

# **SOUTH ASIA MEDIA SOLIDARITY NETWORK**

## **Special forum and workshop on building capacity for media rights monitoring and networking**

*Kathmandu, September 6-7, 2009*

### **BACKGROUND PAPER**

#### **Overview: The twin crises of safety and job security**

Two crucial tests face the media in South Asia today. The global financial crisis has engendered several stresses and dislocations in most countries in the region, creating a situation of professional insecurity for media professionals. This is compounded by the challenges that they continue to face on the physical safety front, with media professionals being either deliberately targeted by adversarial sides or tending to get caught in the crossfire of the numerous and varied conflicts in the region.

Between September 2008 – when the implosion of several banks and financial institutions on Wall Street announced unambiguously that a major financial shakeout was about to begin – and the first quarter of 2009, it seemed like the media in most countries of South Asia was destined for a rapid plunge in fortunes. But by about mid-year, the outlook seemed to improve. Yet it is generally agreed that more serious consequences of the global financial meltdown could still lie in the future. For all countries in this region – home to a fifth of the world's population – the inclemency of the global economic environment is an unwelcome complication, introducing a further twist in the delicate economic and political transitions they are undergoing.

Physical security remains a burning issue for media personnel in South Asia. The year that has lapsed since the last meeting of the South Asia Media Solidarity Network (SAMSAN) has, if anything, witnessed a sharp deterioration in safety parameters. Journalists have been killed in Afghanistan, Pakistan and Sri Lanka. And India, with four journalists being murdered, has joined this league of infamy during this period. With all the mobilisations over the year by journalists' unions and associations on the core issue of safety, attacks and intimidation remain common.

In India, the early gloom has abated to some degree and there is now hope of an upturn in the economy. The most recent official estimate puts the overall economic growth rate for the April-June quarter of 2009 at 6.1 percent, which beats the most optimistic predictions made since the global financial meltdown hit. The media corporations that are publicly listed have announced sharp falls in advertising revenue and mounting losses over the past few quarters. But by mid-2009, some of the largest media companies, after major financial restructuring, were showing an intention to raise fresh capital from the market. A new buoyancy in the capital markets was being witnessed, though few were prepared to bet on how far it would be sustained. But as the summer wore on and the monsoon months brought little rainfall, new worries began to arise about economic prospects for the near and medium-term future. The consumer goods sector is a big advertiser and with demand expected to drop as rural incomes shrink, advertising spending by this sector could also fall.

Though India should be, by virtue of its size, the pivot of the regional economy, its economic fortunes are expected to exert an immediate influence on only Nepal and Bhutan, two landlocked

Himalayan nations dependent for most essential supplies and business investment on their giant neighbour. Nepal's media is dependent to a high degree on advertising spending by large Indian consumer goods manufacturers.

That apart, Nepal confronts a situation of delicate political transition that has unfettered a number of ethnic particularities. The contention between various groups for a place within a new constitutional order is having its knock-on effects on the media, often contributing to rising physical hazards in the profession.

Bhutan's transition to an elected form of government is now into its second year, though issues with respect to the freedom and autonomy of the media remain to be engaged with.

Sri Lanka, which is the only country in the region that has what could be described as a "normal" relationship with India, complete with a free trade agreement, has had massive inflation and other economic woes. And its relationship with India in both the political and economic realms could be scarred by the legacy of the civil war against Tamil separatists that was concluded in May this year. Hazards could multiply if the successful consummation of the war effort by the Sri Lankan Government is not followed by a determined pursuit of peace and reconciliation.

Bangladesh marked the return of an elected democratic order as the year began. Soon afterwards, a newspaper editor detained on charges of corruption for close to two years was released on bail by the Supreme Court of Bangladesh. This raised hope that the instability induced in the media through close to two years of the "emergency" regime in the country would be dispelled. Other sources of instability, including the sharp polarisation between the country's main political parties, continue to be operative and challenges such as the implementation of the country's newly enacted right to information law, remain to be met.

In Pakistan, the spill-over effects of the conflict in Afghanistan have meant an increasing degree of lawlessness in its frontier province and the Federally Administered Tribal Areas. When the global consensus tilted towards holding Pakistan responsible for the continuing chaos in Afghanistan, the Government of Pakistan undertook a major military operation in the Swat Valley in North-West Frontier Province to eliminate the basis of the terrorist threat. The large-scale population displacement that ensued is known to have affected up to 150 journalists and their families. And even if civil society in the rest of Pakistan was most receptive and considerate in dealing with this massive internal displacement of people, the situation in Swat and other parts of the troubled frontier with Afghanistan remain a complete enigma, since journalists suffer multiple risks in travelling there on bona fide reporting assignments.

Just before the opening of polls in Afghanistan's long awaited presidential and provincial council elections in August, Afghanistan's Foreign Ministry issued a statement asking all news agencies, both domestic and international, to refrain from covering any incidents of violence between 6am and 8pm on election day. The decision was reportedly taken by the National Security Council of Afghanistan "in view of the need to ensure the wide participation of the Afghan people in upcoming presidential and provincial council elections, and prevent any election-related terrorist violence".

This clumsy effort to muzzle the media and check the flow of information is representative of the still awkward relationship between Afghanistan's elected government and the free media that has grown and diversified over the past eight years. In the run-up to the elections, journalists in various parts of the country had to face physical violence and intimidation when investigating possible questionable actions by prominent candidates. They also continue to be treated with suspicion by United States and NATO forces. And to create a clutter of information that detracts attention from the independent media, there has been a flourishing media sector openly aligned with one or the other political faction or warlord. Journalists have been murdered in Afghanistan over the course of the year and several have been victimised for their critical reporting by both

government and non-government actors. Newspapers and radio stations have been shut down and journalists sacked for breaching what are deemed the limits of free speech.

The political transition to a multi-party democracy in the Maldives, as it approaches the one-year mark, has also been known to involve significant public debates on media freedom and the right to free speech. The debate is currently dominated by the defamation law, with press freedom groups urging that the offence be decriminalised. A debate is also developing over control of the state media and the measures that could conceivably be taken to ensure its autonomy and responsiveness to the public interest.

No other country in the region has posed as serious a challenge to journalism and the freedom of the press than Sri Lanka in the period under review. The year 2009 began with the murder in broad daylight in a busy Colombo street of the campaigning editor of the *Sunday Leader*, Lasantha Wickramatunge. The following month, N. Vithyatharan, the editor of the Tamil dailies *Sudar Oli* and *Uthayan*, was arrested from a family function in a kidnap-style operation, held for three months without charge and discharged unconditionally on court orders. In June, Poddala Jayanta, leader of the country's largest association of journalists, was brutally assaulted, seemingly by a professional hit-squad and left with serious injuries that will put him out of active engagement with his public functions for months and likely handicap him for life. To cap an eight-month period that has been nothing short of miserable for journalists in Sri Lanka, the highly-respected Tamil journalist and human rights defender J.S. Tissainayagam, was convicted on August 31 on charges of terrorism and sentenced to 20 years of rigorous imprisonment.

As with other countries in the region, Sri Lanka's media community, represented by its five main journalists' organisations, has shown admirable fortitude in facing these adversities. But the pervasive sense of fear and intimidation has taken a heavy toll of morale. The leadership of many of these organisations have had to leave the country because of overt threats of violence. The struggle of Sri Lankan colleagues has become emblematic of the range of strategies available for South Asia's journalists as they seek to cope with national situations that are steadily becoming more complex and dangerous. But in this hour of crisis, Sri Lankan journalists need every possible expression and action of solidarity that the South Asian media community can summon.

## **Union-building**

Unions have responded vigorously and creatively wherever threats to press freedom are a clear and present danger, as in Sri Lanka and Pakistan. Yet the range of strategies available remains inadequate to cope with the magnitude of the problems they face. Cross-border solidarity actions on the SAMSUN platform acquire a special importance in this context, as a means of multiplying the impact that union action within the national context may have. Union-building challenges remain in all countries of south Asia. Each threat to journalistic freedom has proved a rallying point, attracting others to the cause and winning the allegiance of unaffiliated journalists.

Nevertheless, the relative disinterest of younger journalists remains an issue that the unions will have to address in the interests of their long-term relevance. Structural changes in the media industry, with the electronic media and the web-based media accounting for a growing share of new employment, make this an especially urgent challenge. Matters are further complicated, perhaps, by a transformation of the role of the union. From basic issues of wages and working conditions, unions today have to deal with a much broader mandate, which embraces quality and ethics in journalism, and legal and regulatory issues.

## **Afghanistan**

Shortly after the polling concluded in Afghanistan's presidential and provincial council elections on August 20, disputes broke out about the authenticity of the vote. Though the results are

expected to take till late September to be formally certified and there is a possibility that a second run-off round may be required in the presidential election, the atmosphere of heightened tension has already begun taking a toll of the Afghan media's sense of security and independence. In late August, a radio station established in the north-eastern town of Kunduz was ordered to shut down and its staff – all women – warned that they would suffer a horrible fate if they failed to comply. As this report is written, SAMS members are seeking to secure assurances for the safety of this radio station's staff from provincial and national level authorities. The station meanwhile remains closed.

This incident is illustrative of the challenges that Afghanistan's media community face. During the election campaign, an analysis of the coverage provided by the official media was heavily skewed in favour of the incumbent president. The president of Afghanistan's Electoral Media Commission judged that the state-owned media had "not performed its duties with impartiality and (had) displayed a clear support for the incumbent president even if, in certain regions ... local branches of the state television (had) supported other candidates".

At the same time, journalists were reluctant to step into many parts of the country that were outside the control of the central and provincial authorities, rendering these areas into "news black holes".

Serious political differences have held up the enactment of a media law for Afghanistan. Since being vetoed by President Hamid Karzai in December 2007, the media bill was passed into law by a two-thirds majority of both houses of parliament in September 2008. In accordance with legislative procedure, the bill was then sent to the Minister for Parliamentary Affairs, to be notified formally as law. Months afterwards, the law still remains to be enacted. Meanwhile, a petition before the Supreme Court has challenged the law's constitutional validity.

The specific reason for the president's failure to sign the law is believed to be Article 13 which conceives of the transformation of the state-controlled Radio Television Afghanistan (RTA) into a public service broadcaster. This, according to the presidential office, would severely hinder the Government's supposed prerogative to use RTA as "a vehicle for implementing (its) cultural programs ... across the country, under the structure of the Ministry of Information and Broadcasting".

With poverty still widely prevalent and mass consumption depressed, the kind of growth in advertising spending that could underpin an independent media is yet to materialise. This raises serious questions about the long-term viability of the Afghan media. Current advertising spending in the Afghan economy is estimated at about 1250 million Afghanis (or USD 25 million). This figure however includes the vast amounts spent by the International Security Assistance Forces (ISAF) in their so-called "psychological operations" or "psy-ops" campaigns, and in overt propaganda. This calls into question the Afghan media's long-term financial viability.

Meanwhile, the media continues to grow with the entry of numerous political actors and parties. Despite a strong sentiment within the community of journalists that there should be specific prohibitions on political parties owning news channels, few restraints exist in reality. In this regard, the run-up to the recent elections was marked by seriously skewed access to news platforms on the part of the numerous candidates.

Journalists' organisations – notably the Afghan Independent Journalists' Association (AIJA) and the Afghanistan National Journalists' Union (ANJU) – continue to be in the forefront of the struggle for media freedom and decent working conditions. On key issues, such as the imprisonment of Syed Parvez Kabakhsh for 20 years on charges of blasphemy and Ghaus Zelmay for alleged disrespect to the Islamic scripture, the organisations continue to be active and to keep the issue in the spotlight both locally and globally.

## Bangladesh

With the restoration of an elected government in January 2009, there has been hope that civil liberties, including media freedom, will be fully restored. The new elected administration of the Awami League under Sheikh Hasina Wajed got off to a rocky start. Late February 2009, a mutiny broke out in the Dhaka headquarters of the Bangladesh Rifles, a paramilitary force led by professional army officers normally assigned to guarding the bristling border with India. The rebellion spread rapidly to eight other locations. Several top commanders of the force, on secondment from the army, were killed in what appeared to be premeditated and brutal fashion. Shaken badly, the Sheikh Hasina Government managed to bring the situation under control after days of turmoil.

In the aftermath, the Government clamped down on the YouTube video-sharing website and several blog-sites, which had posted visuals and other material connected to the mutiny. All users of the internet in Bangladesh were denied access to these sites, though the effort was not entirely successful. The sites remained available outside Bangladesh and the internet allowed sufficient avenues for the determined many to access the information.

The mainstream media however got away without serious restraints through this phase of turmoil. Earlier, during the election campaign, the media was allegedly given lists of candidates that were “preferred” by the caretaker government, and pressured to see that those actively disfavoured were given little coverage.

Elections were successfully conducted at the end of 2008, after intense last-phase negotiations between the military brass and the leadership of the main parties. The Awami League won a decisive victory, but the BNP has not shown much inclination to adapt to its assigned role as an opposition party. This has raised concerns that the media could once again lapse into its bitter partisanship, which more than any other factor has contributed to Bangladesh’s failure to evolve an agreed charter on media rights.

On December 5, 2008, when residual emergency regulations were on the verge of being dismantled, *New Age*, one of Bangladesh’s leading English-language newspapers, commented editorially that the “interference and intimidation faced by the news media in general and harassment faced by newsmen in particular” had been “significantly higher” under the emergency administration than “anything experienced in the previous 15 years”.

The human rights organisation Odhikar, in its report published in January 2009, noted that “overt and covert restrictions” continued to be imposed on the press and the electronic media all through 2008. Ironically, due to these various restraints, the true extent of the repression of the media could not be accurately determined.

A legislative development that had a chilling effect on all exercises of the right of free speech was the promulgation of an Anti-Terrorism Ordinance by the caretaker government in June 2008. With a definition of terrorism that was very broad, the ordinance criminalised all acts of omission and commission that could be construed as a threat to the unity, integrity, security or sovereignty of Bangladesh. The elected government in February this year decided to enact the ordinance into law with few changes.

Yet, despite the adverse overall environment, the emergency administration did come up with at least two significant ordinances that were conspicuously media-friendly. A community radio policy was announced in March 2008 and applications invited from eligible entities for starting broadcast operations. Then a draft law on the right to information (RTI) was introduced early in 2008, publicly discussed (even if rather cursorily), and formally notified as law in October.

Although far from perfect in terms of eligibility criteria and the positive and negative stipulations on the range of broadcast content, Bangladesh's community radio policy is regarded as a good start in making media accessible to wider sections of the country.

The RTI ordinance was ratified by the newly elected parliament of Bangladesh in March 2009 and formally became law in July. A three-member information commission has been established to administer the law.

In relation to the RTI law, journalists' organisations were principally concerned about the cost imposed on those seeking information, and the procedures involved in filing applications for information. For someone not familiar with the systems of information gathering and classification within the institutions of governance, achieving a successful application would be virtually impossible. And since each request requires the payment of a fee, the seeker of information could conceivably be drained and exhausted by the process. The issue was considered to be of special concern for journalists.

Human rights groups believe that the number of grounds on which information can be denied is too expansive. These include national security, the integrity and sovereignty of Bangladesh, and friendly relations with foreign states. Although these are standard exemptions under most national systems of law in the South Asian region for the public exercise of the right to free speech, and the correlative right to know, human rights groups believe that the law in Bangladesh is undefined and potentially leaves excessive scope for arbitrary denials of information.

Another significant basis for uneasiness among human rights organisations is the number of state and security agencies that have been exempted from application of the RTI law. Most of these agencies have had serious allegations of human rights violations levelled against them, particularly over the period of emergency rule.

Over the first six months since the restoration of civilian rule, journalists and media institutions continued to face serious hazards. There have been a number of attacks, with 41 journalists being injured and 38 being threatened. Five of the attacks on journalists were directly related to their reporting, besides which there has been one case of abduction.

## **Bhutan**

Bhutan is now into its second year under an elected government. And the media has been showing some significant signs of growth in this period. For reasons to do with terrain and the state of basic services, radio is the most accessible media for most of Bhutan's population. A media impact study by the Center for Media and Democracy (CMD) revealed that radio still is the primary source of information for all Bhutanese though the print media has a degree of influence over decision-making at the governmental level.

Private radio stations have emerged in recent years, but are not, under the national broadcasting law, allowed to air news and current affairs programs. The government-owned Bhutan Broadcasting Service (BBS) preserves its monopoly over news broadcasts.

Private radio stations are almost exclusively a source of entertainment. According to a survey of media audiences in January this year, the audience for foreign broadcasters fell from 33.7 to 9 percent between 2003 and 2008, with local stations being established. The state-owned BBS TV, launched in 1999, has also overtaken international channels, increasing its audience from 30 to 54 percent in this period of time.

Newspapers have the most modest reach among all major media. Among newspaper readers, 34.6 percent read *Kuensel*, 21.7 percent read the *Bhutan Times* and 20.9 percent read the

*Bhutan Observer*. The broadcast sector uses mostly the Dzongkha language, while English is preferred in the newspapers.

Although Bhutan's Constitution guarantees the right to free speech and expression, there have been a few events over the year that have shown that the new government is yet to accept the practices and norms of an independent and critical media. In one instance in December, the Government imposed a fine of BTN (Bhutanese Ngultrum) 18,000 (about USD 370) on the state-owned BBS Corporation for televising a discussion where one participant criticised the Information and Communication Minister, Nanda Lal Rai.

The Bhutan InfoComm and Media Authority (BICMA), which is the regulatory authority for all media, stated in its ruling that the panel discussion on the quality of a pre-paid taxi service was contrary to the media code of conduct, partly since there was no official representative to speak on behalf of the Government. The panel discussion did not meet the criteria of "fairness, decency and balance" as required under the Code of Ethics of Journalists.

Following a critical write-up by *Kuensel* about the fine levied on the BBS, government authorities also interrogated the staff of the newspaper.

A bus driver and his assistant filed a case against *Bhutan Observer* weekly on January 21, alleging that a false report published in the paper resulted in the loss of their jobs. The case was filed at the Thimphu district court and is pending. They said they were sacked from their jobs on January 17 following a report which said the bus carried passengers beyond the permitted number and that the crew overcharged and abused passengers.

BICMA formed a tribunal to look into complaints, both on behalf of the media and about it, in February. The formal notification states that the BICMA Appellate Tribunal, in accordance with section 198 of the Bhutan Information, Communication and Media Act, 2006, will be presided over by a retired or sitting high court judge. It would have two other members, who would be well versed in the field of information technology, law or administration.

The tribunal has so far received only one complaint, filed by Paro-based cable operator Sigma against BICMA, for imposing a fine of BTN 9000 for allegedly providing eight channels beyond the permitted number to viewers. Along with Sigma, BICMA had also fined another Paro-based operator, TD Meto, a sum of BTN 3000. Meto paid up, while Sigma refused.

FM broadcasting will expand in the months ahead, with one of Bhutan's oldest educational institutions, Sherubtse College, announcing in March that it will soon have its own FM radio. The college would be the first among Bhutanese educational institutions to host FM broadcasting and the operation would be the first radio station in eastern Bhutan. Programs will be managed and produced by the students themselves.

Job losses have affected the Bhutanese print media, with the country's first private newspaper, *Bhutan Times*, laying off 15 of 80 employees in a bid to deal with adverse market conditions. The media house also shut down its book publishing unit during the year.

The implications of the large-scale displacement of ethnic Nepalis from Bhutan – a long-running sore in political ties within the South Asian region – were highlighted by the case of Shantiram Acharya, a journalist once associated with the *Bhutan Reporter*, a newspaper published by Bhutanese exiles in Nepal. Acharya was arrested in January 2007 while seeking to enter Bhutan from India and convicted shortly afterwards to seven-and-a-half years' imprisonment on "terrorism" charges. It was only in January 2009 that the verdict against him was made public. Global human rights groups and media freedom bodies believe that he may have fallen victim to a draconian Bhutanese law that criminalises the return of Nepali exiles to the country.

After almost five years of government restrictions, allowing the broadcast of a maximum of 33 television channels within Bhutan, BICMA approved over the past year of the airing of additional music and sports channels by Thimphu's cable operators. The ban decreed on certain channels, allegedly showing excessive violence and explicit content, was lifted, though several others continue to be proscribed.

On the day of Hinduism's major festival, Deepavali, Bhutan got its first daily newspaper, *Bhutan Today*. Buddhist monks were invited to pray for its success at the formal launch ceremony on October 31. The first daily, an eight-page morning paper, is priced at BTN 5. In its first editorial, the daily complained of unfair competition and said other papers asked the Government to deny the daily a licence to operate. Tenzin Dorji, the newspaper's 32-year-old managing director, said that *Bhutan Today* would begin with a print run of 18,000 copies, though total readership of English periodicals at the national level is as low as 13,000.

The right to information is still denied in Bhutan, though it has been the focus of public debate since 2007. In its passage to democracy, Bhutan faces numerous challenges. Enshrining the right to information and providing a relatively open and secure environment for the media are key among these.

## India

In April 2009, a market forecasting agency came out with an estimate that advertisement spending in the Indian economy would grow by no more than 4.7 percent over the year, against a robust figure of 14.7 percent in 2008. It was a grim forecast, which saw print media advertising contracting by 2 percent against a growth of 12 percent in 2008.

This was grim news for the media and it came at a time when the bleak outlook was very much a live experience for most media professionals. In March 2009, the editor-in-chief of the *Indian Express*, a multi-edition newspaper chain with a presence in all parts of the country, wrote to his staff warning that the ongoing crisis seemed to be one that had "no end". Though no retrenchments were planned, a major belt-tightening exercise was announced, involving salary cuts and deferrals at all level, with the sharpest incidence being at the top of the editorial and management hierarchy.

Around the same time, Bennett Coleman and Co Ltd (BCCL), India's biggest media group, with annual revenues of more than INR (Indian rupees) 50 billion (or USD 1 billion), issued notices warning its 8000 staff that salaries would be cut in varying degrees. A complicated formula was announced for salary cuts, which reversed the gains employees had made over the most recent years of the media boom. The reasons given for this extraordinary measure were the crunch in advertising spending within the Indian economy, as also a rise in newsprint prices.

This notice seemed to overlook the fact that since peaking in September 2008, newsprint prices had indeed been steadily declining and are today near historic lows. Media managements though are inclined to take the argument that this decline has been devoid of any substantive benefit, since advertising spending too has been in free fall over this time. It is estimated that since September, newsprint prices fell by close to 40 percent, temporarily ceasing to be a serious burden on newspaper economics. But BCCL – which publishes *The Times of India* and the *Economic Times*, owns the top-rated Times Now satellite news channel and has interests in outdoor advertising, web portals and FM broadcasting – reported a fall in advertising revenue of almost 25 percent. *The Hindu*, which publishes the third-largest English language newspaper in India from its headquarters in the southern city of Chennai, reported a 30 percent decline in advertising revenue in the same period.

The media companies that are listed in the stockmarkets and hence have relatively transparent accounts all reported drops in profitability of between 30 and 40 percent over the last accounting

year, with the last two quarters being especially bad. These included HT Media, Jagaran Prakashan and the Deccan Chronicle, the major print media companies that are publicly traded.

Following all this gloom however, the situation seemed to turn for the better in rather quick time. By early September, India's business sector was looking at greatly increased revenue streams and profitability and the prospect of further improvement as the festival season, October-December, approached.

Economic data released early September showed the Indian economy growing by 6.1 percent in the April-June quarter. However, future expectations were dampened by the massive rainfall deficit that was registered in most parts of India since June 2009. The Indian monsoon, which is a key money-multiplier and makes for the difference between misery and relative comfort for the 55 percent of the country's population that is dependent on agriculture, was declared an absolute failure by late August. Emergency relief measures were being initiated, all of which are likely to be fiscally expensive.

The newspaper industry meanwhile was being held afloat, partly by the "bailout package" devised in February, just as the country was entering a general election. There was significant dissent among the journalists' community over the newspaper owners' unseemly petition to the Government for a bailout package in that juncture. However, the bailout was granted in the shape of a duty waiver on newsprint and raising the rates paid for government advertisements placed in newspapers.

Following the elections and the assumption of office of a new government, the bailout package was extended beyond the six months for which it was originally granted.

The upturn in media industry fortunes has put on hold many of the mass retrenchment schemes that had been formulated in earlier months, when the outlook seemed rather gloomy. But the restructuring process is under way. Most media groups are rearranging their finances and the publicly-listed companies are reorganising.

In February 2009, HT Media – one of the largest publicly-traded media companies – announced the large-scale retrenchment of journalists employed in its Hindi language daily, *Hindustan*. These journalists were all contractual employees who hesitated to speak out for fear that their severance packages would be jeopardised. But according to information gathered by the Delhi Union of Journalists (DUJ) and the All-India Newspaper Employees' Federation (AINEF), 11 journalists were dismissed in February from the Delhi office of *Hindustan*. Simultaneously, an estimated 40 from other centres in the Hindi-speaking region were asked to leave.

By August, HT Media was reportedly contemplating plans to spin off *Hindustan* as a separate business enterprise. Since losing ground to the aggressive competition in the Hindi daily newspaper market, *Hindustan* has been a relatively less favoured element within the HT Media empire, which is now in the throes of diversification into radio and the new media.

Other media enterprises, encouraged by the relative buoyancy of the economy and the bullish conditions in the capital markets, were preparing fresh share issues, which in turn were to be used in the financial restructuring process.

There are worries though that the drought conditions may impact seriously on media fortunes. Consumer goods industries, which advertise heavily in the media, are expected to cut back on advertising spending because of shrinking demand in the wake of the drought.

The past decade of very rapid media growth in India was a feature largely of what could be called the unregulated sector, where the legal framework of the Indian Working Journalists' and Other Newspaper Employees' (Conditions of Service) Act (abbreviated as the Working Journalists' Act or WJA) does not apply. The competition among rival companies for scarce skills led to a rapid

growth in wages. Employment, though, was governed in the main by short-term contracts and, inevitably, rapid personnel turnover was part of the growth pattern in this sector.

For journalists and other workers in the regulated sector, defined here as the sphere in which the WJA applies, there has been little to celebrate over the past year. However, if the recession sharpens, as is expected, these workers would perhaps enjoy better protection of their terms of employment, since summary dismissals are prohibited under the law.

Two Wage Boards for media workers were created in May 2007 under the provisions of the WJA. These are nominally separate institutions for journalists and other newspaper employees, though under the same chairperson. The boards' deliberations and sittings have been sporadic. With the terms of reference being unclear from the outset, there have been a host of cross-cutting legal challenges at various levels of the judicial hierarchy.

In July 2008, the Wage Boards announced an interim award, which increased wages and salaries by 30 percent. The boards' chairman resigned shortly afterwards for what he termed were "personal" reasons. The Government is yet to formally notify the interim wage award or to state its mind on the issue. Meanwhile, both Wage Boards went into a prolonged limbo and it was only in March 2009 that the Government announced a new chairman, who, like his predecessor, is a former high court judge. The future of the Wage Board process for determining a fair level of compensation for journalists remains uncertain.

## **Maldives**

As the political transition to multi-party democracy in the Maldives approaches the one-year mark, certain key debates have been taking place in public and parliamentary forums over the kind of guarantees that need to be enshrined for a free press and the right to free speech.

Prospects for the enactment of a series of media-friendly policies seemed bright since the Maldivian Democratic Party (MDP), which came to power in November last year, was formed around a core group of journalists who had faced persecution and imprisonment during the tenure of the previous president, Maumoon Abdul Gayoom. The new constitution, ratified by the top Maldivian legislative body, the Majlis, in August 2008, also enshrines a strong clause on media freedom and the right to free speech.

In October 2008, the Majlis passed a bill on the establishment of a Media Council, with the objectives "to establish and preserve the freedom of media in the Maldives; to keep under review matters contravening this freedom and taking remedial measures; to build up a code of practice and a code of conduct for the people working in the media; to ensure people working in the media behave responsibly and ethically; and to conduct inquiries into complaints filed with the Council concerning abuse of rights".

Other legislation, on the right to information, broadcasting and press freedom, is also known to be in the process of introduction.

Reservations have been voiced by press freedom campaigners over the right to information bill and the broadcasting bill, which retain powers of oversight in the hands of the ministry, rather than an independent body. There have also been grounds to believe that oversight bodies constituted for the public broadcasting company have had disproportionate representation of loyalists of the new ruling party.

A recent case of a television station head being issued a letter of warning and then being called in by the Information Department for questioning about news programming has also generated some anxiety among media freedom defenders.

In another incident, a television reporter was attacked by members of the opposition party as he sought to film Gayoom's arrival at a police station for questioning. An editor of an independently owned daily was attacked by members of the ruling party near the parliament building. Both incidents happened in July.

A newspaper editor also faces ongoing criminal prosecution under the country's criminal defamation law. An executive order issued last year to decriminalise defamation was found to be inoperative since the necessary changes in the statute have not been undertaken by the Majlis. The debate on decriminalising defamation has meanwhile got under way in the Majlis, with a majority of members seemingly speaking in its favour.

The Maldives Journalists' Association continues to campaign for this legislative change while also working towards evolving and implementing a code of ethics for media practitioners.

## Nepal

There is a new pattern of violence in Nepal related to the grievances of minorities and marginalised groups. Anger among the wider public is increasingly directed against journalists and media outlets for their coverage (or lack of it) of events and issues related to the political transition and minority interests.

In 2008, newspapers in some districts were forced to close temporarily because of violence arising from frustration among some groups about information they were transmitting in their news reports. It seems that the veracity of the information was not so much the issue as what the newspapers said about group interests. Though much of the anger and mistrust that targets the media is recognised as misdirected and misinformed, it is also the case that a good deal of media output is aligned with political interests and inattentive to the needs, views and sensitivities of all groups.

Two journalists were murdered over the course of the year. In January 2009, a young woman journalist, Uma Singh, was murdered in the most traumatic manifestation of the new turbulence in Nepal's media environment. Uma Singh was a broadcast and print journalist working in Janakpur, Dhanusha district, in the southern plains (the Terai).

In the other incident, the remains of J.P. Joshi, alias "Pandit", reported missing from his home since October 8, were found in a forest in the far-western district of Kailali and identified by his family almost two months later. Joshi was the editor of the far-western editions of the Nepali language daily *Janadisha*. He was a member of the Federation of Nepali Journalists (FNJ) and also president of the Kailali district chapter of the Revolutionary Journalists' Organisation, a body closely allied with the ruling Maoists.

Nepal continues to function, three years after the mass upsurge of 2006 toppled monarchical absolutism and initiated Nepal's transition to democracy, under an interim constitution that guarantees the right to free speech. A Working Journalists' Act has been passed, as also a Right to Information Act. Yet media rights remain weakly institutionalised and public attitudes toward the media are problematic. The relative calm as the transition began has given way to a spirit of contention and media rights have been a casualty.

A recent illustration of this new spirit of contention was an arson attack on delivery vans and distributors of *Kantipur* and the *Kathmandu Post*, Nepal's largest circulation newspapers in the Nepali and English languages, in the Terai. A political party in the region issued a statement claiming credit for the arson attack, justifying it on the grounds that the newspaper group had disregarded their campaign to banish Nepali language media from the Terai.

The outbreak of serious discord in the plains over issues of indigenous peoples' rights against those of the settlers from the hills (the Madhesi versus Pahari tension) continues to take a toll of media freedom. A senior and highly respected journalist, Ramesh Ghimire, who has been active in Janakpur for 48 years, faced constant threats through the year from activists of the various Madhesi groups that have sprouted in the region since the Maoist insurgency ended. Ghimire, who is the editor and publisher of the *Dhanusha* weekly, has had numerous anonymous telephone calls, questioning the continuing existence of a Nepali language publication in a region where the majority speak other languages.

Retaliatory actions by Nepali language activists have begun against the Maithili and Hindi language media in the Terai and other regions of Nepal. As the constitution is written and the rights and entitlements of various ethnic and linguistic groups are debated, the unrest in the streets threatens to derail the process. The media, by virtue of its intrinsic character, risks being trapped in this strife.

Journalists' working conditions continue to be a serious concern. Significant amendments were made to the Working Journalists' Act (WJA) in August 2007, to provide for a minimal degree of job security. This begins with the basic requirement that all media staff be issued letters of appointment and be assured of secure tenures. A ceiling of 15 percent of total staff is specified for the number of employees that a media institution can retain on contract. All media employees, including those on contract, would be entitled to a provident fund and other social security measures, such as health insurance. One percent of total revenues is to be set aside by media organisations for capacity building and skills development.

A government committee set up in September 2007 made its recommendations on basic minimum wages for media workers in August 2008. These were fixed at Nepali rupees (NPR) 5200 (about USD 64) a month for journalists and NPR 4600 (USD 57) for other media staff. In February 2009, the Government decided to implement minimum wages as recommended, effective from April 13.

The WJA specifies that particular functions and positions within the media will be compensated at appropriate rates. The aim is to achieve a high degree of compliance by July 2009 at least among the larger media companies. This category includes all government media, television companies, radios with networking arrangements and companies running more than one station, and all A-category national dailies and magazines (classified as such in accordance with their revenue).

Implementing the WJA for other categories of media, such as the small and medium newspapers and the FM broadcast stations that have sprouted all over Nepal, will be the real challenge. These are typically, small operations dependent on highly localised advertising. Again, most media organisations in Nepal are family-owned enterprises which enjoy certain exemptions from financial disclosure laws. These enterprises would need the assurance of a fair advertising policy, especially by Nepali entities using public funds, to achieve financial stability. But they would also, presumably, have to subject themselves to certain norms of financial transparency and accountability as the new democratic order in Nepal takes shape.

## **Pakistan**

Despite publicly stated commitments to the independence of the media, Pakistan's federal and provincial governments have had a mixed record of upholding press freedom. In March 2009, media were barred from entering the Provincial Assembly chambers in the North-West Frontier Province (NWFP) to cover an election to the Pakistan Senate, or upper house of the National Assembly. The Provincial Assembly Speaker mandated this decision, with parties from both the ruling coalition and the opposition signing on. The Pakistan Federal Union of Journalists (PFUJ) concluded that this collaboration between political rivals was a means of keeping their often questionable conduct free of public scrutiny. The bar on access to the assembly appeared to be a

direct consequence of the media's reporting of certain political deals made during the 2008 presidential election in which Asif Ali Zardari gained office reportedly after much backroom negotiation. The Pakistan media's bold and forthright reportage on these incidents did not find favour with the politicians involved.

Among the Zardari Government's first major legislative initiatives was the media bill introduced on August 12 and passed immediately afterwards, which replaced the amended ordinance introduced under the November 2007 emergency decree. The bill effectively neutralised the powers gathered under the emergency decree to seize and impound media equipment and cancel the registration of newspapers. Pakistan's media community welcomed the new legislation, but the Government continued to send out mixed signals.

In January 2009, the Government introduced sweeping new amendments to the press registration law. Ironically, the legal changes brought into effect through ordinance were originally mooted by the Musharraf regime in 2002. The amendments required all newspapers to renew their registration every three years, by making an appropriate application and declaration to the empowered government authority. Publications using certain kinds of titles – which could be deemed explicit in terms of editorial policy or intent – would be denied registration. In addition, the registrar of publications was to be invested with broad-ranging discretionary powers in granting recognition to certain newspapers and denying others.

The new law was withdrawn within days of being notified, after major protests by the PFUJ, the All Pakistan Newspaper Society (APNS) and the Council of Pakistan Newspaper Editors (CPNE). A Media Freedom Coordination Committee was established, with the participation of newspaper owners, editors and journalists through their representative bodies, as well as the Association of Tribal Journalists (ATJ). This action recalled the unprecedented degree of cooperation that owners, editors and journalists had managed to establish in the effort to overturn the 2007 emergency decrees.

Administrative action to curb the printing and circulation of newspapers remained a ready recourse for Pakistan's authorities. In November 2008, the Sindh provincial government proscribed the daily *Islam* and the weekly *Zarb-e-Momin* for the alleged offence of spreading "anti-state feelings". It was understood that the order, though issued by the provincial government, had been initiated at the federal level under an article of the Criminal Procedure Code dealing with forfeiture for spreading "anti-state feeling".

An earlier order banning the daily *Islam* had been reversed by the courts. The November order to re-impose the ban on *Islam* and *Zarb-e-Momin* was seen as the first explicitly anti-media action taken since the restoration of an elected federal government earlier in the year. The ban was lifted within days, but on condition that the newspapers not publish any material that could "inspire terrorism", "hurt (the) sentiments of people belonging to any sect, religion or country" or "harm national integration". *Islam* was asked to submit three copies of its edition every day to the Home Department for review.

On March 13, 2009, with less than a month to go for the one-year anniversary of elected governments taking office at the federal and provincial levels, President Asif Ali Zardari reportedly sent out a directive that all news broadcasts by GEO TV were to be blocked. According to a news item that appeared in *The News International*, a leading English-language newspaper in Pakistan and part of the Jang media group (which also controls GEO TV), police in at least one town in Punjab province, Sargodha, raided homes of cable television operators who were found to be airing GEO's news channel.

Across Pakistan, it was reported that cable operators chose to comply with the directive to block GEO's news broadcasts or to transfer the signal to the less frequently visited ranges of the channel spectrum. By various devices, Pakistan's federal government ensured that many regular

viewers were unable to view the channel for a few key days, as a political agitation by the country's main opposition party threatened to spiral.

The pressure on the cable operators reportedly followed a letter from President Zardari to GEO's management in which he urged that the channel stop its coverage of the nation-wide agitation by the country's lawyers. The lawyers were demanding the restoration of judges dismissed in a large-scale purge of the judiciary following the declaration of a nation-wide state of emergency by the previous president, General Pervez Musharraf, on November 3, 2007.

Minister for Information Sherry Rehman, a former magazine editor, quit the federal cabinet shortly afterwards, protesting that she would not continue being party to an "anti-people" and "anti-media" dispensation. This removed from political authority a person who could be counted upon to speak up consistently in favour of press freedom.

The five years to 2007-08 (Pakistan's fiscal year begins July 1 and ends June 30) were a period of buoyant growth for the Pakistan economy. This created favourable circumstances for the growth of advertising budgets and the multiplication of media. According to the Pakistan Press Foundation, aggregate advertising spending grew from PKR 17.25 billion in 2005-06 to PKR 22.76 billion the following year, and PKR 25.05 billion in 2007-08. However, it is estimated that advertising spending in 2008-09 could shrink by 25 to 40 percent.

There is evidence that government advertising budgets have been used to exert pressure on newspapers. This was also a feature of the previous year, when the well-known media group *Dawn* went public with its plaint that the Federal and the Sindh provincial governments were cutting it out of advertising placements. In the current year, APNS has on at least one occasion publicly expressed its concern over the withdrawal of advertising to a newspaper group, *Mashriq*, of Peshawar. APNS has also reviewed the experiences of news organisations in other major cities in Pakistan and found strong evidence that government advertising was being released on unstated and often arbitrary considerations, creating serious challenges for the economics of the newspaper sector.

The Sindh provincial government has also acknowledged that the previous administration followed a "discriminatory policy" on advertising placements in the Sindhi, Urdu and English language newspapers. Of 500 newspapers registered and considered eligible, only 100 were favoured with government advertising, according to a statement by the provincial Minister for Information in the assembly. The principles of "merit" and "circulation" were rarely honoured.

With cuts in advertising spending seemingly inevitable as a result of wider economic difficulties, several media organisations, particularly the more recently established television channels, have had to sharply reduce expenditures and downsize staff. Data on job losses are sporadic. However, the PFUJ estimates that about 250 media jobs have been lost in the past year. The year 2009 has so far been grim, with the tempo of job losses mounting sharply. Complaints about abrupt sackings have been received from workers at a number television stations - Dawn News, News One, Channel 5, Aaj, GEO and Samaa, being among them - as well as newspapers such as *Aaj Kal*, *Daily Jinnah Khabrian*, *the Post*, *Alsharq* and the *Pakistan Observer*.

The PFUJ expects that job losses will accelerate in the months to come. On January 15, it warned of the looming possibility of "large-scale retrenchment". Affiliated provincial unions of journalists were asked to gather all available information on job losses and file the data regularly with the PFUJ, to enable it to evolve an appropriate strategy. Apart from job losses, unions were asked to keep a close watch on news organisations defaulting on wage and salary payments.

Meanwhile, the stalemate over the implementation of the Seventh Wage Award for journalists and other media workers continues. Some newspaper houses have announced their intent to honour the award, but the majority still remain recalcitrant.

The perils of journalism in conflict situations were grimly exemplified in the murder of Musa Khankhel in the Swat Valley in February. Three other Pakistani journalists have been killed in 2009 and in August, a senior Afghan reporter, Janullah Hashimzada, was shot dead in the Khyber tribal agency while making the border crossing. No case of a journalist's murder has been investigated and brought to the stage of prosecution yet.

## Sri Lanka

On August 31, the High Court in Colombo convicted J.S. Tissainayagam, a widely respected journalist and human rights campaigner, on terrorism charges and sentenced him to 20 years' rigorous imprisonment. World press freedom bodies condemned the verdict as a travesty of justice. Yet, for most observers within Sri Lanka, the verdict was almost foretold from the time Tissainayagam was detained without charge in March 2008. Charges were laid against him in August 2008 under the country's draconian Prevention of Terrorism Act. Tissainayagam now has two levels of appeal – before the Court of Appeals and the Supreme Court.

The year 2009 opened on an ominous note with the daylight murder of *Sunday Leader* editor Lasantha Wickrematunge in a busy suburb of Colombo. This was a murder that shocked the world. He was one of Sri Lanka's most independent-minded journalists, and had earned a global reputation for his campaigning style and been honoured by world bodies for his commitment to transparency and probity in public life. On May 3 this year, he was posthumously conferred with UNESCO's World Press Freedom Award for the year.

In February, *Sudar Oli* editor N. Vidyatharan was snatched from a family function in a kidnap-style arrest. He was publicly charged with being a "terrorist" by top officials of the Sri Lankan defence ministry. Held without charge for three months, he was unconditionally released on court orders.

Early one evening in June, Poddala Jayanta, General Secretary of the Sri Lankan Working Journalists' Association (SLWJA), was seized by what seemed was a professional hit-squad as he was on his way home in a suburb of Colombo. He was hustled into a van and brutally assaulted, suffering multiple fractures, contusions and other injuries, before being thrown out in an open field in an unconscious state. Jayanta had been attacked by name over state-owned print and electronic media over the preceding weeks, for alleged disloyalty to Sri Lanka and fealty to the "terrorist" cause.

In between, the offices and studios of the MTV group, Sri Lanka's largest private broadcaster, were gutted in a fire-bombing attack in January.

Sri Lanka's five main organisations of the media community – the Free Media Movement (FMM), the Federation of Media Employees' Trade Unions (FMETU), the Sri Lanka Tamil Media Alliance (SLTMA), the Sri Lanka Muslim Media Forum (SLMMF) and the SLWJA – have characterised the ongoing incidents as part of a "war on journalism".

Since the country's quarter-century long civil war was declared over in May this year, conditions for journalism have, if anything, deteriorated. Government forces actively stopped journalists from accessing the conflict zones and reporting on the war. Any journalist who tapped into other sources and reported on the war without approval of the government-sponsored Media Centre for National Security was at risk of physical attack, detention or, at the very least, public vilification by government officials.

The final phases of the war involved massive artillery and aerial bombardment of areas held by the Tamil separatist force, the Liberation Tigers of Tamil Eelam (LTTE). Amid widespread allegations of war crimes by both the Sri Lankan army and the LTTE, the Government set up a number of internment camps for civilians fleeing the devastation of the war zone. An estimated 250,000 civilians continue to be detained in these camps. Relief agencies are allowed access on

a highly restricted basis. But media access is strictly proscribed. And the war time experiences of these innocent civilians and their current state of well-being remain largely unknown to the world.

Foreign media seeking to enter Sri Lanka during the last phases of the war were actively discouraged. Visa requests were invariably denied and journalists who entered with valid visas were on occasion turned back on arrival. In July, the Sri Lankan Government declined a visa renewal for the bureau chief of the Associated Press news agency, who had done extensive reporting on civilian casualties during the final phases of the war.

With the restoration of the political process in the war-ravaged north and east of the country seemingly being the priority of the Government, the status of the media in these provinces is cause for serious concern. Both provinces have suffered a serious depletion of media personnel on account of the war and the attendant violence. When elections are held as part of the process of national reconciliation, these provinces would be deprived of the personnel and the skills to provide authentic coverage and information to the media-consuming public.

Media rules which were gazetted on October 10 and required broadcasters to renew their licences annually provided for several contingencies under which licences could be cancelled, including seven different grounds related to broadcast content. At the same time, Sirasa TV – the Sinhala language channel of the MTV group – was put on notice that it was to submit transcripts of news broadcasts “to be carried” every week following October 28. This was read, accurately, as an effort to impose censorship. However, the rules were held in abeyance after strong protests by the local media community.

In June this year, the Government announced it was reactivating the Sri Lanka Press Council, which was created under an act of 1973. The law that was allowed to lapse because of strong protests from the media community provides statutory powers for the Press Council, which could sentence journalists to jail for breaches of the code of practice. The Sri Lankan media community had united to fight back this threat to its autonomy and in 2003 made common cause in constituting the Press Complaints Commission of Sri Lanka, a voluntary self-regulatory mechanism from within the newspaper industry. The Government’s disregard of the significant progress made in the realm of self-regulation spoke of an enshrined sense of intolerance towards an independent media.

A priority area for Sri Lanka’s journalists is the progressive effort by the state-owned print media group, the Associated Newspapers of Ceylon Ltd (ANCL, popularly known as the Lake House group) to disown the process of collective bargaining with its workers. The last collective agreement between the ANCL management and the FMETU was signed in January 2006 and another one was due to be negotiated in January 2009. But the Lake House management has reportedly ignored repeated requests from the side of the union to start the process.

In a more recent development, the Lake House management sacked nine union leaders for leading a demonstration against the privatisation of a number of functions within the newspaper group – such as transportation, distribution, etc.

Clearly, Sri Lanka’s journalists are facing a serious threat to their continued relevance and need every possible solidarity action that colleagues elsewhere can mobilise in their support.

## **SAMSN solidarity actions**

SAMSN partner organisations were involved in a number of solidarity actions and other programs over the year, among which the following merit special mention:

1. An awards program for human rights reporting and public service journalism in Sri Lanka.
2. A press freedom mission to Sri Lanka, from which International Media Support (IMS), Copenhagen, has issued an authoritative report.
3. Safety training for journalists in Nepal, including in some of the more remote regions where media work is especially hazardous.
4. A press freedom mission to Nepal in February 2009, from which IMS has issued an authoritative report, with concrete recommendations for the authorities to adopt.
5. Production of the seventh annual report on press freedom in South Asia, which was released on May 3, World Press Freedom Day.
6. Safety training for journalists in Pakistan, again with special focus on the insurgency affected areas.
7. Trade union organising and leadership skills training for journalists in Afghanistan, Nepal, Pakistan and Sri Lanka.
8. Fact-finding missions on the state of media freedom in two conflict-prone areas of India – Kashmir and the North-East – from which “situation reports” will be published shortly.
9. Training workshops for Afghan journalists on election coverage and political reporting, preceding the beginning of a cycle of elections in Afghanistan in August 2009.
10. A national media summit of Afghan journalists and the national meeting of the Afghan Independent Journalists’ Association (AIJA), at which a charter to guide media practice over the years ahead, first adopted in 2007, was reaffirmed.