



TRUTH IN A TIME OF CONTAGION: THE VIRAL FRONTLINE INDIA COUNTRY REPORT

INDIA

RESISTING THE ONSLAUGHT ON MEDIA RIGHTS

The coronavirus pandemic raging since 2020, seemed to have presented the Indian government with an opportunity to further clamp down on the media. The message was clear: highlight the failings of the government in the handling of the pandemic and face the consequences.

The year was marked by the heavy-handed use of laws of sedition, anti-terror or disaster management to quell criticism of the government whether at the Centre or in states, on journalists or civil society. This clampdown on journalists was marked during the ongoing peaceful farmers' protest against three farms laws that has left the government more than rattled.

The passing of the controversial Information Technology (Guidelines for Intermediary and Digital Media Ethics Code) Rules 2021 to control the increasingly influential digital media extensively accessed by burgeoning mobile phone users across the country is yet another nail in the coffin of freedom of expression. The rules will not only increase censorship and impact press freedom but will exercise powers far beyond the parent legislation for digital new media. It will greatly impinge on the right to free speech and will impact the independent functioning of digital/online media. DIGIPUB, an association of 11 digital news media publishers in response to the new IT Rules, 2021, DIGIPUB said any attempt by the executive to regulate the content of news portals or publications would be to "strike not only at the constitutional scheme but at democracy itself". DIGIPUB has also challenged the new IT Rules in court.

However, intolerance of dissent is not new. The threat to freedom of press and the government's control over the media increased not long after the Bharatiya Janata Party-led National Democratic Alliance (NDA) took over the reins of power in 2014. Things became more ominous after the NDA returned to power with a thumping majority in 2019 and the government went about amending laws in a bid for more centralisation. These included amendments to the Unlawful Activities (Prevention) Act, National Investigation Agency Act and the Right to Information Act among others. While these laws had direct implications for the media, what was worse was the division of the media into two distinct camps—one, and a significant section at that, which was unquestioningly pro-government, and the other which tried to maintain its independence.

It is perhaps not for nothing that the Freedom House Report, 2021, titled 'Democracy under siege' states: "The fall in India's rankings could have a particularly damaging impact on global democratic standards.

According to the report, "The private media are vigorous and diverse, and investigations and scrutiny of politicians do occur. However, attacks on press freedom have escalated dramatically under the Modi government, and reporting has become significantly less ambitious in recent years. Authorities have used security, defamation, sedition, and hate speech laws, as well as contempt-of-court charges, to quiet critical voices in the media. Hindu

nationalist campaigns aimed at discouraging forms of expression deemed "antinational" have exacerbated self-censorship. Online disinformation from inauthentic sources is ubiquitous in the run-up to elections. Separately, revelations of close relationships between politicians, business executives, and lobbyists, on one hand, and leading media personalities and owners of media outlets, on the other, have dented public confidence in the press."

In 2020, dozens of journalists whose reporting was critical of the government's handling of the coronavirus pandemic were arrested, and media outlets faced pressure to praise the government's response.

DEEP CLEAVAGES

Over the past seven years, India has witnessed an unprecedented push to polarise the country's diverse society, its key strength through the ages. In its religious, community and caste-driven polarisation, the government has particularly targeted the media to weaken the institution, a vital pillar of democracy. The media, cutting across all formats today appear to be irrevocably divided into a largely compliant and pro-government on the one hand and a miniscule but strong independent, mostly digital media.

Some corporations have other businesses to protect and cannot afford to fall foul of the government and other media houses are directly financed by entities sympathetic to the government. Indeed, divisive politics has deeply influenced not only the civic sphere but also the media environment in India with the government pitting one against the other, which has enabled it to promote its chosen narrative with utmost ease. It has also increasingly emboldened the government to curb the freedom of press whenever such an opportunity presents itself. One such opportunity was the Covid-19 pandemic.

PANDEMIC EFFECT

It was against such a dismal backdrop that the coronavirus pandemic struck with full force in the early half of 2020, bringing in its wake more miseries for the media: retrenchments, salary cuts and in some cases even closures.

The economic crisis in the media industry brought about by an ad revenue crunch singed small and big groups alike; managements across the country went on a pay-cut and retrenchment spree while some smaller editions of the larger newspapers had to even shut shop plunging many journalists into what at the time seemed like a bottomless abyss. This happened despite India's Ministry of Labour and Employment issuing a circular on March 20, 2020 to public and private employers advising them not to terminate services of employees or reduce wages.

The Uttar Pradesh (UP) government suspended The Working Journalists Act, as part of suspending other labour laws in the state on May 8, 2020. The move was significant for the press in India because most news media companies reporting from Delhi are based in the suburb of Noida in UP which is part of the National Capital Region.

On its part, the Indian Newspaper Society wrote to the Ministry of Information and Broadcasting twice, the last being on April 25, 2020 demanding a two-year tax holiday, increase official advertisement rates and budget spending on the sector. This request was not granted.

LIVELIHOOD IN PERIL

While official figures on job losses, salary cuts and delays are scarce, data compiled and updated till August 7, 2020 by journalist Cyril Sam reflects the grim scenario journalists were faced with.

To cite just a few among the more renowned media groups in the long list:

- *Outlook* suspended print operations on March 30, 2020
- *Sakal Group* asked 15 journalists to tender their resignation on March 31, 2020
- *The Indian Express* sent out an internal email on salary cuts on April 1, 2020
- *The New Indian Express* paid only partial salary for the month of March; the company also did not renew contracts of some journalists, whose contracts ended on March 31, 2020
- Some journalists at the Quint were asked to go on leave without pay, among others those earning above INR 65,000 were asked to take a salary cut
- Three journalists managing *Times Life*, a Sunday supplement were laid off on April 13, 2020
- *Bloomberg-Quint* announced shutting down of its television division; 100 people lost their jobs
- Bennett Coleman & Co Ltd (BCCL), which owns *Times of India*, *Economic Times*, *Mirror*, *Nav Bharat Times*, *Maharashtra Times*, *Vijay Karnataka*, etc., announced deferring of increments, restructuring of salary and salary cuts on April 23, 2020
- *The Hindu* announced pay cuts on April 25, 2020
- *The Economic Times* cut jobs in Kochi, Chandigarh and Kolkata on May 6, 2020
- *The Times of India* in Kerala on May 21, 2020 formally announced the closure of two — Kochi upcountry and Malabar — of four of its edition in the state — Thiruvananthapuram, Kochi, Kochi upcountry and Malabar beginning May 31, 2020
- *The Telegraph* announced closure of its Jharkhand and North East edition on May 31, 2020
- On June 18, 2020, *The Hindu* laid off an unknown number of journalists across editions, bureaus and verticals. Journalists were told to resign or risk being terminated.
- *The Indian Express* began retrenchment on June 23, 2020. At least four journalists including from features and op ed desk were verbally asked to tender their resignations, while roles of some senior editors were restructured and were asked to take deep salary cuts.
- *The Business Standard* began retrenchment on June 29, 2020. The newspaper laid off four journalists from the weekend team of seven journalists and the chief designer of the newspaper. In total, 60 employees across various departments, bureaus and editions were shown the door; On July 30, it laid off 17 journalists and three designers across Delhi and Mumbai.
- *The Shillong Times*, in its 75th year, retrenched three of its senior editorial staff — Executive Editor, News Editor and Features Editor—with effect from August 1, 2020

while letters were handed over on August 7, on a day they along with several others were to resume duty after a 14-day quarantine because of infections in the office. A few of the editorial staff ceased work for about a week in protest only to later suffer pay-cuts for the days of absence. The company had already resorted to pay-cuts since May ranging from 10 percent to 40 percent.

GRIM TALLY

But worse was to follow, with the pandemic taking grip across the globe. According to data published by the Press Emblem Campaign (PEC), a Geneva-based NGO with special consultative UN status founded by journalists of several countries, since the beginning of March, which is when they started tracking till December 26, 585 journalists had died in 57 countries. India was the second-most affected with 53 deaths, following Peru with 93 deaths.

The PEC study stated that safety of media workers was particularly at risk as journalists had to continue to provide information on the ground and that a number of journalists died "for lack of adequate protective measures when doing their job".

The year witnessed a grim headcount as media colleagues succumbed to the virus: young and old, reporters, editors, photojournalists and media administrators, no one was spared. Kanpur-based television journalist Neelanshu Shukla,³⁰ associated with *AajTak*; Siliguri-based senior journalist in *Himalaya Darpan*, Mani Kumar Rai, Malayala Manorama's senior journalist; D Vijayamohan; poet and journalist Manglesh Dabral; Delhi-based senior journalist Rajiv Katara; Noida-based Pankaj Shukla; Delhi-based senior journalist Rakesh Taneja; Bhubaneswar-based television journalist Prabir Kumar Pradhan; Tripura-based Jitendra Debbarma; Mysuru-based Pavan Hettur; Patna-based photojournalist Krishna Mohan Sharma; Assam-based journalist Dhaneswar Rabha; Ludhiana-based veteran journalist Ashwani Kapoor; All India Radio news presenter from Guwahati Golap Saikia; Indore-based senior journalist Manoj Binwal were only a few of the long list of scribes who succumbed to the deadly virus.

In its latest statement released on April 24, 2021, the Press Emblem Committee put the tally of Indian journalists lost to Covid as over 100, at a time when the global figures had crossed 1175 journalists in 76 countries.

According to one study #RateTheDebate 'on an average one journalist died every day in April 2021'. The largest number of deaths are said to be in the states of Uttar Pradesh, Telangana and Maharashtra and most hail from districts.

Figures compiled by the Network of Women in Media, India (NWMI), reveal a bleak tally of 173 and counting, journalists and media workers in India lost to Covid.

It is clear that no one is untouched. As India is lashed with a deadly second wave of Covid, and ever mutating strains, reporters and photojournalists continue to report from the field against great odds, often without adequate protective equipment. Many desk staff were not permitted to work from home for their own safety. Few media houses extended insurance cover to those who were ill or deceased. Only a few states such as Andhra Pradesh,

CLOSE TO 15 CRIMINAL CASES WERE REGISTERED AGAINST JOURNALISTS IN MAHARASHTRA FOR HIGHLIGHTING FAILURES IN THE STATE ADMINISTRATION'S COVID-19 RESPONSE.

Telangana and Tamil Nadu have prioritised journalists as frontline workers who must be prioritised for the vaccine. The plea of journalist unions and organisations to the Central government to declare journalists as frontline workers and give priority for vaccination to facilitate their carrying out their duties has drawn a deafening silence.

A confirmation of the rising number of cases can be got from the number of applications the 'Journalists Welfare Scheme' of the Press Information Bureau (PIB), under the Union Information & Broadcasting Ministry. So far, in past 6-8 months, in its drive to help families of journalists who passed away due to Covid, (monetary compensation of Rs 500,000 the PIB has got 80 plus applications.

LONG ARM OF THE LAW

Journalists were not only faced with illness and deaths, loss of livelihood or salary cuts, but reprisals from the authorities for their reporting on the pandemic which did not suit their interests.

Delhi based Rights and Risk Analysis Group (RRAG) in its report *India: Media's Crackdown During Covid-19 Lockdown* said that the highest number of attacks on the media persons was reported from Uttar Pradesh (11 journalists), followed by Jammu & Kashmir (6 journalists), Himachal Pradesh (5), four each in Tamil Nadu, West Bengal, Odisha, Maharashtra, two each in Punjab, Delhi, Madhya Pradesh & Kerala and one each in Andaman & Nicobar Islands, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Karnataka, Nagaland and Telangana as given below.

According to a report in *The Wire*, close to 15 criminal cases were registered against journalists in Maharashtra for highlighting failures in the state administration's Covid-19 response: over two dozen other scribes were served notices and explanation sought; in some cases, defamation suits were filed, along with lakhs of rupees sought as compensation.

Moreover, "there have also been instances of multiple cases being registered against a single reporter or editor. Almost all stories are related to Covid-19 and reporters claim the top state administration has given a free hand to the district authorities."

The hostile tone towards the media was set by top politicians. For example, West Bengal Chief Minister Mamata Banerjee was reported to have warned journalists to behave "properly", accusing many of them of falling for the central government's propaganda during the coronavirus outbreak.

In her state, police arrested two journalists belonging to a YouTube channel 'Arambagh TV' for reporting on alleged corruption in distribution of government funds to private clubs amid the Covid-19 pandemic. The West Bengal police also opened an investigation into the editor of leading Bengali daily *Anandabazaar Patrika* following a complaint from a senior bureaucrat over the newspaper's coverage of the Covid-19 pandemic.

In Tripura, the pandemic provided the pretext for

the state government to assault journalists and silence the media. The attacks forced journalists of the state to protest against Chief Minister Biplab Kumar Deb.

According to a study *Behind Bars: Arrest and Detention of Journalists in India 2010-20*, by the Free Speech Collective, as many as 67 journalists were arrested and nearly 200 physically attacked in 2020. "A sharp rise in criminal cases lodged against journalists in India for their work, with a majority of cases in BJP-ruled states, has contributed to the deterioration in the climate for free speech in India," the report says. In the last decade, 154 journalists in India were "arrested, detained, interrogated or served show cause notices for their professional work", according to the same report. Of this, 40 per cent of the cases, took place in 2020.

The spate of cases filed against journalists prompted the Editors' Guild of India to express concern over "The use of criminal provisions of the law against journalists has now become an unhealthy and despicable trend that has no place in any vibrant democracy. It needs to be resisted as well as eliminated." It further said, "The increasing frequency of such misuse of laws by the authorities is tantamount to shooting the messenger and destroying a key pillar of India's democracy."

USE OF SEDITION LAW

Even as the pandemic raged on, protests by farmers took Delhi by storm. Three laws pertaining to agriculture, or "Farm Bills" hastily enacted in September 2020 by the Indian Parliament through the ordinance route without discussion with the stakeholders, had farmers up in arms. The farmers were not convinced by the government's claim that the laws were for their welfare, and till date continue their protest on the outskirts of the National Capital Territory on the borders of Delhi. Even as they attempted to take their side of the story to other parts of the country to drum up support for their cause, what stood out during this period is the plethora of cases slapped on journalists and activists alike, the worst being the charge of sedition.

One such case that gained infamy involved 22-year-old environment activist Disha Ravi and two others. On February 4, 2021, Swedish climate activist Greta Thunberg extended her support to the protest and shared a toolkit via her official Twitter handle. In what came to be called the "Toolkit case", an environmentalist, a lawyer and an engineer-- Disha Ravi, Nikita Jacob and Shantanu Muluk-- landed in trouble for allegedly instigating violence that occurred on India's Republic Day.

The farmers' protest also saw the police targeting journalists – at least nine of them – through arrests, intimidation and criminal charges over reports and online posts about the agitation since it began in November 2020. Of them, six were charged with sedition for reporting or sharing news about the protest, particularly related to the death of a protester from wounds suffered on January 26, 2021. They include Rajdeep Sardesai, a prominent anchor on *India Today*, Mrinal Pande of *National Herald*;

Zafar Agha of Qaumi Awaz; Paresh Nath, Anant Nath, and Vinod K. Jose of The Caravan. They were accused of allegedly provoking the protesters by spreading misinformation for their own political and personal gain.

Police in Uttar Pradesh, a BJP-ruled state adjoining Delhi, launched a separate investigation on January 30, 2021 into Delhi-based independent news website The Wire, its editor Siddharth Varadarajan and reporter Ismat Ara for their coverage relating to the killing of the farmer. They had reported that the family of the slain protester had refused to accept the Delhi police's claim that he was not shot to death.

The Editors Guild of India (EGI) condemned the filing FIRs against senior editors and journalists for reporting on the farmers' protest and the ensuing violence that took place in Delhi on January 26 and reiterated the demand that "the higher judiciary take serious cognisance of the fact that several laws such as sedition were often used to impede freedom of speech, and issue guidelines to ensure that wanton use of such laws did not serve as a deterrent to a free press."

The International Federation of Journalists (IFJ) and its Indian affiliate Indian Journalists Union (IJU) condemned the tactics used to suppress media. The IJU said: "India has a worsening track record of intimidating journalists, misusing the sedition [law] and other draconian laws. The IJU has long been advocating against such misuse of law. We urge the Indian government to withdraw the cases against all nine journalists and ensure their safety."

India's federal economic intelligence agency, the Enforcement Directorate (ED), also got into the act soon enough and raided the Delhi office of NewsClick, an independent media portal that has been outspokenly critical of Prime Minister Narendra Modi's government. The sleuths also carried out searches at the residences of editor-in-chief Prabir Purkayastha and one of the publication's editors, Pranjal. The agency was purportedly investigating an alleged money laundering case pertaining to foreign funding that the news organisation received from allegedly "dubious companies" abroad. But the fact remained that the raids came at a time the NewsClick was covering extensively the farmers' protest, which seemingly rattled the government.

The farmers' protest saw a spike in the assault on media organisations and journalists reporting on the issue. Delhi police picked up freelance journalist Mandeep Punia, a contributor to The Caravan magazine and Junputh news website, and Dharmendra Singh, a reporter with the YouTube news channel Online News India, from the farmers' protest site at the Singhu border between Haryana and Delhi on January 30. A video of the moment Punia was detained, which circulated on social media, shows the police violently manhandling him hours after he posted a video on Facebook narrating the protest events held by farmers over increasing privatisation in farming.

The law of sedition, Section 124A of the Indian Penal Code, says, "whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government established by law in India shall be punished with imprisonment to which fine may be added or with fine." The imprisonment may be either for life or may extend to three years. The language of this colonial

IN A JOINT LETTER, THE IFJ AND INTERNATIONAL PRESS INSTITUTE (IPI) URGED MODI "TO TAKE IMMEDIATE STEPS TO ENSURE THAT JOURNALISTS CAN WORK WITHOUT HARASSMENT AND FEAR OF REPRISAL."

era law is vague and overbroad and violates India's obligations under international law, which prohibit restrictions on freedom of expression on national security grounds unless they are strictly construed, and necessary and proportionate to address a legitimate threat.

In a statement the Press Club of India on May 15, 2020, condemned the slapping of sedition charges on an editor of a Gujarati news portal and the reported filing of 10 FIRs against six journalists in Himachal Pradesh, saying such actions are a "blot on our democratic aspirations".. At least 55 journalists faced arrest; registration of FIRs, summons or show causes notices, physical assaults, alleged destruction of properties and threats for reportage on Covid-19 or exercising freedom of opinion and expression during the national lockdown from March 25 to May 31, 2020.

The use of sedition law by the Delhi Police and by the National Investigation Agency (NIA) in many cases is ample proof that the Centre's claim is entirely deceptive. As both the Delhi Police and the NIA are under the centre's jurisdiction, the Centre has no deniability over measures that are deemed fit by law enforcement authorities to preserve public order.

In a joint letter, the IFJ and International Press Institute (IPI) on October 21, 2020 urged Indian Prime Minister Narendra Modi "to take immediate steps to ensure that journalists can work without harassment and fear of reprisal...and to direct the state governments to drop all charges against journalists, including those under the draconian sedition laws, that have been imposed on them for their work".

In a significant development on April 30, 2021, the Supreme Court of India agreed to hear a plea challenging the sedition law, filed by two journalists. Kishorechandra Wangkhem from Manipur and Kanhaiya Lal Shukla from Chhattisgarh who are facing cases of sedition for comments made on social media. The petition challenges the law on grounds that it "violates the fundamental right of speech and expression".

CONTROL OVER DIGITAL AND SOCIAL MEDIA

Not surprisingly, a period that witnessed the burgeoning of the digital media was also a time that saw increased government regulation on digital content. In February 2021, the government came up with the new Information Technology (Guidelines for Intermediary and Digital Media Ethics Code) Rules 2021.

According to the Indian Journalists Union (IJU), the Rules will not only increase censorship and impact press freedom but will exercise powers far beyond the parent legislation for digital new media. In a statement, the IJU said, "The Rules, a move to regulate social media platforms...

shall greatly impinge on the right to free speech and will impact the independent functioning of digital/online media and its duty to keep the public better informed.” Quoting the Internet Freedom Foundation, it said, “It is an illegal and unconstitutional extension of power to regulate online news media and video streaming platforms” and even termed it as a “Chinese model of online surveillance and censorship.” The government’s move to regulate social media content, forcing companies such as Facebook and WhatsApp to remove posts and share details of certain messages with state authorities, also came under fire.

In some instances of overnight clampdowns, there was no stated reason. On November 24, 2020, Huff Post India, known for its independent journalism, particularly of the farmers’ agitation, suddenly announced it would be shutting down operations with immediate effect. All its archives were deleted, and staff were left in the dark for the reasons that led to its shutdown.

On March 1, 2021, the Manipur Police issued a legal notice against the news organisation, The Frontier Manipur (TFM), and its executive director, Paojel Chaoba under the new digital media guidelines. However, within hours it withdrew its order. This after Amit Khare, Secretary, Information and Broadcasting Ministry wrote to the Manipur government clarifying that only the ministry has the power to seek documentation, disclosure of information, compliance with the Code of Ethics and addressing the grievances in the three-tier mechanism. It further added that no authority has “been delegated to the State Governments, District Magistrate, or Police Commissioner.”

The government prevailed upon Twitter India every now and then to withhold accounts of those making uncomfortable posts. Buckling, Twitter India withheld several accounts for allegedly making “fake, intimidatory and provocative tweets” with hashtags accusing the Narendra Modi government of planning farmers “genocide”. Among these accounts were English handle of news outlet, The Caravan, actor Sushant Singh, farmers’ organisation Kisan Ekta Morcha and Aam Aadmi Party social media team member Aarti Chadha. A total of 250 tweets/accounts were withheld on January 30, 2021, before they were eventually restored after a few hours.

News agency PTI quoted sources as saying that “incitement to genocide is a grave threat to public order” and that’s why Ministry of Electronics and Information Technology (MeitY) ordered blocking of these Twitter accounts and tweets under Section 69A of the Information Technology Act. Reports also suggested that Twitter had blocked the accounts on the request of the Ministry of Home Affairs and law enforcement agencies to prevent any escalation amid the ongoing farmers’ protest.

This was, however, not the first time such a step was taken under Section 69A of the IT Act. In February 2019, Jio users were reportedly unable to use sites like Indian Kanoon, Reddit and Telegram — all of which were blocked on government orders under the same section. Also in June 2020, 59 Chinese apps, including TikTok, UC Browser and Cam Scanner, were blocked under this section after the clash in the Galwan Valley between Indian and Chinese troops in the border area of Ladakh.

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Interestingly, on February 10, 2021 Twitter had stated, “We took a range of enforcement actions — including permanent suspension in certain cases — against more than 500 accounts escalated across all MeitY orders for clear violations of Twitter’s Rules ...Because we do not believe that the actions we have been directed to take are consistent with Indian law, and, in keeping with our principles of defending protected speech and freedom of expression, we have not taken any action on accounts that consist of news media entities, journalists, activists, and politicians.”

Again, on April 24, 2021, Twitter blocked tweets critical of the government’s response to Covid-19. The 52 critical tweets were made by a state minister, opposition Member of Parliament, an actor, journalists and citizens and showed photographs of overwhelmed crematoria, and also questioned the vaccine roll out and holding of election rallies in the midst of the crisis.

As the Covid deaths piled up, and shortages of drugs, oxygen and hospital beds reached crisis proportions in April, citizens in utter desperation took to social media to beg for help. The Uttar Pradesh government, continuing the fiction that there were no shortages whatsoever, ordered strict civil and criminal action against those making ‘false appeals’ over social media seeking help for Covid-19.

In a welcome move the Supreme Court on April 30, 2021 sent out a strong message that must be no clampdown on citizens communicating their grievances on social media as regards Covid-19.

“We want to make it very clear that if citizens communicate their grievance on social media and internet then it cannot be said its wrong information. We don’t want any clampdown of information. We will treat it as a contempt of court if such grievances is considered for action,” Justice Chandrachud said.

In addition, the government is armed with others like the criminal defamation law, counter-terrorism law such as the Unlawful Activities (Prevention) Act (UAPA), laws regulating internet and those pertaining to hate speech to silence dissent, says a Human Rights Watch report on India. These laws are vaguely worded and prone to misuse and have been repeatedly used for political purposes against critics at the national and state level.

It is pertinent to note that the EU-India relations European Parliament recommendation of April 29, 2021 said, “whereas local and international human rights monitors report that human rights defenders and journalists in India lack a safe working environment.”

In October 2020, the UN High Commissioner for Human Rights, Michelle Bachelet, appealed to the Government of India to “safeguard the rights of human rights defenders and NGOs, raising concerns over shrinking space for

civil society organisations, the detention of human rights defenders and charges brought against people for simply having exercised their right to freedom of expression and peaceful assembly, as well as over the use of laws to stifle dissent, such as the Foreign Contribution Regulation Act (FCRA) and the Unlawful Activities Prevention Act.”

The UN High Commissioner for Human Rights and the UN special rapporteurs, encouraged India, as the world’s largest democracy, to “demonstrate its commitment to respect, protect and fully enforce the constitutionally guaranteed rights to freedom of expression for all, including online,call on India to secure a safe environment for the work of and protect and guarantee the fundamental rights and freedoms of human rights defenders, environmentalists, journalists and other civil society actors, free from political or economic pressure, and to cease invoking laws against sedition and terrorism as a means to restrict their legitimate activities, including in Jammu and Kashmir, stop blanket restrictions of internet access, review laws in order to avoid their possible misuse to silence dissent and amend laws that foster discrimination, and facilitate access to justice and ensure accountability for human rights violations.”

In its report ‘Autocratization Turns Viral: Democracy Report 2021’, the V-Dem Institute, an independent research body states, “The world’s largest democracy has turned into an electoral autocracy. India’s autocratization process has largely followed the typical pattern for countries in the “Third Wave” over the past ten years: a gradual deterioration where freedom of the media, academia, and civil society were curtailed first and to the greatest extent.

It goes on to say, ...the diminishing of freedom of expression, the media, and civil society have gone the furthest. The Indian government rarely, if ever, used to exercise censorship as evidenced by its score of 3.5 out of 4 before Modi became Prime Minister. By 2020, this score is close to 1.5 meaning that censorship efforts are becoming routine and no longer even restricted to sensitive (to the government) issues. India is, in this aspect, now as autocratic as is Pakistan, and worse than both its neighbours Bangladesh and Nepal. In general, the Modi-led government in India has used laws on sedition, defamation, and counterterrorism to silence critics.

While some prosecutions, in the end, have been dismissed or abandoned, many people who have done nothing more than express themselves peacefully have been arrested, held in pre-trial detention, and subjected to expensive criminal trials. Fear of such actions, combined with uncertainty as to how the statutes will be applied, leads others to engage in self-censorship.

The record of India’s courts in protecting freedom of expression is uneven. Some lower courts continue to issue poorly reasoned, speech-limiting decisions, and the Supreme Court, while often a forceful defender of freedom of expression, has at times been inconsistent, leaving lower courts to choose which precedent to emphasise. This has left the door open to continued use of the law by local officials and interest groups to clamp down unpopular and dissenting opinions.

Journalist and editor of Shillong Times had to knock on the door of the Supreme Court in July 2020 as the Meghalaya High Court refused to give her reprieve against an FIR lodged against her for allegedly promoting

enmity between different groups and defaming the local administration, on a Facebook post. The apex court quashing the FIR said: “Free speech of citizens of this country cannot be stifled by implicating them in criminal cases, unless such speech has the tendency to affect public order.”

In a case related to gang rape-murder of a 19-year-old Dalit girl allegedly by four upper-caste men in Uttar Pradesh, journalist Siddique Kappan was charged under provisions of the UAPA in October 2020 and continues to be incarcerated. He was chained to a hospital bed and having tested Covid positive, is at risk due to co-morbidities. On a petition filed by the Kerala Working Journalists’ Union and Kappan’s wife, the Supreme Court on April 28, 2021 directed that he be moved to a hospital in Delhi for proper medical treatment.

In another case clearly motivated to silence journalists by harassing them pertains to veteran journalist Vinod Dua. In June 2020, Delhi Police filed an FIR against Dua under sections 290 (public nuisance), 505 (statements conducing to public mischief), and 505 (2) (sale of printed or engraved substance containing defamatory matter) of the IPC based on a complaint from BJP spokesperson Naveen Kumar accusing Dua of allegedly “misreporting the Delhi riots”.

The Editors Guild of India slammed the police over their “growing tendency” to take cognisance of frivolous charges against journalists. In a statement, the Guild said, “The accusations are a brazen attack on his right to free speech and fair comment. An FIR based on this is an instrument of harassment setting off a process that is itself a punishment”. The Guild urged the police to respect constitutionally guaranteed freedoms rather than behave in a manner that raises questions on its independence.

PAPER TIGER?

Amid the relentless assault on the freedom of press, the self-regulatory body the Press Council of India (PCI) has come under a cloud for allegedly being ‘selective’ in its dealing with issues of import, so much so that such action, or inaction, had implicitly turned out to be in favour of the government or its sympathisers. For instance, the PCI swiftly took up cudgels on behalf of Arnab Goswami, journalist and owner of Republic TV, which is unabashedly pro-government, when he was allegedly assaulted.

The PCI was established for the purpose of protecting freedom of the press and of maintaining and improving the standards of newspapers and news agencies in India. It is important to underline that, as far as the mandate of the Council is concerned, as per the Press Council Act, 1978, it is only bound to perform its duties in connection with newspapers and news agencies only and not with electronic and digital media. So why did the PCI show such alacrity in taking up the Goswami case when it hardly involves itself in such matters? Several journalists have been attacked, intimidated and targeted by the state as well as non-state actors. But one hardly recalls the Council intervening in these matters as swiftly as in the case of Goswami. In fact, the PCI moved the Supreme Court supporting the Centre and Jammu and Kashmir government’s decision to impose restrictions on communication in the state following the abrogation of Article 370.

The PCI filed a plea in the Supreme Court regarding restrictions on press freedom in Jammu and Kashmir on August 24, 2019.

JOURNALISTS IN THE TROUBLED KASHMIR VALLEY CONTINUED TO FIND THEMSELVES BEREFT OF THE FREEDOM TO REPORT FROM THE GROUND WITH RESTRICTIONS IMPOSED EVERY NOW AND THEN BESIDES BEING SLAPPED AROUND AND HARASSED IN EVERY CONCEIVABLE WAY.

The PCI presently hardly responded to any violation of press freedom in Jammu & Kashmir. The media regulatory body has no media right violation monitoring system and many such violations get no responses from PCI.

THE PAIN OF KASHMIR

Journalists in the troubled Kashmir Valley continued to find themselves bereft of the freedom to report from the ground with restrictions imposed every now and then besides being slapped around and harassed in every conceivable way. Journalists in Jammu and Kashmir (J&K) suffered under the world's longest communication blockade imposed in August 2019, when the special status of the state was revoked, and J&K downgraded into three Union Territories.

Till date, Kashmiri journalists often find themselves summoned to police stations and booked under various cases. In the process, independent journalistic pursuit has become near-impossible. In the latest of such actions in April 2021, the Jammu and Kashmir police decided to pursue legal action against reporters and photographers who come close to gun battle sites or near scenes of clashes between forces and protesters, creating a flutter in the press community. A statement issued by 11 Kashmir-based media rights organisations termed the decree as a "tactic to coerce journalists into not reporting facts on the ground". According to reports, journalists have been warned against covering armed operations in real-time and printing content that purportedly "promotes anti-national sentiment".

Journalists in Kashmir have often found themselves at the receiving end of police action when anti-militant operations are underway, at times even suffering violence at the hands of security forces during stone-pelting clashes and protests.

Before the latest decree, a police constable was filmed kicking Qisar Mir, a Kashmiri photojournalist, near a gunfight site in Pulwama in South Kashmir. Similarly, Saqib Majeed and Shafat Farooq, two photojournalists covering clashes outside Jamia Masjid in Srinagar, claimed they were manhandled by policemen last month. Farooq, who said cops hit him with the rear end of a rifle, was later hospitalised.

"They say we are covering live encounters when actually we have never done that," said Syed Shahriyar, a multimedia journalist who has been published by VICE news, BBC, Independent and Al Jazeera. "We only rush to gunfight site when forces withdraw. By placing restrictions on that, maybe the police are trying to convey that we mustn't cover these events at all."

Security agencies find themselves discomfited when such operations are covered by journalists as these often end in destruction of residential or commercial structures where militants allegedly take shelter; and this invariably draws the ire of the citizens.

"If this is a part of the official policy of police then it appears to be a tactic to coerce journalists into not reporting facts on the ground," said the statement by 11 Kashmir-based media organisations. "It also seems to be a part of the string

of measures taken by the authorities to suppress freedom of press in the region." The statement said that the media in Kashmir are aware of the journalistic guidelines and ethics they must demonstrate during gunfights and law and order situations, and that they have always upheld these principles.

In early 2021, Jammu & Kashmir police opened criminal investigations against two journalists on January 30, while the Jammu & Kashmir administration filed another case against a third journalist on February 12.

The journalists targeted were Kashmirwalla reporter Yashraj Sharma; Kashmiriyat reporter Mir Junaid; and freelance journalist Sajad Gul. Police opened criminal investigations into Sharma and Junaid for alleged incitement, while the region's administration filed a First Information Report (FIR) against freelance journalist Sajad Gul for "rioting, trespassing, and assault" accusing the journalist of taking part in a so-called illegal demonstration against home demolitions.

Sharma and Junaid were charged for their reports revealing that schools in the Shopian district were forced by the army to lend school space to observe an official Republic Day function on January 26.

Condemning the action, the IFJ said: "This is the latest in the series of incidents of the misuse of power and law to criminalise journalists by J&K police and its administration. The IFJ urges the Indian authorities to withdraw the cases against the journalists Sharma, Junaid and Gul and respect the media's right to report stories of critical public interest."

In December 2020, police manhandled three Kashmiri journalists as they covered election polling in South Kashmir. Fayaz Lolu, a stringer with ETV Bharat; Mudasir Qadri, a stringer with News 18 Urdu; and Junaid Rafiq, of V9; were beaten by the senior superintendent of police (SSP), Anantnag Sandip Chowdary, in the Srigugwara area of South Kashmir. The journalists were all covering the District Development Council elections in the Anantnag district of Jammu and Kashmir. During the attack, the journalists were thrashed and slapped after interviewing voters who complained that polling was not beginning at the scheduled time.

The journalists alleged that their equipment, including mobile phones and microphones, were confiscated. Police escorted them to Srigugwara's police station where they were detained for almost two hours. During their detention, journalist Rafiq complained of breathlessness and was taken to a nearby hospital where he was placed on oxygen support. On September 19, the cyber wing of the Jammu and Kashmir Police summoned and abused Auqib Javeed, a Kashmir based journalist, over a news report about police intimidation of social media users. Similarly, on July 31, Qazi Shibli, the editor of news portal The Kashmiriyat, was detained, while Fahad Shah, editor of news portal Kashmir Walla, was summoned on May 20..

The IFJ, continuing to document a disturbing series of attacks and harassments against media workers and journalists in J&K said, "We urge security officials

and authorities to cease these attacks and intimidation of media workers and remind authorities of their responsibility to respect journalistic independence.”

Unfortunately, it is an ever-growing list and there seems to be no end in sight to the miseries of journalists in Kashmir in the immediate future, unless of course they choose to turn a blind eye to the goings on and, instead, learn to reproduce the handouts issued by the government.

VILIFICATION OF WOMEN JOURNALISTS

Intrepid women journalists, especially those critical of the government were heaped with vicious abuse online, in-person stalking, and death and rape threats from the supporters of the ruling regime. Upwards of 70 percent of women journalists have experienced more than one type of harassment, threat, or attack during their careers, according to a 2018 report published by the International Women’s Media Foundation (IWMF) and online threat monitor Troll busters. Many cases remain unreported due to victims’ fears of retaliation.

Delhi-based freelance journalist Neha Dixit, who writes on politics, gender and social justice, said she has been “stalked, openly threatened with rape and murder, viciously trolled”. One troll – she gets about 300 hostile notifications and emails every day – who asked people to throw stones at her house was followed by the prime minister. Her complaints to police have never resulted in arrests. An attempt was made to break into her apartment following months of intimidation that included death threats and references to her journalism.

Arfa Khanum Sherwani, a senior editor at The Wire, is disturbed by the “thousands and thousands and thousands” who flock these days to her Facebook, Twitter and Instagram accounts, threatening her with rape and death, according to a report in the website Article 14.

“It terrifies me, it unsettles me,” Sherwani said as she described the loathing she must withstand as a female journalist with an opinion and the additional hatred reserved for her Muslim identity. The bulk of these abusive messages come from handles that are pro-ruling party.

Former NDTV anchor Nidhi Razdan says women are special targets because ruling-party trolls are inherently misogynistic. “They can’t stand the success of women who are assertive, successful, have an opinion,” said Razdan, who as a Kashmiri Pandit is attacked online any time she expresses sympathy for Muslims. “I feel sorry for the loveless, sad lives they lead.” What they believe as their freedom of speech, she argues, echoing an argument recently made by the Supreme Court, is not the right to slander, to abuse, to spread hate speech.

In January 2021, Rajasthan Police arrested a 26-year-old law student associated with BJP student wing Akhil Bharatiya Vidyarthi Parishad for sending death and rape threats to senior journalist Rohini Singh over her reporting of the farmers’ rally.

LANDMARK VICTORY IN STRUGGLE

AGAINST SEXUAL HARASSMENT

Veteran journalist Priya Ramani was acquitted by a Delhi court on February 17, 2021 over a defamation case filed by former Union Minister MJ Akbar, whom she

had accused of sexual misconduct. In October 2018, Ms Ramani named MJ Akbar - then a minister in Prime Minister Narendra Modi’s government - in a tweet. A week later MJ Akbar filed the criminal defamation case and resigned as minister two days later. The trial began in January 2019, and finally the court has given the verdict acquitting Ramani. This historic verdict is seen as a timely recognition of working women’s right to dignity, acknowledgement that even rich and famous men can be predators and affirmation of victim-survivors’ right to speak out at any time. IJU in a statement said that the verdict rekindles hope for women journalists across the country and elsewhere to change mindsets and fight the system.

In another significant case, the Delhi High Court in July 2020, removed three-year-old restrictions it had placed on publishing accounts of certain sexual harassment allegations made by a few women against venture capitalist Mahesh Murthy. The injunctioned materials included a range of articles, social media posts, and journalistic reports containing allegations of sexual harassment against Murthy.

Defendants in the case also included Asian Age and Deccan Chronicle as well as journalists (current and former) and executives at SheThePeople, YourStory and FactorDaily. In the verdict the judge noted that “the said defendants have a right to exercise their right of freedom of speech”.

THE FUTURE

As the year was drawing to a close, there was a glimmer of hope that the country might just have seen the last of the pandemic; pay-cuts of journalists started being restored though in a controlled measure as advertisements appeared to be returning to the earlier levels. But the fears returned soon. From around the end of March, just after a year it had surfaced, the pandemic struck again, and this time with greater ferocity. India started notching up single-day figures surpassing the previous year’s with newer mutants evolving; vaccines the country had exported to several countries taking pride in it and patting itself as the “pharmacy of the world”, were suddenly in acute short supply; oxygen supply fell; beds in ICUs became scarce; images of the dead lined up outside crematoriums or multiple bodies burning on a single pyre sent shivers down the country’s collective spine.

It looks as though journalists might have to return to the pandemic-driven miseries of last year if lockdowns were to be declared again? The next few weeks may hold the answer, but it is during the interregnum that journalists would have to introspect whether they could stand united.

Cast-iron unity will be the only way out, not only to fight against a potential economic downslide, but also to raise their voices against forces that seek to muzzle the freedom of press and expression.

In this critical situation, it is imperative that we have an informed public to face challenges, and it is here that journalists have a key role to play, and which can only be possible if there is a vibrant media with absolute freedom of press.

Cover: Activists and supporters of Bharatiya Janata Party (BJP) hold placards as they scuffle with police while protesting against the arrest of controversial Indian TV Indian television journalist Arnab Goswami, in Mumbai on November 4, 2020. CREDIT: INDRANIL MUKHERJEE / AFP

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Afghan Independent Journalists' Association
 Bangladesh Manobadhikar Sangbadik Forum
 Federation of Nepali Journalists
 Federation of Media Employees' Trade Unions, Sri Lanka
 Free Media Movement, Sri Lanka
 Indian Journalists' Union
 Journalists Association of Bhutan
 Maldives Journalists' Association
 National Union of Journalists, India
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 Sri Lanka Working Journalists' Association

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The SAMSN Digital Hub – <https://samsn.ifj.org> includes the full 2020-2021 South Asia Press Freedom Report and a full list of all known cases of media rights violations from the 2014 to 2021.

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