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PRESS STATEMENT

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The Uttar Pradesh Government has come out with its Digital Media Policy, 2024. The policy intends to monetarily reward content creators who amplify the state government's initiatives, schemes, and achievements.

However, section 7(2) of the said policy states that legal action by Director Information of the UP Government will be initiated against content creators if any content is deemed to be "anti-national", "anti-social", "paints the government in bad light" or is "created with malafide intent".

The wide and ambiguous ambit of this clause makes it draconian. It infringes on the right to freedom of speech and expression under Article 19(1)(a) of the Constitution that encompasses the practice of journalism, which often involves highlighting the failures of the government pertaining to public affairs or in matters of public interest.

This clause is capable of imposing a chilling effect on the right to freedom of expression as it gives the UP Government sweeping powers to declare any content, including legitimate journalistic work that is posted on social media, as "anti-social" or "anti-national", if the government so pleases. The Supreme Court, while invalidating Section 66A of the Information Technology Act had held that the section left many terms open-ended and undefined, therefore making the statute void for vagueness. It is the same vagueness and arbitrary nature of Section 7(2) of the said policy that makes it unconstitutional.

It appears that the policy is drafted to reward proxy propagandists but penalise bonafide journalism or legitimate criticism of the government. The said clause, therefore legalises a serious conflict of interest. The government wants to be the judge, jury and executioner in its own cause - in a brazen violation of both the Constitution and the principles of natural justice.

There are enough instances of state governments — including the UP Government — invoking draconian laws or misapplying provisions to charge journalists for merely doing legitimate journalism.

A free and independent media informs and educates citizens, holds elected representatives and the executive accountable, which is the cornerstone of democracy.

The government should not encroach upon the space that the Constitution allows journalism. We demand that the UP Government withdraws clause 7(2) from its Digital Media Policy 2024 with immediate effect.



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- **Parul Sharma**
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- **Software freedom law center [SFLC]**