds of the public against persons concerned before the case is finally heard." Terming the Bofors case "a nefarious example which manifestly demonstrates how the trial and justice by media can cause irreparable, irreversible and incalculable harm to the reputation of a person and shunning of his family, relatives and friends by the society," the court said such a person is ostracised, humiliated and convicted without trial. "All this puts at grave risk due administration of justice," Justice Kapoor observed. (The Hindu 5.2.04)

## Jharkhand Speaker says journalists are either paltu or faltoo (1)

Ranchi: JHARKHAND ASSEMBLY Speaker Hider Singh Namdhari is in news again, for wrong reasons. His remark against journalists has created a furore in the journalistic circle. The controversy began at a seminar where Mr Namdhari said, "Journalists are either paltu (pet) or faltoo (worthless)." causing an outrage among the mediapersons who later burnt his effigy at Albert Ekka Chawk on Tuesday evening. "Namdhari is holding a Constitutional post and he should not speak in a provocative way. His comment seems to be a product of intellectual vacuum," said Mr G.S Ojha, a senior journalist working with AMI. His sentiment was echoed by Mr Prasant Saran of Rashtriya Sahara. He said, "The Speaker himself loves those who do not speak and write against him. He discriminated us during a tour to other states." The journalists' associations have asked the Speaker to tender apology within 48 hours. During the last Assembly session in winter, the journalists were in for a surprise when they saw two sets of seating arrangements. (Pioneer 5.2.04)

## Media insensitive to women's issues (1)

NEW DELHI, FEB. 5. Allegations and accusations about "irresponsible" behaviour of the media in handling women's issues flew thick and fast at the two-day National Workshop on Gender Sensitisation of Media which began at the Indian Institute of Public Administration here today. The workshop, organised by the National Commission For Women (NCW) in collaboration with the Indian Institute of Mass Communication (IIMC) and the Centre For Advocacy and Research (CFAR), brought together heads of various departments, professors and lecturers of universities and departments engaged in training students in journalism, mass communication and advertising, besides resource persons and senior media practitioners associated with different mediums of the media. "Media often acts as a medium without a soul," said the NCW chairperson, Poornima Advani, in her inaugural address. Brought into the fore were incidents including reporting on the Ahmedabad gangrape case where the name and photograph of the victim were made public by the national Press without a thought about the 'pain' the family would have to go through. "Incidents like this force us to wonder how responsible the national Press really is. The Press behaved in the most irrational manner and to a large extent we believe that it drove the victim in the case to commit suicide. We are especially annoyed with the Gujarat Press and the manner in which the issue has been handled by them," added Ms. Advani. (The Hindu 6.2.04)

## Debate on sting operation and Press freedom (1)

NEW DELHI, FEB. 6. "Are sting operations consistent with democracy? In such cases, a confession becomes an alternate to investigation," argued Rajya Sabha member, Kapil Sibal, during a debate on "Sting Journalism and Press Freedom" organised in the city today. Comparing the relationship of sting

operations and journalism to that of POTA and the law, he said, "In a democracy, means are as important as the end". Agreed that in some areas sting operations are authorised by law, he said that acceptance of such operations as a norm is "anti-democracy". "At the private level, sting operations should be banned. There is no law in the country to regulate sting operations. It may serve some purpose when authorised by law but when it is at the level of the individual, it is not subject to any regulations and the privacy of people is violated". Warning about the increasing power of the State, he further added, "The State has become exceptionally powerful and it can use all means. Look at where the Tehelka today. It is them and not who they exposed who are under prosecution," he said. (The Hindu 7.2.04)

Media is presenting women negatively (1)

New Delhi, Feb. 6: This wannabe young journalist is deeply annoyed by the "negative" role of media while portraying women. Shipra Wadhwa, a first-year student of Vivekananda Institute of Journalism and Communications, points out: "they (electronic and print media) are presenting the image of female as a sex symbol which provokes the male population to indulge in wrong practices." Being the student of journalism and having a keen eye on happenings around her she knows what she is speaking. Corroborating her allegations, she cites ; various advertisements where women have been negatively advertised, "Increasingly these days, we find advertisements of products like shaving creams, razors and male shoes that are accompanied with female models. If given a serious thought what is a need of female models in such advertisements? The question remain unanswered." Even gender discrimination is being promoted by media. (Asian Age 7.2.04)

Judge keeps press out of open court (1)

New Delhi, Feb. 9: Even though the Supreme Court and the Delhi high court continue to maintain that it is through the media that witnesses come forward, crime is reduced and discussion on public issues is encouraged, a designated judge in the district courts of Patiala House openly claims bias against the press. In a virtual war of words which erupted between media persons and the designated CB1 judge. Ms Aruna Suresh. in the courtroom on Monday, the special CBI judge said, "I'm sorry to say that I have a bias against the media." She said this while order-all media persons to leave the court-room, where the proceedings of an extension of the remand of an income tax deputy director, Uma Shankar Dhyani were being held. Before this two of the court staff were deployed on a special and unusual duty. Rather than, taking notes of court proceedings, they were specifically instructed to ensure that no media person enters the courtroom. Scores of reporters who went inside to seek her permission to cover the proceedings were coldly refused. (Asian Age 10.2.04)

12<sup>TH</sup> March

Citizens have no right to know (1)

New Delhi: It isn't easy getting answers from the Municipal Corporation of Delhi (MCD) and even a statutory body like the Public Grievance Commission (PGC) had a taste of it. Citizens seeking information under the Delhi Right to Information Act (DRIA), have been denied the same by the MCD on flimsy grounds, according to PGC. PGC is the appeals body of DRIA. Its records show out of the 233 cases where information was denied to citizens by the MCD, 201 were found to be "genuine" requests. But official obstruction and apathy had forced applicants to turn to PGC for redressal. In a strongly worded letter to Delhi chief secretary Shailaja Chandra, PGC chairman P S Bhatnagar has asked for the intervention of the Delhi government to ensure that MCD is more "open". Bhatnagar is now demanding that the punitive aspects of the Act be invoked in order to make it more effective. Bhatnagar wrote: "Some of the authorities make deliberate attempts to avoid passing information." He lists out the ways in which information is denied. This includes demanding exorbitant fees for information when the fee is clearly indicated in the Act telling the applicant that the records are not traceable. (Times of India 12.3.04)

21<sup>st</sup> April

The Hindu journalists attacked near Bangalore (1)

BANGALORE, APRIL 20. A reporter and a photographer of The Hindu , Bangalore were roughed up by a mob at Jadagenahalli in Hoskote taluk of Bangalore rural district on Tuesday. The vehicle hired by them for election coverage was damaged. The Hindu team on election assignment, received information about a tense situation at Jadagenahalli on Malur Road. It reached the village at 1.15 p.m. and V. Sreenivasa

Murthy, photographer, captured on film a mob in front of the polling booth there. The mob was having an altercation and police were attempting to disperse it. When the mob saw the journalists they rushed towards their vehicle, pulled Mr. Murthy out, pinned him to the ground and kicked him. They snatched his digital camera, camera bag, gold chain, wristwatch and mobile phone. Although Mr. Murthy and K.V. Subrama-nya, reporter, identified themselves as members of the press, the mob did not spare them. When Mr. Subramanya attempted to escape, he was chased by another group, which pushed him down and kicked him. They tore his shirt and one of them tried to strangle him with a telephone cord. Some people intervened and stopped the attempt. (Hindu 21.4.04)

29<sup>th</sup> April

To get your right to know, you will have to wait longer (1)

NEW DELHI, APRIL 28 : PUSHED and prodded by the Supreme Court, the Government may have been forced to set up an ad hoc system to protect whistle-blowers but when it comes to the Freedom of Information Bill, it's still sitting on it. Even after the President has given his assent, even after the Bill was notified in January 2003. And the excuse: rules are being framed.

Three months ago, a set of draft rules, running into 30 pages, was sent to the Law Ministry for approval which bounced it back to the Department of Personnel and Training saving the rules went beyond provisions listed in the Bill. According to Section 17 of the Freedom of Information Act, 2002, the Government may provide rules for all or any of the four: • Intervals at which every public authority will publish its own particulars like name of Public Information Officers, details of facilities, its own role etc. • Fee structure • Authority before whom an appeal may be preferred

• Any other matter which is required to be, or maybe, prescribed. (Indian Express 29.4.04)

4<sup>th</sup> May

Asia is the largest prison for journalists (1)

Paris, May 3: Asian nations detained more than 200 journalists last year, while three were condemned to death and at least 16 murdered, including two covering Jammu and Kashmir, Reporters Without Borders said on Monday, accusing governments of torture and censorship.

It described 2003 as a "black year" for journalists worldwide, with 42 reporters killed and more than 120 others still imprisoned. "More journalists were killed in 2003 than in any year since 1995. A black year if ever there was one," Reporters Sans Frontieres said in its annual report, released to coincide with World Press Freedom day. "More than 200 journalists were detained in Asia, making it by far the world's biggest prison for the press," said the report, in which few Asia-Pacific nations escaped criticism. In May 2004, 27 journalists were in jail in China, second only to Cuba's 29, the group said, and while 11 were imprisoned in Burma. Four journalists were arrested in Pakistan over the year. Of the 16 journalists killed in the region, seven were in the Philippines who were murdered by contract killers, mainly in the troubled southern island of Mindanao, it said. Journalists also became caught up in armed separatist struggles, including two who were killed in India "because of their coverage of Kashmir." Nepalese security forces arrested, detained, tortured or threatened about 100 journalists in 2003, said the report. Journalists were also tortured in Pakistan and Burma, it said. (Asian Age 4.5.04)

27<sup>TH</sup> May

In battle for freedom of expression (1)

NEW DELHI, MAY 26. It was time for the "prisoners of conscience" to exchange notes on freedom of expression in India at a panel discussion here today to mark the release of Amnesty International's annual assessment of human rights worldwide. Speaking about his experience with censorship, the award-winning documentary film-maker, Anand Patwardhan, said: "The British had used the Censorship Act to stop the freedom struggle. Later, political parties have adopted these laws to enhance their own interests. I think if a sensible person interprets the censorship guidelines, it would not be used in the same way. But every time my freedom of expression has been curbed and I have gone to court, it has upheld this constitutional right."

Narrating his experience with the controversial play "Ponga Pandit Jamadarin" which was attacked by Bajrang Dal activists more than once, the renowned theatre personality, Habib Tanvir, said: "The play was not mine. It was a folk play that had been staged since 1935. I think most of my plays have highlighted social issues. Most of all, they are very funny, but I think that the political version of Hindutva has lost its sense of humour." While India did not get a clean chit from Amnesty International for letting human rights

violations in Gujarat go unpunished and for discriminating against women, religious minorities, dalits and adivasis, but these veterans in the battle for freedom of expression were proof that all was not lost.

29th May

Right to info: Fine on officials delayed (1)

NEW DELHI, MAY 28: TWO-and-a-half years after the Delhi Right to Information Act 2001 was enacted, the Delhi government passed a crucial order in April. It called for penalising government officials delaying or denying information under the Act. The order is yet to be implemented. On April 7, Chief Secretary Shailaja Chandra had issued the order. The Act has a provision that any officer delaying providing information beyond 30 days will be fined Rs 50 daily. Delay of over a month will attract a fine of Rs 500 and supplying incorrect or misleading information will cost Rs 1000. Almost half of the applications pouring into government departments under the Act over the past few years—be it transport, power, food supplies or water — have been forwarded to the Public Grievance Commission (PGC). The April 7 order refers to complaints received by the PGC which is the nodal agency for people who have been denied information. Amongst other reasons, it states that information is denied "on flimsy grounds", such as 'it is confidential,' 'it is voluminous,' or 'it may be used against the department.' (Indian Express 29.5.04)

3rd June

Seek and you shall know, says govt (1)

New Delhi, June 2: THE DELHI government has decided to implement the Right to Information Act in letter and spirit. Babus who decline you public information will now be penalised. The Public Grievance Commission, the nodal agency for implementation of the Act, will decide the nature of penalty. Delhi chief secretary Shailaja Chandra issued an order last month, conferring powers to the commission for recommending the deduction. Section 9 of the Act stipulates penalty provisions for failing to give information. "The PGC will quantify the amount of penalty to be imposed, which could be recoverable from the competent authority," Chandra stated in his order. Once the commission passes an order for salary deduction, it will be the job of the head of the department concerned to deduct the amount. In case of an adverse remark, the head will initiate action under "minor penalty provisions" of Central Civil Service rules. The commission had found that the public was not able to benefit from the Act because of hurdles created by the bureaucrats. The order was issued following a study by the commission, which said that officials employed various tactics to thwart attempts by citizens to seek information. The commission reported that officials often asked for "exorbitant fees" for information, seek proof of applicant's address and nationality. They would also make excuses like claiming that the files were not traceable. (Hindustan Times 3.6.04)

9th June

No violation of law: M.J. Akbar (1)

NEW DELHI, JUNE 8. Midram Publications today asked the Government to drop the case being made against the publication of International Herald Tribune (IHT) from India contending that there was no violation of law. Its Editor, M. J. Akbar, however, said that he would take recourse to courts in case the Government persisted with the issue. "When foreign journals like Time or papers like The New York Times could be sold freely in India, what is wrong if we publish International Herald Tribune as an Indian publication edited by Indians. At least we are taking the responsibility," Mr. Akbar told PTI after sending a reply to a Government communication that informed his company that the "publication was not permitted". In its letter last week, the Government had informed Midram Publications which started printing the JHT from Hyderabad late last month that the publication was not permissible in terms of the "guidelines for syndication arrangements by newspapers under the extant policy of the government pertaining to print media". Dubbing the guidelines as "wholly arbitrary, maland, illegal and unconstitutional", Mr. Akbar said in his letter to the Information and Broadcasting Ministry this evening that the "so called policy referred by you violates our fundamental right guaranteed under Article 19 of the Constitution." (Hindu 9.6.04)

**26th June**

**Media ignoring social realities (1)**

NEW DELHI, JUNE 25. "The media is not being able to represent multidimensional social realities that India represents," said the Union Minister for Information and Broadcasting, Jaipal Reddy, while speaking at a seminar on "Opportunities and Challenges: Indian Media Scene -- Recent Shifts in the Paradigm of

Media Operations" here today. The seminar was organised by the Centre for Media Studies. The media, he said, sadly neglected the rural areas and even in urban areas the mainstream media ignored the poorer areas. Stating that he didn't want to talk specifically about the recent Lok Sabha elections, Mr. Reddy referred to the "failure of the media to anticipate trends on the eve of the elections." "I don't believe that there was a huge conspiracy on the part of the media to do what it did or that the ruling party influenced it. Those who controlled the media believed what they reported to be true because their ideas influenced their judgment. There was convergence of ideas among people who control the media, who write in it, news commentators and editors." Also present at the seminar were the former CEO Prasar Bharati, S.S.Gill; Chairman of the Press Council of India, Justice K. Jayachandra Reddy; media personalities Ajit Bhattacharjea, Ramesh Sharma and Paranjoy Guha Thakurta, former Rajya Sabha member and veteran journalist Kuldip Nayar, and Chairman of the Centre for Media Studies, N. Bhaskara Rao. The other subjects discussed during the day long seminar included information equity and priorities, regulatory issues and media convergence. Moderating the discussion, Mr. Gill said: "Regulation is not such a dirty word. Further, technology is changing so fast that one has to be careful on how, when and where to regulate." (The Hindu 26.6.04)

13<sup>th</sup> July

Journalists only accountable to the people (1)

SHIMLA, JULY 12. A four-day interactive session on "Development and Communication" organised by the Press Institute of India in collaboration with the Ford Foundation at the Indian Institute of Advanced Studies here this past week provided ample opportunities for participants to reflect on the nature of media and ponder whether it was fulfilling its chief mission of serving the people. "People are the focus of development communication and media as such is not focussed on the people. And the national press is more distant from the people than the regional media", said the Editor-in-Chief of the Tribune, H.K.Dua, while participating in the deliberations. "We in the media treat the people as readers and not as people. What we need is a media which is more accountable to the people, which reflects their aspirations and concerns." Echoing the same views, Paranjoy Guha Thakurta of the School of Convergence said journalists have a special role to play in a democracy and it was time the human being was put at the centre of all news. "We must remember that news is not what concerns the elite, news is what concerns a large number of people." With issues like water, population and health and agriculture providing the background

for analysing whether media was doing enough to highlight these concerns, participants at the workshop argued for a more concerned media which gives a fillip to the development process. (The Hindu 13.7.04)

20<sup>th</sup> July

Court extends stay in contempt proceedings against newspapers (1)

NEW DELHI, JULY 19. The Supreme Court today extended the stay in the contempt proceedings initiated by the Karnataka High Court against several newspapers pursuant to the publication of certain news reports pertaining to what is called the 'Mysore episode'. A three-Judge Bench, comprising the Chief Justice R.C. Lahoti, Justice A.R. Lakshmanan and Justice G.P. Mathur, also admitted a batch of special leave petitions challenging the orders of the High Court. The court has already appointed F.S. Nariman as amicus curiae in this case. A batch of petitions was filed by journalists, senior editors and publishers challenging an order of the Karnataka High Court to initiate contempt of court proceedings against them for publishing reports on certain allegations against three judges of the High Court. The Karnataka High Court had suo motu initiated contempt of court proceedings against 11 newspapers for allegedly tarnishing the image of the judiciary by publishing baseless articles against the judges and said it would frame charges against the newspapers and the journalists. The appeals were directed against this High Court order. The Supreme Court had on November 18, 2003 stayed the proceedings pending before the High Court. This stay has now been extended. (The Hindu 20.7.04)

21<sup>st</sup> July

Strengthen Freedom of Information Act, Sonia told (1)

JAIPUR, JULY 20. Magsaysay Award winner Aruna Roy and economist Jean Dreze, both members of the National Advisory Council of the United Progressive Alliance, have asked its Chairperson, Sonia Gandhi, for a speedy enactment of the Freedom of Information Act and the Employment Guarantee Act besides an

immediate end to forcible displacement of people.

"The National Advisory Council's terms of reference are grounded in the assurance made in the Common Minimum Programme. While many of these commitments are important, some are critical for the well-being of the socially and economically marginalised, and also for people's participation in the process of governance," Ms. Roy and Prof. Dreze said in a joint letter addressed to Ms. Gandhi. According to them, while the CMP document begins with a solemn pledge, "to provide a government that is corruption-free, transparent and accountable at all times, to provide an administration that is responsible and responsive at all times", its credibility depended on the ability of the Government to translate this pledge into concrete action. "Many such pledges have been made before as well," they pointed out. (The Hindu 21.7.04)

29<sup>th</sup> July

Malayalam newspaper offices attacked (1)

KOZHIKODE, JULY 28. The Kozhikode offices of the Malayalam newspapers, Malayala Manorama and Chandrika, the latter aligned with the Indian Union Muslim League (IUML), were damaged in violent incidents today though ban orders under the Police Act to prevent unlawful assembly and carrying of arms were in force in the city. The ban orders were in force from 4 a.m. today because the Democratic Youth Federation of India (DYFI) had decided to take out a march to the office of the Inspector-General of Police here protesting against alleged police excesses, in the context of protests against the State Government's education policy and specifically the circumstances that led to the suicide of an engineering college student in Thiruvananthapuram last week. The attack on the Malayala Manorama office came shortly after the State secretary of the Communist Party of India (Marxist), Pinarai Vijayan, had finished addressing the demonstrators near the English Church. (The Hindu 29.7.04)

The Hindu case on privilege issue (1)

NEW DELHI, JULY 28. The Supreme Court today referred to a five-Judge Constitution Bench two writ petitions filed by the Editor of The Hindu, N. Ravi, and four others as well as the Editor of the Tamil newspaper, Murasoli, S. Selvam, challenging a resolution of the Tamil Nadu Assembly sentencing them to 15 days imprisonment for breach of privilege of the House. A three-Judge Bench, comprising the Chief Justice, R.C. Lahoti, Justice G.P. Mathur and Justice C.K. Thakker, while referring the matter to a Constitution Bench to decide important questions of law raised in the petitions observed that the interim order staying the arrest of the six journalists would continue. Admitting the petitions, a two-Judge Bench on December 8, 2003 referred them to a larger Bench since several important questions of law were involved. The cases were today posted before a three-Judge Bench for its consideration. Besides Mr. Ravi, the four other journalists of The Hindu who had filed the writ petition were: the Executive Editor, Malini Parthasarathy, the Publisher, S. Rangarajan, the Chief of Bureau, Tamil Nadu, V. Jayanth, and the then Special Correspondent, Radha Venkatesan. (The Hindu 29.7.04)

30<sup>th</sup> July

Threat to scribe, condemned (1)

DEHRA DUN, JULY 29. Political leaders and journalists have deplored the burning of copies of the Hindi daily newspaper, Dainik Hindustan, and threats to its Dehra Dun Correspondent, Avikal Thapliyal, by some supporters of the Uttaranchal Pradesh Congress Committee president, Harish Rawat. Mr. Rawat's supporters are sore at the newspaper for carrying a report that he is likely to be replaced by some other leader. Describing the attitude of some Congressmen as an attempt to gag the Press, the former Uttaranchal Chief Minister and Bharatiya Janata Party state unit president, Bhagat Singh Koshiary, said the Government should immediately provide protection to Mr Thapliyal. The Samajwadi Party national general secretary, Vinod Barthwal, wanted the Chief Minister, Narain Dutt Tiwari, and Mr Rawat to ask their party-men to respect the freedom of the Press. (The Hindu 30.7.04)

UP Council to state: Act against ADG (1)

Lucknow, July 29: The chairman of the UP Legislative Council has directed the state government to take necessary action against ADG prison administration, who had summoned The Asian Age correspondent Amita Verma to his office "to" explain the publication of an interview taken inside jail. The issue was raised through an attention-calling motion by Congress member Siraj Mehndi 'in' the UP Legislative Council on Wednesday. Mr Mehndi said that officials of the state government had no authority to summon journalists

to their office in this manner. "This amounts to an attack' on the freedom of the press. Besides, journalists are certainly not answerable or accountable -to officials of the government," he said. Mr Mehndi said that instead of checking the flaws in the administration inside the jail, the state government has started harassing journalists who were exposing the decay in the system. "If a journalist managed to sneak inside the jail and get an interview of an undertrial, the authorities should" be pulling up their own staff instead of issuing such notices to the concerned scribe," he said. " (Asian Age 30.7.04)

31st July

Editors' jail term dropped (1)

Chennai, July 30: The Tamil Nadu Assembly on Friday cancelled the simple imprisonment awarded to editors and journalists belonging to The Hindu and the DMK organ Murasoli in November last year for breach of privilege. The House adopted by a voice vote a resolution moved by finance minister and Leader of the House C. Ponaiyan to cancel the resolutions passed on November 7 and the actions taken thereunder against editor N. Ravi, executive editor Malini Parthasarathy, publisher R. Ran-garajan, chief of bureau V. Jayanth and special correspondent Radha Venkatesan of The Hindu, besides editor Selvam of Murasoli. Mr Ponnaiyan said the action was being dropped in the hope that The Hindu and other dailies would publish true and faithful reports of the Assembly proceedings, "keeping in view the prestige, dignity and privileges of the House." The media should be "neutral" and put out the true version without giving room for any "personal bias" as otherwise the public could be misled "leading to undesirable conclusions," he said. (Asian Age 31.7.04)

5th Aug

Attack on newspaper office in Tamil Nadu: journalists urge action (1)

CHENNAI, AUG. 4. While condemning the attack on the office of Dinamalar, a Tamil daily, at Cuddalore, allegedly by Pattali Makkal Katchi (PMK) activists on Tuesday, journalist organisations have urged the Tamil Nadu Government to order a Crime Branch CID probe into the incident. A resolution adopted at a meeting of the Madras Union of Journalists, the Madras Reporters Guild, the Chennai Press Club and the Network of Women in Media and Journal-ists Action Group said today those responsible for the attack should be brought to book at the earliest. The attack was "yet another demonstration of the PMK's undemocratic behaviour and intolerance towards any form of criticism." The meeting resolved to send petitions to the President, the Prime Minister, the Union Information Minister, the Tamil Nadu Chief Minister, the Director-General of Police and the Press Council on the violence against a respectable media house and requesting immediate action against "the perpetrators [of the act] and, more importantly, those who instigated them." (The Hindu 5.8.04)

23rd Aug

Penalty provision for failure to provide information (1)

JAIPUR, AUG. 22. The draft bill for the proposed Right to Information Act, seeking amendments to the existing legislation, the Freedom of Information Act 2002 passed by Parliament in December 2002, has kept penal provisions against those who refuse to provide information or fail to supply it within the specified period. The draft bill, endorsed by the National Advisory Council at a meeting presided over by Sonia Gandhi in Delhi last week has kept a penalty of Rs.250 if the Public Information Officer who will be entrusted with the task of providing information fails to do so within the stipulated period. The draft bill, along with the draft for the proposed Employment Guarantee Act also cleared by NAC, is now with the Centre. The penal provisions would apply if the officer concerned refuses to receive an application seeking information or knowingly give wrong information. Anyone destroying the information or obstructing the access to the same would also be held liable. On summary conviction, the PIO or the person obstructing the information shall be liable to a fine of not less than Rs.2,000 or imprisonment up to 2 years or both. "We at the National Campaign for Right to Information are very happy about the draft. I am also happy to be the part of the collective," Aruna Roy, one of the pioneers of the right to information movement in the country and member of NAC said. "People at the NCPRI have been working on a war-footing on the changes," she observed. (Hindu 23.8.04)

10TH September

BSP begins legal proceedings against Hindi daily (1)

NEW DELHI, SEPT. 9. The Bahujan Samaj Party today initiated legal proceedings against Dainik Jagran, a Hindi daily, for using a derogatory expression about its president, Mayawati. The party demanded a "token compensation of rupees one hundred crores" for the damage caused to its image. According to its general secretary and Rajya Sabha MP, Satish Misra, the BSP decided to take a series of measures including initiating criminal proceedings, filing a defamation suit and approaching the Press Council Of India. At a press conference here, Mr. Misra distributed copies of the legal notice served on the proprietors of Dainik Jagran. The party has already filed a FIR against the paper in Ghaziabad and Lucknow and moved the Press Council of India to ban the paper and take back its licence. In the legal notice, the BSP said that not only had the paper caused defamation but it had also committed an offence under the provisions of the Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act 1989, the Protection of Civil Rights Act, 1955, the Indian Penal Code, and Section 500 of the IPC. (The Hindu 10.9.04)

#### 11<sup>TH</sup> September

##### Pakistan throws out HT journalist (1)

Chandigarh, September 10: KANWAR SANDHU, resident editor of the Hindustan Times, Chandigarh, who was part of a delegation that had gone to Lahore on a goodwill mission, was asked on Friday to leave Pakistan. Indian officials are reportedly taking up the matter with their Pakistani counterparts. The delegation led by Haryana chief minister Om Prakash Chautala consists of Haryana ministers, some MPs, sevapanthis, government officials and three editors, including Sandhu, Barjinder Singh Hamdard of the Ajit group, and Vipin Pubby, resident editor of The Indian Express, Chandigarh. The members of the delegation had bona fide visas, on the basis of which they entered Pakistan at about noon on Friday. However, after they checked into their hotels here, Pakistani authorities asked Sandhu to leave because he had apparently committed some visa violations during a visit to Pakistan in 1991, when he had gone there with valid permission. When Sandhu insisted on details, the authorities were not forthcoming. Pakistani officials in New Delhi regretted the incident, but there was no official response. Off the record, a diplomat said: "He had overstayed in 1991, which is an immigration offence. This was pointed out to him." (Hindustan Times 11.9.04)

#### 18<sup>th</sup> September

##### Tamil Nadu files affidavit to withdraw 125 defamation cases against media (1)

NEW DELHI, SEPT. 17. The Tamil Nadu Government today filed an affidavit in the Supreme Court, along with a copy of the "Government Order" issuing directions for withdrawal of all the 125 defamation cases against The Hindu and other newspapers and magazines pending before a Chennai court and the Madras High Court. Counsel for the State, Subramoniam Prasad, filed the affidavit before a Bench consisting of Justice Y.K. Sabharwal and Justice D.M. Dharmadhikari. It is hearing three writ petitions filed by the Editor of The Hindu, N. Ravi and nine other representatives of the newspaper and the Editor of Junior Vikatan, S. Balasubramaniam and the Editor

Of Kalki, K. Rajendran. The petitioners had challenged Section 499 of the Indian Penal Code relating to criminal defamation law as well as the defamation cases filed against them. Counsel told the Bench that the Government had filed an affidavit as per the court's earlier directions.

According to the G.O. dated June 6, the State Government, after a careful consideration, had decided to withdraw the 125 defamation cases. "The Public Prosecutor, Chennai city, is requested to consider and file withdrawal petitions under Section 321 of the Cr.P.C. in the courts concerned for withdrawal of the cases and the Special Government Pleader (Civil Suits), Madras High Court to file necessary petitions for withdrawal of the civil suits," the G.O. stated. (The Hindu 18.9.04)

#### 29<sup>th</sup> September

##### SC affirms right to info, quashes Rly's punitive order (1)

New Delhi: In the first-ever judgment relating to the right to information, the Supreme Court has quashed a railway ministry order punishing an officer with compulsory retirement on the "grave" charge of providing basic information to his colleague about the days he was absent from duty.

After service to the Railways for 31 years and an unblemished record, the authorities punished Pritam Singh with compulsory retirement shortly before he was due to retire in May 2002. Passing strictures on the Railways in particular and other authorities in general, a Bench of Justices K G Bal-akrishnan and A R Lakshmanan said: "The instant case is a glaring example of abuse of discretionary power." After Pritam Singh was meted out the 'punishment' he apologised to the Railways for supplying the statement on

absenteeism, but it did not placate his employers. After that he appealed to the Central Administrative Tribunal and then the Punjab high court, but to no avail. However, the apex court stood by him. It said the authorities' order of premature retirement lacked evidence to show it was done in public interest. The Bench said it was "arbitrary". Rejecting the charge of "doubtful integrity" levelled against the petitioner, the Bench scoffed at the authorities' reasoning that Singh had "outlived his utility... and had become deadwood which had to be chopped off". (Times of India 29.9.04)

## 2ND October

Court notice to The Hindu, others on Judge's plea (1)

NEW DELHI, OCT. 1. The Supreme Court today issued notice to the Editor of The Hindu and four other publications on a petition filed by Justice M.S. Veerabhadraiah, a Karnataka High Court Judge, seeking modification to the earlier order shifting the defamation cases filed by him from a Bangalore court to a court in Chennai. The Judge had filed defamation case against The Hindu and eight other newspapers claiming damages ranging from Rs. 1 lakh to Rs. 10 lakhs for publishing report relating to the 'Mysore Judges episode' allegedly defamatory to him. Of the nine publications, transfer petitions were filed by The Hindu Editor, N. Ravi, The Times of India, Deccan Herald, Prajavani Publications and Vijaya Karnataka and the Supreme Court had directed that the case; against them be heard by the City Civil Court, Chennai. The parties were asked to appear before the court concerned in Chennai on October 11. (The Hindu 2.10.04)

## 3RD October

Assault on scribe: Accused still at large (1)

New Delhi; October 2: DELHI POLICE are yet to arrest Surendra Jain, a 35-year-old senior Vishwa Hindu Parishad (VHP) leader, even 40 hours after he mercilessly beat up a journalist with a baseball bat in the Shakti Vihar area on Friday afternoon. On Saturday, some VHP activists gave veiled threats to the victim Chanchal Pal Chauhan to not pursue the case against Jain. They had accompanied their leader Vishnu Hari Dalmia to the Pitampura hospital, where Chauhan is recuperating. Pressure from the VHP seems to have already worked on the police. They have not only failed to arrest Jain, but also allowed him to be admitted to Saroj Hospital, a private hospital, without even getting a mandatory examination done at a government hospital.

Jain, a lecturer at Hindu College, Rohtak, is one of the VHP's front rank leaders. He is presently VHP's all India secretary Jain had earlier headed the Sangh Parivar's militant wing, the Bajrang Dal. DCP (North West) Sanjay Singh, however, said that the police are under no pressure and will take action according to the law. On Friday, Jain had been booked for attempt to culpable homicide under the IPC section 308, which is non-bailable. (Hindustan Times 3.10.04)

## 8th Oct

One fight at a time for information right (1)

NEW DELHI, OCTOBER 7 : TEN years after they began the agitation for the right to information, the campaigners got back today to take stock of the movement in the backdrop of the Right to Information Act. Magsaysay awardee Aruna Roy, journalist Ajit Bhattacharjea, lawyer Prashant Bhushan, environmentalist and teacher Shekhar Singh, writer and former envoy Kuldeep Nayyar came together on the second national convention on the right to information which begins tomorrow. Speakers at the meet said the right is a weapon with the common man to take on authorities and make them accountable. They, however, warned that accountability does not "necessarily" follow exposure of wrongdoing by the officialdom. For that, continuous struggle, including resort to judicial means, may be required, Shekhar Singh said. "You have to fight a specific battle at a time. You can't have everything in one fight," said Roy. "For wrongdoings in admissions, you have to make a separate application asking for facts...While asking for facts under the freedom for information Act does not guarantee that information will be given, it will give people the habit of questioning." (Indian Express 8.10.04)

## 11th Oct

Information on public must not be a secret (1)

NEW DELHI, OCTOBER 10: Three areas where RTI needs to be used are anomalies in ration cards and public distribution system, voter list problems and slum removal and their relocation," said former prime

minister V.P. Singh while speaking during the Second National Convention of the Right to Information (RTI) today. Singh presided over the concluding ceremony. The right-to-information campaign is being headed by Magsaysay winner Aruna Roy, columnist Ajit Bhattacharjee, lawyer Prashant Bhushan, environmentalist and teacher Shekhar Singh, writer Kuldip Nayar, activist Dunu Roy and Arvind Kejriwal of Parivartan. "A true parivartan (change) in public life does not come about through change of government every five years but through change in the public mindset. Governments run only because of the lack of information among the masses, which is ensured through Acts like the Official Secrets Act. Information that is held back citing 'public good' actually protects political or personal benefits," said Singh (Indian Express 11.10.04)

2ND Nov.

Journalists attacked at airport (1)

MALAPPURAM, NOV. 1. Fifteen mediapersons who went to cover the reception accorded to the Industries Minister, P.K. Kunhalikutty, at the Karipur airport here today came under attack allegedly from activists of the Indian Union Muslim League (IUML). Mr. Kunhalikutty was arriving here after performing 'Umarah' at Mecca in Saudi Arabia. Asianet correspondent V.M. Deepa and cameraman K.P. Ramesh, Indiavision correspondent Baiju Unnikrishnan, Kairali correspondent Shailesh, Jeevan TV correspondent Ayyappadas and cameraman Suresh, NTV correspondent Sajeev C. Warriar, Surya TV reporter Jayan Komath, New Indian Express photographer N.P. Jayan and Kerala Shabdham reporter Koyamu sustained injuries. All of them have been admitted to the Baby Memorial Hospital in Kozhikode. (The Hindu 2.11.04)

Widespread protests against attack on scribes (1)

THIRUVANANTHAPURAM, NOV. 2. The State remained in turmoil for the second consecutive day today over the roughing up of mediapersons who had gone to the Karipur airport on Monday to cover the return of the Industries Minister, P.K. Kunhalikutty, after performing 'Umarah' at Mecca allegedly by Indian Union Muslim League (IUML) workers for reporting the disclosures made by Rejina, a witness in the ice-cream parlour sex racket case. While Thiruvananthapuram and Kochi were the hubs of the turmoil, developments relating to the issue were reported from many other places also. A fast was held here before the Secretariat by LDF leaders to protest the incident. The Leader of the Opposition, V. S. Achuthanandan, who inaugurated the fast, and the others who spoke, including the CPI (M) State secretary, Pinarayi Vijayan, condemned the attack as "an onslaught on the freedom of the press" and demanded stringent action. They lashed out at the police for their inaction. The arrival of a march in support of Mr. Kunhalikutty organised by the Muslim League suddenly surcharged the atmosphere. The Muslim League workers, who were in a belligerent mood, started flexing their muscles at, among others, the presspersons but beat a hasty retreat when they realised that they were outnumbered. It was only after their exit that demonstrations by feeder organisations of the LDF reached the scene. (The Hindu 3.11.04)

3RD Nov.

Govt committed to more meaningful Right to Information Act (1)

New Delhi:: EVOLVING A model code of good governance, protection of civil servants for their bonafide decisions and freedom of information for enhancing transparency were key areas of focus at the first conference of State Chief Secretaries organised by the UFA Government on Tuesday. The day-long conference, held a day after Prime Minister Manmohan Singh convened the first meeting of his Council of Ministers to focus on responsive administration, also discussed effective management and appraisal and improving service delivery for greater citizen satisfaction. Addressing the conference, Minister of State for Personnel Suresh Pachauri said the reform process to make a lasting impact must ensure greater efficiency. He said the UPA Government was committed to making the Right to Information Act "more progressive, participatory and meaningful" and wanted to see the Lokpal Bill becoming a law. Observing that the Government wanted to give due share to the Scheduled Castes, Scheduled Tribes and Other Backward Classes in public services, Mr Pachauri said the Personnel Ministry had drawn a detailed time schedule for filing of backlog vacancies for SCs and STs. (Pioneer 3.11.04)

17th Nov.

Notice to Centre, States on Information Act (1)

NEW DELHI, NOV. 16. The Supreme Court today issued notice to the Centre, States and Union Territories on a petition seeking a direction to the Union Government to notify the Freedom of Information Act, 2002.

to Centre, States on Information Act. A Bench, comprising Justice N. Santosh Hegde and Justice S. B. Sinha, issued the notice on a public interest litigation filed by Sanjay Goel, who sought a mandamus to the Centre to inform whether the Act would be brought into force or not. The petitioner submitted that Article 19 of the Universal Declaration of Human Rights clearly laid down that "everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinion without interference and to seek, receive and impart information and the ideas through any media and regardless of frontiers." (The Hindu 17.11.04)

10<sup>th</sup> Dec

Issue for seven-judge bench (1)

NEW DELHI, DEC. 9. A seven-Judge Constitution Bench of the Supreme Court will have a fresh look at the issues relating to press freedom and privileges of the Legislature in view of the conflicting decisions given earlier by a five-Judge Bench and another seven-Judge Bench. A five-Judge Bench, comprising Chief Justice R.C. Lahoti, Justice B.N. Agrawal, Justice H.K. Sema, Justice G.P. Mathur and Justice P.K. Balasubramanyan, referred the matter to a seven-judge Bench that would go into the questions raised in the petitions filed by the Editor of The Hindu, N. Ravi, and others challenging a resolution of the Tamil Nadu Assembly. Another petition filed by the Editor of the Tamil newspaper, Murasoli, S. Selvam, on the same issue has also been tagged on with this petition. Appearing for Mr. Ravi and others, senior counsel Harish Salve submitted that though the Assembly had revoked the resolution sentencing the journalists, the threat would continue to exist. He pointed out that a five-Judge Constitution Bench in 1954 held that privileges of the House under Article 194 (3) of the Constitution was subject to the fundamental rights guaranteed under the Constitution. However, in 1965, a seven-Judge Bench, in another case, ruled that though the privileges of the House were subject to the right to life guaranteed under Articles 21 and 22, the right to freedom of speech under Article 19 (1) (a) could not come in the way of the House deciding an issue pertaining to its privileges. In view of the conflicting decisions, he suggested that the matter be referred to a seven-Judge Bench. (The Hindu 10.12.04)

UP to media: Show last year's work (1)

Lucknow, Dec. 9: For the first time since Independence, accredited journalists in Lucknow will now be required to furnish their newspaper clippings of Assembly coverage in order to get an entry pass for the next Assembly session. The principal secretary of the UP Vidhan Sabha, vide letter No. 2361/VS/PK/101(P)/90, has asked editors of all leading newspapers and accredited journalists to furnish their newspaper clippings — along with the entire newspaper — of the Assembly session that concluded on November 30 to his office latest by January 5, 2005 so that passes for the press gallery for the Budget Session early next year could be issued. The unprecedented move is apparently an attempt by the state government to invoke censorship on the media and "rein in" journalists whose reporting is anti-establishment. According to Vidhan Sabha sources, the Speaker's office now plans to "screen" the newspaper clippings, invoke privilege motion against erring journalists and deny Assembly coverage passes to those who refuse to toe the line. In short, it will now be the prerogative of the Speaker's office to decide which publication and which journalist will be allowed to enter the press gallery and cover the Assembly proceedings. (Asian Age 10.12.04)

22<sup>nd</sup> Dec

Poor media coverage of agrarian crisis (1)

NEW DELHI, DEC. 21. The country is facing a major agrarian crisis, but the media reportage hardly reflects this, says P. Sainath, Rural Affairs Editor of The Hindu. He was delivering the keynote address at the awards function of Bharat Ratna C. Subramaniam Fellowship 2004-05 here today. "While journalism attains greatness or notoriety on the basis of how relevant it is to the great occurrences of that time, today it is [the] mass media, on [the] one hand, and mass reality, on the other," he said. Contrasting the reportage of certain events, Mr. Sainath said: "A young aspiring actress Nafisa Joseph committed suicide. While it was very sad that a young life was snuffed out in one stroke, for the next 12 hours the incident got more television coverage than the death of 30,000 farmers received over the past 10 years. The suicide invaded every possible arena of television, but compared to that did the suicide by farmers get the kind of exposure that it needed," he asked. Similarly, while more than 400 reporters were accredited for the Lakme India Fashion Week 2004, barely six correspondents of the national dailies were deputed at the "height of the agrarian crisis," he said. The important "processes" of current times included alarming levels

of inequality, the gigantic agrarian crisis and the privatisation of resources, in particular the privatisation of water. "In a country like India, privatisation of water is like privatising rainfall. India is a country that is largely dependent on rain-fed farming. And yet, we are promoting this," he said. (The Hindu 22.12.04)

Press Council cautions media over covering juvenile crimes (1)

NEW DELHI, DEC. 23. The Press Council of India (PCI) today expressed grave concern over the increasing tendency of the media to conduct trials parallel to the courts and cautioned it to exercise restraint while reporting on incidents of crime involving juvenile and take necessary precautions in covering court proceedings. A PCI release said the video clip case had been sensationalised to a large extent by the electronic media which repeatedly telecast the clip and details of the identity of the minor involved and even the name of the school. "The print media has followed up on these reports in violation of internationally accepted norms of journalistic conduct in reporting on minors and children," said the release, appealing to the media to observe restraint in identification of minors charged with any offence and those victimised as it violated Section 21 of the Juvenile Justice Act. The PCI cautioned the media that while reporting crime involving rape, abduction or kidnapping of women/females or sexual assault on children, or raising doubts and questions touching the chastity, personal character and privacy of women, the names, photographs or any other particulars of the victims leading to their identification must not be published. The media must not presume anyone guilty and not disclose the identity of the family or relatives or associates of a person convicted or accused of a crime, when they are totally innocent and a reference to them is irrelevant to the report. (The Hindu 24.12.04)