



PRESSURE & POLARISATION

POWERING MEDIA RESISTANCE IN SOUTH ASIA

INDIA COUNTRY REPORT

INDIA

Struggling to Survive

Media freedom in post-pandemic India is facing two kinds of pressure: internal and external. Within the industry, media owners used the Covid pandemic as an excuse to lay off staff members. While there are no clear estimates as to how many were given the pink slip, the phenomenon was witnessed across the board, including in legacy media houses.

The extent of the layoffs became evident as journalists began to share letters issued by managements on social media. Most journalists were reluctant to challenge the latent coercion in the garb of “voluntary resignations” in labour courts given the costs of litigation and also for fear of not getting alternate employment. The bulk of those who lost their jobs or were forced to resign were not reinstated even after advertisement revenues stabilised as the pandemic abated.

The other front on which journalists were targeted was external and insidious. These pressures were exacerbated after a right-wing government came to power in 2014 and was re-elected in 2019. In addition to the growing repression, there have been other alarming developments over the last year that impact media freedom in India.

The ‘nationalistic’ media

Overt and covert attacks on press freedoms continued in this period. In parallel one saw journalists rushing to identify closely with the government and with market forces, which compromised the very nature of journalism itself.

For the larger media community, it was clear that it could not take its freedoms for granted and that raising voices in democratic dissent was imperative. The period under review therefore saw more unity among journalist unions, associations and press clubs, in defence of the rights of the media, freedom of speech, democracy, secularism and the Constitution of India.

The external manifestation of pressure was largely in the form of over-reach by law enforcement agencies and self-appointed custodians of the law. The central government used its agencies to conduct raids, searches and “surveys” on intransigent media houses. The other method of harassment was to file multiple First Information Reports (FIRs or police complaints) against journalists for the same offence across states. Many journalists were arrested under the draconian National Security Act, or Unlawful Activities (prevention) Act (UAPA) which saw them incarcerated without trial or bail for long periods.

Mechanisms of digital surveillance also went up in the last year with major changes being made in the information technology laws, ostensibly for national security and sovereignty. Vague definitions encouraged the arbitrary interpretation of such laws, especially if the journalist concerned happened to critique the government or a political functionary. Any critique of the government was construed as anti-national and therefore liable for punitive action. This included ordinary citizens as well as journalists.

As the latent polarisation in society on communal lines deepened and was capitalised upon by right-wing political parties and groups, the cleavage on ideological lines sharpened within the media too. A section of the media was identified as being close to the government while others were deemed hostile and therefore qualified for harassment in subtle and overt forms. Mass media, mostly represented by television channels, pushed the narrative: all that the government did was hailed as being in the “national”

interest while all those who disagreed with the government were deemed “anti-national”, thus squeezing any space for critical and independent reporting.

The pushback from the judiciary in some cases was welcome. The Supreme Court on April 5, 2023, quashed the Centre’s telecast ban on news and current affairs channel, MediaOne, saying that its critical views against government policies could not be termed anti-establishment because an independent press is necessary for robust democracy.

The apex court pulled up the Union Home Ministry saying that national security claims could not be made “out of thin air”. Setting aside the Kerala High Court order of March 2, 2022 which had upheld the centre’s decision to ban the telecast on security grounds, the court observed, “The action of the Ministry of Information and Broadcasting by denying security clearance to a media channel (on 31 January 2022) on the basis of the views which the channel is constitutionally entitled to hold produces a chilling effect on free speech, and in particular on press freedom...Criticism of governmental policy can by no stretch of imagination be brought within the fold of any of the grounds stipulated in Article 19(2) of the Constitution.” It further observed: “The press has a duty to speak truth to power, and present citizens with hard facts enabling them to make choices that propel democracy in the right direction.”

Except in a handful of cases, critical analysis has increasingly become a casualty as more and more media organisations have begun to toe the government line due to either the fear of persecution or the fear of losing out on government and advertisement revenue.

Advertisers too felt the pressure and were instructed on where to place advertisements. It was not a coincidence that most of the advertisement revenue was concentrated in the hands of a few favoured media groups.

According to the Media Ownership Monitor of Data Leads, since the liberalisation of the market in the 1990s and the entry of foreign direct investment in the media, advertising revenue has been sustaining media houses.

The past year also saw media ownership become concentrated with industrial houses acquiring the few independent voices that remained in the electronic media. The takeover of NDTV, a popular independent television news group, by a controversial industrialist who is perceived as being close to the government, was one such instance. wherein a number of staffers and founder directors quit the organisation.

Another example is that of the industrialist who owns the Network 18 Group, which controls as many as 72 television channels and several news websites. The industrialist entered the media industry in 2014. The group claimed in its 2019 annual general meeting that its television channels reached out to 800 million Indians representing 95 per cent of the TV viewing universe. Apart from news and entertainment channels, the industrialist is also in the telecommunications business and Direct to Home digital cable distribution networks that offer OTT and broadband services.

Internet Shutdowns

As mainstream media became concentrated in the hands of a few business houses, social media was simultaneously encouraged to become an unregulated and free-for-all space that was heavily seeded with propaganda handles and bots.

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WhatsApp has been weaponised by groups owing allegiance to or being paid by political parties. This has seen the proliferation of fake news. Disturbingly, the fake news forwards have led to riots, violence, and even to deaths, as in the lynching of a vagrant suspected by social media to be a kidnapper.

Simultaneously one saw comments made on Facebook or Twitter that were deemed critical of governments or ministers swiftly shut down and their authors promptly arrested or charged, mostly under non-bailable sections. Journalists were booked for “affecting religious sentiment”, for alleged links with extremist or insurgent groups, for reporting on corruption, or for plotting against the state in the past year.

According to digital rights organisation Access Now, India topped the 2022 list for global internet shutdowns for the fifth time in a row. There were 84 instances of disruptions, according to the Access Now report titled “Weapons of control; shields of impunity: Internet shutdowns in 2022”, jointly authored with #Keep it on Coalition. India, the report said, accounted for 58 per cent of all documented shutdowns since 2016. There were 49 shutdowns in Jammu and Kashmir alone with 16 back-to-back orders for three-day shutdowns in January and February 2022. The governments of Rajasthan and West Bengal had 12 and 7 shutdowns, respectively.

In 2020, the Supreme Court of India had ruled that access to the internet was a fundamental right and had pulled up the government for blacking out telecommunications in Jammu and Kashmir. Blackouts, it said, need to be given reasons and should be proportional to the concerns necessitating such shutdowns. But the courts have not been consistent in their articulation of the rights of journalists. In January 2023, a Delhi court observed that there was no statutory protection or exemption to journalists from revealing their sources to investigating agencies, especially where such disclosure was deemed necessary for assisting and aiding investigation in a criminal case.

The targeting of journalists in India, which had grabbed global attention in the 70s during the infamous Emergency years, was a talking point now. The Union Information and Broadcasting Minister went on record in Parliament to say that he did not give credence to international rankings of press freedom which saw India sliding further down the scale. He further claimed that the government “did not interfere with the functioning of the Press”, and that a statutory body, the Press Council of India, had been set up to preserve freedom of press and of news agencies.’ However, it is a well known fact that the PCI’s autonomy is under consideration and there have been manoeuvres to compromise its functioning.

The ultimate price

Between May 2022 and March 2023, there were several cases of violations of press freedom, for which the International Federation of Journalists and its affiliates, the Indian Journalists Union and the National Union of Journalists-India, issued

statements of protest.

In this period, as over the past few years, journalists were summoned, harassed, deported, threatened, booked under penal clauses, prevented from traveling abroad, arrested for tweets, raided, and even killed.

Among those killed were journalists Shashikant Warishe in Maharashtra in February 2023, and Subhash Kumar Mahato in Begusarai district of Bihar in May 2022.

On February 6, 2023, Shashikant Warishe, 48, was mowed down by a SUV in Rajapur in Ratnagiri district, Maharashtra. The SUV was driven by a real estate broker with vested interests in the setting up of a refinery and petrochemicals project that was being objected to by residents. Warishe was reporting on the issue in *Mahanagari Times*, raising local concerns about land acquisition and environmental impact. He published photographs showing the close ties between the real estate agent and the central government leadership, state government leaders, and the refinery owner. He had referred to the agent as a “criminal”. After the killing, a case of culpable homicide was registered against the agent but converted to murder after residents protested.

Mahato, 25, was shot by four assailants on May 20 as he was returning home with his family from a wedding dinner. He died in hospital. Mahato worked as a reporter with City News, a local cable station. He used Public App, a hyperlocal smartphone-based video application, to post his reports. His killing is thought to be related to his investigative reports on the illegal liquor and sand mafia. Mahato was arrested once in 2018 under provisions of the Information Technology Act but was later granted bail. In July, the Chandannagar city police in West Bengal apprehended three of his killers from Hooghly district. The motive behind the killing is yet to be established.

Across the region, the impunity enjoyed by perpetrators of crimes against journalists encourages more such crimes. After five years, the trial of the 18 accused in the murder of prominent journalist Gauri Lankesh in Bengaluru, began in July 2022.

Unleashing the law

As in previous years, the over-use and misuse of various laws to harass journalists and attempt to silence them continued.

On June 27, the Delhi Police arrested Mohammad Zubair, co-founder of Alt News, a fact-checking website, for a 2018 tweet. Zubair was accused of “hurting religious sentiments”. Alt News has been at the forefront of busting misinformation and fake news, and both the website and Zubair have been long-time targets of trolls. In 2020, the Intelligence Fusion and Strategic Operations Unit, a specialised team of the Delhi police, had summoned Zubair, but he had secured the protection of the courts against his arrest. This time, Zubair was charged under IPC 153 A (for promoting enmity between different groups) and 295 A (for malicious acts intended to outrage religious feelings). He was sent to police remand for four days.

In June, FIRs were filed against journalist Saba Naqvi for forwarding a satirical tweet, which had reportedly offended Hindu sentiments.

In 2021, Zubair and Naqvi, along with journalist Rana Ayyub, had been subjected to a criminal investigation for “promoting communal unrest” because they had shared a video on Twitter that showed an elderly man being beaten.

An FIR was also filed against Navika Kumar, Group Editor of Times Now, for “deliberate and malicious acts intended to outrage religious feelings.” Kumar had failed to intervene when a BJP spokesperson made derogatory remarks against the Prophet on her show. The spokesperson was subsequently suspended.

On June 2, Yashraj Sharma, interim editor of the online portal *The Kashmir Walla*, was summoned by the State Investigation Agency of the Jammu & Kashmir police regarding an article published in the digital paper. Sharma had taken over after Fahad Shah, 33, the editor of the online portal, was repeatedly arrested under various charges.

Fahad Shah was arrested on February 4, 2022, for posting allegedly anti-national content on social media, he was granted bail after 22 days. Hours later, he was arrested again under a separate charge. He was again granted bail but rearrested on March 14, 2022.

The Kashmir Walla had published an article by Abdul Ala Fazili, a Kashmir University scholar, titled “The shackles of slavery will break”. A month later, Fazili and some others were booked under Sections 13 and 18 of the draconian UAPA. They were further charged under four sections of the IPC including “criminal conspiracy”, “waging or attempting to wage war against the government of India”, “sedition”, and “assertions prejudicial to national integration”. The Kashmir Walla website also carried a report on an encounter in Pulwama between security forces and suspected militants. According to reports, the police accused Fahad of ‘uploading anti-national content, including photographs, videos and posts with criminal intention to create fear among the public’. He was jailed under PSA charges, which allows security agencies to detain anyone for a prolonged period without trial. On April 13, 2022, the Jammu and Kashmir High Court quashed the PSA case against Fahad and ruled that authorities had deprived him of his “constitutional and legal rights” while terming the grounds of his detention under the controversial Public Safety Act (PSA) as “mere surmise” and “vague and bald assertions.” Fahad Shah continues to be in jail on other charges.

On March 12, 19-year-old Sanjay Rana, a reporter with the local newspaper *Moradabad Ujala* and its YouTube channel, was arrested in Sambhal district of Uttar Pradesh. Rana had publicly questioned the non-fulfilment of poll promises and incomplete development works. Following his question to the minister at a public event, he was booked on charges made by a BJP youth wing leader who claimed that Rana was a fake journalist. An FIR was registered against Rana under Sections 323 (punishment for voluntarily causing hurt), 504 (intentional insult with intent to provoke breach of peace) and Section 506 (punishment for criminal intimidation). The editor of the news portal stood by his reporter. Rana was released after one day.

The judiciary continues to provide a small bulwark against government access. IJU along with other free speech and internet freedom groups had challenged the sedition law in the Supreme Court. In 2021, a three-judge bench of the Supreme Court had expressed concern at the way the sedition law (124 A) was being used against media persons for publishing views critical of the establishment. In this instance, two Telugu channels had been slapped with sedition charges as they had broadcast a rival politician’s views of the Andhra Pradesh government’s handling of the Covid crisis.

In a landmark order passed on May 11, 2022, the Supreme Court put the contentious sedition law on hold till the Centre completed

its promised review of the colonial relic and also asked the Union and state governments not to register any fresh case invoking the offence. It also directed that the ongoing probes, pending trials and all proceedings under the sedition law be kept in abeyance and those in jail on sedition charges could approach the court for bail. The Editors Guild of India, Major General (Retd) S G Vombatkere, former Union minister Arun Shourie and People’s Union for Civil Liberties (PUCL) had filed petitions against the penal provision, contending that the law causes a “chilling effect” on free speech and is an unreasonable restriction on free expression, a fundamental right. IJU’s affiliate, the Journalists Union of Assam, has also impleaded in the case.

Clipped wings

Besides legal cases, another form of harassment was to curb the mobility of journalists. On June 2, 2022, Sanna Irshad Mattoo, an award-winning photojournalist from Kashmir, was not allowed to board a plane to Paris. Mattoo was to participate in a book launch and photography exhibition as one of the ten award winners of the Serendipity Aries Grant 2020. Again, on October 19, 2022, Mattoo, part of the Reuters team that won the Pulitzer Prize for coverage of the Covid pandemic, was stopped at Delhi’s Indira Gandhi International Airport and prevented from flying to New York for the award ceremony.

Like Mattoo, journalist Aakash Hassan was prevented from traveling to Sri Lanka. In 2019, Kashmiri journalist Gowhar Geelani was prevented from flying to Europe. Hundreds of Kashmiri journalists are reportedly on the government’s “No Fly” list, with no reasons being communicated to them.

In August 2022, an American journalist of Indian origin, Angad Singh, was denied entry into India and deported to the United States. Singh, a documentary producer for *Vice News*, was on his way to India on a personal trip. He was deported within three hours of landing. Singh had produced a documentary in 2021 titled “India’s Covid Hell”, which was critical of the government’s handling of the pandemic. He had made documentaries on the protests mounted against the Citizenship Amendment Act as well on the year-long farmers’ movement against the three farm laws which were finally repealed.

Foreign journalists have also reported facing hurdles in getting visas and permits to report from India, particularly areas considered sensitive such as Kashmir or the country’s north-eastern region. According to media reports, internal surveys by foreign journalists capture several instances of harassment by the central government. The harassment, it appears, is linked to their reports on the intimidation of religious minorities in India and on the situation in regions like Kashmir and Assam.

Lack of access to information and official spaces was another area of concern for Kashmiri journalists, who brought up the issue during a training program organised by IJU in Srinagar on November 5, 2022, on “Capacity Building in Digital Era”, where the shrinking space for media freedom in Kashmir was widely discussed. Non-issuance of press accreditation cards by the government’s PR department was a specific hurdle discussed.

The spiral continues

On February 26, 2023, two masked men shot at Devendra Khare, a reporter with News1 India, a privately owned Hindi language broadcaster. Khare was in his office in Chandpur Balu Mandi area of Jaunpur city in the northern state of Uttar Pradesh. He received injuries in his stomach and hand but survived the attack. It is suspected that his report about an alleged assault by the brother of

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a local political leader might have triggered the attack. Khare’s report had suggested that one Rituraj Singh, brother of the district president of the BJP, assaulted a politician. Within a few days of the report, the journalist was threatened and later shot. Two arrests were made in late March.

In February 2023, some journalists were roughed up by marshals in the Vidhan Sabha, the State Assembly in Uttar Pradesh, while they were covering a protest by the Samajwadi Party, the state’s main Opposition party. A senior photojournalist of the *Indian Express* was hit on the face by security personnel.

In April 2022, three journalists, Ajit Ojha, Digvijay Singh and Manoj Gupta, were arrested in Ballia district of UP for exposing the leak of a Class 12 question paper of the Uttar Pradesh School Examination Board. The incident sparked outrage and several local journalists protested, demanding the release of their colleagues. In a strongly worded statement, the Press Club of India (PCI) said that the “sycophant and the more than eager UP police and bureaucrats don’t waste time in arresting media persons at the first available opportunity to please the powers that be.”

In a similar case of “victimising the victim”, the Delhi police registered an FIR in April 2022 against a journalist and a news portal on the charge of inciting hatred between communities because they had tweeted about journalists being roughed up during a controversial Hindu Mahapanchayat (Hindu public meeting) event in Delhi. Several media outlets had reported on the inflammatory speeches made at the event. Five journalists were roughed up and the Delhi police did not arrest the culprits involved but filed FIRs against those who reported the incident. The IJU and PCI called it highly “deplorable.” The Delhi police, they said, remained a mute spectator and did not arrest the culprits involved.

On October 31, 2022, police searches were conducted at the homes and offices of the editors and a reporter of news website Wire. Police seized laptops, mobile devices, and other electronic equipment. The searches followed a complaint by a spokesperson of the BJP alleging cheating and dishonesty, forgery and defamation in a series of articles that the Wire had published. Wire had retracted the stories after it had learnt that its sources were not authentic. The raids took place despite the retraction.

Journalists engaged in online news portals or YouTube news channels were found to be more vulnerable compared to their counterparts in legacy media. The acts for which they have been booked ranged from forwarding a tweet to being charged under non-bailable clauses on the presumption that their reportage would lead to social disturbance. Journalists in Jammu and Kashmir became even more vulnerable after the abrogation of Article 370 in 2019, a provision that granted them special status under the Indian constitution.

The curious case of Kappan and other arrests

Siddique Kappan, arrested by the UP police on October 5, 2020, was finally granted bail in December 2022 after 28 months of incarceration. Kappan had been picked up while he – like other

journalists – was on assignment to cover the rape and murder of a young Dalit woman in Hathras district in UP. He was arrested on charges of conspiracy to create disturbance in Hathras and booked for sedition under the UAPA. He was also booked for financial crimes under the Prevention of Money Laundering Act (PMLA) on the charge that he had received funding to foment unrest by the banned outfit Popular Front of India.

Though he got bail from the Supreme Court in September 2022 in one set of cases, he could not get bail in the PMLA case. In December 2022, the court found there was no evidence that he had received the huge sums of money as alleged by the prosecution. Chief Justice UU Lalit while granting him bail said, “Every person has the right to free expression. He is trying to show that victim needs justice and raise a common voice. Is that a crime in eyes of law?” After his release, Kappan said he had been mentally and physically tortured. Journalist organisations and IFJ affiliates protested the police action.

In July 2022, Roopesh Kumar Singh, a Jharkand-based independent journalist, was arrested for his alleged links with Maoists and booked under the UAPA. His wife claimed that the police did not produce an arrest warrant. Singh was a regular reporter on tribal rights for publications like Janchowk and Media Vigil. As a student, he had been associated with a left-wing students’ organisation. As a journalist, he had posted a thread on Twitter on the impact of industrial and air pollution on tribal communities in Jharkhand. Mary Lawlor, the UN Special Rapporteur on human rights defenders, wrote to the central government protesting his “illegal detention” and asserted that Rupesh Singh had been “falsely charged in retaliation for his legitimate human rights work”. Rupesh Singh was among 40 journalists whose phones appeared in a database that showed they were targets of cyber surveillance by the controversial Pegasus phone hacking software. He continues to be in jail.

In August 2022, Wangkhemcha Shamjai, the president of the All Manipur Working Journalists Union (AMWJU), an affiliate of the IJU, was summoned and harassed by the NIA on the pretext of investigating the role he had played in helping underground insurgent groups. The AMWJU, Editors’ Guild Manipur, and Manipur Hill Journalists Union held a protest on August 5 from 10 am to 5 pm.

In January, eight journalists, including an editor in West Bengal, were booked by Nadia district authorities in West Bengal for reporting on alleged corruption in the provisioning of water connections. Affiliates of the IJE, IJU, and NUJ-I protested the arrests. The journalists were booked under various clauses relating to “criminal conspiracy”, “criminal intimidation”, and “obstructing public servants from discharging their duties”.

On February 14, 2023, Income Tax authorities raided the offices of the BBC in Delhi and Mumbai citing income tax violations. The immediate provocation for the raids appeared to be the release of a two-part documentary series titled “India: The Modi Question”. The government blocked the documentary that reported on the role of the present Prime Minister Narendra Modi in the 2002 Gujarat riots. Anyone found screening the documentary was penalised. A Delhi University Ph. D scholar who participated in a screening was

debarred from university examinations for one year.

Several journalist organisations including the IFJ, its affiliates, the Editors' Guild, and online news media portals condemned the persecution of the BBC.

On March 20, 2023, Irfan Mehraj, founding editor of *Wande* magazine, became the latest Kashmiri journalist to be booked under the UAPA and arrested by the National Investigation Agency.

On March 18, in Haryana in north India, broadcast journalist Jaspal Singh was arrested based on a complaint filed by the son of a BJP legislator Lakshman Napa. The charge was that Jaspal Singh had defamed Napa with “wrong posts” on social media. The police arrested Singh on charges of defamation (Section 500), extortion (Section 384) multiple sections of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and under Section 67 of the IT Act.

Suppressing digital freedoms

In early 2023, changes were made to the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 by the Ministry of Electronics and IT, which mandated that intermediaries like Facebook, Twitter and WhatsApp must take down any news about the central government or its agencies that is identified as fake or false by a fact-checker approved by the government-regulated Press Information Bureau.

This gave wide discretionary and arbitrary powers to the government. The problem, as commentators like advocate and Internet Freedom Foundation founder Apar Gupta pointed out, is that the new IT rules do not define what constitutes “fake, false or misleading” information, nor do they specify the qualifications or hearing processes for a “fact check unit”.

Many media organisations said this was a blatant move to censor the press. The Editors' Guild issued a statement in January urging the recall of the draft rules (now notified) stating that “determination of fake news cannot be in the sole hands of the government.” Digipub, a platform for online news media, also criticised the move on the grounds that the proposed amendments assigned “arbitrary and discretionary power to the government of India.”

The Indian Newspaper Society stated that the amendments allowed the government to “proscribe any criticism of its actions”. The government promised a consultation, as Apar Gupta wrote in *Indian Express*, but till date there has been no in-person or virtual public consultation or stakeholder meetings. After the Act was notified, the Editors' Guild observed on April 7: “What is further surprising is that the Ministry has notified this amendment without any meaningful consultation that it had promised.” The Network of Women in the Media stated that the draft amendment “would allow the government to label any news report critical of its functioning as fake news and force it to take it down”.

In February 2022, the Press Information Bureau had issued controversial new accreditation guidelines that used arbitrary criteria like “morality and public order” to deny accreditation. Journalists could also lose accreditation if their actions were “prejudicial to the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency or morality or in relation to contempt of court, defamation or incitement of an offence.” Now, the new rules allowed accreditation of digital news publishers but required them to comply with the IT rules that mandated stricter compliance, disclosures and government oversight.

It was under Rule 16 that the Information and Broadcasting (I & B) Ministry ordered the takedown of the links to the BBC documentary, using emergency powers under the Information Technology Rules,

2021. Both YouTube and Twitter complied.

Indirect pressure was also imposed on independent journalist associations whose offices had been allotted government premises under annual lease agreements. The continuation of the lease was apparently contingent on the public positions adopted by such associations on issues of media freedom and democracy.

The restrictions on the media in the central hall of Parliament, which were introduced in March 2020 due to Covid, have continued. Similar restrictions of movement exist even for accredited journalists visiting the Finance Ministry on duty. Journalist organisations continue to protest these restrictions in democratic forms. In the winter session of Parliament in December 2021, organisations like the Press Club of India; Indian Women's Press Corps; Editors' Guild; Delhi Union of Journalists; Press Association; Indian Journalists' Union; Kerala Union of Working Journalists, and Kerala Press Club submitted a memorandum to the Speakers of both Houses protesting the continued media curbs in Parliament. According to media reports, the Press Club wrote to Parliamentarians too about the restrictions. The restrictions continue till date.

On March 9, the government formally announced the framework of a proposed ‘Digital India Act, 2023’, with the aim of overhauling the two-decade-old IT Act, 2000. While emerging concerns about artificial intelligence, deep fakes, and advanced cybercrime will be covered under the proposed law, a worrisome aspect is restricting the “safe harbour” that intermediaries enjoy. The recent IT Rules, 2021, had already restricted the safe harbour and mandated compulsory take-down of content if directed by the government.

On November 18, 2022, the Government of India released the next draft of India's proposed Digital Personal Data Protection Bill, the first comprehensive law to deal with data and privacy (an earlier draft had been tabled in Parliament in 2019 and withdrawn). The Bill has been criticised by the Opposition for its broad sweep and the blanket exemptions to central investigative agencies and other government departments on the grounds of “national security”. Further, the oversight mechanisms envisaged under the Bill are not independent, say critics.

Labour rights under attack

A related onslaught was the enactment of four labour codes subsuming more than three dozen labour laws. The Working Journalists and Other Newspaper Employees (Conditions of Service and Miscellaneous Provisions) Act, 1955 (WJA), and Working Journalists (Fixation of Rates of Wages) Act, 1958 was also brought under one such Code, namely, the Occupational Safety, Health and Working Conditions Code.

The dilution or removal of the WJA in the “simplification” exercise was a huge setback for working journalists, as the WJA, despite its imperfections, guaranteed some semblance of legal protection against arbitrary hire and fire. The mandated Wage Board, a tripartite structure and integral feature of the Act, has also been done away with. Journalists will now be treated as ‘workers’, as in any other industrial establishment, and employers are obliged to give them only minimum wages. With individual contracts between media owners and journalists becoming the norm, there is no obligation on the part of the employer to commit to fair working conditions and time-bound revision of wages as per the statutory Wage Board. With the Working Journalist Act diluted and the Wage Board gone, employers in the guise of protecting the “independence of the media” from government oversight have had a free hand in deciding emoluments, benefits, and terms of work. Worse, the status of the labour codes is unknown, as the Centre and States have yet to

Journalists engaged in online news portals or YouTube news channels were found to be more vulnerable compared to their counterparts in legacy media.

notify these, three years since introduced.

Gender disparity in Indian media continues to be a concern. A report on gender representation in newsrooms by NewsLaundry and UN Women, released in October 2022, found that 87 per cent of editors and proprietors at India's top newspapers are men. Only 15 per cent of the leadership roles in English newspapers were held by women, and this figure was only 10 per cent for Hindi outlets. Digital platforms fared a little better in terms of gender representation, at 37.5 per cent. Surveys conducted by the IJU on women's representation or involvement in the trade union in comparison to men, too presents a dismal picture. The need for campaigns to promote gender equality in newsrooms and unions is critical, as trolling of women journalists is on the rise, as yet another tool to silence criticism of the ruling dispensation.

That freedom of the press is under severe attack is universally understood by those within the media. The attack is a component of the larger attack on the freedom of expression. The silence in mainstream media on this is a sad reflection of this reality. Rather than it becoming “news” and a subject of serious editorial discussion, media owners have largely chosen to look the other way.

The silver lining in this chilling milieu was that journalist organisations came together, putting aside differences, to address the new challenges that faced the media. Unions, networks, press clubs and associations all came together to resist the onslaught. •

This document has been produced by the International Federation of Journalists (IFJ) on behalf of the South Asia Media Solidarity Network (SAMSAN).

Afghan Independent Journalists' Union
Afghanistan's National Journalists Union
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
National Union of Journalists, Nepal
Nepal Press Union
Pakistan Federal Union of Journalists
Sri Lanka Working Journalists' Association

South Asia Media Solidarity Network (SAMSAN) –
Defending rights of journalists and freedom of
expression in South Asia. samsn.ifj.org/

The full IFJ South Asia Press Freedom Report 2022-23 is available at: <https://samsn.ifj.org/SAPFR22-23>

PDFs of country chapters are also available for download from each country page

The online report also includes country reports for Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, as well as a full list of jailed and detained journalists in South Asia and the IFJ list of media rights violations by Journalists' Safety Indicators (JSIs), May 2022 to April 2023.

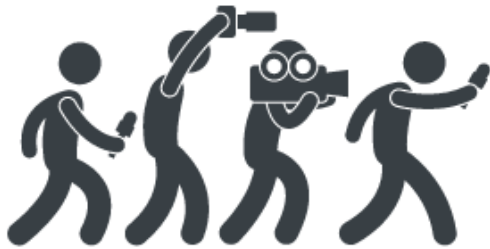
Front cover: Security personnel detain supporters of the Indian National Congress at a demonstration protesting the disqualification of opposition leader Rahul Gandhi from India's parliament in New Delhi on March 28, 2023. The Bhartiya Janata Party's action against opposition voices has extended to the media, with new legislation and other obstructions limiting freedom of expression.
CREDIT: KABIR JHANGIANI / NURPHOTO VIA AFP

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Targetting Digital Media Portals In India

Independent, progressive and secular media that criticise the government face **increased surveillance and harassment** in the form of raids, searches and “surveys”



Media outlets with proximity to the government had **complete immunity and impunity**,



Outlets that criticised and questioned the government in public interest **were hauled up under stringent laws.**

Digital surveillance went up with major changes being made in the information technology laws, in the name of protecting sovereignty and national security



The government amended the IT Rules 2021 **mandating social media companies to take down any news marked as fake by government** fact checking agencies

The Press Information Bureau issued new accreditation guidelines under which accreditation could be **denied on grounds of morality and public order**

